

canals between the Great Lakes and the St. Lawrence River, opposing the St. Lawrence project; to the Committee on Interstate and Foreign Commerce.

4342. Also, resolution of Allegheny Lodge, No. 339, Benevolent and Protective Order of Elks, urging the manufacture and sale of light wines and beer; to the Committee on the Judiciary.

4343. By Mr. FULLER: Petition of F. E. Longmire, farm adviser, Grundy County, and Earl Price, farm adviser, Kendall County, Ill., protesting against any form of sales tax; to the Committee on Ways and Means.

4344. Also, petition of C. B. Chadwick, president of the Bankers' Supply Co., favoring the enactment of a bill permitting the use of C. O. D. postage permits; to the Committee on the Post Office and Post Roads.

4345. Also, resolutions of Local Lodge, No. 650, of the International Association of Machinists, of Streator, Ill., favoring modification of the prohibition law to permit manufacture and sale of light wines and beer; to the Committee on the Judiciary.

4346. By Mr. GALLIVAN: Petition of the House of Representatives of the Commonwealth of Massachusetts, urging that the U. S. S. *Lexington*, now under construction at the Fore River plant of the Bethlehem Shipbuilding Corporation, be converted into an aircraft carrier, and that the construction on said cruiser be resumed without delay; to the Committee on Naval Affairs.

4347. Also, petition of Harvard University, of Cambridge, Mass., and the College of Liberal Arts of Boston University, Boston, Mass., protesting against proposed increases in duty on scientific instruments and books in foreign languages; to the Committee on Ways and Means.

4348. By Mr. GREENE of Massachusetts: Petition of A. B. Cummings and others of Attleboro, Mass., urging the passage of an adequate tariff law based upon American valuations; to the Committee on Ways and Means.

4349. By Mr. KAHN: Resolution by Vallejo Lodge, No. 252, International Association of Machinists, urging that all Government work be done in Government plants wherever possible; to the Committee on Appropriations.

4350. By Mr. KELLY of Pennsylvania: Petition of McKeesport Council, Junior Order of American Mechanics, favoring the passage of the Sterling-Towner bill; to the Committee on Education.

4351. Also, resolution of Hill Top Memorial Post, American Legion, favoring the passage of the adjusted-compensation bill; to the Committee on Ways and Means.

4352. Also, resolutions of women graduates of the University of Pittsburgh, favoring women representatives in the diplomatic service; to the Committee on Foreign Affairs.

4353. By Mr. KISSEL: Petition of Harold J. Hotton, of Brooklyn, N. Y., opposing proposed tax on dealings in securities; to the Committee on Ways and Means.

4354. Also, petition of the Fighting Fourteenth Infantry, Post No. 546, Veterans of Foreign Wars, Brooklyn, N. Y., urging the early passage of the adjusted-compensation bill; to the Committee on Ways and Means.

4355. Also, petition of S. B. Lynd, of New York City, N. Y., opposing the passage of a bonus bill; to the Committee on Ways and Means.

4356. Also, petition of F. E. Idell, Esq., of New York City, N. Y., opposing the passage of a bonus bill at the present time; to the Committee on Ways and Means.

4357. Also, petition of the State commissioner of highways, Albany, N. Y., opposing a Federal tax on gasoline; to the Committee on Ways and Means.

4358. By Mr. PERKINS: Petition of Radio Clubs of New Jersey, setting forth certain grievances in the matter of radio rights; to the Committee on the Merchant Marine and Fisheries.

4359. By Mr. RIDDICK: Petition of farmers of Valley County, Mont., indorsing House bill 9952; to the Committee on Agriculture.

4360. Also, petition of citizens of Whitefish, Mont., indorsing the Towner-Sterling bill; to the Committee on Education.

4361. Also, petition of citizens of Scobey, Mont., indorsing the Towner-Sterling bill; to the Committee on Education.

4362. By Mr. WARD of North Carolina: Petition of the North Carolina Farmers' Bureau, protesting against any proposal to place a general sales or turnover tax on the common people of the United States for the purpose of raising revenue necessary to pay the proposed soldier bonus; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, March 1, 1922.

(Legislative day of Thursday, February 23, 1922.)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

IRRIGATION OF IMPERIAL VALLEY, CALIF.

The VICE PRESIDENT. As in legislative session, the Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of studies made of the Imperial Valley, Calif., and related subjects with respect to irrigation from the Colorado River, with the recommendations of the Secretary relative thereto, which, with the accompanying papers and documents, will be referred to the Committee on Irrigation and Reclamation.

PETITIONS AND MEMORIALS.

As in legislative session,

The VICE PRESIDENT laid before the Senate resolutions adopted by the Tri-State Association of Credit Men at El Paso, Tex., February 22, 1922, favoring the appointment of a commission to adjust pending questions between the United States and Mexico, which were referred to the Committee on Foreign Relations.

Mr. LODGE presented a telegram in the nature of a petition from Hon. Percival P. Baxter, governor of Maine, praying for the prompt ratification without reservations of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

Mr. ODDIE presented resolutions adopted by the Nevada State Sheep Commission, of Reno, Nev., favoring inclusion in the proposed reclassification of the Federal civil service of the field service of the executive branch of the Government, which were referred to the Committee on Civil Service.

Mr. POMERENE presented a resolution adopted by the Italian-American Citizens Club, of Stark County, Ohio, favoring the making of October 12 a legal holiday to be known as Columbus Day, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a petition of Jewell Post, No. 72, American Legion, of Jewell City, Kans., praying for the enactment of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

Mr. LADD presented the petition of J. E. Backlin and 14 others of Oakes, N. Dak., praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. FLETCHER presented a petition of sundry citizens of St. Augustine, Fla., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WILLIS presented a resolution adopted by officers of the Ohio Federation of Women's Clubs, favoring ratification of the treaties prepared by the Conference on Limitation of Armament, which was ordered to lie on the table.

He also presented a petition of sundry employees of the Guernseyware Co., of Cambridge, Ohio, praying for the prompt passage of an adequate tariff law based upon American valuations, which was referred to the Committee on Finance.

Mr. McLEAN presented a resolution adopted at a meeting of the Fairfield County Organization, the American Legion, Connecticut Department, of Bridgeport, Conn., favoring the prompt passage of the so-called fourfold soldiers' adjusted compensation bill, which was referred to the Committee on Finance.

He also presented resolutions adopted by the Connecticut Chamber of Commerce at Hartford, Conn., protesting against the proposed transfer of the Forest Service from the Department of Agriculture to another department and against proposed water-power development in certain national parks, which were referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the New England Association of Marketing Officials, of Storrs, Conn., protesting against the proposed transfer of the Bureau of Markets and Crop Estimates from the Department of Agriculture to the Department of Commerce, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of members of Mount Aetna Commandery, No. 473, the Knights of Malta, of Hartford, Conn., favoring the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by members of Me-Swiney Council, American Association for the Recognition of the Irish Republic, of Bridgeport, Conn., protesting against the continued detention of political prisoners by the Government of the United States, which was referred to the Committee on the Judiciary.

He also presented the petition of Dr. Isaac W. Reed, pastor of the Grace Baptist Church, of Waterbury, Conn., praying for the passage of the so-called Dyer antilynching bill, which was referred to the Committee on the Judiciary.

He also presented petitions of 609 employees of the American Pin Co., 170 employees of the Patent Button Co., 29 employees of the American Fastener Co., and 11 employees of the Princely Pearl Novelty Co., all of Waterbury, Conn., praying for the prompt passage of the so-called Fordney tariff bill with the American valuation plan included therein, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

As in legislative session,

Mr. POMERENE, from the Committee on the District of Columbia, to which was referred the bill (S. 2919) to extend for the period of two years the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, as amended, reported it with an amendment in the nature of a substitute, and submitted a report (No. 523) thereon.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 3170) regulating corporations doing a banking business in the District of Columbia, reported it without amendment, and submitted a report (No. 524) thereon.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 9597) to amend an act entitled "An act to authorize the President to provide housing for war needs," approved May 16, 1918, reported it with an amendment.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 257) to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York, reported it without amendment.

BILLS INTRODUCED.

As in legislative session, bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON:

A bill (S. 3218) granting an increase of pension to Augusta Barlow Greene; to the Committee on Pensions.

By Mr. ODDIE:

A bill (S. 3219) granting an increase of pension to Mary J. Forbes; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3220) to amend section 2 of the United States warehouse act, approved August 11, 1916; to the Committee on Agriculture and Forestry.

By Mr. SHIELDS:

A bill (S. 3221) granting a pension to S. S. Fair (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3222) for the extension of Rittenhouse Street, in the District of Columbia; to the Committee on the District of Columbia.

AMENDMENT OF DEFICIENCY APPROPRIATION BILL.

Mr. LODGE submitted an amendment proposing to appropriate \$150,000 for the enforcement of the laws regulating immigration of aliens into the United States, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1922 intended to be proposed by him to the second deficiency appropriation bill for 1922, which was referred to the Committee on Appropriations and ordered to be printed.

PROTECTION OF MIGRATORY BIRDS.

Mr. SPENCER submitted an amendment intended to be proposed by him to the bill (S. 1452) providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them, which was ordered to lie on the table and to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed acts and a joint resolution of the following titles:

On February 28, 1922:

S. 1247. An act for the relief of Frank Carpenter; and

S. J. Res. 137. Joint resolution transferring to the custody of the Secretary of the Smithsonian Institution certain relics now in the possession of the Department of State.

On March 1, 1922:

S. 2072. An act to authorize the Secretary of War to make and receive conveyances effecting an exchange of title to the railroad rights of way at Camp Henry Knox, Ky., and for other purposes;

S. 2138. An act providing that the Government property known as the St. Francis Barracks, at St. Augustine, Fla., be donated to the State of Florida for military purposes; and

S. 2774. An act to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provisions for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920.

LEGISLATIVE APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. As in legislative session, I submit the conference report on House bill 10267, the legislative appropriation bill, and ask for its present consideration.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10267) "making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 15, 20, 21, 22, 25, and 26.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 10, 12, 13, 16, 18, 23, and 27 and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Strike out line 7 of the matter inserted by said amendment and insert in lieu thereof the following: "\$3,500"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$35,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$9,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$92,985"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 5, 6, and 28.

F. E. WARREN,
CHARLES CURTIS,
A. A. JONES,

Managers on the part of the Senate.

J. G. CANNON,
SYDNEY ANDERSON,
JAMES A. GALLIVAN,

Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

Mr. WARREN. I move that the Senate further insist upon the amendments in disagreement, and that the conferees on the part of the Senate at the further conference be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. WARREN, Mr. CURTIS, and Mr. JONES of New Mexico conferees on the part of the Senate at the further conference.

TREATY WITH JAPAN.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ball	Harreld	Myers	Simmons
Brandege	Harris	Nelson	Smith
Bursum	Harrison	New	Spencer
Cameron	Heflin	Newberry	Stanfield
Capper	Hitchcock	Nicholson	Sterling
Caraway	Johnson	Norbeck	Swanson
Colt	Jones, Wash.	Oddie	Townsend
Culberson	Kellogg	Overman	Underwood
Cummins	Kendrick	Page	Wadsworth
Dial	King	Phipps	Walsh, Mass.
Edge	Ladd	Pittman	Walsh, Mont.
Ernst	Lenroot	Poin Dexter	Warren
Fernald	Lodge	Pomerene	Watson, Ga.
Fletcher	McCormick	Rawson	Weller
France	McKellar	Reed	Williams
Gerry	McKinley	Robinson	Willis
Gooding	McNary	Sheppard	
Hale	Moses	Shields	

Mr. JONES of Washington. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from New York [Mr. CALDER], the Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from Indiana [Mr. WATSON] are detained at a hearing before the Committee on Finance.

I was also requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of a death in his family.

The VICE PRESIDENT. Seventy Senators having answered to their names, there is a quorum present.

Mr. POINDEXTER. Mr. President, may I inquire what is the pending question?

The VICE PRESIDENT. The question is on agreeing to article 2.

Mr. POINDEXTER. I ask for a vote on the question.

Article 2 was agreed to.

The VICE PRESIDENT. The question is on agreeing to article 3, which will be read.

The reading clerk read as follows:

ARTICLE III.

The United States and its nationals shall have free access to the island of Yap on a footing of entire equality with Japan or any other nation and their respective nationals in all that relates to the landing and operation of the existing Yap-Guam cable or of any cable which may hereafter be laid or operated by the United States or by its nationals connecting with the island of Yap.

The rights and privileges embraced by the preceding paragraph shall also be accorded to the Government of the United States and its nationals with respect to radiotelegraphic communication; provided, however, that so long as the Government of Japan shall maintain on the island of Yap an adequate radiotelegraphic station, cooperating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radiotelegraphic stations on the island by the United States or its nationals shall be suspended.

Mr. PITTMAN. Mr. President, I submit the following amendment and ask that it be read.

The VICE PRESIDENT. The Secretary will report the amendment.

The READING CLERK. On page 4, at the end of article 3, after the word "suspended" and before the period, insert a colon and the following proviso:

Provided further, That the United States shall be the exclusive judge as to whether the Government of Japan has maintained radiotelegraphic communication on the island of Yap as required in the foregoing proviso.

Mr. PITTMAN. Mr. President, I believe that but few Senators heard the reading of the amendment. I doubt if there is any prospect of the adoption of the amendment, no matter how necessary it may be. I am presenting it, however, because if the terms of the treaty mean anything it is well to consider them. I am proposing to amend the article of the treaty that provides that the United States Government shall not erect any aerial telegraph station on the island of Yap so long as the Japanese Government maintains a satisfactory station there. I am not now even objecting to that provision; it may be all right to let the nationals of Japan or Japan operate the aerial electrical systems on the island of Yap; but our Government has deemed it of sufficient importance to us and to our nationals to require that Japan shall efficiently operate those aerial systems. Our Government has also considered it of sufficient importance to provide that we shall build there our own aerial system when Japan fails properly to conduct its system.

Now, the pertinent question which arises is who is to determine those facts? It is undoubtedly the intention of the Secretary of State, who negotiated this treaty, that our right or the

right of our nationals to build an aerial station there shall only be suspended so long as Japan efficiently conducts its aerial system connecting with other systems, and without discrimination or preference. There is, however, no provision in the treaty with regard to who shall determine when Japan ceases so to conduct her radio system; there is no provision in the treaty for determining when Japan shall discriminate against our nationals in the operation of that system.

This question came up in the debate the other day, and let me quote what the distinguished Senator from Alabama [Mr. UNDERWOOD], who is a strong proponent of this treaty, had to say on the subject. On the 27th day of February I asked the Senator from Alabama this question when he was discussing this matter:

What would be the result if there were a protest against the Japanese communications with the Orient, as they have been for several months, and we should start to build on that island? Would it not be a source of trouble from the very beginning?

Mr. UNDERWOOD. No; I have not a doubt in the world that Japan construes that treaty as all treaties are construed. The determination of the event is not fixed in the treaty. When it is for the right or benefit of one of the parties, the parties to it determine it. As they grant us the right to erect a radio station, we would have the perfect right to determine when that event should take place. There is no doubt in my mind about that. I realize that the Senator does not agree with me about it.

Mr. PITTMAN. Does not the Senator think these things should be definite and that where there is a probable cause of dispute somebody should be designated to settle that dispute and determine it?

Mr. UNDERWOOD. I think the best way, in this case of the building of a radio station, is to leave it as it is—that is, that the United States Government determine it for itself. But it is not important. It evidently was put in there to retain a right. It is absolutely unimportant.

Mr. UNDERWOOD. Will the Senator yield to me for a moment?

Mr. PITTMAN. I will.

Mr. UNDERWOOD. I merely wish to pursue the idea. The

Senator is correct with reference to the statement I made; but later on in the debate the Senator from North Carolina [Mr. SIMMONS] asked me a question similar to that which the Senator from Nevada has propounded. The treaty provides that we shall not build a radio station so long as Japan furnishes adequate service, using the word "adequate." As I stated to the Senator from North Carolina several days ago in reference to the matter of which the Senator from Nevada now speaks, to my mind there can not be any doubt about the situation, when the treaty provides that when adequate service is not rendered we may build a station, because when the framers of the treaty use the words "adequate service" they do not mean adequate service to the nationals of other countries; they do not mean adequate service to Japan; but they mean adequate service to the United States Government and its nationals. Japan can not possibly determine when we have adequate service; she would have no knowledge as to that. The only way she could know when we had adequate service would be when we ourselves determined it. The finding of the fact as to whether adequate service is furnished can only be ascertained by one nation or its nationals, namely, those to whom adequate service is to be furnished, and the question, therefore, must be determined by the United States and its nationals and by no one else.

If I felt there was the slightest doubt about the United States having the right to determine when adequate service is rendered, if I had any doubt about the United States itself making that determination, I should vote for the Senator's amendment; but as I have not a particle of doubt as to that, as I think the treaty is perfectly clear, I do not think it is necessary to adopt the amendment.

Mr. WATSON of Georgia. Will the Senator from Nevada allow me to ask the Senator from Alabama a question?

Mr. PITTMAN. Certainly.

Mr. WATSON of Georgia. I should like to ask the Senator from Alabama this question: The words "adequate remuneration" are used in one of the clauses of the treaty. To what standard of pay, in the Senator's mind, could that language be applied?

Mr. UNDERWOOD. Mr. President, I do not think those sections are at all material. I was talking about a radio station. I think all there is in this treaty is the consent of Japan to allow us to establish a cable line and a radio station. The other grants in the treaty are grants made by Japan of her own free will. In my judgment, as I said the other day, we had no rights left after we refused to take our seat at the table in Paris. The Senator probably does not agree with me, as others do not, but to my mind the only thing we acquired by the treaty of Versailles was the right to act as a trustee, and when we declined to take our seat at the table as a trustee further proceedings necessarily interested us no more. The

other trustees went on and acted, and any concessions that Japan makes to us is merely a gratuity.

Mr. WATSON of Georgia. But, Mr. President, with the permission of the Senator from Nevada, there are incorporated in the treaty other provisions, for instance, the prohibition clause, of which we talked yesterday.

Mr. UNDERWOOD. I say they are gratuities. We should not look a gift horse in the mouth.

Mr. WATSON of Georgia. All Europe is torn with strike questions and wage questions now, and this treaty will simply carry those disputes to the Orient.

Mr. UNDERWOOD. What I mean is that we get that much because Japan is willing to give it. She is under no compulsion to give anything.

Mr. WATSON of Georgia. Are we to be put in the position of taking gratuities from Japan?

Mr. UNDERWOOD. All we get under this treaty, in my judgment, is a gift, just as we received a gift from Canada, as I said the other day, when she conceded to our fishermen the right to get bait in Canadian waters. We have repeatedly granted similar gratuities to other nations. There is no moral reflection on a man or on a nation in a proper spirit and in a friendly way taking a release from some one else.

I do not think for a moment that we had any claim on Japan to make concessions in this matter when we refused to take our seat at the table in Paris after we had refused to ratify the treaty of Versailles. Of course, that is only my viewpoint. To Senators who look at the matter from a different viewpoint, as I am sure the Senator from Georgia does, these questions may mean a very different thing; but, if I am right about it, that we yielded up our rights when we refused to sit at the table, then what we get out of it comes in a very different way.

Mr. PITTMAN. Mr. President—

Mr. SIMMONS. Mr. President, may I ask the Senator from Alabama a question?

Mr. PITTMAN. I hope the debate will not depart from the amendment.

Mr. SIMMONS. I simply wish to ask the Senator from Alabama a question.

Mr. PITTMAN. Very well, but I desire to keep the amendment in the foreground. I yield to the Senator, however.

Mr. SIMMONS. The question I wished to ask the Senator from Alabama is this: If I contract with the Senator for adequate service of any character whatsoever, and subsequently I bring an action against the Senator on the ground that I failed to get adequate service, does the Senator think that I alone have the right to determine the question of whether the service is adequate or not adequate?

Mr. UNDERWOOD. I see the point of the Senator's question, but the proposition which he suggests is very different from that contained in this treaty. This is not like a contract that you shall furnish me with adequate service, but it is that I shall have permission to do a certain thing on the happening of an event, and the happening of the event is when adequate service is not furnished. That is a very different thing from a contract such as the Senator suggests.

Mr. REED. Who is to determine that?

Mr. UNDERWOOD. Of course, nobody can determine whether I have adequate service except myself; nobody possibly can come to that understanding. It is for me to withhold my hand until that event happens.

Mr. REED. Then, it follows that the amendment offered by the Senator from Nevada ought to be accepted.

Mr. UNDERWOOD. It follows just the other way. If we have in this treaty the right to dispose of this proposition ourselves, as we undoubtedly have, I differ with my friend from Nevada—and I do not wish to say this so emphatically as to indicate that I have not full respect for his judgment in the matter—for to my mind there never was a plainer proposition ever written than that, when it is provided in this treaty we shall have the right to erect a radio station if we do not get adequate service; we and we alone are to determine when that adequate service is rendered.

Mr. ROBINSON. Mr. President, if the Senator from Nevada will yield, if it is perfectly clear to the mind of the Senator from Alabama that the treaty means exactly what it would mean if the amendment proposed by the Senator from Nevada were inserted, what can be the objection of the Senator to adopting it if it is not clear to the minds of other Senators, as it is perfectly evident that it is not clear?

Mr. UNDERWOOD. The only difficulty about that is that it is an amendment, and if adopted will have to go back to Japan. Of course, in determining these questions each Senator has got to decide for himself what is meant.

Mr. ROBINSON. Certainly.

Mr. UNDERWOOD. And there is no reason for sending this treaty back to Japan if we are of the opinion that there can be but one interpretation of it.

Mr. ROBINSON. Mr. President, will the Senator from Nevada yield for a brief statement?

Mr. PITTMAN. I yield.

Mr. ROBINSON. While I have no authority to bind the Senator from Nevada, I apprehend the Senator from Nevada would not object to putting his amendment in the form of a reservation.

With all due respect to the Senator from Alabama—and I have very great respect for any opinion which the Senator expresses—I can not agree with him that it is perfectly clear who shall determine this question of fact. The provision is that the right is granted the United States to construct and operate means of radiotelegraphic communication. There is, however, a provision that this right shall be suspended—not “may,” but “shall”—so long as Japan furnishes adequate facilities, and there is a definition in the provision of the treaty as to what shall constitute adequate facilities: First, “cooperating effectively with the cables”; second, “and with other radio stations on ships or on shore”; third, “without discriminatory exactions”; and, fourth, “or preferences,” so that the treaty itself carries a clear definition of what shall constitute adequate service.

Suppose the United States should claim that Japan was intercepting her messages, that Japan was refusing to render radiotelegraphic service to her ships, or that she was giving preferential treatment to Great Britain or France or the nationals of Great Britain or France over those of the United States; and suppose Japan should, as she undoubtedly would, deny that she was violating this provision of the treaty; what would be the remedy of the United States?

Mr. UNDERWOOD. To build a radio station.

Mr. ROBINSON. But suppose Japan should prevent her or deny her the right to build a radio station?

Mr. WILLIAMS. That would be a casus belli.

Mr. ROBINSON. Why, certainly it would be a casus belli; but who would want to go to war about a question of that sort? Why not make it so clear in the treaty that Japan could not deny the claim of the United States?

Mr. WILLIAMS. If we made it clear in the treaty it would still be denied, and still be a casus belli.

Mr. ROBINSON. The Senator says it is clear. I say it is not clear.

Mr. HITCHCOCK. Mr. President, will the Senator permit me to ask him a question?

Mr. PITTMAN. Yes.

Mr. HITCHCOCK. These Senators have agreed among themselves that it would be a cause for war if the United States should assert its right to build a station, notwithstanding the opposition of Japan.

Mr. WILLIAMS. I beg the Senator's pardon—and if Japan were to deny it.

Mr. HITCHCOCK. Now I want to ask the Senator from Nevada this question: Suppose we ratify the four-power treaty. Under the terms of the four-power treaty we enter into an agreement that if any differences arise which diplomacy is unable to settle regarding the rights of the four nations in any of these islands, that question shall be submitted to a conference of the four powers. Would we not be compelled, under that provision in the four-power treaty, to submit this question for adjustment at a conference between the United States, Japan, Great Britain, and France?

Mr. ROBINSON. Does the Senator ask me that question? Undoubtedly we would. If we ratify the four-power treaty, all Pacific questions must be referred to a conference of the four powers for adjustment.

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

Mr. PITTMAN. I must decline to yield further, until I have answered some questions put to me—

THE VICE PRESIDENT. The Senator from Nevada has the floor, and declines to yield further.

Mr. PITTMAN. I would have answered the question of the Senator from Nebraska, but the Senator from Arkansas has answered it for me, and I am much obliged to him.

Mr. ROBINSON. I beg the pardon of the Senator from Nevada. I asked the Senator from Nebraska whether he was asking me that question.

Mr. PITTMAN. It is all right, as long as it relates to this amendment.

Mr. REED. Will the Senator permit me to ask him a question on that very matter, to get his opinion? If this question

came to a settlement by conference, how would the conference decide—by unanimous vote, or by a majority vote?

Mr. PITTMAN. Mr. President, there is a subject of great argument, if the four-power treaty is adopted, as to what disputes go to the four powers and what disputes go to the international court of justice. I assume that that is going to be debated extensively very soon. I think the statements made by the Senator from Arkansas and the Senator from North Carolina and by other Senators clearly show that unless the position taken by the Senator from Alabama is made clear in this treaty there will be trouble.

I have no doubt that it is the purpose of this Government, in negotiating this treaty, to take the position that the Senator from Alabama has taken; but the language of this treaty can not be so construed. I will read the proviso. It says:

Provided, however, That so long as the Government of Japan shall maintain on the island of Yap an adequate radiotelegraphic station, cooperating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radiotelegraphic stations on the island by the United States or its nationals shall be suspended.

That is the language of the treaty. It is very probable, if under that proviso we should charge Japan with discriminating in favor of her own nationals, that she would deny it. There is not any doubt in my mind that if we attempted forcibly to build a radio station on that island in the face of that denial it would be a casus belli, as the Senator from Mississippi [Mr. WILLIAMS] has stated; but if the treaty says in addition to that:

Provided further, That the United States shall be the exclusive judge as to whether the Government of Japan has maintained radio telegraphic communication on the island of Yap as required in the foregoing proviso.

Then when the United States decided that question exclusively, Japan having agreed to it, there would be no question that we could proceed to build our own radio stations there without opposition.

I still contend just exactly as the Senator from Arkansas did. If it is the intention of this treaty that the United States shall determine this question for itself exclusively, and the language now existing in the treaty is not clear that the United States has that right, then there can be no harm in so stating. Of course those of the Senate who do not believe that the United States has the right that the Senator from Alabama contends for, and do not believe that the United States should have that right, would naturally vote against the proposed amendment that I am offering.

The question arises as to whether or not there are objections to it in the form of an amendment. I know that some objections have been made. The only objection made yesterday against the amendment I offered, preserving the rights of our nationals in these islands under former Japanese-American treaties, was made on the ground that it was an amendment and not a reservation.

While I do not see any distinction between an amendment and a reservation as far as this treaty is concerned, I have prepared all of these things in the form of reservations to be subsequently offered, if that will satisfy the minds of any of the Senators, and I have them on my desk; but I do not see the distinction between the amendment and the reservation. I did see the distinction between an amendment and a reservation in the Versailles treaty, because an amendment to the Versailles treaty would have changed the very text as affecting forty or fifty nations, while a reservation only would have changed the text as affecting us; but where there are only two parties to a treaty, as there are here, just as though it had been a treaty between the United States and Germany, if Japan agrees to the modification of the language of the treaty, it does not affect anyone except Japan and the United States. It affects Japan just as much if the text of the treaty is changed by a reservation at the end which is made a part of the treaty as if it is made in the middle of the contract as an amendment to the treaty. If the language is changed, either by reservation or by amendment, Japan has a right to say what that change means, and whether she agrees to it. You can not make any change in a written contract, I do not care how the change is made, unless a mutuality of minds is brought to bear on it.

What constitutes a ratification of the change is another question that I do not care to go into, because it is immaterial, whether you ratify it formally or informally, by consent or by silence, whether it is open, or whether it is by an estoppel. That is not the question. The question is that there is no distinction between the effect of certain language whether it is called an amendment or called a reservation, whether it is put in the middle of a contract or at the end of a contract, and the same formalities with regard to the consent to the change are absolutely essential. Therefore, I have offered this as an

amendment, because it is in more direct contact with the thing that I am trying to explain. I take this proviso, which provides that we shall not erect a radio station on that island so long as Japan gives adequate service and does not discriminate, and just simply says: "Provided further, That when in the judgment of the United States Japan is not furnishing that adequate service, this right shall not be suspended any longer."

It seems the proper place to put it; but if the Senate disagrees with me as to the method of doing it, it is immaterial to me. I wanted a vote on this method first, because I think it is more intelligent to put it in direct contact with the article itself; but if it is voted down that way I am going to offer this amendment in the form of a reservation, and I am going to offer the other amendment that was defeated the other day in the form of a reservation, and allow those Senators who think that this treaty should be made more definite, allow those Senators who think that it does not guarantee the rights and privileges that the Senator from Alabama thinks it does, to vote for language—either the language I have suggested or some other language—that will make it clear as between Japan and the United States as to just exactly what the rights of the United States are, because unless there is a distinct understanding as to what the rights of the United States are in this matter we have every reason to look for a dispute, and if this treaty has any benefit whatever it is for the purpose of forever settling any dispute with regard to these islands. That is exactly what we state in it.

What is the rush, what is the hurry, to have this treaty jammed through? There are not numerous nations involved in it. The parties who negotiated this treaty are in Washington to-day, or will be in a few days. If the Senator from Alabama is correct in this matter, if this is such a general form of construction of a treaty, it is not to be assumed that the Japanese Government will hesitate a moment to say to their agents here, "Certainly; agree to that." It is a very simple matter. But even if it should result in a delay of 30 days, it is a matter which may settle or may bring on disputes with Japan of sufficient importance to justify even that delay.

We are dealing with the rights of our nationals in foreign countries. Most nations think the rights of their nationals in foreign countries are important matters, but I am sorry to say that it has been charged throughout the world, it has been charged in publications and in speeches, that the rights of the nationals of the United States are less protected in foreign countries than the rights of the nationals of even the smallest nations. It is a well-known fact that missionaries of all of the other great countries of the world, carrying religion into foreign countries, have greater protection than the missionaries of the United States. Great Britain protects her nationals everywhere, and her nationals are respected by reason of that. Time and time again our nationals have had to appeal to the British representatives in foreign countries to protect them, because of the supine policy of our own Government, as expressed through its foreign representatives, with regard to the protection of the life and liberty of our nationals.

This whole question involves the rights of our nationals in foreign countries—commercial rights, religious rights, freedom of travel, and all those questions—and yet when such a dispute arises with regard to the construction of language, as has arisen here to-day, when several Senators disagree with the construction of one Senator, to say that we shall stand on the construction of that one Senator, when the whole thing can be remedied by just reasserting in plain language what he now asserts it does mean, seems to me to be inexcusable.

I offer this amendment. If it is voted down, I intend at the proper time to offer a reservation, and that reservation will read as follows:

The United States reserves to itself exclusively the right to decide at any time whether the Government of Japan has maintained or is maintaining on the island of Yap an adequate radiotelegraphic station cooperating effectively with the cables and with other radio stations on ships or on shore, and whether such cable service is being conducted without discriminatory exactions or preferences and in accord with the proviso set forth in article 3.

I shall offer that as a reservation if this amendment is defeated; but it does seem to me that there is no more trouble over consenting to an amendment to an article than there is in consenting to a reservation to an article, and the context will be plainer if it is put in as an amendment, so that it may always stand out as a part of the article itself. That is the better plan to follow; but I am not at all captious about my plan.

Mr. LODGE. Mr. President, I desire to say merely a single word. Article 3 provides that—

The United States and its nationals shall have free access to the island of Yap on a footing of entire equality with Japan or any other nation and their respective nationals in all that relates to the landing

and operation of the existing Yap-Guam cable or of any cable which may hereafter be laid or operated by the United States or by its nationals connecting with the island of Yap.

The rights and privileges embraced by the preceding paragraph shall also be accorded to the Government of the United States and its nationals with respect to radiotelegraphic communication.

That is, a substantive right is conferred to establish radiotelegraphic communication; but a proviso is made that that right shall not be exercised while Japan maintains an adequate radiotelegraphic station cooperating effectively with the cables and with other radio stations, without discriminatory exactions or preferences. It seems to me perfectly clear that a substantive right is only to be suspended under certain conditions, and necessarily the party affected, the United States, is the party to judge. It does not appear to me that there is the slightest doubt about it at all, and I see no reason for opening up the treaty for further negotiations, which would be done either by a reservation or an amendment; it would not make any difference. I see no reason for doing that. It would only delay the treaty, lead to a repetition of the long debate we have had on it here; other equally astute amendments would be offered, and we would get nowhere.

The other objection is not a legal objection or a legal interpretation, but the plain fact is that this is a right to radiotelegraphic communication which the United States probably would never exercise; there would be no need of it. She has never sought hitherto to have a radiotelegraphic station there, and the whole thing is put in out of an abundance of caution. We have three radio stations in the Philippines—at Tavidés, Olongapo, and Los Baños. That is 700 miles away. If we need another radio station, and desire to establish another one, of which there seems to be no likelihood, we have our own island of Guam, a very much better position than the island of Yap.

It seems to me it would be a mistake to reopen this treaty for further negotiation on a point which seems to be wholly needless, whether rightly or wrongly, to those who have been dealing with it, and I personally hope that no amendment of this kind will be made, either by direct amendment or by reservation.

Mr. WATSON of Georgia. Mr. President, I would like to ask the Senator from Massachusetts a question. When the Senator says that "we" have a station on Guam and several stations in the Philippines, does he mean the Government or a private corporation?

Mr. LODGE. I mean the Government or its nationals. The treaty provides for both. There is no private company concerned in it, and no private company in its senses would think of putting a station there.

Mr. WATSON of Georgia. Does the Senator mean that the Government has a cable at Yap?

Mr. LODGE. No; the only cable from Yap to Guam is the German-Netherlands cable.

Mr. EDGE. Mr. President, as has already been admitted, I think on both sides of the Chamber, the adoption of this amendment would mean the reopening of the negotiations. Speaking very briefly, I do not feel that the question which has been raised will warrant that delay, or whatever difficulty it may entail.

Try as hard as I can, I have been unable to find it possible to develop very much excitement or fear of possible damaging results in connection with this treaty from any viewpoint.

One group in the Senate seems to feel that it is unwise to ratify the treaty because by so doing they contend we will give up a one-fifth interest in the former German possessions in the Pacific, and for that reason they oppose ratification, because they feel that we should retain that one-fifth interest for whatever influence it might bring to this country.

For an entirely opposite reason, another group apparently oppose ratification, contending we do not give up the one-fifth interest, and therefore may in some way be brought into alliances with other countries who have possessions in the Pacific, entangling or otherwise.

There seems to be still another group who oppose ratification because our country is not receiving sufficient benefits from the treaty, and because the little advantage of having rights on the island of Yap is not of sufficient importance to warrant the ratification of the treaty.

While thoroughly appreciating our responsibilities and prerogatives in connection with the treaty-making powers, I have about reached the conclusion, Mr. President, that the time has almost arrived when the country will be entirely safe if the Senate accept the judgment of a distinguished Secretary of State, who, in this particular case, had the rather unusual cooperation and help of three other distinguished Americans, the four delegates representing the United States in the recent Conference on the Limitation of Armaments.

While I thoroughly appreciate that the negotiation of a treaty is a matter entirely within the jurisdiction, as far as

its initiation is concerned, of the President, through the Secretary of State—and I assume this treaty was so negotiated—still, I repeat, that in this particular instance the Secretary of State was associated for 10 weeks, in connection with the settlement of various far eastern problems, with three other distinguished citizens of the country, and this particular treaty, as all others, I understand, met their unanimous approval.

I do not believe, whether we ratify this treaty or do not ratify the treaty, that it will have any particular influence on the daily life, the domestic life, of the citizens of this country. Frankly, I do not consider it of extreme importance.

True, it has been more or less discussed and apparently has been an unsettled question since the Versailles treaty was negotiated, and perhaps it is well—and I believe it is—to settle and dispose of it at this time; but I do not believe it requires reservations, amendments, or reinterpretations, or the consumption of the time which is taken to discuss the dire possibilities of a misunderstanding if we enter into this treaty with Japan.

I sometimes think that we in the Senate are perhaps a little too jealous of our prerogatives, and when I say that I do not want to be misunderstood.

I appreciate the responsibility we have in considering the ratification of treaties, the concurrent responsibility or whatever it may be termed, but I feel very positive that the country to-day would be very much better satisfied if, after proper and ordinary consideration of the possibility of misunderstanding, the Senate would record its judgment on a treaty of this character rather than through amendment or reservation, making it necessary to send it to Japan or, through the representatives of Japan in this country, to reinterpret or to definitely state just what it seems to me plain language already makes perfectly clear.

Perhaps it is apart from the question—in fact, I know it is—but I have been impressed with the fact that we have so many domestic problems in the country to-day the solution of which are of so much direct importance to the people of the country, and there is no comparison between that necessity and a proper solution, and what might be termed the interpretation of some of the sections of a treaty giving us the simple privilege of erecting a radio pole or installing radio machinery on the island of Yap. I repeat, while I recognize our responsibility and that we must not consider lightly even a treaty that is relatively unimportant, still the country is demanding action, and properly so, on many domestic questions which are of importance to the peace, happiness, and prosperity of the people of the country, and we should not waste what I consider an unnecessary length of time in the consideration of technical points in connection with the right to erect telegraph poles on the island of Yap.

It forms almost a libel on American statesmanship that we can not trust or have so little confidence in the judgment of our representatives and apparently believe it necessary to rewrite and reinterpret their efforts.

Mr. WATSON of Georgia. Mr. President, in one of the private letters of Abraham Lincoln, written to a friend of his in Illinois, occurs the statement:

I have been listening to a speech of Alexander H. Stephens, of Georgia, and it brought the tears to my old eyes.

Mr. Stephens lived within a few miles of my own home. At his feet I reverently knelt and learned the doctrines of Jeffersonian Democracy. To Mr. Stephens, Mr. Lincoln wrote on November 30, 1860, just after the secession convention had adjourned. That convention was held at the old capital, Milledgeville, and in that convention Mr. Stephens made a heroic fight against Robert Toombs, against secession, and Mr. Lincoln asked for a copy of the speech. Had I been there, Mr. President, I would have spoken with Mr. Stephens and against Mr. Toombs, because I hold the Andrew Jackson doctrine, that division of the Union necessarily means subdivision, and again division, and again division, until the Union would be resolved into its original elements.

Had Mr. Stephens been heeded there would have been no four years of civil war, with wounds scarcely yet healed. Had Mr. Stephens been heeded at the Hampton Roads conference, where President Lincoln met him and told him, "Write the word 'Union' at the top of the page and you can write the other terms to suit yourself"—had Mr. Stephens been given the authority to do just that, he would have done just that, and the Southern States would have rejoined the Union without the years of sorrow which we call the reconstruction period.

But, Mr. President, while these two great men had the same thought as to the necessity of a continuous Union, because they knew that if the States divided into separate units there would be a fertile field for foreign intrigue, they never dreamed that the Union itself would become a victim of foreign intrigue, as it has now become.

In the treaty with reference to the island of Yap, there are numerous causes for future war—the question as to whether or not Japan pays adequate wages, gives adequate service, confines the military to police duty, maintains law and order. What are the standards? How will we measure wages in the Pacific islands? We can not measure them here. They are the source of strikes in this country, in England, in France, in Germany, throughout the world except in soviet Russia, so far as the West is concerned. What is your scale of wages? What are your hours of work? There are no standards agreed on. Necessarily the door is open to disputes. Who is to settle the disputes? Are we to be flouted by Japan in open violations of the treaty or are we to send expeditionary forces to have the treaty respected?

Article 1 of the treaty says that we consent to Japan's absorption of the islands that used to belong to Germany. By that act we ratify the secret treaty of which we were ignorant when we entered the war. Is there any Senator here who will say that we would have entered the war, if we had known of this secret treaty for the division of the spoils? Would we have conscripted our young men, the flower of American manhood, and sent them 3,000 miles away from home to die for Japan, to march and suffer and perish for the aggrandizement of Japan? I do not believe there is a Senator here who would say that we would have done that, had we known of the secret treaty between Great Britain and Japan. We were lured into it without knowledge of those secret compacts. The men who deceived us then may be deceiving us now. How do we know? If they kept their secrets from us then, they may be keeping some away from us now. How do we know?

Mr. President, as I have said, I learned my democracy at the feet of the man who loved Abraham Lincoln and was loved by him. He used to recite, in the other House, the preamble to the Constitution of the United States. It may not be amiss for me to read it now. It was written by men who had won their spurs on fields of battle and won their laurels in fields of literature. One ranked high in the fields of science and art. America has never produced stronger and loftier, more intellectual men. Here is what they said:

We, the people—

And of course they meant to insert the names of the States of Georgia, Virginia, New York, Massachusetts, and the others, but they did not know which seven would ratify the Constitution and put it into operation. Therefore, they left the names of the States a blank, a fact which Mr. Webster did not state in the great debate, and which Mr. Calhoun did not dig up, but a fact nevertheless.

We, the people of the United States in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty—

To whom? To ourselves and our posterity—

do ordain and establish the Constitution of the United States.

No visionary altruism, no taking care of the universe, but a government for ourselves and our posterity. There are the limits of our authority.

Mr. President, I contend that we Senators have no right under the supreme law to give our consent to Japan's spoliations in the Pacific Ocean. We are exceeding our constitutional authority. We are embarking upon uncharted seas. We are jeopardizing our future, surrendering a part of our independence.

With whom are we going into partnership? If we, as individuals, were approached with the offer of a copartnership, we would make some inquiry into the character and the reputation of those who were seeking to have us become their partners. What is the character of Japan? A blacker one is not borne by any nation. In 1902 she pledged her faith, by a formal treaty, to respect the independence of Korea. In 1907 she repeated that pledge in a formal treaty. What did she do? She murdered the Queen of Korea in her palace and then atrociously reduced the country to subjection. She is holding it now, after a record that reeks with human bloodshed by herself in Korean homes and Korean streets.

By going into partnership with her, by taking her bloody hand in ours, we become morally an accomplice, in part at least, for crimes she has committed in Korea. We become accessories after the fact, and the American conscience will rise up against us and it will be felt in the election that is soon to come. In a few months all who have upheld the treaty will have to face the people whose rights we have in part surrendered without having authority to do so.

Time and again Japan has, by formal, solemn treaty, every bit as sanctimonious as this which she signed here in Washington, pledged herself to respect the integrity of China. At the very time we were straining every nerve, financial and physical, to

save England and France in the great World War, Japan, without shedding one drop of her precious blood in Europe, was absorbing the territories of China. Manchuria is an empire in itself, so is Mongolia; and while the gallant North Carolina and South Carolina and Georgia and Alabama and Arkansas regiments were fighting in France, Japan was simply absorbing the unarmed and helpless Chinese. Now we are asked to become accessories after the fact. Have we no sense of national honor? Is there no such thing as a national conscience?

Mr. President, in reading over this treaty on yesterday I could not help but think of the few short months ago when American soldiers were standing on the outer rim of the Arctic circle, reddening the snows of Siberia with their lifeblood. For what? To protect a railroad. Owned by whom? By the international bankers, of course. Think of it! Could Francis Marion or the heroic Cleveland or the gallant Sevier or the invincible Andrew Jackson or the still greater heroes of the Revolutionary War have thought, when they struggled for years and years to establish American independence, that we would be sending our southern boys and our northern and western and eastern boys to the Arctic circle, to march over the ice, to starve, and to die in the interest of an internationally owned railway in Siberia?

In this treaty there crops up an international cable company. That is what this treaty means; it does not mean anything else, either. If Senators desire to deceive themselves about it now, they may go ahead and do so, but that is what it means. The fact can hardly be concealed in the bungling, vague verbiage of the treaty, that it is all to get a right of way for an international cable company. We are asked to prostitute our power as Senators and as a Government to get a right of way for an international cable company owned, no doubt, by J. P. Morgan & Co., by Kuhn, Loeb & Co., by the Rothschilds, and the other great confederated international banks.

Mr. President, I feel more disheartened than I have felt at any time since I have been here in Washington. There is so much indifference that the apathy is chilling. The Senate is asked to go blindfolded into a treaty that has in it at least a dozen possibilities of war, and to surrender, almost without a word of protest, the unfettered independence for which your fathers and mine fought and bled. I know that speech is unavailing, but I can not allow this departure from our historic national policy without a word of protest, although I know that word is futile.

The system of mandates is in itself pregnant with unborn wars. Need I remind Senators that the recent World War was the direct result of a mandate. At the Berlin congress, in 1878, the great powers found themselves unable to solve the problem of the Balkan Peninsula. Mankind has not yet found how to solve it. It is a country where the remains of tribes, ebbing and flowing across the Bosphorus, from west to east and from east to west, left their remnants; there is no predominating race in that narrow passway between the east and west. The Berlin congress gave to Austria a mandate over Bosnia and Herzegovina. There was an editor in the State of Georgia—a New Englander by the name of Finch—who wrote editorial after editorial for the Atlanta Constitution, pointing out the certainty that that mandate would sometime lead to a European convulsion. His warnings were laughed aside. They left a deep impression upon my own mind, and when the war rose out of that very mandate I thought of the prophecies of this obscure editor, whose name is unknown to fame.

Senators will remember that Austria bided her time, and when a great war was raging between Greece and Turkey, involving Bulgaria and to some extent involving Serbia, she took advantage of the embarrassments of the greater Governments and the exhaustion of Russia, in consequence of the war with Japan, and she seized those wards of hers, and did it under circumstances of the greatest brutality. Then, after having swallowed these two smaller nations, she hungered for Serbia, which was a Greek Catholic country, having over 2,000,000 Greek Catholics and about 10,000 Roman Catholics.

Austria forced old King Peter to sign a concordat in June, 1914—mark the date—by which the old King was made to promise that the Greek Catholics of Serbia should pay the salaries of certain Roman Catholic dignitaries and should give almost complete control of education and of the press to the Roman Catholics. The Greek Catholics were naturally inflamed, and when the Austrian archduke, Ferdinand, the heir to the Austrian throne and believed to be the author of these measures, came on a triumphal progress into Bosnia a fanatical youth shot him and killed him, just as the Prince of Wales, now journeying in India, was shot at last week. Austria demanded of Serbia certain concessions which would have meant the loss of her independence. The King offered to concede

everything demanded of him except that Austrian officers should come into Serbia and establish courts to try Serbian subjects—an unprecedented demand—one of the very demands that King George III made of our country, arousing our country to rebellion against the Crown. The old King offered to submit the whole question to The Hague Peace Tribunal. The offer was rejected. Then Austria launched her armies against Serbia, having been assured of the support of the Kaiser. The most pathetic telegrams of that era were those of the Czar urging his kinsman, the Kaiser, to stay the hand of war. Senators who have not forgotten that correspondence will remember with melancholy those telegrams when they also remember the horrible fate that afterwards befell the Czar and his family. The Kaiser, perhaps, was unable to resist his military clique, and he went into the war, not against Serbia but against France.

Russia had her revolution and withdrew her 4,000,000 men after having forced the Kaiser to detach from the onward march to Paris some of his best divisions to protect east Prussia. That detachment of the crack divisions of the German Army was, perhaps, what saved Paris. Russia fell out when the revolution occurred, and then we got in. The rest we know.

Mr. President, while we were single-minded and single-hearted in that great conflict, England and Japan had secretly conspired to rob the world. This treaty, so far as I can see it, puts us in the attitude of indorsing everything that Japan has done, including the ravishment of Shantung. Who knows whether she will give up Shantung? Who knows that she will get out of Siberia? Who knows that she will get out of Manchuria or Mongolia?

Mr. President, the Japanese believe in the divinity of their Emperor. To them he is a god. To them his powers are divine, and their ideal is the absolute control of the East, and we are helping them get that control.

The time was when no American knew of the Philippines. We got along splendidly for a hundred years without knowing anything about them. The time was when we knew nothing about the Hawaiian Islands. For a hundred years we got along splendidly without them. In acquiring the Hawaiian Islands we condoned an act of criminality against a weak, inoffensive, independent people. I protested against it then, and I have not changed my attitude about it. It was a crime, and we had no provocation to commit it; and a commissioner from my State, Mr. Blount, with whom I served in the other House, condemned that outrage and asked our Government to make atonement by liberating those people and restoring the Queen to her hereditary throne. Read her story of that some day and it will melt your heart.

In the Philippines, what did we do? In Oscar Browning's History of Modern Times he states that Admiral Dewey and President McKinley came to an agreement with Aguinaldo, who was leading a revolt against Spain, just as we had revolted against Great Britain, and in that agreement they pledged themselves to the independence of those islands if Aguinaldo and his forces would help us in the fight with Spain. Of course, President McKinley had no authority to make that agreement without the consent of the Senate, but Aguinaldo did not know it. Admiral Dewey had no such authority, but the Filipinos did not know it. We took their help, we conquered the Spaniards, and then we turned upon our allies and conquered them. It was a shame. Gen. Wood was sent down there to find that they were not fit for independence, and of course he found what he was sent to find. You send a doctor to find poison in a body, and he will find it every time. It is a fat office for Gen. Wood; it is a fat office for hundreds of other American carpetbaggers who are down there feasting on the substance of those people. We have promised, time and again, to give them independence. Why not keep our word and do it? Is it any of our business what becomes of them afterwards? I do not think it is. Our supreme law says that we made this Government for ourselves, and we swore to support that Constitution. Why not keep our oaths?

This Government was not made for the Filipinos, for the Hawaiians, for the Chinese, or for the Japs. This Government was made for us, and if it can administer our affairs to the satisfaction of our people it will be doing all that its founders ever expected it to do.

Mr. KING. We are not succeeding so very well now in handling our domestic affairs.

Mr. WATSON of Georgia. Indeed we are not.

Mr. President, it is saddening to think that we are now going back into the European system from which our ancestors fled. Why did they come here? What was the motive that impelled them to risk the dangers of the ocean in those days when the vessels were mere little tubs, at the mercy of every wind and wave? What impelled them to risk conflict with the savage,

with the wilderness, with the diseases incident to a new land? What motive impelled those forefathers of ours who settled Massachusetts and who settled Jamestown? In the *Mayflower* compact, written while the little vessel was still tossing up and down on the waves, you will find absolute democracy. In the proceedings of the very first legislature that met at Jamestown you will find the planting of the trees of civil liberty—trial by jury, manhood suffrage, representative government, free press. There is the nucleus; there is the germ.

What had our forefathers fled from? In England the King proceeded upon the idea that the land and the people were his; that he could tax them without limit; that he could drive them into foreign wars to fight out his private quarrels. No parliament voted for a declaration of war. There was no referendum to a people.

Thousands and thousands of men went abroad to fight out personal quarrels with the dynasty. The death of the soldier on French fields or Flanders fields threw weeds around the English widow and to the lips of English children brought the wail of the fatherless. Press gangs were out at every seaport to seize returning sailors from merchant ships and press them into the King's navy. One instance is recorded where a bridegroom, coming out of the church with his bride, was seized, rushed on a battleship, and he never again—never, never—saw the bride to whom he had pledged his faith at the altar.

There were 223 offenses punished by death. Think of it—223! To shoot at a rabbit, death. To put an ax to a sapling in a nobleman's park, death. To steal any article of personal property worth a dollar and a half, death. To steal anything from a bleach field, death. To write your name on Westminster Bridge, death. To put a mask on your face on a public highway, death. To imagine the King's death, capital punishment!

There was a tavern keeper whose place was called "The Crown." A baby boy was born to him in the reign of King Edward III, and he, with unthinking joviality, said to his friends next morning, "An heir was born to the Crown last night," meaning, of course, his inn, his tavern. Some busybody, some spy, some toady, somebody wanting the smile of a king, carried the word of it to Edward III, and that man paid with his life for his jest. Thirty thousand men owned nearly all the land in Scotland and in England. The burdens of tenure became unendurable. There was no freedom of speech, none of press, and none of worship. Our forefathers shook the dust of England from their feet and came to this country to have all of those civil liberties, and to be sure of it they wrote them down even before they put their feet on the soil of the New World, never dreaming that their representatives would allow any of those jewels in the diadem of civil liberty to be lost.

How was it in France, because, you know, the Huguenots came over and settled in North and South Carolina. How was it in France? The King's confessor told him that all the property in France belonged to him; that he could tax it without limit; and he did so.

Five-eighths of all that the peasant could raise on his land went in taxes, and there was nothing he could carry to market without paying duty after duty in leaving one zone and going into another's. His grain had to be ground at the lord's mill, and the lord took toll of it. His grapes had to be pressed at his lord's wine press, and the lord took toll of it. His labor was at the command of his lord, especially in the making of roads. If the lord's lady fell sick and was nervous and sleepless at night, and there was a marsh near the castle where the frogs croaked, the peasant could be commandeered to go out and beat the bullrushes, the tall grasses around the marsh, and still the frogs, so that my lady in the castle could sleep. The king could imprison any man or any woman by his mere word, and there was no habeas corpus that could bring the prisoner out for trial.

There was a case of an Englishman, incarcerated in the Bastille for 30 years, and nobody ever could tell who put him in there, and for what offense. Think of it! Thirty years taken out of a man's life, at the mere whim of somebody who disliked him! There was a poet who wrote a couplet about one of the king's mistresses that she did not like, and she had him put in jail for 14 years. As a special favor to his friend, the king would sign in blank these lettres de cachet, and your enemy could fill in your name, and the law did the rest.

Mr. KING. And Voltaire was arrested under the lettres de cachet and imprisoned in the Bastille.

Mr. WATSON of Georgia. That is true. The heroic pioneers of the Carolinas, where heroism has always blazed brightly, and always will, I am sure, as it will on our side of the river, came to this country to escape all that. The question is now, Are we drifting back into it? Our fathers founded a government to be as different from the European Governments as possible. Is

it not true? Now we are trying to imitate. We are becoming the national ape, the international donkey, driven by international bankers. Is it not so?

Mr. President, in 1920 there was but one great, overshadowing issue—the League of Nations. None are so blind as those who will not see; none are so deaf as those who will not hear. Our people said, in a voice that was heard around the world, as the patriot's musket was in the old days of Lexington, that they meant to maintain the independence which their forefathers had won. Are we doing that? By a majority of seven million they said it; but it does not impress our friends on the other side. They have forgotten it.

They say an elephant has a long memory and a mule a short one. The situation is reversed. It is the elephant who has forgotten and it is the mule who remembers. Do not let our friends on the other side deceive themselves for one minute; the people who voted in November, 1920, are going to vote again in November, 1922. They have not forgotten why they voted against President Wilson in 1920. Some of the proud heads on the other side are going to lie low. Some of the Hotspurs on the other side are going to be like Percy's—they will grow cold.

There is nothing more dangerous in politics than a big majority. You have more people to satisfy. You have more people to please. The more you have to please the less likely you are to please them. You have 7,000,000 people to please besides your usual number, and I do not believe you have pleased them.

Senators on the other side will not debate this treaty. They are afraid. They can not meet our debaters. We could answer them by reading the speeches they made in 1920. I would like to see my good friend, the senior Senator from Massachusetts [Mr. LODGE] try to debate the treaty. I would like to have the Secretary read from the desk some of those fine speeches he made against the League of Nations. It certainly would be interesting and instructive. They are a good deal better than any speeches he has made about this treaty. I see I do not attract his attention. Perhaps it embarrasses him to listen to me, and therefore he is retiring. He, at least, knows when he gets disgusted, and he is now plainly disgusted. I do not blame him.

Mr. CARAWAY. Mr. President, would there be very much greater divergence between those speeches than there was between those he made in 1915 and 1916 and those he made in 1920?

Mr. WATSON of Georgia. Not the least bit. There never was a man who denounced the Colombian treaty in more violent terms and nobody who advocated it more earnestly afterwards. As a political acrobat he is well trained. He can go through a hoop and turn somersaults as he does so. My friend the junior Senator from Washington [Mr. POINDEXTER] is almost as much of an expert.

Mr. CARAWAY. Especially in the Newberry case.

Mr. HEFLIN. Does the Senator from Georgia observe that there is only one Republican on the other side of the aisle present, the Senator from Washington [Mr. POINDEXTER]?

Mr. WATSON of Georgia. Yes, Mr. President, I observe that.

Mr. CARAWAY. Why does the Senator call attention to that? The Senator from Washington will be out in a minute. Give him time.

Mr. WATSON of Georgia. I thought perhaps we could get a rise out of him. We have not been able to get any of them into the ring. They will not fight. If we treat Japan as they are treating us, Japan will never get any fight out of us. She can just walk off with us.

Mr. President, I merely rose to voice a protest. If we could prolong this debate until the people knew what the Republicans are doing, this treaty would not be ratified. Senators would hear from them. Now, we are hurrying to have the United States Government acquire a right of way for an international cable company. We provide in this treaty that Japan shall exercise her right of eminent domain to get land for that company. No wonder Senators on the other side can not talk about it. No wonder they evade debate.

FEDERAL RESERVE BANK AT ATLANTA.

Mr. HEFLIN. Mr. President, I have listened to my good friend from Georgia [Mr. WATSON] speak about the old days when 30,000 people owned four-fifths of all the land in Scotland and England. I have had a great deal to say recently as to how thousands of farmers in the United States have lost their farms under the deflation policy carried on by the Federal Reserve Board. I have brought to the attention of the Senate the activity of that board in politics, and of the Federal reserve bank at Atlanta in distributing a speech made in the Senate by the junior Senator from Virginia [Mr. GLASS], assailing my position

and that of other Senators upon the deflation policy of the Federal Reserve Board.

I hold in my hand a copy of that speech sent out by the Federal Reserve Bank of Atlanta. I also have a copy of it, which, it is said, was sent out by the New York Federal Reserve Bank of New York. The gentleman who wrote me about this speech said that he thought all of the Federal reserve banks were distributing that speech.

I brought to the attention of the Senate the fact that the Federal Reserve Bank of Atlanta was circulating a speech of the Senator from Virginia [Mr. GLASS], and that that speech had assailed my position, as I said before, and that of other Senators and Representatives who had taken the same stand I had taken, and I said it was wrong for this governmental institution, conducted by Government officials, to take the speech of one Senator, in which he criticized another Senator and the position of that Senator, and distribute that speech.

As I said before, the officials of this bank wrote a letter with that speech calling upon the local banker to read that speech, calling upon him to write them the impression that he had about the subject before he read the speech, and calling upon him to write them his opinion after he read the speech.

Those letters were sent out by the bank, the postage being paid by the bank, so that the bank was guilty of using the funds of the bank, a Government institution, presided over and conducted by Federal Government officials, to go into politics, using the power of the bank to carry on a political propaganda.

I want to read what the Republican platform said in 1912 about the banking system. It contained this language:

This is the sentence I wish to read:

In attaining these ends the independence of individual banks, whether organized under national or State charters, must be carefully protected, and our banking and currency system must be safeguarded from any possibility of domination by sectional, financial, or political interests.

The Democratic platform said, that same year:

We believe the people of the country will be largely freed from panics and consequent unemployment and business depression by such a systematic revision of our banking laws as will render temporary relief in localities where such relief is needed, with protection from control or domination by what is known as the Money Trust.

Banks exist for the accommodation of the public, and not for the control of business. All legislation on the subject of banking and currency should have for its purpose the securing of these accommodations on terms of absolute security to the public and of complete protection from the misuse of the power that wealth gives to those who possess it.

Now I read from the Progressive Party's platform of the same year:

The control should be lodged with the Government and should be protected from domination or manipulation by Wall Street or any special interests.

Mr. President, all three of these parties, at the time the Federal reserve act was about to be enacted into law, expressed themselves as favoring an institution free from political manipulation. The Republican Party said that it should be kept free from the domination of political interests. The Democratic Party said it should be kept free from the misuse of this power and manipulation by the Money Trust. The Progressive Party said that it should be kept free from the domination of Wall Street.

The cry of the hour was for a banking system which would be free from political manipulation, a system which would serve the business needs of the country, which would assist the people in all sections of the country, regardless of politics, to carry on their business.

For a long time this Federal reserve banking system did that thing, but it got into politics and has been guilty of the things I have mentioned.

I want to read in this connection what President Wilson said as the candidate of the Democratic Party in 1912. He said:

It is the mere truth to say that the financial resources of the country are not at the command of those who do not submit to the direction and domination of small groups of capitalists who wish to keep the economic development of the country under their own eye and guidance. The great monopoly in this country is the monopoly of big credits. So long as that exists, our old variety of freedom and individual energy of development are out of the question. A great industrial nation is controlled by its system of credit. Our system of credit is privately concentrated. The growth of the Nation, therefore, and all our activities are in the hands of a few men. An invisible empire has been set up above the forms of democracy. We have been dreading all along the time when the combined power of high finance would be greater than the power of the Government. Have we come to the time when the President of the United States, or any man who wishes to be President, must doff his cap in the presence of this high finance and say, "You are our inevitable master, but we will see how we can make the best of it." We have restricted credit and control of development and we have come to be one of the worst ruled, one of the most completely controlled and dominated Governments in the world.

That was the language of the man who was elected President in 1912. He continues:

No longer a Government of free opinion; no longer a Government by conviction and the vote of the majority, but a Government by the opinion and duress of a small group of dominant men.

Mr. President, the great Federal reserve banking system was born out of a desire of the American people to set up an institution upon a hill far removed from the canon of special interests, far removed from the dictates of partisan politics, to serve and bless and benefit the whole American people. We brought such a banking system into being, and for nearly seven years that banking system worked in admirable fashion. That banking system met the requirement of every locality in the country. Whenever money was scarce in the North or West it went to the rescue and supplied it. Whenever money was scarce in the South it went to the rescue and supplied it. But in the spring of 1920 the deflation policy was born, born in the resolution introduced by the Senator from Illinois [Mr. McCORMICK] in this Chamber, then in the advisory council of the Federal Reserve Board, and then in the board itself, and the wheels of this mighty engine of destruction started upon their way.

Mr. President, I have shown that this Money Trust, this Wall Street crowd, criticized in some way by all three of the parties in 1912, have again wormed their way into control, and they literally dominate the Federal Reserve Board to-day and have control of the Federal reserve banking system through that board.

I have dared to say that upon the floor of the Senate, and this system, under its board's direction, is circulating literature which replies to the speeches that I have made and is writing letters on that subject to the local banker, asking him how he feels upon the subject, calling upon him for an opinion; and yet these party platforms demanded that the individual bankers should be free and independent. Here is this bank in Atlanta seeking to influence the local banker who must come to it for accommodation in cash and credit.

Is that right? Is that fair? Is it just to the American people? Whose Government is this? In whose interest was this system created? Was it intended to be an instrument of torture in the hands of Wall Street or the Money Trust to smite the American people, to punish them, to rob them? That was not my intention when I helped to create it, but it has been perverted from the ends of its institution and is now working exactly as Wall Street would have it work.

Let me read to you a statement from the New York Wall Street Journal of February 25, 1922:

BROAD STREET GOSSIP.

While W. P. G. Harding, governor of the Federal Reserve Board, has won, by his masterful handling of the system during and after the war, many banking friends who hope to see him reappointed in August, when his term expires, advices reaching Wall Street are that a new man may be appointed to that important post.

Who is it congratulating Mr. Harding? Who is it that praises his administration of the Federal reserve system? It is the section of the United States that fed and fattened upon the substance of 100,000,000 people and made billions of dollars out of the deflation policy carried on by Gov. Harding and his board. That is who it is.

Mr. President, in my speech which was printed in the CONGRESSIONAL RECORD to-day following the proceedings of the House I said that Gov. Strong, of the New York Federal Reserve Bank, had become the dominating power behind the Federal Reserve Board and that he was really the ruling power. Let me read further from the Wall Street Journal:

John R. Mitchell, the newest member of the Federal Reserve Board, is mentioned as a likely candidate for the office.

What office? The office of governor of the Federal Reserve Board, the office Gov. Harding now holds and has maladministered.

What further does the Wall Street Journal say?

Mr. Mitchell is a Republican. If politics count for anything, he may be chosen. Incidentally, he was in New York recently conferring with Benjamin Strong, governor of the New York Federal Reserve Bank.

Oh, Mr. President, the American people must wake up. They must know what is going on here. The governor of the New York Federal Reserve Bank, who, as I have said, is the dominating spirit, the controlling personality of this board, is conferred with by the man who is suggested as the successor of Gov. Harding. The man who is suggested by the Wall Street Journal as the possible successor of Gov. Harding is conferring with the kingmaker, Gov. Strong, no doubt getting in his good graces and seeking favor with him who manipulates and controls this mighty system that was intended to spread benefits and blessings throughout the Nation. I do not know Mr. Mitchell. He may be a very clever gentleman.

Mr. President, I made a motion here a few days ago in connection with the introduction of a resolution to investigate the activities of the Federal Reserve Bank of Atlanta in sending out this speech at the expense of a bank of the Government. I sought to have that resolution referred to the Committee to Audit and Control the Contingent Expenses of the Senate. By a majority of one that motion was defeated, and the money power triumphed, and that one vote was cast by Mr. NEWBERRY, of Michigan, the sale of whose seat was confirmed in this body a few days ago.

Mr. President, I objected to referring my resolution to the Committee on Banking and Currency. I sought in the resolution to have a select committee of five appointed from the body of the Senate to pass upon the question involved in the resolution. I had a motive in that, and I had a right to have it because of the situation that existed. The Senator from Virginia [Mr. GLASS] is a member of the Committee on Banking and Currency and it is his speech that is at the bottom of the investigation referred to in my resolution. He is a member of the Committee on Banking and Currency, and the chairman of that committee, the Senator from Connecticut [Mr. McLEAN], congratulated the Senator from Virginia upon his speech assailing my position and me personally, and now the Republican Senate seeks to refer my resolution to that committee for consideration. I do not want it to go to that committee. It is not fair to me to send it to that committee. It is not fair to the millions of American people who have a right to have their banking system kept out of politics.

Mr. President, what is the first thing that happens in a courthouse when a case comes up to be tried where only local interests are involved between two or three or more individuals? When a juror appears to be selected to try the case the judge will ask him, "Have you any fixed opinion in this matter? Is there anything that would bias your judgment or your verdict? Are you related in any way to either party to this case? Have you expressed an opinion that would show that you would be biased?" When he says he has the judge will say, "Stand aside. You are not competent to sit as a juror in this case." They do that in civil cases as well as criminal cases.

Mr. President, I saw a judge who had practiced law in my town and who was elected to the bench. Cases came on to be tried before him in which he had been counsel. He called another lawyer to the bench and said, "I ask you to act as special judge, because I have been interested in this case; I have gone into the facts; in fact, I made an argument in the case at the other trial, and therefore I am not competent to sit. I want you, an unbiased man, to sit in judgment on the case." Here, however, in the Senate a fight has been going on to this hour, lasting for nearly a week now, to refer my resolution to investigate the activities of the officers of the Federal Reserve Bank of Atlanta in distributing a speech of a member of the Banking and Currency Committee, a speech which they had no business to distribute, using their power to carry on a political propaganda, and from the other side of the Chamber the insistence is made that the resolution must go to the Committee on Banking and Currency.

Mr. President, I do not know how Senators feel about this point. There is not a man or woman in this Republic who is honest and fair-minded who, knowing the facts, would say that it is right to refer my resolution to the Committee on Banking and Currency under existing circumstances. I am a member of the Committee on Agriculture and Forestry; I am a party to this controversy, and I would not have the resolution referred to a committee of which I am a member. If a motion were made to do so, I should rise in my place and say: "I am a member of that committee; I am a party to this controversy; I do not think the resolution ought to be referred to that committee, and I hope my friends will not insist on it." That is what I would say. It occurs to me, however, that Senators on the other side wish to have the resolution placed in the hands of a committee which is unfriendly to the very thing which I am trying to have done. Senators, that ought not to be the case. Some of these officers admit that they have written the letter which I have read to the Senate, that they are mailing it out to the banks, and not only to the banks but to the business men, to the merchants, and to the farmers. The editorial of the Atlanta Journal stated that they had sent it to farmers. Now, it is desired to investigate that matter.

It is stated in my resolution:

Whereas the Senate would regard with keen disapproval the attempt on the part of any one of the Federal reserve banks to use its power to influence or coerce politically any banker or anyone else in his district; and

Whereas Congress, in creating the Federal reserve banking system, desired and intended that it should, at all times, be kept free from political activities—

And so on. I have previously read the resolution, and it is printed in the Record in two or three places. Why is it that Senators will not consent that the matter which is involved in the resolution shall be acted upon in the open Senate and let the Presiding Officer appoint a committee on the subject? I do not think, in the light of the debate, that the Presiding Officer would place any Senator on the committee who is a member of the Committee on Banking and Currency, or, at least, not more than one, for this matter affects vitally the very life of this Nation.

The Money Trust does not want this investigation to be made. The Money Trust at first tried to kill the Federal reserve system; but now it has swallowed up the Federal Reserve Board and it is now operating just as the Money Trust wants it to operate. So, Mr. President, I ask unanimous consent that the Senate, as in legislative session, may consider the pending motion before the Senate, which is the motion made by the Senator from New Jersey [Mr. EDGE], to refer my resolution to the Committee on Banking and Currency.

The VICE PRESIDENT. The Senator from Alabama asks unanimous consent to consider, as in legislative session, the motion of the Senator from New Jersey to refer the resolution indicated by the Senator from Alabama to the Committee on Banking and Currency. Is there objection?

Mr. MOSES. I object, Mr. President.

The VICE PRESIDENT. Objection is made.

Mr. HEFLIN. Mr. President, that makes two or three times the Senator from New Hampshire has objected to the consideration of this important resolution. I do not suppose he wishes it considered at all. He is fast getting himself into the class of those about whom I have been talking. If he prefers to get into that company and stay in it, I can not help it.

Mr. WATSON of Georgia. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. The action of the Senator from New Hampshire [Mr. MOSES] is additional evidence that the friends of the policies of the Federal Reserve Board are afraid to debate. It will not be long before the whole country knows it, and the country does not admire men who are afraid to fight.

Mr. HEFLIN. That is all I have to say for the present, Mr. President. Under the objection that comes from the other side I can not have my resolution considered now.

TREATY WITH JAPAN.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada [Mr. PITTMAN].

Mr. MOSES. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Glass	McCormick	Sheppard
Ball	Gooding	McKinley	Shields
Borah	Hale	McNary	Simmons
Brandege	Harrel	Moses	Smith
Broussard	Harris	Nelson	Spencer
Bursum	Hefflin	New	Stanfield
Calder	Hitchcock	Newberry	Sutherland
Cameron	Johnson	Norbeck	Swanson
Capper	Jones, N. Mex.	Norris	Townsend
Caraway	Jones, Wash.	Oddie	Underwood
Colt	Kellogg	Overman	Wadsworth
Culberson	Kendrick	Page	Walsh, Mass.
Dial	Keyes	Pittman	Warren
Edge	King	Poindexter	Watson, Ga.
Ernst	Ladd	Rawson	Willis
Fernald	Lenroot	Reed	
France	Lodge	Robinson	

Mr. JONES of Washington. I desire to announce that the following Senators are detained from the Senate on account of attendance on the Committee on Finance:

The Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Indiana [Mr. WATSON], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], and the Senator from Vermont [Mr. DILLINGHAM].

The VICE PRESIDENT. Sixty-six Senators having answered to their names, a quorum of the Senate is present. The question is upon agreeing to the amendment of the Senator from Nevada.

Mr. REED. Mr. President, article 3 of the treaty provides that—

The United States and its nationals shall have free access to the island of Yap * * *

The second clause of the article further provides that—

The rights and privileges embraced by the preceding paragraph shall also be accorded to the Government of the United States and its nationals with respect to radiotelegraphic communication: *Provided, however,* That so long as the Government of Japan shall maintain on the island of Yap an adequate radiotelegraphic station, cooperating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radiotelegraphic stations on the island by the United States or its nationals shall be suspended.

Plainly the right of the United States to enter upon the island of Yap and to establish radiotelegraphic stations on that island can not accrue until Japan has failed to maintain a service of the character specified.

There is, therefore, a question to decide, a question of fact, namely: Has Japan maintained service of a particular character? That being the case, if Japan were to say that she had maintained that character of service, and the United States were to declare that she had not maintained that character of service, the question could only be decided in one of two ways—that is, by the United States and Japan agreeing upon some third party to decide the dispute, or by the United States entering upon the island and proceeding to erect stations suitable for itself. In that event the United States would decide a disputed question of fact to suit itself.

I desire to employ no language that will seemingly be impolite toward others who may have spoken; but to assert that in any disputed question of fact between two people or two nations either one of the parties has the right to decide it for himself is to assert the absurd. Of course, we could decide it for ourselves by entering upon the island with armed force, upon a territory the sovereignty of which we are conceding to Japan, and we could remain there as long as we were able to do so by armed force; but every international question could be decided in that way, and the very purpose of treaties is to prevent that sort of decision. In the whole realm of international disputes there will not be found one precedent to sustain the doctrine that when a question of fact must be decided as a condition precedent to the existence of a right, one of the parties to the controversy has the right to decide that question to suit itself. No such precedent has been cited, and no such precedent can be cited from any work on international law or from any work on common law as to disputes between individuals. If we intend to reserve the right to decide this question for ourselves, we must so specify by apt and explicit language in the treaty itself.

I repeat that to say otherwise is to say that which is absurd. But, Mr. President, if the construction contended for is correct, then Japan can not complain if we write that construction specifically into the instrument; and those who stand here charged with the duty of protecting the United States clearly, if that be their construction, ought to be willing to place the construction in plain language upon the face of the instrument. It is not the construction which will be placed upon this treaty by Japan. It is not the construction which will be placed upon it by international lawyers. It is not the construction which will be placed upon it by the world. If, therefore, we propose to reserve these rights, we must do it in a specific statement, and make that statement a part of the instrument itself. The amendment offered by the Senator from Nevada proposes to do that, and it ought to be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. PITTMAN].

Mr. KELLOGG. I call for the yeas and nays.

Mr. NORRIS. I ask that the amendment be again stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 4, at the end of article 3, after the word "suspended" and before the period, it is proposed to insert a colon and the following proviso:

Provided further, That the United States shall be the exclusive judge as to whether the Government of Japan has maintained radiotelegraphic communication on the island of Yap as required in the foregoing proviso.

The VICE PRESIDENT. On this question the Senator from Minnesota demands the yeas and nays. Is the demand supported?

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. COLT (when his name was called). I transfer my pair with the junior Senator from Florida [Mr. TRAMMELL] to the junior Senator from Pennsylvania [Mr. PEPPER], and will vote. I vote "nay."

Mr. EDGE (when his name was called). I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Pennsylvania [Mr. CROW], and will vote. I vote "nay."

The roll call was concluded.

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is absent on account of serious illness in his family. I ask that this announcement may stand for the day.

Mr. ERNST. I have a general pair with the senior Senator from Kentucky [Mr. STANLEY]. In his absence I withhold my vote. If I were permitted to vote, I would vote "nay."

Mr. FERNALD (after having voted in the negative). May I inquire whether the senior Senator from New Mexico [Mr. JONES] has voted?

The VICE PRESIDENT. He has not voted.

Mr. FERNALD. I have a pair with that Senator, and in his absence, I will have to withdraw my vote, being unable to get a transfer.

Mr. HALE (after having voted in the negative). I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Oregon [Mr. STANFIELD], and allow my vote to stand.

The result was announced—yeas 29, nays 54, as follows:

YEAS—29.		
Ashurst	Glass	McKellar
Borah	Harris	Norris
Broussard	Harrison	Overman
Caraway	Heflin	Pittman
Culberson	Hitchcock	Reed
Fletcher	Johnson	Robinson
France	Kendrick	Sheppard
Gerry	King	Simmons

NAYS—54.		
Ball	Gooding	Smoot
Brandege	Hale	Spencer
Bursum	Harrell	Sterling
Calder	Jones, Wash.	Sutherland
Cameron	Kellogg	Townsend
Capper	Keyes	Underwood
Colt	Ladd	Wadsworth
Cummins	Lenroot	Warren
Curtis	Lodge	Watson, Ind.
Dial	McCormick	Weller
Dillingham	McCumber	Williams
Edge	McKinley	Willis
Elkins	McLean	
Frelinghuysen	McNary	

NOT VOTING—13.		
Crow	Jones, N. Mex.	Ransdell
du Pont	La Follette	Shields
Ernst	Owen	Stanfield
Fernald	Pepper	Stanley
		Trammell

So Mr. PITTMAN'S amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to article 3, which the Secretary will read.

The article was read as follows:

The United States and its nationals shall have free access to the island of Yap on a footing of entire equality with Japan or any other nation and their respective nationals in all that relates to the landing and operation of the existing Yap-Guam cable or of any cable which may hereafter be laid or operated by the United States or by its nationals connecting with the island of Yap.

The rights and privileges embraced by the preceding paragraph shall also be accorded to the Government of the United States and its nationals with respect to radiotelegraphic communication; provided, however, that so long as the Government of Japan shall maintain on the island of Yap an adequate radiotelegraphic station, co-operating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radiotelegraphic stations on the island by the United States or its nationals shall be suspended.

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

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. COLT (when his name was called). Although I have a general pair with the junior Senator from Florida [Mr. TRAMMELL] I am at liberty to vote, and I vote "yea."

Mr. EDGE (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I have been informed that were he present he would vote for the treaties as they are now pending in the Senate. So I feel at liberty to vote without considering a transfer, and I vote "yea."

Mr. ERNST. I am advised that my pair, the senior Senator from Kentucky [Mr. STANLEY], would vote as I shall vote, and therefore I will vote. I vote "yea."

The roll call was concluded.

Mr. CURTIS. I desire to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Louisiana [Mr. RANSDALL].

I also desire to announce that the Senator from Delaware [Mr. DU PONT] and the Senator from Pennsylvania [Mr. CROW] would vote "yea" on this article.

Mr. HALE (after having voted in the affirmative). I transfer my pair with the senior Senator from Tennessee [Mr.

SHIELDS] to the senior Senator from Pennsylvania [Mr. CROW], and allow my vote to stand.

The result was announced—yeas 66, nays 21, as follows:

YEAS—66.			
Ball	Frelinghuysen	McNary	Smith
Brandege	Gooding	Moses	Smoot
Broussard	Hale	Myers	Spencer
Bursum	Harrell	Nelson	Stanfield
Calder	Johnson	New	Sterling
Cameron	Jones, N. Mex.	Newberry	Sutherland
Capper	Jones, Wash.	Nicholson	Townsend
Colt	Kellogg	Norbeck	Underwood
Cummins	Kendrick	Norris	Wadsworth
Curtis	Keyes	Oddie	Walsh, Mont.
Dial	Ladd	Page	Warren
Dillingham	Lenroot	Pepper	Watson, Ind.
Edge	Lodge	Phipps	Weller
Elkins	McCormick	Poindexter	Williams
Fernald	McCumber	Pomerene	Willis
Fletcher	McKinley	Rawson	
	McLean	Shortridge	

NAYS—21.			
Ashurst	Harris	Overman	Swanson
Caraway	Harrison	Pittman	Walsh, Mass.
Culberson	Heflin	Reed	Watson, Ga.
France	Hitchcock	Robinson	
Gerry	King	Sheppard	
Glass	McKellar	Simmons	

NOT VOTING—9.			
Borah	La Follette	Ransdell	Stanley
Crow	Owen	Shields	Trammell
du Pont			

So article 3 was agreed to.

Article 4 was read and agreed to, as follows:

ARTICLE IV.

In connection with the rights embraced by Article III, specific rights, privileges, and exemptions in so far as they relate to electrical communications, shall be enjoyed in the island of Yap by the United States and its nationals in terms as follows:

(1) Nationals of the United States shall have the unrestricted right to reside in the island and the United States and its nationals shall have the right to acquire and hold on a footing of entire equality with Japan or any other nation or their respective nationals all kinds of property and interests, both personal and real, including lands, buildings, residences, offices, works, and appurtenances.

(2) Nationals of the United States shall not be obliged to obtain any permit or license in order to be entitled to land and operate cables on the island, or to establish radio-telegraphic service, subject to the provisions of Article III, or to enjoy any of the rights and privileges embraced by this article and by Article III.

(3) No censorship or supervision shall be exercised over cable or radio messages or operations.

(4) Nationals of the United States shall have complete freedom of entry and exit in the island for their persons and property.

(5) No taxes, port, harbor, or landing charges, or exactions of any nature whatsoever, shall be levied either with respect to the operation of cables or radio stations, or with respect to property, persons, or vessels.

(6) No discriminatory police regulations shall be enforced.

(7) The Government of Japan will exercise its power of expropriation in the island to secure to the United States or its nationals needed property and facilities for the purpose of electrical communications if such property or facilities can not otherwise be obtained.

It is understood that the location and the area of land so to be expropriated shall be arranged between the two Governments according to the requirements of each case. Property of the United States or of its nationals and facilities for the purpose of electrical communication in the island shall not be subject to expropriation.

Article 5 was read and agreed to, as follows:

ARTICLE V.

The present convention shall be ratified by the high contracting parties in accordance with their respective constitutions. The ratifications of this convention shall be exchanged in Washington as soon as practicable, and it shall take effect on the date of the exchange of the ratifications.

In witness whereof, the respective plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate at the city of Washington this 11th day of February, 1922.

The preamble was read and agreed to, as follows:

THE UNITED STATES OF AMERICA AND JAPAN.

Considering that by article 119 of the treaty of Versailles, signed on June 28, 1919, Germany renounced in favor of the powers described in that treaty as the principal allied and associated powers, to wit, the United States of America, the British Empire, France, Italy, and Japan, all her rights and titles over her overseas possessions;

Considering that the benefits accruing to the United States under the aforesaid article 119 of the treaty of Versailles were confirmed by the treaty between the United States and Germany, signed on August 25, 1921, to restore friendly relations between the two nations;

Considering that the said four powers—to wit, the British Empire, France, Italy, and Japan—have agreed to confer upon His Majesty the Emperor of Japan a mandate, pursuant to the treaty of Versailles, to administer the groups of the former German islands in the Pacific Ocean lying north of the Equator, in accordance with the following provisions:

"ARTICLE 1. The islands over which a mandate is conferred upon His Majesty the Emperor of Japan (hereinafter called the mandatory) comprise all the former German islands situated in the Pacific Ocean and lying north of the Equator.

"ART. 2. The mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of the Empire of Japan, and may apply the laws of the Empire of Japan to the territory, subject to such local modifications as circumstances may require. The mandatory shall promote to the

utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

"ART. 3. The mandatory shall see that the slave trade is prohibited and that no forced labor is permitted, except for essential public works and services, and then only for adequate remuneration. The mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the convention relating to the control of the arms traffic signed on September 10, 1919, or in any convention amending same. The supply of intoxicating spirits and beverages to the natives shall be prohibited.

"ART. 4. The military training of the natives, otherwise than for purposes of internal police and the local defense of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

"ART. 5. Subject to the provisions of any local law for the maintenance of public order and public morals, the mandatory shall insure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State member of the League of Nations, to enter into, travel, and reside in the territory for the purpose of prosecuting their calling.

"ART. 6. The mandatory shall make to the council of the League of Nations an annual report to the satisfaction of the council, containing full information with regard to the territory and indicating the measures taken to carry out the obligations assumed under articles 2, 3, 4, and 5.

"ART. 7. The consent of the council of the League of Nations is required for any modification of the terms of the present mandate. The mandatory agrees that if any dispute whatever should arise between the mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it can not be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by article 14 of the covenant of the League of Nations";

Considering that the United States did not ratify the treaty of Versailles and did not participate in the agreement respecting the aforesaid mandate:

Desiring to reach a definite understanding with regard to the rights of the two Governments and their respective nationals in the aforesaid islands, and in particular the island of Yap, have resolved to conclude a convention for that purpose and to that end have named as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States; and

His Majesty the Emperor of Japan: Baron Kijuro Shidehara, His Majesty's ambassador extraordinary and plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:

The VICE PRESIDENT. Without objection, the resolution of ratification will be read.

Mr. PITTMAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.
Mr. PITTMAN. Is it in order now to present a proposed reservation?

The VICE PRESIDENT. The regular order would be to read the resolution, and then to have reservations presented.

Mr. LODGE. Let the resolution be read.

The resolution of ratification reported from the Committee on Foreign Relations was read, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive R, Sixty-seventh Congress, second session, a treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

Mr. PITTMAN. I offer the reservation which I send to the desk.

The VICE PRESIDENT. The Secretary will report the reservation.

The ASSISTANT SECRETARY. Add, at the end of the resolution, the following words:

The United States reserves to itself exclusively the right to decide at any time whether the Government of Japan has maintained or is maintaining on the island of Yap an adequate radiotelegraphic station cooperating effectively with the cables and with the other radio stations on ships and on shore, and whether said cable service is being conducted without discriminatory exactions or preferences and in accord with the proviso set forth in article 3.

Mr. PITTMAN. Mr. President, this reservation embodies the same proposition as the amendment which was offered by me and defeated. It is intended, I think, as the words indicate, to make clear the meaning of the proviso in article 3, where it is provided that the rights of the United States and its nationals shall be suspended during the time the Japanese Government or its nationals satisfactorily—I am not using the exact language—furnish an aerial radio system. I offer the reservation for the purpose of making it emphatic and certain that the privileges asserted under that proviso by the Senator from Massachusetts [Mr. LODGE] and the Senator from Alabama [Mr. UNDERWOOD]—that is, the privilege to determine ourselves when the service of the Japanese is not adequate. I do not know of any objection they have made to this provision except that on the former occasion it was offered as an amendment. I offer it now as a reservation, as an expression of our understanding of the proviso.

Mr. LODGE. Mr. President, I hope the reservation will be rejected.

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

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. EDGE (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. HALE (when his name was called). Making the same announcement as that heretofore made with reference to my pair and its transfer, I vote "nay."

Mr. CURTIS. I wish to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Louisiana [Mr. RANSELL].

The result was announced—yeas 30, nays 56, as follows:

YEAS—30.

Ashurst	Glass	King	Simmons
Borah	Harris	McKellar	Smith
Broussard	Harrison	Norris	Swanson
Caraway	Heflin	Overman	Walsh, Mass.
Cuberson	Hitchcock	Pittman	Walsh, Mont.
Fletcher	Johnson	Reed	Watson, Ga.
France	Jones, N. Mex.	Robinson	
Gerry	Kendrick	Sheppard	

NAYS—56.

Ball	Frelinghuysen	Moses	Shortridge
Brandegee	Gooding	Myers	Smoot
Bursum	Hale	Nelson	Spencer
Calder	Jones, Wash.	New	Stanfield
Cameron	Kellogg	Newberry	Sterling
Capper	Keyes	Nicholson	Sutherland
Colt	Ladd	Norbeck	Townsend
Cummins	Lenroot	Oddie	Underwood
Curtis	Lodge	Page	Wadsworth
Dial	McCormick	Pepper	Warren
Dillingham	McCumber	Phipps	Watson, Ind.
Edge	McKinley	Poindexter	Weller
Elkins	McLean	Pomerene	Williams
Fernald	McNary	Rawson	Withis

NOT VOTING—10.

Crow	Harrelld	Ransdell	Trammell.
du Pont	La Follette	Shields	
Ernst	Owen	Stanley	

So Mr. PITTMAN's reservation to the resolution of ratification was rejected.

Mr. PITTMAN. Mr. President, I present the following reservation to the resolution of ratification.

The VICE PRESIDENT. The proposed reservation will be stated.

The ASSISTANT SECRETARY. At the end of the resolution add the following:

The United States so understands and construes section 3 of article 2 to mean that all the rights and privileges guaranteed to citizens of the United States in territory controlled by the Japanese Empire, and particularly by the commercial treaty between said Governments entered into in the year 1911 anno Domini, extend to all of the mandated islands herein described, and particularly the island of Yap, and that the said rights and privileges so guaranteed are not to be considered as limited or abridged by any of the provisions of this treaty.

Mr. PITTMAN. Mr. President, the same provision was offered yesterday by me in the form of an amendment to section 3 of article 2, the objection then made to it being that it was an amendment and not a reservation, and that as an amendment it would require further negotiation. Section 3, to which the reservation refers, reads as follows:

Existing treaties between the United States and Japan shall be applicable to the mandated islands.

Those treaties have been read into the RECORD by the Senator from Minnesota [Mr. KELLOGG]. They extend to American citizens' rights in Japan equal to the rights of the nationals of Japan in the United States, with the exception probably of the ownership of property. The question is whether or not the special references to rights of American citizens with regard to Yap in this treaty limit the rights guaranteed in the general treaties to which I have referred.

The reservation simply says that the United States understands that the general rights and privileges granted United States citizens under the treaty between Japan and the United States of 1911 extend to these mandated islands and are not limited by any special expressions in the existing treaty.

The VICE PRESIDENT. The question is on agreeing to the reservation offered by the Senator from Nevada.

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

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "nay."

Mr. EDGE (when his name was called). I make the same announcement that I made before as to my pair and its transfer, and I vote "nay."

Mr. HALE (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. CURTIS. I wish to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Louisiana [Mr. RANSELL].

The result was announced—yeas 29, nays 58, as follows:

YEAS—29.

Ashurst	Harrison	McKellar	Smith
Caraway	Heflin	Myers	Swanson
Culberson	Hitchcock	Overman	Walsh, Mass.
Fletcher	Johnson	Pittman	Walsh, Mont.
France	Jones, N. Mex.	Reed	Watson, Ga.
Gerry	Kendrick	Robinson	
Glass	King	Sheppard	
Harris	Ladd	Simmons	

NAYS—58.

Ball	Fernald	Moses	Shortridge
Borah	Frelinghuysen	Nelson	Smoot
Brandeggee	Gooding	New	Spencer
Broussard	Hale	Newberry	Stanfield
Bursum	Harrell	Nicholson	Sterling
Calder	Jones, Wash.	Norbeck	Sutherland
Cameron	Kellogg	Norris	Townsend
Capper	Keyes	Oddie	Underwood
Colt	Lenroot	Page	Wadsworth
Cummins	Lodge	Pepper	Warren
Curtis	McCormick	Phipps	Watson, Ind.
Dial	McCumber	Poindexter	Williams
Dillingham	McKinley	Pomerene	Willis
Edge	McLean	Ransdell	
Elkins	McNary	Rawson	

NOT VOTING—9.

Crow	La Follette	Shields	Trammell
du Pont	Owen	Stanley	Weller
Ernst			

So Mr. PITTMAN's reservation to the resolution of ratification was rejected.

Mr. PITTMAN. I offer the reservation which I send to the desk.

The VICE PRESIDENT. The reservation proposed by the Senator from Nevada will be stated.

The ASSISTANT SECRETARY. It is proposed to add at the end of the resolution of ratification the following words:

The United States understands and construes section 2 of article 2 to mean that "Vested American property rights" includes leases, licenses, franchises, and other rights obtained by the United States or its nationals from the former Imperial German Empire during the period of time that said Empire was exerting sovereignty over said islands.

SEVERAL SENATORS. Vote!

The VICE PRESIDENT. The question is on agreeing to the reservation proposed by the Senator from Nevada.

The reservation was rejected.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification.

Mr. KING. Mr. President, a parliamentary inquiry. Has the treaty been disposed of now except the final vote on ratification?

The VICE PRESIDENT. It has been.

Mr. KING. I offer the reservation which I send to the desk.

The VICE PRESIDENT. The reservation will be stated.

The ASSISTANT SECRETARY. At the end of the resolution of ratification it is proposed to add the following:

That the United States understands and construes said treaty to mean that Japan holds the islands referred to therein under and pursuant to the terms of the treaty of Versailles, including the covenant of the League of Nations; and the United States in the ratification of this treaty does not concede, but upon the contrary denies, that Japan holds said islands as a sovereign nation with an unqualified, absolute, and indefeasible title, and declares that in dealing with said islands and in its relations to them and to their inhabitants, Japan occupies the position of a trustee as defined and determined in said Versailles treaty and the provisions of the covenant of the League of Nations.

The VICE PRESIDENT. The question is on agreeing to the reservation proposed by the Senator from Utah.

The reservation was rejected.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification.

Mr. LODGE. Mr. President, is the treaty still being considered as in Committee of the Whole? I may be mistaken, but the rule of the Senate provides:

When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie one day for consideration—

That action has been taken—

after which it may be read a second time and considered as in Committee of the Whole.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Has the Chair made the announcement that the treaty has passed from the Committee of the Whole into the Senate?

The VICE PRESIDENT. The Chair has not done so.

Mr. BRANDEGEE. Well, what is the situation? Is the treaty still in the Committee of the Whole and open to reservation or is it in the Senate and open to reservation, or is it not?

Mr. LODGE. The rule is that after the treaty reaches the Senate it has passed beyond the stage of amendment.

Mr. BRANDEGEE. I have asked two questions. The first is, is the treaty still in the Committee of the Whole? If not, is it in the Senate? Then, if it is in the Senate, is it open to further reservation? Where is the treaty—in the Committee of the Whole or in the Senate?

The VICE PRESIDENT. The Chair will say to the Senator from Massachusetts that treaties have been considered sometimes in one way and sometimes in the other. In the opinion of the Chair, the treaty should be considered as in Committee of the Whole, and the Chair so rules.

Mr. BRANDEGEE. I had assumed that the treaty had been up to this time considered as in Committee of the Whole, and it passes to the Senate, as I understand, whenever the Chair says, "If there is no further reservation, the treaty will be reported to the Senate."

The VICE PRESIDENT. Without objection, the treaty will be reported to the Senate.

The treaty was reported to the Senate.

The VICE PRESIDENT. The treaty is in the Senate and open to amendment.

Mr. LODGE. I beg pardon of the Chair, but I desire further to call attention to the rule, which provides:

The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless, by unanimous consent, the Senate determines otherwise, at which stage no amendment shall be received, unless by unanimous consent.

The VICE PRESIDENT. If no amendment is proposed, the question is on agreeing to the resolution of ratification.

Mr. PITTMAN. I ask for the yeas and nays, Mr. President. The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. COLT (when his name was called). As previously stated, I have a general pair with the junior Senator from Florida [Mr. TRAMMELL], who, I understand, if present, would vote as I am about to vote on this question. Therefore I feel at liberty to vote, and vote "yea."

Mr. EDGE (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN], but on this question the Senator from Oklahoma, as I am informed, would vote as I am about to vote. Therefore I am at liberty to vote, and vote "yea."

Mr. ERNST (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. STANLEY], but on this question I am permitted to vote, and vote "yea."

Mr. HALE (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. SHIELDS]. I transfer that pair to the senior Senator from Oklahoma [Mr. OWEN] and the junior Senator from Florida [Mr. TRAMMELL], both of whom, if present, would vote "yea." I vote "yea."

The roll call was concluded.

Mr. FLETCHER. I desire to announce that, as heretofore stated, my colleague [Mr. TRAMMELL] is absent on account of illness in his family. If present, he would vote "yea."

Mr. LODGE. I desire to announce that the Senator from Delaware [Mr. DU PONT] and the Senator from Pennsylvania [Mr. Crow], both of whom are necessarily absent from the Senate, if present, would vote "yea."

The yeas and nays resulted—yeas 67, nays 22, as follows:

YEAS—67.

Ball	Frelinghuysen	McNary	Shortridge
Brandeggee	Gooding	Moses	Smith
Broussard	Hale	Myers	Smoot
Bursum	Harrell	Nelson	Spencer
Calder	Hitchcock	New	Stanfield
Cameron	Jones, N. Mex.	Newberry	Sterling
Capper	Jones, Wash.	Nicholson	Sutherland
Colt	Kellogg	Norbeck	Townsend
Cummins	Kendrick	Norris	Underwood
Curtis	Keyes	Oddie	Wadsworth
Dial	Ladd	Page	Walsh, Mont.
Dillingham	Lenroot	Pepper	Warren
Edge	Lodge	Phipps	Watson, Ind.
Elkins	McCormick	Poindexter	Weller
Ernst	McCumber	Pomerene	Williams
Fernald	McKinley	Ransdell	Willis
Fletcher	McLean	Rawson	

NAYS—22.

Ashurst	Glass	McKellar	Simmons
Borah	Harris	Overman	Swanson
Caraway	Harrison	Pittman	Walsh, Mass.
Culberson	Heflin	Reed	Watson, Ga.
France	Johnson	Robinson	
Gerry	King	Sheppard	

NOT VOTING—7.

Crow	La Follette	Shields	Trammell
du Pont	Owen	Stanley	

The VICE PRESIDENT. On the question of agreeing to the resolution of ratification the yeas are 67 and the nays are 22. Two-thirds of the Senators present having voted in the affirmative, the resolution is agreed to, and the Senate advises and consents to the ratification of the treaty.

The treaty as ratified is as follows:

THE UNITED STATES OF AMERICA AND JAPAN.

Considering that by article 119 of the treaty of Versailles, signed on June 28, 1919, Germany renounced in favor of the powers described in that treaty as the principal allied and associated powers, to wit, the United States of America, the British Empire, France, Italy, and Japan, all her rights and titles over her overseas possessions;

Considering that the benefits accruing to the United States under the aforesaid article 119 of the treaty of Versailles were confirmed by the treaty between the United States and Germany, signed on August 25, 1921, to restore friendly relations between the two nations;

Considering that the said four powers, to wit, the British Empire, France, Italy, and Japan, have agreed to confer upon His Majesty the Emperor of Japan a mandate, pursuant to the treaty of Versailles, to administer the groups of the former German islands in the Pacific Ocean lying north of the Equator in accordance with the following provisions:

"ARTICLE 1. The islands over which a mandate is conferred upon His Majesty the Emperor of Japan (hereinafter called the mandatory) comprise all the former German islands situated in the Pacific Ocean and lying north of the Equator.

"ART. 2. The mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of the Empire of Japan, and may apply the laws of the Empire of Japan to the territory, subject to such local modifications as circumstances may require. The mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

"ART. 3. The mandatory shall see that the slave trade is prohibited and that no forced labor is permitted, except for essential public works and services, and then only for adequate remuneration. The mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the convention relating to the control of the arms traffic signed on September 10, 1919, or in any convention amending same. The supply of intoxicating spirits and beverages to the natives shall be prohibited.

"ART. 4. The military training of the natives, otherwise than for purposes of internal police and the local defense of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

"ART. 5. Subject to the provisions of any local law for the maintenance of public order and public morals, the mandatory shall insure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State member of the League of Nations, to enter into, travel, and reside in the territory for the purpose of prosecuting their calling.

"ART. 6. The mandatory shall make to the council of the League of Nations an annual report to the satisfaction of the council, containing full information with regard to the territory and indicating the measures taken to carry out the obligations assumed under articles 2, 3, 4, and 5.

"ART. 7. The consent of the council of the League of Nations is required for any modification of the terms of the present mandate. The mandatory agrees that if any dispute whatever should arise between the mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it can not be settled by negotiation, shall be submitted to the permanent court of international justice provided for by article 14 of the covenant of the League of Nations";

Considering that the United States did not ratify the treaty of Versailles and did not participate in the agreement respecting the aforesaid mandate;

Desiring to reach a definite understanding with regard to the rights of the two Governments and their respective nationals in the aforesaid islands, and in particular the island of Yap,

have resolved to conclude a convention for that purpose and to that end have named as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Secretary of State of the United States; and

His Majesty the Emperor of Japan: Baron Kijuro Shidehara, His Majesty's ambassador extraordinary and plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:

ARTICLE I.

Subject to the provisions of the present convention, the United States consents to the administration by Japan, pursuant to the aforesaid mandate, of all the former German islands in the Pacific Ocean lying north of the Equator.

ARTICLE II.

The United States and its nationals shall receive all the benefits of the engagements of Japan defined in articles 3, 4, and 5 of the aforesaid mandate, notwithstanding the fact that the United States is not a member of the League of Nations.

It is further agreed between the high contracting parties as follows:

(1) Japan shall insure in the islands complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; American missionaries of all such religions shall be free to enter the islands and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the islands, it being understood, however, that Japan shall have the right to exercise such control as may be necessary for the maintenance of public order and good government and to take all measures required for such control.

(2) Vested American property rights in the mandated islands shall be respected and in no way impaired;

(3) Existing treaties between the United States and Japan shall be applicable to the mandated islands;

(4) Japan will address to the United States a duplicate of the annual report on the administration of the mandate to be made by Japan to the council of the League of Nations.

(5) Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited in the convention, unless such modification shall have been expressly assented to by the United States.

ARTICLE III.

The United States and its nationals shall have free access to the island of Yap on a footing of entire equality with Japan or any other nation and their respective nationals in all that relates to the landing and operation of the existing Yap-Guam cable or of any cable which may hereafter be laid or operated by the United States or by its nationals connecting with the island of Yap.

The rights and privileges embraced by the preceding paragraph shall also be accorded to the Government of the United States and its nationals with respect to radiotelegraphic communication; provided, however, that so long as the Government of Japan shall maintain on the island of Yap an adequate radiotelegraphic station, cooperating effectively with the cables and with other radio stations on ships or on shore, without discriminatory exactions or preferences, the exercise of the right to establish radiotelegraphic stations on the island by the United States or its nationals shall be suspended.

ARTICLE IV.

In connection with the rights embraced by article 3, specific rights, privileges, and exemptions, in so far as they relate to electrical communications, shall be enjoyed in the island of Yap by the United States and its nationals in terms as follows:

(1) Nationals of the United States shall have the unrestricted right to reside in the island, and the United States and its nationals shall have the right to acquire and hold on a footing of entire equality with Japan or any other nation or their respective nationals all kinds of property and interests, both personal and real, including lands, buildings, residences, offices, works, and appurtenances.

(2) Nationals of the United States shall not be obliged to obtain any permit or license in order to be entitled to land and operate cables on the island, or to establish radiotelegraphic service, subject to the provisions of article 3, or to enjoy any of the rights and privileges embraced by this article and by article 3.

(3) No censorship or supervision shall be exercised over cable or radio messages or operations.

(4) Nationals of the United States shall have complete freedom of entry and exit in the island for their persons and property.

(5) No taxes, port, harbor, or landing charges or exactions of any nature whatsoever shall be levied either with respect to the operation of cables or radio stations or with respect to property, persons, or vessels.

(6) No discriminatory police regulations shall be enforced.

(7) The Government of Japan will exercise its power of expropriation in the island to secure to the United States or its nationals needed property and facilities for the purpose of electrical communications if such property or facilities can not otherwise be obtained.

It is understood that the location and the area of land so to be expropriated shall be arranged between the two Governments according to the requirements of each case. Property of the United States or of its nationals and facilities for the purpose of electrical communication in the island shall not be subject to expropriation.

ARTICLE V.

The present convention shall be ratified by the high contracting parties in accordance with their respective constitutions. The ratifications of this convention shall be exchanged in Washington as soon as practicable, and it shall take effect on the date of the exchange of the ratifications.

In witness whereof, the respective plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate at the city of Washington, this 11th day of February, 1922.

CHARLES EVANS HUGHES.
K. SHIDEHARA.

— IN EXECUTIVE SESSION,
Senate of the United States.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive R, Sixty-seventh Congress, second session, a treaty between the United States and Japan with regard to the rights of the two Governments and their respective nationals in the former German islands in the Pacific Ocean, lying north of the Equator, in particular the island of Yap, signed at Washington on February 11, 1922.

THE FOUR-POWER TREATY.

Mr. LODGE. Mr. President, I now call up the four-power treaty relating to Pacific possessions, and ask that it be read.

The Senate, as in Committee of the Whole, and in open executive session, proceeded to consider the treaty, which was read, as follows:

EXECUTIVE N.

TREATY SUBMITTED BY THE PRESIDENT OF THE UNITED STATES BETWEEN THE UNITED STATES, THE BRITISH EMPIRE, FRANCE, AND JAPAN, RELATING TO THEIR INSULAR POSSESSIONS AND THEIR INSULAR DOMINIONS IN THE PACIFIC.

The United States of America, the British Empire, France, and Japan.

With a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and, insular dominions in the region of the Pacific Ocean.

Have determined to conclude a treaty of this effect and have appointed as their plenipotentiaries:

The President of the United States of America: Charles Evans Hughes, Henry Cabot Lodge, Oscar W. Underwood, and Elihu Root, citizens of the United States;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, Emperor of India: The Right Hon. Arthur James Balfour O. M., M. P., Lord President of His Privy Council; the Right Hon. Baron Lee of Fareham, G. B. E., K. C. B., First Lord of His Admiralty; the Right Hon. Sir Auckland Campbell Geddes, K. C. B., His Ambassador Extraordinary and Plenipotentiary to the United States of America;

And—

For the Dominion of Canada: The Right Hon. Robert Laird Borden, G. C. M. G., K. C.;

For the Commonwealth of Australia: The Hon. George Foster Pearce, Minister of Defense;

For the Dominion of New Zealand: Sir John William Salmond, K. C., judge of the Supreme Court of New Zealand;

For the Union of South Africa: The Right Hon. Arthur James Balfour, O. M., M. P.;

For India: The Right Hon. Valingman Sankaranarayana Srinivasa Sastri, member of the Indian Council of State;

The President of the French Republic: Mr. René Viviani, deputy, former president of the Council of Ministers; Mr. Albert Sarraut, deputy, Minister of the Colonies; Mr. Jules J. Jusserand, ambassador extraordinary and plenipotentiary to the

United States of America, Grand Cross of the National Order of the Legion of Honor;

His Majesty the Emperor of Japan: Baron Tomosaburo Kato, minister for the navy, Junii, a member of the First Class of the Imperial Order of the Grand Cordon of the Rising Sun with the Paulownia Flower; Baron Kijuro Shidehara, his ambassador extraordinary and plenipotentiary at Washington, Joshii, a member of the First Class of the Imperial Order of the Rising Sun; Prince Iyesato Tokugawa, Junii, a member of the First Class of the Imperial Order of the Rising Sun; Mr. Masanao Hanihara, vice minister for foreign affairs, Jushii, a member of the Second Class of the Imperial Order of the Rising Sun;

Who, having communicated their full powers, found in good and due form, have agreed as follows:

I.

The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

II.

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

III.

This treaty shall remain in force for 10 years from the time it shall take effect, and after the expiration of said period it shall continue to be in force subject to the right of any of the high contracting parties to terminate it upon 12 months' notice.

IV.

This treaty shall be ratified as soon as possible in accordance with the constitutional methods of the high contracting parties and shall take effect on the deposit of ratifications, which shall take place at Washington, and thereupon the agreement between Great Britain and Japan, which was concluded at London on July 13, 1911, shall terminate. The Government of the United States will transmit to all the signatory powers a certified copy of the proces-verbal of the deposit of ratifications.

The present treaty, in French and in English, shall remain deposited in the archives of the Government of the United States, and duly certified copies thereof will be transmitted by that Government to each of the signatory powers.

In faith whereof the above-named plenipotentiaries have signed the present treaty.

Done at the city of Washington the 13th day of December, 1921.

CHARLES EVANS HUGHES. [L. s.]
HENRY CABOT LODGE. [L. s.]
OSCAR W. UNDERWOOD. [L. s.]
ELIHU ROOT. [L. s.]
ARTHUR JAMES BALFOUR. [L. s.]
LEE OF FAREHAM. [L. s.]
A. C. GEDDES. [L. s.]

[L. s.] R. L. BORDEN.
[L. s.] G. F. PEARCE.
[L. s.] JOHN W. SALMOND.
[L. s.] ARTHUR JAMES BALFOUR.
[L. s.] V S SRINIVASA SASTRI.
[L. s.] RENÉ VIVIANI.
[L. s.] A. SARRAUT.
[L. s.] JUSSERAND.
[L. s.] T. KATO.
[L. s.] K. SHIDEHARA.
[L. s.] TOKUGAWA IYESATO.
[L. s.] M. HANIHARA.

In signing the treaty this day between the United States of America, the British Empire, France, and Japan it is declared to be the understanding and intent of the signatory powers:

1. That the treaty shall apply to the mandated islands in the Pacific Ocean: *Provided, however,* That the making of the treaty shall not be deemed to be an assent on the part of the United States of America to the mandates and shall not preclude agreements between the United States of America and the mandatory powers respectively in relation to the mandated islands.

2. That the controversies to which the second paragraph of Article I refers shall not be taken to embrace questions which according to principles of international law lie exclusively within the domestic jurisdiction of the respective powers.

Washington, D. C., December 13, 1921.

CHARLES EVANS HUGHES.	ARTHUR JAMES BALFOUR.
HENRY CABOT LODGE.	V S SRINIVASA SASTRI.
OSCAR W. UNDERWOOD.	RENÉ VIVIANI.
ELIHU ROOT.	A. SARRAUT.
ARTHUR JAMES BALFOUR.	JUSSERAND.
LEE OF FAREHAM.	T. KATO.
A. C. GEDDES.	K. SHIDEHARA.
R. L. BORDEN.	TOKUGAWA IYASATO.
G. F. PEARCE.	M. HANIHARA.
JOHN W SALMOND.	

The ASSISTANT SECRETARY. The Committee on Foreign Relations reports the following resolution of ratification:

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive N, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean, concluded at Washington, December 13, 1921, subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification:

"The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense."

Mr. UNDERWOOD. Mr. President, I ask the Senator from Massachusetts whether he intends to consider at the same time the second treaty that was made?

Mr. LODGE. Of course, it is part of the same transaction.

Mr. UNDERWOOD. I suppose it would have to be considered in connection with it by unanimous consent; but I suggest if unanimous consent can be obtained that we consider both treaties now.

Mr. LODGE. I ask unanimous consent for the reading of the supplementary treaty, so that that may be before the Senate at the same time.

The VICE PRESIDENT. Is there objection?

Mr. REED. Let it be read before consent is given.

The VICE PRESIDENT. The request was for unanimous consent that it be read.

Mr. REED. I understood the request was that it be considered. I have no objection to its being read, of course.

Mr. UNDERWOOD. Of course, I have no doubt the Senator from Massachusetts meant that it should be considered along with this treaty. It would require two votes, of course.

Mr. LODGE. Of course. It is a separate proposition. I did not expect the Senate to vote upon them together.

Mr. UNDERWOOD. The first treaty had the homeland of Japan in it. The second treaty merely leaves it out—that is all—and the same question is involved in both.

Mr. REED. I simply asked that it be read before the consent was requested in order that we might know absolutely what was before us.

The VICE PRESIDENT. The supplementary treaty will be read for the information of the Senate.

The Assistant Secretary read as follows:

EXECUTIVE O.

FOUR POWERS SUPPLEMENTARY AGREEMENT—AGREEMENT SUBMITTED BY THE PRESIDENT OF THE UNITED STATES BETWEEN THE UNITED STATES, THE BRITISH EMPIRE, FRANCE, AND JAPAN, SUPPLEMENTARY TO THE TREATY BETWEEN THE SAME FOUR POWERS RELATING TO THEIR INSULAR POSSESSIONS AND THEIR INSULAR DOMINIONS, AND DEFINING THE APPLICATION OF THE TERM "INSULAR POSSESSIONS AND INSULAR DOMINIONS" AS RELATING TO JAPAN.

The United States of America, the British Empire, France, and Japan have, through their respective plenipotentiaries, agreed upon the following stipulations supplementary to the quadruple treaty signed at Washington on December 13, 1921:

The term "insular possessions and insular dominions" used in the aforesaid treaty shall, in its application to Japan, include only Karafuto (or the southern portion of the island of Sakhalin), Formosa and the Pescadores, and the islands under the mandate of Japan.

The present agreement shall have the same force and effect as the said treaty to which it is supplementary.

The provisions of article 4 of the aforesaid treaty of December 13, 1921, relating to ratification shall be applicable to the present agreement, which in French and English shall remain deposited in the archives of the Government of the United States,

and duly certified copies thereof shall be transmitted by that Government to each of the other contracting powers.

In faith whereof the respective plenipotentiaries have signed the present agreement.

Done at the city of Washington the 6th day of February, 1922.

	CHARLES EVANS HUGHES.	[L. s.]
	HENRY CABOT LODGE.	[L. s.]
	OSCAR W. UNDERWOOD.	[L. s.]
[L. s.]	ELIHU ROOT.	
[L. s.]	ARTHUR JAMES BALFOUR.	
[L. s.]	LEE OF FAREHAM.	
[L. s.]	A. C. GEDDES.	
[L. s.]	R. L. BORDEN.	
[L. s.]	G. F. PEARCE.	
[L. s.]	JOHN W. SALMOND.	
[L. s.]	ARTHUR JAMES BALFOUR.	
[L. s.]	V. S. SRINIVASA SASTRI.	
	A. SARRAUT.	[L. s.]
	JUSSERAND.	[L. s.]
	T. KATO.	[L. s.]
	K. SHIDEHARA.	[L. s.]
	M. HANIHARA.	[L. s.]

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The treaty is before the Senate as in Committee of the Whole, and the question is on agreeing to article 1.

Mr. REED. No, Mr. President; the Senator from Massachusetts made a request, which has not been acted upon, that the two treaties be considered together.

Mr. LODGE. Technically, of course, we can not consider two treaties at once. I was only desirous to have them read, so that they might both be before the Senate at the same time for consideration.

Mr. REED. I had understood the request to be that they should be considered at the same time, but of course separate votes would have to be taken. I have no objection to that course.

Mr. LODGE. I did not mean that they should be voted on, of course, at the same time, but that they might be considered together.

Mr. REED. I have no objection to that.

Mr. LODGE. Mr. President, I am perfectly ready and very glad to go on with this treaty at once; but unless some Senator desires to discuss it now I shall ask that an opportunity may be given the Senator from Kansas [Mr. CURTIS] to present a proposed change in the rules which ought to be made on account of the new rules of the House in regard to appropriations and the different distribution of appropriation bills.

Mr. KING. Mr. President—

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

Mr. LODGE. I do.

Mr. KING. If that is done, may it be understood that this treaty will not be taken up until to-morrow?

Mr. LODGE. Certainly. It was my plan not to take it up until to-morrow; but I shall be glad if the matter of the consideration of appropriation bills, which ought to be considered at once, and is made necessary by the Budget and the changes it involves, can be disposed of. I yield for that purpose. I should not care to yield for anything else.

Mr. REED. Mr. President, has notice been given of the proposed change?

Mr. CURTIS. Notice was given; the report was made; notice was given that it would be taken up, and Senators on the other side have been advised about it through their committees, and I think they are ready to go on with it.

Mr. CUMMINS. Mr. President, I gave notice some days ago that upon the conclusion of the consideration by the Senate of the treaty that has just been disposed of I should ask the Senate to consider what is commonly known as the judges' bill, providing for the appointment of a number of additional district judges. I recognize, however, that it is highly important that the rule proposed by the Senator from Kansas be acted upon, in order that appropriation bills may proceed with some knowledge and certainty with respect to the composition of the committees which shall consider them.

As far as I am concerned, I am inclined to yield the position I hoped I might occupy to the Senator from Kansas with his rule, for I think that is more imperative; but I renew my notice that I intend to bring forward this measure at the first moment it is possible for me to do so.

Mr. FLETCHER. Does the Senator propose to ask the Senate to go on with his measure to-morrow, or will we go on with the treaty to-morrow?

Mr. LODGE. I expect to ask the Senate to go on with the treaty to-morrow. I shall move to go into open executive session to-morrow.

Mr. FLETCHER. If we go on with the resolution referred to by the Senator from Kansas we will have to proceed to the consideration of legislative business, because we are now in executive session.

Mr. LODGE. Yes; we will have to proceed to the consideration of legislative business.

Mr. CURTIS. I move that the Senate resume legislative session with a view to considering the resolution from the Committee on Rules.

The motion was agreed to.

Mr. CUMMINS. Will the Senator from Kansas yield to me for a moment?

Mr. CURTIS. I yield to the Senator from Iowa.

OPINIONS UNDER THE TRANSPORTATION ACT, 1920 (S. DOC. NO. 140).

Mr. CUMMINS. Mr. President, on Monday last, February 27, 1922, the Supreme Court announced two opinions (Nos. 206 and 283, October term, 1921) in cases arising under the transportation act of 1920, construing certain paragraphs or sections of that act. There are a great many applications for copies of these opinions, and I ask unanimous consent that these two opinions be printed as a public document in large type.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

ADDRESS BY THE VICE PRESIDENT.

Mr. SPENCER. Mr. President, on the 22d of February the Vice President delivered an address before Johns Hopkins University. I ask unanimous consent that the address may be printed in the RECORD in 8-point type.

There being no objection, the address was ordered to be printed in the RECORD.

At Johns Hopkins University, Baltimore, Md., Wednesday, February 22, 1922, Vice President CALVIN COOLIDGE spoke as follows:

"This is a day which destiny has dedicated to a larger freedom. It takes us back to the early eighteenth century. That period was marked as one of preparation rather than attainment. Both before it and after it the manifest course of history touched a higher crest. Marlborough, the victor of Blenheim, had just departed from the scene. George II, who, with his grandson George III, was destined to reign over the British Empire for almost 100 years, had just come to the throne. Men were still living whose fathers might have known Shakespeare and Milton, might have followed Cromwell at Marston Moor and Dunbar, or might have seen the *Mayflower* as she carried her passengers forth upon a journey which they have not yet completed, and men were living whose sons were to stand at Concord Bridge; were to write the Declaration of Independence and adopt the American Constitution; were to take part in the French Revolution and behold the triumphs of Napoleon end at Waterloo; and finally were to see that century which this day began in 1732 close in 1832 with the parliamentary reform bill. It was to be a century of most remarkable achievements, and if its beginning was not heralded by brilliant events, it held one significant fact. Robert Walpole was prime minister. George II might reign, but he ruled. He was the first of the great commoners, a forerunner of Pitts and Gladstones in the Old World, and in the new of plain men who would rise to even greater eminence. In the Colonies legislative assemblies chosen by popular vote were slowly gaining in their claim of independence. While the people had not yet come to the full exercise of their liberties, they had reached the power to administer, and would soon be seeking the power to control their Governments.

"It was during this century that the true purpose of America began to be revealed. As we behold it, our patience ought to be increased, our faith strengthened, and our belief in human progress reaffirmed. Whatever this might require is more than supplied as we contemplate the birth of George Washington, with all that it has come to mean.

"Nations do not come into existence without a purpose. The world soon casts aside organizations which do not minister to its welfare. As we examine the course of known history, as we trace the progress of the race, as we see the problems of existence which had been met and solved by past civilization, and then as we learn of the discovery of a new continent and come to know the cause of its early settlement and mark the spirit of its institutions, there is disclosed to us the meaning and the purpose of our own Nation. In the fullness of time America was called into being under the most favoring circumstances to

work out the problem of a more perfect relationship among mankind, that government and society might be brought into harmony with reason and with conscience. The great events and the great men of our country are those who have made the largest contribution to this purpose. The method by which men have always advanced this cause, the only method by which they ever can advance it, is through service and sacrifice. There can be no great people who are not willing to dedicate themselves to this high purpose.

"It was this spirit in the Pilgrim and the Puritan which has drawn to them the admiration of three centuries. For all of them the comfort of the most highly civilized society at home was open, for many of them the enjoyment of wealth and place, reaching up to the splendor of the court; all these were cast aside that they might leave tyranny behind and found a free State amid the hardships of the wilderness where that which they believed and which they held sacred might have broader scope. Nor was it of themselves even then that they thought most. Believing in piety, they formed their church. Believing in freedom and equality, they did not scruple to pay the price for their maintenance. 'Every township,' their early law decreed, 'after the Lord hath increased them to the number of 50 householders shall appoint one to teach all children to write and read; and when any town shall increase to the number of a hundred families they shall set up a grammar school.' To such a people liberty was a birthright and independence could not be long denied.

"But there was that in the experience of colonial life which brought those who crossed the sea from a somewhat different motive to the same conclusion when they considered their rights were in danger. There had been bred in the English through the centuries which disappear from view in their old German home a genius for local self-government and an intolerance of foreign interference. If the Pilgrims had landed with a miniature but none the less complete charter of democracy in the *Mayflower* compact, the early settlers of Virginia, landing with a royal charter, were none the less determined to maintain their rights. They early established a free government under an assembly, now one of the oldest legislative bodies in the world which has been in continual session.

"It is not my purpose to trace in detail the well-known course which led up to the American Revolution. A misguided ministry, under a despotic King, secured from a servile Parliament the passage of laws regulating and imposing stamp taxes on the commerce of the Colonies. There was never any objection to granting such supplies as were requested, however large, but there was every objection to the imposition of any unlawful tax, however small. But a Government which openly flouted public opinion at home was likely to pay even less attention to public opinion in the Colonies. These acts were recognized, however, as a direct challenge to the rights of the subjects of the realm everywhere. The Assembly of Virginia led in declaring such taxes unconstitutional and Massachusetts followed. The great Pitt supported their opposition in Parliament. 'Sir, I rejoice,' he said, 'that America has resisted. Three millions of people, so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest.' He saw that it was not merely the freedom of the Colonies but the freedom of all the realm which was in danger.

"Although these taxes were modified under the stress of fear and open rebellion, the right to their imposition was declared and reasserted in a vexatious tax on tea. When this was resisted a fatuous and tyrannical King resorted to repression by force. 'The colonists must either triumph or submit,' he declared. They did not submit. They answered force with force. They would live free or, in resisting usurpation, they would die.

"What began in the assertion of constitutional rights ended in the assertion of national sovereignty. If the right of local self-government, if the dearest of all privileges which Englishmen held as their heritage, that of paying no taxes which they themselves had not imposed, could not be guaranteed them under the ancient kingdom, the time had come for them to establish a new nation. This they proceeded to do, concluding the great declaration with these impressive words: 'We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these Colonies, solemnly publish and declare that these United Colonies are, and of right ought to be, free and independent States.'

"That which has raised this declaration to the dignity which it holds among the people of the earth is the genius of George Washington. He did not create the American spirit, but he

organized it, he led it, he translated it from solemn declaration into effective action. The words of the delegates were impressive in Congress because they were supported by the Army of Washington in the field. It was some 15 months from that morning when patriot blood stained Lexington Green to the day when the Liberty Bell first rang in Philadelphia. Some 15 months away lay Saratoga, a purely American victory, which has been marked as one of a few decisive battles in all history. It was not in high-sounding phrase or in the voting of resolutions that the Revolution was made or won, but in the service and sacrifice of the people in their homes and, above all, of the Army in the field.

"It was not the declaration but the Army which resisted tyranny, which, breaking the power of the King to impose his unlawful will upon the people of the Colonies, broke his power to impose an unlawful will upon the people of the realm, and which, preserving the ancient freedom of Englishmen in America, preserved the ancient freedom of Englishmen at home. That army was George Washington. Under him the Americans made a sacrifice for liberty which was not local; it was universal. That sacrifice resisted then, and has ever since been successfully resisting despotism everywhere. America in its beginnings was doing the work of the world.

"True greatness can not rest merely on a negative. The fame of Washington would be very great if it ended at Yorktown, but both in what he refrained from doing and in what he did after that great event, his fame increases beyond that of a great soldier, which is shared by many, into that of a great statesman, which is shared by few, and rises to the height of a great patriot, which is shared by no one. Washington was first of all an American. He did not refuse the help of foreigners. When, some three years after the conflict began, France made common cause against England, he accepted their assistance gladly and always with the deepest sense of appreciation. But he declared that if the cause were to be won it must be won by Americans relying on themselves. It was this truly American view which not only saved the Revolution but, after its conclusion, saved what it had won. Washington was a nationalist. That principle lay at the foundation of all his statesmanship. Through the long responsibility of the war he came to know, as no one else could know, the weakness to resist evil of 13 separate colonies and the power to do good of a united nation. It was the intellectual force of Hamilton which produced the plans and poured forth the arguments, but it was the character of Washington which secured the adoption of the American Constitution. Where Caesar and Napoleon failed, where even Cromwell faltered, Washington alone prevailed. He wished the people of his country to be great, but great in their own right. He resisted the proposal that he should be set up to rule them. He adopted the proposal that they should be organized to rule themselves. He carried these principles through to the end. Later, when some of his countrymen insisted on adhering to the cause of France, while others insisted on adhering to the cause of England, he insisted on adhering to the cause of America and with patience and greatness, which were sublime, himself bore the resulting abuse of his country for his country's good.

"He was a practical man. If he engaged himself little in proclamation, he engaged himself much in action. To him the Revolution meant an Army in the field able to win victories. Knowing where that would lead, he made no haste to claim independence. He made an independent Nation. He established a Republic under the Constitution, and through two terms as President made its Government a reality, with strength enough to preserve order, with honesty enough to meet its financial obligations, and with character enough to win the respect of the world. From henceforth all men, from the most absolute monarch to the most abject subject, were to reckon with what Americans had done and what their country had come to mean.

"Under Washington, nationality became an accomplished fact. There were those who resisted it then, there were those who would resist it later through the promulgation of resolutions and finally by force of arms. There were those at home, not confined to any one section, and there were enemies of republican institutions abroad who, for their own selfish reasons, were willing to see the great experiment of self-government fail. But it was not to fail. It was not to diminish. It was to succeed. It was to increase. It was to become all free. We are not to criticize the fathers because they did not abolish slavery. Progress goes forward step by step. They took their step and in the pathway of humanity it has a measurement of great length. If they could not acknowledge universal freedom, they declared principles and they adopted institutions which by their very maintenance would establish universal freedom. But it was not only the fact but the method which is of importance to

us now. There had to be an atonement for slavery. The great evil of its existence had to be resisted by the great sacrifice which was made both by the South and the North for its abolition. It was out of that sacrifice that there came a new birth of freedom hallowed by the memory of Lincoln. Out of it all there came a most unexpected demonstration of the great strength of free institutions and the power of an awakened conscience in determining the lot of mankind.

"It is this same force which sometimes works for a long period silently, with a still, small voice, and again goes forth as an army with banners which, for a century now, has shielded the western hemisphere from the menace of Old World aggressions, giving Mexico to the Mexicans and the opportunity for freedom to the islands of the seas.

"Our country had proceeded through the course of its history not unmindful of the obligations due to foreign nations, not undesirous of promoting the friendly rivalry of commercial intercourse. It had been not only the merchandise, but the word of America which has gone forth into all the world. The name of Washington was known and cherished in all lands and among all peoples, and his country came to be looked upon as Lincoln saw it, the last best hope of the world. From it there went out a missionary spirit carrying the promise of general enlightenment, for wherever the American missionary has gone he has carried not only the story of the gospel, but with it the power to establish schools and build hospitals. They ministered to the body, to the intellect, and to the soul. By bearing witness to the truth they supported the cause of freedom. The power of America became a great organizing force wherever it went, but it did not seek foreign conquests and shrank almost from assuming the government of those dependencies which the doing of duty has entrusted to its care. Serene in its power, in the doing of justice to all, free from all foreign alliances, having nothing to gain from war, foremost in its organized efforts to promote the peace of the world, it expected and feared no possible aggression.

"But unconsciously, almost unwillingly, that nation which had been established by Washington and made free under Lincoln had become a world power. The setting of its own house in order, great as that accomplishment had been, might give it the power to meet its obligations; it could not give it the power to avoid them. When a military despotism which held in its grasp a great people threatened to destroy the free Governments of Europe, when America at last came to realize the issue, the soul of her people was bound to respond. When the leader of the American Expeditionary Forces reached France, I do not know whether, as he stood before the tomb of that great Frenchman who had first befriended our country, he said, 'Lafayette, we are here,' but the event makes the report a reality. From the day when the prow of the *Mayflower* touched the shores of Massachusetts Bay, wherever any power has sought to substitute the rule of force for the rule of conscience in the affairs of mankind, the soul of America has stood beside the champions of freedom, proclaiming 'we are here.' That spirit of service and sacrifice by which they had saved themselves in the eighteenth and nineteenth centuries called them forth in the twentieth century to cast the deciding weight of their sword into the balance of liberty.

"The trial by battle has been decisive. It was as decisive as Yorktown. A stricken and impoverished world has since been struggling to organize and adopt into permanent institutions the results of that victory. Foremost among the desires of all peoples has been the wish to secure new guaranties of peace. No one doubts that the delegates to the Paris conference were inspired by that noble ideal. Amid all the contending elements they failed to propose a plan which harmonized with the spirit of America. Everyone knows that the American soul longed to establish a condition which held the promise of a permanent peace, but its ideal was for a peace not imposed by the major forces of the world from without but maintained by the moral power of the world from within. It saw in the covenant of the league, whether intended or not, a diminution of its independence and in its provisions the final sanction not of conscience but of force. It was the American conception that nations, like men, should be free by coming unto a knowledge of the truth, by living in obedience to the law. That was the larger meaning of the war. To translate that meaning into a resolution, to draft it into an agreement, to adopt it as an ordinance, to establish it as one of the fundamental institutions of mankind for the guidance of the society of free nations, was a world desire which has tested the statesmanship of civilization.

"It was in part in response to this desire that the Washington conference was called. Men had reached the conclusion that one of the methods of securing peace was by making the

necessary sacrifices and performing the necessary services to remove some of the causes of war. It is this which appears to be in harmony with the greater purpose of America. It was not merely the voice of one man or one party or one administration, but the true voice of America which proposed at the opening session of the conference the scrapping of 30 of its capital ships, aggregating nearly 850,000 tons, of which 15 were new ships under construction on which there had already been spent nearly \$350,000,000, and that for a period of 10 years the capital ships of this Nation be limited to 18 in number of a displacement of 500,000 tons. It was the same voice which limited the use of submarines and forbade the use of poison gas, which circumscribed the menace of further fortifications in the Pacific, secured justice for China and equal opportunities for participation in her trade and development, and which finally removed the danger of the English-Japanese treaty, which relied on the sanction of force, and proposed in its place the four-power treaty, which rests on the sanction of justice.

"The great strength of this treaty is its simplicity. It does not undertake to establish any artificial relationship. It recognizes the natural relationship between nations. It does not make any new law; it acknowledges the binding force of an eternal law. It is an agreement to respect mutual rights, and whenever those rights are endangered to resort to mutual consultation. This has sanction to which all force is subject:

"Moreover, if thy brother shall trespass against thee, go and tell him his fault between thee and him alone; if he shall hear thee, thou hast gained thy brother.

"But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established.

"And if he shall neglect to hear them, tell it unto the church; but if he neglect to hear the church, let him be unto thee as an heathen man and a publican."

"That rests on the Rock of Ages.

"Unto America there has been granted possession of great power, which carries with it great obligations. Our domestic burdens are great, but the resources with which they can be met are greater still. We did not suddenly become a great people in 1917 or relinquish our greatness in 1918. The greatness was there, created through long years of endeavor. The occasion revealed its existence. The meaning of America is not to be found in a life without toil. Freedom is not only bought with a great price, it is maintained by unremitting effort. The successful conduct of our economic life is not easy. It can not be made easy. The burdens of existence, the weight of civilization can not be taken from the people. There is no way to establish a better relationship among the people of this Nation save through each making great sacrifice. But nowhere does duty done and sacrifice made hold the promise of larger success. The final solution of these problems will not be found in the interposition of government in all the affairs of the people, but rather in following the wisdom of Washington, who refused to exercise authority over the people that the people might exercise authority over themselves. It is not in the laying on of force but in the development of the public conscience that salvation lies.

"America stands ready to bear its share of the burdens of the world, but it can not live the life of other peoples, it can not remove from them the necessity of working out their own destiny. It recognizes their independence and the right to establish their own form of government, but America will join no nation in destroying what it believes ought to be preserved or in profaning what it believes ought to be held sacred. We are at peace with all peoples. We do not deny our duty to continue the making of sacrifices for the welfare of the world. It is not alone for their sakes but for our own sake that we should pursue that course. We have adopted toward the world the policy of Washington, not of repression, not of dictation, not of coercion, not of imperialism, but a policy of cooperation, relieving distress, of forbearance, of helpfulness, of sympathy, of forgiveness, a policy which is first of all American, but a policy above all of faith in the sanction of the universal conscience of mankind.

"That sanction is eternal. In it alone is the promise of a larger freedom."

CONSIDERATION OF APPROPRIATION BILLS.

Mr. CURTIS. I move that the Senate proceed to the consideration of Senate resolution 213, to amend the Standing Rules of the Senate so that all general appropriation bills shall be referred to the Committee on Appropriations.

Mr. HARRISON. That is the resolution to which the Senator has been referring?

Mr. CURTIS. It is.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	France	McKinley	Rawson
Ball	Gerry	McNary	Reed
Borah	Gooding	Moses	Robinson
Brandegee	Hale	Myers	Sheppard
Broussard	Harrell	Nelson	Shields
Bursum	Harris	New	Shortridge
Calder	Harrison	Newberry	Smith
Cameron	Heflin	Norbeck	Spencer
Capper	Jones, N. Mex.	Norris	Stanfield
Caraway	Jones, Wash.	Oddie	Sterling
Colt	Kellogg	Overman	Townsend
Cummins	Kendrick	Page	Underwood
Curtis	King	Pepper	Wadsworth
Dial	Ladd	Phipps	Walsh, Mass.
Edge	Lenroot	Pittman	Warren
Ernst	Lodge	Poindexter	Watson, Ga.
Fernald	McCormick	Pomerene	Weller
Fletcher	McKellar	Ransdell	Willis

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present.

The Senator from Kansas moves that the Senate as in legislative session proceed to the consideration of Senate resolution 213.

Mr. REED. Mr. President, I take it that nobody intends to shove this resolution through in that sort of way. I thought the chairman of the committee would probably say something about it.

Mr. CURTIS. I intended to do so, and was on my feet seeking recognition.

The PRESIDING OFFICER. The Chair was just putting the motion which the Senator from Kansas made, that the Senate proceed to the consideration of the resolution.

Mr. REED. I thought the motion put was on the passage of the resolution.

Mr. CURTIS. Oh, no.

The motion was agreed to; and the Senate proceeded to consider Senate resolution 213, to amend the Standing Rules of the Senate so that all appropriation bills shall be referred to the Committee on Appropriations, which had been reported from the Committee on Rules with amendments.

Mr. CURTIS. Mr. President, this resolution was offered by the chairman of the Committee on Appropriations and referred to the Committee on Rules, and after very careful consideration the Committee on Rules reported it back to the Senate with a recommendation that it pass with amendments.

Heretofore, and before the adoption of the Budget plan, there were 12 appropriation bills, 5 of which went to the Committee on Appropriations of the Senate, the other 7 being distributed among the various committees—the Committee on Agriculture and Forestry, the Committee on Naval Affairs, the Committee on Military Affairs, and so on. After the Budget plan was adopted the rules of the House were amended, and all appropriation bills went to one committee, and that committee changed the titles of the appropriation bills, which it is important for all Senators to understand.

With those changes of titles, under the existing rules of the Senate, when those appropriation bills come to the Senate, there being 12 of them now, 8 will go to the Committee on Appropriations, and 4 will go to other committees—1 to the Committee on Agriculture and Forestry, 1 to the Committee on Post Offices and Post Roads, 1 to the Committee on Naval Affairs, and 1 to the Committee on Military Affairs. After careful consideration your committee believes that the adoption of the Budget system and the change in the rules of the House make it advisable to send all appropriation bills to one committee of the Senate.

Mr. POMERENE. Mr. President—

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

Mr. CURTIS. In just a moment. The committee realized that there would be some opposition to that proposal, believing that if it were done there would be an impression that the Appropriations Committee would want to take possession of the legislation of the Senate. Your Committee on Rules, in providing amendments, has tried to avoid that, and after I answer the Senator from Ohio I will explain it.

Mr. POMERENE. The Senator from Kansas has just made the statement that the Budget law, and the change in the rules of the House, necessitated, in his judgment, a change in the reference of these various appropriation bills in the Senate. My attention was challenged by the statement that the change

in the rules of the House in part necessitated that change here. Why is that?

Mr. CURTIS. Because under the rules of the House, as I stated a moment ago, all appropriation bills go to the Committee on Appropriations. Heretofore there has been in the House and in the Senate a sundry civil appropriation bill, perhaps the largest appropriation bill of them all, which went to the Committee on Appropriations. Under the new rule there is no longer a sundry civil appropriation bill. The items formerly carried in that bill are distributed among the various appropriation measures. There is one committee handling those matters in the House, and they do not in any way get them mixed or let them interfere. In the Senate the items which used to go to the Appropriations Committee now go to the Committee on Post Offices and Post Roads, the Committee on Agriculture and Forestry, the Committee on Military Affairs, and the Committee on Naval Affairs.

Then there was the legislative appropriation bill, which has been done away with by the change of rules, and all the items in that bill have been distributed among other bills.

Now, in order that the committees which have heretofore had jurisdiction over appropriation bills might be represented the Committee on Rules have provided in an amendment that the chairman of the Committee on Agriculture and Forestry, for instance, and two other members of that committee shall be ex officio members of the Committee on Appropriations and that those two members shall be selected by the chairman of the Committee on Agriculture and Forestry. The same is true with reference to the Committee on Military Affairs, the Committee on Naval Affairs, and the Committee on Post Offices and Post Roads.

Then there were two other appropriation bills, one of which, the rivers and harbors bill, went to the Committee on Commerce and the other of which, the Diplomatic appropriation bill, went to the Committee on Foreign Relations, both of which have under the new plan of the House been swallowed up, one in the bill known as the appropriation bill for the Department of State and the other in the Army appropriation bill. Under the rule the Diplomatic appropriation bill will now go back to the Committee on Appropriations while the rivers and harbors appropriation bill will go to the Committee on Military Affairs.

The Committee on Rules, in order that those two committees might have representation, provide that the chairman of the Committee on Commerce and two members of that committee shall be ex officio members of the Committee on Appropriations, to serve when items having to do with rivers and harbors are being considered, and that the chairman of the Committee on Foreign Relations and two members of that committee shall be ex officio members of the Committee on Appropriations, and serve while items pertaining to foreign relations are being considered. In that way the Committee on Rules have given to the various committees representation on the Committee on Appropriations.

Under the subcommittee plan the chairman and the two committee members selected by him and other members of that committee now on the Committee on Appropriations will, no doubt, have almost complete, if not complete, charge of the appropriations for their respective committees, but the appropriations will all come through the one great committee, which will handle the bills on the Senate side, the same as the bills are now handled on the House side by the one committee.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. CURTIS. Certainly.

Mr. REED. I do not mean to interrupt the general plan of the statement of the Senator from Kansas.

Mr. CURTIS. I am just presenting the facts, and it does not interfere with me to be interrupted.

Mr. REED. In the case of the Committee on Agriculture and Forestry, all it will have to say about agricultural appropriations—and I am using it merely to illustrate—will be what it can say through the chairman of the committee and the two members sitting temporarily as members of the Committee on Appropriations.

Mr. CURTIS. They will be present all the time the bill is up for consideration in the Committee on Appropriations.

Mr. REED. They will sit while that bill is up for consideration.

Mr. CURTIS. Under the rules, if followed, it is likely that the chairman of the Committee on Agriculture and Forestry would be appointed chairman of the subcommittee of the Com-

mittee on Appropriations, and he would probably have charge of the bill upon the floor of the Senate and also in conference.

Mr. REED. It would be entirely possible, then, under the proposed arrangement for nobody, except from one political party, to be present as representative of the other committees which are permitted to act in this way.

Mr. CURTIS. Oh, no. Of the three selected it is presumed that two will be from the majority party and one from the minority party.

Mr. REED. There is nothing of that kind provided for.

Mr. CURTIS. That is not necessary, of course.

Mr. REED. Then that means that the majority party will have two to one, a two-thirds representation, all the time on all of these committees?

Mr. CURTIS. No; in the make-up of a subcommittee by the chairman the minority is always recognized, just as it undoubtedly will be in this case. I simply referred to the fact that they would be selected from Senators who had served upon the committee from which the bill was taken.

Mr. REED. Let me follow that a minute and see if we understand each other. Let me take the Committee on Agriculture and Forestry for illustration. The chairman of the Committee on Agriculture and Forestry is, of course, at the present time a Republican, and he would select two men to serve with him. Let us say that he selected one Democrat and one Republican. Then there would be a two-thirds representation for the dominant party upon the subcommittee serving on the Appropriations Committee.

That would be true as to all the other committees when they would be represented, so that the dominant party by this process takes over a two-thirds vote on every one of these questions instead of retaining the kind of vote which it has had in the past, when it has been generally apportioned to the numerical strength of the two sides.

Mr. CURTIS. That is not the case. In the case of the Appropriations Committee, the chairman of the committee appoints a subcommittee of not less than five, as Senators here will verify, and sometimes a subcommittee of seven. If it is composed of five members, there are three Republicans and two Democrats. If there are seven members appointed on the subcommittee, there are four Republicans and three Democrats.

Mr. OVERMAN. That is the universal rule.

Mr. CURTIS. It has been the practice always, no matter which party might be in power.

Mr. REED. I do not make myself clear, or else I do not understand the question. The Appropriations Committee is meeting. They come to consider the Agricultural appropriation bill. It is referred to a subcommittee of five members of the Appropriations Committee. Thereupon the Committee on Agriculture and Forestry is permitted to send over three Senators. They send over the chairman and two other Senators. The chairman is a Republican, and one of the other Senators is a Republican. In so far as the Committee on Agriculture and Forestry is represented, there is a two-thirds representation for the dominant party, and that will be true as to every other committee that comes in to be represented. It does away with the old rule that the representation shall be apportioned to the membership. I can not see how we escape that.

Mr. CURTIS. Of course, if it should turn out that only three members of the committee should come from the Committee on Agriculture and Forestry, they could have no further representation, but in the selection of the balance of the committee there would be one Democrat and one Republican added from the Committee on Appropriations to work with the subcommittee. That would still give a ratio of three to two.

In most of the committees there are members on the Appropriations Committee who are also members of the other committees, and no doubt those Senators would be selected. I can not say; I am not chairman of the Committee on Appropriations, but I know how anxious the chairman is to get Senators on the subcommittee who understand the bills, and I feel confident that that is what he would do.

Mr. REED. I understand the answer to the question which I rose to ask when I interrupted the Senator.

Mr. CURTIS. There is another point, and I want Senators to remember this, because it is of vital importance.

Mr. POMERENE. Mr. President, before the Senator goes to that will he yield to me?

Mr. CURTIS. Certainly.

Mr. POMERENE. I assume, as I read the provision, for instance, if a question of agriculture is up that the three members of the Committee on Agriculture and Forestry who would be ex officio members of the general Appropriations Committee

would have the right to vote in the committee on all matters relating to that particular department?

Mr. CURTIS. Oh, certainly; on the entire appropriation bill. Knowing the chairman of the Committee on Appropriations as I do know him, I can say that it is more than likely that he would place at the head of the subcommittee the chairman of the committee having the subject matter in charge, so that the chairman of the committee, being the chairman of the subcommittee having the bill under consideration, would have charge of that bill upon the floor of the Senate and in conference.

Mr. POMERENE. I have forgotten the number, but I think there are 17 members of the Committee on Appropriations now.

Mr. WARREN. There are 16 members of the Appropriations Committee, 10 of whom are Republicans and 6 are Democrats.

Mr. POMERENE. I am not going into that question. There are 16 members now, so that it would take a majority of the committee of 19 to report out a bill.

Mr. CURTIS. I know what is in the minds of most Senators and how they feel in reference to one committee taking charge of all bills of this kind. They are fearful that the committee will take unto itself the responsibility for reporting out all legislation. The Committee on Rules carefully considered that matter. I desire to call attention to the amendment which we propose.

Mr. NORRIS. Mr. President, will the Senator speak a little louder? Owing to confusion in the Chamber it is impossible to hear what he is saying.

Mr. CURTIS. I said that one of the reasons why Senators oppose these bills going to the one committee is that they are afraid that committee will take unto itself the responsibility of originating legislation and trying to rob the committees which now have jurisdiction, we will say, of agricultural questions, post-office questions, Army questions, or Navy questions of the right to originate legislation.

The Committee on Rules thought that was an important subject and one that ought to be taken care of. I wish to call the attention of the Senate to the amendment we propose, which, in my judgment, will eliminate all that danger. The amendment reads:

The Committee on Appropriations shall not report an appropriation bill containing new or general legislation, and if an appropriation bill is reported to the Senate containing new or general legislation, a point of order may be made against the bill—

Not against the item, but against the bill—

and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

That, in my judgment, will prevent the Committee on Appropriations from reporting out any new or general legislation.

Mr. NORRIS. Mr. President—

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

Mr. NORRIS. I agree with the Senator that that would have that effect, but I am going to ask the Senator a question that arises in my mind as to a point which seems still to be a danger. Suppose the appropriations bill were a House bill, as appropriation bills always are, and the bill as it came from the House contained matter of general legislation.

Mr. CURTIS. Over that I think the Senate would have no jurisdiction.

Mr. NORRIS. Then suppose it went to the Committee on Appropriations and that committee reported the bill back to the Senate with the general legislation in it. Would a point of order then lie against the bill?

Mr. CURTIS. I do not think so. I think it would apply only to new matter put on in the Senate.

Mr. NORRIS. All the Senator means, then, is that this particular provision applies only to legislative provisions put into the bill by the Committee on Appropriations of the Senate?

Mr. CURTIS. I think so. That would be my offhand judgment.

Mr. LENROOT. Mr. President—

Mr. CURTIS. I yield to the Senator from Wisconsin.

Mr. LENROOT. It is true, under the House rules and under the present House practice, that no legislation is permitted on any appropriation bill in the House.

Mr. CURTIS. That is the rule of the House, and a point of order can be made against any such legislation there.

Mr. NORRIS. I understand that is the rule, but still, notwithstanding that, there might be a case where an appropriation bill might come over with legislation in it just the same.

Mr. CURTIS. Sometimes it is necessary to put legislation in an appropriation bill, and the proposed amendment, while it would prevent the committee from reporting a new item in the bill, it would not prevent them from offering upon the floor of the Senate an amendment which did include new or general

legislation. However, then the Members on the floor would have their attention called to it, and they could make a point of order against it and defeat it in that way, if they desired to do so. If it was a matter which the committee felt should go into the bill, of course they would let it stay in, but such a provision as is here proposed would put the committee upon their guard, and would cause the committee, in my judgment, to eliminate new or general legislation from appropriation bills and leave the question of preparing and reporting legislation to the various committees which now have charge of it. I think the amendment will do more to protect the interests of the committees than anything which has been brought before the Senate in a long time.

Mr. MOSES. Mr. President—

Mr. CURTIS. I yield to the Senator from New Hampshire.

Mr. MOSES. I would like to ask the Senator from Kansas about the practical working of the proposal. There are certain committees of the Senate whose legislation is substantially inseparable from an appropriation. That is particularly true of the Committee on Military Affairs and the Committee on Post Offices and Post Roads, both of which will be affected by the rule—

Mr. FRANCE. And the Committee on Naval Affairs.

Mr. MOSES. And the Committee on Naval Affairs. I thank the Senator from Maryland for the suggestion. Under the present practice each of these committees may introduce legislation carrying an appropriation, and the whole matter may be settled by one piece of legislation. Under the proposal advanced by the Senator from Kansas, the committee originating the legislation will bring it in, and it will be passed through both branches of Congress. Then a separate process must be had through the Appropriations Committees of the two Houses in order to get the money to carry it out. Is not that the fact?

Mr. CURTIS. I think it is not the fact, for under the rules of the Senate, as under the rules of the House, it was never intended that a line of legislation should be written in that way. It was the intention of both bodies when the rules were formulated that the Committee on Appropriations should give its attention wholly to appropriations, and that legislation should originate in the committees which had charge of the various subjects.

Mr. MOSES. I point out to the Senator that with the development of the governmental functions legislation inseparable from appropriations has become involved.

Mr. CURTIS. I think there is not one case in a hundred where legislation is inseparable from appropriations. I do not think there is one question in a hundred, if committees will follow the rule, but what they can take care of any legislation that is needed, and if it does become so important that it must be attached to an appropriation bill, I know the Senate well enough to believe that if the chairman of the committee should announce that fact and that the legislation is needed, there would be no trouble in getting it through the Senate, or the House either, for that matter.

Mr. MOSES. There is no trouble now under those circumstances when legislation is brought in carrying with it appropriations, but I can cite the Senator from Kansas to a measure now under consideration by a committee of this body in practically every item of which is embodied legislation wrapped up with an appropriation, which legislation to be made effective requires an appropriation. I refer to the Post Office appropriation bill, with which a subcommittee, of which I am a member, is now wrestling.

Mr. LENROOT and Mr. NORRIS addressed the Chair.

Mr. CURTIS. I will first yield to the Senator from Wisconsin.

Mr. LENROOT. I should like to suggest to the Senator from New Hampshire that if there be such a bill every piece of legislation which it contains is subject to a point of order and is subject to be stricken from the bill under the present rules.

Mr. MOSES. That may be true, but a Senator favoring such legislation has an immediate remedy by making an appeal from the decision of the Chair.

Mr. CURTIS. Now I yield to the Senator from Nebraska.

Mr. NORRIS. I agree with the Senator that, at least in theory—and I want to see the theory carried out; I think we ought to adopt some rule in regard to the matter—the duty of the Appropriations Committee ought to be confined entirely to appropriations and legislative jurisdiction should be entirely taken away from it. That is now the theory; but everybody knows that, as the Senator from New Hampshire has stated, half the legislation which we get through on some subjects is passed on appropriation bills, until it has come to be understood that if one wishes to be sure to get certain legislation passed it is

only necessary to have it placed on an appropriation bill. Nearly half of the legislation which has been passed for years has been tacked onto appropriation bills. It is all wrong and affords an opportunity for a great many jokers to creep into the laws. Theoretically, at least, it is vicious and ought to be stopped. This proposed amendment of the rules is a move to stop it. Since we have the Budget system I feel that it should be given a fair trial. Still I do not like this proposed rule.

I want to ask the Senator from Kansas why the committee feels it is necessary to constitute an appropriations committee the membership of which is going to vary so that when it has an agricultural bill before it it shall have three members on it who are not on the committee at any other time, and when the Post Office appropriation bill is pending those Senators who come from the Agricultural Committee are excluded and there shall be three members from the Post Office Committee substituted for them? Why add all the additional language which constitutes the bulk of the proposed rule? Why not stop and let the Committee on Appropriations remain as it is now and let the Committee on Appropriations handle the appropriation bills? I want to ask the Senator, has this language been added to secure votes of the members of the various other committees that under the present rules consider appropriation bills? Is it feared if some power is taken away from them that they will be against the proposed rule and will defeat it?

Mr. CURTIS. No, Mr. President. When the matter was first discussed the question of having the various committees which now have jurisdiction of appropriation measures represented on the Appropriations Committee was considered, as was also the question of enlarging the Appropriations Committee. The Committee on Rules, after careful consideration, came to the conclusion that it would be better to add three members from the various committees separately when the respective bills were considered than to increase the membership of the Committee on Appropriations, say, to 25 or 26.

Mr. NORRIS. Why increase the membership of the committee? Why not let the membership stand as it now is?

Mr. CURTIS. That, of course, could be done; but the other House has increased the membership of its Committee on Appropriations from 17 to 33.

Mr. NORRIS. The House did that by adding to its membership the members of other committees, as it is proposed to do in this case.

Mr. CURTIS. As was at first proposed; yes.

Mr. NORRIS. Does the Senator think that that was done to avoid opposition to the change in the rules?

Mr. CURTIS. I do not. There is a feeling, which has been expressed to me by other Senators, that as the members of the Committee on Post Offices and Post Roads, for instance, are familiar with the subjects which come under the jurisdiction of that committee, therefore, they ought to be represented on the Committee on Appropriations when considering the Post Office appropriation bill. The same statement, of course, applies to the Committee on Agriculture and Forestry, and also as to the Committee on Military Affairs and other committees in considering appropriations in which they are interested.

Mr. NORRIS. Very well. If that were the reason, then why in this proposed rule has the committee excluded members of the Committee on the District of Columbia? In the case of the District of Columbia appropriation bill, why not let the chairman and two members of the Committee on the District of Columbia sit with the Committee on Appropriations?

Mr. CURTIS. Because the District of Columbia appropriation bill has never heretofore been in the hands of the Committee on the District of Columbia.

Mr. NORRIS. Exactly; but this policy would only have to be followed for a little while, until the situation as to the other committees would be the same; one year will settle it all. Then it may be said that they have not handled the appropriation bills which at one time they considered, and, therefore, why should they be represented upon the Appropriations Committee?

Mr. CURTIS. Mr. President, to be frank with the Senator from Nebraska, I really think it would be better to leave the Committee on Appropriations just as it is.

Mr. NORRIS. Then let us so provide.

Mr. CURTIS. I think the experience which the Senate has had with the few bills—general appropriation bills—which have been reported out of the committee by the chairman of the Committee on Appropriations under the new practice and which have been passed by the Senate, has demonstrated the advisability of the change, because they have promptly come out of the committee and have gone through the Senate in a very short time.

Mr. NORRIS. I am not making any criticism, I want to say to the Senator, in any sense as an opponent of the proposed rule, but I am going to offer an amendment to it as soon as I can get the floor, to strike out that part of the rule which I think ought to be stricken out and to leave the membership of the committee just as it is, clothing it, however, with the additional authority, with the amendment of which the Senator has spoken and which I commend, to take away all of the legislative jurisdiction of the committee, and providing that if it bring in an appropriation bill that contains general legislation a point of order will send the whole bill back to the committee. If that shall be done, we shall have shorn the committee of the power in which now lurks the danger, and we shall confine it entirely to the consideration of appropriations.

Mr. CURTIS. Let me answer the Senator.

Mr. NORRIS. I happen myself to be one of the Members of the Senate who would sit on the Committee on Appropriations under this proposed rule, if there be any Senator who ought to be added to its membership in the manner proposed.

Mr. CURTIS. Let me say to the Senator that the committee very carefully considered the question whether the Committee on Appropriations should remain as it is now constituted, whether its membership should be increased or whether representation should be provided in the manner proposed, and the vote in the committee was almost unanimous for the proposed rule.

Mr. NORRIS. The Senator has just said that he himself favored retaining the present membership of the committee.

Mr. CURTIS. I say the committee was "almost unanimous."

Mr. NORRIS. The Senator agrees with me, as I understand.

Mr. CURTIS. I am going to stand with the committee, because I believe in standing with one's committee. I offered a resolution even before the new system was adopted to refer all appropriation bills to the Committee on Appropriations.

Mr. NORRIS. I want to ask the Senator another question. If he is opposed to this rule, as he says—

Mr. CURTIS. I am not opposed to it; I say I am going to stand by the committee.

Mr. NORRIS. I do not mean that, but that, though he is in favor of modifying the rule as I have suggested, he is going to vote for this proposal as it is, because, as he says, he is going to stand by the committee. Now, he proposes to make the Appropriations Committee so almighty big that it will take in most of the Senate, and if they have that spirit of loyalty to the committee which has always prevailed and which the Senator has just exhibited, will not the Committee on Appropriations be able to secure the passage of any legislation it may desire, because everybody will have to stand by the Appropriations Committee?

Mr. CURTIS. No; I do not think so.

Mr. POMERENE and Mr. LENROOT addressed the Chair. The PRESIDING OFFICER. Does the Senator from Kansas yield; and if so, to whom?

Mr. CURTIS. I yield first to the Senator from Ohio, as he has been on his feet a long time and desires to ask me a question.

Mr. POMERENE. I want to see if I understand this proposed rule. There is an inhibition in the amendment against new or general legislation to which the Senator has referred and which has been the subject of discussion. Now, assuming that a bill comes over from the other House with new or general legislation which has already met the approval of the House, and it comes before the Appropriations Committee, does this rule make it the duty of the committee to strike out that new or general legislation?

Mr. CURTIS. I think not, because that is a matter which has been put in the bill by the House of Representatives, and over it we have no jurisdiction except to amend or change it as we please. That is a matter which they settle under their rules. They have a rule against new or general legislation, and if they allow such legislation upon an appropriation bill, it is a matter for them to consider.

Mr. POMERENE. I understand as to that, but the proposed rule prohibits all new or general legislation. It seems to me that it is just as offensive to have new legislation come from the House of Representatives through the committee as to have it originate with the committee.

Mr. CURTIS. Mr. President, I will say to the Senator—

Mr. ROBINSON. Mr. President, will the Senator from Kansas yield to me for a moment?

Mr. CURTIS. Certainly.

Mr. ROBINSON. The same rule which is proposed here with respect to new or general legislation applies now in the House of Representatives, except that a point of order in the House of

Representatives strikes out the item which is obnoxious to the rule, whereas a similar point of order under the proposed Senate rule would send the bill back to the committee.

Mr. POMERENE. But it would not send it back to the committee if it were new legislation which originated in the House.

Mr. ROBINSON. No; but it is exceedingly rare under the rules of the House, as stated by the Senator from Wisconsin, that new legislation is incorporated in an appropriation bill. The fact of the matter is that the rule is enforced rigidly there, and no new legislation is inserted unless an emergency exists and unanimous consent is given for its insertion.

Mr. LENROOT. Mr. President—

Mr. CURTIS. I yield to the Senator from Wisconsin.

Mr. LENROOT. First, with reference to the suggestion of the Senator from Nebraska that the committee would be so large as to take in the entire Senate, under this rule it could never consist of a greater number than 19 members upon any item of appropriation. That is true, is it not?

Mr. CURTIS. That is true.

Mr. LENROOT. With reference to the Appropriations Committee having complete jurisdiction without any additional members, I should like to suggest to the Senator from Kansas that, if this rule shall be adopted, the Committee on Appropriations will have to deal with appropriations that now go to six different committees.

Mr. CURTIS. It will have to deal with bills which used to go to seven different committees.

Mr. LENROOT. It will have to deal with bills which used to go to seven different committees, but which now go to six different committees in addition to the present jurisdiction of the Committee on Appropriations.

Mr. CURTIS. That is true.

Mr. LENROOT. I should like to ask the Senator from Kansas whether it would be feasible to create subcommittees from the present 16 members without making it very burdensome to the members of that committee to do the work?

Mr. CURTIS. Mr. President—

Mr. ROBINSON. Mr. President, will the Senator from Kansas yield to me for a moment?

Mr. CURTIS. I yield.

Mr. ROBINSON. The purpose of permitting the members of the various committees which at present report appropriation bills to sit ex officio as members of the Committee on Appropriations is to give that committee the advantage of the knowledge and experience which these members have acquired respecting the several subjects which have heretofore come within their jurisdiction. For instance, when the Agricultural appropriation bill is under consideration the chairman, one other Republican, and the ranking Democrat on that committee would be present with the Appropriations Committee or the subcommittee to advise and assist in the formulation of the appropriation bill, and it would be a very valuable service.

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

Mr. ROBINSON. Certainly.

Mr. CURTIS. I yield to the Senator from New Hampshire.

Mr. MOSES. Let me say to the Senator from Arkansas and to the Senator from Kansas that the practical result of that proceeding will be that three rank outsiders will be educating the 16 regular members of the Committee on Appropriations. The Senator from Kansas has pointed out the great success attending the consideration of the appropriation bills thus far during this session. His statement is accurate; but, Mr. President, I wish to call attention to the fact that no one of the bills dealing with technical subjects has as yet been considered. Every bill reported thus far by the Committee on Appropriations during this session of Congress has had reference to matters which the Committee on Appropriations have heretofore handled. The Committee on Appropriations has not as yet considered one of the measures which involve the technical subjects which are wrapped up in appropriations.

It can not be said that the success of the present course has been so great in the House as to lead us to swallow it whole. We are now considering the Post Office appropriation bill, which, so far as most of its items are concerned, might just as well have been a piece of blank paper sent over here from the other House through the Committee on Appropriations of that body. It was first drawn by a subcommittee of the Appropriations Committee of the House, no one of whom ever served on the Committee on the Post Office and Post Roads or knew anything about the technique of the service, so that we have been compelled to take that bill from its enacting clause and go through it stage by stage and practically to rewrite it.

Mr. ROBINSON. Mr. President, with the permission of the Senator from Kansas—

Mr. CURTIS. I yield to the Senator.

Mr. ROBINSON. There is no doubt that this subject presents serious and important difficulties; but I want to bring to the attention of Senators what I think makes it necessary for the Senate to agree to this provision or something similar to it.

The House of Representatives in practice originates the appropriation bills, and it has revised the system of making appropriations, as stated by the Senator from Kansas in the beginning of his remarks. We no longer have a sundry civil bill or a legislative, executive, and judicial bill, and we will not have rivers and harbors bills nor pension bills, so that the items respecting these subjects will come to the Senate in new bills, so to speak. For instance, rivers and harbors items will come in the military affairs bill, and a large number of items that formerly came in the sundry civil bill will also come in the military affairs bill. If you do not make this arrangement, how will those various items be distributed when the bill reaches the Senate? How will you determine to what committee the bill shall be referred? You will have endless conflict and confusion; and if you say that you will segregate the items in the bill and send them to the same committees that now consider them, you can readily see that great confusion will arise and many delays will occur and legislation will be unduly hampered. I do not see how it is practicable, so long as the House pursues the course that it is pursuing, for the Senate to refuse to adopt some such amendment to its rules as the Senator from Kansas has proposed.

Mr. MCKELLAR. Mr. President, how was it done last year? The House had that rule last year. How was it done? If it will cause so much confusion this year, why did it not cause confusion last year?

Mr. CURTIS. Because last year the bills were prepared exactly as they were the year before. There were 13 bills last year. This year they have all been changed and scrambled.

Mr. ROBINSON. The whole system has been revised.

Mr. MCKELLAR. How does the Senator know that it may not be entirely revised again by the House? Why should we change our rules?

Mr. ROBINSON. In order to facilitate legislation, I do not think there is any likelihood of the House receding from its position. In 1865 the Appropriations Committee was created, and up until 1885, if my memory is correct, it had exclusive jurisdiction, as it now has, in the case of all appropriation bills. In 1920, however, the House went back to the old system and provided that all appropriation bills thereafter should be reported from the Appropriations Committee. During the present year, in order to make the system conform to budgetary plans, and for greater convenience in coordinating the appropriations, the entire system of bills in which these appropriations are embraced was revised, so that now, if we retain our rules as they now exist, the Military Affairs bill will have to be segregated into at least three different divisions and sent to three committees, namely, Military Affairs, Appropriations, and Rivers and Harbors. Senators can readily see that if we have three committees considering different parts of one bill, we may be indefinitely delayed in securing reports on the bill as a whole.

Mr. OVERMAN. How would we get conferees?

Mr. ROBINSON. Then, as suggested by the Senator from North Carolina, a very much greater difficulty and more extensive confusion will arise when the question of a conference is to be arranged for. The Senate will have had three committees considering one bill, and unquestionably when the Chair comes to appoint conferees the very greatest of difficulty and confusion will exist as to who shall go on the conference committee for the Senate. In the case that I used as an illustration a while ago, a compromise might be effected by putting on one conferee from the Military Affairs Committee, another from the Appropriations Committee, and another from the Rivers and Harbors Committee; but the difficulty of that would be that in practical effect it would be dividing the strength of the Senate on the items which the Senate might have inserted in the bill by way of amendment. It would weaken the force of the Senate conferees in their dealings with the House of Representatives.

I think the provision that gives these various committees representation on the Appropriations Committee is a beneficial one. When the Appropriations Committee is sitting for the consideration of items that are now embraced in the agricultural bill I should like to know that three members of the Agricultural Committee as it is now constituted, familiar with the work of the committee, familiar with the legislation of the committee and its history, will be there to assist and advise in the prepara-

tion of the bill. The same is true as to the Committee on Post Offices and Post Roads. The same is also true of the Committee on Military Affairs and the Committee on Rivers and Harbors. So I think that is a valuable and a useful provision, and I shall oppose any amendment striking it out.

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

Mr. ROBINSON. I have not the floor. I was speaking by the courtesy of the Senator from Kansas.

Mr. CURTIS. I yield.

Mr. McKELLAR. I just wish to call the attention of the Senator to the situation that we had last year. Under the House rules the conferees on the military appropriation bill were members of the Appropriations Committee. They are all perfectly splendid and very capable and able gentlemen, but they had never served on the Military Affairs Committee over there, and therefore were without such experience as it seems to me they ought to have had to serve on a conference committee dealing with military matters; and we had great difficulty in handling the bill because of their unfamiliarity with the general subject of military affairs, though of course not because of any lack of ability, for there were no abler men in the House.

Mr. CURTIS. Mr. President, I understand that the gentleman who had charge of the bill was a member of the Committee on Military Affairs—Mr. ANTHONY, of Kansas—but that is neither here nor there. I am going to detain the Senate only a minute longer. With the explanation I have made, together with what the Senator from Arkansas [Mr. ROBINSON] has so well said, I think all has been said on this subject that need be said, except this:

The Budget system, for which we worked for so many years, and which was favored on both sides of this Chamber, has come. I think it has come to stay, and I believe it is going to be a wonderful success. I think within a very few years we are all going to be glad that we adopted it; but in order to make it a success I think it necessary to send all these appropriation bills to one committee, and I therefore ask for the adoption of the resolution.

Mr. HARRISON obtained the floor.

Mr. FRANCE. Mr. President, I wish to ask the Senator from Kansas a question before he takes his seat.

Mr. CURTIS. If the Senator from Mississippi will yield, I shall be glad to answer it.

Mr. HARRISON. Oh, yes; I gladly yield.

Mr. FRANCE. I confess to great confusion as to the meaning of this proposed rule, and I desire to ask the Senator if he will explain somewhat more in detail how it would operate. Let me state a hypothetical case.

Suppose the Secretary of the Navy, as a result of the finding of these conferences, should recommend to the House an appropriation, we will say, taking an arbitrary figure of \$200,000,000, which, we will say, would support a navy of the strength allowed us by the other powers under this treaty; and suppose the House, if it should be in the frame of mind that it seems to be in at the present time, should reduce that appropriation to \$100,000,000, thus cutting the size of the Navy in half, and suppose the committee of the Senate should agree with the House in appropriating \$100,000,000. That bill then comes before the Senate; and it seems to me that under this rule the Senate would be prevented, even if much more than a majority of the Senate should so desire, from increasing the size of the Navy desired by the Secretary of the Navy.

Mr. CURTIS. No more so than they would be under the existing rule.

Mr. ROBINSON. Mr. President, if the Senator from Maryland will permit me, the size of the Navy is a matter of legislation, and would go to the Committee on Naval Affairs. After the Committee on Naval Affairs had reported this item fixing the size of the Navy and that had passed the House of Representatives, the duty would then devolve upon the Committee on Appropriations to make the appropriation. I do not think the matter which the Senator from Maryland has in mind would be materially affected by this amendment of the rules, because he refers to a matter of legislation, and that would still go to the Committee on Naval Affairs. The Committee on Appropriations can not legislate on any subject pertaining to naval affairs, military affairs, or rivers and harbors. It can only make appropriations after they have been authorized by these respective committees.

Mr. FRANCE. But take the question of new construction. All that is necessary in the way of legislation is to say, "For new construction, so many millions of dollars."

Mr. ROBINSON. Oh, no; the Senator is mistaken about that.

Mr. CURTIS. It must be authorized.

Mr. ROBINSON. Under the practice of both Houses now, an appropriation for new construction can not be made in a general appropriation bill until a law exists authorizing the construction.

Mr. FRANCE. Of course, the difficulty in my mind is due to the fact that I had not thoroughly considered the proposed rule; but it seemed to me that it did further impair the power of the Senate over the appropriations, and its authority to increase appropriations should an emergency arise.

Mr. CURTIS. Mr. President, I stated in my opening statement that all of that could be cured by the committee offering it on the floor and explaining the necessity for it, as is done now. In cases where a matter is subject to a point of order, Senators frequently waive the point because the explanation is enough to convince them that the appropriation is justified.

Mr. STERLING. Mr. President, I should like to ask the Senator from Kansas a question, if he will permit it.

Mr. CURTIS. If the Senator from Mississippi will yield,

Mr. HARRISON. I yield.

Mr. STERLING. Pardon me; I did not know that the Senator from Mississippi had the floor. I understood the Senator from Kansas to say that an appropriation bill might come from the House containing new or general legislation, and that the Senate Committee on Appropriations could report that new and general legislation, and it would not come within the provisions of this rule.

Mr. CURTIS. Because it originated in the House.

Mr. STERLING. It occurs to me that under the language of this proposed amendment it could not be reported. The language is:

The Committee on Appropriations shall not report an appropriation bill containing new or general legislation.

Mr. CURTIS. Mr. President, we considered that very carefully, and we concluded that the Presiding Officer would hold that that applied only to matters put in in the Senate; that what originated in the House and passed there became subject to our consideration, and would not be subject to a point of order in the body where it did not originate.

Mr. STERLING. But under the very general language of the resolution it could not be reported, from whatever source the legislation came.

Mr. CURTIS. Mr. President, the existing rule prohibits any general legislation on an appropriation bill; but appropriation bills come here from the House with general legislation in them, and never has a point of order been made unless it was put in by the Senate committee.

Mr. STERLING. But this goes to the whole bill, and the bill could not be reported. I think the difficulty could be cured and the matter made perfectly plain by the use of two or three words.

Mr. CURTIS. Mr. President, I shall be very glad to have the Senator suggest the amendment when we reach that point, but not now when the Senator from Mississippi has the floor.

Mr. STERLING. Very well; I will do so later.

Mr. STANFIELD. As in open legislative session, I ask unanimous consent for the consideration of House bill 10185, authorizing the exchange of lands within the exterior boundaries of the Malheur National Forest, in the State of Oregon, and for other purposes.

Mr. HARRISON. I yield for that purpose, but I do not want to lose the floor.

Mr. WADSWORTH. Should not the resolution of the Committee on Rules be temporarily laid aside if other business is to be taken up?

Mr. CURTIS. I do not want to have something else taken up. I want to go on with this resolution to-night.

Mr. HARRISON. I am perfectly willing to yield to the Senator from Oregon.

Mr. CURTIS. I hope the Senator will put off calling up his bill until to-morrow.

Mr. STANFIELD. Very well.

Mr. HARRISON. Mr. President, I am opposed to this proposed change in the rules, and I voted against it in the Committee on Rules. There has been a tendency lately to break the grip of the few men in the Senate who control all legislation which comes before the Senate. We heard much about that when there was a change of administration. Men who have served here for years and are on important committees become conferees, interlocking, and consequently, because of their length of service, and the important places they have obtained

on important committees, they control practically all the legislation, so far as its being reported out of the committee or being smothered in the committee is concerned.

Members of the Committee on Appropriations naturally welcome this proposed change in the rules. We know that the Senator from Wyoming [Mr. WARREN] is a modest individual, but if he were like most men he could become a giant in this body, an autocrat. As chairman of the Committee on Appropriations he could dominate everything. What place more powerful could you imagine? What position would carry greater power than the chairmanship of the Committee on Appropriations, with such power lodged in it as is proposed to be given by this change in the rules, to enable them to pass on all appropriation bills in the Senate?

So naturally the members of the Committee on Appropriations will vote for this proposed change. It enlarges their powers; it makes their influence greater. All appropriations for agriculture are to be taken from the Agricultural Committee and given over to the Senator from Wyoming, the Senator from Kansas, and the other members of the Appropriations Committee. I have been interested in agriculture, and when I came here sought membership on the Agricultural Committee because I believed, forsooth, that I could render my people greater service by being on that committee than on any other committee of the Senate, and do Senators believe that I would vote to disrobe myself from that authority and responsibility, and give it over to the Senator from Kansas and the Senator from Wyoming?

Mr. NORRIS. Mr. President—

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

Mr. HARRISON. I yield.

Mr. NORRIS. I want to ask the Senator if he does not believe that if we did that, if we took away from the members of that committee all legislative jurisdiction and placed it within the power of any one Member of the Senate to block any legislation that was brought in, it would not compensate for the additional power that was given them by giving them jurisdiction of different items of appropriations? It would not give them any additional power, except that their field of operations would be larger. They could report on appropriations, for instance, for Agriculture or for the Army, whereas now they are deprived of jurisdiction over those two matters, but they would not have any power to report any item of legislation, and that is where the danger comes.

Mr. HARRISON. The Committee on Agriculture and Forestry has no right to have general legislation put on a general appropriation bill.

Mr. NORRIS. But the Senator knows we do, and that every other committee does, and that there is more legislation on these appropriation bills than in the other bills considered by the committee. We put through more appropriation on the Agricultural appropriation bills than the committee puts through outside of those bills.

Mr. HARRISON. Yes; that is true. This is giving too much power, as I said, to the Committee on Appropriations. Here is a list of the membership of the Committee on Appropriations. The Senator from Wyoming [Mr. WARREN] is chairman. He is also a member of the Committee on Military Affairs. It is proposed to take away from him and the Military Affairs Committee the authority to make appropriations for the defense of the country and lodge it in the Committee on Appropriations. Of course, that does not affect his standing, because he still will retain the power which he has as a member of the Committee on Military Affairs as well as of the Appropriations Committee.

The Senator from Washington [Mr. JONES] is chairman of the Committee on Commerce, the committee which now passes upon all river and harbor appropriations. But he is a member of the Appropriations Committee, and it would not affect him. He still would be a member of the Appropriations Committee and would have the same power that he had as a member of the Committee on Commerce, so far as river and harbor appropriations are concerned.

Where does the Senator from Tennessee [Mr. MCKELLAR] come in? He might be on the Commerce Committee. I see before me the junior Senator from Wyoming [Mr. KENDRICK], who has been a great and valuable member of the Committee on Agriculture, who has fathered legislation there and fought for legislation for the agricultural interests of the country. Is he going to vote for a rule which will take that power away from him as a member of that committee and give it over to his colleague, the senior Senator from Wyoming, and the other members of the Appropriations Committee? Does he not believe that as a member of the Committee on Agriculture he can

better serve the agricultural interests by retaining the power in the Agricultural Committee rather than giving it over to the senior Senator from Wyoming [Mr. WARREN], the Senator from Kansas [Mr. CURTIS], and a few other members of the Appropriations Committee?

What answer can the Senator from Oregon [Mr. McNARY], a valuable member of the Commerce Committee, who has rivers and harbors in his State, give when he votes to change a rule which would relieve him of the power he has now as a member of the Commerce Committee, and say that the Senator from Wyoming and the Senator from Kansas, as members of the Appropriations Committee, should have that power?

Mr. WARREN. Mr. President—

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

Mr. HARRISON. I gladly yield.

Mr. WARREN. Of course, I appreciate the rhetoric of my genial friend—

Mr. HARRISON. I am stating facts now.

Mr. WARREN. No; not facts. I wish the Senator would hew a little closer to the line. What was formerly the river and harbor bill would now go to the Committee on Military Affairs, and the Senator to whom he alludes is not a member of that committee. The Senator, of course, is building up a very large bogey man to throw bricks at.

So far as the Senator from Wyoming is concerned, as chairman of that committee, he stated very distinctly, when he first brought the subject up, that he was only too ready to step aside for somebody who is more competent to take this up if anyone can take all of these bills and put them through in better shape. If the Senator thinks that the chairman of the committee and the members of the Committee on Appropriations are undertaking to take on a great deal more work, and have to tease the Senator from Mississippi to be allowed to do so, he ought to be thankful to them instead of wishing to scold them.

Mr. HARRISON. I hope the Senator will not take any offense personally at what I say. I love the Senator, and I realize what a valuable member of the Committee on Appropriations he is. I am talking against the proposed change. I just used individuals for illustration.

Mr. WARREN. The illustrations do not agree with the practice. I presume the Senator does not wish to misstate the facts.

Mr. HARRISON. The Senator says the river and harbor appropriation bill goes to the Military Affairs Committee.

Mr. WARREN. Yes.

Mr. HARRISON. The practice for a long time in this body, if I recall it correctly, has been that the Commerce Committee of the Senate has passed on the appropriations for rivers and harbors. Is not that right?

Mr. WARREN. The practice for some years was to send them to that committee, though it was not always so. They do not go there now, because they do not come to the Senate in the form of a river and harbor bill.

Mr. HARRISON. They went there last year, did they not?

Mr. WARREN. They will now come to the Senate as a part of the War Department appropriation bill, just as a great portion of the sundry civil bill, and of the fortifications bill, and of the legislative, executive, and judicial appropriation bill go to the Military Affairs Committee.

Mr. HARRISON. They should not go there. They should go to the Commerce Committee. They can go there.

Mr. WARREN. The Senator is speaking of something he either does not know about—

Mr. HARRISON. Why can we not split them up and send them to the various appropriate committees? Are the officers, clerks, and employees so incompetent that they can not look over a bill and dissect it and send the separate parts to the appropriate committees?

Mr. WARREN. What would it amount to?

Mr. HARRISON. I do not know what it would amount to.

Mr. WARREN. They have to be in shape to be considered.

Mr. LENROOT. Does the Senator from Mississippi contend that under the present rules of the Senate an appropriation bill can be split up and divided and sent to different committees?

Mr. HARRISON. Of course, we could send the various parts to the appropriate committees.

Mr. LENROOT. Who would make the report?

Mr. HARRISON. The committee which considers the proposition could make the report.

Mr. LENROOT. What right or jurisdiction is there to make two bills of one under the rules of the Senate?

Mr. HARRISON. If we are to change our rules—

Mr. LENROOT. Oh, well—

Mr. HARRISON. The Senator is proposing to change the rules so as to send all the bills to one committee. I would offer this suggestion, that as long as there is such a mess in the other body, the Senator and his colleagues should confer with the leaders of the House and should straighten the matter out so that they would not be in this mess, and it would be better, of course; but why can we not provide a change in the rules, so that when these bills come from the other House, even though they might deal with matters some of which should go to the Committee on Military Affairs and some to the Committee on Commerce and some to the Committee on Indian Affairs, the Secretary, or some one who could segregate them and send them to the appropriate committees, and let them make the reports on them?

Mr. LENROOT. Then what procedure would follow, according to the Senator's idea, from there on?

Mr. HARRISON. It would be reported and we would pass it.

Mr. ROBINSON. There would be three bills in the case which the Senator cited.

Mr. HARRISON. We could pass one, then the next one, and then the next one.

Mr. ROBINSON. Mr. President, there can not be three bills, and that is the difficulty. There is only one bill, and you could not enact it into law if you segregated the items into three bills by the action of the Clerk of the House of Representatives. The measure comes here as one bill, as a single instrument.

Mr. HARRISON. We could provide some rule which would effect the change all right. I have not any doubt about that; or a conference could be held with the Members of the House and some arrangement made about it. The fact about it is that certain men want to get control of all the appropriations, and this is the scheme that has been evolved to do it and to take away from the other committees the power they now have. I am not willing to consent to that, as one Member of the Senate, and it will be some time before this resolution is passed if I can prevent it.

Mr. MOSES. May I point out to the Senator from Mississippi that the procedure which he has indicated is perfectly simple. The Secretary, as he says, is quite competent to dissect these bills, and to send the appropriate items of each to their appropriate committee. The rules have to be changed in any event, and if they are to be changed, they may be changed as suggested by the Senator from Mississippi, so as to send the segregated items to the appropriate committees, with a time limit within which the committees shall report, and those reports having been brought into the Senate, the items, with the accompanying reports, can be brought together again under the title, and have one bill, to meet the objection raised by the Senator from Arkansas.

Mr. HARRISON. I do not think there is any doubt but that they can work out some plan along that line. The whole proposition is whether or not we want to take away from these committees the power they now have and put it in one committee, or leave it as it is.

Mr. LENROOT. I would like to ask the Senator how he would arrange the matter of conferees under the scheme he suggests?

Mr. HARRISON. I know we could arrange it, the same as you are arranging this now. The Senator knows that the House and the Senate leaders could get together on some policy about this legislation, and if the majority of the Senate and House should desire, you could take away this power that is lodged in the Appropriations Committee in the House, and which is sought to be lodged in the Appropriations Committee of the Senate.

Mr. LENROOT. Does the Senator think that agriculture has suffered by the House depriving the Committee on Agriculture there of the power of appropriation, and placing it in the Committee on Appropriations?

Mr. HARRISON. I do not know. I have not watched the system over there.

Mr. LENROOT. The Senator is familiar with the bills which have come from that committee.

Mr. MOSES. Agriculture has not suffered, because the Senate Committee on Agriculture has looked after those bills.

Mr. HARRISON. I do not know what the system is over there. I know they have created a big committee of about 36 members.

Mr. LENROOT. Have the agricultural bills which have come over to us in the past two years been disadvantageous to agriculture?

Mr. HARRISON. They have been increased in amount generally. We have increased the appropriations.

Mr. LENROOT. That has always been true, has it not? Does the Senator think that the plan of the House has worked any discrimination against agriculture?

Mr. HARRISON. I do not know whether it has or not.

Mr. LENROOT. The Senator ought to know, as a member of the Committee on Agriculture.

Mr. HARRISON. I know I am not going to consent to take that power away from the Agricultural Committee and give it to the Appropriations Committee. There are Senators who sought membership on the Committee on Agriculture, and who want to stay on the committee, who want to handle these matters. There are Senators who went by preference on the Commerce Committee, because they were interested in certain matters over which that committee had jurisdiction. The same thing is true of the Committee on Military Affairs. They have studied military problems for years. So the members of the Committee on Naval Affairs have become almost expert on naval subjects. Their study of those subjects now is to be held for naught. The power is to be taken away from them and given over to a committee which has not studied those propositions which the Naval Affairs Committee have studied, or those studied by the Committee on Military Affairs, or by any other committee.

Mr. LENROOT. Is not the Senator aware of the fact that the Committee on Agriculture, the Committee on Military Affairs, the Committee on Commerce, and various other committees having jurisdiction of various subjects can by legislation provide for every dollar of appropriation that they desire, and the Committee on Appropriations, if they do so provide, has no discretion except to make the appropriation?

Mr. HARRISON. They can pass general legislation, of course. You are not taking that power away from them, but you are taking away from them the handling of the general appropriation bills, which is now lodged with them.

Mr. LENROOT. If the Committee on Agriculture does recommend general legislation, directing that certain appropriations shall be made, it becomes the duty of the Committee on Appropriations to do whatever Congress directs shall be done, as suggested by the Committee on Agriculture.

Mr. HARRISON. Yes; they sometimes respond to it, and we could still do that.

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

Mr. HARRISON. I yield.

Mr. FLETCHER. I fail to see the advantage up to this time in the changes made in the other body. It seems to me our old rules and our old practice in the Senate produced a much better result than would be brought about by this change. At the same time we are confronted with a practical situation. General appropriation bills, instead of coming as they formerly did from various committees, now come from one committee in the House, and they are referred here to committees which have the largest interest. For instance, the Army appropriation bill, which covers appropriations for rivers and harbors, would, unless the majority should decide otherwise, go to the Committee on Military Affairs, whereas formerly the bill came from the Rivers and Harbors Committee of the House and was referred to the Senate Committee on Commerce. The situation is changed by reason of the operation of the system over in the House.

I like the amendment to the rule very much better than I did the original resolution without the amendment. I think the amendment very much improves it. It distributes this power, to which the Senator from Mississippi refers, very largely to the other committees handling these important subjects. I would not like to see the resolution pass without the amendment, but with the amendment I think the situation will eventually work out perhaps where it will be in a measure satisfactory, especially since these bills are general appropriation bills, and that is the thing we are dealing with and that is what the rule is confined to. It seems to me, however, that we will have to make a change of section 2, Rule XVI, because that provides, in addition to section 1, which we are proposing to change, as follows:

In like manner amendments proposing new items of appropriation to river and harbor bills shall, before being considered, be referred to the Committee on Commerce; also amendments to bills establishing post roads, or proposing new post roads, shall, before being considered, be referred to the Committee on Post Offices and Post Roads.

Of course, we will not want that rule to stand without change if we change Rule XVI as proposed by the pending resolution. Section 2 will have to be amended so that amendments to the bills will go to the Committee on Appropriations instead of to the other committees as the rule now provides, to which I have just referred.

Mr. McKELLAR. Mr. President, will the Senator from Mississippi yield to me to ask the Senator from Florida a question?

Mr. HARRISON. Certainly.

Mr. McKELLAR. The Senator from Florida said he likes the amendment of the rule with the amendment offered by the Senate committee better than as originally framed. Does the Senator believe this rule could possibly have passed the Senate without that amendment? In other words, the substance of the amendment is simply to make 12 other Senators, 4 of whom are chairmen of committees, members of the Committee on Appropriations to a limited degree. Could it have been passed, or could it now be passed, without having the approval of the chairmen of those four committees?

Mr. FLETCHER. Of course, I have no information on that subject. What I would say would be the merest guess, as I have not any data upon which to form any opinion. I am not on the Committee on Rules, and I do not know what has influenced them in the matter. I presume very likely in discussing the proposed change they found that the other committees want to be represented on the Committee on Appropriations in considering the subjects which heretofore have gone to those other committees, and this is a way of giving them that representation. I do not know whether it strengthens the proposition or not. I think it improves it very much. In my judgment, it was a very wise thing to do. I can not say it was done to get votes for the proposed change, because I have no information.

Mr. McKELLAR. May I ask the Senator another question, with the consent of the Senator from Mississippi?

Mr. HARRISON. I yield.

Mr. McKELLAR. I will ask the Senator from Florida if he had been chairman of the Committee on Commerce, as he has been previously for a long time, and a very able one, too, would he have voted to centralize this power in the Committee on Appropriations unless he had been put on the committee in the way that has now been suggested?

Mr. FLETCHER. I say frankly to the Senator that it would not have made a particle of difference to me in my vote on the matter whether I had been on the committee or not. It is a question of what is the wisest and best thing to do in the situation in which we find ourselves. So far as I am individually concerned, it does not cut any figure one way or the other, and it would not have influenced my vote one way or the other.

Mr. McKELLAR. Then, as I understand the Senator, he thinks all of the power over all appropriations to be made by the Senate ought to be centralized in one appropriations committee? That is the result of what the Senator has just said, and I want to be certain I am right about it.

Mr. FLETCHER. I just said that I think the rule as it is worded was a wise rule originally and is a wise rule now, and the practice as heretofore was a better practice, but I can not have my own way about the matter. I like the Senate rules as they are. I like the way the committees have the work divided up among them. I think that is the better way.

Mr. McKELLAR. Why the proposed change, then?

Mr. FLETCHER. Because we have to change some way, somehow. The bills are coming here now, not as they used to come but differently under the new House rules. The general appropriation bills now come from one House committee instead of from various committees of the House. We can not help that. We can not control that. I do not like it. I am frank to say I do not like it. It may be that I am a little slow about making changes and am rather conservative in a way, but I think the old system works the best and I would like to see that continue.

But we can not control that new situation at all, and inasmuch as the bills, as I say, could not in any practical way be divided up among the various committees we have to meet conditions in a practical sort of way here. It seems to me that this is about the best plan that has been suggested, because it gives representation actually and expressly to the various committees handling these important subjects.

Mr. ROBINSON. Mr. President, will the Senator from Mississippi yield?

Mr. HARRISON. Certainly.

Mr. ROBINSON. In connection with the statement just made by the Senator from Florida, if this amendment to the rules be not adopted, when the river and harbor bill reaches the Senate it will be referred to the Committee on Military Affairs.

Mr. FLETCHER. Of course if there is any legislation in the river and harbor bill when they send it over from the House, it will go to the Committee on Commerce.

Mr. ROBINSON. Certainly; but I am speaking of the river and harbor appropriation bill or the item of appropriations for

river and harbors. It would go to the Committee on Military Affairs, and I think it would be infinitely better to have those items considered by the Appropriations Committee than by the Committee on Military Affairs, although I am a member of the Committee on Military Affairs and I am not a member of the Committee on Appropriations. I recognize the fact that the Committee on Appropriations then can coordinate the appropriations, and the confusion I spoke of a moment ago with reference to conferences would be avoided.

Now, with respect to the question which some one asked as to whether this amendment was devised for the purpose of securing votes, I think it appropriate to say that when it was first brought to my attention in the Committee on Rules I felt the same repugnance the Senator from Mississippi now expresses about reposing in one large powerful committee of the Senate the duty of making all appropriations; but after a careful study of the subject I reached the conclusion that the various new bills, as they are now organized by the House of Representatives, can not be efficiently handled in any other way, and it was at my suggestion that the Committee on Commerce was given representation on the Committee on Appropriations when the item of rivers and harbors was being considered.

I certainly had no thought of procuring votes for the resolution, because I care nothing about what becomes of the resolution except from the standpoint of what I conceive to be my duty to promote efficiency in the handling of appropriation bills. I think the Committee on Commerce should be given representation on the Committee on Appropriations when that committee is considering items relative to rivers and harbors. I think that is a better system than referring the river and harbor items to the Committee on Military Affairs, which will occur unless some other rule be adopted.

Mr. McKELLAR. The Senator is aware that the Chief of Engineers of the Interior Department, from which the items for rivers and harbors come, is an Army officer, the other engineers are Army officers, and it might well come under that head. I think it rather a remarkable thing that it does not come under that head.

Mr. ROBINSON. Certainly, and that is the reason why the river and harbor appropriations were placed in the Military appropriations bill; but, as a matter of fact, the Military Affairs Committee has never taken jurisdiction of legislation concerning construction work on rivers and harbors.

Mr. McKELLAR. Does the Senator know any good reason why it should not do so? It comes directly from Army officers, and the reports come directly from them.

Mr. ROBINSON. I do not think that is so directly related to the War Department as to bring it necessarily within the jurisdiction of the Committee on Military Affairs. I would prefer to see the jurisdiction vested in the Appropriations Committee, where other appropriations have uniformly gone.

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

Mr. CURTIS. I hope the Senator will not do that.

Mr. McKELLAR. I withhold it for the moment.

Mr. CURTIS. The Senator from Mississippi advises me that it is impossible for him to get through to-night, and if he will yield the floor I will ask that the resolution be temporarily laid aside and then move that the Senate proceed to the consideration of executive business with closed doors. I ask unanimous consent that the resolution be temporarily laid aside.

The VICE PRESIDENT. The Senator from Kansas asks unanimous consent that the resolution be temporarily laid aside. Without objection, it is so ordered.

THE MUSCLE SHOALS PLANT.

Mr. McKELLAR. I ask unanimous consent to have printed in the RECORD in regular 8-point type an article by Mr. M. B. Morton entitled "The Muscle Shoals a national project." Mr. Morton is one of the best and ablest men of Tennessee; he is thoroughly familiar with the subject; and I wish to call the special attention of the Senate to this splendid article. I think it is one of the clearest and best presentations of the matter that has been made during its pendency and that it will be of great value to Members of the Senate in reaching their conclusions on the subject.

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

[From the Nashville Banner, Nashville, Tenn., Feb. 21, 1922.]

MUSCLE SHOALS A NATIONAL PROJECT.

(By M. B. Morton.)

What is Muscle Shoals? It is a long stretch of rapids in the Tennessee River where it sweeps westward through northern Alabama before it turns northwest to join the Ohio, a short

distance above the point where the latter river empties into the Mississippi. The shoals gets its name from the bivalves—mussels—which are found there in great abundance. They are the same mussels that produce the wonderful fresh-water pearls which Tiffany buys from the southern pearl hunters. They are the same mussels whose shells furnish the material from which many of the buttons we wear on our clothing are made. Of course, the name should be, and was as long as we old-fashioned southerners had our way about it, Mussel Shoals. But along came a great multitude of ignoramuses and called it Muscle Shoals, and then the Government adopted the spelling of the ignoramuses and tried to make the excuse that "muscle" was the correct spelling, because at this point the river spreads out and resembles the muscle in a man's arm. However, the spelling does not resemble the corrugations in a man's brain—but let that pass, and Muscle Shoals let it be.

I believe that it is not unfair to state that the people at large desire that Ford be given a chance to realize on his vision. I know this is true of the people in the vicinity of Muscle Shoals.

But now that question has become a political one; it is being claimed by some that the project is local to the South, and this brings us to the main proposition:

What does the development of Muscle Shoals mean?

It means that the Muscle Shoals of the Tennessee River will, by a system of great dams, be navigable, and that commerce can float from East Tennessee to the Gulf of Mexico. This is in a measure local.

The Muscle Shoals comprise many miles of the Tennessee River. They have since first known by white men presented an insuperable barrier to successful navigation, though above them are hundreds of miles of navigable river extending far up through the East Tennessee valley almost to the Virginia line. In the years gone by the Government has spent millions trying to make the shoals navigable, but so far the problem is unsolved.

The present Muscle Shoals project, for which Henry Ford and others are now making bids, is located at the lower or western end of the rapids. It is well known that this series of great dams and factories was started by the United States Government during the World War primarily for extracting nitrogen from the atmosphere for making explosives to be used by our Armies in Europe. Approximately \$100,000,000 were expended, and when the war ended work on the project was suspended.

Henry Ford had a vision and made the Government a proposition to take over the work, utilize at least part of the power for making nitrates and the rest of it for equipping factories of various kinds that would furnish employment for 1,000,000 men. I know recently some of the writers have cut the figures to 500,000, but either is sufficient, and Ford himself said Muscle Shoals could be made to furnish 1,000,000 horsepower, and that his experience proved that one horsepower meant employment for one man.

After Ford made his proposition several others were made to the Government, and no doubt others are still in incubation.

The vista opened up by Ford's vision was so great that the Government officials could not take it in, and now the whole question goes before the Congress and into politics.

It means that great factories will be built along the Muscle Shoals; that inestimable electric power may be furnished for various purposes within a radius of hundreds of miles. This again is in a measure local.

It means it will be demonstrated beyond peradventure whether nitrates for fertilizing the soil can be there produced from the air at a figure low enough for purchase and use by the farmers of this Nation. Ford believes this can be done; and Edison, the greatest authority, says it can be done. This is not local but country-wide and world-wide.

Most of our commercial nitrates for fertilizer purposes come from the Chile nitrate deposits. These must necessarily soon be exhausted. Then we must depend for our commercial supply on nitrates produced from the air by water power in Europe or discover some other source; and in case of war we might find ourselves helpless.

Nitrates could easily be shipped from Muscle Shoals to every part of the country. They could be given water transportation throughout the great Mississippi Valley and our entire coast line, the plant being situated on a river navigable to the Ohio. And while a great deal of commercial fertilizer, including nitrates, is used in the South, the fact remains that the farmer can secure more cheaply nitrogen for the soil from leguminous crops, such as peas or clover, than from any other source. The

South produces many legumes in abundance, and is not nearly so dependent on commercial fertilizers for nitrogen as many other sections, where legumes do not grow abundantly or do not grow at all.

The development of Muscle Shoals in accordance with Ford's plan means the producing of an enormous power from water now going to waste; and this means an enormous saving of coal, which we are now mining and using with feverish activity, apparently totally oblivious to the fact that our coal mines will soon be exhausted.

Muscle Shoals is one of the greatest water powers in the world, and if Ford can make "his dream come true," it means that hundreds and thousands of water powers in this country and throughout the world now going to waste will be utilized.

It means a saving in fuel beyond the capacity of the human mind to grasp.

It means the beginning on a large scale of the conservation of the natural resources of the world.

No; the Muscle Shoals project is not local.

MALHEUR NATIONAL FOREST.

Mr. McNARY. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H. R. 10185) authorizing the exchange of lands within the exterior boundaries of the Malheur National Forest, in the State of Oregon, and for other purposes. The bill passed the House a few days ago, and involves an exchange of property in the Malheur National Forest, in Oregon. It is exclusively an Oregon measure, reported favorably by the Committee on Public Lands.

Mr. CURTIS. May I ask if that is the bill which the Senator's colleague desired to call up?

Mr. McNARY. It is the bill my colleague desired to get up.

Mr. JONES of Washington. Mr. President, I wish to ask the Senator from Oregon when the Committee on Public Lands had a meeting? I have been trying to find out about a meeting of the Committee on Public Lands in order to get one or two bills similar to this reported from that committee.

Mr. McNARY. The committee had a meeting day before yesterday at 5 o'clock, at which there were 14 members present. This is the first measure that was brought up, and it was reported unanimously. It went to the calendar yesterday.

Mr. JONES of Washington. I have no objection to the bill; but, as I said, I have a bill just like it that passed the House and has been pending for some time. I have been trying to find out when a meeting of the committee would be held.

Mr. NORRIS. If the Senator will permit me, the chairman of the Committee on Public Lands, as the Senator knows, has been very busily engaged with other matters.

Mr. JONES of Washington. I understand that.

Mr. NORRIS. There were some very urgent bills to be considered, and we had a meeting yesterday afternoon at 5.15, when a quorum was secured. I have no doubt that if the Senator had received notice he would have been there and the bills in which he is interested would have been reported and would now be on the calendar.

Mr. JONES of Washington. If I had known of the meeting I myself would have been there.

Mr. NORRIS. It was unfortunate that the meeting was held at an unseemly and unusual hour, but it was about the only time when a meeting could be held.

Mr. JONES of Washington. I would attend a meeting of that kind to-night, so far as that is concerned. I will see the chairman of the committee and ascertain if I can not arrange to be notified when a meeting is going to be held. I understood, however, that Wednesday was the regular meeting day of the committee.

Mr. NORRIS. We have not held a meeting for seven weeks on the regular meeting day.

Mr. JONES of Washington. I spoke to the chairman of the committee some days ago about this matter. I am glad the Senator from Oregon secured action on his bill; but I wanted to know how it was done, so that I might arrange to secure action on the bills in which I am interested.

Mr. McNARY. I will say to the Senator that I "was on the job."

Mr. JONES of Washington. I think the Senator's colleague is a member of the Committee on Public Lands, and that is how he came to secure action.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10185) authorizing

the exchange of lands within the exterior boundaries of the Malheur National Forest, in the State of Oregon, and for other purposes, which was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands in private ownership within the exterior boundaries of the Malheur National Forest which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national-forest purposes, and, in exchange therefor, may issue patent for an equal value of national-forest land in the State of Oregon; or the Secretary of Agriculture may permit the grantor to cut and remove an equal value of timber from any national forest in the State of Oregon, the values in each instance to be determined by the Secretary of Agriculture and be acceptable to the owners as fair compensation. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the Malheur National Forest.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7158) to amend the Army appropriation act approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and appointed Mr. Wood of Indiana, Mr. WASON, and Mr. HARRISON managers of the conference on the part of the House.

The message further announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 3164. An act supplemental to an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes" (Public, No. 215, 66th Cong.), approved May 22, 1920; and

H. R. 9606. An act to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes.

EXECUTIVE AND INDEPENDENT OFFICES APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9981) making appropriations for the Executive and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the Vice President be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. WARREN, Mr. SMOOT, Mr. JONES of Washington, Mr. OVERMAN, and Mr. GLASS conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were each read twice by title and referred as indicated below:

H. R. 3164. An act supplemental to an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes" (Public, No. 215, 66th Cong.), approved May 22, 1920; to the Committee on Civil Service.

H. R. 9606. An act to authorize the Secretary of the Interior to extend the time for payment of charges due on reclamation projects, and for other purposes; to the Committee on Irrigation and Reclamation.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 22 minutes p. m.) the Senate, as in legislative session, took a recess until to-morrow, Thursday, March 2, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 1 (legislative day of February 23), 1922.

DIRECTOR OF THE MINT.

F. E. Scobey, of Texas, to be Director of the Mint, vice Raymond T. Baker, whose term will expire March 19, 1922.

PUBLIC HEALTH SERVICE.

Passed Asst. Surg. Clifford E. Waller to be surgeon in the United States Public Health Service, to rank as such from March 4, 1922.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ORDNANCE DEPARTMENT.

Maj. Robert Henry Lee, Coast Artillery Corps, with rank from July 1, 1920.

FIELD ARTILLERY.

First Lieut. Charles Rocheid Forrest, Air Service, with rank from July 1, 1920.

AIR SERVICE.

First Lieut. Ernest Wykeham Dichman, Corps of Engineers, with rank from December 4, 1918.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 1 (legislative day of February 23), 1922.

POSTMASTERS.

CONNECTICUT.

Helen O. Gatchell, Andover.
Samuel H. Kellogg, Colchester.
Samuel E. Loudon, Riverside.

FLORIDA.

Jesse F. Warren, Apalachicola.
William H. Berkstresser, Hawthorn.
Vilma B. Rhodes, Oakland.
Edwin E. Williams, Passagrille.
Burdett Loomis, jr., Pierce.
Robert L. Waldron, Pompano.
Orrell W. Prevatt, Seville.

GEORGIA.

Benjamin M. Shive, Decatur.

ILLINOIS.

William B. Rasplica, Glen Carbon.
William E. Clark, Hillview.
Arthur J. Mollman, Millstadt.
Robert M. Farthing, Mount Vernon.
John L. Thomas, Pleasant Hill.
Isaac D. Gum, Pocahontas.

INDIANA.

Cadmus C. Funk, English.
William H. Ammon, Swayzee.

IOWA.

John A. Baker, Buxton.
Edgar A. Cupp, Corning.
William S. Weston, Webster City.

KENTUCKY.

Walter Robins, Brodhead.
Raymond C. Tipton, Corbin.
William I. Myers, Greenup.
Oscar W. Gaines, Oakland.
Lola B. Hollaway, Sedalia.

MICHIGAN.

Lydia A. McElhinney, Snover.

NEBRASKA.

Barbara B. Tweed, Bassett.
Frederick L. Valentine, Johnstown.

NEW JERSEY.

Fannie H. Clayton, Seaside Park.

NEW MEXICO.

Gertrude Warrender, Logan.

OKLAHOMA.

Roy M. Muse, Elmore City.

PENNSYLVANIA.

D. Thomas Lindley, Canton.
 Harry A. Bucher, Cashtown.
 George V. Glenn, East Butler.
 William C. Hunter, Meadville.

TENNESSEE.

Emmett V. Foster, Culleoka.

VIRGINIA.

Bascom N. Mustard, Bland.
 Harry Fulwiler, Buchanan.
 Adelaide E. Drewry, Capron.
 William F. Correll, Ettricks.
 Thaddeus Y. Price, Green Bay.
 Byrum P. Goad, Hillsville.
 Samuel McCrary, Ivanhoe.
 William W. Hurt, Max Meadows.
 Lemuel B. Wolfe, Mount Jackson.
 Byrd E. Carper, Newcastle.
 Robert E. Fugate, Nickelsville.
 Frank M. Phillips, Shenandoah.
 Frank J. Garland, Warsaw.
 Bruce L. Showalter, Weyers Cave.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 1, 1922.*

The House met at 12 o'clock noon and was called to order by Hon. William Tyler Page, Clerk of the House, who read the following communication from the Speaker:

SPEAKER'S ROOM,
 HOUSE OF REPRESENTATIVES,
 Washington, D. C., March 1, 1922.

I hereby designate Hon. JOSEPH WALSH, of Massachusetts, to act as Speaker pro tempore to-day.

F. H. GILLET.

Mr. WALSH took the chair as Speaker pro tempore.

The Chaplain, Rev. James Spera Montgomery, D. D., offered the following prayer:

Our Father in heaven, we still find Thee in life's way. Impress us that this is our greatest possession. Grant us hearts that beat responsive to the directing, controlling power of the Lord of Hosts, and thus shall we maintain the sanctity of Thy law. Be unto us a sweet, subduing energy that lifts us beyond the clutch of weakness and supports us with a wise self-assertion. O let us be merciful by being just, sympathetic by being true, and loving by being honest. For our country's sake and for the welfare of human kind may our faith in God and man never falter nor fail. Through Jesus Christ our Lord. Amen.

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

DEFICIENCY BILL.

Mr. MADDEN, chairman of the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending July 30, 1922, and for prior years (Rept. No. 746), which was read the first and second time, and, with accompanying papers, referred to the Committee of the Whole House on the state of the Union.

Mr. BYRNS of Tennessee reserved all points of order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, had further insisted upon its amendments Nos. 5, 6, and 28, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of

the two Houses thereon, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. JONES of New Mexico as the conferees on the part of the Senate.

ORDER OF BUSINESS.

Mr. CAMPBELL of Kansas. Mr. Speaker, I offer a privileged resolution from the Committee on Rules.
 The Clerk read as follows:

House resolution 295.

Resolved, That upon the adoption of this resolution it shall be in order to consider, under the general rules of the House, H. J. Res. 263 (reported by the Committee on Military Affairs), S. J. Res. 125 (reported by the Committee on Military Affairs), S. 2492 (reported by the Committee on Military Affairs), H. R. 8475 (reported by the Committee on Military Affairs). The consideration of these bills not to interfere with conference reports, bills from the Committee on Ways and Means, bills from the Committee on Appropriations, or other privileged business.

Mr. CAMPBELL of Kansas. Mr. Speaker, this resolution makes it in order for the Committee on Military Affairs to call up these several bills. They will be called up to-day if they can be disposed of to-day. Otherwise any bill not considered to-day would go over and take its chances on any day when the business of the House would justify it. All the bills were unanimously reported by the Committee on Military Affairs. As indicated in the titles, two of the bills have already passed the Senate. One of them relates to the purchase of the necessary ground for a burial place in France. The appropriation is already made, but in the application of the fund the War Department finds it necessary to make certain diversions of the fund for the purchase of land in France. There will be about 32,000 bodies to remain there, and it is desirable that their burial place be owned by the Government of the United States. One relates to fixing the price at which clothing may be sold to soldiers. Under the general law clothing can not be sold to soldiers except at the lowest price it was purchased by the War Department. The current price of this clothing is very much lower now than it was at the time it was purchased. This bill amends the general law so that the clothing may be sold on the basis fixed by the current price of the clothing at this time. Another bill relates to the statute of limitations with respect to deserters and those who failed to respond to the draft law. Another refers to the payment made to soldiers and noncommissioned officers during the war. The auditor allowed the payments at the time, but has since discovered, as he thinks, that the payments were erroneously made. This is to confirm the payments as originally made by the War Department to these noncommissioned officers and soldiers.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

EXTENDING ARMY APPROPRIATION ACT—CONFERENCE REPORT.

Mr. McKENZIE. Mr. Speaker, I call up the conference report on the bill (H. R. 7158) to amend the Army appropriation act, approved July 11, 1919, so as to release appropriations for the completion and the acquisition of real estate in certain cases and making additional appropriations therefor.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7158) to amend the Army appropriation act, approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

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

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment strike out the figure "3" and insert in lieu thereof the figure "4"; and the Senate agree to the same.

JOHN C. MCKENZIE,
 FRANK L. GREENE,
 W. J. FIELDS,

Managers on the part of the House.

HARRY S. NEW,
 SELDEN P. SPENCER,
 H. L. MYERS,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House of Representatives on the disagreeing votes of the two Houses on the amendments of the Senate to H. R. 7158, to amend the Army appropriation act, approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor, submit the following statement in explanation of the effect of the action agreed upon by the committee of conference on the disagreeing votes of the two Houses on amendments of the Senate to the said bill:

On amendment No. 1: By this amendment a mandatory provision in the House bill directing the War Department to sell certain property to the Canton Co. of Baltimore, Md., for a specified price was stricken from the bill, and the House conferees not wishing to injuriously embarrass the War Department in the disposal of surplus property agreed to the Senate amendment.

On amendment No. 3: The House receded with an amendment changing the number of the section from "3" to "4," in order that the numbering of the sections might be correct. The House conferees agreed to the retention of this section in view of the following: In 1918 the War Department requisitioned 55 acres of land from the Norfolk Country Club. The land during the war was used in connection with the Norfolk Army supply base. Since that time the club has received no compensation for the use of its property. In 1921, 44 acres of the above tract were transferred to the Treasury Department for the use of the Public Health Service, and is now under the jurisdiction of that department. At about the same time the club recovered, through a revocable lease granted by the War Department, the use of a portion of its former golf course. At the present time the War Department does not need all of the land over which it now has jurisdiction; nor does the Treasury Department any longer need the area transferred to it. The War Department has entered into negotiations and feels confident of making a settlement under the terms of which the club will recover permanently a portion of the area formerly requisitioned, together with a cash payment, and the United States will receive title to that portion of the requisitioned area on which the railroad yard is constructed, and will be released from any payment for the use of the club's property and from all claims for damages. The amendment authorizes the retransfer from the Treasury Department to the War Department of the 44 acres referred to above and, further, authorizes the Secretary of War to make a settlement with the Country Club along the lines indicated. No increase in the appropriation for the Army supply base at Norfolk is requested. The amount of money involved, being comparatively small, can be taken care of by the \$190,000 carried in the first section of the bill.

JOHN C. MCKENZIE,
FRANK L. GREENE,
W. J. FIELDS,

Managers on the part of the House.

The conference report was agreed to.

On motion of Mr. MCKENZIE, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

STATUS OF DESERTERS FROM THE MILITARY OR NAVAL SERVICE.

Mr. KAHN. Mr. Speaker, I call up the resolution (S. J. Res. 125) to continue the military status of persons deserting the military or naval service during the World War, and the amenability to trial of those persons who failed to comply with the terms of section 5 of the selective service law.

The Clerk read the resolution, as follows:

Resolved, etc., That none of the provisions contained in section 2 of the act of May 18, 1917 (40 Stats., p. 77), or in section 4 of the act of June 15, 1917 (40 Stats., p. 217), or in any other act or joint resolution of Congress, or in any proclamation heretofore issued by the President, or in any proclamation of peace that may hereafter be issued by the President, shall be construed as terminating the military or naval status of any person who, having been drafted or having voluntarily enlisted for the period of the emergency due to the World War in the military or naval service of the United States, or having been commissioned as an officer for the period of said emergency in the military or naval forces of the United States, thereafter deserted such military or naval service; or as terminating before the expiration of three years after the date of the President's proclamation of peace as required by section 4 of the act of June 15, 1917 (40 Stats., p. 217), exclusive of all periods of absence from the jurisdiction of the United States, the amenability to prosecution and trial of any person who willfully failed or refused to comply with any of the requirements of the act of May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," or of said act as amended, or with regulations promulgated by the President pursuant thereto.

Mr. KAHN. Mr. Speaker, the Secretary of War sent a very urgent message to the Committee on Military Affairs asking that this bill be passed as soon as possible, because the existing law expires on the 14th of March next. So that two weeks from to-day the present law goes out of existence. Under existing law, when men deserted from the Army of the United States they were liable under court-martial for trial. There are quite a number of cases of this kind. The War Department has not been able to try all the men who are charged with this offense, because the War Department has had since the close of the war a great many things to attend to that were necessary for the military service. These men who failed to report for duty on the conscription law were never in the Army of the United States, and therefore they could not be tried by court-martial; but they can be tried in the civil courts of the country. Under the law of May 18, 1917, which provides for the induction into our Army of men by conscription, the House put a provision to the effect that four months after the declaration of peace all the laws that were effective under that provision in the original act should be discontinued. This law contemplates simply the continuance of that period for three years longer.

There were many men who refused to answer the draft; many of them went away to Mexico, and they are in Mexico now. They do not dare to come back to this country.

Mr. WHEELER. Will the gentleman yield?

Mr. KAHN. But unless this law is passed, you will find them all coming back here after the 14th day of March.

Mr. WHEELER. The statute of limitation expires within a few months for these men who refused to answer the draft call?

Mr. KAHN. It expires on the 14th of March next.

Mr. WHEELER. The 14th of March next—a year from this March?

Mr. KAHN. No; two weeks from to-day.

Mr. WHEELER. The gentleman said March next.

Mr. KAHN. This is the 1st of March, and the 14th of March is the day when it expires.

Mr. RAMSEYER. Will the gentleman yield?

Mr. KAHN. I will.

Mr. RAMSEYER. Can the gentleman give me the number of draft evaders from the records of the War Department?

Mr. KAHN. No; I can not give that to the gentleman.

Mr. RAMSEYER. I understand something like 100,000 names have already been published in the Record, and there are about 30,000 more to be published.

Mr. KAHN. I understand that while there has been a publication of a great many names, it was found that the publication of many of them was erroneous.

Mr. RAMSEYER. Does the gentleman know how many of those draft evaders have already been apprehended and arrested for trial?

Mr. KAHN. I do not know, but I understand the number is very few.

Mr. RAMSEYER. Of the 130,000 names on the list as draft evaders, certainly not all of those have gone to Mexico or Canada, but are in this country.

Mr. KAHN. I understand that out of the whole number published, many of them were found to have been in this country right along and had reported themselves to the proper authorities; the War Department has kept records of where they were.

Mr. RAMSEYER. I know of several such cases myself.

Mr. WHEELER. Will the gentleman yield for another question?

Mr. KAHN. I will yield.

Mr. WHEELER. Those who are registered, are they considered as soldiers and subject to court-martial?

Mr. KAHN. They were when sworn into the service.

Mr. WHEELER. But they were registered.

Mr. KAHN. Unless they are in the military service itself they would not be subject to court-martial.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. KAHN. I will.

Mr. JOHNSON of South Dakota. The gentleman from Iowa asked the gentleman from California several questions as to the division of draft evaders who might be in the United States, or who might be abroad. Would it not be true that it would be absolutely impossible for the War Department to divide those men into the per cent of those abroad and those who were at home, because the average draft evader does not come back to the place of his original residence, and no information could be procured?

Mr. KAHN. That is very true.

Mr. BANKHEAD. Will the gentleman yield?

Mr. KAHN. I will.

Mr. BANKHEAD. Do I understand this measure is one that proposes an extension of time in which the War Department may take cognizance of deserters from the service, or is it intended to cover those who have evaded the draft and never were in the military service?

Mr. KAHN. That is one part of it, but during the war men were taken into the service, were sworn in, and then deserted. It is also desired to capture those men, if it is possible.

Mr. BANKHEAD. I want to call the gentleman's attention to this state of facts: Last fall I had a constituent in my county who had a son charged with evading the draft. He was anxious to surrender him and have him punished. I wrote the district attorney for the northern district of Alabama, suggesting this state of facts, and he replied that the statute of limitation expired and the man was not subject to any prosecution by the Department of Justice.

Mr. KAHN. Well, the attorney for the northern district of Alabama was evidently laboring under a mistaken idea as to what the law was. The law really expired four years after the 18th of May, 1917, plus four months.

Mr. BANKHEAD. Let me get this distinction clear in my mind, if the chairman pleases. If this bill is passed as to the men who were notified to report for service, but never, as a matter of fact, did report and who never were inducted into the military service, pure draft evaders, does the War Department have anything to do in this bill with the prosecution of those men or will it be the Department of Justice?

Mr. KAHN. The civil authorities.

Mr. BANKHEAD. That is my understanding.

Mr. MANN. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. MANN. The bill reads "or in any proclamation of peace that may hereafter be issued by the President." What does that refer to?

Mr. KAHN. That refers to the proclamation that the President made on the 21st day of November announcing that the war with Germany had come to a conclusion by the action of the Congress declaring peace.

Mr. MANN. Oh, no. The language of the resolution that refers to any proclamation heretofore issued by the President refers to that proclamation. I do not know when this resolution was introduced in the Senate. Of course, the resolution, when it refers to any proclamation heretofore issued by the President, would refer to the proclamation of peace already issued by the President. Now, what is meant by "any proclamation of peace that may hereafter be issued by the President"? Are we not at peace with the world?

Mr. KAHN. Absolutely.

Mr. MANN. That is probably superfluous language, at least. As I understand, the statute of limitations under the existing law would prevent the prosecution after the 14th of this month. Suppose the 14th of this month expired without this act being passed. Could we then go back and make an offense punishable again—an act for which the statute of limitations had expired?

Mr. KAHN. I do not think so.

Mr. MANN. Well, can we extend, then, the time for prosecution if we pass it before the statute of limitations expires?

Mr. KAHN. Let me call the gentleman's attention to the letter of the Secretary of War. The resolutions were sent up on October 18, 1921, which was prior to the time the war was declared ended. So I assume the letter was sent to the chairman of the Senate Committee on Military Affairs and also to the House Committee on Military Affairs on about October 18, 1921.

Mr. MANN. That language in the bill which reads, "or any proclamation of peace that may hereafter be issued by the President," really ought to be left out, though I do not know as it makes any difference.

Mr. KAHN. Of course, I do not know that it is important. The Secretary of War sent me a letter to the effect that it was very essential that this bill be passed before the 14th of March, and referred to the bill as it had been sent to the Senate and also to the House.

Mr. MANN. I understand. I have read the letter of the Secretary of War, and while I am not prepared to express any opinion upon the subject, the Secretary of War evidently assumes that if the 14th of March came and the statute of limitations became effective, Congress could not thereafter provide for prosecution of the offense. Now, if that is the case, can Congress by the extension of the time, providing a statute of limitations runs, practically make an offense now which does not exist? At the time the offense was committed the law pro-

vided the statute of limitations would prevent prosecution for the offense after a certain time.

Mr. KAHN. Four months.

Mr. MANN. And we propose to extend that time three years, or nearly three years.

Mr. KAHN. Practically three years after the four months' period.

Mr. MANN. Of course, I understand there is quite a distinction between creating a crime *ex post facto*, which we can not do under the Constitution, and fixing a statutory limit for prosecution.

Mr. LONDON. Will the gentleman yield? It seems to me that the question here is whether the Judge Advocate General is correct in his view that the offense of the draft evader is a continuing offense. The Judge Advocate General takes the view that the statute of limitations in the case of a draft evader begins to run only after the proclamation of peace has been issued.

Mr. KAHN. Four months after.

Mr. LONDON. I think the Judge Advocate General is mistaken. I do not believe it is a continuing offense; that the date of the offense was the date when the man should have presented himself and failed to do so, which was three and one-half or four years ago, and that in all these cases the statute of limitations has already expired, and the practical question that now presents itself is the question presented by the distinguished gentleman from Illinois [Mr. MANN], whether we can after the statute of limitations has expired continue the statute of limitations.

Mr. MANN. Continue the crime.

Mr. LONDON. Continue the crime. I do not believe we can.

Mr. KAHN. The Judge Advocate General is of the opinion that the law runs for the full time.

Mr. LONDON. Meaning the offense is a continuing offense?

Mr. KAHN. Oh, no. I mean he has held all the time that the law was in effect and will be in effect until the conclusion of four months after the President made his proclamation of peace. Now, I assume that the law officer of the War Department looked into that question thoroughly. Because, after all, the Members of the House ought to follow the advice given by the gentlemen who are in charge of the various bureaus of the department.

Mr. MANN. Perhaps we ought to follow it, but we are not bound to do so.

Mr. KAHN. We probably ought to follow it.

Mr. BANKHEAD. Will the gentleman yield further for a question?

Mr. KAHN. Yes.

Mr. BANKHEAD. I would like to ask the gentleman if this question was submitted to the Attorney General of the United States for an opinion as to whether or not it made the crime retroactive?

Mr. KAHN. I do not know whether the Attorney General passed upon this or not.

Mr. BANKHEAD. Does not the chairman think that in view of the fact that he assumes the cases of draft evaders will have to be prosecuted in the civil courts, it is most important to have the opinion of the Attorney General, especially in view of the fact that the district attorneys in the several States think these are barred by the statute of limitations?

Mr. KAHN. After all, I have a great deal of confidence in the Judge Advocate General of the Army. I have generally found him thoroughly correct and up to date on these questions.

Mr. BANKHEAD. I am not impugning the ability of the Judge Advocate General, but, inasmuch as it is a matter for the civil courts, it seems to me the Attorney General should have been consulted for a legal opinion on that phase of the bill.

Mr. KAHN. As far as that is concerned, the gentleman assumes that the Judge Advocate General did consult with the Attorney General, but he has no knowledge on the subject.

However, I want to say frankly that the Committee on Military Affairs, even though we have no further jurisdiction over appropriations, has as many meetings or more meetings at the present time, trying to get back to the prewar basis, than it had heretofore; so that every member of that committee is working day and night. We do the best we can under the circumstances.

Mr. BANKHEAD. The gentleman must not think that I am reflecting on his committee in any degree.

Mr. KAHN. I understand that. The gentleman himself has been before the committee day after day in recent weeks, and has seen with what earnestness and with what patience the members of that committee have been working.

Mr. LONDON. They have had so much work to do that they have not been on guard against error.

Mr. JOHNSON of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. JOHNSON of South Dakota. I judge from what the gentleman from New York [Mr. LONDON] said that he is of the opinion that there should be considered no continuing offense on the part of a man who failed to respond to the draft; that in the case of a man ordered to report who did not report there should be no continuing order for him to report during the war. As a matter of fact, most authorities hold that there was a continuing order and that the man violated the order each and every day that he did not report. I will call the attention of the gentleman to the fact that practically this same matter has been before the legal department of the Government—the office of the Attorney General—in the legal prosecution of several men who took money from the Government in war contracts, and that this House has already passed one continuing statute of limitations. Those opinions, which I do not happen to have before me now, have been rendered by the Attorney General, and they would answer very quickly the questions brought up by men who apparently are opposing the prosecution of these draft evaders and these deserters.

Mr. KAHN. I do not impugn the attitude of any Member of the House in that connection. Of course Members have the right, if they desire to, to take exception to any bill. But I want to say to the gentleman from New York [Mr. LONDON] that if many of his constituents have evaded the draft and he feels that they are absolutely safe even if this bill is passed, the best thing he can do for them is to vote for it.

Mr. MANN. There is no statute of limitations in the fixing of the time of four months from the date of the commission of the crime, but the statute of limitations is the fixing of the time after the proclamation of the President, so that it would not make any difference when the offense was committed. The statute of limitations does not run out until a certain time after the proclamation of the President, and that time has not yet expired.

Mr. KAHN. Yes. That is the law.

Mr. JOHNSON of South Dakota. If I remember correctly, this four months provision was put into the law some years ago by an amendment offered by the gentleman from Indiana, Mr. Cullop, and because of that four months amendment, which was adopted at that time, it is now necessary to make this extension. Is that correct?

Mr. KAHN. That is quite right.

Mr. JOHNSON of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. JOHNSON of Mississippi. Some months ago the House, at the instance of the distinguished chairman, passed a resolution to investigate the escape of Bergdoll.

Mr. KAHN. That is not up at the present time. It has been investigated, but the chairman of the Committee on Military Affairs is not a member of that subcommittee. He understands that it is on the House calendar.

Mr. JOHNSON of Mississippi. The reason I ask the gentleman is that he is familiar with military affairs, and the country at large is very much more interested in the arrest and trial and conviction of this millionaire deserter than it is in the cases of these poor devils.

Mr. KAHN. Yes. I want to say that the committee had a very full hearing. They made a report, but the report has not come up.

Mr. McARTHUR. Mr. Speaker, I think I can answer the gentleman's question on that point.

Mr. KAHN. But I can not yield further as to that.

Mr. CHINDBLOM. As I understand both the bill and the report, the statute of limitations do not apply to them. As long as they have military status they are subject to prosecution by court martial, and the purpose of the bill is to extend their military status, not for three years, but indefinitely.

Mr. KAHN. No. The law itself provides that the time is three years, but the gentleman is correct, so far as the drafted men are concerned. But there were quite a number of men who were in the Army who deserted. Now, they come under court-martial.

Mr. CHINDBLOM. I understand.

Mr. KAHN. The draft men who were never in the Army are called up in the civil courts.

Mr. CHINDBLOM. I understand that. To them the extension of the statute of limitations will apply. But I want to

call the attention of the gentleman to this language in the letter of the Secretary of War. He says:

As I have pointed out in previous communications on the subject, desertion in time of war is an offense for the prosecution of which there is no period of limitation. By continuing the military status of these men they remain triable by court-martial for the offense of desertion in accordance with the spirit of the Articles of War.

Apparently he is of the opinion—

Mr. KAHN. During the war—

Mr. CHINDBLOM. He says, "Desertion in time of war is an offense for the prosecution of which there is no period of limitation." Then he goes on to say—

By continuing the military status of these men they remain triable by court-martial for the offense of desertion in accordance with the spirit of the Articles of War.

Mr. KAHN. Yes.

Mr. CHINDBLOM. Now, I want to ask if they will be subject to the period of limitation of three years? I think not.

Mr. KAHN. I do not understand it so.

Mr. MANN. They do not have a military status, because when peace was proclaimed all those men were dismissed from the Army and Navy.

Mr. CHINDBLOM. No. The dismissal did not take effect until four months after the proclamation, so that they are still in the Army. They still have military status, and the purpose of this bill, if I understand it correctly, is to extend that military status.

Mr. LONGWORTH. So that they can be tried by court-martial?

Mr. KAHN. Yes. They must be tried by court-martial.

Mr. LONGWORTH. That is the purpose of this bill?

Mr. KAHN. Yes.

Mr. LONGWORTH. And they could not be tried after the 14th of March unless this bill were passed?

Mr. KAHN. That is absolutely the case.

Mr. SISSON. I should like to ask the gentleman from California if it is his intention to move the previous question before surrendering the floor?

Mr. KAHN. It is.

Mr. SISSON. Then will the gentleman yield me five minutes?

Mr. KAHN. I will yield the gentleman five minutes; yes.

Mr. SISSON. Mr. Speaker, I can not attempt the discussion of a legal question in five minutes, but I want to call the attention of the committee to the fact that in all liberty-loving countries so far as I know and in every State in the Union where the common law prevails prosecutions for all misdemeanors are barred by the statute after a certain limitation of time has run. It is not the policy of an English-speaking people to be cruel. Mr. Lincoln set a splendid example for the people after the Civil War, even before the hostilities had actually ceased. This example of charity and mercy was opposed by all who hate mankind, by every man of cruelty, and by all who sought to show their patriotism by cowardly insisting on keeping military laws alive after the war was over, especially by every cheap politician and every cowardly demagogue. He issued a proclamation which quieted the country and settled all cases of this kind. Now, unless the American people have changed wondrously I do not believe that three or four years after the war is over they desire to have military courts-martial being held throughout the country. Nobody justifies desertion or falling to respond to a draft law; but I do not indorse petit larceny, and neither do you, and yet in every State in the Union there is a statute, which provides that unless you prosecute for petit larceny within a certain number of years—in my State it is two years—the statute runs against the prosecution; and in all States of this Union the statute runs against prosecutions for crime, with the exception of felonies. Now, the war has been over for three years. In my judgment, nothing would be more unpopular than the extension of this limit of time for these prosecutions. Our people do not want drumhead courts sitting in time of peace. Of course, there are two classes of these cases. One class is reported to the civil authorities and the other tried in Army courts. But the bill is really after the draft evader and seeks to keep alive a statute which would expire on its face three years after the war is over. This war law ought to expire. It will cost millions of dollars to run down these men, and God knows taxes are high enough now; let us not add this additional burden.

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

Mr. SISSON. Yes; just for a question.

Mr. STEVENSON. This question bothers me. Where an offense has been committed and we have provided a certain limit

of time within which the prosecution must be begun and that time has expired or is about to expire, can we extend the time for prosecution and avoid the ex post facto provision of the Constitution?

Mr. SISSON. The gentleman from Illinois [Mr. MANN] raised that question a moment ago. If I represented a deserter I would without hesitation sue out a writ of habeas corpus and have that question tested. I do not believe that you can add to a crime after the crime has been committed; and when the criminal statute provides that if a certain crime is committed the prosecution shall be made within three years, the courts have no jurisdiction after the expiration of that time, and it is doubtful if Congress can extend the time. When we had real lawyers in Congress and when we had real lawyers on the bench I doubt extremely whether a bill like this would have been tolerated for one moment, because you must give a person accused of crime the benefit of all the doubts, not only in reference to facts but you must construe the law favorably to him. The question raised by the gentleman from Illinois [Mr. MANN] and by the gentleman from South Carolina [Mr. STEVENSON] presents to my mind a further reason why we ought not to vote to continue this matter. I do not believe it would be wise to have the Government prosecuting men and having lawsuits about this matter long after the war is over. It is too much like a cruel military despotism to me.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. SISSON. I yield to the gentleman from South Dakota.

Mr. JOHNSON of South Dakota. I gather that the gentleman questions the advisability of extending this statute of limitations. Is that correct?

Mr. SISSON. I do not want the statute of limitations extended. I do not want this bill to pass.

Mr. JOHNSON of South Dakota. Would not the gentleman say this Congress would be in a rather peculiar position if it should continue to refuse to give adjusted compensation to the men who volunteered and fought and on the other hand should proceed to exempt from punishment those who evaded the draft and those who deserted after they were taken under the draft?

Mr. SISSON. The gentleman has set up a man of straw and then proceeds to knock him down. Nobody says we want to change the law. I want the law to remain as it was when we passed it. There were a considerable number of young men who for various and sundry reasons, not sufficient in law, failed to respond to the draft; but I do not believe that we are now justified in cruelly exacting the pound of flesh nearest the heart. The war is over and the three years of limitation are about to expire, and, as Grant said on one occasion, "Let us have peace. We have had enough of bloodshed."

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. GREENE of Vermont. Which is the more cruel, to punish the man who runs away and leaves his comrades to fight alone on the battle field, or to hold him guilty of his offense three years or even 16 years afterwards?

Mr. SISSON. This act applies not alone to men who deserted. It applies also to the men who failed to respond to the draft.

Mr. GREENE of Vermont. That is just as bad, and in some respects worse.

Mr. SISSON. I do not think so. I do not think a man has ever become subject to a military trial unless he has taken the oath as a part of the Army. But in many of these cases these men never got notice of their draft because they failed to receive the notice mailed to them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KAHN. I yield to the gentleman from Mississippi one minute more.

Mr. SISSON. I feel that this Congress can afford at this time to say, "We will let the law remain as we passed it." There is no good and sufficient reason why these prosecutions have not been had within the time prescribed by statute. It is the fault of the officers of the law. It is the fault of Congress.

I can discuss but one other question in the time remaining. If this prosecution is vigorously carried on you will find that the expense is going to run into many hundreds of thousands of dollars and perhaps into millions of dollars. We shall have to appropriate the money to conduct the prosecutions of these men, because we are having to appropriate money now for the prosecution of arrested deserters. In other words, if we attempt to make a network covering the entire country in order to hunt down these men, you are going to have a vast army of detectives and spies in time of peace going all over the country necessitating vast expenditure. You will not popularize the

Army and military rule by, in the name of patriotism, extending this statute.

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MCKENZIE].

Mr. MCKENZIE. Mr. Speaker and gentlemen of the House, I am not unmindful of the fact that perhaps there is some force in the contention of the gentleman that this bill if enacted into law may be overturned by the courts of our country. That is a possibility; but that is not the question with which we are confronted this morning. We are confronted with the proposition of extending the time in order to enable the Government to prosecute the men who deserted from the ranks of our Army, or the men who failed to respond to the draft; in other words, draft dodgers. So far as I am personally concerned, I am not in favor of taking a position that in my judgment would be an insult to every man who wore the uniform of our country during the last war—to say that the soldier who deserted and left his comrades on the firing line should now be excused because it is three years after the war, or to say that the young man who lived in the same community from which went many of his neighbors into the service and served faithfully their country—that the young men who slipped away and cowardly dodged, who declared that they would not in the hour of the country's emergency yield their services to the land that protects them shall escape prosecution. I want to call the attention of my good friends in the House to the fact that four and a half million young men of the country submitted themselves to military law and jurisdiction to defend our country in the war, and these young men rightfully are looking toward the Congress of the United States, and for one I am not ready to condone the offense of desertion and draft dodging, because it is an insult in the face of those four and a half million men who did their duty. [Applause.]

I want to call attention, my friends, to the fact that it is a serious matter, that it is something we can not pass lightly by. The argument of the gentleman from Mississippi that it will cost a few dollars to prosecute these men has no weight with me. Great God, have we become so poor that we can not spend the money necessary to uphold the honor and the dignity of the men who fought our battles? [Applause.] I hope this bill will pass, and if the courts of our country construe it to be unconstitutional, that we can not extend a limitation of this character, well and good, but let the Congress of the United States do its duty at this time. [Applause.]

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the beautiful and patriotic speech made by my colleague [Mr. MCKENZIE] from Illinois made me wonder why the committee of which he is a very distinguished member constantly engages in the practice of reporting to this House bills to remove the charge of desertion of men who deserted during the Civil War in order that they may be placed on the pension rolls of the United States. That practice, I suppose, in view of my friend's position, will be changed, and hereafter instead of removing the charge of desertion the committee will bring in a bill authorizing the prosecution of these deserters "at a time when our Nation needed their aid."

Mr. MCKENZIE. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MCKENZIE. I merely wish to say that in the bills we have reported it was the judgment of the committee that it was necessary to correct a mistake, and I hope the Committee on Military Affairs will never deny a man justice when he has a just case.

Mr. MANN. Oh, I have read the reports on the bills, and there is no pretense in most of them that the man did not desert. They say he is old and needs the money, and because he served, because he was inducted into the Army and did desert, they give him a pensionable status. I am not complaining about it.

Mr. KAHN. Will the gentleman yield?

Mr. MANN. I yield to the gentleman.

Mr. KAHN. Does the gentleman realize that the Committee on Military Affairs in investigating these desertion cases takes into consideration the fact that in almost every one of them the man served at least three full years in the military service, and that when he did desert it was at the end of the war, and in most cases the evidence before the committee is that many officers connived at the desertion?

Mr. MANN. I do not realize that fact, because I do not think it is a fact. Now, I am not criticizing the committee for reporting in behalf of the men who did serve in the Army. But here is the situation: Congress passed a law after we had engaged in the war providing for the draft and providing that

the man who evaded the draft should be subject to prosecution after a certain time following peace. I have no sympathy with draft evaders or deserters. I wish they had been punished if the circumstances were such that they were really guilty. But really I question the desirability or the propriety because some man wants revenge—like my friend from South Dakota—I question the propriety after the war is over of extending the time for the prosecution of these men, when, if you leave the law as it was enacted at the time of the war, they would be exempt from prosecution. I feel much more bitter toward those men in a time of war than I do when peace comes.

I feel much more bitter toward my enemy when I am fighting him than I do after we have quieted down. But this bill proposes to say that the Congress of the United States adds bitterness, as time goes on, after the conclusion of peace.

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

Mr. MANN. Yes.

Mr. RAYBURN. What I am interested in is whether or not the gentleman thinks Congress has the power to pass this?

Mr. MANN. I do not know. I raised that question.

Mr. RAYBURN. I might vote for the bill if I thought I was not violating the law by doing it.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. KAHN. Mr. Speaker, I yield five minutes to my colleague on the committee, the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Speaker, I realize that in the discussion of a technical legal point a layman is at a disadvantage. I would suggest, however, from that layman's viewpoint this question for the consideration of my colleagues who are learned in the law, to see what their judgment may be about it, and I present it only in the form in which it suggests itself to the average man who does not know all of the quirks and quiddities of the law, who is not familiar with the judicial and bench decisions as to the technical construction and the shadows of meanings that may lurk in ambiguous phrases, but is interested in the plain, common sense of a proposition as understood in the English language by people who have to read it and live by it.

I do not understand that extending the time during which you can punish a man for an offense is in any sense adding to his crime. I do not understand that extending the time in which the machinery of justice may be authorized to operate has any effect whatever upon the degree of the original offense. If a man broke the law, he broke the law. The proposition as to the time within which he can be punished is in the interest of the Government and not in the interest of the man—

Mr. LONDON. Oh, yes.

Mr. GREENE of Vermont. I am talking from the popular viewpoint—else we are setting out to say that you can commit an offense, and if you can keep out of the way for a certain length of time it will be no offense.

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

Mr. GREENE of Vermont. Yes.

Mr. RAYBURN. Will we by this law be extending the statute of limitations, or enacting a new statute of limitations, or merely writing our interpretation upon the law?

Mr. GREENE of Vermont. The question as to those finer technical legal aspects I can not answer.

Mr. RAYBURN. Here is what I mean: Is a deserter a deserter for only a day at the time of actually quitting the Army, or is he a deserter for the duration of the emergency, or is a draft evader an evader for a day, or an evader for the period of the emergency, and when should the statute of limitations begin to run—from the time the emergency closes or from the time he actually deserts or evades the law?

Mr. GREENE of Vermont. It seems to me that the cases that are brought into apposition here by comparison—that is, the civil cases—have scant analogy. An offense that may be committed against people in peace times, when the law is normally enforced, and when there is no jurisdiction except the civil law, is one thing. It is to be presumed, I dare say, in the interest of Government that cases may not be allowed to continue and drag in the courts overlong, and that where the offense is less than a felony it is not worth the time of the Government to be chasing the four corners of the earth to search out some man who stole a chicken, so that after a certain length of time the authorities have a right to drop the case. It seems to me that is in the interest of public policy.

I never realized before, and if I am mistaken it is time to be corrected, that the law was made with the intention of benefiting the criminal. This question of making a comparison with civil offenses hardly holds, because the questions that are in-

involved in this are altogether ones relating to the safety and the security of the Nation itself—not its mere machinery of justice; not the ordinary rights involved in the relationship of man to man or man to things, but the right of the Nation itself to be preserved by its own people.

When somebody runs away from that duty or fails in obedience to a summons to perform that duty, he is not guilty merely for the time of the emergency. He is guilty for all the rest of the time that he lives. He is a man who would not join with his neighbors in defending their common hearthstone, and it does not seem to me that any question of technicality as to the machinery of his punishment, or as to the details of the length of time within which that machinery may be invoked, have any relation whatever to the enormity of his offense.

We are up against a question of public policy, not one of merely trying to refine a refinement or of making a shadow cast a shadow, in the meanings of words. The question is whether we shall declare, as the Congress of the United States, that when a man has deserted no amount of lapse of time afterwards, if he can keep safely in hiding, will permit him to evade the consequence of his act. We have to look to the future; we have something else to think of except the possibility of action on that particular man.

I do not think my friend from Illinois [Mr. MANN], always tactful as he is, really meant to base the prosecution of this act upon the mean spirit of revenge. Governments are not conducted for revenge, but Governments ought not to be above their own self-respect, and when their own people will not defend their own hearthstones it is time that somebody made some provision to make a warning of those men, so that in the future the hearthstone may be reasonably safe.

The SPEAKER pro tempore. The time of the gentleman from Vermont has expired.

Mr. KAHN. Mr. Speaker, I yield three minutes more to the gentleman.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. CONNALLY of Texas. Is not this what this bill seeks to do? As I understand the situation, it is not a question of limitation, because the Government can now prosecute these people for three years after the proclamation of peace, but it is the fear that after the 14th of March of this year they will cease to be soldiers, and therefore can not be tried by military courts.

Mr. GREENE of Vermont. Certainly.

Mr. CONNALLY of Texas. If they are at this present moment within the military service, and the Judge Advocate General holds they are, is it not perfectly competent for Congress under its power to draft soldiers to continue them in the service, just as they did during the war, just as the Confederate States and the Union during the Civil War drafted soldiers already in the service for a continued service?

Mr. GREENE of Vermont. I suppose that supreme and ultimate power might be invoked.

Mr. CONNALLY of Texas. Is not that what the law does? It will continue them as military offenders.

Mr. GREENE of Vermont. It does continue them as military offenders.

Mr. CONNALLY of Texas. It does not change the statute of limitations?

Mr. MANN. Oh, there are two parts of the bill.

Mr. CONNALLY of Texas. Does it extend the statute of limitations?

Mr. MANN. It extends it expressly.

Mr. CONNALLY of Texas. Not as to deserters.

Mr. MANN. Not as to deserters.

Mr. CONNALLY of Texas. I am speaking about deserters, because that is what we have been discussing here.

I am only discussing the question of deserters, and I thank the gentleman from Illinois because he has made a very clear and, as usual, able argument.

Mr. STEVENSON. The Supreme Court of the United States says that any law which changes the status of a defendant to his disadvantage after the offense is committed is *ex post facto*. As I understand it, this changes the status of a fellow to his disadvantage.

Mr. GREENE of Vermont. I am suggesting to you, gentlemen, as a matter of public policy, not of course as a lawyer, that there is some virtue in the suggestion that peace-time administration is one thing and the question of preserving the Government in its hour of stress is another.

Mr. RAYBURN. I want to ask the gentleman from South Carolina how?

Mr. STEVENSON. If it does not change it to its disadvantage, what advantage does the Government get in passing it? I understand gentlemen here to say that if it was not passed these folks would escape, and if you fix it so that he can not escape, to be sure you are changing it to the disadvantage of the man.

Mr. GREENE of Vermont. It is a change to hold them to the original punishment.

Mr. STEVENSON. Hold them to the original punishment which could not be applied now because of the lapse of time.

Mr. GREENE of Vermont. Would the gentleman contend that the philosophy of this statute of limitations runs directly, specifically, and intentionally in the interest of the respondent? It runs in the interest of the Government, does it not?

Mr. STEVENSON. The Government put the statute there—

Mr. GREENE of Vermont. For its convenience.

Mr. STEVENSON. For the purpose of ending the confusion that arose out of an offense which can be kept alive for all time.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. KAHN. I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

The SPEAKER pro tempore. The Chair will advise the gentleman from California that he has five minutes of his hour remaining.

Mr. KAHN. I will yield those five minutes to the gentleman from Alabama.

Mr. GARRETT of Texas. Unless some gentleman moves the previous question, there could be another hour. Do I understand the gentleman is going to yield five minutes to the gentleman from Alabama?

Mr. MANN. Mr. Speaker, I ask unanimous consent that the time of the gentleman from California be extended 10 minutes.

Mr. RAYBURN. Does that mean at the end of that time he is going to move the previous question?

Mr. MANN. The minority ought not to ask the gentleman in charge of a bill to yield control over his bill.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the time of the gentleman from California be extended 10 minutes. Is there objection?

Mr. RAYBURN. Mr. Speaker, reserving the right to object, I think we ought to have more time.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the time of the gentleman from California be extended 20 minutes.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the time of the gentleman from California be extended 20 minutes beyond the hour. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker and gentlemen, there are two entirely distinct and separate propositions involved in this legislation, and I think it rather important before we vote on it to have a clear understanding of what is involved. I want to say in the beginning it is not my purpose to advocate the extension of any clemency whatever to a deserter or a draft evader, but there is a legal proposition involved in this Senate joint resolution that it is rather important that the Members of the House should consider before passing upon the proposition, so that they may vote upon this bill with their eyes open. Now, there is no question in my mind in reference to that feature of the bill dealing with actual desertion from the military service that this legislation would be germane, but when it comes to the question of extending the time for the prosecution of offenses punishable only in the civil courts, as this report says these draft-evader cases must be, then it presents a rather serious proposition; for the effect of this legislation, if passed, would be to extend the time in which prosecutions in the civil courts could be extended beyond the period of the statute now existing. Under that statute a prosecution is limited to three years after the offense is committed.

Mr. RAYBURN. Will the gentleman yield?

Mr. BANKHEAD. If the gentleman will excuse me, I am afraid I will not have the time, but I will try to yield in just a moment. Under the decision of the Attorney General's office—and that is the forum that will have to prosecute these cases in the event this legislation should pass—the Attorney General's office has taken the position, and takes it now, that Congress has no authority to pass a law extending the time of the statute of limitations.

I had occasion to inquire into that matter last fall in my district, as I stated a few moments ago, where the district

attorney advised me in the case of a draft evader who wanted to surrender and take his punishment that he could not be held by the courts because the period of limitation had expired, and only a few moments ago, in order to ascertain the present judgment of the Attorney General's office, I called them up—although I do not like to appear in Congress here as quoting opinions received over the telephone, I think probably it is a bad practice—but I called up the Assistant Attorney General, Mr. Crim, who has charge of these cases, and he said to me that it would be absolute folly, a mere waste of time of the Congress and for the department to undertake to pass this bill extending this limitation in respect to draft evaders. Now, there is the judicial situation, gentlemen, with which we are confronted.

Mr. RAYBURN. I want to vote for this bill extending the time, if allowed to do so under the law. When does the gentleman think the crime of being a draft evader ends? Does he think it happens only once?

Mr. BANKHEAD. I doubt if a crime can be committed more than once.

Mr. RAYBURN. There is just this about it. A man is a deserter, he is not a deserter for a day, but he is a deserter for all time.

Mr. BANKHEAD. Let me ask my friend this question: Could not he be indicted by the Federal grand jury for not obeying the order of the draft board the day after he failed or refused to obey the order to report for duty?

Mr. RAYBURN. Or any other day.

Mr. BANKHEAD. That is not the construction that is put upon it by the Attorney General's office. That may be an open question, but I thought it important to call the attention of the committee to the attitude of the Department of Justice on that phase of this resolution.

Mr. OLIVER. Will the gentleman yield?

Mr. BANKHEAD. I yield to my friend from Alabama.

Mr. OLIVER. Is not the evader also a military offender? In other words, did not the draft law of its own force draw him into the military service on the happening of a condition, and does the gentleman understand that his reporting alone constituted a military status for him?

Mr. BANKHEAD. That was the construction placed upon it by the Judge Advocate General during the war.

Mr. OLIVER. But surely the draft law was a war measure passed during the war for the purpose of prosecuting the war, and it occurs to me that the draft evader is just as much an offender against the military law as the deserter after he comes in. If that be true, then they are exactly on the same status.

Mr. BANKHEAD. The Secretary of War in his report says that this reference to draft evaders is an offense of which the civil courts alone have jurisdiction and not the military courts. And it was evidently on that basis that the Department of Justice has taken the attitude they have assumed on this question.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KAHN. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. FIELDS] such time as he may desire.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 20 minutes.

Mr. FIELDS. Mr. Speaker, before the debate closes I want to reply briefly to the criticism of the Committee on Military Affairs by the gentleman from Illinois [Mr. MANN] for reporting out bills to remove the charge of desertion or to give pensionable status to former soldiers charged with desertion.

Mr. MANN. Will the gentleman permit me to say that I certainly made no criticism of the Committee on Military Affairs on that account?

Mr. FIELDS. Well, then, Mr. Speaker, in justice to the committee and in justice to the soldiers to whom the committee sought to extend relief by these bills, I desire to submit a few observations. I would infer from the remarks of the gentleman from Illinois that he places in one and the same class the draft dodger, who at no time rendered military service of any character, and a soldier who rendered possibly three, four, or five years' military service, and who for some reason, possibly beyond his control, was charged with desertion.

To my mind there is a wide difference between the two cases. I recall that the Committee on Military Affairs reported out a bill some years ago extending relief to a man who had enlisted in the Army from the State of Ohio. He served some seven months, during which he was in several engagements, and was captured at the Battle of Richmond by the Confederate forces. He was kept in prison for seven months. He broke guard and got away. His organization was then in Texas, as I now recall, or some point in the far South.

It was a physical impossibility for him to return to his organization, and he enlisted in the first military organization that he could reach and served to the end of the war. He was charged with desertion. These facts were brought before the Military Committee of the House. An investigation of the records disclosed that he had enlisted; that he did serve until captured; that he was captured and placed in prison; that he did break guard; and that he joined another regiment and served until the end of the war. Now, the Military Committee looked upon the service and character of that man entirely differently from what it would look upon the conduct of the man who evaded military service by refusing to respond to the call to report to the draft board and be inducted into the service.

Mr. GENSMAN. Will the gentleman yield?

Mr. FIELDS. Not just at this moment.

There is another very large class of cases, charges of desertion, that have been considered by the Committee on Military Affairs. At the close of the Civil War, when peace was declared, or when Lee surrendered, a military organization was stationed here at Washington. The personnel of that organization was made up largely of men from West Virginia, Kentucky, and farther down the Ohio Valley. The organization was ordered to report to New York for muster out. Their officers said to them, as was later testified to by the officers, "The war is over, boys. You have fought a good fight. You are anxious to get home. Just go home. It will be all right. Instead of going to New York to muster out, go back to your homes, most of which are west of here." And instead of going to New York to be mustered out they did return to their homes. They had rendered most splendid military service. The thought of desertion had never once entered their minds. Yet under those peculiar circumstances they were charged with desertion, and many of them stand charged as deserters to-day. Many of them went to their graves with that charge against them. Ah, Mr. Speaker, there is a vast difference between the status of those men and the draft dodgers to whom this bill applies. Yet every time the committee has brought a bill to the floor of this House attempting to extend relief to some man who served his country, and who served it well, but who is charged with desertion, though the circumstances under which he was charged were, as previously stated, possibly beyond his control, the committee has been criticized for favoring deserters and attempting to extend unmerited benefits to them. And I felt, in justice to the committee, that I should submit these observations, in view of the remarks that have been submitted by the gentleman from Illinois [Mr. MANN].

And I want to go a little further. There are many men—old men—in the United States to-day suffering under the stigma of the charge of desertion, who served their country during the war, and some of them for the entire period of the war, against whose names, by some technicality, the charge of desertion has been entered. To my mind the most cruel thing that can happen to a citizen after having served his Government faithfully and well is for that Government to refuse to be liberal in removing the charge of desertion, if the proof shows that he was not responsible for it, and place him and his posterity under the criticism of the community in which he lives that always attaches to the charge of desertion. To my mind it is the most cruel thing that the Government or any agent of the Government could do. I have no sympathy with the draft dodger. I would enact this bill so as to preclude any chance of any draft dodger getting out by reason of the limitation on the time within which the Military Establishment may prosecute him. But I look at him, as I have said, in a way entirely different from the way in which I look at the man who did serve his country, who was wounded in battle, as many of these men were, and who is charged with desertion because of circumstances absolutely beyond their control. They are not in the same class, and it is unfair for any man on the floor of this House or elsewhere to take any position that attempts to put them in the same class.

Now, with regard to this bill, the department has been waging a campaign of prosecution against draft evaders. They can not all be apprehended in a day. The prosecutions can not all be completed at once. The department may have devoted a great deal of time to running down the draft dodger who is in hiding and who is hoping that some advantage may accrue to him by the limitation of the statute under which he is being prosecuted, and possibly the department may almost have its hand upon him. Shall all that work be lost by allowing the limitation to stand, or shall we extend it so that the Government may have more time in which to prosecute the draft dodger?

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

Mr. FIELDS. Let me finish this thought, and then I will.

Another thought: The question has been raised as to whether this Congress has the constitutional power to enact this law. Why, the Congress fixed the date when this present law should expire. Would any man contend that in fixing that date Congress could not have fixed the date proposed in this resolution instead of the date that it did fix as the date on which this statute shall expire? If Congress had that power when the original law was enacted, it certainly has the power now to amend the law by substituting a later date instead of the former one.

Mr. STEVENSON. Mr. Speaker, now will the gentleman yield?

Mr. FIELDS. I yield.

Mr. STEVENSON. Suppose the punishment for murder was imprisonment for life. The legislature has the right to fix that limit, has it not, and if a man has committed a homicide and the legislature increases the penalty to death, does the gentleman think the legislature has the power to do that?

Mr. FIELDS. This does not increase the punishment.

Mr. STEVENSON. No. It has the right to fix any limitation, but having fixed one, and the defendant having committed the offense under that limitation, can it now go and make another limitation to the disadvantage of the defendant? I hold that it can not.

Mr. FIELDS. It does not deprive the draft dodger of any right. It does not change the character of his offense or the punishment or penalty.

Mr. STEVENSON. The gentleman said a minute ago that the Government was about to get its hand on a man, and the time expired. The Government can indict without having arrested, and from the time the indictment is found the statute does not run, and therefore when the Government indicts, whether it has got him or not, it can get him, even 10 years from now.

Take the case of Breese against United States, in North Carolina, where the indictment was found 12 years before the man was put to trial and convicted and sentenced.

Mr. FIELDS. Well, Mr. Speaker, being a layman, I am not familiar with the technical terms to which the gentleman refers and am unable to discuss that feature of the matter as ably as he discusses it. But I can see in this resolution no change in the crime of the draft dodger, and no change in the punishment to be inflicted upon him. The same punishment would be inflicted by an extension that would be inflicted if he were tried to-day.

Mr. STEVENSON. Does not this resolution take away the advantage he would have?

Mr. FIELDS. It does not deprive him of any right. It may deprive him of an advantage that he is about to enjoy by reason of a limitation of the statute to which he is not entitled.

Mr. STEVENSON. And it does work to his disadvantage, because it takes an advantage away from him, and that is the Supreme Court's definition of an ex post facto law.

Mr. FIELDS. Aside from the hairsplitting distinctions which are injected into the discussion, I think, Mr. Speaker, that the draft dodgers ought to be prosecuted, and in order to prosecute them this limitation should be extended.

Mr. STEVENSON. I agree thoroughly with the gentleman on that.

Mr. SANDERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. SANDERS of Indiana. I want to say to the gentleman from Kentucky that so far as the question of limitation is concerned the law is stated in Twelfth Corpus Juris, page 1103, as follows:

A statute which purports to authorize the prosecution, trial, and punishment of a person for an offense previously committed, and as to which all prosecution, trial, and punishment were at the time of the passage of such statute already barred, according to preexisting statutes, is ex post facto.

And, of course, would be unconstitutional. I read further:

But it has been said that, in any case where a right to acquittal has not been absolutely acquired by the completion of the period of limitation, that period is subject to enlargement or repeal without being obnoxious to the constitutional prohibition against ex post facto laws.

Mr. STEVENSON. What court is that?

Mr. SANDERS of Indiana. That cites no United States Supreme Court decision, but it cites Missouri, New Jersey, Texas, and Pennsylvania decisions.

Mr. STEVENSON. As I understand it, in many of these cases it has already expired.

Mr. SANDERS of Indiana. The point I was going to make, if the gentleman will permit me, is that under all the decisions I have been able to find the rule seems to be that if the statute of limitations has expired you can not resurrect the offense and extend it. If it has not expired, you may enlarge it without violating the ex post facto prohibition of the Constitution.

Mr. FIELDS. Yes. That answers the objections to the bill that I have heard raised on my side of the Chamber, and I hope that those who have felt impelled to vote against the resolution because of those objections may now vote for it.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. JOHNSON of Mississippi. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Mississippi makes the point of order that there is no quorum present. Mr. FIELDS. I did not yield the floor to the gentleman. Can he take me off my feet?

The SPEAKER pro tempore. It is the gentleman's right to make the point of no quorum present.

Mr. CHINDBLOM. How much time has the gentleman left?

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. FIELDS] has three minutes remaining. Evidently there is no quorum present.

Mr. KAHN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Almon	Foster	Linthicum	Rose
Ansoberg	Free	Lyon	Rossdale
Appleby	Goodykoontz	McLaughlin, Nebr.	Ryan
Bell	Gorman	MacGregor	Sabath
Bond	Gould	Mansfield	Sanders, N. Y.
Brinson	Graham, Pa.	Martin	Siegel
Britten	Hardy, Tex.	Mead	Slemp
Brooks, Pa.	Hawley	Mills	Smith, Mich.
Burton	Hays	Mott	Snell
Campbell, Kans.	Hicks	Mudd	Snyder
Cantrill	Hogan	Nelson, J. M.	Speaks
Chandler, N. Y.	Hooker	O'Brien	Steenerson
Chandler, Okla.	Houghton	Ogden	Stiness
Clarke, N. Y.	Husted	Osborne	Strong, Pa.
Classon	Hutchinson	Paige	Sweet
Codd	Ireland	Parker, N. J.	Taylor, Ark.
Connell	Jefferis, Nebr.	Parker, N. Y.	Taylor, Colo.
Cramton	Jeffers, Ala.	Parrish	Ten Eyck
Crowther	Johnson, Wash.	Patterson, N. J.	Tincher
Dempsey	Kelley, Mich.	Perlman	Vare
Drane	Ketcham	Petersen	Voigt
Drewry	Kiess	Porter	Ward, N. Y.
Dunn	Kitchin	Rainey, Ala.	Ward, N. C.
Dupré	Kline, N. Y.	Rainey, Ill.	Wilson
Echols	Kreider	Reavis	Winslow
Ellis	Langley	Reed, N. Y.	Wise
Fairchild	Lankford	Riddick	Wood, Ind.
Faust	Larson, Minn.	Riordan	Yates
Favrot	Lazaro	Robertson	
Fenn	Lea, Calif.	Rodenberg	
Fish	Lee, N. Y.	Rogers	

The SPEAKER pro tempore. On this call 309 Members have answered to their names. A quorum is present.

Mr. KAHN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. FIELDS] has three minutes remaining.

Mr. FIELDS. Mr. Speaker, when interrupted by the point of no quorum I was just about to say that the soldiers who rendered service in the World War feel that those who refused to render service, who refused to comply with the draft law, should be called to account before the law for their actions. Not only do the soldiers feel that way but their people feel that way, and every citizen of the country not directly in sympathy with the draft evaders feels that draft evaders should be punished for their failure to serve. It is further to enable the department to carry on its campaign of prosecution against draft evaders that the enactment of this joint resolution is sought, and I trust that it may pass. It should pass unanimously. Every Member of the House should vote for it, because I feel—I know—that there is no Member of the House who is in sympathy with the men who failed to respond to their country's call in the hour of need, and who are now, many of them, in hiding, some under assumed names, hoping that they may be able to continue in hiding until the limitation runs, when they may gain some advantage.

Mr. Speaker, I yield the floor.

The SPEAKER pro tempore. The gentleman yields back one minute.

Mr. KAHN. Mr. Speaker, I move the previous question on the passage of the joint resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The joint resolution was ordered to a third reading, and was accordingly read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

The SPEAKER pro tempore. The gentleman from Mississippi demands the yeas and nays. All those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Thirteen Members, not a sufficient number.

Mr. SISSON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. KAHN. I make the point of order that that is dilatory, because we have just had a roll call which disclosed the presence of a quorum.

The SPEAKER pro tempore. The Chair will state that we have voted on ordering the previous question and also upon the third reading since the quorum appeared, and the Chair thinks that the point of order is properly made. The Chair will count to ascertain if a quorum is present. [After counting.] Two hundred and two Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees. Those in favor of the passage of the joint resolution will, as their names are called, vote "yea," those opposed, "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 264, nays 20, answered "present" 5, not voting 140, as follows:

YEAS—264.

Ackerman	Dowell	Kissel	Ricketts
Almon	Driver	Klecza	Roach
Andrews, Nebr.	Dunbar	Kline, Pa.	Robson
Anthony	Edmonds	Knutson	Rosenbleom
Arentz	Elliott	Kopp	Rouse
Aswell	Evans	Kraus	Rucker
Atkeson	Fairfield.	Kreider	Sanders, Ind.
Bacharach	Eess	Kunz	Sanders, Tex.
Bankhead	Fields	Lampert	Sandlin
Barbour	Fisher	Lanham	Scott, Mich.
Beck	Fitzgerald	Layton	Scott, Tenn.
Beedy	Focht	Leatherwood	Shaw
Begg	Fordney	Lee, Ga.	Shelfton
Benham	Foster	Leibach	Sinclair
Bird	Freeman	Lieberger	Sinnett
Bixler	French	Luce	Smith, Idaho
Black	Frothingham	Luhring	Smith, Mich.
Blakeney	Fuller	McArthur	Stafford
Blank, Va.	Fulmer	McClintic	Stedman
Blanton	Funk	McDuffie	Stephens
Boies	Gahn	McFadden	Stevenson
Bowers	Gallivan	McKenzie	Stoll
Bowling	Garner	McLaughlin, Mich.	Strong, Kans.
Box	Garrett, Tenn.	McLaughlin, Pa.	Sullivan
Brand	Garrett, Tex.	McPherson	Summers, Wash.
Briggs	Gensman	McSwain	Summers, Tex.
Brooks, Ill.	Gerner	Maloney	Swank
Buchanan	Gilbert	Mapes	Swing
Bulwinkle	Glynn	Mead	Tague
Burdick	Goldsborough	Michener	Taylor, N. J.
Burke	Goodykoontz	Miller	Taylor, Tenn.
Burroughs	Graham, Ill.	Millsbaugh	Temple
Burtness	Green, Iowa	Mondell	Thomas
Butler	Greene, Mass.	Montague	Thompson
Byrnes, S. C.	Greene, Vt.	Montoya	Tillman
Byrns, Tenn.	Griffin	Moore, Ill.	Tilson
Cable	Hadley	Moore, Ohio	Timberlake
Campbell, Pa.	Hardy, Colo.	Moore, Va.	Tinkham
Carew	Hardy, Tex.	Moore, Ind.	Towner
Carter	Harrison	Morgan	Treadway
Chalmers	Haugen	Morin	Tyson
Chindblom	Hayden	Murphy	Underhill
Christopherson	Hersey	Newton, Minn.	Upshaw
Clague	Hill	Newton, Mo.	Valle
Clouse	Himes	Nolan	Vestal
Cole, Iowa	Hoch	Norton	Vinson
Cole, Ohio	Hudspeth	O'Connor	Voigt
Collier	Hull	Oldfield	Walters
Colton	Husted	Oliver	Watson
Connally, Tex.	Jacoway	Oipp	Weaver
Connolly, Pa.	James	Overstreet	Webster
Cooper, Ohio	Johnson, Ky.	Padgett	Wheeler
Copley	Johnson, S. Dak.	Paige	White, Kans.
Coughlin	Jones, Pa.	Perkins	White, Me.
Crago	Jones, Tex.	Pou	Williams
Crisp	Kahn	Pringley	Williamson
Cullen	Kearns	Purcell	Wingo
Curry	Keller	Quin	Winslow
Dale	Kelly, Pa.	Radeliffe	Woods, Va.
Dallinger	Kendall	Raker	Woodyard
Darrow	Kennedy	Ramseyer	Wright
Davis, Minn.	Ketcham	Rayburn	Wurzbach
Davis, Tenn.	Kincheloe	Reece	Wyant
Deal	Kindred	Reed, W. Va.	Young
Denison	King	Rhodes	Zihman
Dickinson	Kirkpatrick		

NAYS—20.

Collins	Larsen, Ga.	Mann	Sears
Dominek	Little	Michelson	Sisson
Doughton	Logan	Parks, Ark.	Steagall
Hammer	London	Rankin	Stolk
Huddleston	Lowrey	Schall	Voistead

ANSWERED "PRESENT"—5.

Clark, Fla.	Cooper, Wis.	Herrick	Humphreys
Cockran			

NOT VOTING—140.

Anderson	Faust	Lazaro	Reed, N. Y.
Andrew, Mass.	Favrot	Lea, Calif.	Riddick
Ansonge	Fenn	Lee, N. Y.	Riordan
Appleby	Fish	Linthicum	Robertson
Barkley	Frear	Longworth	Rodenberg
Bell	Free	Lyon	Rogers
Bland, Ind.	Gorman	McCormick	Rose
Bond	Gould	McLaughlin, Nebr.	Rossdale
Brennan	Graham, Pa.	MacGregor	Ryan
Brinson	Griest	Madden	Sabath
Britten	Hawes	Magee	Sanders, N. Y.
Brooks, Pa.	Hawley	Mansfield	Shreve
Brown, Tenn.	Hays	Martin	Siegel
Browne, Wis.	Hickey	Merritt	Slemp
Burton	Hicks	Mills	Smithwick
Campbell, Kans.	Hogan	Mott	Snell
Cannon	Hooker	Mudd	Snyder
Cantrill	Houghton	Nelson, A. P.	Speaks
Chandler, N. Y.	Hukriede	Nelson, J. M.	Sproul
Chandler, Okla.	Hutchinson	O'Brien	Steenerson
Clarke, N. Y.	Ireland	Ogden	Stiness
Classon	Jefferis, Nebr.	Osborne	Strong, Pa.
Codd	Jefferis, Ala.	Park, Ga.	Sweet
Connell	Johnson, Miss.	Parker, N. J.	Taylor, Ark.
Cramton	Johnson, Wash.	Parker, N. Y.	Taylor, Colo.
Crowther	Kelley, Mich.	Parrish	Ten Eyck
Dempsey	Kiess	Patterson, Mo.	Tincher
Drane	Kinkaid	Patterson, N. J.	Vare
Drewry	Kitchin	Perlman	Ward, N. Y.
Dunn	Kline, N. Y.	Petersen	Ward, N. C.
Dupré	Knight	Porter	Wilson
Dyer	Langley	Rainey, Ala.	Wise
Echols	Lankford	Rainey, Ill.	Wood, Ind.
Ellis	Larson, Minn.	Reavis	Woodruff
Fairchild	Lawrence	Reber	Yates

So the resolution was agreed to.

The following pairs were announced:

Mr. ELLIS with Mr. HUMPHREYS.
 Mr. LANGLEY with Mr. CLARK of Florida.
 Mr. FAUST with Mr. O'BRIEN.
 Mr. GORMAN with Mr. SMITHWICK.
 Mr. CHANDLER of Oklahoma with Mr. WILSON.
 Mr. BRENNAN with Mr. BELL.
 Mr. PATTERSON of Missouri with Mr. FAVROT.
 Mr. REBER with Mr. LEA of California.
 Mr. KIESS with Mr. MARTIN.
 Mr. MAGEE with Mr. RIORDAN.
 Mr. OSBORNE with Mr. KITCHIN.
 Mr. GRIEST with Mr. DRANE.
 Mr. IRELAND with Mr. BARKLEY.
 Mr. DUNN with Mr. TEN EYCK.
 Mr. CAMERON with Mr. RAINY of Illinois.
 Mr. FREE with Mr. CANTRILL.
 Mr. A. P. NELSON with Mr. HOOKER.
 Mr. REED of New York with Mr. LAZARO.
 Mr. HUKRIEDE with Mr. PARRISH.
 Mr. SNELL with Mr. JEFFERS of Alabama.
 Mr. BLAND of Indiana with Mr. HAWES.
 Mr. HOGAN with Mr. DUPRÉ.
 Mr. CONNELL with Mr. WISE.
 Mr. SHREVE with Mr. TAYLOR of Arkansas.
 Mr. SPEAKS with Mr. DREWRY.
 Mr. GRAHAM of Pennsylvania with Mr. BRINSON.
 Mr. HUTCHINSON with Mr. TAYLOR of Colorado.
 Mr. PATTERSON of New Jersey with Mr. SABATH.
 Mr. PORTER with Mr. RAINY of Alabama.
 Miss ROBERTSON with Mr. LANKFORD.
 Mr. LAWRENCE with Mr. LINTHICUM.
 Mr. VARE with Mr. PARK of Georgia.
 Mr. WOODRUFF with Mr. WARD of North Carolina.
 Mr. CODD with Mr. LYON.
 Mr. APPLEBY with Mr. MANSFIELD.
 Mr. MUDD with Mr. JOHNSON of Mississippi.
 The result of the vote was announced as above recorded.
 A quorum being present, the doors were opened.
 On motion of Mr. KAHN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had insisted upon its amendments disagreed to by the House of Representatives to the bill (H. R. 9981) making appropriations for the Executive and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1923, and for other purposes, had agreed to the conference asked for by the House, and had appointed Mr. WARREN, Mr. SMOOT, Mr. JONES of Washington, Mr. OVERMAN, and Mr. GLASS as conferees on the part of the Senate.

PURCHASE OF LAND FOR CEMETERIES IN EUROPE.

Mr. KAHN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House joint resolution 263, au-

thorizing the purchase of land for cemeteries for American military dead in Europe, and the improvement thereof.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. McARTHUR in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the joint resolution which the Clerk will report.

The Clerk read the House joint resolution, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to expend not to exceed \$856,680 of the appropriation, "Disposition of remains of officers, soldiers, and civilian employees," in the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, approved March 4, 1921, for purchase of such real estate as is necessary to establish suitable burial places in Europe for American military dead, and for suitable and necessary improvements thereon, of which not to exceed \$111,000 may be applied to the purchase of land as follows: Aisne-Marne, \$20,000; Suresnes, \$9,000; Somme, \$11,000; Brookwood, \$31,000; St. Mihiel, \$15,000; Oise-Aisne, \$20,000; Flanders Field, \$5,000; total, \$111,000.

Mr. KAHN. Mr. Chairman, this resolution makes no new appropriation, but it allows a part of the money which was appropriated in the last bill to be used for the purchase of land which is now used as a cemetery in France. After the war the United States began to send back to this country the remains of many of the soldiers, sailors, and marines who lost their lives abroad. There are now 32,000 Americans that remain on French, Belgian, and English soil. It is thought that they will be allowed to sleep their last sleep in those countries. The War Department believes that after the great struggle which we went through the American people would like to see this Government get possession of the areas in France near the big battle fields where these men are buried and take proper care of those cemeteries; so that when any American who feels inclined to visit the Republic of France will be able to go to these places where our soldiers lie at rest and feel that his fellow countrymen are being cared for by the country that they served so well and so faithfully.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. KAHN. I will.

Mr. SMITH of Michigan. I notice on page 2 that \$111,000 is set apart for the purchase of land; I presume near these battle fields. Has any investigation been made as to whether the lands can be purchased for this amount?

Mr. KAHN. I understand that these lands can be purchased for the amount set forth in the resolution.

Mr. SMITH of Michigan. That has been arranged for.

Mr. KAHN. Yes.

Mr. SMITH of Michigan. And the balance of the appropriation is to be used to fit up the grounds.

Mr. KAHN. Oh, most of the balance of the appropriation is to be expended in this country.

Mr. MANN. Mr. Chairman, if I may have the attention of the gentleman from California, I do not remember the amount of the appropriation in the sundry civil act, but this resolution authorizes \$111,000 out of the appropriation already made for the purchase of land and \$745,000 for the improvement in Europe of these cemeteries.

Just what the improvement is to be I do not know, but I suppose that includes inclosing the grounds, headstones, and various things of that sort.

Mr. KAHN. I have been at several of these cemeteries in Europe, the one at Suresnes, which is mentioned in the resolution here. It is just outside of the city of Paris. I think they have something like 3,000 graves there now. They are beautifully looked after. Various families among the people of France agreed among themselves to adopt for each family one grave to look after so long as there is anybody belonging to that family on earth. It is a beautiful thing to do. It is a remarkable sight to see dozens of families represented on those grounds by the children who were planting flowers on the grave of which their parents had become guardian. At one place in the north, Romagne, there were 27,000 graves dug at one time, but of course many of the bodies have been brought back to this country.

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

Mr. KAHN. Yes.

Mr. VESTAL. Can the gentleman give us any information as to whether we propose to keep and improve all of the cemeteries that we have in France, or are they to be combined into one or more large cemeteries? At Romagne, for instance, the cemetery is quite large.

Mr. KAHN. Twenty-seven thousand Americans were buried there.

Mr. VESTAL. While at Theicourt, the cemetery is very small. I am wondering whether those cemeteries are going to be combined into one cemetery in France.

Mr. KAHN. Of course, they will have to have more than one. The bill contemplates more than one, but they expect to have a good-sized cemetery at some point near where the battle was fought, and the bodies will be brought into those large cemeteries from the smaller ones in the neighborhood.

Mr. VESTAL. At Romagne we have a force of Americans who are keeping the cemetery in fine condition.

Mr. KAHN. Twenty-seven thousand were buried at Romagne at one time, but now all of the Americans who are buried over there number only 32,000, so that Romagne has been probably cut down to about 9,000 or 10,000 graves.

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

Mr. KAHN. Yes.

Mr. TOWNER. I notice that in the appropriation originally made, it was not to exceed \$856,680 for, as was stated, the disposition of remains of officers, soldiers, and civilian employees. I presume a question might be raised as to whether that would include the purchase of real estate, and for that reason this act provides that it shall be so included. Then, beside that amount, \$111,000 is appropriated by specific amounts for certain named cemeteries.

Mr. KAHN. Yes.

Mr. TOWNER. With regard to the consolidation, I presume it would be impracticable to make a consolidation all in one or two cemeteries.

Mr. KAHN. It would be impracticable.

Mr. TOWNER. And for that reason these cemeteries are particularly named?

Mr. KAHN. Yes.

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

Mr. KAHN. Yes.

Mr. WILLIAMSON. My understanding is that the total appropriation in the beginning was \$856,680.

Mr. MANN. It was \$1,000,000.

Mr. WILLIAMSON. And that out of this appropriation have been used funds already to bring the bodies back from France, and the balance is to be used for the purpose of purchasing grounds and improving property over there.

Mr. KAHN. The gentleman from Illinois [Mr. MANN] who has looked at the law, finds that in the original bill \$1,000,000 was appropriated, of which \$856,000 is available for taking care of the bodies of certain officers and soldiers and civilian employees. Of that amount it was deemed advisable to segregate \$111,000 and use that for the purchase of the cemeteries, where these men are buried.

Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, soon after the war closed I introduced a measure looking to the creation of what was to be called the field of honor in Europe, thinking that it might be possible to collect all the bodies of our soldier dead and bring them into one field for rest. It was the idea to have it so arranged that some beautiful section of France might be chosen as a spot for that purpose. I was told that it would not be difficult to have such a concession of land made by the French Government, and I introduced that measure. The plan was to have an incorporation to establish a fund of not less than \$15,000,000, not to come out of the Treasury of the United States unless the Government so desired, and then have the grounds so arranged that the place of the burial of each soldier would be marked on a chart, which was to find a permanent place in some chapel to be erected out of the fund, so that when any American should go to France and go to this place he could go to the record and find where each boy was buried and what his service was, when and where he existed, the full record so far as his service was concerned and where he died.

The suggestion was very warmly accepted at first on the basis that if it were feasible it should be done, but some confusion about whether the Government should allow any association to contribute money for this purpose arose and it finally was dismissed and nothing further has been done. Probably it would not be feasible, but it seems to me that if we could have erected some sort of a field of honor of that kind somewhere in the most beautiful section of France, it would have been a very commendable tribute to our soldier dead and would be very far-reaching in its significance in respect to our thought about their sleeping in a foreign land. I presume there is no possibility of this at this stage. I gave up the effort some time ago, since my suggestion never got further than an interesting proposal.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, we have several times appropriated money designed to be expended in bringing the bodies of the soldier dead home from France. In 1921 we made an appropriation of \$1,000,000 for "the disposition of the remains of officers, soldiers, and civilian employees." It covered quite a number of items. The purpose of this resolution is to permit the use of \$111,000 of that million-dollar appropriation in the purchase of the land in seven cemeteries where the bodies of our soldier dead lie in France.

As I understand, the resolution also provides for the expenditure of a large sum of money out of the original appropriation for the purpose of improving these cemeteries. I am one of those who thought that while the parents of a deceased soldier who desired the body brought home should have that desire effectuated; but, after all, the most beautiful thing to do was to bury the bodies of the boys over there where they died and then forever keep that resting place in the most beautiful form which nature can give. There they passed away. We preserve some beautiful cemeteries in the United States where our soldiers fought and died in the past, and I think—at least it appeals to my heart—we ought to give these soldiers who died over there and their friends over here this resting place to be taken care of by a loving country forever in memory of their deeds and their loss, so that the people here may know that over there they are not any more forgotten than they are forgotten here at home. [Applause.]

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Chairman, I rise in opposition to the joint resolution before the committee. I think the committee ought to know some of the phases of the proposition that has been submitted that were brought to the attention of the Committee on Appropriations recently. This proposition was discussed both in the regular bill for the support of the Army and also was asked to be included as an item of the deficiency bill. One of the arguments which influenced the subcommittee in not including it in the deficiency bill was that the program contemplated by the War Department involves a total expenditure, of which this is a beginning, of several million dollars. It also involves what the committee thought would be more of a desecration of the graves of the American soldiers in France than anything else in that the men who are in most of the cemeteries in France to-day are buried in rows about 3 feet apart. We were advised by the War Department they thought 6 feet was a proper width between those graves, and they told us that with this money they proposed to disinter a majority of the bodies there and reinter them according to those specifications. Our committee thought the men should be permitted to rest still where they are in peace for a while at least.

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

Mr. ANTHONY. I will.

Mr. MCKENZIE. Are we to understand they are to use part of the \$110,000, or would they ask for other appropriations later?

Mr. ANTHONY. Our understanding is that they will ultimately ask for several million dollars, and in my opinion it will run to eight or ten million dollars, of which this is a beginning.

Mr. MCKENZIE. That would be another feature but not connected with the appropriation for the purchase of land?

Mr. ANTHONY. No. There is only \$111,000 included for the purchase of land. To complete the plan and program, however, involves an immense expenditure of money, and we felt we would like to have a more complete and more ample program before us before we allowed close to a million dollars to start that work.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. FAIRFIELD. Is the land on which they are buried now the property of the United States Government?

Mr. ANTHONY. I do not know as to that. I am informed it is not. I understand the French Government has at all times stated that it is willing to give title or give the right to this Government to use the land for all time.

Mr. FAIRFIELD. That is without compensation?

Mr. ANTHONY. Without compensation.

Mr. FAIRFIELD. Then there is no real need of purchasing the land at this time?

Mr. ANTHONY. Yes; in order to round out certain tracts. They desire to purchase additional tracts. But I understand the French Government has given guaranties that it will provide adequate land for that purpose. That is our information.

Mr. FAIRFIELD. The gentleman's judgment is these additional tracts called for in this bill ought to be purchased at this time?

Mr. ANTHONY. I think at some time they should be purchased when we can agree on what is a proper program over there. Just at present we do not have detailed information and we do not have a comprehensive plan on which we could proceed, and it is going to cost a great many million dollars before they get through with it.

Mr. FAIRFIELD. In other words, we are voting just a little blindly at this time?

Mr. ANTHONY. In my opinion we are voting a little blindly now if we vote \$800,000 without knowing what the ultimate cost will be.

Mr. KAHN. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. KAHN. You have already voted the \$800,000; that is in the bill; but this \$111,000 that this bill contains takes in the matter of the purchase of the land only.

Mr. ANTHONY. I will say we found there was over \$5,000,000 yet unexpended and available of funds previously appropriated, which can, in my opinion, be used for this purpose; and it is our intention to put that money back into the Treasury until Congress has a chance to act definitely on a definite program. That money is now available for expenditure.

Mr. TOWNER. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. TOWNER. This bill provides only for the purchase of real estate, at least it makes no provision for anything else. There is nothing else, as I understand it. I would like to have the gentleman from Illinois call attention to it if it is not correct—

Mr. MANN. This bill authorizes \$111,000 for the purchase of real estate, and it authorizes the Secretary of War to expend \$856,680 for the purchase of real estate and for suitable and necessary improvements thereon. So we appropriate or authorize the use of \$111,000 for the purchase of the real estate and \$745,000 for the improvement of that real estate.

Mr. TOWNER. It includes here the purchase of real estate, as the gentleman will see on line 9, as well as the particular purchase of real estate as thereafter mentioned.

Mr. MANN. But that purchase is limited.

Mr. TOWNER. The last purchase is limited to the purchase of real estate.

Mr. MANN. The purchase as mentioned on line 9 is limited by the language commencing on line 1, page 2, which says:

Of which not to exceed \$111,000 may be used for the purchase of land, as follows.

That is the way I read it.

Mr. TOWNER. That is exactly my idea about it also. I have no doubt but the gentleman from Illinois is correct. But a part of this purchase money, of \$856,680, may be used for the purchase of real estate, besides the \$111,000 particularly mentioned, as I understand it.

Mr. MANN. The gentleman may be correct, though that is not my construction of it.

Mr. TOWNER. It states specifically here that it is for the purchase of such real estate as is necessary, and besides it is specifically mentioned that \$111,000 is to be used for the purchase of land, as follows, and particularly mentioning it in the item.

Mr. FAIRFIELD and Mr. KREIDER rose.

Mr. KAHN. I first yield to the gentleman from Indiana [Mr. FAIRFIELD].

Mr. FAIRFIELD. Unless this bill passes, as I understand it, the appropriation which has been made is not available for this purpose.

Mr. KAHN. It is my understanding that it is not available for this purpose.

Mr. KREIDER. I would like to ask the gentleman, the chairman of the committee, whether all the soldiers that are buried in France and in Belgium are now buried at these five points enumerated in this bill?

Mr. KAHN. No; but they propose to bury them there if this bill goes through.

Mr. KREIDER. The gentleman knows, and so do I, as we were both over there at the same time, that they were buried in certain cemeteries. Does this bill cover those cemeteries?

Mr. KAHN. Not all of them. This is what happened: The department began to bring back to this country men who died and were buried in France. They have brought back a good many former soldiers, sailors, and marines. But there are still in France and in Belgium and in England 32,000 American dead.

Mr. KREIDER. Not now interred in these cemeteries?

Mr. KAHN. No. Some are interred in smaller cemeteries and some in larger. For instance, when I saw the gentleman over in France I think I went beyond the Hindenburg line. I saw the Chinese digging 27,000 graves; that many of our men were to be buried in that one cemetery alone. But subsequently, when the parents began to request that their loved ones be sent back to this country wherever they could be located, wherever the remains could be found, they were promptly sent back to this country. Now, we lost in war alone over there over 50,000 soldiers—50,350, I think. Those remains are buried near where they fell, sometimes in single graves, sometimes, as around Belleau Woods, a hundred in one little space.

Mr. KREIDER. Will the gentleman yield for another question?

Mr. KAHN. Yes.

Mr. KREIDER. Heretofore, as I understand it, it has been the privilege of the relatives or parents of those on the other side to have the bodies brought back?

Mr. KAHN. Yes.

Mr. KREIDER. If I read this bill correctly and I have the thought right, the bill that was first passed appropriated \$1,000,000 for this purpose?

Mr. KAHN. Yes.

Mr. KREIDER. Of which apparently about \$143,000 has been used. Now, then, we are specifying for what purpose this money may be used?

Mr. KAHN. Yes.

Mr. KREIDER. Under the terms of this bill we provide that \$111,000 may be used for the purchase of the real estate, and the difference between \$111,000 and \$856,680 can, under the terms of this bill, be used for suitable and necessary improvements thereon?

Mr. KAHN. That is it.

Mr. KREIDER. What I want to know is whether if the parents of these soldiers desire to have the bodies of their dead brought to this country—which I do not especially approve of, but yet I am willing to do whatever the parents of these soldier boys want done—I want to know if there are any funds available in order that they may continue to be brought back to this country at the expense of the Government?

Mr. KAHN. I think that the War Department has gone almost to the very bottom of those things. They announced very publicly, and it was known very generally in this country, that if anyone wanted the remains of the soldiers brought back to this country, by applying to the War Department the remains would be brought back.

Mr. KREIDER. I think that is true.

Mr. KAHN. But all of that has ceased now. They are not asking at this time that these boys be sent back here, and therefore the War Department has felt that this Government ought to have special burial places over there, so that any American visitors going over there can visit these cemeteries.

Mr. KREIDER. But you are not answering my question.

Mr. KAHN. What is your question?

Mr. KREIDER. My question is, if now, whether the War Department wants to or not and thinks the time has come when they should not be brought back, the parents of a boy think the time has come when he ought to be brought back, whether the War Department has the funds to do it and whether they will do it?

Mr. KAHN. I think they have the funds under this language:

Disposition of remains of officers, soldiers, and civilian employees.

Mr. KREIDER. I understand that, but if the War Department has expressed an opinion—

Mr. KAHN. They have not expressed any opinion, and that language at the head of a section in the original bill, in the appropriation bill, would take care of men that the gentlemen refers to.

Mr. KREIDER. But not after the passage of this bill.

Mr. KAHN. As long as that kind of language remains in an appropriation bill the money will be there to bring them back.

Mr. FESS. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. FESS. This \$856,680 is only a portion of the appropriation?

Mr. KAHN. Yes.

Mr. KREIDER. I beg your pardon. It was \$1,000,000 appropriated and \$145,000 has been spent. This is what is left out of the \$1,000,000?

Mr. KAHN. The gentleman is right about that.

Mr. KREIDER. And when you appropriate all that is left for the purchase of ground and the improvement thereof you

are liable to use every dollar of it. The only question I am interested in—and I want it to be clearly understood—is that the parent of the boy who has died in France and who desires the body to be brought back can be gratified by having the remains of his boy brought back.

Mr. KAHN. I think he can be brought back.

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

Mr. KAHN. Certainly.

Mr. KETCHAM. In line 12 of the resolution I notice this language:

Of which not to exceed \$111,000 may be applied to the purchase of land.

Mr. KAHN. Yes—

to the purchase of land as follows.

Then the places and amounts are given.

Mr. KETCHAM. In the letter of the Secretary of War I notice the same identical language. Is the chairman able to advise us as to whether or not the \$111,000 is to cover the entire purchase price, or whether that language can be so construed as to convey the idea that this is but a partial payment?

Mr. KAHN. No. I believe that it is in full payment for the rights of America to these various tracts of land.

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

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Connecticut?

Mr. KAHN. I was going to make a little statement. Then I will yield.

Mr. TILSON. Let the gentleman make his statement first, and then I will follow.

Mr. KAHN. I was in France at the time our cemeteries were established there. They were very large tracts of land, most of them. We had thousands of former soldiers and ex-soldiers buried there. I saw in Romagne alone 27,000 buried; in Surresnes there were 3,000 buried. In Thiencourt there were 6,000 buried, and in various other places throughout France large cemeteries have been established.

Now, when the War Department began to bring home the remains of these boys there were large numbers brought out of the cemeteries, which left big void spaces in many of them. For instance, the Romagne, which had 27,000 dead at one time, has been cut down, so that there are only about 9,000 there now, all told.

Now, the purpose of this law is to get absolute title to some of those places where the Americans are buried, and later on, of course, they will be beautified and the people of this country will be given every opportunity to visit these places and visit the graves of those in whom they are interested.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield further?

Mr. KAHN. Yes.

Mr. KETCHAM. In view of the gentleman's explanation, would he be willing to make this change in the language: "not to exceed \$111,000 may be used for the purchase of land" instead of "applied to"?

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman permit me there to offer a suggestion?

Mr. KAHN. Yes.

Mr. GREENE of Vermont. I think my friend from Michigan is needlessly troubled about that. The whole sum is applied by the terms of this bill generally to undistinguished purchases of land, with the reservation that \$111,000 is to be applied directly to the cemeteries that follow. The word "application" does not mean partial payment. It means that in the distribution of the amounts of money, wherever the rest may go, this goes to those places.

Mr. KETCHAM. In that event my amendment would not do any harm, would it?

Mr. GREENE of Vermont. It simply might delay the passage of the resolution through another House, requiring that it should come back here again. I know the gentleman does not intend to do that.

Mr. KETCHAM. No; I do not desire to do that.

Mr. GREENE of Vermont. There is money enough possibly to supply all of these requirements. The general provisions of the bill will supply that money to go there, and, whatever we do with the rest, the sum of \$111,000 is to be used in these particular instances.

Mr. KAHN. Mr. Chairman—

Mr. TILSON. Before the gentleman from California proceeds, will he allow me to say a word?

Mr. KAHN. Yes.

Mr. TILSON. We have already appropriated \$1,000,000 for the disposition of the remains of officers, soldiers, and civilian

employees. In this bill we propose to authorize the Secretary of War to expend not to exceed \$856,680 of this \$1,000,000 for the purchase of such real estate as is necessary to establish suitable burial places in Europe for American military dead. Is that correct?

Mr. KAHN. Yes. Of course, that simply repeats the language that is already in the appropriation.

Mr. TILSON. No; I think not.

Mr. KAHN. I think it is.

Mr. TILSON. I have searched through the section of the sundry civil bill to which the gentleman refers, and I can not find the language there. It seems to me the purpose of this resolution is to authorize the Secretary of War to purchase such real estate as is necessary to establish suitable burial places in Europe for American military dead and to make improvements thereon. Out of this \$856,680 he may expend not to exceed \$111,000 for certain specific real estate mentioned here; that is, a certain amount for each one of these specific cases?

Mr. KAHN. Yes.

Mr. TILSON. It seems to me that he is authorized to expend \$856,680 for the purchase of such real estate as is necessary, and so forth, and out of this amount he is authorized to expend not to exceed \$111,000 for these specific places. Is that the meaning of the bill?

Mr. KAHN. That is the new language of the bill. The other language is practically in the bill under the head of "Disposition of the remains of officers, soldiers, and civilian employees."

Mr. TILSON. I have that act referred to in the resolution before me, and I do not find the language there.

Mr. KAHN. The gentleman from Illinois [Mr. MANN] was looking at it a little while ago.

Mr. VESTAL. The gentleman is right. The language is not in there.

Mr. MANN. There is no provision in the original appropriation for the purchase of land.

Mr. TILSON. That was my impression and that is the way I read the law.

Mr. LOWREY. Will the gentleman from California yield for a question?

Mr. KAHN. Yes.

Mr. LOWREY. What was the meaning of the statement made a while ago that France had expressed a willingness to give the land for the burial of these boys? Does it mean simply that she allows us to purchase it from private individuals?

Mr. KAHN. Of course, I have heard a great many things about what this country or that country was willing to do or was not willing to do, but my own experience is that the pay that they demand is very welcome for anything they give us.

Mr. LOWREY. Then this appropriation is to buy land owned by private individuals?

Mr. KAHN. Yes.

Mr. LOWREY. On certain fields?

Mr. KAHN. Yes.

Mr. LOWREY. I just wanted to bring that fact out.

Mr. KAHN. We were involved in the greatest war that ever called for the soldiers of any country, and we came forward in a splendid manner. All told, our armies and our navies and the marines furnished very nearly 5,000,000 men. It was a terrific number of soldiers, sailors, and marines. Two million of them went over to Europe. A little over 50,000 were killed, and there were buried originally wherever they happened to fall. When I was over there I saw the original graves—one man buried here, another man buried 5 feet away, another man buried 10 feet away, and then probably three or four buried in a little space close together. Then our graves registration people went over there and they took up every one of those bodies buried in isolated graves and reinterred them in larger cemeteries. Around Belleau Wood I saw cemeteries that had as many as 100 dead, or 200, and occasionally I would see a cemetery that had as many as a thousand dead. In every one of those terrific battles through which our soldiers passed we had many dead. At the Meuse-Argonne fight we lost at least 20,000, who were all buried, nominally, up at Romagne, beyond the Hindenburg line. They arranged for 27,000 men to be buried in that cemetery. I do not know whether they were all recognizable. They had been stricken down on the battle field. A shell would come along and possibly knock off two or three heads, and it was hard to identify the bodies. But our forces did the best that could be done. I was hoping that this Government would be content to allow those men who died over there to rest there in peace forever. I was up at the little grave erected over the remains of Quentin Roosevelt. There was a family that had as much right to demand the return of their boy's body as any family in the country, but the ex-President

and his wife both agreed that the body was properly buried where it fell, and the grave is taken care of beautifully by the French people. It is an isolated grave. It is not surrounded by any other bodies.

A great many of the people who lost their loved ones in that war began to feel that they wanted them brought over to this country. They wanted them buried in the cemeteries near their own homes, so that they could visit the graves whenever they were inclined to do so, and the War Department yielded to that feeling.

Mr. REED of West Virginia. Will the gentleman yield for a question for explanation?

Mr. KAHN. Yes.

Mr. REED of West Virginia. After a great battle it is necessary to have a large area of ground to bury the dead. The Republic of France did not own any ground there. It belonged to private landowners—the farmers. How did they acquire the land in that emergency, and what title did they take to the land?

Mr. KAHN. Of course, these cemeteries were opened up on land that was not occupied by dwellings or buildings. It was farm land in some cases and vineyard land in other cases, and I imagine that the Republic of France took possession because the men fell just where this vacant land happened to lie.

Mr. REED of West Virginia. Does the gentleman suppose that the French Government has since paid the owners?

Mr. KAHN. I do not think so. I think the money is due for this land, and this bill allows the Government of the United States to make that payment. That is the situation as I view it; but there is a situation over there that singularly appeals to me. These boys were mostly born in the United States of America. They gave to their country in the hour of its stress the greatest thing that any man could give to his country under such circumstances. They gave their lives to the Republic. They were buried over there. Many relatives have not demanded that their loved ones be brought back to this country. They are going to sleep the everlasting sleep right over there in France, and I for one feel that this country, which they served so well and so faithfully in those days, can well afford to see that their last resting place is well cared for; that everything possible to be done by this country should be done in order to make their final sleeping place worthy of the land for whose welfare and rights they were willing to lay down their lives. [Applause.]

Mr. TILSON. Will the gentleman yield?

Mr. KAHN. I yield to the gentleman from Connecticut.

Mr. TILSON. I thoroughly agree with all that the gentleman has said, and I would like to ask him just how much it is intended under this authorization to pay for real estate? Is it just the \$111,000?

Mr. KAHN. That is all.

Mr. TILSON. The remainder of the language is to provide an authorization for such improvements as may be necessary. Is that the purpose?

Mr. KAHN. I take it that that is what it means.

Mr. TILSON. It seems to me that under the language of the resolution they might expend it all for the purchase of real estate; therefore I asked the gentleman what was the purpose of the committee?

Mr. KAHN. The purpose of the committee was to allow \$111,000 to be expended for the real estate referred to in the resolution.

The CHAIRMAN. The time of the gentleman from California has expired, and the Clerk will read.

The Clerk read the bill for amendment.

Mr. TILSON. There is a misspelled word in the third line of page 2; the word "Oisne" should be "Oise."

Mr. KAHN. It should read "Oise."

The CHAIRMAN. Without objection the correction will be made.

There was no objection.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that the joint resolution be agreed to.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore having resumed the chair, Mr. McARTHUR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution 263, authorizing the purchase of land for cemeteries for American military dead in Europe and the improvement thereof, and had directed him to report the same back with the recommendation that it do pass.

Mr. KAHN. Mr. Speaker, I move the previous question on the resolution to final passage.

The motion was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEGISLATIVE APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I submit a conference report on the bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, for printing under the rule.

BELIEF OF CERTAIN ENLISTED MEN.

Mr. KAHN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8475) to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union with Mr. MAPES in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That all payments heretofore made in good faith to enlisted men while in active service by reason of anything contained in that portion of the proviso of section 4b of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act entitled "An act 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, and to establish military justice," approved June 4, 1920, reading: "That nothing in this section shall operate to reduce the pay which any enlisted man is now receiving during his current enlistment and while he holds his present grade," be, and the same hereby are, validated for all purposes, irrespective of whether such payments conform to decisions of the Comptroller of the Treasury or the General Accounting Office; and such payments shall be passed by the proper accounting officers of the United States to the credit of the disbursing officers making the same. Any sums of money which have been deducted from the pay of any enlisted man on account of any such payment validated by this act shall be refunded.

Mr. KAHN. Mr. Chairman, this bill was introduced at the request of the War Department on account of the peculiar situation that developed in the Military Establishment. About a year and a half ago a law was passed changing the pay of soldiers of the United States, especially the noncommissioned officers. The matter was submitted to the Comptroller of the Treasury. The comptroller made a decision and held that these noncommissioned officers were entitled to certain amounts. Thereupon the officers in the pay department of the Government began to expend the money accordingly. About three or four months afterwards the comptroller reviewed his own decision and concluded that he had been in error and that his first recommendation was not in accordance with the law. The War Department thereupon issued an order to these noncommissioned officers to repay the amount they had received above the original amount, and if they could not pay it all at once they could pay a certain amount of it at a time until they were again square or even with the Government.

It developed then that some of the noncommissioned officers had left the Army. Others made protestations to the effect that they were not able to pay these amounts, and there was such confusion in the matter that the War Department, after investigating the whole situation, decided that this bill ought to be introduced and to let bygones be bygones. In other words, some of the men had got an excess of money and can not pay it back, others had left the service, and others who were able to pay were wroth about being compelled to pay, because they claimed that it was a severe hardship on them.

Mr. GARNER. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. GARNER. How much will it cost the Government to "let bygones be bygones"?

Mr. KAHN. I understand the amount is not very great.

Mr. GARNER. That term does not give me much information.

Mr. KAHN. The amount is not in the report.

Mr. GARNER. In other words, you are asking the House to pass a resolution taking money out of the Treasury without any information as to how much it will be. It seems to me that the committee at least ought to get sufficient information to tell

the House what the Government is going to lose by the passage of this resolution. You provide for the repayment of certain moneys and say it is not very great, but you can not give any information as to the amount. That is the kind of a report that is coming from the Military Affairs Committee.

Mr. KAHN. As I recall the matter, I think the highest amount that it could possibly carry would be \$75. That is, a noncommissioned officer was getting at the time the law was passed \$75 a month.

Mr. GARNER. There are quite a number of noncommissioned officers in the Army.

Mr. KAHN. I think it will not amount to much.

Mr. MANN. Oh, an enlisted man told me he was getting \$130 a month.

Mr. GARNER. That is just about the same kind of information that we have about the bill. It about represents the difference between 75 and 130.

Mr. KAHN. Seventy-five dollars a month was the pay that an enlisted man was to get. Now, I think the most that he can get is about \$97. That is the outside limit. I do not know how the man of whom the gentleman from Illinois [Mr. MANN] speaks gets \$130 a month.

Mr. MANN. Oh, that is about what these private enlisted men get who are detailed for service in the departments in Washington, with all of the extra allowances given them. They earn the money.

Mr. KAHN. Unless they are noncommissioned officers—

Mr. MANN. But this man I speak of is an enlisted man and not a noncommissioned officer.

Mr. KAHN. How he can possibly get a salary like \$130 a month I do not know.

Mr. GARNER. Mr. Chairman, I think the committee ought to congratulate the gentleman from California upon the information that he has from his committee touching this resolution. It is gratifying to know that the 21 members of that committee are so diligent in making inquiry as to the effect of legislation that they can not even estimate the amount of money that the resolution will carry.

Mr. GREENE of Vermont. Praise from Sir Hubert is praise, indeed, inasmuch as Sir Hubert is now up to his ears in an effort to find out how much the bonus will cost.

Mr. KELLY of Pennsylvania. Mr. Chairman, will the gentleman from California yield?

Mr. KAHN. Yes.

Mr. KELLY of Pennsylvania. I have a case in point which I desire to ask the gentleman about. A noncommissioned officer left the Army, and he has been notified that he must refund certain money and has paid back a certain amount of it. He has written to me asking whether it is necessary for him to continue paying that back. What about it?

Mr. KAHN. If this bill becomes a law, he will not have to do it.

Mr. KELLY of Pennsylvania. He has already refunded a portion of it.

Mr. KAHN. That will be returned to him.

Mr. WILLIAMSON. Have the rulings of the comptroller become so settled that they are not likely to have difficulties like this arising in the future?

Mr. KAHN. Of course, the comptroller has been changing his mind always whenever he has gotten new light on a question. I do not want to be responsible for the rulings of any comptroller in the past or in the future.

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

Mr. KAHN. Yes.

Mr. McSWAIN. As I understand the statement of the gentleman, the money has been paid out, the water has passed over the wheel.

Mr. KAHN. Yes; most of it.

Mr. McSWAIN. So that really the purpose of this bill is to give credit to these disbursing officers whose books do not exactly balance with the new ruling of the comptroller.

Mr. KAHN. Yes.

Mr. McSWAIN. So that it is not so much a bill as it says, to relieve the enlisted man of certain hardships, as it is to relieve the disbursing officer.

Mr. KAHN. Yes; the disbursing officer, of course, is charged with the payments, but the payments were made through no fault of his.

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

Mr. KAHN. Yes.

Mr. LOWREY. I think my friend from South Carolina [Mr. McSWAIN] is not exactly accurate on that. I know a soldier now who has been utterly disabled for a year and a half or such a matter. He has a large amount of this kind charged

against him. The money was paid to him; paid to him in good faith and he accepted it in good faith. Now they have demanded that he pay that money back, and he is in no shape to do it. It works a hardship upon him. It was not his fault that he got the money and spent it.

Mr. McSWAIN. The point I make is that the water has already gone over the wheel.

Mr. LOWREY. I agree with my friend from Texas [Mr. GARNER] that we ought to know how much we are voting, but I do not believe these boys ought to be made to pay this money back, especially disabled boys.

Mr. KAHN. This is to relieve them.

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

Mr. KAHN. Yes.

Mr. FESS. In the interest of keeping the record clear, the chairman of the committee used the term as I understood him "Comptroller General." The decision in this case was made by a comptroller prior to the appointment of the present Comptroller General. There has been no change of opinion on the part of the present Comptroller General, because he did not come to the office until the 1st of July, and these decisions were made before that time.

Mr. KAHN. That is correct. Mr. Chairman, I ask that the bill be read for amendment.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk again reported the bill for amendment.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH, having resumed the chair as Speaker pro tempore, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8475, and had directed him to report the same back with the recommendation that it do pass.

Mr. KAHN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF CLOTHING TO ENLISTED MEN.

Mr. KAHN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 2492, to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," approved June 30, 1921.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 2492, with Mr. DOWELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 2492, which the Clerk will report.

The Clerk read as follows:

An act (S. 2492) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," approved June 30, 1921.

Be it enacted, etc., That the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," approved June 30, 1921, be, and is hereby, amended to read as follows:

That the first paragraph under the heading "Clothing, camp, and garrison equipage," on page 15 of the law, be amended to read as follows:

"For cloth, woollens, materials, and for the purchase and manufacture of clothing for the Army, including enlisted men of the Enlisted Reserve Corps and retired enlisted men when ordered to active duty; for issue and for sale at a price to be determined and fixed by the Secretary of War; for payment of commutation of clothing due to warrant officers of the Mine Planters Service and to enlisted men; for altering and fitting clothing and washing and cleaning when necessary; for operation of laundries; for equipment and repair of equipment of dry-cleaning plants, salvage, and sorting storehouses, hat repairing shops, shoe repair shops, clothing repair shops, and garbage reduction works; for equipage, including authorized issues of toilet articles, barbers' and tailors' materials, for use of general prisoners confined at military posts without pay or allowances and applicants for enlistment while held under observation; issue of toilet kits to recruits upon their first enlistment, and issue of housewives to the Army; for expenses of packing and handling and similar necessities; for a suit of citizen's outer clothing, to cost not exceeding \$30, to be issued when necessary to each soldier discharged otherwise than honorably; to each enlisted man convicted by civil court for an offense resulting in con-

finement in a penitentiary or other civil prison; and to each enlisted man ordered interned by reason of the fact that he is an alien enemy, or, for the same reason, discharged without internment; for indemnity to officers and men of the Army for clothing and bedding, etc., destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, \$12,000,000: *Provided*, That hereafter the settlement of clothing accounts of enlisted men, including charges for clothing drawn in excess of clothing allowance and payments of amounts due them when they draw less than their allowance, shall be made at such periods and under such regulations as may be prescribed by the Secretary of War."

The committee amendment was read, as follows:

Page 2, line 2, strike out the words "a price" and insert in lieu thereof "average current prices."

Mr. KAHN. Mr. Chairman, I yield such time to the gentleman from Kentucky [Mr. FIELDS] as may be required to explain the bill.

The CHAIRMAN. The gentleman from Kentucky is recognized for one hour.

Mr. FIELDS. Mr. Chairman, the bill under consideration provides for the making of a new schedule for materials allotted to soldiers and carried in Army post exchanges. The present schedule was fixed at a time when prices were very much higher than they are now. Therefore the present schedule is not at all in line with the present market and it puts the Government in this position: First, in making allotment to the soldier for the clothing that he draws from the Government they must charge him with a price, as I have said, much higher than the price of to-day's market in the goods carried by the commissary, for the goods carried by the commissaries cost much higher prices than current market prices. If this condition is not met by a new arrangement, of course, the people are not going to buy those goods. They would be left on the Government's hands. The Government has sold a lot of stuff as surplus and at a great deal lower prices than its post exchange prices upon those goods to-day, and in order to correct that situation the War Department has asked for this legislation which the committee has recommended and which I think should pass.

Mr. FESS. Will the gentleman yield?

Mr. FIELDS. I will.

Mr. FESS. If the War Department can sell surplus goods to the jobber at prices lower than the cost price and they would not be able to sell to the soldier except at cost price, there is of necessity a discrimination against the soldier?

Mr. FIELDS. Yes; a discrimination that should be corrected and corrected as speedily as possible. Now I will yield to the gentleman from Vermont such time as he may desire to use.

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

Mr. FIELDS. Yes, sir.

Mr. MANN. I want to ask the gentleman from Kentucky the same question which the gentleman from Texas just propounded on another bill to the gentleman from California. How much will this cost the Government?

Mr. FIELDS. I do not see where it will cost the Government anything. It may save a great deal of money because, if these goods now in the hands of the Government are not disposed of, they will naturally become shopworn and deteriorate.

Mr. MANN. They are now being disposed of at the price the Government paid plus 10 per cent.

Mr. KAHN. Mr. Chairman—

Mr. MANN. Can anybody tell what that cost price is? I had supposed the gentleman from Kentucky would have the information right at hand.

Mr. FIELDS. I did not grasp the gentleman's question. It seems that the gentleman from Vermont did, and I was going to yield to him.

Mr. GREENE of Vermont. The letter of the Acting Secretary of War to the chairman of the Committee on Military Affairs, given in the report, tells how the price lists are made up.

In preparing price lists to govern the sale of clothing, the following procedure is used: The quantity of each article on hand at the time the last price list was issued is multiplied by the price then in force. The quantity of each article purchased since the publication of the last price list is multiplied by the cost per article. The sum of these two amounts divided by the total of the quantity of the articles on hand and purchased give the price for the new list.

Mr. MANN. Well, it is the cost price plus a certain percentage to cover expenses. How much is that extra percentage?

Mr. GREENE of Vermont. It is not fixed at a percentage.

Mr. MANN. Yes.

Mr. GREENE of Vermont. This letter explains the average struck by making this mathematical computation.

Mr. MANN. This is to get the cost price?

Mr. GREENE of Vermont. No; this is the price list governing the sale, and it says so in English.

Mr. MANN. This is all in regard to the cost price.

Mr. GREENE of Vermont. It says, "In preparing price lists to govern the sale of clothing, the following procedure is used." And by that they try to strike an average.

Mr. MANN. Certainly; they are trying to arrive at the cost price or the average, if they have got several lots of the same character, and to that they add a percentage to protect the Government for the expenses of attending to the business by these sale of stores, and so forth, and certainly I was sure that some member of the Committee on Military Affairs would know what that percentage is.

Mr. GREENE of Vermont. I think that obtains when they sell things outside of military supplies, but the gentleman will bear in mind that articles of clothing are issued to the soldier as the soldier's right, and he is charged a certain amount on the books, and, because he has a certain clothing allowance, until that allowance is reached he is entitled to draw at these prices. And there is no profit to be charged upon it, because he has a right to be clothed.

Mr. MANN. I think the gentleman is correct about that as to clothing for the enlisted men.

Mr. GREENE of Vermont. In the other supplies there is a profit.

Mr. MANN. This covers underclothing and everything of that kind.

Mr. GREENE of Vermont. If the gentleman will again permit, the new plan adopted by the Army is a reversion to the plan followed prior to the war, when the soldier was given a clothing allowance, and when he made incidental economies inside that allowance he had something coming back from the Government. He sometimes bought cloth and other things which by his own tailoring he made come within his own price. He still had at the end certain commutation he could draw out of his original clothing allowance. He did not therefore always draw all in kind. But that was suspended during the war, because, of course, the great consumption in uniforms during war times was such that the soldier ought not to have been held down to any particular price. Now that the war is over, they have gone back to the clothing-allowance system again.

Mr. KAHN. Mr. Chairman, several years ago I went over this matter of the commissary supplies and I found it very interesting. The gentleman from Illinois [Mr. MANN] is mistaken largely—and he seldom is mistaken—as to the sale of these commissary supplies. The Government does not charge a profit. It does not even charge for the transportation of the commodity that is intended for the soldier or for the officer. All that they pay is the invoice price of the commodity. So the commissary department is under very heavy expense on account of that law. I have often thought that it would be a good thing if there were a charge made for overhead expenditures. Surely the Government ought not to be called upon to pay these large amounts. I think the Government sales to these men through the commissary very reasonable. I think if the Government were to charge a small profit, so that there would not be a terrific deficit at the end of the year, it would be a very much wiser thing to do in handling this matter.

Mr. FIELDS. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. FIELDS. It has seemed to me in studying this proposition that it would be wise for the Government to entirely eliminate these commissaries, except on military posts and places where there is no market that the Army people can reach. What does the gentleman think about that?

Mr. KAHN. Of course, at one time in the history of the country we sent our soldiers to the frontier—

Mr. FIELDS. And it was absolutely necessary to provide for this.

Mr. KAHN. Absolutely so.

Mr. FIELDS. And we may have some isolated cases yet.

Mr. KAHN. A very few.

Mr. FIELDS. And it would be very necessary to supply them. But where supplies can be had in the general market, what does the gentleman think about it?

Mr. KAHN. I think the commissary stores should largely be closed up and that the men should be allowed to purchase their supplies with the other citizens of the Republic.

Mr. FIELDS. You say "allowed." They are not prevented from doing that now.

Mr. KAHN. No; but they get special benefits from going to the commissaries, I think.

Mr. FIELDS. Special benefits that other citizens do not get.

Mr. SMITH of Michigan. They dispose of these goods now, do they not?

Mr. KAHN. Of course, that is hard to say. The various officers were allowed to declare certain supplies surplus, and

then bids were called for for the sale of that surplus. Every few months lately, I understand, they have been announcing additional surplus.

Mr. SMITH of Michigan. And without this law?

Mr. KAHN. They do not need this law for supplying surplus. The consequence has been that private parties have bought large quantities of goods—

Mr. SMITH of Michigan. To their advantage.

Mr. KAHN (continuing). Of shoes, outer clothing and under-clothing, hats, socks, and are to-day able to sell them cheaper than the Army itself can sell them. That is the reason why the Army is asking for the passage of this bill.

Mr. SMITH of Michigan. And this will remedy that, will it?

Mr. KAHN. Yes, sir.

Mr. Chairman, I yield five minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Chairman, I only wanted to suggest this in connection with the colloquy which has just taken place. Of course, it was not intended to apply to the real purpose of this bill, because this bill does not relate to the general purposes of those post-exchange establishments, or anything of that kind, in the usual sense. This bill is based upon the fact that the soldier has a right to get his clothing from the Government anyway, and the question is how much you are going to charge him for it on the clothing allowance. The other thing is incidental.

I simply want to say, however, lest there be some altogether different impression gained by an inadvertent remark here, that the so-called post-exchange establishments in the Army do not serve altogether the same idea of extravagance and uselessness that might be inferred, and it does not depend necessarily upon the post being so isolated on a frontier that such an establishment is necessary for the convenience of the people at the post. I only suggest to you, for instance, a case right here in mind, at Fort Myer, across the river. You must remember that your commissioned officers and their families must support themselves. They do not draw any rations from the Government. They have to make their own purchases. Here they are, right within the shadow of a great city, and yet they are miles away from it, and it is a matter of simple, everyday common convenience that there be some establishment there that will take care of the ordinary housekeeping wants of those housekeepers and enable them to make their purchases there at Fort Myer instead of trudging across the river to Washington in order to do it. And they enjoy other conveniences.

I think we ought not, perhaps, to permit ourselves to get a prejudice against the so-called post exchange of an Army post just because it does not happen to be on a frontier and because there may be some economic advantage of a small percentage to the people who benefit by it. It has long been the established policy of the country to understand and to put into the philosophy of its military laws that while it did not pay these people a price that would enable them to live in luxury, if it could furnish any conveniences for them at the military posts that would enable them to piece out economies and bring their recognizedly small salary up to a fair standard, the Government was always willing to do it. Nobody pretends that an Army officer gets enough money to-day to save any, like they would be expected to do in civil life.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," approved June 30, 1921, be, and is hereby, amended to read as follows:

That the first paragraph under the heading "Clothing, camp and garrison equipage," on page 15 of the law, be amended to read as follows:

"For cloth, woollens, materials, and for the purchase and manufacture of clothing for the Army, including enlisted men of the Enlisted Reserve Corps and retired enlisted men when ordered to active duty; for issue and for sale at average current prices to be determined and fixed by the Secretary of War; for payment of commutation of clothing due to warrant officers of the Mine Planters' Service and to enlisted men; for altering and fitting clothing and washing and cleaning when necessary; for operation of laundries; for equipment and repair of equipment of dry-cleaning plants, salvage, and sorting storehouses, hat repairing shops, shoe repair shops, clothing repair shops, and garbage reduction works; for equipage, including authorized issues of toilet articles, barbers' and tailors' materials, for use of general prisoners confined at military posts without pay or allowances and applicants for enlistment while held under observation; issue of toilet kits to recruits upon their first enlistment, and issue of housewives to the Army; for expenses of packing and handling and similar necessities; for a suit of citizen's outer clothing, to cost not exceeding \$30, to be issued when necessary to each soldier discharged otherwise than honorably; to each enlisted man convicted by civil court for an offense resulting in confinement in a penitentiary or other civil prison; and to each enlisted man ordered interned by reason of the fact that he is an alien enemy, or, for the same reason, discharged without internment; for

indemnity to officers and men of the Army for clothing and bedding, etc., destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, \$12,000,000: *Provided*, That hereafter the settlement of clothing accounts of enlisted men, including charges for clothing drawn in excess of clothing allowance and payments of amounts due them when they draw less than their allowance, shall be made at such periods and under such regulations as may be prescribed by the Secretary of War."

With a committee amendment, as follows:

On page 2, line 2, strike out the words "a price" and insert in lieu thereof "average current prices."

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

Mr. HOCH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman moves to strike out the last word.

Mr. HOCH. Mr. Chairman, I just wanted to ask the gentleman from California a question about that amendment. I understood the gentleman to say that these articles are sold at cost, and he proposes to amend by saying "at average current prices." If the average current prices were less than the prices charged you would have to charge a profit.

Mr. KAHN. No. This is the situation: Most of these materials were bought during the war. They are charged for at war prices, but they can be bought in these stores which deal in Army equipment for very much less than they can be bought in the Army, because a great deal of this stuff has been declared surplus and has been sold to the dealers at very much lower rates.

Mr. HOCH. You are proposing a permanent law here?

Mr. KAHN. Yes.

Mr. HOCH. Under the facts that the gentleman has mentioned these articles were all bought at a cost price higher than the market price, according to his statement.

Mr. KAHN. The articles in the hands of the commissary department were all bought at higher prices.

Mr. HOCH. Yes. But the question I am asking is this: Hereafter, under this law, when articles are bought at a cost price less than the market price, under this amendment you will then have to sell them at the current market price, even though that involves a profit to the Government.

Mr. FIELDS. If the gentleman will yield, as to these articles, if you confine the price strictly to the current price—

Mr. HOCH. You mean the current retail price?

Mr. FIELDS. No; the current cost price to the Government.

Mr. HOCH. It does not say that. It says they shall be issued and sold at the average current prices.

Mr. FIELDS. That means cost price to the Government. There may be and are fluctuations, and if you attempt to follow each item and all the fluctuations it would be an endless task to keep up with it, and the object of that language was not to confine it to that but to the current average price of the commodities.

Mr. HOCH. If the gentleman's interpretation is correct, I was raising the question of the meaning of that language. I would say that ordinarily that language, "average current prices," would be construed as average current retail market prices.

Mr. FIELDS. It means average current cost prices.

Mr. HOCH. Why should it not say that, then?

Mr. FIELDS. It would do no harm. I do not see that it would do any good.

Mr. SMITH of Michigan. The bill has passed the Senate. You would not want to offer an amendment unless there was use for it.

Mr. HOCH. Mr. Chairman, I offer an amendment to the committee amendment. On page 2, line 3, after the word "current," insert the word "cost."

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

The Clerk read as follows:

Amendment offered by Mr. HOCH to the committee amendment: Page 2, line 3, after the word "current," insert the word "cost."

Mr. FIELDS. Mr. Chairman, I do not see how that amendment does any good, nor does it do any harm, and I therefore agree to it.

Mr. GREENE of Vermont. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. If there is no objection, the Clerk will again report the amendment offered by the gentleman from Kansas.

The amendment was again read.

Mr. GREENE of Vermont. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. Does the gentleman from Kansas yield the floor?

Mr. HOCH. Yes.

Mr. GREENE of Vermont. Mr. Chairman, that word "cost" is the stumblingblock in this thing, because the War Department already has a system whereby it averages the cost. It has to do that sort of thing in order to maintain anything like a fair, even rate at which it distributes these things from time to time to the soldiers. The purchases are made at varying times.

Mr. GARRETT of Tennessee. Mr. Chairman, as I understand, the insertion of that word "cost" destroys the whole purpose of this bill.

Mr. GREENE of Vermont. It does.

Mr. GARRETT of Tennessee. According to the statement made to the Committee on Rules, this material had, most of it, been bought at a high price, and it was desired to change the act so that it could be sold to the soldiers at a lower price.

Mr. GREENE of Vermont. The word "cost" would require in each case the definition of what was paid for that specific thing, whereas these things go upon the shelves and the things are not priced at the exact purchase price from time to time.

Mr. MANN. If they were buying these things currently, I do not see that there would be any objection to putting in the language, "the average current cost price." But I assume, although I do not know, that when the Army has a large surplus on hand of certain kinds of cloths, woolen materials, and so forth, they have no average, no current cost price, because they are not buying an additional surplus.

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

Mr. MANN. Yes.

Mr. HOCH. I was only trying to give as the interpretation what members of the committee say this language means. My point is this: We are enacting here permanent legislation. It so happens that under present conditions these articles are bought at a much higher current market price. The gentleman says the purpose of the Government is to sell these articles at cost.

Mr. MANN. Not at cost; at value.

Mr. HOCH. Under the present system they must sell them at the average cost, under a certain system. Now, they seek to sell them nearer the current market price. But suppose that the Government had bought these articles at lower than the current market price?

Mr. MANN. That occurred to me; and we would change the legislation so quickly that we would not let one night pass over it.

Mr. HOCH. If it is the purpose to change the legislation subsequently, that, of course, will accomplish the purpose; but under this language it is entirely conceivable that you might be compelled to charge a profit to the men.

Mr. MANN. That would not hurt them, as far as that is concerned; but we would not do it.

Mr. HOCH. If that is desirable, very well; but the chairman of the committee says he does not want to do that.

Mr. SMITH of Michigan. The Government does not want to go into the profit-making business.

Mr. HOCH. I asked if it meant the retail price, and they said not, but that it meant the cost price.

Mr. MANN. If they were making a purchase of these surplus materials there would be no objection to inserting the word "cost"; but if they are not making purchases, they can not reduce the sales price, because they have no average cost price.

Mr. HOCH. I have no desire to urge the amendment. I was simply trying to carry out what the members of the committee said they intended. Apparently they do not agree as to what they intended.

The CHAIRMAN. The question is on the amendment.

The question being taken, the amendment was rejected.

The CHAIRMAN. The question now recurs upon the committee amendment.

The committee amendment was agreed to.

Mr. KAHN. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment back to the House, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having taken the chair as Speaker pro tempore, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 2492) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year

ending June 30, 1922, and for other purposes," approved June 30, 1921, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. MANN, a motion to reconsider the vote by which the bill was passed was laid on the table.

EFFICIENCY OF THE ARMY, NAVY, AND MARINE CORPS.

Mr. MCKENZIE. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 296.

Resolved, That the report of the special committee created by the provisions of section 13 of the act entitled "An act to increase the efficiency of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920, shall be referred to a special committee of five to be appointed by the Speaker, which committee shall have power to report to the House by bill or otherwise.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. GARRETT of Tennessee. Reserving the right to object, will the gentleman yield?

Mr. MCKENZIE. Yes.

Mr. GARRETT of Tennessee. Was this plan of disposal agreed upon by the entire joint committee?

Mr. MCKENZIE. I would not say that it had been agreed upon by the entire joint committee, but it has been discussed among us, and it has been agreed that it is the only parliamentary way in which we can handle this bill properly. I spoke with the gentleman from Alabama [Mr. OLIVER] about it and with the gentleman from South Carolina [Mr. BYRNES], and in fact we have discussed it quite fully; and while the gentleman from Alabama [Mr. OLIVER] and perhaps the gentleman from Indiana [Mr. KRAUS] may not support the bill in the end, it is agreed that this is the only way in which we can get the bill reported to the House, get the report into the House, and get a bill onto the calendar. This is simply to take care of the parliamentary mechanism.

Mr. GARRETT of Tennessee. In other words, the subject matter is one that would be divided among several committees if it were introduced in the regular way, as I understand?

Mr. MCKENZIE. That is it exactly; and as a member of the Committee on Military Affairs I do not want it to come to our committee, and members of the Committee on Naval Affairs would feel that it should not go there, and this will simply provide for a committee to which it may be sent in a parliamentary way, with authority to report back a bill if they can agree upon one.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

THE MERCHANT MARINE AND FISHERIES.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 297.

Resolved, That the Committee on the Merchant Marine and Fisheries of the House of Representatives be, and is hereby, authorized to sit during the sessions of the House, such permission being confined to the present session of the Congress.

The SPEAKER pro tempore. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, may I ask the gentleman a question? I assume this authority is sought on account of the desire of the committee to consider legislation suggested in the message of the President yesterday?

Mr. GREENE of Massachusetts. It is not expected to go any further than that bill.

Mr. GARRETT of Tennessee. Is it the purpose of the committee to have open hearings?

Mr. GREENE of Massachusetts. Yes.

Mr. GARRETT of Tennessee. Has the gentleman in mind now about what he thinks the extent of the hearings are likely to be?

Mr. GREENE of Massachusetts. I can not tell anything about it. I do not know how many people care to be heard. They will not begin probably for a week.

Mr. GARRETT of Tennessee. I read what I suppose all have read in the local press at two or three different times, that the majority members of the committee had really agreed upon a measure. That was a week or 10 days ago—long before the President delivered his message. I presume it is like a good many newspaper stories—that there is nothing in it.

Mr. GREENE of Massachusetts. I did not hear any recommendations until it was delivered here, and I had not seen any bill. The bill was not in my possession until after that time.

The SPEAKER pro tempore. Is there objection to the consideration of the resolution?

There was no objection.

The resolution was agreed to.

COAL LANDS IN ALASKA.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8842, with Senate amendments, and agree to the Senate amendments.

The SPEAKER pro tempore. The Clerk will report the title to the bill.

The Clerk read as follows:

H. R. 8842. An act to provide for agricultural entries on coal lands in Alaska.

The Senate amendments were read.

Mr. GARNER. May I ask the gentleman a question?

Mr. SINNOTT. Certainly.

Mr. GARNER. Has the gentleman talked with the ranking minority member of the committee?

Mr. SINNOTT. Yes; I talked with Judge RAKER, of California, and this is agreeable to him.

Mr. MONDELL. Will the gentleman allow me?

Mr. SINNOTT. Certainly.

Mr. MONDELL. I have examined the changes that have been made by the Senate amendments, and I understand it is the opinion of the gentleman from Oregon and my opinion that these amendments do not in any essential way modify the legislation or change its effect.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Senate amendments were agreed to.

INSCRIPTIONS ON MEMORIALS AND TABLETS.

The SPEAKER pro tempore. The attention of the Chair has been directed to a bill passed the other day entitled "An act to authorize the Secretary of the Navy to sanction the use of certain titles on tablets and other memorials." The House agreed to a Senate amendment striking out the word "titles" and inserting the word "inscriptions" in the bill. The gentleman from Pennsylvania [Mr. CAMPBELL] was to ask that the title of that bill be amended to conform with the text in order that the word "inscriptions" might appear in the title as it appears in the body of the bill. He has prepared a concurrent resolution. The Chair does not see the gentleman from Pennsylvania present.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 49.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 5013) entitled "An act to authorize the Secretary of the Navy to sanction the use of certain titles on tablets and other memorials" the Clerk be authorized and directed to enroll the title so as to read as follows:

"An act to authorize the Secretary of the Navy to sanction the inscription of titles upon certain monuments, tablets, or other memorials."

The SPEAKER pro tempore. Is there objection?

There was no objection.

The concurrent resolution was agreed to.

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to propound a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARRETT of Tennessee. I would like to inquire whether a bill reported by the special committee provided for in the McKenzie resolution adopted a few moments ago will be a privileged bill?

Mr. MANN. I do not know whether the Speaker has examined it or not, but plainly it would not be a privileged bill. They have not the authority to report at any time. It is just authority to the committee to report a bill.

Mr. MCKENZIE. Mr. Speaker, I will state to the gentleman from Tennessee that it is not the understanding of the members of the joint committee that this will give the bill any special status at all, but that it will have to be reached in its regular order if put on the calendar, in case we should report by bill or by a special rule.

Mr. MANN. It never would be reached in its regular order.

Mr. MCKENZIE. It might if we stayed here long enough.

Mr. MANN. Oh, no; that committee would not be called. This does not give it a privileged status.

Mr. GARRETT of Tennessee. So far as I know, I would have no objection to its being privileged.

Mr. MANN. I should.

The SPEAKER pro tempore. The Chair thinks the gentleman's inquiry has been answered by the gentleman from Illinois and the Chair concurs in the view expressed by him.

LEAVE OF ABSENCE.

Mr. KOPP, by unanimous consent, was given leave of absence for three days on account of important business.

ADJOURNMENT.

Mr. KAHN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, and accordingly (at 4 o'clock and 41 minutes p. m.) the House adjourned until to-morrow, Thursday, March 2, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SINNOTT: Committee on the Public Lands. S. 490. An act to consolidate national forest lands; with amendments (Rept. No. 748). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAPES: Committee on Interstate and Foreign Commerce. H. R. 2874. A bill to authorize the establishment of a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wis.; without amendment (Rept. No. 749). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on Rivers and Harbors. S. 2993. An act authorizing a modification of the adopted project for Indiana Harbor, Ind.; without amendment (Rept. No. 752). 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. BURTNESS: Committee on Indian Affairs. S. 518. An act to carry out the provisions of an act approved July 1, 1902, known as the act entitled "An act to accept, ratify, and confirm a proposed agreement submitted by the Kansas or Kaw Indians of Oklahoma, and for other purposes," and to provide for a settlement to Addie May Auld and Archie William Auld, who were enrolled as members of the said tribe after the lands and moneys of said tribe had been divided; without amendment (Rept. No. 750). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10396) granting an increase of pension to Frederick W. Duden; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10416) granting an increase of pension to John Shannon; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 10663) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes; committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

By Mr. KISSEL: A bill (H. R. 10664) to amend the Federal farm loan act, as amended; to the Committee on Banking and Currency.

By Mr. BUCHANAN: A bill (H. R. 10665) to provide for the erection of a post-office building at Taylor, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10666) to provide for the erection of a post-office building at Georgetown, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10667) for the purchase of a site for the erection of a post-office building at Lockhart, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. CARTER: A bill (H. R. 10668) to regulate the leasing of Indian lands in Oklahoma; to the Committee on Indian Affairs.

By Mr. LINEBERGER: A bill (H. R. 10669) to provide for the purchase of a site and the erection thereon of a Federal building at Pomona, Calif.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 10670) to exempt from cancellation certain desert-land entries in Kern and San Bernardino Counties, Calif.; to the Committee on the Public Lands.

By Mr. FOCHT (by request): A bill (H. R. 10671) to further regulate certain public-service corporations operating within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HAUGEN: A bill (H. R. 10672) to amend the act of July 24, 1919, entitled "An act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1920"; to the Committee on Agriculture.

Also, a bill (H. R. 10673) to enable the Secretary of Agriculture to pay miscellaneous expenses incurred during the fiscal years 1916 and 1917 in connection with the eradication of citrus canker in the State of Alabama; to the Committee on Agriculture.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 279) to permit to remain within the United States certain aliens admitted temporarily under bond in excess of quotas fixed under authority of the immigration act of May 19, 1921; to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of New Jersey: Joint resolution (H. J. Res. 280) to adopt a national flower for the United States of America; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BLAND of Indiana: A bill (H. R. 10674) granting an increase of pension to James C. Brown; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 10675) for the relief of Henry McGuire; to the Committee on Agriculture.

By Mr. FREEMAN: A bill (H. R. 10676) authorizing the Secretary of War to donate to the Groton Monument Association of the town of Groton, Conn., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 10677) for the relief of Quincy R. Craft; to the Committee on Agriculture.

By Mr. HAWLEY: A bill (H. R. 10678) appointing John Kearney to the grade of first lieutenant on the retired list; to the Committee on Military Affairs.

By Mr. JEFFERIS of Nebraska: A bill (H. R. 10679) granting an increase of pension to T. F. Shannon, alias Frank Shannon; to the Committee on Pensions.

Also, a bill (H. R. 10680) granting a pension to Annie Ackerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10681) granting a pension to Nellie L. Benson; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 10682) authorizing issuance of patent to Charles Swanson; to the Committee on the Public Lands.

By Mr. ROBSION: A bill (H. R. 10683) granting a pension to Jane Gentry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10684) granting a pension to Marion Lawson; to the Committee on Pensions.

Also, a bill (H. R. 10685) granting an increase of pension to Robert L. McFarland; to the Committee on Pensions.

Also, a bill (H. R. 10686) granting an increase of pension to Elizabeth Sizemore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10687) granting an increase of pension to Catherine May; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10688) granting an increase of pension to John P. Peters; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 10689) granting an increase of pension to Sallie Ann Asbury; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 10690) to authorize an exchange of lands with Ed Johnson, of Eagle, Colo.; to the Committee on the Public Lands.

By Mr. VESTAL: A bill (H. R. 10691) granting an increase of pension to Wilber C. Gahret; to the Committee on Pensions.

Also, a bill (H. R. 10692) granting a pension to William L. Booher; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 10693) granting a pension to David Miller; 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:

4363. By the SPEAKER (by request): Resolutions adopted by the Tri-State Association of Credit Men, of El Paso, Tex., urging the President to appoint a commission or by some means study the problems relating to and adjust every difficulty with our sister Republic of Mexico; to the Committee on Foreign Affairs.

4364. By Mr. CHINDBLOM: Petition of Joseph M. Loughlin and others, of Chicago, Ill., in opposition to so-called Sunday legislation, such as House bill 9753, etc.; to the Committee on the District of Columbia.

4365. By Mr. CULLEN: Resolution of Federal Local No. 39, Amalgamated Metal Workers of America, urging the enactment of legislation so that all Government supplies will be made in Government arsenals and plants where this is possible; to the Committee on Naval Affairs.

4366. By Mr. DYER: Resolution adopted by the American Flint Glass Workers' Union of North America, urging the passage of the Hill bill (H. R. 9691); to the Committee on Ways and Means.

4367. By Mr. ELLIOTT: Resolution of the Connersville Central Labor Union, of Connersville, Ind., indorsing the bonus bill; to the Committee on Ways and Means.

4368. By Mr. FROTHINGHAM: Resolution passed by the Quincy (Mass.) Chamber of Commerce, praying for the conversion of the cruiser *Lexington* to an aircraft carrier; to the Committee on Naval Affairs.

4369. By Mr. GALLIVAN: Petition of H. C. Spiller & Co., of Boston, Mass., urging acceptance of the offer to purchase the Muscle Shoals plant by Henry Ford; to the Committee on Military Affairs.

4370. By Mr. HOCH: Petition of Jacob Vogel and 33 others, citizens of Marion County, Kans., urging the revival of the United States Grain Corporation and the fixing of a price for wheat to cover cost of production and a reasonable profit; to the Committee on Agriculture.

4371. By Mr. KISSEL: Petition of E. Fougere & Co., of New York City, N. Y., opposing the proposed bonus bill; to the Committee on Ways and Means.

4372. Also, petition of the Hudson Motor Car Co., of New York City, N. Y., opposing any tax on gasoline or any further tax on automobiles; to the Committee on Ways and Means.

4373. Also, petition of Bishop, McCormick & Bishop, of Brooklyn, N. Y., opposing any increase in taxes on the automobile industry; to the Committee on Ways and Means.

4374. Also, petition of the Rochester Ice Cream Co., of Rochester, N. Y., opposing the passage of the soldier bonus bill; to the Committee on Ways and Means.

4375. Also, petition of the National Automobile Chamber of Commerce, of Washington, D. C., opposing any increase in taxes on the automobile industry; to the Committee on Ways and Means.

4376. By Mr. MAPES: Petition of Charles Kantenberg, of Hudsonville, Mich., and 40 others, against the passage of House bill 9753, or any other Sunday observance bill; to the Committee on the District of Columbia.

4377. Also, petition of J. E. Root, of Coopersville, and 46 others, protesting against the passage of House bill 9753 or any other Sunday observance bill; to the Committee on the District of Columbia.

4378. Also, petition of R. E. Root, of Coopersville, Mich., and 34 others, against the passage of House bill 9753 or any other Sunday observance bill; to the Committee on the District of Columbia.

4379. By Mr. RAKER: Petition of Mr. George Clark, of Orland, Calif., relative to the Federal farm loan bank, and indorsing its operation; to the Committee on Agriculture.

4380. Also, petition of the Commercial Aircraft Association of southern California, Los Angeles, Calif., indorsing and urging support of the Hicks bill (H. R. 2815), a bill to create a bureau of civil aviation in the Department of Commerce; to the Committee on Interstate and Foreign Commerce.

4381. Also, telegram from A. B. Fletcher, director of public works, of Sacramento, Calif., urging an increase in the appropriation for topographic surveys, which is included in the Interior Department appropriation bill; to the Committee on Appropriations.

4382. By Mr. ROGERS: Petition of Frederick Houghton and others, of Massachusetts, opposing the passage of House bill 9753 or any other Sunday observance bill; to the Committee on the District of Columbia.

4383. By Mr. SINCLAIR: Petitions of Nils A. Olson, of Underwood, N. Dak.; Frank J. Lyon and 24 others, of Dogden, N. Dak., and vicinity, urging the revival of the United States Grain Corporation and the stabilization of prices of farm products; to the Committee on Agriculture.

4384. Also, petition of the Williams Community Club, of Williams Township, Nelson County, N. Dak., demanding the revival of the United States Grain Corporation and a fixed minimum price on wheat; to the Committee on Agriculture.

4385. Also, petition of Malvin Torgerson and 80 others, of Werner, Dunn Center, and Halliday, N. Dak., urging the revival of the United States Grain Corporation and the stabilization of prices of farm products; to the Committee on Agriculture.

4386. By Mr. STRONG of Pennsylvania: Resolution adopted by Council No. 230, Junior Order United American Mechanics, of Rural Valley, Pa., in favor of the Sterling-Towner educational bill; to the Committee on Education.

4387. By Mr. WOODYARD: Petition of employees of the H. R. Wyllie China Co., of Huntington, W. Va., favoring American valuations; to the Committee on Ways and Means.

4388. By Mr. YOUNG: Petition in the form of a resolution of the executive board of the North Dakota State Federation of Labor, protesting against any legislation which will take from a citizen his right to cease employment and against the establishment of an industrial court; to the Committee on Labor.

4389. Also, petition of H. C. Westby, of Maddock, N. Dak., and 31 others, urging the revival of the United States Grain Corporation, together with the fixing of a guaranteed price for wheat sufficient to cover the cost of production plus a reasonable profit; to the Committee on Agriculture.