PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Idaho: A bill (H. R. 11257) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade; to the Committee on Naval Affairs.

Also, a bill (H. R. 11258) to authorize the addition of certain lands to the Weiser National Forest, Idaho; to the Committee on the Public Lands.

By Mr. FOSTER: A bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply; to the Committee on Mines and Mining.

By Mr. MONTAGUE: A resolution (H. Res. 304) directing The Adjutant General of the Army to furnish the House of Representatives certain papers in the case of John B. H. Waring, late a captain in the Medical Corps of the United States Army; to the Committee on Military Affairs.

By Mr. MAGEE: A resolution (H. Res. 305) to amend standing Rules X and XI of the Rules of the House of Representatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. AYRES: A bill (H. R. 11260) granting a pension to Keziah Zink; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11261) granting a pension to Sanna Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11262) granting an increase of pension to John T. Gregory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11263) granting an increase of pension to James Kinser; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 11264) granting an increase of pension to George W. Toland; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 11265) granting an increase of pension to John W. Farmer; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 11266) granting a pension to Julia Moll; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 11267) granting a pension to Arthur A. Haussner; to the Committee on Pensions.

By Mr. McARTHUR: A bill (H. R. 11268) granting a pension to Cynthia Rudler Osgood; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 11269) granting a pension to Luvina Avery; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 11270) granting an increase of pension to Addison A. Eggleston; to the Committee on Invalid Pensions.

By Mr. MAYS: A bill (H. R. 11271) granting a pension to Nellie Conover; to the Committee on Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 11272) granting an increase of pension to Hugh McGuckian; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 11273) granting a pension to Mary J. Van Denbergh; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11274) granting a pension to Julia Sprinkle; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 11275) granting an increase of pension to John K. Freeman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By Mr. CARY: Resolutions of the Alabama State Highway Conference, urging that the National Government build more and better roads; also indorsing the Chamberlain-Dent bill providing for Federal planning of military roads; to the Committee on Roads.

Also, resolution of the executive committee of the Authors' League of America, in opposition to the zone system as applied to second-class mail matter; to the Committee on Ways and Means.

Also, memorial of the board of directors of the Friends of Our National Parks, favoring House bill 171 and other bills, and also stating principles with regard to the national parks; to the Committee on Public Lands.

By Mr. COOPER of Wisconsin: Petition of citizens of Racine, Wis., and vicinity, asking for an increase in the amount of tax imposed on excess war profits; to the Committee on Ways and Means.

By Mr. DALE of New York: Memorial of the City Club of New York, favoring continuance of the pneumatic mail tube; to the Committee on Post Offices and Post Roads.

Also, petition of Channing Pollock, asking for the repeal of the postal-zone law as applied to periodicals; to the Committee on Ways and Means.

By Mr. ELSTON: Petition of Alameda County (Cal.) Medical Society, favoring House bill 7563, relative to rank of Medical Reserve Corps of Army; to the Committee on Military Affairs.

By Mr. ESCH: Resolution of the executive committee of the Authors' League of America, in opposition to the zone system as applied to second-class mail matter; to the Committee on Ways and Means.

Also, resolutions of the Interstate Association of Building Contractors, offering to the Government the resources of the States of Iowa, Nebraska, Missouri, Kansas, Minnesota, South Dakota, North Dakota, Indiana, Illinois, and Wisconsin, and asking for the appointment of a citizen of this section of the country on the War Emergency Construction Board; to the Committee on Military Affairs.

By Mr. GALLIVAN: Resolution of the Boston Surgical Society, asking for the passage of the bill to give advanced rank to officers of the Medical Corps and the Medical Reserve Corps of the United States Army; to the Committee on Military Affairs.

By Mr. HAMILTON of Michigan: Petition of members of the Kalamazoo Academy of Medicine, urging the passage of the Dyer bill to give advanced rank to officers of the Medical Reserve Corps; to the Committee on Military Affairs.

By Mr. HILLIARD: Petition of Carrie J. Reynolds, Elizabeth W. Bowman, Edith L. Young, H. M. Barrett, Helena C. Fisher, J. A. R. Reynolds, Mrs. J. T. Crews, Mrs. E. P. Phelps, and Mrs. Addie M. Berrian, all of Denver, Colo., praying for immediate war prohibition; to the Committee on the Judiciary.

Also, resolutions adopted by the Morgan County (Colo.) Federation of Farm Women's Clubs, protesting against increased postage rates on periodicals; to the Committee on Ways and Means.

By Mr. STINESS: Petition of Walter H. Sweet, of Providence, R. I., protesting against the Senate amendment to section 14 of the Agricultural appropriation bill; to the Committee on Agriculture.

By Mr. TINKHAM: Resolution of the Boston Surgical Society, urging the passage of the Owen bill (S. 37480) and the Dyer bill (H. R. 9563) fixing the grades of commissioned officers in the Medical Corps and the Medical Reserve Corps of the United States Army; to the Committee on Military Affairs.

SENATE.

MONDAY, *April 8, 1918.*

(*Legislative day of Saturday, April 6, 1918.*)

The Senate met at 12 o'clock m.

The VICE PRESIDENT resumed the chair.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Bankhead	Hardwick	Overman	Sterling
Beckham.	Henderson	Page	Sutherland
Borah	James	Pittman	Swanson
Calder	Jones, N. Mex.	Poindexter	Thomas
Chamberlain	Jones, Wash.	Ransdell	Thompson
Colt	Kellogg	Reed	Tillman
Culberson	Kendrick	Robinson	Trammell
Cummins	King	Saulsbury	Underwood
Curtis	Kirby	Shafroth	Vardaman
Dillingham	Lodge	Sheppard	Wadsworth
Fletcher	McKellar	Sherman	Warren
France	McNary	Shields	Weeks
Frelinghuysen	Martin	Smith, Ga.	Williams
Gallinger	Myers	Smith, Md.	Wolcott
Hale	Nelson	Smith, S. C.	
Harding	New	Smoot	

Mr. SAULSBURY. I desire to announce that the Senator from Ohio [Mr. POMERENE] is detained on important public business.

Mr. SUTHERLAND. I wish to state that my colleague [Mr. GOFF] is absent on account of illness.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. JONES of Washington. I desire to state that the junior Senator from Michigan [Mr. TOWNSEND] is absent in the liberty loan campaign.

I also desire to state that the junior Senator from Iowa [Mr. KENYON] is likewise absent in the liberty loan campaign.

Mr. RANSDELL. I announce the absence of my colleague [Mr. BROUSSARD] on account of illness.

The VICE PRESIDENT. Sixty-two Senator have answered to the roll call. There is a quorum present.

NITROGEN AND NITROGENOUS MATERIAL.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of September 27, 1917, a report concerning ammonia, nitrogen, and nitrogenous materials manufactured, imported, and used in the United States, which, with the accompanying papers, was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 8764) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Illinois into the Union, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill H. R. 9314, an act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919.

PETITIONS AND MEMORIALS.

Mr. SHEPPARD presented a memorial of sundry citizens of Mercedes, Tex., remonstrating against enactment of legislation for the protection of secret societies, which was referred to the Committee on Post Offices and Post Roads.

Mr. LODGE presented resolutions adopted at a mass meeting of citizens of Worcester, Mass., favoring the independence of Lithuania after the war, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented resolutions adopted by the Trades Council of Sacramento, Cal., favoring independence of Ireland, and requesting that the President's peace proposal be redrafted by the Senate Foreign Relations Committee so as to allow Senators who have definite views on peace terms to open debate thereon, which were referred to the Committee on Foreign Relations.

BILLS INTRODUCED.

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

By Mr. HENDERSON:

A bill (S. 4285) for the relief of Charles E. Kaiser; to the Committee on Public Lands.

By Mr. SMOOT:

A bill (S. 4286) granting an increase of pension to Persis M. McKee (with accompanying papers); to the Committee on Pensions.

By Mr. HOLLIS:

A bill (S. 4287) granting an increase of pension to Frances Brosnan (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 4288) granting a pension to Jessie P. M. Hynes; to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 4289) to give indemnity for damages caused by American forces abroad; to the Committee on Claims.

A bill (S. 4290) releasing the claim of the United States Government to the block or square of land in the city of Fort Smith, in the State of Arkansas, upon which is situated the old Federal jail, to the State of Arkansas for a site for an armory and training camp of the Arkansas National Guard; to the Committee on Public Lands.

By Mr. WALSH:

A bill (S. 4291) granting an increase of pension to Mary P. McIntire (with accompanying papers); to the Committee on Pensions.

VOCATIONAL REHABILITATION.

Mr. SMITH of Georgia. I ask unanimous consent to introduce a bill to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military and naval service of the United States.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The bill (S. 4284) to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval service of the United States, and for other purposes, was read twice by its title and referred to the Committee on Education and Labor.

Mr. SMITH of Georgia. I ask that the bill be printed in full in the RECORD. I also have several memoranda with reference to it, one the history of the proposed bill, one showing, among other things, what has been done in France, England, Canada, Belgium, and Germany upon this subject, others presenting the value of the measure, and concluding with the success of vocational rehabilitation in foreign countries.

There being no objection, the bill and memoranda were ordered to be printed in the RECORD, as follows:

A bill (S. 4284) to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes.

Be it enacted, etc., That this act shall be known as the vocational rehabilitation act.

SEC. 2. That every persor who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation under Article III of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, and who, in the opinion of the Federal Board for Vocational Education, is unable to resume the former occupation or to enter upon some other suitable or gainful occupation or having resumed or entered upon such occupation is unable to continue the same successfully and may be vocationally rehabilitated, shall be ordered by the Bureau of War-Risk Insurance to follow such course of vocational rehabilitation as the Federal Board for Vocational Education shall prescribe and provide, or when deemed advisable by said board shall be retained in the military or naval forces of the United States and be detailed to the control and direction of said board until the course of training prescribed has been satisfactorily completed.

The Bureau of War-Risk Insurance shall have power, and it shall be its duty, to order the persons included in this section to follow suitable courses of vocational rehabilitation to be prescribed and provided by the Federal Board for Vocational Education, and every person so ordered to follow a course of vocational rehabilitation shall, while following the same, receive monthly compensation in a sum equal to the amount of his monthly pay for the last month of his active service, or to the amount to which he would be entitled under Article III of the said act approved September 2, 1914, as amended, whichever amount is the greater, and if such person was an enlisted man at the time of his discharge he shall, for the period during which he is so ordered to follow a course of vocational rehabilitation, be subject to all the requirements and entitled to all the benefits of Article II of the said act approved September 2, 1914, as amended, in the same manner as if he were an enlisted man, and for the purposes of the said Article II his monthly compensation shall be deemed to be his monthly pay: *Provided*, That if and while a person willfully fails to follow the prescribed course of vocational rehabilitation in a manner satisfactory to the Federal Board for Vocational Education the said board shall certify to that effect to the Bureau of War-Risk Insurance, and the said bureau may, in its discretion, withhold any part or all of the monthly compensation due such person and not subject to compulsory allotment.

The military and naval family allowance appropriation provided for in section 18 of the said act approved September 2, 1914, as amended, shall be available for the payment of the family allowances provided by this section; and the military and naval compensation appropriation provided for in section 19 of the said act approved September 2, 1914, as amended, shall be available for the payment of the monthly compensation herein provided. No compensation under Article III of the said act approved September 2, 1914, as amended, shall be paid for the period during which any such person is ordered by the Bureau of War-Risk Insurance to follow a course of vocational rehabilitation.

SEC. 3. That the courses of vocational rehabilitation provided under the provisions of this act shall, as far as practicable and under such conditions as the Federal Board for Vocational Education may prescribe, be made available without cost for instruction for the benefit of any person who is disabled under circumstances entitling him, after discharge from the military or naval forces of the United States, to compensation under Article III of the said act approved September 2, 1914, as amended, and who is not included in section 2 hereof: *Provided*, That no monthly compensation, family allowances, or expenses as provided by this act shall be paid on account of any such person availing himself of the courses under this section.

SEC. 4. That the Federal Board for Vocational Education shall have the power, and it shall be its duty, to provide, or procure to be provided, such facilities, instructors, and courses of vocational rehabilitation as may be necessary to insure proper training for such persons as are required to follow courses of vocational rehabilitation as herein provided; to prescribe the courses to be followed by such persons; to pay, when in the discretion of the board such payment is necessary, the expense of travel, lodging, subsistence, and other necessary expenses of such persons while following the prescribed courses; to provide for the placement of rehabilitated persons in suitable or gainful occupations; and to do all other things appropriate or necessary to insure the vocational rehabilitation and placement in suitable or gainful occupations of persons following the courses of vocational rehabilitation. The board shall have the power to make such rules and regulations as may be necessary for the proper performance of its duties as prescribed by this act, and is hereby authorized and directed to utilize, with the approval of the Secretary of Labor, the facilities of the Department of Labor, in so far as may be practicable, in the placement of rehabilitated persons in suitable or gainful occupations.

It shall also be the duty of the board to make or cause to have made studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placement in suitable or gainful occupations. When the board deems it advisable, such studies, investigations, and reports may be made in cooperation with or through other departments and bureaus of the Government, and the board, in its discretion, may cooperate with such public or private agencies as it may deem advisable in performing the duties imposed upon it by this act.

The Federal Board for Vocational Education shall make an annual report to the Congress on or before December 1 on the administration of this act.

SEC. 5. That all medical and surgical work or other treatment necessary to give functional and mental restoration to disabled persons prior to their discharge from the military or naval forces of the United States shall be under the control of the War Department and the Navy Department, respectively. Whenever prevocational training is employed as a therapeutic measure by the War Department or the Navy Department a plan shall be established between these agencies and the Federal Board for Vocational Education acting in an advisory capacity to insure, in so far as medical requirements permit, a proper process of prevocational training and the proper preparation of instructors for such prevocational training.

The board shall, in establishing its plans and rules and regulations for vocational training cooperate with the War Department and the Navy Department in so far as may be necessary to effect a continuous process of prevocational and vocational training.

SEC. 6. That the Federal Board for Vocational Education is hereby authorized and empowered to receive such gifts and donations from either public or private sources as may be offered unconditionally. All moneys received as gifts or donations shall be paid into the Treasury of the United States and shall constitute a permanent appropriation, to be called the "Special fund for vocational rehabilitation," to be used under the direction of the said board, in connection with the appropriations hereby made or hereafter to be made, to defray the expenses of providing and maintaining courses of vocational rehabilitation; and a full report of all gifts and donations offered and accepted and all disbursements therefrom shall be submitted annually to Congress.

SEC. 7. That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be used by the Federal Board for Vocational Education for erecting, renting, and remodeling buildings and quarters, repairing, maintaining, and equipping same, and for equipment and other facilities necessary for proper instruction of disabled persons, $250,000; for the preparation of instructors and salaries of instructors, supervisors, and other experts, including necessary traveling expenses, $545,000; for traveling expenses of disabled persons in connection with training and for lodging, subsistence, and other necessary expenses in special cases of persons following prescribed courses, $250,000; for tuition for persons pursuing courses in existing institutions, public or private, $545,000; for the placement and supervision after placement of vocationally rehabilitated persons, $45,000; for studies, investigations, reports, and preparation of special courses of instruction, $55,000; for miscellaneous contingencies, including special mechanical appliances necessary in special cases for disabled men, $110,000; for the administrative expenses of said board incident to performing the duties imposed by this act, including salaries of such assistants, experts, clerks, and other employees in the District of Columbia or elsewhere, as the board may deem necessary, actual traveling and other necessary expenses incurred by the members of the board and by its employees under its orders, including attendance at meetings of educational associations and other organizations, rent and equipment of offices in the District of Columbia and elsewhere, purchase of books of reference, law books, and periodicals, stationery, typewriters and exchange thereof, miscellaneous supplies, postage on foreign mail, printing and binding to be done at the Government Printing Office, and all other necessary expenses, $200,000: *Provided*, That the said board shall file with the Clerk of the House and the Secretary of the Senate on July 1 and every three months thereafter, for the information of the Congress, an itemized account of all expenditures made under this act.

SEC. 8. That section 304 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, is hereby repealed.

HISTORY OF PROPOSED BILL FOR THE VOCATIONAL REHABILITAION OF DISABLED SOLDIERS AND SAILORS.

CONFERENCE TO FORMULATE A COMPREHENSIVE PLAN OF REHABILITATION.

Because of the widespread interest and the uncertainty as to the final program which Congress will establish, different departments and branches of the Government, as well as private organizations, have been studying the problem and making tentative plans to meet it. To prevent confusion and the development of many separate and duplicating efforts the Surgeon General of the Army, at the suggestion of the Secretary of War, recently called together in conference representatives from the Departments of the Treasury, War, Navy, Interior, and Labor, the Federal Board for Vocational Education, the Public Health Service, the United States Employees' Compensation Commission, the Council of National Defense, the National Chamber of Commerce, the division for civilian relief of the Red Cross, the National Manufacturers' Association, and the American Federation of Labor to give full consideration to the problem and to formulate a definite and comprehensive plan which would provide a continuous process for the physical and mental restoration of disabled soldiers and sailors and their vocational rehabilitation and return to civil employment.

In order to be of the largest assistance, this conference terminated its labors by the adoption of a tentative bill embodying the principles and policies of which the conference approved. This measure was respectfully submitted, through the Surgeon General, to the Secretary of War for his consideration, with the recommendation that after it had passed through the hands of the solicitors of the departments concerned for the correction of such technical defects as the proper description of all the beneficiaries to be reached by the measure the same should be presented to the Congress for its consideration.

A delay ensued which led certain disinterested parties to take the matter to the Council of National Defense. The council approved the substance and, for the most part, the exact language of the conference bill above described. It sustained the idea that economic control should supersede military control at the close of the hospital experience, as far as possible at least. It stood for the idea of a civilian board to deal with the problem of vocational rehabilitation. It felt that a sharp line of distinction should be drawn between the physical rehabilitation, which should be committed to the Surgeon General's office of the Army and the Bureau of Medicine and Surgery of the Navy, and vocational rehabilitation, which should be put in the hands of a civilian board properly qualified to deal with the problem. All these things were contained in the spirit, purpose, and provisions of the conference bill.

Only one radical change was made in the conference bill by the Council of National Defense. The conference bill provided for an administrative board of vocational rehabilitation made up of one representative from each of five governmental agencies—the War Department, the Navy Department, the Labor Department, the Bureau of War-Risk Insurance, and the Federal Board for Vocational Education. The council believed that it was inadvisable to establish a new board, and recommended that the Federal Board for Vocational Education, under the Smith-Hughes Act, already well equipped for the task, be made the board of control.

With the changes just described, the bill now submitted represents the spirit and purpose and in large part the exact language of the conference bill prepared by a conference of experts and representatives from all the different governmental and civilian interests concerned in any way with the problem. After the measure in its present form was prepared, its language was gone over by the solicitors of the different departments concerned and approved from the standpoint of its technical accuracy. The understanding also is that these departments are agreed, in the main, with the provisions of this measure. The bill in its present form was also resubmitted to Secretary Houston, as chairman of the Federal Board for Vocational Education, and to Mr. Gifford, chairman of the Council of National Defense, and approved by them.

MEMORANDUM ON LEGISLATION FOR THE VOCATIONAL REHABILITATION OF DISABLED SOLDIERS AND SAILORS.

NEED FOR EARLY ENACTMENT OF LEGISLATION.

The rehabilitation of disabled soldiers and sailors is a task so important, so large, so complicated, and therefore so difficult, that Congress should at the earliest possible moment provide by legislation a clear and definite plan for the organization, administration, and support of the work.

Although the United States has been at war more than a year, no specific appropriation has yet been made by Congress for establishing and operating vocational training for men handicapped by war. Indeed, no such appropriation has been made even for the proper study and investigation of the many problems involved.

It is true that section 304 of the war-risk insurance bill (Public, No. 9, Sixty-fifth Congress—H. R. 5723), which became a law October 6, 1917, apparently places the work of rehabilitation, reeducation, and vocational training for disabled men in the hands of the Director of the Bureau of War-Risk Insurance, who, under the Treasury Department, has the duty and responsibility of administering the entire act.

Section 304 reads as follows:

"That in cases of dismemberment, of injuries to sight or hearing, and of other injuries commonly causing permanent disability, the injured person shall follow such course or courses of rehabilitation, reeducation, and vocational training as the United States may provide or procure to be provided. Should such course prevent the injured person from following substantially gainful occupation while taking same, a form of enlistment may be required which shall bring the injured person into the military or naval service. Such enlistment shall entitle the person to full pay as during the last month of his active service and his family allowances and allotment as hereinbefore provided in lieu of all other compensation for the time being.

"In case of his willful failure properly to follow such course or so to enlist, payment of compensation shall be suspended until such willful failure ceases, and no compensation shall be payable for the intervening period."

For reasons which I shall discuss below this section has remained inoperative. Indeed, the section is more a promise of what should be done than a workable program for the vocational rehabilitation and the return to civil employment of disabled soldiers and sailors.

Section 304 of the war-risk insurance act makes no appropriation to meet the expense of carrying on the course or courses for the rehabilitation and vocational training promised by that section. All the appropriations are for insurance, compensation, allowances, funeral expenses, and similar items; none are for rehabilitation, reeducation, and training. Without additional legislation, Congress is placed in the position of having made a promise to enlisted men, without providing a dollar to carry it out. Outside of a small part of the $100,000 appropriated for the administration of the war-risk insurance, which might possibly be used for section 304 (though in what way is not clear), the section is meaningless for want of funds. This has doubtless caused a delay, when every consideration demands immediate planning for action. Otherwise this great national duty and exigency will be left to private philanthropy and control, a procedure which has met with signal failure among the allies.

Section 304 is buried in an act, every one of whose other important sections deals with war-risk insurance. Admittedly it was inserted as a promise by Congress that the rehabilitation, reeducation, and vocational training of injured soldiers and sailors would be more definitely provided for at the ensuing session. Naturally, under these circumstances, this very difficult and highly specialized work is committed, under the general terms of the act, to an organization and administration, which, while admirably adapted for war-risk insurance—for which it was primarily intended—is inadequate, so far as section 304 is concerned, for the proper care, education, and placement in industry of injured men.

Furthermore, very grave uncertainty exists from the legal standpoint as to duties, powers, and relationships between the Treasury and the War and Navy Departments in dealing with this problem of vocational rehabilitation. On the one hand, the War-Risk Insurance Bureau of the Treasury Department is charged with the duty of administering the compensation and annuities for disabled men, a task which involves, of course, dealing with them almost from the time they receive their injuries. On the other hand, the Surgeon General's offices of the War and of the Navy Departments have traditionally dealt with the surgery, the medical care, and the functional rehabilitation of injured men.

While funds in the hands of the Secretary of War under liberal appropriations made by Congress have been appropriated for the hospital and medical care of wounded men, the use of these funds for vocational reeducation has not been specifically granted. Therefore, if these funds are so used it must be under the broad assumption either that vocational rehabilitation is a part of functional rehabilitation or that the wounded man is still enlisted and that this training is a part of his discipline as an enlisted man. There seems to have been no agreement up to this time at least between the Treasury Department, the War Department, and the Navy Department as to their respective authority and responsibility under existing legislation or as to how they can effectively cooperate. Under these circumstances, every consideration requires the early enactment of legislation designed to relieve present uncertainty and to provide ample funds for entering with certainty and speed upon the study, planning, and execution of a comprehensive scheme for the care, rehabilitation, and reemployment of the victims of this war.

LEGISLATION MUST BE BROAD AND FLEXIBLE.

No more difficult problem was ever presented to a people than the sacred task of restoring the victims of this great conflict to normal life and happy, self-dependent employment.

It is not known how long the war will last; how many soldiers will be sent to Europe; how many will be injured; how many will die; how many will return totally disabled; how many will be subjects for vocational rehabilitation; what means of employment will be open and to what extent; what the character of injuries will be; what forms of employment will be advisable for men returning, as is usual, with a complication of disabilities; how they may be best trained; where and how they should be placed; what will be the economic conditions during and after the war; what Government and civic employments will be open; what cooperation can be secured from the States, employers, organizations of employers, private foundations, institutions, and philanthropic foundations; what will be the cost of carrying on the work; how this cost is to be distributed during the years the work is being carried on; and what social and economic adjustment must be faced.

Any legislation dealing with this question must be broad and flexible. Experience of foreign governments has shown not only that the support and control of rehabilitation must be in the hands of the National Government, but that the work itself must be done by a national board equipped with ample funds and having broad discretionary powers, designed to meet the rapidly changing conditions in the conduct of the war and to cover the growing experience of the country in dealing with the reeducation and placement of handicapped men.

This national board should be a board already in existence, designated because of its experience and facilities for the administration of vocational training and because of the representative character of its membership. If a new board should be created by Congress for the purpose, all existing facilities for the study and administration of vocational education now possessed by the National Government should be recognized and utilized so as to avoid confusion, overlap and duplication of effort, and needless expense.

THE VOCATIONAL REHABILITATION OF DISABLED SOLDIERS AND SAILORS.

All the leading belligerent countries are retraining their disabled men, with the exception of the United States. The consideration which moved England, Canada, France, Italy, Belgium, New Zealand, Australia, South Africa, India, Germany, and Austria to undertake this work is one which will appeal with even greater force to the people of this country.

Vocational reeducation of disabled soldiers and sailors is required for these reasons: (1) To insure economic independence, (2) to avoid vocational degeneration, (3) to prevent exploitation, (4) to conserve trade skill, (5) to insure national rehabilitation, (6) to adjust supply of labor to demand, (7) to develop new vocational efficiency. These reasons are summarized below.

1. To insure economic independence: Vocational reeducation will reestablish the disabled soldier or sailor as an independent, self-respecting economic unit. Any other policy will inevitably induce economic dependency with its inherent moral and social evils. For these men and for the community, also, moral and social as well as economic well-being is in a large measure at stake.

It is to be noted that the age of the conscripted army (21 to 31 years) is such that the men are young enough to be susceptible to training, and that the benefits of such training will accrue during a period equivalent to the normal expectation of life for men in early manhood.

Recognizing the value of vocational training some of the men were taking such training when drafted. This interrupted training should be resumed.

2. To avoid vocational degeneration: Experience has demonstrated that disabled men while under hospital treatment naturally tend in many instances to fall into a state of chronic dependence, characterized by loss of ambition. The difficulty of lifting them out of this well-recognized phase increases rapidly during the period immediately following convalescence. Initiation of vocational training at the earliest possible moment and persistent, systematic development of this training after convalescence will avoid this danger of vocational degeneration.

Once the men have fallen into this state of chronic dependence or have drifted back into industry without training, they can not be industrially recovered.

3. To prevent exploitation: Without the protection of vocational reeducation, together with systematic reestablishment in wage-earning employment, the handicapped man will drift about in industry, an unskilled laborer and a subject for exploitation by the unscrupulous.

4. To conserve trade skill: The policy of vocational rehabilitation is one of conservation. Disabled men skilled in specific trades will be, so far as possible, reestablished in those trades by vocational reeducation. Without such training acquired trade experience will in many cases be lost, and the ranks of skilled labor will be to that extent depleted. Incidentally, the drifting of handicapped men in any considerable number into unskilled employments will occasion demoralization and impair wage standards.

5. To insure national rehabilitation: The European countries have found the conservation of trade skill and experience to be a factor of vital importance in national rehabilitation. In these countries the conduct of industries, commerce, and agriculture, even during the progress of the war, has become largely dependent upon the reestablishment in civil employment of men disabled for further military service.

It should be borne in mind that the disabled men are, in many cases, specially trained and skilled. If allowed, through lack of such reeducation as they require, to sink into the ranks of the unskilled, their places in the Nation's scheme of economic productivity can not be filled. No supply of skilled men is now, or will be after the war, available from other countries, since every country at war is experiencing and will continue to experience in the years following the war a great scarcity of skilled labor.

Vocational reeducation of men disabled for military service is, therefore, a means not only of conserving trade skill, but of conserving it in a time of national emergency and of preventing in some degree the scarcity of skilled labor that is certain to develop as the war progresses. The nation which does not conserve the vocational skill of its trained workers will to that extent weaken its recuperative and competitive power, and to that extent will consequently fail to achieve the immediate national rehabilitation of its industrial, commercial, and agricultural power.

6. To adjust supply of labor to demand: The return to civil employment of large numbers of men under the abnormal conditions of the period of demobilization will occasion far-reaching economic disturbance and maladjustment of labor supply to demand, unless that return is made under some comprehensive scheme of administration. Vocational reeducation will provide one means of so directing the return of men into civil employment as to occasion the least possible disturbance, and will go far to avoid impairment of established standards of living.

7. To develop new vocational efficiency: In individual cases, undoubtedly, new vocational capacities will be developed in handicapped men by systematic vocational reeducation. In many cases the selection of wage-earning employments has been originally accidental, and without due regard to natural aptitude. Vocational rehabilitation, by training for new employments for which the men have natural aptitude, may develop entirely new vocational capacities, making the men even more efficient producers than they were before.

Vocational training has established its claim as a means of producing and increasing economic efficiency, and in the Smith-Hughes Act, among others, Congress has indorsed this sort of training by appropriating Federal money to its support in the public schools. Such training can not consistently be denied to the disabled soldier and sailor—whose need is special and peculiar on account of his handicap incurred in the public service—while extending it to all other workers having no special claim to Government favor. All workers may have their productive efficiency increased by vocational training, but in the case of the disabled soldier or sailor the need of such training is imperative and the obligation to give it is clear.

THE SIZE OF THE PROBLEM.

Accepting the Canadian ratios as significant for the overseas forces of the United States, and assuming that the United States will send over 1,000,000 men the first year and will increase its expeditionary force by 1,000,000 each year for the duration of the war, the following deductions are, perhaps, warranted as forecasting conditions as the close of one year of fighting:

Number of men overseas	1,000,000
Number of men returned unfit for military service	100,000
Number not requiring vocational reeducation	80,000
Number requiring vocational reeducation:	
Complete	10,000
Partial	10,000

In a word, for each million men overseas it may, perhaps, fairly be expected that 100,000 men will be returned each year, of whom 20,000 will require complete or partial vocational reeducation. This number of men may in fact be in hand to be provided for by the close of the summer campaign of 1918.

But long before the close of activities in the summer of 1918 the return of men will begin, and vocational reeducation must start with the first men sent back, and must be developed as the number of men in hand for training increases. The development of facilities for undertaking vocational reeducation must, in fact, anticipate the return of the men, since adequate provision can not be improvised after the men are actually in hand for training.

As regards numbers to be vocationally reeducated, Canadian experience would appear to indicate 20,000 for the first year, 40,000 additional for the second year, and 60,000 additional for the third year, an aggregate for three years of war of 120,000 men.

Immediate provision should be made for the training during 1918 of at least 20,000 men. In the second year of fighting, on the above assumption, the discharges from the military hospitals will provide each month between 3,000 and 4,000 candidates for vocational training, and in each month of the third year of the fighting approximately 5,000 candidates.

If the vocational training course averages six months per man, the number of men actually in training may be roughly estimated to be 10,000 at the close of one year of fighting, 20,000 at the close of the second year, and 30,000 at the close of the third year.

The training and organization of a staff of teachers for this work will constitute a large factor in the problem of vocational education.

It should be noted, however, that the above calculation is based upon rather meager accounts of Canadian experience, and that proportions as low as 4 or 5 per cent of the disabled men returned have been indicated as the proportion of men requiring vocational reeducation. If this range of estimate is taken into account, the number of men requiring vocational reeducation during the first year of the war may fall as low as 4,000 or 5,000 per million men overseas. But, on the other hand, as has been noted, experience in past years of the war does not necessarily measure the maximum possibility of casualties, nor does it necessarily measure the maximum provision for vocational reeducation either in Canada or in any European country. It is highly probable that in very many instances vocational reeducation has not been undertaken where such training would be of real value to the disabled man, and would, in fact, be economically advantageous to the community.

It must be remembered, however, that the above estimates include not only men who are incapacitated from wounds and dismemberments, but those who are so disabled as the result of disease that they can not follow their old occupations and therefore must be retrained for some new occupation.

THE COST OF VOCATIONAL REHABILITATION.

Owing to the rapidity with which foreign governments have had to meet this problem and the inevitable confusion and uncertainty surrounding much of the work undertaken in such haste for an unknown number of beneficiaries, it is impossible to secure at this time any statement as to either the total cost of this work or the cost per man trained.

Perhaps the most significant indication of the cost is derived from Germany, where the vocational rehabilitation of the victims of the war is given by Provinces and by local communities of Provinces within the Empire, upon whom necessarily almost all the cost of the actual training falls. Yet we find the Imperial Government appropriating in 1915 the sum of $1,250,000 to supplement all local efforts, presumably because the Provinces were not able to meet all the costs without this aid. Under the imperial edict none of this money was to be used except for training and placement of disabled soldiers. It must be remembered that the Germans, deliberately planning for this war, had the facilities ready to take care of this important problem of conservation before hostilities began. Consequently much of the cost which this country must meet in establishing the work and providing facilities for it is not an item of expenditure in the German scheme. It must be remembered also that the above appropriation by the central Government was in the early stages of the war and doubtless has been increased many fold.

The French scheme provides for central administration of the centers for vocational rehabilitation, the administrative expenses of which are paid by the French Government and the operating expenses of which

are met by local governments and by private philanthropy. It seems clear that more than a million dollars has been sent from America for the aid of this work in France, yet in 1915 the Government appropriated 4,500,000 francs from the central treasury to aid in the training of the disabled persons.

It would seem that the proposal to appropriate $2,000,000 annually for the work newly begun in the United States, which is to be supported entirely by the National Government, is a low initial estimate.

FRANCE.

The number and character of the employments for which training is given in the rehabilitation of disabled soldiers and sailors show both the seriousness and extent of the problem and the strong belief of all the belligerent countries in the need for it.

France reported at the close of 1916 that definite training classes had been established for the following 45 occupations:

Jewelers, agriculturists, machinists (fitters), plastic arts, shepherds, harness makers and saddlers, suspender makers, brush makers, chairmakers and caners, cutlers, shoemakers, stenographers and typewriters, draftsmen (not specified), designers of lace, industrial designers, draftsmen (tracers), draftsmen on cotton fabrics, electricians, carpenters, boiler makers (iron and copper), firemen (not specified), chauffeurs, sheet makers (cutters), notary's clerk, hairdressers, bookkeepers, ladies' tailors, makers of instruments of precision, woodworkers (not specified), metal workers, goldsmiths, manufacture of fishing articles, painters (not specified), carriage painters, house painters, photographers, mercantile and office employees, salaried employees in shops and factories, fencing masters, sandal manufactures, tinsmiths, net makers, furriers, watchmakers, primary and general instruction, gardeners and horticulturists, toy makers, morocco dressers, masseurs, machinists (not specified), machinists (tool workers), makers of artificial teeth, pattern makers and molders, music and singing (blind), building trades (not specified), opticians, orthopedics and bandage makers, manufacture of pipes, wireless telegraphers, bookbinders and paper-box makers, wooden-shoe and galosh makers, sandal makers, soap makers, sculptors (not specified), wood carvers, locksmiths, statuary makers, wood cutters (toy factories), upholsterers, decorators, tailors, dyers, coopers, turners (not specified), metal turners, compositors, basket makers, motormen, miscellaneous.

England has organized a system of placement through which the retrained man is placed in a definitely organized trade under an apprenticeship arrangement. So far the training and placement covers the following trades:

Electrical trades; tailoring; leather trades; furniture trade; boot and shoe repairing; hand-sewn boot and shoe making; gold, silver, jewelry, and watch and clock jobbing; trade employment in moving pictures and theaters; trades connected with motor-tractor work; aircraft manufacture; dental mechanics.

In addition, the ministry of pensions has published the following list of occupations suitable for discharged tubercular sailors and soldiers:

Basket making, bath chairman, bus and tram conductors, canvassers, caretaker (if not compelled to sleep in unhealthy basements), drivers, coachmen, commissionaires, carpenters and joiners, farm laborers, foresters and underforesters, fishermen (line fishing only), gamekeepers, general laborers (except very heavy and dusty jobs), hawkers, insurance and commission agents, light porters, lodge porters, market and flower gardeners, motor gleaning, motor tractor and van drivers, night watchmen, park rangers, park attendants, policemen, postmen (if already in one of these services), rent collectors, station-bookstall attendants, travelers, timekeepers, ticket collectors, window cleaning, woodmen to be employed if the afforestation scheme is carried out, and wood-road layers.

Canada has established carefully worked out courses preparing disabled men for the following lines of employment:

Motor mechanics; elementary electrical engineers; carpentry and building construction; cabinetmaking; machine-shop practice; plumbing, heating, and pipefitting; electrical construction; motion-picture operating; architectural and building construction; machine drawing; horticulture; agriculture, poultry culture, and similar lines.

BELGIUM.

Belgium has established a great school for vocational rehabilitation at Port-Billez, France. Here the Belgium Government has provided training for these lines:

Baking, basketry, bookbinding, box nailing, brush making, cabinetmaking, chauffeurs, electricians, engraving, furriers, industrial art workers—designing and drawing, laboratory work, leather work—shoemaking, saddle and harness making, lithography, mechanical drawing, metal work, metal work—zinc plumbing, clock making, modeling, painting, photogravure, planing, printing, sculpture, tailoring, telephone exchange, wigmaking, woodcrafts—polishers, toy and fancy articles making, wood carving, wooden-shoe making, mechanical joinery, hand joinery, tool making, modelers, woodturning.

GERMANY.

Germany has used her scheme of vocational rehabilitation as a means of securing, as far as possible, mechanics and technicians for the war. The rehabilitated man is, if his condition permits, trained for a mechanical or technical occupation in the army, or any one of the essential war industries. Where this can not be done he is retrained so as to enter, to advantage, in view of his handicap, the same trade or line of employment which he was following before the war. The elaborate system of industrial and technical skill of the Empire is used for this purpose. Consequently, it may be said with safety, that disabled men are being trained in Germany to fill all necessary army occupations, necessary war industries, and all the well-recognized trades and employments of the Empire in civil life.

When one remembers that practically every man in the German Empire has been definitely trained for some line of work early in his career, the task before Germany is comparatively simple, since it requires only a readaptation for a man with a previous training and experience, and consequently with a suitable amount of adaptability.

The situation is very well illustrated by the list of occupations for which the great engineering school at Dusseldorf is now engaged in the training of men. This list covers all of the following trades: All the wood and metal trades; operating of steam engines, commercial courses; telegraphy; agricultural courses of many kinds; a special course in trade administration; machinists and mechanics of all kinds; modeling and plaster casting; bookbinding; leather work; graphic trades, photography, etching, etc.; painting trades—house decorating, letter and sign painting, glass painting, varnishing and lacquer work; courses in upholstery and decorating; and laboratory work for technical denistry.

In the Province of Brandenburg, with its 43 large and small reserve hospitals, not less than 17 factories have been given up by their owners for this purpose of training in the trades.

The success of the vocational rehabilitation given by foreign countries is indicated by a number of things: The increasing appropriations for the work, the enlargement of facilities, and the constantly increasing number of disabled men being trained and placed show that foreign governments have found the scheme advisable and necessary. As a result of enthusiastic interest in the problem, English manufacturers and trade unionists have organized trade committees throughout Great Britain, which are cooperating with the minister of pensions in organization, courses of study, and placement, on an apprenticeship basis, of the retrained man. In France, up to December 1, 1916, the employment office in Paris had placed approximately 10,000 disabled soldiers. Up to October 1, 1916, 45 departmental and local committees had placed 5,550 disabled. About 1,500 were placed with State establishments under ministry of armament munitions; about 3,000 working in shops for national defense. Germany uses successfully 85 to 90 per cent of her disabled back of the lines when they have been retrained, and the majority of the remaining 10 or 15 per cent are entirely self-supporting. This should be the aim of any system of vocational rehabilitation undertaken by this country.

A careful reading of the above will show that, aside from its humane aspects, which are undeniable, the vocational rehabilitation of disabled men is a wise business venture on the part of the Nation, because it is a necessary part of any national program for the conservation of our human resources.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate $15,000 for two reporters to committees, at $6,000 each, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

ARTICLE BY CHARLES WARREN.

Mr. OVERMAN. I have a copy of an article by Charles Warren, Assistant Attorney General, being a memorandum of law on the power of Congress to subject civilians to trial by court-martial under the Constitution. I ask that the matter be referred to the Committee on Printing with a view to having it printed as a public document.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

ADDRESS BY PRESIDENT WILSON.

Mr. JAMES. Mr. President, I have a copy of an address delivered by President Wilson in Baltimore on last Saturday, the 6th instant, which I ask to have printed in the RECORD.

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

The address is as follows:

ADDRESS.

"FELLOW CITIZENS: This is the anniversary of our acceptance of Germany's challenge to fight for our right to live and be free, and for the sacred rights of free men everywhere. The Nation is awake. There is no need to call to it. We know what the war must cost, our utmost sacrifice, the lives of our fittest men and, if need be, all that we possess. The loan we are met to discuss is one of the least parts of what we are called upon to give and to do, though in itself imperative. The people of the whole country are alive to the necessity of it, and are ready to lend to the utmost, even where it involves a sharp skimping and daily sacrifice to lend out of meagre earnings. They will look with reprobation and contempt upon those who can and will not, upon those who demand a higher rate of interest, upon those who think of it as a mere commercial transaction. I have not come, therefore, to urge the loan. I have come only to give you, if I can, a more vivid conception of what it is for.

"The reasons for this great war, the reason why it had to come, the need to fight it through, and the issues that hang upon its outcome, are more clearly disclosed now than ever before. It is easy to see just what this particular loan means, because the Cause we are fighting for stands more sharply revealed than at any previous crisis of the momentous struggle. The man who knows least can now see plainly how the cause of Justice stands and what the imperishable thing is he is asked to invest in. Men in America may be more sure than they ever were before that the cause is their own, and that, if it should be lost, their own great Nation's place and mission in the world would be lost with it.

"I call you to witness, my fellow countrymen, that at no stage of this terrible business have I judged the purposes of Germany intemperately. I should be ashamed in the presence of affairs so grave, so fraught with the destinies of mankind throughout all the world, to speak with truculence, to use the weak language of hatred or vindictive purpose. We must judge as we would be judged. I have sought to learn the objects Germany has in this war from the mouths of her own spokesmen and to deal as frankly with them as I wished them to deal with me. I have laid bare our own ideals, our own purposes, without reserve or doubtful phrase, and have asked them to say as plainly what it is that they seek.

"We have ourselves proposed no injustice, no aggression. We are ready, whenever the final reckoning is made, to be just to

the German people, deal fairly with the German power, as with all others. There can be no difference between peoples in the final judgment, if it is indeed to be a righteous judgment. To propose anything but justice, even-handed and dispassionate justice, to Germany at any time, whatever the outcome of the war, would be to renounce and dishonour our own cause. For we ask nothing that we are not willing to accord.

"It has been with this thought that I have sought to learn from those who spoke for Germany whether it was justice or dominion and the execution of their own will upon the other nations of the world that the German leaders were seeking. They have answered, answered in unmistakable terms. They have avowed that it was not justice but dominion and the unhindered execution of their own will.

"The avowal has not come from Germany's statesmen. It has come from her military leaders, who are her real rulers. Her statesmen have said that they wished peace, and were ready to discuss its terms whenever their opponents were willing to sit down at the conference table with them. Her present Chancellor has said,—in indefinite and uncertain terms, indeed, and in phrases that often seem to deny their own meaning, but with as much plainness as he thought prudent,—that he believed that peace should be based upon the principles which we had declared would be our own in the final settlement. At Brest-Litovsk her civilian delegates spoke in similar terms; professed their desire to conclude a fair peace and accord to the peoples with whose fortunes they were dealing the right to choose their own allegiances. But action accompanied and followed the profession. Their military masters, the men who act for Germany and exhibit her purpose in execution, proclaimed a very different conclusion. We can not mistake what they have done,—in Russia, in Finland, in the Ukraine, in Rumania. The real test of their justice and fair play has come. From this we may judge the rest. They are enjoying in Russia a cheap triumph in which no brave or gallant nation can long take pride. A great people, helpless by their own act, lies for the time at their mercy. Their fair professions are forgotten. They nowhere set up justice, but everywhere impose their power and exploit everything for their own use and aggrandizement; and the peoples of conquered provinces are invited to be free under their dominion!

"Are we not justified in believing that they would do the same things at their western front if they were not there face to face with armies whom even their countless divisions can not overcome? If, when they have felt their check to be final, they should propose favourable and equitable terms with regard to Belgium and France and Italy, could they blame us if we concluded that they did so only to assure themselves of a free hand in Russia and the East?

"Their purpose is undoubtedly to make all the Slavic peoples, all the free and ambitious nations of the Baltic peninsula, all the lands that Turkey has dominated and misruled, subject to their will and ambition and build upon that dominion an empire of force upon which they fancy that they can then erect an empire of gain and commercial supremacy,—an empire as hostile to the Americas as to the Europe which it will overawe,—an empire which will ultimately master Persia, India, and the peoples of the Far East. In such a programme our ideals, the ideals of justice and humanity and liberty, the principle of the free self-determination of nations upon which all the modern world insists, can play no part. They are rejected for the ideals of power, for the principle that the strong must rule the weak, that trade must follow the flag, whether those to whom it is taken welcome it or not, that the peoples of the world are to be made subject to the patronage and overlordship of those who have the power to enforce it.

"That programme once carried out, America and all who care or dare to stand with her must arm and prepare themselves to contest the mastery of the World, a mastery in which the rights of common men, the rights of women, and of all who are weak, must for the time being be trodden under foot and disregarded, and the old, age-long struggle for freedom and right begin again at its beginning. Everything that America has lived for and loved and grown great to vindicate and bring to a glorious realization will have fallen in utter ruin and the gates of mercy once more pitilessly shut upon mankind!

"The thing is preposterous and impossible; and yet is not that what the whole course and action of the German armies has meant wherever they have moved? I do not wish, even in this moment of utter disillusionment, to judge harshly or unrighteously. I judge only what the German arms have accomplished with unpitying thoroughness throughout every fair region they have touched.

"What, then, are we to do? For myself, I am ready, ready still, ready even now, to discuss a fair and just and honest peace at any time that it is sincerely purposed,—a peace in which the strong and the weak shall fare alike. But the answer, when I proposed such a peace, came from the German commanders in Russia, and I cannot mistake the meaning of the answer.

"I accept the challenge. I know that you accept it. All the world shall know that you accept it. It shall appear in the utter sacrifice and self-forgetfulness with which we shall give all that we love and all that we have to redeem the world and make it fit for free men like ourselves to live in. This now is the meaning of all that we do. Let everything that we say, my fellow countrymen, everything that we henceforth plan and accomplish, ring true to this response till the majesty and might of our concerted power shall fill the thought and utterly defeat the force of those who flout and misprize what we honour and hold dear. Germany has once more said that force, and force alone, shall decide whether Justice and peace shall reign in the affairs of men, whether Right as America conceives it or Dominion as she conceives it shall determine the destinies of mankind. There is, therefore, but one response possible from us: Force, Force to the utmost, Force without stint or limit, the righteous and triumphant Force which shall make Right the law of the world, and cast every selfish dominion down in the dust."

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States; to punish espionage; and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

The VICE PRESIDENT. The pending question is on the amendment of the Senator from Colorado [Mr. THOMAS] to the amendment of the committee, which will be stated.

The SECRETARY. On page 2, line 18, after the word "shall," insert the word "willfully"; on page 3, line 4, after the word "shall," insert the word "willfully"; on the same page, line 7, after the word "shall," insert the word "willfully"; and on line 14, after the word "shall," insert the word "willfully."

The amendment to the amendment was agreed to.

Mr. HARDWICK. On page 3, line 17, I move to strike out the words "the cause of," so as to read:

And whoever shall by word or act support or favor the German Empire—

And so forth.

Mr. POINDEXTER. The amendment proposed by the Senator from Georgia would strike out the word "favor"?

Mr. HARDWICK. No; because I want to simplify it and strengthen the language so as to make it incapable of any misconstruction.

Mr. POINDEXTER. Mr. President, the Senate should give careful consideration to the effect of such an amendment as that; or even if the Senator from Georgia would consider it in its full effect, it seems to me he would not insist upon his amendment.

The thing that is aimed at by this legislation is the prevention of those who owe allegiance to the United States from taking the side of the German Empire in this war. That is what it is aimed at.

Mr. HARDWICK. That is exactly what I am aiming at.

Mr. POINDEXTER. The Senator is missing it a long ways. He is missing it about as far as it would be possible to shoot in the opposite direction.

Mr. HARDWICK. Let me say——

Mr. POINDEXTER. If the Senator will pardon me, I will conclude in a moment.

Mr. HARDWICK. All right; I shall answer in my own time.

Mr. POINDEXTER. The amendment left as it would read after the amendment of the Senator from Georgia was adopted would not only eliminate the issue of war, the cause of the German Empire in the war, as the matter upon which the attitude of citizens of the United States was to be controlled, but it would substitute in place of that everything which the German Empire has ever stood for, whether in literature or art, if they ever had any art, whether it should be in the military organization of its army, the method by which it equips and supplies its troops, the kind of clothing that the people wear, the school system of the empire, things which are utterly removed from the cause of Germany in this war.

I think if the amendment of the Senator from Georgia were adopted it would punish people for doing a great many innocent things, and it would make it extremely difficult to punish them for doing a thing which is almost equivalent to treason against the United States. It is readily conceivable that a lawyer might argue in a court that a man who favors the cause of the

German Empire in this war was not necessarily favoring the German Empire in the sense in which the amendment would read after it had been changed in the way in which the Senator from Georgia proposes to change it.

I do not see any objection to the amendment of the committee as it stands now; that is, I can not conceive what purpose the Senator from Georgia would have in striking out of it the words "the cause of the German Empire," unless he wants to weaken the amendment; and I am sure he does not want to do that.

Mr. HARDWICK. I thought the Senator said just a moment ago that I proposed to strengthen it too much.

Mr. POINDEXTER. The Senator is mistaken if he thought I said that. I said the Senator broadens it and includes some things which are utterly irrelevant. That does not strengthen it; that weakens it. It would constitute a crime of things which in themselves might not constitute any offense at all or do any harm to the United States, but, on the contrary, might be of benefit to them. That is a very different thing from strengthening the amendment. I think it would make the amendment unreasonable and consequently weaken it. It would punish things which are innocent and not connected with the war and permit treasonable support of Germany's cause in the war.

Mr. President, I should like to submit to the Senate in this connection, as bearing upon the merits of the question which is under discussion, which is the provision for the punishment of favoring the cause of Germany in this war, a letter which, I think, condenses and expresses in precise form the entire issue and also indicates the viewpoint of the people of the United States—at least, a large number of them—and the manner in which they express it. It is very well to have considered by the Senate the view which the man at home takes of this question, and I ask that the Secretary may read it.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

ST. JOSEPH, MO., *April 3, 1918.*

Hon. MILES POINDEXTER,
Washington, D. C.

MY DEAR SENATOR: Your amendment prescribing imprisonment for 20 years and $10,000 fine for "whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war," etc., was reported here in yesterday's newspapers.

I hope you will not think it amiss of me to write you that the people of this section are heartily in favor of the most drastic measures being taken for the suppression of disloyalty of every kind. In fact, we think the day long since past when the present lenient course of the Government should have changed.

The accounts of this bill before me do not disclose its scope, but I most earnestly hope that it provides for the use of the death penalty in every case where outright disloyal acts are shown or where words are used which in their natural consequences would bring about such acts.

It was perfectly clear last summer when Kerensky abolished the death penalty that Russia was doomed; that the native Germans in Russia and their associates and the German propaganda would ultimately destroy the morale of the Russian Army and people; that only a revolution such as Korniloff attempted could turn Russia from its enfeebling sentimentalism.

The native Germans in America and their associates and the German propaganda are taking the same course here, and, if unchecked, can not fail to effect similar results. Only the immediate and drastic application of the death penalty will serve to repress the traitors who engage in unlawful acts and the equally culpable though less courageous traitors who spread sedition.

How long must we suffer German intrigue to render useless 60 per cent of the gas masks put out by a certain factory before we invite the perpetrators to don the ruined masks and enter one of the gas chambers provided for teaching soldiers? How long will we permit plotters to weaken the framework of our aeroplanes before we give them the opportunity of falling a few thousand feet? How long will we let Mr. Berger, of Milwaukee, preach "Heaven or hell, peace or war, socialists or profiteers and their following, * * * do your duty to outraged humanity to-morrow," before we take him to the line of trenches in France and invite him to cross No Man's Land to German territory?

Must we wait until the loyal citizens of every community take these matters into their own hands, as they are doing with increasing frequency on every hand, before Congress and the administration will meet the German menace at home in the manner we expect our soldiers to do in France?

As you will see, I am writing you not only a commendation on your amendment but a plea for Congress to act immediately in a way which can not be misunderstood by our enemies here in the United States, and to say that you need have no fear about the country supporting the most drastic measures that Congress can be persuaded to take.

Sincerely, yours,

H. R. MCMURTRIE.

Mr. SHERMAN. Mr. President, will the Senator from Washington yield to me?

Mr. POINDEXTER. I have yielded the floor.

Mr. SHERMAN. Mr. President, I believe there is no one more solicitous than I that there be adequate support at home of all men who are in the service. I have five young relatives in the service, and I think I have as strong a desire to protect them in their facing an open enemy against hidden attacks in the rear as anyone could have because of personal reasons. I am not unmindful, however, Mr. President, that in the zeal we might display in extreme legislation we may pass the limit of wisdom. That is a common error into which patriotic citizens fall as well as indiscreet ones. I wish to support any measure here that will be calculated even, if I may use that phrase in an argumentative way, to check any growing disposition to interfere with the cause of the United States in this war; but it is like a good many other measures we have seen passed in the four years since I have been here. I think this particular amendment to the espionage law is beyond the limits not only of prudence but of the power of Congress.

Not very long ago we passed an act that provided in substance that you could break open any man's desk, his safe, invade his office, take whatever papers or property of that character were discovered which might be alleged to be the instrumentality for the commission of a felony, and such a measure was justified because it was one of the means by which the commission of crime was prevented; that the guilty person could be apprehended before the crime had become consummated, and thereby the public interest could be protected.

I know that measures of that kind are difficult to criticize; they are more difficult to defeat; they are more difficult to amend so as to bring them within the powers of Congress. I know as well as do some of my associates here the danger of criticizing anything approved by the administration. I always do so reluctantly and with the knowledge that one's motives are apt to be misunderstood, their conduct adversely commented upon, and facts perverted in order to make it appear in a very unfavorable light; but we passed certain sections in the espionage bill under the belief that they were good laws. The circuit court of appeals in the seventh circuit of the United States, sitting in Chicago recently in what is known as the packers' case, had occasion to pass on that provision of the law.

They used the language which I shall read in regard to the taking of papers of defendants charged with an offense under a general warrant. Be it said that these warrants are of this character: They do not describe the property to be seized; they simply, in a general way, state that there are papers in the hands of certain persons, naming the defendants, which are to be used or have been used in the commission of certain offenses. They are very similar to the John Doe warrants, issued in due form, but describing the person whose property is to be taken or whose premises are to be searched as John Doe. When officers take such a writ to search anybody it is in the nature of a pocket writ, a general warrant, issued against the American people, so that any Senator or any citizen of the United States could, under a John Doe warrant, be searched without having his name inserted in the warrant, or any premises could be searched or any property could be seized.

Some limitations upon the power of Congress are found in the requirement that the person be named in a warrant who is the subject matter of the search; that the premises be described; and that the property to be seized also be described with reasonable certainty. All of those provisions were ignored in the execution of the act passed by Congress. The espionage act, I believe, goes beyond the limits of congressional power. What may be left of that act finally, when the courts shall have interpreted and applied it to specific cases, would be a matter of conjecture if I were to enter upon an attempt to decide; but in the case where, in the investigation in Chicago, a deputy marshal broke into Mr. Veeder's office and took papers it led to a hearing before a court. Mr. Veeder was the general counsel of the packers.

Mr. STERLING. Mr. President, will the Senator from Illinois permit an interruption?

Mr. SHERMAN. Yes, sir.

Mr. STERLING. The Senator calls attention to the espionage act and that part of it relating to search warrants, I suppose. Let me call the Senator's attention to section 3 of title 11 of the espionage act. Under the head of search warrants it provides:

SEC. 3. A search warrant can not be issued but upon probable cause, supported by affidavit, naming or describing the person and particularly describing the property and the place to be searched.

I recall some discussion in the committee and also in the Senate upon this proposition, and, as I recall the discussion, it disclosed the fact that search warrants under that provision were issued only under the conditions under which search warrants are usually issued and under conditions imposed by the statutes of the several States relative to search warrants. How is it that any personal right was violated in the issuance of search warrants in the Chicago case? I should like to ask the Senator from Illinois that question.

Mr. SHERMAN. I will reach that point in a moment. All the forms of the procedure on search warrants are carefully observed in the section of the espionage act which has been

read by the Senator from South Dakota, but it is like the pending bill would be if enacted into the form of law. When it falls into the hands of agents to execute it, they may make it the instrumentality of abuse.

As a matter of fact, under this same section and another provision about taking papers that are alleged to be instrumentalities for committing offenses, a warrant was issued under which deputy marshals broke into a private office, into the safe in which were found private papers, and attempted to take a number of documents—letters, telegrams, and other communications—passing between different persons connected with the packing business, on the claim that they either had been used to commit a felony or an offense or would be used for the commission of future offenses. Those documents were not the property of the Government or of some complaining witness. They were the property of the packers who were threatened with prosecution. There was in the warrant in the hands of the marshal no sufficient description of the documents to be seized. It described Mr. Veeder's office, but it did not describe with any reasonable degree of certainty the documents to be seized.

Mr. STERLING. Mr. President, would not that, then, be rather the fault of the commissioner or the judge who issued the warrant?

Mr. SHERMAN. It was issued by a United States commissioner.

Mr. STERLING. Because an affidavit must be made before him, and if the property is not sufficiently described he should not issue the warrant. Section 4 of the espionage act provides that:

> The judge or commissioner must, before issuing the warrant, examine on oath the complainant and any witness he may produce, and require their affidavits or take their depositions in writing and cause them to be subscribed by the parties making them.

Mr. SHERMAN. That only shows, when it is applied, the general tendency of the present times. It is true that the packers were not charged with being disloyal; they were charged with not paying their employees a sufficient wage or giving them the proper conditions of service; but the commissioner settles that. By the way, in an ex parte proceeding the United States commissioner is a Federal justice of the peace; and, according to my experience, there is about as much use in arguing a case before a United States commissioner as there is before a justice of the peace who has decided to hang your client or to divorce the parties because he married them and ought to have equal jurisdiction to untie that which he has tied; that was an argument once used by a justice, and I have had similar experiences with justices. A justice of the peace is the only court in the country that has unlimited jurisdiction of both State and Federal matters at common law and in chancery, and a United States commissioner is very much the same. He gets his business just like a justice of the peace gets his; just like a justice in the justice shop court in Chicago used to get it; he gets it because he is popular with the prosecuting officers; and if he does not do what they want the commissioner gets no business. I have letters in my files in my office here in Washington from a commissioner in Chicago soliciting business, and asking that I use my political influence, of which I have a remote vestige, being a minority Senator, to obtain business from the United States attorney in his district. I have not complied, except to answer in a good-humored way, as I hope, that I did not think my recommendation would do any good, and I doubted very much the propriety of it if it would. United States commissioners issue such warrants as the one to which I have referred. It is only when the question is heard at last before a court who is free from any motives or any bias that finally the law becomes settled. I read only this paragraph from the opinion:

> One's person and property must be entitled, in an orderly democracy, to protection against both mob hysteria and the oppression of agents whom the people have chosen to represent them in the administration of laws which are required by the Constitution to operate upon all persons alike.

This language was used in reference to warrants that did not sufficiently describe the documentary matter to be seized, giving no dates or descriptive words by which the defendant could be advised in advance what particular documents were to be seized out of his safe or office. It was argued—and the brief when read discloses that this was one of the arguments offered—that naturally the papers could not be described; that the district attorney would be unable to give the dates and describe the persons to whom the papers were addressed or the character of the documents with any more certainty than was given in the warrant that was drawn, and these are the remarks of the court on the question, holding that the warrant was utterly void and conferred no power.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. SHERMAN. Yes; certainly.

Mr. KING. Does the Senator think because the provisions of the statute were not strictly complied with, as they must be where a warrant is sought to search a man's premises and to seize property, that is a fair and rational argument against the law itself?

If the Senator will pardon me, in the Senator's own State, and in every State of the Union so far as I know—but I know it is true in the Senator's State, because I took occasion to look it up when we had the espionage act under consideration—there is a statute in regard to search warrants, and the espionage statute is fashioned somewhat along the lines of the statute drawn in the State of Illinois. In nearly every State it has been found necessary and proper to have statutes providing for search warrants. There, of course, may be abuses at times; but because there may be abuses in the enforcement of the law would not be an argument against the validity of a statute or the wisdom of a statute of that character.

If the States may have statutes with regard to search and seizure, why should not the Federal Government along legitimate and proper lines have like statutes? If a statute which authorizes a search warrant in a given cause relating to crime or felony is proper in a State, why should not a statute of like nature be passed by the Federal Government? Does the Senator think—of course I am asking a number of questions in a rather jumbled way—that because the court to which the Senator has just invited our attention has held that the authorities did not proceed in conformity with the statute, it is fair to say that this statute was not authorized and the validity of it has been challenged?

Mr. SHERMAN. Mr. President, it is a proper and intelligent inquiry that the Senator makes, and the substance of it is this, that the abuse of the law by agents or officers who go beyond their powers ought not to be a legitimate criticism of the law itself or of a bill that proposes to embody those features into a law. Ordinarily that is true; but here is the inherent weakness of that provision of the law as enacted ordinarily. We have always thought that a defendant's papers could not be taken by process, his safe or his desk broken open, and those papers used in evidence against him. We have thought that; whether it is right or wrong is a question for the courts. I know that if the courts adhere to what they have ruled in many other cases of this kind, they will hold that, if I have in my possession papers that may be used in evidence against me on a charge of felony, I can not be made to produce those papers nor can any officer break open my private office or seize my papers, take them away from me, and use them against me in the prosecution. If they pass out of my possession, if they are found in somebody else's possession, then the inhibition is removed. I no longer have that protection.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Washington?

Mr. SHERMAN. Certainly; I yield.

Mr. POINDEXTER. I will ask the Senator from Illinois if he argues that there is anything in the pending bill that enlarges or extends in any way the authority to issue search warrants or to seize papers? I am asking in perfect good faith. My understanding is that the passage of the bill now before the Senate would leave the question which the Senator is discussing just as it was before.

Mr. SHERMAN. Certainly; but if this amendment should prevail it will be a part of the same law, amending it. I am using this illustration to show how the law has already been employed—it is true, I think, by abusing its provisions—but it shows that this general search-warrant feature that some Senators criticized when the bill was on its passage here some time ago has been construed to mean that you can issue a general search warrant, and take papers away from defendants, and use the papers for the purpose of convicting them. Now, that is one of the provisions made in the original espionage act to which the pending amendment will add some more drastic provisions.

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

Mr. SHERMAN. Yes, sir.

Mr. KING. I apologize to the Senator. I have before me the Illinois statute; and a hasty examination of it and comparison of its provisions with the provisions for search warrant in Title XII of the espionage bill, I think, will convince the Senator, as the hasty examination has convinced me, that the espionage act is more carefully drawn in the interest of the defendant, or the person whose premises are to be seized, than is the Illinois

statute. I will not take the time to read the Illinois statute, but I feel sure that I am correct in making that statement.

If the Senator will pardon me, the provision of the espionage act which authorizes searching for papers is connected with section 22. I will read the section:

Whoever, in aid of any foreign Government, shall knowingly and willfully have possession of or control over any property or papers designed or intended for use or which is used as the means of violating any penal statute, or any of the rights or obligations of the United States under any treaty or the law of nations, shall be fined not more than $1,000 or imprisoned not more than two years, or both.

That section which authorizes search for papers and the seizure of papers relates to papers which in their character involve international relations; and the Senator will recall that at the time of the discussion of this bill, frequent allusion was made to papers in the possession of German spies in New York which had been seized, and the necessity of seizure became very apparent at the time of the seizure, and subsequently. So there is no general provision for search warrant with respect to private papers of individuals.

Mr. SHERMAN. The general law would apply. There is a restriction. There is a general act of Congress on these matters, or there is a procedure that is always followed in the issue of search warrants in process of that kind, which is specific. That is enlarged by the section read by the Senator from Utah, where it relates to disturbances of an international character; where, for instance, a German spy, or an unfriendly employee of a legation—as was the case, in fact, when Von Bernstorff was still here—has in his possession papers that might be used to create international disturbances; and the query is whether we ought to extend the search-warrant provision so that these may be taken out of the possession of the defendant and to be used against him.

It may be an employee, but they are all liable to indictment under this law—not only the spy, but all of his employees. That person is indicted in the usual way; or, if it be before the espionage act passed, there is a general neutrality law in this country that has been in force for some time, providing that if any person, a resident alien or one found in our country, should set on foot any expedition or military enterprise of any character, or any conspiracy that might be called a military enterprise, against any friendly power, or against the citizens or subjects of any friendly power, it is an offense against the neutrality laws.

We prosecuted many persons on the Mexican border—some Americans—who set on foot such enterprises against the peace and good order of Mexico. The same thing has been used in the prosecutions in certain of the district courts on the Canadian border, in Maine or New York, where railroad bridges were dynamited by German subjects or spies found in our country, the conspiracy being framed on our soil. The query is whether persons engaged in such unlawful enterprises, tending to disturb the peaceful relations of one nation with another, can have these documents—their own property—taken away from them by search warrant, to be used against them. I would rather not have such a law than to take the chances on such a precedent. A precedent, once made, by which private offices are broken open and one's own documents removed, to be used against him in his prosecution, is violative of the rights one has to be secure in his person and property and not be compelled to give evidence against himself. The fact that he has them is enough to extend to him that guaranty.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. SHERMAN. Yes, sir.

Mr. REED. I have not heard all of the Senator's remarks—I have been at a committee meeting—but the Senator is aware, is he not, that the very question that the Senator is discussing has already been passed on by Mr. Justice Bradley, of the Supreme Court?

Mr. SHERMAN. I did not get all of the Senator's question.

Mr. REED. I state, by way of apology, that I may be in error about the aspect the Senator was discussing; but, as I understood him, he was referring to the right of the Government to enter the house of a citizen and take his papers; and I understood the Senator to say that he would rather not have such a precedent established, asserting that he believed that it would be declared unconstitutional. I am asking the Senator if the fact has escaped his recollection that the precedent has been already made; that Mr. Justice Bradley, in a very powerful decision, held that the right of search could not be so employed?

Mr. SHERMAN. That is true; there is no doubt about it. The Senator, as usual, is timely and accurate in his citations. But we are seeking here to amend the espionage law, under which the abuse of the writ has already been made in the case I refer to, in the seventh district, decided by the Court of Appeals, in violation of the opinion of the Supreme Court by Mr. Justice Bradley, to which the Senator from Missouri refers. It shows the danger, in these times of stress, of introducing such amendments into existing laws, or proposing them by pending bills.

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

Mr. SHERMAN. Yes, sir.

Mr. NELSON. I do not understand that the matter of search warrants, or searching for papers, is involved in this bill, or in this amendment.

Mr. SHERMAN. Not in this amendment; but it becomes a part of the law of which this amendment will be a part when it is adopted, so that it is part of a system; and I am commenting upon the entire law as it would be amended in the event of the adoption of this amendment in its present form.

Mr. NELSON. The Senator will find, if he examines it, that the search law is in a separate chapter of the espionage law, and we are not amending that by this bill.

Mr. SHERMAN. Oh, certainly it is a separate section, but it was passed in the same bill and is part of the same legal system.

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

Mr. SHERMAN. Yes, sir; I yield.

Mr. KELLOGG. I do not understand the Senator, and I should like to ask him a question. The search-warrant clause of the espionage bill particularly provides that the warrant can only be issued on probable cause, supported by affidavit naming or describing the person, and particularly describing the property and the place to be searched. Now, the Supreme Court has held, in a number of cases with which the Senator is familiar, that you can not use any process to search a person and take his private papers and use them against him in a criminal case. This does not provide that you can do it; and I do not see how the amendment before the Senate in any way changes the rules of law or the espionage statute, which seems to me to protect the person whose person or premises are to be searched.

Mr. SHERMAN. I will repeat, that if this amendment is adopted it will become an amendment to the espionage act, because, as I read it——

Mr. KELLOGG. That is quite true; but the espionage act itself does not violate the Constitution.

Mr. SHERMAN. Oh, I understand that; whether one's own papers can be taken from him and used against him in a criminal case by observing all the solemn formalities hedging about such a process is yet to be determined under the case cited by the Senator from Missouri [Mr. REED], but of what earthly use is law even, with public sentiment so inflamed? What does a nisi prius or trial court or a United States commissioner care for it when you have once started on such legislation? Several judges have manifested mob-law symptoms themselves. It is true that you can take it to the Supreme Court or the court of appeals at last and have it reviewed; but nobody but packers or millionaires can hire lawyers by the year to carry cases to the Supreme Court.

Mr. KELLOGG. But, Mr. President, then the fault is in the administration rather than in the statute.

Mr. SHERMAN. I am not criticizing the law itself. I am saying that you are furnishing a precedent by which you will incite people to do these lawless things.

Mr. OVERMAN. Mr. President——

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

Mr. SHERMAN. Yes, sir.

Mr. OVERMAN. Has the Senator's attention been called to the fact that the espionage law is divided up into separate laws or titles? The section the Senator is talking about, relating to search warrants, is Title XI. In other words, when we came to pass that law, we put 12 bills together. If the Senator will notice, on page 13, that is a title, which is the same as a separate law; and the pending bill does not at all amend the search-warrant title.

Mr. SHERMAN. Oh, no; it does not change the law with regard to search warrants, but when the amendment is adopted it is a part of the act; it is a part, then, of the system.

Mr. OVERMAN. No; it is a part of a certain title of the act.

Mr. SHERMAN. I know; but then the espionage law itself becomes an entire fabric. Every section in it, together with the amendment, then becomes a part of the espionage law, to be administered by the local authority.

Mr. OVERMAN. No; I will give the Senator the act, and I think he will agree with me that Title I is the espionage act.

Mr. SHERMAN. It is section 3.

Mr. OVERMAN. The Senator will see that the search-warrant part is a title; it is not a chapter.

Mr. SHERMAN. I understand that; but the amendment that is pending says it is to amend section 3, Title I, of the act entitled "An act to punish acts of interference with the foreign relations * * * of the United States," and so forth, and to punish espionage. So, when it is amended by the pending bill, it then becomes a part of the entire system. It was all one bill when it was pending here.

Mr. OVERMAN. No; it is a part of the title "Espionage."

Mr. SHERMAN. Oh, well, you might just as well say that a man's leg is not a part of his anatomy because it is a good way removed from his head and has more bone and usually less brains than the cranium. It is a part of the entire organism.

Mr. HARDWICK. Mr. President——

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

Mr. SHERMAN. Yes, sir; I yield.

Mr. HARDWICK. I want to suggest to the Senator that what I think the Senator has in mind, and what I believe is a very strong argument, is that the Senator is showing that, even as to the parts of this law that we have already passed, there have been strained constructions and misconstructions of it by the courts, and therefore we ought to be slow to enact other things that are capable of like misconstructions.

Mr. SHERMAN. Certainly. The Senator states the purpose I have in view. These very experiments that we are making here tend to enlarge the oppressive and often destructive discretion of the local authorities.

Mr. President, I have heard considerable comment on what could be done and what could not be done under this bill in the event it is passed. I want to know—and I invite the attention of Senators to this circumstance—whether I could read a letter of the kind I produce now, if this bill became a part of the act as an amendment. I should like to know whether I could read a letter of date of April 4, 1918, addressed to a person in Washington—Miss S. L. Keyser, of 29 B Street NW., Washington, D. C.—and make appropriate comments on it, in view of the fact that there is an antiprofiteering rent bill pending in the Committee on the District of Columbia; whether I could read this letter and comment upon the governmental action, without landing myself in jail, if I did so at any place outside of the Senate Chamber?

Referring to your contract with this department, dated November 18, 1916, leasing to you premises No. 31 B Street NW., from month to month, at a compensation of $5 per month, I have to state that the records of the department show that you have only paid rent for the premises up to and including March 18, 1918. I have therefore to advise you that, exercising the right reserved to the Government in the contract, you will be required to vacate said premises within seven days from the date of this notice, and any and all of your effects in the building should be removed by that time. From and after the expiration of said period the building in question has been leased to Mrs. Mary B. King, at a rental of $30 per month.

Suppose I were to comment upon that on a platform. Suppose I were a Chautauqua profiteer myself, and were doing a lusty gladiator's act some hot July afternoon, appealing to the populace, and suppose I should read this letter. I would comment further on the fact that private owners of property, tenants in Washington, had been severely criticized for profiting to the extent of from 100 to 200 or 300 per cent. I would then refer to the fact that a Government department, through a letter signed by its chief clerk, had undertaken itself to profit to the extent of 600 per cent. I would say, "What would you think of a government of that kind?" And about that time a deputy marshal would seize me and start me on my trip to the bastile.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. SHERMAN. Yes, sir.

Mr. BORAH. With a large part of the Senator's argument I agree; but it would not come under any clause of this bill if the Senator were to make the same speech, even if he should make it out here on the stump. It is not inhibited by this law. Let it be understood, Mr. President, that those who are advocating the passage of the law do not believe that it at all touches the proposition of discussing the competency or the incompetency of an administration, the policy or the wisdom or the unwisdom of an administration, the efficiency or the inefficiency of an administration, or the competency or incompetency of an officer, or the honesty or corruption of an officer. It does not cover that subject.

Mr. REED. Mr. President, would the Senator be willing to put the remarks he has just made in the bill by way of amendment?

Mr. BORAH. Mr. President, I have not any doubt at all but that I am correct in that interpretation, and it is in there now, because there is nothing in it now which covers that subject matter at all. Why, Mr. President, knowing that the Senators who are opposed to this bill are sincere, if they can convince me that we are about to pass a measure here by which you can not discuss the competency or incompetency of an administration, or the competency or incompetency of an officer, or the wisdom or unwisdom of a measure, I shall oppose this measure to the bitter end.

Mr. SHERMAN. I call the Senator's attention to the following language:

Whoever when the United States is at war—

And we are now, and unhappily may be so for some time—

shall utter, print, or publish any disloyal—

To which I have no objection at all—

profane—

I have none to that; I do not think a person ought to talk profanely about anything, Government or otherwise—

scurrilous—

I have no objection to that—

contemptuous—

I have to that. I would express myself in a contemptuous manner if I said that a Government department that undertook to profiteer, and representing this Government under which I live, 600 per cent was not practicing what it preached. Now, it continues:

contemptuous, or abusive language about the form of government of the United States.

Mr. BORAH. Does the Senator think that when he attacks an officer acting corruptly or improperly he is attacking the form of government of the United States?

Mr. SHERMAN. I have not any doubt about that interpretation by various deputy marshals running around over the country.

Mr. BORAH. I should like to see eliminated from this law entirely the ability of any departmental officer to interpret any part of the law, and if I should have my way, when the espionage bill is finally passed no one will construe its terms except the courts of the country in the presence of a jury. If a deputy marshal should make that construction he would not last long, in my judgment, assuming, as I do and as I believe, that the courts are still impartial and still sane in the construction of its language, because no court would construe an attack upon an officer as an attack upon our Republican form of government, neither would he construe it as an attack upon the Constitution of the United States. Rather would he construe it as a support of our form of government and the Constitution of the United States to assail those who are bringing the Government of the United States and its Constitution into disrepute.

Mr. SHERMAN. Does not the Senator know that practically laws are made by the departments and bureaus and not by Congress?

Mr. BORAH. Mr. President, if that be true, we need not worry ourselves at all, because this law will be enforced by the bureaus and the departments, whether it is passed or not. If the bureaus and the departments are going to make the laws, very well and good; I have no occasion to dissent with the Senator at all; I surrender the proposition. I assume that the law which this Congress will make, if it is delegated to the courts to construe, will be construed by the courts, and the courts will perform their functions as they have been performing their functions, in my judgment, with great wisdom and sanity in this great crisis.

Mr. SHERMAN. The Senator forgets that it takes from one to five years for the courts of this country to reach the average humble citizen's rights. Here were pickets, delicate, well-reared women, arrested in the city of Washington, almost in the shadow of the White House. Did any court discharge them? What became of them? Some of them from Southern States were confined with negro felons or convicts.

Mr. BORAH. Mr. President, the court did discharge them as soon as they were able to reach the court.

Mr. SHERMAN. When?

Mr. BORAH. Just as soon as the court could reach them and they could reach the court.

Mr. SHERMAN. That is what I am insisting, just as soon and no sooner. Before the court to which an appeal was taken from the trial court convicting them could discharge innocent women, they had been jailed for weeks with criminals in vermin-infested cells that disgrace the name of law.

Mr. BORAH. Fortunately, it does take time to have adjudication in this country. Fortunately, we do not adjudicate the same hour through a town meeting or a mob movement, but we adjudicate through the final determination of a court, and that takes time and properly takes deliberation; it takes consideration, and properly takes consideration; and when a precedent is established, as it is now established by the court in regard to that matter, it is the practice then.

Mr. SHERMAN. That is a valuable precedent for future use. It does not relieve the suffering of innocent women who were imprisoned for weeks in the heat of summer with vile criminals amid filth and vermin and all the surroundings of an ill-kept penal institution.

The difference between the Senator and myself is that when I by my vote undertake to help to make laws I wish to protect the average citizen of small means in the making of the law. I am not making laws for millionaires to litigate and construe, who employ lawyers of ability by the year. I wish to take care of citizens in the making of a law, so that it will be plain enough and its intent will be plain enough to keep the small public officers, deputy marshals and others, from committing these outrages upon helpless persons.

Mr. POINDEXTER. Mr. President——

Mr. SHERMAN. I yield to the Senator.

Mr. POINDEXTER. I should like to ask the Senator a question, for sometimes by questioning we can get at the real issue much more than we can by statements. I ask him whether or not he is of the opinion that it should be lawfully permitted while we are engaged in this war for people under the jurisdiction of the United States to willfully utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of the Government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army of the United States? I am interested to know, aside altogether from the abuses which the Senator refrered to, some of them which he says arose under the espionage act and some of them that did not have anything at all to do with the espionage act, such as the suffragist pickets——

Mr. SHERMAN. That was only an illustration. I did not claim that it had anything to do with that.

Mr. POINDEXTER. Aside from those abuses, I ask the Senator from Illinois, with the desire which I know he has to have as nearly as good laws as we can get and come as near avoiding abuses of them as we can arrive at, whether he believes that citizens of the United States ought to be permitted by law to do the things which I have just read?

Mr. SHERMAN. Not all of them. I will specify. When the United States is at war no disloyal act or word ought to be permitted from either alien or citizen. I think if the bill stopped there it would cover all practical purposes so as to prohibit disloyal words or acts. That covers it. It is for the court or the jury, if a question of fact, to say whether the act is disloyal. What is added to the rest of it?

A profane expression about the form of government would be disloyal in time of war. A scurrilous or contemptuous reference to it in time of war would be disloyal if it ought to be punished at all. If it is a mere idle criticism of the Government, I do not think it ought to be punished at all under the guise of a war measure.

I have heard in the National League for Popular Government more abusive language about the United States Government and the United States Supreme Court than I ever heard in a meeting of red-handed anarchists on the lake front in Chicago.

Mr. GALLINGER. Mr. President——

Mr. SHERMAN. I yield to the Senator.

Mr. GALLINGER. Has not the Senator heard words of bitter denunciation of the Supreme Court in this Chamber?

Mr. SHERMAN. I have. I thank the Senator for reminding me of it; it had escaped my attention. I have a right to argue on such definitions of disloyalty by extending it so that officious persons, so that every person who wishes to construe it, is given the liberality for the construction that it is profane or it is scurrilous or it is contemptuous. What does it all amount to? If it amounts to anything that ought to be taken within the scope of an amendment to the law, it is disloyalty.

Mr. POINDEXTER. Does the Senator think that disloyalty is any more specific or confines the action of judicial officers to any more definite line than these things which are specified in the statute? Is it not true that, on the contrary, disloyal and disloyalty are more general terms and subject to a wider range of definition than the specific things mentioned in the bill?

Mr. SHERMAN. I think not in the application I refer to. I think the word "scurrilous" gives to a deputy marshal a discretion that is dangerous to be vested in any petty official who is running about over the country trying to make a record to arrest somebody.

Let me call the attention of the Senator or of the Senate generally to what was introduced in the RECORD here by the Senator from Indiana [Mr. WATSON]. I have said that contemptuous or scurrilous language about the form of government of the United States or about the Constitution, if it is worthy to be considered in a bill, is disloyalty. Disloyalty charges a well-known offense. It has been the subject of judicial investigation and decision in our own courts and in England for many years. It is a well-known act. I want to legislate on that so long as I have a vote in this body.

A scurrilous remark about the Constitution or our form of Government is made in nearly every issue of a paper of which Louis F. Post, the Assistant Secretary of Labor, is the responsible owner. He is the First Assistant Secretary of Labor to William B. Wilson. The Post family founded it, and I wish to make this statement on my own responsibility. Louis F. Post and his family still are the responsible owners of the newspaper called The Public. It is a single-tax sheet. It is socialistic at heart. It is the exponent and the mouthpiece of every governmental error, every fad, every superlative bundle of farago in the shape of criticism that I have known from the time since the first number of it came out. He occupies a place in the Department of Labor, is a responsible agent there. Among those who contribute to this paper signed articles are Mr. Post himself and various members of that particular cult in the United States, among whom appear Raymond Robbins and Jane Addams, and a great variety of social settlement workers of the country, all of whom are high in the councils of this administration.

The difficulty is that these laws as well a part of the Government are administered by social settlement workers and not statesmen. My dear friend Raymond Robbins is now in Russia. Press reports coming across in a cablegram day before yesterday indicated that Mr. Robbins had been taken by the vile bolshevik of his own kind and cast out upon the street in Petrograd, I think, where he administered a portion of the Red Cross fund. In other words, he is getting in practice what he has advocated in theory all his life, and I am glad of it. He finds how a government of his kind of reformers really operates when well under way. They treated him scurrilously and contemptuously, but he has been treated to what he has been preaching or Louis F. Post has been preaching all his life. Mr. Post is a responsible Government official.

Mr. POINDEXTER. Does the Senator approve that sort of preaching?

Mr. SHERMAN. I do not.

Mr. POINDEXTER. That is what this bill is intended to prohibit.

Mr. SHERMAN. How will you enforce it when the very men who preach it and attempt to put it into practice execute this same law? When they agree with you it is statesmanship, it is economical wisdom, it is social justice, it is a few more sonorous and mouthfilling phrases that have become governmental and reformatory in character. When they do not, they arrest you as a disturber.

Mr. POINDEXTER. The Senator ought to propose an amendment to the bill that no Bolsheviki shall have anything to do with the enforcement of it.

Mr. SHERMAN. That would break up the administration, Mr. President. I have no desire to embarrass it in war times.

There is in the CONGRESSIONAL RECORD, inserted in the matter I referred to by the Senator from Indiana [Mr. WATSON], an article by another one of these officials at the head of the publicity bureau. In that he says the Constitution of the United States was written by rich men to protect rich men's rights. Of course he was not at the head of the publicity bureau when he said that, but he is now. His statement is there in words that yet live, and it is the same Constitution of the United States. Do you want to put in his hands the power to censor public matters? We get a great deal of "pitiless publicity" from sources of that kind. I do not want to put in his hands further power.

I am in sympathy with the amendment offered by the Senator from Massachusetts [Mr. LODGE] to specify in the law and govern men who are inclined to go wrong by law and not by the administrative discretion of heads of departments. I shall vote, therefore, during the war to provide that matter introduced into the mail for distribution shall be in the English language, or rather to prohibit it in the German language, because that is the language of the public enemy, and I think there ought to be a restriction upon that during the war.

In addition to that the head of the publicity department of this administration, Mr. Creel, in the same series of statements said that the Supreme Court had by its decisions carried into effect the conspiracy of the rich men who framed and formed the Government under which we are living, the Constitution. If I were to say that outside of the Senate Chamber when war is on and make that charge myself, I ought to be jailed. I think the Senator from Georgia [Mr. HARDWICK] was right when he said that an adjective law or an adjective lawyer was about the limit; that he showed by adjectives the lack of knowledge. If I were to say these things, therefore, outside of the Senate Chamber, repeating all these adjectives, leaving all these adjectives off, leaving simply disloyalty, under that law I ought to be fined or sent to the penitentiary.

If I spoke of the Constitution in such language, it would be disloyal to say that it was a conspiracy of rich men in its original framing, and in the decisions of the Supreme Court since that time that they have carried into effect the original conspiracy by their decisions. I can not think of anything that is more hurtful, that would be more disloyal, than to carry conviction with a statement of that kind into the hearts of citizens of the United States, who are asked to buy liberty bonds, asked to encourage enlistments, or be loyal in the prosecution of this war. Still the same men who say these things and do these things are to execute this law, and we are asked to add the language of this bill to the espionage act.

I tell you what we need in this country more than anything else. It is not additional legislation. We need men who know how to administer the affairs of government. I will not criticize the President; I shall support him. I have an abiding sense of loyalty toward him in the prosecution of this war. I will do like the loyal Englishman does. The Briton never criticizes King George. Lord Northcliffe never criticized King George in his ministry or agency for conducting the war. He did criticize his ministry; and I have a right, and I think it is my duty, to criticize the ministers of this administration. As to those who surround him, those who are the keepers of the Executive conscience, those who tell him in time of stress and trouble what to do, I have a right to say that their advice is unsound and that their practices are not calculated to strengthen this country in this struggle.

We have too many of this variety, who, until recently, have exhausted their eloquence and their powers of denunciation in trying to bring into disrepute and disrespect the Government of the United States. This administration is now reaping what it sowed through its ministers, who are irresponsible, unpatriotic in time of peace, and, wrapping themselves in the mantle of war-time preparations, conceal the vileness of their civic imperfections before the war began.

I know that breed. In every place west of Pittsburgh to the Pacific coast I have seen them; I know what they are; and some of them are the responsible ministers of the present administration. I am against delegating into their hands further great powers. I will give such power to the President when the President is to exercise it himself, but if he is to delegate it to those of the kind I have described, and if they are to enforce such laws as this, then better by far were it that we should not legislate at all, but depend upon such laws as are already in force. We are heaping laws upon laws. We are repeating the great American failing. We mistake laws for men and fitness and sacrifice. We can not conquer Germany by legislation.

Mr. NELSON. Mr. President——

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

Mr. NELSON. There is nothing in this amendment which gives the power to these officials to enforce the law. The proposed law lays down a rule of conduct, and its violation is enforced in the courts, and nowhere else. Neither Mr. Creel nor any of the statesmen to whom the Senator from Illinois refers will have anything to do with the enforcement of the law. It will be a law to be enforced through the courts by juries and judges, and not by these men.

Assuming that all the Senator from Illinois says is true—and there is a great deal of truth in it—he is setting up a man of straw and beating him unnecessarily in this case. If this amendment proposed to leave the enforcement of the law to the officers to whom the Senator refers, I should sympathize with him; I should agree with him; but it does not do anything of the kind. I hope that my good friend, the Senator from Illinois, will not intimate that the jurors and the Federal judges of this country belong to the bolshevik family or are socialists in a body.

Mr. SHERMAN. Oh, no. I know the Senator from Minnesota does not want to put me in the attitude of doing so. He is simply making the inquiry for information, in a spirit that is seeking for the truth.

Mr. NELSON. Will the Senator allow me to ask him merely to read the bill?

Mr. SHERMAN. I have read it.

Mr. NELSON. I ask the Senator to read the amendment which we propose to incorporate in the bill, and see if he can find anything in it which gives to the men to whom he refers—and I do not find any fault with that part of the Senator's remarks—any jurisdiction over this matter.

Mr. SHERMAN. The particular officers to whom I have referred?

Mr. NELSON. Yes; or any of their class.

Mr. SHERMAN. Any of them?

Mr. NELSON. It only gives jurisdiction to the juries and the courts of this country to enforce this law as they enforce any other law. It is the same law that the Senator and I have to submit to, the same tribunal, if we should make a mistake and violate the law. The juries and the judges of this country, and not Mr. Creel or any of his affinities, will execute the law.

Mr. SHERMAN. I fear I have not made myself as plain to the Senator from Minnesota as I should like to do, but if the bill will stop with words or deeds that cover disloyalty, I am with the Senator.

Mr. NELSON. Will the Senator allow me to interrupt him further?

Mr. SHERMAN. Yes, sir.

Mr. NELSON. I want a friendly talk with him.

Mr. SHERMAN. Certainly; I am always open to friendly talks.

Mr. NELSON. The object of this proposed law is to prevent violence. If we allow men to go abroad and to utter sentiments which this proposed law prohibits, it will breed violence; the people will not submit to it. It is for the sake of keeping the peace of the country, to prevent a breach of the peace, that it is necessary to insert this provision in the bill. Would the Senator from Illinois like to have me come to him in his committee room or in his house and talk of the flag of the United States in a scurrilous, profane, and contemptuous manner?

Mr. SHERMAN. You must stick to a strict definition.

Mr. NELSON. The Senator must observe that the object of this proposed law is to prevent people from taking the law into their own hands. If the Senator from Illinois will read this provision of the bill, he will find that it is intended to meet the gospel of the I. W. W.'s. What is their gospel? It is to denounce our Government, our flag, our Army. Does the Senator want that to prevail? Does he want men of that kind to go abroad, with a tendency to create riots and disturbance, so that the good people, losing all patience, will resort to such violence as took place in the Senator's own State a few days ago in reference to a coal miner? I think we ought to stop it; that we ought to look at it in a broad way, and not in a picayunish or Lilliputian way. We ought to remember that the object of the passage of this legislation is not altogether to stop disloyalty, but to prevent conduct such as will tend to create and promote breaches of the peace, riots, and other lawlessness. This legislation is necessary for the protection of our own people as well as for protection against Germany. That is my view of it, and I think the Senator from Illinois, on reflection—I always admire the Senator, for he takes a broad, cosmopolitan view of these things—I think if he looks at it from that standpoint, he will be inclined to agree with me.

As to some of the other matters to which the Senator from Illinois has referred, I desire to say that there is a great deal of merit in what he says. There are a great many things that are occurring here and which have occurred which are distasteful to me, but I shut my eyes against them; I cast all that aside. I am so eager to make our Government successful in this war and to put our people into the proper spirit and attitude for carrying it on that I am even ready to swallow a bolshevik lion, if he goes in my way.

Mr. SHERMAN. Mr. President, I have no disposition to differ from the Senator from Minnesota on much of what he has said. Our confession of faith would be substantially the same thing, but it is covered up by inhibitions on disloyalty. You are opening up by using the words "scurrilous" or "contemptuous" or "profane" a gate through which—of course, it is applied to the form of the Government of the United States—any deputy marshal on any statement you might make that would reflect on a department would arrest you at sight.

Mr. GALLINGER. Mr. President——

Mr. SHERMAN. Allow me to answer just for a moment.

It is true, as the Senator from Minnesota says, that after my arrest I have a right to a trial by jury, to a hearing before an impartial court, the evidence to be adduced, and to be acquitted if I can or the Government to convict me. If I fail, in that event, after I have been arrested and tried and acquitted,

I have been under bail for a considerable time, and these very words which, if there is any merit in them, must cover a charge of disloyalty, have been made the handle by a deputy marshal to subject me to all of this humiliation.

I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, one year ago I left a sick bed to come to this Chamber to vote in favor of the declaration of war against the German Empire, which declaration, I believe, ought to have been made sooner than it was. Since then I have voted for every bill called a war measure that has been presented to Congress. For some of them I have hesitated to vote, because I thought they were very extreme; but I have believed that we would reach a point where we would in calmness and reason legislate on this subject, but I fear that we are going from bad to worse. I have on my desk a bill that has been introduced and is before a committee which provides that the Government can take all the real estate and personal property of any citizen of this country.

Mr. SHERMAN. And forfeit it entirely.

Mr. GALLINGER. Yes; forfeit it entirely. Under it the Government can go into any man's home, take his personal property, commandeer his house if need be, and turn him out of doors, under the plea that the Government needs it. I do not know that the Senate will ever pass that bill. I hope it will not.

So with this bill, Mr. President, it has seemed to me that there were very extreme provisions in it, and particularly in the amendment. The provision in regard to criticisms of "the form of government" has troubled me. What is the "form of government"? I suppose the President is a constituent part of the Government; and I am not quite sure that in the coming campaign, provided this amendment is adopted, if I should say that the President acted not only unwisely but, perhaps, I might say, foolishly when he wrote a letter for publication in the State of Wisconsin denouncing Mr. LENROOT as a disloyal man, I might be trenching upon the provisions of this amendment and I might be called to account for criticizing in a contemptuous manner, because I should feel contemptuous about that particular incident, and I might be subject to the pains and penalties of this proposed law, which imposes a very large fine and imprisonment for the term of 20 years.

Mr. President, the people are troubled about this amendment. I have on my desk two letters from responsible editors, one of an independent newspaper and one of a Republican newspaper, saying that they do not know but that they will have to abandon their editorial departments if this amendment becomes a law. I have in my hand an extract from an editorial recently printed in one of the most widely circulated papers of the country, which I will ask the Secretary to read, as it is very brief, if the Senator from Illinois will permit me.

Mr. SHERMAN. Certainly.

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

> That latent mischief in all laws like this Poindexter amendment, which trespass upon the constitutional rights of free speech and free thinking, is the opportunity given to evil-disposed persons to use them for the gratification of private grudges and enmities.
>
> If this Poindexter amendment became law, there is no man in New York City or in the whole United States, no matter how upright and how loyal he may be, who would be safe from the accusations and the perjury of malignant and unscrupulous enemies.

Mr. FLETCHER. Mr. President, may I interrupt the Senator to suggest this thought to him, that there is a clear distinction between the Government or the form of government and the administration or any officer in the administration?

Mr. GALLINGER. Yes.

Mr. FLETCHER. A person might criticize the administration of the Government or criticize any officer having charge of the administration of the affairs of the Government, which would be entirely legitimate, and thereby create no offense at all, whereas a criticism of the Government itself or of the form of the government of the United States is an entirely different matter.

Mr. GALLINGER. Well, Mr. President, I hope that is so; but multitudes of men will, I apprehend, tremble when they undertake to discuss political matters next October if this amendment is agreed to. I am not sure, I have not been able to determine—and perhaps that is not to my credit exactly—what the term "form of government" means. For instance, if I should say that I believe that a limited monarchy, such as Great Britain has, is better than is our system, if I should say that the Government of Canada or of Australia or of New Zealands is, in my judgment, better than our form of government, would I be criticizing the form of government under the provisions of this bill if it is enacted? I am afraid I would be, and yet a great many loyal men in this country believe that our form of government in all its details is not the best that human ingenuity and human wisdom have devised.

Mr. President, I want to vote for this bill; I have voted for everything up to the present time, and I want to vote for this bill; but I think the Senator from Illinois has touched the vital point, the crux of the situation, when he says that when we provide punishment for disloyalty we ought to stop, and not talk about scurrilous language and use a long list of adjectives of that kind that would permit any evil-minded person to say that another person scurrilously said something about the Government or about the Army or the Navy and arrest the individual, hale him into court, and possibly convict him and send him to prison.

I hope the Senator from Illinois will offer an amendment to modify the amendment the Senator from Washington has offered in good faith, and with a provocation in his own home State that I do not wonder leads him to feel that we ought to resort to extreme measures.

Mr. POINDEXTER. Mr. President——

Mr. GALLINGER. Just one more word. I say I hope the Senator from Illinois will offer that amendment for which I will gladly vote, at the same time holding my views as to my final vote in reserve until the debate closes and until I see what shape the bill is then in. I would now yield to the Senator from Washington, but the Senator from Illinois [Mr. SHERMAN] has the floor, and I am speaking by his courtesy.

Mr. POINDEXTER. Will the Senator from Illinois pardon me for a brief interruption?

Mr. SHERMAN. I yield.

Mr. POINDEXTER. Will the Senator from New Hampshire kindly state the person who is responsible for the publication which has just been read at the desk?

Mr. GALLINGER. Oh, Mr. President, I have no concealments about the matter. It was printed in a newspaper that I very rarely read, a newspaper edited or owned by a man with whom I have no special sympathy; but, nevertheless, that man or any other man may utter a great truth. I clipped it from the New York American, a copy of which was sent to me through the mails; it was not marked, but I read the editorial, and there was a great deal of truth in it.

Mr. POINDEXTER. If the Senator will pardon me, there may be a great deal of truth in it, but the basic fact that the writer starts out with is not the truth at all.

Mr. GALLINGER. That is the Senator's opinion, and possibly he is correct.

Mr. POINDEXTER. No; it is not a matter of opinion, if the Senator will allow me. The writer uses my name in that editorial as being responsible for a certain amendment, and I think he has misled the Senator from New Hampshire, as a great many others have been misled in regard to that. Then, upon the statement that I introduced a certain amendment, he starts out with a fulmination against the amendment which he does me the honor to characterize by my name.

There is another little error, which might be regarded as immaterial by the writer, whoever he was, who wrote the editorial, namely, that there is no such amendment. The whole hysteria is on a subject that does not exist. I never conceived and never offered such an amendment. In the first place, there is nothing before the Senate that even contains the language that that editorial is directed at; but even the language that is before the Senate is not my language, and the amendment the Senator from Illinois is discussing is not my amendment. The history of it was given here by the Senator from Montana [Mr. MYERS] several days ago. It originated in a bill that was introduced by the Senator from Montana. He did not consult with me about it. I myself thought that there was a great deal of merit in that bill; but, regardless of that, it was not mine. It was taken up by the Legislature of Montana and, with some changes, enacted into law, and was then taken by the Senate Judiciary Committee and, with some further changes, including the elimination of those features which are objected to by these editorials, was reported to the Senate. That is a very good illustration of the degree of accuracy and reliability that the public can depend upon in some of our newspapers from newspaper writers.

Mr. GALLINGER. Mr. President, if the Senator from Illinois will permit me a word I will add that I have no disposition to attribute to the Senator from Washington the authorship of anything that does not belong to him, or that he would repudiate. It has been generally known as the Poindexter amendment. I read it in at least 10 newspapers, and I supposed the Senator was in some way responsible for it, as it was so stated. At any rate, the Senator has been a very warm advocate of the

amendment, and I do not criticize him for that. The extract that was read from the desk, I think, does touch upon the provisions of this amendment, and to that extent I think no great offense has been committed by the publication.

Mr. BORAH. Mr. President——

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

Mr. SHERMAN. I yield to the Senator from Idaho.

Mr. BORAH. As I recall, the portion of the editorial which was read from the desk was a paragraph from a much longer editorial.

Mr. GALLINGER. Yes.

Mr. BORAH. Mr. President, I thought I had the entire editorial with me, but I have not; but I read it, and it is based upon a supposed amendment which seems to have gone out to the country which is not in the bill at all. The amendment itself is incorporated in the editorial, and the amendment as incorporated in the editorial would be justly subject, in my judgment, to criticism and to opposition; but there is quite a difference between the amendment as it was copied in the editorial and this bill.

Mr. MYERS. Mr. President, will the Senator yield to me to ask a question?

Mr. SHERMAN. Yes, sir.

Mr. MYERS. I entered the Chamber while the Senator from Washington [Mr. POINDEXTER] was just speaking. I should like to inquire of the Senator from Washington to what editorial he referred, in the remarks he just concluded.

Mr. POINDEXTER. The editorial that was inserted in the RECORD a moment ago by the Senator from New Hampshire.

Mr. MYERS. I did not hear it read. From what paper was it?

Mr. POINDEXTER. It was stated that it was from the New York American.

Mr. MYERS. Oh, I have read that editorial, and I just want to say that the impression seems to have gone out broadcast over the country, through the newspapers, that the Senator from Washington [Mr. POINDEXTER] took my disloyalty bill, Senate bill 2789, introduced on the 15th of August last, and in the Judiciary Committee offered it bodily as an amendment to the pending bill. I would be very proud to think that the Senator from Washington had done so. I should be glad to think that he thought enough of my bill—which is practically the same as the committee amendment before us, except that it also includes the President of the United States, as well as the form of government of the United States, the Constitution, flag, Army and Navy, and so forth—so to offer it as an amendment; but I learn that he did not do anything of the kind, and that it never was offered as an amendment, in committee, to the pending bill or any other bill. I do not know why such a report has gone out to the country.

Mr. POINDEXTER. Mr. President, if the Senator will allow me just one second——

Mr. SHERMAN. Yes, sir.

Mr. POINDEXTER I should like to state what my amendment is. I think it is even better than the one of the Senator from Montana, but I think there is a great deal of merit in the bill proposed by the Senator from Montana. In view of all this discussion and misapprehension, I should like to put into the RECORD again what my amendment was.

Mr. JONES of Washington. Is it the Senator's bill?

Mr. POINDEXTER. No; it is not the bill. It is somewhat changed from that. It is very much like it. I think I have it right here.

Mr. NELSON. Mr. President, I can easily pick out from this bill what the Senator's amendment is. It commences after the word "enumerated," in line 16, page 3.

Mr. POINDEXTER. I thought I had it in the RECORD of Saturday.

Mr. NELSON. I call the Senator's attention to the bill. His amendment commences after the word "enumerated," in line 16, page 3. It is these words:

> And whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war, or by word or act oppose the cause of the United States therein.

That is the amendment of the Senator.

Mr. POINDEXTER. That is correct.

Mr. NELSON. And that is all there is of the amendment of the Senator.

Mr. POINDEXTER. That is all the amendment that was reported by the committee. The original proposition which I proposed was incorporated in a bill which I introduced on the 1st day of April, and which I afterwards offered as an amendment to the bill; and, with a few slight changes, that is the amendment that was adopted by the committee. This is the language of it as I originally proposed it, and it contains no such language as that which has been the subject of these animadversions in the pro-German press of the country:

> That whoever shall, by word or act, during the continuance of the present war between the United States and Germany, support or favor the cause of Germany in that war, or oppose the cause of the United States therein, or who shall make any statement or do any act which, in its probable effect upon public opinion, or otherwise, shall aid or tend to aid Germany, or to be of disadvantage to the United States in the conduct of said war, shall be punished—

As provided in the bill.

Mr. GALLINGER. Mr. President, will the Senator from Illinois permit me?

Mr. SHERMAN. Yes, sir.

Mr. GALLINGER. I think we will all agree to that beyond a question. It is true that the amendment that was criticized in that editorial is slightly different from the amendment we are now considering. For instance, the President of the United States is mentioned in the bill that the Senator from Montana offered, and the good of the country or some such phrase as that, which is not in this amendment; but the criticism was upon the adjective "contemptuous," and all that sort, which would enable an evilly disposed person to make trouble for a man who had no purpose of disloyalty in his heart, but who made a criticism upon the form of government—it might be innocent criticism, believing it justifiable—or upon some of these matters that are enumerated, not constituting disloyalty. Now, let us legislate—at least that is my feeling about it—against disloyalty in any words that the human language can devise—I do not care how strong they are—and I shall vote for it freely and gladly. Perhaps I will vote for this bill when it emerges from the Committee of the Whole. I hope it may be amended still further in some particulars. I want to vote for it, and I want to go with the Senator from Washington to the extreme limit in crushing out the disloyalty that there is in this country at the present time and which is emphasized in the State that the Senator so ably represents in this Chamber.

Mr. POINDEXTER. I will say that the condition in my State to which the Senator has referred is a real menace to all those things which the Senator, from his training and experience and intuitive knowledge of the American Constitution and American privileges and rights, holds precious. The existence of those things is menaced. The right to own property, the right to labor freely, to contract labor, and to enjoy the fruits of labor in peace and under the protection of the law are all threatened by this condition to which the Senator from New Hampshire refers.

Mr. SHERMAN. Mr. President, will the Senator from Washington tell me how many convictions have been had in his State on the public disturbances or riots caused by Hindus and I. W. W.'s, and so forth? I am asking for information.

Mr. POINDEXTER. I have not counted them, Mr. President. There have been some. There have not been nearly as many as there should have been.

Mr. SHERMAN. That is generally the case.

Mr. POINDEXTER. I am sorry to say that some of the municipal authorities in our State—which, the Senator knows, have a great deal of responsibility in preserving order and peace and putting down the beginnings of sedition and disorder—have not been as firm as they should have been, and I think that they are subject to criticism in that respect; but there have been a number of convictions.

Mr. SHERMAN. Mr. President, no Senator can have more desire to punish disloyalty, I think, than the Senator from New Hampshire and myself. We join with you in that; but when we have leveled a statute against disloyalty I think we have gone far enough. If language which is scurrilous, profane, or contemptuous has any tendency or produces any result that ought to be within the inhibition of an act of Congress, it would of itself amount to disloyalty. In other words, disloyalty is the greater term and the greater offense. It constitutes the offense against which we ought to legislate; but the greater always includes the lesser. An alien or a citizen might speak in a contemptuous way, and it might not amount to disloyalty. I do not think he ought to be prosecuted unless the contemptuous language or conduct amounts to disloyalty; and, if it does, it is a mere step in the chain of proof when the charge of disloyalty is made.

Mr. NELSON. Mr. President, will the Senator excuse me?

Mr. SHERMAN. Certainly.

Mr. NELSON. It seems to me that my worthy friend from Illinois overlooks one material matter involved in this proposed law, and that is, it is not only to prevent disloyalty but it is to prevent this rioting and breach of the peace.

Now, let me put a case to my good friend. Here is a procession of men passing along the street with the flag of the

United States at the head of the procession. Some ruffian on the sidewalk says, "Damn that dirty flag! Pull it down!" Now, that is language that is calculated to create a breach of the peace. All people who are loyal to the country of the United States, all people who are in favor of our Government and our flag will resent it; and among a mass of unthinking men in a procession like that such language may breed a riot. It may breed violence and result in a serious breach of the peace. It is because of that fact that we need just such language in the bill.

Mr. BORAH. Mr. President, may I say, in that connection, that for language practically similar to that which the Senator has used two men were shot instantly without ceremony in Oklahoma the other day, three bullets being put through one of them and two through another, in less than an hour.

Mr. NELSON. I want to say to my good friend from Illinois that I am in favor of this legislation because I look at it from a different angle than the Senator does. It is not merely to prevent men from making disloyal utterances, but to prevent men from making utterances of a kind that will breed riot, breach of the peace, and disorder, and lead to violence and such acts as the Senator from Idaho has referred to, and such as occurred in the State of the Senator from Illinois a short while ago, in respect to that coal miner. Now, I do not want anything like that to occur in this country. I think that the case of the coal miner in the Senator's State was one of the most outrageous things that could possibly occur, and I think the shooting of these men in Oklahoma was almost as bad, and it is because we want to stop that and prevent that that we need this legislation. It is needed for the good of the American people, for our own good, in order to preserve law and order. I think if my good friend the Senator from Illinois will look at it from that angle he will see the necessity for the law.

In the case of the expression that I referred to a moment ago, where the man on the curb, when a procession passes by with a flag of the United States, says: "Damn that dirty flag!" that is profane language, that is scurrilous language, and that is contemptuous language, and language that we ought to prevent in order to prevent a breach of the peace in this country and to preserve law and order. That is the way I look at it. It is not merely a question of preventing disloyalty. It is something we need for our own protection.

Mr. SHERMAN. Mr. President, we do not need to indict a man for contemptuous language of the kind supposed to be used by the offender in the illustration given by the Senator from Minnesota. Such an expression is itself disloyal. The greater definition or the greater act includes all of the incidental steps in the chain of evidence that leads to the proof of the act. Such an expression is disloyal. Such an expression about the President of the United States is disloyal. Arrests are made every day at some place in the country because some one uses language of a disrespectful kind about the President. The offender is arrested under the existing law on that subject. Therefore it must be on the ground that it is a threat against the President of the United States, which of itself is a specific kind of disloyalty. If we use the term "disloyalty," it is a general expression, under which any kind of proof of disloyalty would be admissible in a prosecution.

Mr. NELSON. Mr. President, will my good friend yield to me again?

Mr. SHERMAN. Yes, sir; I yield.

Mr. NELSON. I want to call the attention of the Senator from Illinois in this connection, with his permission, and also the attention of the Senator from New Hampshire, to the fact that this whole paragraph is qualified by two important words. We have just adopted the amendment of the Senator from Colorado [Mr. THOMAS] inserting the word "willfully," so that it now reads "whoever shall willfully utter" these words, and then we qualify it still further by using the word "calculated." It is suggested that that word be changed to "intended," and I have no objection to that. If you add those two qualifying words, nothing in the shape of the dangers that the Senator from New Hampshire apprehends, nothing that is a mere criticism of the Government, nothing that suggests that we ought to have a different administration, nothing with relation to the suggestion of an amendment to the Constitution, would come within the purview of the law. Now, the words "form of government" are intended—and we have something like it in our naturalization laws which we recently adopted—to meet those classes of men who are opposed to any form of government except their form of government, a government of utter lawlessness. It is not the character of our Government as compared with the government of other countries, but it relates to the form of our Government as an entirety. Then in respect to the Constitution of the United States or the soldiers and sailors of the United States or the flag of the United States or the uniform of the Army and Navy of the United States, I say to my good friend from Illinois, I once wore the uniform of the United States, and I never felt more like fighting the Confederates than I did the men who sneered and spoke contemptuously of the blue uniform that I wore in those days. I do not want any citizen in this country, alien or native born, to have the right to go on the streets of the cities of this country and speak with profane language, contemptuous language, of the soldiers of the United States or the uniform of the United States or the flag of the United States. It is intolerable. It leads to a breach of the peace, and it is our duty as legislators to prevent it and check it in order that the reign of lawlessness may not prevail in this country.

How would the Senator from Illinois like it, if he wore the uniform of an officer of the United States, to have a man speak of that uniform and say, "That dirty suit of clothes that man from Illinois has! It is a miserable, wretched uniform, unfit for any patriot to wear." How would he like to have that said about it? Would he take it in a Christian spirit and turn one cheek to him and then turn the other cheek and let him utter it on the other side of his head? I know he would not. I have too much faith in the broad, Christian, patriotic spirit of my good friend from Illinois to think he would indulge in any such thing as that.

Mr. SHERMAN. I had not gotten to that part of it yet—about the uniform nor about being smitten upon one cheek. It depends entirely on who smites me whether I would turn the other one or not. I might stand it from some and become restless if applied by others.

Mr. NELSON. I did not intend to have it apply to Mr. Creel, that he should do the smiting.

Mr. SHERMAN. I have no controversy with the Senator about protecting the uniform or the flag. I think such expressions a form of treason of themselves. I have no objection to that form of the bill, and I have not intimated that I wish it stricken out. I have been so far confining what little time I have taken to the gates that are open to irresponsible deputy marshals and petty officials to annoy and harass those who criticize officers of the United States or departments. That raises this question. The criticism might appear to this officer to be scurrilous or contemptuous. He construes it on the spot, if you are criticizing an officer of the United States, to be a criticism of the form of government. Before you escape from his construction you are in jail or out on bail, like the women pickets.

I want to advance a step further. I have not reached that point yet. The Senator from New Hampshire touches a vital principle in this language. What is the form of government? You can not discuss the form of government without discussing some particular manifestations of that form, same agency, some department, some officer, some law, some institution. How, Mr. President, could you discuss the contour of a graceful person in the ballet? The Senator and I have almost reached the age where we could sit in a front seat without suspicion. If we were to discuss the contour, the grace, the agility, the cultivated form, we might refer to the form as an entirety, but if we criticized any particular feature which goes to make up the form as an entirety we still make ourselves liable to horsewhipping by some admirer who is waiting at the stage door on the outside. I use that homely sort of illustration in order to illustrate what I mean.

If we criticize the form of the government I do not understand we have to criticize the entire Government, taking it as a whole, to say that the republican government that we have here, representative in character, is the best government or the worst, as we might favor or oppose it. I do not understand we have to criticize it under this law under the rule of construction that shall apply to it as an entirety. I think I can criticize, for instance, in this language and render myself liable to be arrested. I have here the North American Review of March, 1918. This is an editorial by George Harvey. Under this bill George Harvey could not print such an article in the North American Review about Secretary Baker and stay out of jail in New York City. Under the language of this bill I think he is criticizing the form of government when he criticizes the Secretary of War. The Secretary of War is the agency and, with the generals and armies in the field, is the whole Government on land of the United States.

Mr. STERLING. Mr. President——

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

Mr. SHERMAN. I yield.

Mr. STERLING. I was going to ask the Senator whether it is not a principle of construction of language that the expression of the one excludes the other, and must it not be the

very form of government itself that is criticized, not even a department of the Government, but the form of government, because, for example, it is a republican form of government, and it is to speak in derision of it as a republican form of government or to use scurrilous or abusive language toward the American republican form of government? Is not that what is meant, and can anything else be said of the expression "form of government"?

Mr. SHERMAN. If that is so, then write it so. I have always followed the familiar line of preparation, when men began to argue about what anything meant I stopped the argument and began to write more plainly. This is the language:

Whoever, when the United States is at war, shall—

With the amendment made—

willfully utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States or the Constitution of the United States.

How will you criticize the form of government? I can criticize it as an entirety or I can take up the War Department, the Navy Department, the Food Administration. It is a manifestation of our form of government; it is the concrete instance as to how it is applied. It is intended to reach a person who outside of this Senate Chamber criticizes the act of an essential agency of the Government in the prosecution of the war. What is the Army? The striking force in the field. It is the President, the Commander in Chief, the Secretary of War, all his helpers and assistants of the Army, and all its officers and privates. That constitutes for war purposes on land our Government. It is an entirety.

I am in accord with what the Senator from Minnesota [Mr. NELSON] says in protecting the uniform, contemptuous language about the colors, because I think that is an essential instance of disloyalty of itself. I would protect the uniform of officers by express enactment. Leave that in. I have no objection to that form of the bill and I will be glad to vote for it. But if we go further and leave the language in that of itself amounts to nothing more than disloyalty, contemptuous and scurrilous language, then we are going beyond the purpose of the bill. The purpose of the bill is to punish disloyalty. That is the essential point of view always.

But the Senator goes further and says, and I think he wishes to protect the community from breaches of the peace, the mob, and riots that are caused in various parts of the country by contemptuous, scurrilous, profane, and abusive remarks about the Government, the flag, the soldiers, or our common cause against the public enemy. Let me remind the Senator that unless it is connected with the prosecution of the war, unless it is something that interferes with the enlistment of marines or soldiers, unless it is something that, in other words, is disloyalty in the prosecution of the war, Congress can have no power to punish mere breaches of the peace in communities. That belongs to the police power of the States. I, therefore, believe that the Senator must, in the angle at which he views this, agree that if the Government is given power to punish disloyalty, these contemptuous and scurrilous remarks, the greater including the less, will be covered by it.

Mr. NELSON. No.

Mr. SHERMAN. The Senator does not think it does; very well. I think it does. The Senator disavows it and I shall take it that way without further comment. But if the charge of this profane or scurrilous language amounts to disloyalty the Government then reaches out through its marshal and arrests the offender. He is then in the custody of the United States. He then is beyond, it is supposed, the reach of mobs. There is no longer the provocation to breach of the peace in the community that otherwise might lead to riots, as in Oklahoma and in Illinois. The charge of disloyalty will cover that. The remarks about the flag are covered by disloyalty. To keep sacred the uniform and the officers in the Army or the Navy is covered by specific language in the bill. I think it ought to remain there. I believe in the fullest enforcement of that. I think that is a matter in which Congress has a right to insist that the Government shall take cognizance of and protect our men. I think that is a part of the loyalty of the country, and I have no objection to it; but I am in favor of the loyalty specifically defined in that way. But contemptuous language may not amount to disloyalty. It may or may not reach the conditions or circumstances. It might in an alien be cause for provoking a riot. An alien can not be guilty of disloyalty to this country. He does not owe it any allegiance. Allegiance signifies a duty to a sovereign of those who owe to the sovereign power allegiance.

An alien owes no such allegiance to our Government. He is found here. If he is guilty of the language that would provoke disturbances or prevent men from enlisting in the Army or Navy he ought to be dealt with. He is a resident alien and ought to comply with any regulation that Congress might have power to make to make him behave himself. I believe in that; but if you charge disloyalty, it necessarily and ordinarily applies to citizens of the United States. They are the ones about whom I am solicitous in making these regulations. In a charge of disloyalty against a citizen, when the proof is forthcoming, a jury will convict and a court will impose, and let him receive the penalty of the law. I believe in that. I will vote for that kind of a measure. But the greater including the lesser, I will leave disloyalty to be dealt with as disloyalty and not undertake by merely scurrilous and abusive words to take that which is matter of police regulation by the States to prevent breaches of the peace.

Mr. NELSON. Mr. President——

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

Mr. SHERMAN. Certainly.

Mr. NELSON. Does the Senator realize where his last argument leads him?

Mr. SHERMAN. I do.

Mr. NELSON. I say this in a Christian spirit. He intimates that those who are not citizens of this country do not owe it any allegiance, and it would not be disloyal. Then, according to his definition, disloyalty could only apply to those who are citizens. We have in this country a large mass of people who are not citizens. Would he let them go out——

Mr. SHERMAN. No, sir.

Mr. NELSON. Would he have no law to prevent them from speaking in a contemptuous or profane or scurrilous manner of our Government, of our flag, of our soldiers, of our sailors, and our uniform?

Mr. SHERMAN. No.

Mr. NELSON. Would he grant them immunity? According to his definition, if you limit the bill to the word "disloyalty," according to the premises he laid down a moment ago, they would be immune under this paragraph of the bill.

Mr. SHERMAN. No, sir. I should like to have the Senator understand, and I know he does keep in mind, that an alien owing allegiance to Italy, or Austria, or Germany, or of the English-speaking race, Great Britain or her colonies, could not be guilty of disloyalty to this country. You can provide punishment for him. That is what ought to be done in this bill. Anything that tends to interfere with enlistment in the Army or Navy, or if the act should go further, to interfere with any of the operations of an officer or any department of the Government or, I think Congress can go that far, of any State or of any municipality, or any act of Congress as provided in the bill if it interfere with the conduct of the war. I think that provides, then, a punishment for the alien. Disloyalty is something, though, that belongs to a breach of allegiance. The native born here of citizen parents by the mere act of birth owes allegiance to the Government of which he becomes a citizen by the mere accident of his being here at that time.

Mr. NELSON. Mr. President——

Mr. SHERMAN. Yes, sir; I yield.

Mr. NELSON. I think the Senator fails to distinguish between the loyalty that is due from a citizen of the United States and the loyalty that is due from a man resident within our borders who came here lawfully, and who is not a citizen. My view of the matter is that any person in this country who came here, lawfully residing in our midst enjoying the benefits of our Government, owning property and having all the rights practically of an American citizen except that of voting, owes obedience to the laws of this country; that he owes allegiance to it, that qualified allegiance which makes it his duty to obey the laws of the country just as much as though he were a native-born citizen. I can not see any distinction in that respect between those two classes of men.

We have in this country a large class of people who are not yet citizens of the United States. They are residing here. Some of them are classed as enemy aliens and some belong to neutral countries, but whether they belong to one class or the other, while they reside here they owe allegiance to the laws and institutions and Government of this country. It may not be to the degree perhaps that one who is a citizen of the country owes. They are not liable to military service, for instance, but in other respects they are amenable to a certain species of loyalty to this country. In the distinction that the Senator has dwelt upon with regard to these men I again say to him, as I said before, they would be immune if you left only the word "disloyalty" in the bill.

Mr. SHERMAN. I think the best way to legislate is to legislate so as to fit existing conditions and specifically reach the

two classes. We recognize the differences between citizens and aliens. We intern aliens. We confine them to a certain territory, and properly so. It is a war measure.

Mr. NELSON. Excuse me; that is only enemy aliens, but we have a lot of aliens in this country who are not enemy aliens, and we do not intern them.

Mr. SHERMAN. Certainly. All of the enemy aliens, Austrians or Germans, are interned or required to be registered or to keep out of a certain prohibited zone. The aliens of our allies resident in this country are not so interned, but do they owe loyalty? Loyalty is a synonymous term with allegiance. Loyalty and allegiance are necessary to be shown in an indictment and trial for treason. An alien can not be guilty of treason against this country. These are established distinctions. I am only referring to them, not because I wish to exempt this class—I do not—but to call attention to the fact that this bill does not take cognizance of these conditions, which I think it ought, and provide apt penalties for aliens. I think there ought to be some provision here to reach aliens, whether enemy aliens or friendly ones.

The breaches of the peace that are sought to be prevented by such measures as this are ones I wish to allude to briefly.

Mr. STERLING. Will the Senator permit an interruption right there?

Mr. SHERMAN. Certainly.

Mr. STERLING. The Senator says he wants to include alien enemies within the language of the bill, or to make it plain, anyhow, that they will be included. I will ask the Senator now, omitting the word "disloyalty," with these series of acts or descriptions of series of acts made punishable, would not the words "profane, scurrilous, contemptuous, or abusive" apply not only to citizens but to aliens and enemy aliens as well, leaving out the word "disloyalty" as a word applicable only to citizens?

Mr. SHERMAN. It would, but insufficiently. It would be applying the lesser of the penalties to an alien and the greater to citizens. It would create a discrimination that really is favorable to an alien. I think there ought to be the inhibition against disloyalty, so that a charge could be prosecuted against citizens whose enumerated acts, opposed to our form of government, to the Constitution, that are reflecting on the uniform or the colors of the United States, and when committed by an alien shall come within penalties to be provided in this bill. Then we get them all. But I submit that under the present wording of the bill there is ground for judicial construction that might defeat the very purpose of the bill itself. I think we want, if anything, to punish an alien who is here claiming the protection of our laws, municipal and national, even more, or at least equally so, with our own citizens who are guilty of similar acts. Under the bill, as I look at it, and probably it will be the interpretation put on it by the courts, an alien would have lesser penalties than another.

Mr. NELSON. Let me put a question to the Senator.

Mr. SHERMAN. Very well.

Mr. NELSON. Let me ask the Senator in the matter of preventing a riot and preventing a breach of peace, if a man on the curbstone sees a procession pass by with the banner of the United States at the head of the procession, and he damns the flag of the United States, calls it a damned dirty rag, what difference does it make whether the man who does that is a citizen of the United States or is an alien, a neutral alien, or an enemy alien? What difference does it make in one case more than the other? It is liable to lead to a riot and breach of the peace.

Mr. SHERMAN. It is; certainly. It does not make any difference in the essential immorality or impropriety of the act. I think that ought to be punished in both cases. The Senator's constant solicitude is to preserve the peace and good order of the communities where these utterances are made. His anxiety can be no greater than mine. I have been through, I think, three well-established riots that have been conducted—the shortest two days and the longest extending over a period of three weeks; one in Chicago and some elsewhere. I am as anxious that the good order of the communities in the different States of the Union shall be preserved, I think, as anybody can well be. I am bearing two scars on my person received in riots. I was hit at one time with a coupling pin in a railroad riot. I have some practical knowledge of the spirit of the mob, not only in quelling it but in going about it sometimes to serve process when there was some difficulty in the particular locality from which I came. Mob law is recognized as an imminent danger at all times.

We know that in such times as these we are especially liable to incur the prejudices of numbers of people who collect upon very slight provocation, and sometimes the provocation, it is true, is great. It is the police power of the State that must check it. The property of aliens is burned, their persons outraged, their lives taken constantly, in different parts of the United States. That is because of the weakness of the police powers of the several States. If ever these powers of the States shall decree that they will cease, that they will be absorbed by the central government here at Washington, it is because the States themselves no longer possess the virility and the strength that will punish these offenses and restrain seditious acts of the kind referred to.

I regret exceedingly that at Collinsville, Ill., the event occurred that has been referred to recently. I possess myself in patience that I can properly reach this matter in order to comment upon it. Robert Prager, a German born in Dresden, Germany, moved to the United States in 1905. At the time of the occurrence referred to he was residing in Collinsville, Ill. Collinsville is a mining town with a big ore smelting plant, because of the proximity of good smelting coal with the zinc ore brought from the Joplin (Mo.) district. A great number of miners congregate in and about Collinsville. A small mining town known as Marysville is not far distant—a kind of a suburb, so to speak, of the place. My recollection now is that both these places, as most of these mining towns down in that part of Madison County, Ill., are, are saloon towns.

Prager had become a member of the mine workers' union. He had some difficulty in becoming a member. There were some difficulties after he became a member. There was some opposition to him inside of the local union. Several controversies had arisen, some of them not connected with the matter of loyalty or of proper behavior toward the Government of the United States at all.

On the occasion referred to, or a short time before, the miners assembled in a saloon in Collinsville, in the suburb. Their patriotism and desire to inflict punishment grew much more zealous after they had imbibed some of the products over the bar of that saloon. I do not know that that destroys a man's patriotism, but I do know that it removes the discreetness of conduct that ought to mark the conduct even of a loyal patriotic American citizen. I believe that this mob of coal miners that went from that saloon took the alien Prager when they were in a state of drunkenness. It was a drunken mob masquerading in the guise of patriotism. The mob itself was a greater disgrace to Madison County, Ill., and to republican government than any contemptuous, profane, or scurrilous language that could be employed by anyone, alien or citizen.

A telegram was read here, Mr. President, from Siegel, the mayor of Collinsville. The telegram is a disgrace to Collinsville and its municipal government. It is to me an indication of the abject cowardliness of the mayor. Why did not he protect the victim? He is anxious to place his failure to perform his duty to the lack of law. What good does law do in the hands of a spineless mayor who is mainly concerned about his reelection? I have no high regard for Mr. Siegel whatever in view of the conditions.

I have heard the jest many times on a sober subject that the shooting of a negro inside of the city limits in a certain State was not an offense calling for the assailant to be punished for murder, but he was simply fined for shooting in the city limits; that is all there was to it. That practically was what happened in Mr. Prager's case—a ghastly tragedy by the inefficiency of municipal government.

The police followed this drunken mob to the edge of the city, where the city limits of Collinsville end. There are four policemen in that town to preserve the peace. That magnificent constabulary followed to the city limits; they said they had no jurisdiction beyond it; and the mob was allowed to wreak its bloody purpose upon the helpless victim. It was a drunken mob. I do not know just what they drank, but I shall find out in due season. More than likely they were filled with the celebrated product "that made St. Louis famous.".

Mr. NELSON. Evidently they were not filled with grape juice. [Laughter.]

Mr. SHERMAN. They were not filled with grape juice of the Bryan brand. [Laughter.] It was more exhilarating; it aroused their patriotism to a greater pitch. I have my suspicions that some of it came from the Anheuser-Busch Brewing Association, and probably some was a left-over stock from Peoria, Ill., with its celebrated product. At any rate, these lusty patriots, who were so outraged, committed this act. I have no apologies to make for Mr. Prager; he made a mistake; he owed this country a better return for the protection it had given him and the laws that had thrown their protecting arm about him and the occupation that gave him the chance to make a living and better wages than he had received in his own country that he left 13 years ago; I have no apology to make for him; neither have I any apologies for the mayor, who

lifted not a hand, who did not even liberally construe the law of Illinois, to prevent the lawless conduct of this drunken mob that sought the blood of this victim.

What else? That is bad enough. How could you blame those ignorant men in the mob who were inflamed with liquor when authorities of greater moment have done and said things that lent them encouragement?

Madison County has a sheriff, who is a general peace officer. I happen to know him. I want these facts to go into the CONGRESSIONAL RECORD. The story has never been told; and I will take the time of the Senate to tell it. The sheriff, under our law, is the general peace officer for the entire county. He possesses unlimited power to summon as a posse every able-bodied citizen in the county to preserve the peace. This poor, drunken outfit, most of whom could hardly intelligently speak the English language, thought they were justified, no doubt, in going to any limit they saw fit. The sheriff of Madison County himself was once fined $500 for violation of the order of a Federal court in that district; and he was fined under such conditions as showed an open, contemptuous, scurrilous effort on his part to set aside and nullify an order of the court. Let me briefly state what he did:

There was a strike on in an industrial plant in Madison County, which takes a great deal of the overflow from St. Louis, at Granite City. The Niedringhaus Granite Works are there. Many of the iron and steel industries have overflowed on that side. When the industrial plant got into trouble over an open shop, working conditions, and the like, they obtained an injunction from the Federal court. They were inhibited from interfering with the operation of the plant. Pickets were thrown around outside of the prohibited area. Every man who went into the plant to work in the morning was stopped by the pickets and told not to go in; that he was associating himself with "scab labor"; that it was dangerous; that a number of the workmen had been beaten up and some shot—which was true—the pickets using the various arguments that belong to that form of controversy, with which we are all familiar.

Matters reached such a pass that a deputy factory inspector, representing the governor of the State, at his request, went down to investigate conditions. He started to go in. The deputy sheriff, representing the sheriff of the county, arrested the factory inspector. The inspector made himself known. He was laughed at; he was continued under arrest and searched. Because of his police powers, he carries weapons. His weapons were taken away from him and he was told to beat a retreat and to go back home where he came from. That is all he *could do.*

The Federal judge, being somewhat curious to know to what extent the local authorities would proceed, sent a deputy marshal down to investigate. The doughty sheriff arrested the deputy marshal at the same time and place, proceeded to search him, removed his weapons, gave him the same friendly advice, that he was an undesirable citizen in a danger zone, so to speak, and to beat a hasty retreat for headquarters. The marshal went back and reported.

The next thing, a squad from the court went down and arrested the sheriff and all of his assistants and brought them up. They were tried for contempt. They were not tried by a judge, but they were tried by a jury, in accordance with the law that Congress at one time passed. The sheriff was convicted almost immediately by the jury. It was an outrageous case of the abuse of power by a peace officer of Madison County. That is the kind of sheriff there is in Madison County to encourage these drunken men, who can scarcely understand the English language, to go abroad and commit acts of violence of the kind I have described. Who set the example of lawlessness?

Not many days ago, in Hillsboro, Montgomery County, Ill., a boy within the draft age went down to St. Louis and enlisted in the Navy. He was examined and accepted. He came home, the recruiting officer telling him that they would assign him to duty in a short time. He came back to Hillsboro. His father and mother lived there. Montgomery likewise is a mining country; coal mines are scattered all over the county. The night of his return a rumor was bruited around in the neighborhood that an I. W. W. had been seen to go to this young recruit's home. The rumor spread, as those things do. Presently an armed mob went to the house. They knocked roughly on the door. The young fellow went to the door, opened it, and saw men with angry countenances. He closed the door and attempted to keep them out. His father and mother were in bed. He asked the men to retire. He became frightened and got a gun. About that time one of the mob climbed in through a window that he had raised. The boy shot him. He did not know who these men were—whether they were burglars, thieves, or what not. The man shot was not wounded to kill; he will recover; but about that time some one of the mob through an open window shot this young recruit, who was awaiting service in the Navy, and the day following he died in the hospital. It was found that same night, and after the boy was mortally wounded, that the mob was entirely mistaken; that nothing of the kind that was rumored had ever occurred; that no I. W. W. had gone to his house; but some idle rumor had gained circulation, causing the tragedy to which I have referred.

Would such a case as that be helped by anything in the language contained here—"scurrilous, contemptuous, abusive" conduct? Here is the difficulty in all such cases. It is because the local community itself is intrinsically wrong and does not enforce the laws of the community. I never have had any apology for mobs in my section of the country; I have none now.

East St. Louis last summer was a horrible example of such an instance. The first Senator who denounced it in proper terms here was the Senator from Colorado [Mr. THOMAS]; and in fitting words he stigmatized those outrageous acts as they deserved. I wish to say that I think 55 convictions have been had of those lawless men engaged in all kinds of occupations. Some of them are high in authority in union labor in East St. Louis; some are employees of the packing houses and of the factories; but they have been convicted and given all the way from 30 days in jail and fines, up to five years or more in the penitentiary. Such laws as the one proposed here will not change conditions; they will not make less frequent mobs of that kind and the consequent tragedies. What we want here, what we must have, is a more awakened public sentiment in the States and communities where these things occur. We may pass laws here in endless profusion, but they will make no change. We can not usurp the police powers of a State; they must be administered by the local authorities in whatever form the State legislature delegates the sovereign power of the State in local matters, to the different counties or municipalities. That is what is the matter in our States. In every instance where a mob has acted it has been because the people themselves elect sheriffs and mayors, and maintain police departments who passively acquiesce in acts of lawlessness by the vicious and idle, by men claiming to represent the holy cause of union labor or other causes. By passive acquiescence and tolerance conditions have gone from bad to worse until they have wound up in bloodshed. I know the genesis, the development, and the end of mobs. There never was a time that I have seen a mob when a hundred resolute men, whose hearts were right, could not have stopped it in its inception if they had been on the ground under a leader determined to quell the rising disturbance.

Mr. McCUMBER. Mr. President——

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

Mr. SHERMAN. I yield.

Mr. McCUMBER. Will the Senator tell me how many people were murdered in the riots at East St. Louis?

Mr. SHERMAN. That never will be definitely known, Mr. President.

Mr. McCUMBER. Well, can the Senator give me a general idea?

Mr. SHERMAN. Yes, sir; I think 110 people lost their lives directly.

Mr. McCUMBER. And for the murder of 110 people some few persons have been imprisoned for as many as five years. Does the Senator point with pride toward that example of justice in the State of Illinois?

Mr. SHERMAN. I do not; I have no pride in it; I am simply stating the facts. It is so much more than usual I am encouraged. I say, though, that that is a much better result than most riotous communities can point to, for usually they never punish anybody at all for anything.

Mr. McCUMBER. I might suggest to the Senator that I am not sure that there would have been meted out something nearer to justice if another mob had organized and hung all the murderers.

Mr. SHERMAN. I think so; I think they were richly deserving of the same outrages that they inflicted upon their victims. No one can read of the death of even this alien enemy, if I may call him that, without feeling that this intoxicated mob was guilty of a crime whatever he might have done.

In Prager's pocket was found a long "proclamation," in which he stated his loyalty to the United States and to union labor and told of his difficulty in entering the miners' union—

That is a matter of local history there—

Before the rope was placed about his neck Prager wrote the following note in German:

"CARL HENRY PRAGER,
"*Dresden, Germany.*

"DEAR PARENTS: I must on this the 4th day of April, 1918, die. Pray for me, my dear parents. This is my last letter and testament.

"Your dear son and brother,

"ROBERT PAUL PRAGER."

Here are some of the things that Prager did:

It was also discovered that he registered for the Army draft on June 5 last, and that in April, 1917, he caused the arrest of a man on a disloyalty charge. His friends assert that he was radical in his views on socialism, but when the United States entered the war he declared he was "All for America."

Concede that Prager was an alien enemy, however, and that punishment was due him, I submit that hanging him under the conditions disclosed was a deliberate, willful act of murder, and the men guilty of it themselves ought to be hung under the laws of Illinois.

Mr. GALLINGER. Mr. President——

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

Mr. SHERMAN. I yield.

Mr. GALLINGER. The Senator has very eloquently pointed out the fact that the mob that hung Prager was inflamed by strong drink, and that is usually so in the case of mobs—not always, but usually. While this is somewhat foreign to the discussion, I will ask the Senator why, when the President of the United States is so anxious for us to be loyal—and he is right about that—he has not exercised the power that Congress placed in his hands to forbid the use of grain in the manufacture of beer, and thus accomplish two valuable purposes—one, increasing the food supply, and the other, lessening the output of beer, which the men who are alleged to be disloyal are very much in the habit of using? Can the Senator give any reason why that is not done?

Mr. SHERMAN. I apprehend not, except that in States like Wisconsin, which contains the city of Milwaukee, the home of various brands of beer that have "made Milwaukee famous around the world," the brewers are men who must be considered in elections. [Laughter.]

Mr. GALLINGER. The Senator will remember the fact that Congress was ready to put that inhibition in the statute, but an appeal was made that it had better be left in the hands of the President. That was done, and no action has been taken since the law was enacted.

Mr. SHERMAN. Yes, sir; that is the record.

Mr. GALLINGER. It has astonished me that, in view of the fact that we are asked to limit our food supply—and I notice in the newspapers to-day we are going to be asked to limit it still further for the purpose of feeding the allies—the President of the United States does not see that the food supply can be largely increased by saying to the brewers of this country that they can not have any more grain out of which to manufacture beer and thereby, in addition to conserving the food supply, lessening the use of an article which inflames the brain and leads directly to breaches of the law.

Mr. SHERMAN. Yes, sir; the Senator is correct about that; and I might just as well say what I want to on that subject now, because if this bill in the form that it is written becomes a law I will never be able to say it outside the Senate Chamber without being arrested.

Mr. GALLINGER. I was about to make that very suggestion, that I thought that I would take advantage of saying that before this bill becomes a law.

Mr. SHERMAN. Yes, sir; that is a very wise precaution to take, although the CONGRESSIONAL RECORD has a very limited circulation, particularly under recent printing orders; but still the suggestion will be in the RECORD. I suppose it will be excluded from the mails, for I am satisfied that the Postmaster General, if this bill should become a law, would believe that he had power to exclude from the mails any copies of the CONGRESSIONAL RECORD containing any suggestions of this kind.

The power referred to by the Senator from New Hampshire was given. The President, I think it is reasonably certain, is a part of the form of Government of the United States, especially in war times; and if we asked these questions, it would be regarded as a criticism. I will say that if he had exercised the power vested in him to prohibit the brewing of beer from food grains, instead of Wisconsin voting for the election of Mr. LENROOT by 10,000 or 12,000 it would have voted for him by 35,000 or 40,000. The brewers would have resented it so they would have voted accordingly.

Milwaukee is the greatest "wet" city in the United States in that it is the source of supply of the malt liquor. Outside of St. Louis, where, I believe, the Anheuser-Busch is said to be the largest brewery in the world, the greatest malt-liquor brewing city is Milwaukee. It would not do to lose this vote. I do not want to talk politics; you can not get any political argument out of anybody on the question; you can get "wet" and "dry" arguments, but you can not get one on the political situation. However, what the Senator from New Hampshire suggests will not be done, and no proclamation will be issued stopping the brewing of malt liquor from food grains in this country until after the November, 1918, elections. [Laughter.]

Mr. President, 70,000,000 bushels of food grains were used in the brewing of beer in 1917 and about 40,000,000 bushels were used in the distilling of liquor before the prohibition of distilled liquors went into effect. The 70,000,000 bushels include barley, which is the main malting grain, rice, and corn. Practically 70,000,000 bushels of these food grains are used. Barley is a substitute for wheat flour, and a very healthful substitute. My recollection is—I am quoting now from memory, subject to correction—that about 45,000,000 bushels of barley were used in malting last year, and possibly more than that. Much of this is sent abroad. Some of the barley we ship abroad in order that England may use it in brewing beer in that country. I understand that habits are more liberal there, and that the use of beer is not looked upon as we look upon it here in many cases; but nevertheless the fact remains that some 70,000,000 bushels were used last year when it ought to have been saved for bread. Under this bill such a criticism could not be made on any platform. It would be regarded as interfering with the prosecution of the war, because the Commander in Chief has decided to use 70,000,000 bushels of breadstuffs in brewing malt liquor and it is nobody else's business, as he has the power to do so; and if a deputy marshal sat in the audience and I made the statement that the President was not conserving food supplies and was not exercising the power vested in him for the welfare of the United States, but, on the contrary, to its detriment, I would be subject to arrest under this bill, because the President is a department of the Government, he is the head and the Commander in Chief of the Army and the Navy, and so on.

I know what these marshals will do. I have seen them in operation. They are scattered around, hordes of them, all over the country, each of them anxious to distinguish himself. In Florida, in March, a man with a German name, from a Northern State, went down to Palm Beach. He thought that was a real hot country all the time, and so one morning he put on the usual Palm Beach suit and went out; but a norther had struck that section of the country, and he nearly froze to death before he got back. When he reached the boat landing he said with considerable disgust, "Damn such a country as this," and was arrested by a local deputy who stood there, under the espionage act, on the ground that his statement reflected upon the form of government of the United States, when he simply meant that the Florida climate was not what he supposed it to be. [Laughter.] He had to go to all the trouble and humiliation of furnishing bond and employing a lawyer. He had the misfortune to inherit a German name from his German parents, but he himself was as good a citizen as there is anywhere in this country. The same thing can be done by any deputy marshal in any kind of an audience.

James A. Petersen was arrested five days ago in Minneapolis, Minn. I do not know whether the Senator from Minnesota [Mr. NELSON] knows him or not. I do not know anything about him. It was alleged that he was interfering with the enlistment or draft law. He was a candidate for United States Senator in the coming Republican primaries, and made some public address which was conceived to interfere with the enlistment of men, and therefore he was arrested for violating the draft law. What these same numerous gentry would do when a political campaign is on, if this bill becomes a part of the espionage law, nobody knows. I apprehend that it is designed to prevent full, fair discussion of governmental questions in the campaign, and will be so used.

The first thing that a campaigner must provide himself with—and some of them are Democrats as well as my associate Republicans here—is a liberal number of blank petitions for writs of habeas corpus when he starts out in a campaign. They all follow the usual formula. You will have to get a great number of them, make carbon copies, have your lawyer handy, take him with you, and be ready the instant you are arrested to go before some court and apply for a writ of habeas corpus to liberate yourself in order to keep your next date. Why, the Senator from Missouri [Mr. REED] will have the same trouble; the Senator from Georgia [Mr. HARDWICK] will have the same trouble.

I have been called a copperhead three times by newspaper editors in Illinois because I did not vote for every kind of a measure written by departments and sent into this Chamber. I will not do it. The editors have never called me that to my face. I invite them severally to do so. There may be a breach

of the peace and somebody will be the victor when the smoke of conflict rolls away, but it will be a little bit more exciting than writing on a pad with a lead pencil in the editorial sanctum by the time they get through with it. I invite them to repeat it in my presence when I go home.

I have no lost time to make up on patriotism, Mr. President. My earliest recollection is of my people coming home from the Civil War. I have no lost time; I have no ancestors that ever tried to destroy the Union, and I thank the Lord equally that all of us have forgotten the time that that happened, and are here together now as a united American people. But I take it very illy from those who criticize me and use those epithets that they themselves have never manifested any desire to save the country themselves until they suddenly wrap the mantle of patriotism around them and become patriots for pelf and office they now hold. My attachment to our country is not based on my ability to hold an appointive office. Some of the clamorous ones are Republicans. I do not care what office they hold or what ticket they vote; but some of those who are talking of their exceeding patriotism have but little to prove it. "Patriotic is as patriotic does," and I measure the lip service of patriots of that kind by the practical effects of their acts.

Here is an article published in the New York Times of yesterday, Sunday, April 7, 1918. I have no quarrel with the New York papers. I look on them just as I do on other papers. Sometimes they are right and sometimes they are wrong. If they have any reasons, I like to listen to them. If they have any abuse, I do not care to take it. I do not read it; life is too short. But here is an article headed: "Baker and his task," and a picture on one side of Edwin M. Stanton and on the other side of Newton D. Baker. I am not a phrenologist, and I do not have very much use for that alleged science, but if I were starting out to conquer the Kaiser and had to choose between those two men, I would not hesitate a moment. If they were both reincarnated on earth and I could choose between them for fighting heads, I would not hesitate a moment in the choice.

This article, which is by Albert Bushnell Hart, goes on to say a great many things. It asks some very pointed questions. It is, in effect, an attack upon our form of government as administered in time of war. It is not anything else. It could not be construed in any other way. If that article were published in the New York Times after this amendment becomes a law, some responsible head of that newspaper would be in durance vile by the time the newspaper was at the stands in the morning; and Albert Bushnell Hart himself would be called to answer a charge of attacking the form of government and lending aid and comfort to the enemy by such criticisms.

I referred to the article in the North American Review on the same official, in which George Harvey does practically the same thing. There will be an end of this.

Great Britain has lasted to this time because she encourages open discussion. Anything that is calculated to interfere with the prosecution of the war I think we ought to include. I have no objections to it, and I would be glad to vote for it; but I do not want, under the guise of such an amendment, to make it impossible for a discussion of public measures to be held in this country. In the heat of a campaign, when we have differences of opinion—not always of a partisan character, because they cross lines a good deal, and go from one party to the other, and sometimes the novice in the zeal of his conversion is the most offensive in his criticisms of anybody on the platform—when these things happen, then some of the provisions of this bill will be availed of. It is then that we will find that we have lost the freedom of the press and of speech.

Congress has no power to regulate freedom of speech, except so far as it interferes with the progress of the war or with some of the responsible agents in conducting the war. That is left to the States. The amendment, one of the first 10 amendments adopted, provides that Congress shall make no law establishing religion, or prohibiting the freedom of speech, or freedom of the press. That is an inhibition on Congress. It reserves that right to the States. It is the history of the first 10 amendments, as everyone knows, that they were adopted for the purpose of hedging in the power of the States and preserving them from destruction at the hands of a centralized government. They were Jefferson's amendments. They were the amendments of the earlier time, for the purpose of preserving the local powers reserved to the States against the encroachments of a strong centralized government.

Mr. President, in the present form of the bill I can not bring myself to support it. If some amendments were adopted, so that disloyalty can be punished, so that resident aliens may be made subject to any of the laws either of the State or of Congress with reference to the matters mentioned in this bill or its amendments, or extending their punishment to anything under the espionage bill, if you want to cover it by a blanket provision, I have no objection to that. I am for it. I think it ought to be done. But to go beyond that, and interfere with the freedom of speech and the freedom of the press, which I regard as essential to the preservation of our form of government, I think is going where we ought not to tread.

There are some further things, Mr. President, which I should like to say, but because of lack of time I do not think more ought to be taken here. I trust that amendments will be offered, along the lines that I have tried to suggest, that will make this a more tolerable bill in order that some of us may vote for it. I realize fully the invidious criticisms that are offered against one who opposes a bill of this character, and while I should very much like to be in accord with my critics, yet I would prefer the criticisms to surrendering my convictions in regard to the support of such a measure as this.

I ask permission to print at the end of my remarks, without reading, the article from the New York Times to which I have referred, and the letter from which I read, referring to the renting by the department of the Government of a house in this city.

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

The matter referred to is as follows:

[From the New York Times, Sunday, April 7, 1918.]

BAKER AND HIS TASK—HE HAS DONE MANY GOOD THINGS, SAYS HARVARD HISTORIAN, BUT DOES NOT DO HIMSELF JUSTICE AS SECRETARY OF WAR.

(By Albert Bushnell Hart.)

Could you give us your attention for a few minutes, Mr. Secretary of War? It's this way: We know that you are a tireless public servant, a laborious executive, a busy man, every moment of whose time is precious; but, then, we are busy, too, and on the same job. You will not refuse to give ear to what millions of your fellow servants of the public have in their minds and would say if they had the chance.

We bear testimony to your courtesy and good sense; we are good-tempered, too, and feel no personal hostility to a man who has given evidence of a desire to deserve well of the Republic. Only it's this way with us: We want to have certain things done; we believe they ought to be done; and they've got to be done! Yet you are not doing them.

First of all, we have a right to discuss what you are doing and not doing, because you are our hired man; you are appointed by the President for our benefit, to perform our service, subject to our eventual decision as to whether you have done the best that can be done. There can be no question of our right to inquire into your service, through Congress, through public meetings, and through the press. The United States of America, and all that in them is, belong to the people of the United States of America, and they have an absolute right at all times to know what goes on in the public service, barring the observance of secrecy with regard to military, naval, and, possibly, diplomatic affairs, so long as secrecy is for the public interest.

It's this way: The great constructive operations of the War Department, such as the drafting and assembling of troops, their fitting out, the manufacture of guns, of submarines, of airplanes, of rifles are matters that can not be kept secret, and, as a matter of fact, are probably known in more detail and accuracy to our enemies than to most people in the United States.

A meek individual in Massachusetts within a few days wrote to a Boston paper: "If the people do not know all the facts, and I agree that they do not, why should they? The people have intrusted the conduct of their war to their Government, and they must permit the Government to use its best judgment. The Government may have made mistakes, but it has made no mistake in withholding facts that might have depressed the people and made them dissatisfied. Any newspaper that criticizes the administration on that score is animated by destructive partisanship, or something worse."

It's this way with such stuff: Any attempt to treat those matters as sacred subjects, which must not be mentioned on the floor of Congress or alluded to in the public press, is an affront to the intelligence of the American people. Our countrymen are entirely competent to judge for themselves as to the working of their Government, and the effect on their minds of knowing instead of suspecting that some things are not going well. All they ask is to be furnished with accurate, complete statements of things that are known piecemeal to hundreds of thousands.

How do you, how does anybody suppose that the American people can be held up to their work in this war if rumors go floating about unchallenged that the airplane factories and the shipyards are filled with disorganized and therefore inefficient workers? It's this way: If that statement is true, we ought to know it, in order to help correct it; if it is untrue, you ought to give us the facts, so that we may rejoice.

In the next place, it does not satisfy us to be assured that you are honest and patriotic and doing your best. I am honest up to the filing of the last income-tax return; I am patriotic, or else I should not undertake the ungracious task of writing this article; I do my best in the sphere to which Providence has appointed me. But I do not claim the ability to carry on a department of war any more than to run a newspaper or a university. It's this way: The question at issue is not whether you are doing your best, but whether anybody in the United States could do better; for this is not a time to be satisfied with even the best work of a good man if it is not up to the needs of the country. In this crisis we need and are entitled to a Secretary of War that knows how to handle large numbers of men on a great variety of converging tasks.

You have lived a respectable and useful life for 46 years; but previous to your appointment your sole national service was as private secretary to the Postmaster General, and your responsible administrative experience was gained as city solicitor of Cleveland for nine years and mayor for four years. It might be said that being mayor of Cleveland is like learning the Russian language; when you have got that far anything else in the same line is easy. Nevertheless, where have you had opportunity to show the master mind of the administrator who appoints the tasks for a hundred other men and combines their activity into a harmonious effective whole? Grover Cleveland could do that; President Harper, of Chicago University, could do that; James J. Hill could

do it; Edwin M. Stanton could do it; can you do it? If you can, why have you not done it? You are a man capable of rendering great service to your country in many administrative posts; you are not doing yourself justice at the head of the War Department. We might like you as a brother-in-law better than as a husband.

The proof of this statement is what you yourself say about your department and its work. As recently as January 3, before the Senate committee, you assured that committee, and through it the United States, that the airplane manufacture was going forward well and that airplanes were being shipped to France. On that point we may accept the testimony of Senator LODGE, of Massachusetts, in the CONGRESSIONAL RECORD of March 26, as a statesman of great experience, a member of important committees, with especial advantages for securing even unwilling information from the departments, and a reputation for saying nothing which he can not back up with proof. He is a better witness than you, because he plainly knows more about your department than you do.

And this is what he says: "The Secretary of War spoke a short time ago of our beginning to send fighting planes to France. He said the number was small, but we had begun to send them. We returned at that time the two French models which we had had here. Since then I believe one American plane has gone; it may be on the water now; it may have been landed—we have not a fighting plane in France. The front where our men are is not defended in the air. We have spent $840,000,000 for airplanes in the past year and we have not a fighting plane in France. The facts I have recited in regard to airplanes are known to Germany. It is time our people understood them."

Then there is the question of guns, which has been before your department ever since you assumed office March 9, 1916. This is what Senator LODGE says, and it is God's truth: "We have no guns in France except a few old coast guns which we sent out early, and for which the French are making carriages. We are using French guns. That is the hard fact."

Senator POINDEXTER, of Washington, who is not always in agreement with LODGE, summed the whole thing up in a sentence: "The substantial fundamental fact in the situation is that we have been engaged for a year in this war, which the Senator from Massachusetts says may ultimately result in a struggle for the independence of this Nation, and that we have no airplanes. That is all there is about it."

Now, let us bring this issue to a head, so that there may be no mistakes. We who censure your administration of the War Department do not claim that you are responsible for making airplanes and big guns with your own hands, nor for the failure of the men directly in charge of the work to come up to the scratch. It's this way: You are the man who took the responsibility of the War Department and thereby bound yourself to the people to know what was going on in your department—particularly in the one branch of your service where speeding up seemed possible and where the result of the speeding up might turn the scale in Europe. You further made yourself responsible by roseate promises and prognostications. Therefore we hold you personally responsible for a failure to follow up your own orders; to know for yourself whether they were up to the expectations that you held out.

All these distinctions between light flying planes and heavy battle planes mean nothing to us. What we want is airplanes that will protect our soldiers and aid our allies on the front; and up to the 26th of March, nearly a full year after the outbreak of war, only two such airplanes had been constructed and shipped. Even on that point the Committee on Public Information permitted a trick of camouflage to be played. It would be unjust to hold Mr. Creel responsible for the sending out of pictures of airplanes with the statement that "hundreds have already been shipped. Our factories have already reached quantity production, and thousands upon thousands will follow." When it turned out that the pictures were photographs of training planes and not battle planes at all, and that the accompanying information was false and misleading, Mr. Creel was right in putting the responsibility on Mr. Rubel. Mr. Rubel pushed it further back on one Strunsky, who had volplaned the story for the newspapers out of the empyrean heights of his own misinformation. We should like to know whether Strunsky is still on the job.

Camouflage seems the order of the day. In the same newspaper you find Edward N. Hurley quoted in a speech before the National Marine League as saying that, "Of this total steel construction, 2,121,568 dead-weight tons, or approximately 28 per cent, has been completed: that is, the program for steel ships has advanced 28 per cent toward completion." Then he goes on to boast of the repair of the German and Austrian ships and the opening of shipyards with a "total of 298 steel building ways." He absolutely blinks the fact that "28 per cent completed" means only two brand-new ships launched; and apparently he includes in the percentage the completion of ships which had been laid down without any agency of the United States Government more than a year before our war with Germany broke out.

Fortunately you are not responsible for the shipbuilding; but you are responsible for the same gross fault as that of Mr. Hurley, namely, a disinclination to tell the country clearly just what you have done and what you have not done; an inability to secure coordination such as will enable you to bring to pass what you undertake.

You have done many good and remarkable things for which, so far, the country is duly grateful, such as the registry of eligibles, the draft, the rapid building of cantonments, the officers' training camps, the organization of the various special branches of service. We condole with you on the piteous suffering which a Secretary of War must have undergone in the knowledge that some artillery regiments drilled for months in camps without a single field gun with which to exercise or use for target practice.

It's this way: You came into the War Department under unfortunate circumstances. Secretary Garrison, by all accounts one of the best administrators in the country resigned his post as Secretary of War on February 10, 1916, because the military bill upon which Congress insisted and which the President did not feel like making an issue was, in his judgment, inadequate and not calculated for the defense of the country. The proof of his good judgment is that the vital parts of that act had to be changed before a real army could be raised. You came in because you were willing to work under that act.

Perhaps you are no more blamable than half a dozen of your predecessors for not shrieking into the ears of Congress the military deficiencies of the Army, except that you must have realized that the clouds of war were steadily darkening. What did you do, or urge, or insist on, or threaten to resign if it were not done, in the way of preparing the United States for a war which was always possible and steadily grew probable? How was it that you were so debonnaire when war was declared, knowing that the United States of America did not possess a single war airplane or modern heavy field gun, not one movable siege cannon such as brought about the fall of Belgium (possibly there were a few such in the arsenals, but that made little difference, because there were said to be only four flat cars capable of carrying one)? What evidence did you give your unusual ability as a Secretary of War? With what tried and trained general officers did you habitually take counsel?

The truth is, and everybody knows it, that the administration did not appear to realize that when war broke out it would be necessary to fight.

Perhaps Congress and the people could not have been brought to the point of making preparation in advance of actual war. We criticize ourselves as well as you for not being able to read the signs of the times. But it's just this way: We were not Secretaries of War, whose reason for being was a superior judgment and foresight. We are only humble constituents.

What has this lack of foresight before the war and hindsight during the war cost the people of the United States? Vast sums in money. Forty million dollars spent in airplanes might build 84,000 airplanes at $10,000 each—of course, part of that sum remains to be expended on the service. Henry Ford knows what he is talking about when he undertakes to build 500,000 automobiles, at $500 each retail; or when he declares that 90,000 tractors can be built in six months. The War Department has not known what it was talking about in its forecast as to the probable work of the contractors under Government pressure.

It's this way: What makes us hot under the collar is not that the work has been slow, but that you have been slow to find out that it has been slow.

Still our feelings are not poured out to the full. What are airplanes for, big guns and rifles, and soldiers to carry the rifles, and trucks to carry the soldiers, and ships to carry the trucks? All that is not a Palm Beach race against time, it is an effort to bring the physical forces of the Nation to bear against the Hun, against the national enemy, against a dreadful danger to democracy, against the ruin of civilization. We admit that you are a good sport, have the personal bearing of a gentleman, have shown excellent temper in trying circumstances—that does not satisfy.

It's this way with us: We want to win the war. We wanted our men to get to the war; and the one branch of the service in which a great advantage could be gained by a proper combination of food and steel and aluminum and cloth, with a comparatively small amount of man power, was in the airplanes. If we could have put 84,000 or 8,400 airplanes on the front, before the recent German drive, the Huns could not have made that awful bulge in the allied defense.

In the matter of airplanes you were not able to bring the desired result about.

James J. Hill could have brought it about.
Theodore Roosevelt would have brought it about.
Leonard Wood would have brought it about.
Lindley M. Garrison would have brought it about.

That's the way it looks to us. Good as you are, you are not up to the job.

Whose job? Our job. I wear every hour of the day a two-star service pin. It's my job that the lives of young men, which are the frankincense and myrrh of national patriotism, shall be given to the best purpose; that they shall be provided with the best equipment for offense and defense, with the best arms; that they shall be protected by the best big guns; that they shall have the advantage of the best airplane service obtainable. Furthermore, some of them are going to the aid of our distressed brethren overseas, in the most dangerous battle of the war, and apparently they must go without a single battle plane of ours to detect the enemy's approach and to join them in the fight for liberty.

My boys, everybody's boys, are entitled to the biggest, ablest, most farsighted, experienced, magnetic, powerful Secretary of War that can be found among 100,000,000 of Americans. It's this way, Mr. Baker: You do not measure up to that standard!

[EDITOR'S NOTE.—In reference to Prof. Hart's quotations from Senators LODGE and POINDEXTER, it should be stated that there have been unofficial denials of the airplane charges. It is asserted by administration supporters that the situation is not so bad as was pictured by the two Senators and that they spoke without full knowledge of the facts.]

DEPARTMENT OF THE INTERIOR,
Washington, April 4, 1918.

Miss S. L. KEYSER,
No. 29 B Street NW., Washington, D. C.

DEAR MADAM: Referring to your contract with this department, dated November 18, 1916, leasing to you premises No. 31 B Street NW. from month to month at a compensation of $5 per month, I have to state that the records of the department show that you have only paid rent for the premises up to and including March 18, 1918. I have therefore to advise you that, exercising the right reserved to the Government in the contract, you will be required to vacate said premises within seven days from the date of this notice, and any and all of your effects in the building should be removed by that time. From and after the expiration of said period the building in question has been leased to Mrs. Mary B. King at a rental of $30 per month.

Respectfully, E. J. AYERS, *Chief Clerk.*

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia [Mr. HARDWICK] to the amendment of the committee.

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

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

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

Ashurst	Harding	Myers	Smith, S. C.
Beckham	Hardwick	Nelson	Smoot
Borah	Henderson	New	Sterling
Chamberlain	Hollis	Nugent	Stone
Colt	James	Overman	Sutherland
Culberson	Jones, N. Mex.	Owen	Swanson
Cummins	Jones, Wash.	Page	Thomas
Curtis	Kellogg	Phelan	Thompson
Dillingham	Kendrick	Poindexter	Tillman
Fall	King	Ransdell	Trammell
Fletcher	Kirby	Robinson	Vardaman
France	Lewis	Shafroth	Wadsworth
Gallinger	Lodge	Sheppard	Warren
Gerry	McCumber	Sherman	Weeks
Gore	McKellar	Smith, Ga.	Wolcott
Hale	McNary	Smith, Md.	

Mr. ROBINSON. I desire to announce that the senior Senator from Delaware [Mr. SAULSBURY] is detained on important official business.

Mr. SUTHERLAND. I announce the necessary absence of my colleague [Mr. GOFF] on account of illness. I ask that this announcement may stand for the day.

Mr. HENDERSON. I desire to announce the absence of the senior Senator from Nevada [Mr. PITTMAN] on account of official business.

The PRESIDING OFFICER. Sixty-three Senators having answered to the roll call, there is a quorum present.

Mr. OVERMAN. Mr. President, the call of the roll having disclosed the presence of a quorum, and being very anxious to close this debate and dispose of this bill, I propose a unanimous-consent agreement, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The Secretary will state the proposed unanimous-consent agreement.

The SECRETARY. The Senator from North Carolina asks unanimous consent that at not later than 5 o'clock p. m., on the calendar day of Tuesday, April 9, 1918, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 8753, a bill to amend section 3, title 1, of the act entitled "An act to punish acts of interference with foreign relations," and so forth, through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m., on said calendar day, no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. STONE. Mr. President, do I understand that beginning at 1 o'clock to-morrow debate will be confined to 10 minutes?

The PRESIDING OFFICER. The Chair is advised that 2 o'clock is the hour named in the proposed agreement.

Mr. STONE. Mr. President, I expect to vote for this bill, although I wish to say some things about one or two of its provisions. What I wish to say about those particular provisions I do not regard as being of sufficient importance to delay the passage of the bill for a moment, but there are one or two amendments pending upon which I do desire to be heard, and I do not want to be confined to 10 minutes. What I will have to say upon those amendments will not perhaps occupy more than 30 minutes, or 40 at the utmost, but I do not desire to be shut off from saying what I have in mind to say with respect to them.

If the amendment, for example—to be perfectly frank—of the Senator from Massachusetts [Mr. LODGE] should be offered now, I would be willing to take it up at once, as far as I am concerned, and dispose of it. I am willing to take up either of the amendments about which I feel particularly concerned and dispose of them this afternoon, but if the time should be otherwise occupied, and if we should adjourn until to-morrow, I appeal to my friend, the Senator from North Carolina, not to deny me an opportunity of saying what I should like to say with respect to them.

Every Senator here knows that I am not trying to obstruct the passage of the bill. I do not mean by this to say, Mr. President—for it would not be fair or true for me to say—that I approve of all the provisions of the bill, but I feel that at this time, and have felt all along, after reading it and going over it with such care as I could, that I not only would not seek in any way to obstruct its passage, but if the Senate desired to pass it I would even vote for it, although, as I say, there are provisions in it that do not appeal to me. But there are some amendments pending, Mr. President, that I should like to say something about before they are agreed to, and I do not wish to be confined to 5 or 10 minutes in expressing what I have to say about them.

Mr. OVERMAN. Do I understand that the Senator objects?

Mr. STONE. I hope the Senator will not put it in that way. If the Senator wishes me to object——

Mr. OVERMAN. Mr. President, I do not want to put the Senator or anyone else in the position of objecting, though we must close this debate at some time. I want to know if we can not get some agreement to vote on it within the next day or two. We have been on it for three days, and it ought to have been passed in one day.

Mr. STONE. I agree to that.

Mr. OVERMAN. If the Senator can suggest anything by which we can agree on a compromise, I shall be glad to have him do so.

Mr. STONE. Mr. President, if it should go over to-day, so far as I am individually concerned, I feel quite sure that the particular amendments about which I desire to speak, one of which I have indicated with perfect frankness, and I will indicate the other—oh, well, no matter—I wish just time enough to express my views with respect to it; and if the bill goes over and they are offered to-morrow, as I should think they might naturally be, in the ordinary course, whatever the vote of the Senate may be will end the matter with me.

Mr. CUMMINS. Mr. President, while the Senator from North Carolina is considering a modification of the proposed agreement, I desire to say that I am as anxious as he can be to bring the bill to a conclusion; and I do not object to a vote to-morrow at 5 o'clock. I have had a desire to express some views which I hold about the measure, for I am in favor of it, with some modifications which are not vital to the principle involved in it. I have had no chance yet, however, to give my reasons for the belief which I hold; and I think that there ought to be made a part of this agreement the stipulation that at the close of to-day's proceedings the Senate will take a recess until to-morrow at 11 o'clock, giving opportunity between 11 and 2 for such further discussion of the bill as Senators may desire to indulge, but not postponing the final disposition of the bill beyond the time mentioned in the agreement.

Mr. OVERMAN. I am very glad to accept that; and that will give the Senator from Missouri time to make the speech he desires to make.

Mr. STONE. Why, Mr. President, of course, the Senator from North Carolina would accept that, very naturally; but we meet at 11 o'clock, and, according to the suggestion of the Senator from Iowa, we practically close the debate at 2. That would be more than agreeable to me if I got in on those three hours. But, Mr. President, the particular matters about which I wish to speak may be presented after 2 o'clock. Of course, I might speak of them in advance, if I could have the recognition of the Chair; but even as to that I must take my chance.

Mr. OVERMAN. Mr. President——

Mr. STONE. I think, Mr. President, if my friend will indulge me, that it would be better to let the bill go over until to-morrow. I need hardly assure him that I have no wish to obstruct its passage. I have stated what I have about my attitude, but I do not wish to be shut out of presenting to my colleagues some views I have with respect not to the bill itself so much as to pending amendments, and I do not know when the opportunity will come to do that.

Mr. OVERMAN. Mr. President, is now half-past 3, and I will ask the Senate to sit until 6 o'clock, so that we will have six hours of debate.

Mr. STONE. Well, I am ready to go on.

Mr. OVERMAN. Suppose the Secretary reads the proposal as modified by the suggestions of the Senator from Iowa.

The PRESIDING OFFICER. The Secretary will read the modification.

Mr. CUMMINS. Does the Senator accept the suggestion I made?

Mr. OVERMAN. I do.

The SECRETARY. Add at the end of the proposed unanimous-consent agreement the following words:

And it is further agreed that at not later than 6 o'clock of this calendar day the Senate will take a recess until 11 o'clock on the calendar day of Tuesday, April 9.

Mr. STONE. Is that a proposal that we shall sit until 6 o'clock to-day and then take a recess until 11?

The PRESIDING OFFICER. The Chair so interprets it—not later than 6 o'clock.

Mr. STONE. At not later than 6 o'clock, and then a recess is to be taken until 11 o'clock.

The PRESIDING OFFICER. Until 11 o'clock.

Mr. STONE. Then what?

The PRESIDING OFFICER. Then the Senate will proceed, as the Chair interprets the agreement, until 2 o'clock under general debate, at which time amendments will be considered.

Mr. STONE. And the 10-minute rule apply?

The PRESIDING OFFICER. The 10-minute rule will apply to the bill and 5 minutes to amendments.

Mr. GALLINGER. And when is it provided that the vote shall be taken?

The PRESIDING OFFICER. The vote shall be taken at 5 o'clock.

Mr. STONE. That puts up a pretty hard proposition to me. One Senator, sotto voce, suggested to me that one could say a great deal in that time. Yes; I could say a vast deal more than I have any idea of saying; but I want to speak to the amendment when it is before the Senate. I have something to say to the Senate about it that I think worth while. But whether that is so or not, we can go on until 6 o'clock and let the time be consumed in the consideration of other features of the bill or other amendments and take a recess until 11 o'clock,

but I am brought at 1 o'clock or 2 o'clock to 10 minutes, and I am not willing to consent to that.

I wish to say, while I am unwilling, it is not because I want to make a speech. God knows, I can make a speech at any time upon the bill when I feel under the impulse, but I want to speak because I think I have something to say worth while to the Senate for the Senate to hear, and I do not want to be shut off from an opportunity of doing it.

Mr. OVERMAN. I do not want to shut off anybody. Everyone knows that I have been very liberal about these matters. It seems to me that 6 hours' debate and 10 minutes upon the bill and 5 minutes upon an amendment for every Senator ought to be enough and will give every Senator an opportunity to speak.

Mr. STONE. I will consent to sit until 6, 7, 8 o'clock, if you wish—I have no objection to that—and to take a recess until 11 o'clock to-morrow.

Mr. OVERMAN. Let the debate go on, then, until 6 or 7. It may be that we can get a unanimous-consent agreement then.

Mr. LODGE. Mr. President, I introduced an amendment the other day, to which the Senator from Missouri [Mr. STONE] has just referred. I desire to make a modification of it, so that it can be printed. It provided as I introduced it that—

The use of the mails shall not be permitted to any newspaper, magazine, or periodical, circular, or pamphlet which is printed in whole or in part in the German language.

I modify it by adding the words:

Unless the German text is accompanied by a translation into English printed beside said German text and in the same issue of such newspapers, magazines, periodicals, circulars, and pamphlets.

That agrees to the rule now adopted by the Post Office Department. I will give my reasons for the amendment when the time comes. I can not offer it at present, because we are now engaged in perfecting the amendment of the committee.

The PRESIDING OFFICER. The modified amendment suggested by the Senator from Massachusetts will be printed and lie on the table.

Mr. HARDWICK. Mr. President, I shall detain the Senate but a minute. I am perfectly ready to take the sense of the Senate upon this very simple amendment that I have offered, but I think because a number of Senators were not present when I presented it I ought to take a moment to explain it.

The concluding paragraph of the bill reads:

And whoever shall advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein, shall be punished—

And so forth.

The amendment I have offered suggests that in line 17 of the language I have just read the words "the cause of" shall be stricken out. If that amendment should be adopted, of course the same words in line 19 should then be stricken out, and I shall so move. So this proposition, as modified by my amendment, if it were adopted, would read as follows:

Whoever shall by word or act support or favor the German Empire or its allies in the present war, or by word or act oppose the cause of the United States therein, shall be punished—

And so forth.

Mr. President, I am aware that in the minds of a good many Senators who take an honest view of this matter, fully as honest as either I or anyone else takes, they do not happen to agree with those on this side of the Chamber and think there is not much difference in the two proposals. Yet I beg the Senate to remember that when we are enacting a statute that makes spoken words a serious crime, punishable by 20 years' imprisonment in penitentiaries of the United States, we can not be too careful in using language so simple, plain, and direct that it is capable of but one construction—language that is incapable of misconstruction and language about which there might not be two honest opinions.

It is a dangerous pathway at best to make spoken words so serious an offense, and I am aware of many localities where Senators who live in those localities view it that great provocation exists for embarking on this most dangerous course; but, I insist, if we are to depart from one of the fundamental principles of our jurisprudence we ought to guard the departure with all the care possible.

Of course, if the cause of the German Empire and the cause of Germany are words synonymous with "side" in saying the "side" of the German Empire and the "side" of the United States in this war, and can mean no more than that and nothing else, there would be no reason whatever for the Senate to adopt my language and to say plainly that we are trying to legislate against the people who favor the German Empire and its allies in this war and oppose the United States in this war.

But what is the cause of the German Government in this war? Under one construction of language, the construction suggested by the Senator from Washington [Mr. POINDEXTER], it may be that the cause of the German Empire in this language means no more than the side of the German Empire in this war. If I were certain that the Senator only would construe the language and the Senate committee only that reported the language would construe it, I would not waste one second in advocating a change, because I am satisfied that is what they meant. But "the cause of" the German Empire in this war is qualifying language. The words "the cause of" qualify the rest of it. There are men who think that the real cause, using the word "cause" in the sense of being equivalent to purpose or object or motive, of the German Empire in this war is commercial. Other people insist that it is the territorial aggrandizement in Europe. Still other people insist that it is world dominion, and that that is the German cause.

When you come to the cause of the United States in this war there may be even more room for difference of opinion among people, whom I am bound to concede are equally honest. Some people say the cause of the United States in this war is the democratization of the world. Some people say that the cause of the United States in this war is to make the world safe for democracy. Other people, dissenting from that view, believe that the cause of this country is the assertion of our immemorial and undoubted rights to freedom of the seas, and we are at war with Germany simply owing to the fact that Germany fired upon our flag and murdered our people upon the high seas.

Mr. McCUMBER. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. McCUMBER. I wish to ask the Senator if he would not, in construing this law, give it rather a narrower meaning? Is it not the cause of the United States to-day to conquer her enemy? Is not that the sole cause to-day? Is it not the cause of the German Empire and her allies to defeat her enemies, including the United States? Could we not properly limit our construction to that view?

Mr. HARDWICK. I thought I had already answered that question, but the Senator probably did not hear what I said before. That may be true. Yet this language may be construed in a totally unnecessary way. If that is all the Senator means, we can use the same language that is found in the treason statutes, universally used, adhering to our enemies, giving aid and comfort and assistance to them. Why do you qualify it? Why use these words at all when we say people are helping Germany, are aiding Germany in this war? Why do we not say exactly what the Senator says it means?

Mr. McCUMBER. May I ask the Senator another question, and it will help us to understand the purpose of the amendment. Suppose we strike out the words "the cause of," so that it will read "and whoever shall by word or act support or favor the German Empire or its allies." Can the Senator explain to me how anyone by word or act could support the Empire of Germany without supporting its cause, or vice versa, and would he punish anyone for saying something in support of Germany unless it in reality was in support of her cause? Let me elucidate it. For instance, I might think that the military system of Germany was a splendid system, and everyone probably who would support a military system in the United States and would speak in favor of it would be speaking in favor of the German Empire, in favor certainly of some features of the action of that Empire. Yet that ought not to be a punishable offense.

It is barely possible with the very limited construction that some of us are giving to this language that some court might construe it to mean that. So, does not the Senator think that if he so limits the matter that it refers only to the German Empire he might be endangering the liberty of people who spoke in favor of some feature of the German Empire, even though they were bitterly opposed to the German cause?

Mr. HARDWICK. No; I do not think so, because the language as I would leave it would mean no more and no less. It is neither broader nor narrower than the Senator from Washington claims his language meant. It is neither broader nor narrower than the Senator from North Dakota contends is the real meaning and intent of the words now written in the amendment. But if you mean no more than that, if you mean no less than that, and that is favoring or adhering to the German side and opposing or injuring the American side in this war, why not say so in so many words? It is difficult to say if you would give the word "cause" its broadest significance exactly what the cause on either side of some of these powers is, in connection with this war. I mean by that, it is difficult to lay down a definition that even the responsible rulers of those

Governments would agree about on either side of the battle line. If the cause is or can possibly be held to mean anything of that sort, in this connection, you can see the room for an infinite variety of constructions. It would lead to an infinite variety of constructions, and possibly to persecutions. I do not think we need do that.

What we mean is to say that people shall not side with Germany and her allies in this war. Let us say so and leave out these words, because a man can admire some things about Germany—her wonderful business methods, her chemical progress, and a great many other things about her—without siding with her or favoring her in this war. There can be no trouble about that, and there is no danger of the kind the Senator from North Dakota suggests. Otherwise, I would not vote for such a change myself under any circumstances. So it is when it comes to the next amendment that I shall suggest.

Mr. McCUMBER. Can the Senator give an instance by which a person by word or act could favor the German Empire for which we would impose a punishment unless it was favoring the cause of the German Empire in this war?

Mr. HARDWICK. That is not an easy thing to do, and yet I can suggest a point to the Senator's mind, or a discrimination between the two things. Suppose a man believed that the German cause in this war, primarily at least, was to conquer France or to gain certain territory in Europe, and that, independent of the entry of this country into it because our flag was fired on and our people murdered and the freedom of the seas denied us, he did not feel any great concern over that cause one way or the other. I can conceive that honest, patriotic Americans might feel somewhat that way. Of course, if the cause of Germany is world dominion, and if she is aiming at the conquest of this country and invasion of these shores, a very different situation would exist, and probably a very different feeling would exist on the subject of the war and what the cause of the war is. That may be more or less metaphysical and involved to the mind of Senators. But if the Senator means no more than that for a person taking the side of Germany in this war we make it a crime to adhere to our enemy and give comfort to our enemy, in the words of the treason statutes, then we might just say that without putting these words in at all. I do not see any need to invite possible misconstruction, to invite the possibility of honest difference of opinions on account of a broader significance in meaning being given to a word than we intended to employ when we enacted the statute.

It is the purpose of the amendment not to broaden it or to narrow it, but simply to clarify an expression that I believe, and to express exactly, the Senate has in mind, and only what the Senate has in mind, and to express it in a way that nobody can possibly be mistaken about it, and that there can be no room for reasonable and honest differences of opinion concerning it.

Mr. LODGE. Mr. President, when I first examined this amendment I was inclined to think it would be better to omit the word "cause," in lines 17 and 19. The more I have considered it, the more I have heard in debate, the more it seems to me that it is the best word to retain. The word "cause" as used here has no relation whatever to the causes or reasons. It means simply the side.

Mr. HARDWICK. Will the Senator yield to me for just a moment.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Certainly.

Mr. HARDWICK. If that is true, and it means only that, why would it not be all right to leave it out?

Mr. LODGE. I think it makes it broader and clearer. The dictionary says:

CAUSE.

* * * * * * *

7. That side of a question which an individual or party takes up; that object to which the efforts of a person or party are directed.

They never fail who die in a great cause. (Byron, Marino Faliero, ii. 2.)

* * * * * * *

To make common cause with, to join with for the attainment of some object; side with strongly; aid and support.

I think that meaning is very desirable: Anyone who aids or supports or sides with, or joins with. I think that is all the word "cause" undoubtedly means in this connection. I do not think it could mean anything else. It is used as representing the side of Germany and the side of the United States. I think it would have been perhaps wiser to have left out the word "allies," as we have the confusion of being at war with one of Germany's allies and not with the other two. To say "the cause of Germany," would cover all those who are fighting with her just as much as putting in the word "allies." But that is an insignificant point. It seems to me, however, that the word "cause," as used in this connection, is correct language.

Mr. POINDEXTER. Mr. President, I only desire to say a word in answer to the reasons given by the Senator from Georgia [Mr. HARDWICK] for his amendment. The Senator from Georgia is a distinguished lawyer and knows that the word "cause" is in common use as indicating not merely the side of an adversary in litigation but as meaning the case of an adversary. It means the movement which the adversary is making in the courts, whatever it may be, against the opposite party.

Mr. HARDWICK. And the cause behind it. Now, if the Senator will allow me——

Mr. POINDEXTER. No; I differ with the Senator in his last statement.

Mr. HARDWICK. The Senator said "the case." That is the trouble I have in my mind. The case of the United States—what its purpose and object may be in entering this war—may be different with loyal people who honestly disagree about it, and one side is just as right as the other.

Mr. POINDEXTER. I think I understand the Senator's position. I almost feel ashamed of myself for arguing about such niceties of definition of words here when the general popular conception of these words is so well defined. I do not think the American people are going to have very much patience with us for what might be termed quibbling about the meaning of words in a statute which everybody understands.

The cause of an adversary does not mean the causes which are back of the case. It does not mean that at all. A man might be utterly out of sympathy and opposed to the motives of a party—he might be opposed to the original causes which led up to the war, whether it is a war of litigation in court or war with the implements of battle between two great nations—and yet he might favor the cause of that party.

What the Senator said a moment ago I think throws a great deal of light upon his amendment, and furnishes the best argument why it should not be adopted. As I understood him—I do not want to misquote him—he said that if the cause of Germany was to conquer France, he could conceive of patriotic American citizens supporting that cause.

Mr. HARDWICK. Oh, no.

Mr. POINDEXTER. What was it the Senator said in that regard?

Mr. HARDWICK. Patriotic American citizens who might think, and probably did think, before the United States Government became involved that it was no immediate concern of the United States.

Mr. POINDEXTER. But the Senator knows that this bill does not relate in any way whatever to what happened before the United States became involved. What he is talking about is this war. That is what he ought to be talking about.

Mr. HARDWICK. I beg the Senator's pardon. The Senator ought not to say what I ought to talk about. I state what I am talking about, and the Senator is not in a position to sit in judgment upon his fellows. The Senator from Georgia thinks the Senator from Washington should not undertake to do that.

Mr. POINDEXTER. I do not agree with the Senator on that proposition. I think when we are debating here, as long as we observe courtesy between each other, it is our business to sit in judgment upon each other. That is what a debate is, and I am giving my opinion as to what is proper in a parliamentary way to be argued in relation to this bill. I am of the opinion that the question of how such a law as this might affect what people said or did before the United States went into the war is irrelevant, and that it is not proper to be argued here, because it has nothing to do with the bill.

Mr. HARDWICK. Will the Senator pardon me just one moment?

Mr. POINDEXTER. I yield to the Senator.

Mr. HARDWICK. That is exactly what the Senator from Georgia believes. The Senate ought to make it plain beyond all peradventure. Take a man who felt in the beginning that it was a war for territorial acquisition and was no concern of the United States until we became involved; you do not want, by any possible construction of language, to brand him as failing in proper loyalty to this country after this country declared war; and here I suggest that we make the Senator's amendment mean what it is intended to mean, and that we do not go back to that and embarrass such a person about it.

Mr. POINDEXTER. We would not want to go back so as to punish any word or act that was committed or uttered before we got into the war, but according to what the Senator himself said a moment ago, it is rather a metaphysical distinction which he makes. I understand his argument to be that a man could

not be expected readily to give up his views about the origin and merit of Germany's attitude in the war which he entertained before the United States got into the war. If he is to make that argument relevant to this bill at all, it would have to be followed up with this, that we ought not to punish a word or act in support of those views now, even after we have gotten into the war. I say it would be necessary to follow it up with that, because that is the only thing this bill purports to do, and the Senator says the bill ought not to be passed as now framed. I believe the Senator knows it is clear—the Senator knows perfectly well, and he will not advocate anywhere, here or elsewhere, the doctrine that this bill is going to have any retroactive effect—to punish any word or act that was said or committed before it goes into effect.

Mr. HARDWICK. Let me say a word there.

Mr. POINDEXTER. I will yield the floor in just a moment, if the Senator from Georgia will pardon me.

Mr. HARDWICK. Allow me right at that point, and then I shall not bother the Senator any more. I am always willing to yield to the Senator from Washington, or any other Senator, when I have the floor.

Mr. POINDEXTER. I yield to the Senator, if he insists upon it.

Mr. HARDWICK. What I had in mind was this: Suppose a citizen of the United States who is loyal to the core, and willing to shed his blood, if need be, for this country, were to express this opinion—I am going to put it plainly, for in the beginning I did not think this war was any business of the United States——

Mr. POINDEXTER. I understood that was the Senator's attitude.

Mr. HARDWICK. I merely want to make it perfectly plain that in the beginning I did not think this war was any business of the United States.

Mr. POINDEXTER. I thought it was our business.

Mr. HARDWICK. I know that; but soon after it began the President of the United States by proclamation told us he did not, and I reckon he is loyal; nobody will question that; and a great many people did not think it was any business of the United States—millions of people; it looks like a majority of them thought so, from the last election returns.

Mr. POINDEXTER. Is the Senator still of that opinion?

Mr. HARDWICK. Whether they have changed their minds on that or not, I do not know.

Mr. POINDEXTER. I ask is the Senator still of the opinion which he entertained upon the subject?

Mr. HARDWICK. I said millions of people entertained that view.

Mr. POINDEXTER. You said——

Mr. HARDWICK. Of course, there is no concealment of the fact that the Senator from Georgia always thought that the United States ought to maintain its neutraliy, and keep out of this war, if possible.

Mr. POINDEXTER. Does the Senator from Georgia think that now?

Mr. HARDWICK. I do not think so, for I would not have supported the war resolution if I had, and I voted for the war resolution.

Mr. POINDEXTER. Will the Senator be good enough, for the purposes of the argument, to state whether he still entertains the opinion which he says he previously entertained?

Mr. HARDWICK. What is that? I do not understand the Senator.

Mr. POINDEXTER. That he thought we ought not to have entered into this war when we did?

Mr. HARDWICK. Well, I will answer the Senator. I say I did not think we ought to have entered into this war, and, in my judgment, we would not have done so if Germany had not denied us the freedom of the seas and fired upon our flag——

Mr. POINDEXTER. The Senator begins to qualify.

Mr. HARDWICK. The Senator from Georgia never qualifies and he never dodges.

Mr. POINDEXTER. I say that the Senator did qualify his statement, because he said a moment ago that he thought we ought not to have entered into the war. Now he attaches the qualification that we ought not to have entered into the war unless Germany had denied us the freedom of the seas.

Mr. HARDWICK. The Senator from Washington shall not put sentiments into my heart that do not exist or words into my mouth which I have not used.

Mr. POINDEXTER. I will yield to the Senator from Georgia in just a moment, if he will allow me to comment upon what he has just stated.

Mr. HARDWICK. If the Senator is going to misunderstand me, I would rather not interrupt.

Mr. POINDEXTER. I had rather the Senator would not interrupt me until I have finished the sentence. I am perfectly willing, however, to yield to the Senator.

Mr. HARDWICK. But, if the Senator please, the trouble is—and then I will not interrupt him further—the Senator insists upon putting me in a position I do not occupy and in imputing sentiments to me that I do not entertain. I think—because I have long liked the Senator—that it is because he misunderstands the situation, and that is the only reason I interrupt him; that is the only reason I trespass on his courtesy. I was sure he was doing it——

Mr. POINDEXTER. Doing what?

Mr. HARDWICK. I do not think he was intentially misunderstanding the Senator from Georgia. Now, does the Senator want me to make it plain or would he rather leave it as it is?

Mr. POINDEXTER. I am going to take my seat in just a moment.

Mr. HARDWICK. Well, it does not matter much.

Mr. POINDEXTER. If the Senator from Georgia wants to make a speech, I should prefer that he wait until I get through; but if he will answer my question I would prefer that he should answer it now.

Mr. HARDWICK. The Senator from Georgia is not accustomed to being asked to give categorical answers, as if he were on the witness stand—questions that are phrased by a Senator who evidently is not anxious to do him justice in the matter.

Mr. POINDEXTER. I only stated my understanding of what the Senator said. Of course, the Senate reporters will be the best witnesses as to that.

Mr. HARDWICK. Oh, yes.

Mr. POINDEXTER. And the Senator himself, I suppose, so long as he is a public man, in the Senate and out of the Senate, on a question of the importance of this is going to take some position; and, of course, the position which he takes he will determine for himself, and it is a matter about which there can not be very long any misapprehension or misunderstanding.

Mr. HARDWICK. Not at all.

Mr. POINDEXTER. The Senator from Georgia either was in favor of and supported, to use the language of the bill, the entry of the United States into the war or he was not.

Mr. HARDWICK. The Senator from Georgia has a public record on that question, as much so as the Senator from Washington. There is no room for misconstruction or doubt about that.

Mr. POINDEXTER. Yes. The Senator from Georgia stated that men who entertained, we will say opposite views to his, who thought that Germany was right——

Mr. HARDWICK. No, no.

Mr. POINDEXTER. That Germany had a good cause——

Mr. HARDWICK. No.

Mr. POINDEXTER. Ought to be allowed now to continue by word and act to express those views which they entertained before we entered into the war.

Mr. HARDWICK. The Senator from Georgia did not say that and never thought it. If the Senator from Washington got that impression, the Senator from Georgia has been very unhappy in his method of expressing himself. What the Senator from Georgia did say was that there were many people in this country who believed that this country ought to have kept out of this war, if it possibly could be done, and who believed—in the beginning they believed, at least, and whether any of them have changed their minds since I do not know—that this was an European quarrel from which the concerns of the United State were far remote; but many of those men when this Government declared war abandoned whatever predilections whatever—well, I will use a different word—whatever aversion they had to entering this war, because the country went into it and they went with it, and that many of those men did not doubt but that the cause of this country was just in so far as it was based upon the fact that Germany insulted our flag, fired upon our flag, and sunk our ships; but that many of these men—the Senator from Georgia and the President of the United States, so far as I may judge from his public utterances, included—had thought so in the beginning——

Mr. POINDEXTER. I am perfectly aware of the harmony between the Senator from Georgia and the President of the United States.

Mr. HARDWICK. Yes; of course the Senator is—had thought prior to the firing upon our flag by Germany, and prior to the trouble about the freedom of the seas, that the best policy of this country was to keep out of this war; and therefore at

that time, at least, did not entertain any such opinion as that this was a war to make the world safe for democracy or to democratize the world, or anything like that.

Mr. POINDEXTER. Well, now we are willing to forego all of that for the time being, and confine this act to conditions which existed not only after we had got into the war but after we pass this bill. We shall agree here, if the Senator from Georgia has any doubt upon the subject, to put into the bill an express declaration to that effect; so that if the Senator is in favor of punishing those who continue to do what he said that he and others did before we got into the war, he can have no objection to the passage of this bill.

My opinion is that, so long as we are involved in the war and committed to it beyond withdrawal, we should provide a penalty against those who fight against us whether with their mouths or by their acts, while at the same time they owe us their allegiance and are drawing their support and their livelihood from the opportunities which this Government gives them. It is a matter of public policy.

Now, to conclude what I was going to say and to get back to the particular objection which the Senator from Georgia has to the words of this amendment, supplemented by what he has just said, that there may have been those who, we will say, before Germany interfered with our rights upon the seas—although my impression is that the Senator from Georgia was among those who were opposed to our taking steps for arming our merchant vessels to repel interference with our rights upon the seas——

Mr. HARDWICK. If my friend from Washingon will excuse me, as usual my friend from Washington is in error. The Senator from Georgia supported that joint resolution.

Mr. POINDEXTER. Well, was the Senator from Georgia in favor of the draft act?

Mr. HARDWICK. He never was. I plead not guilty.

Mr. POINDEXTER. My impression is, from the general conduct of the Senator from Georgia—and it was not removed at all by what he has just now said—that he has not particularly supported or favored the cause of the United States in this war.

Mr. HARDWICK. For that opinion the Senator from Georgia is profoundly grateful to his friend from Washington.

Mr. POINDEXTER. Now, I propose by this bill, if the Senator from Georgia persists in that opinion and speaks it and acts it before the country, to punish him by the penalties which are provided in the bill.

Mr. HARDWICK. As usual, the Senator is courteous and fair.

Mr. POINDEXTER. I do not think there is anything discourteous about that. The RECORD will show whether I am discourteous or not. I hope the RECORD will contain just what language we use. I disclaim any desire to be discourteous, and am not conscious of having been discourteous at all. I am speaking in a matter of fact way about the Senator from Georgia, because he is immediately involved in the debate, and because there is no difference between the Senator from Georgia or myself and any other citizen of the country as to our private acts when we conduct ourselves about our daily vocations; and it is the very thing which the Senator from Georgia has stated that he believes in that this act is aimed at. If any man believes that the purpose of Germany is not to conquer the world—I think that the purpose of Germany is, if she can, to put her dominion and power over the world—but only to conquer France, and if he goes before the country and says that Germany does not propose to conquer the world, that Germany's purpose is to conquer France, that Germany is right in attempting to conquer France and to impose her will upon France, that that is her purpose in this war, and she is right about that—I say that the penalties that are provided by this bill to punish him for that declaration, while his country is the opposite party in that war, are mild in comparison with the offense which he commits against his people.

Mr. HARDWICK. Mr. President, the Senator from Georgia is not used to cutting corners or dodging issues; at the same time it is not a matter of very great gratification to the Senator from Georgia to find that even recklessly—and I should hate to think that it had been done purposely—he had been misunderstood by one of his colleagues on either side of this Chamber. The Senator from Georgia never said, and never thought of saying, that he had ever himself for one moment entertained any sympathy for Germany in her quarrel with France. The very reverse of that is true. The Senator from Georgia comes of a line of English ancestry as long and as honorable as that of the Senator from Washington or any other Member of this Chamber. He has no sympathy with Germany, and never had any, and he is not to be put in any such attitude by any ill-advised, inconsiderate words of any Senator.

What the Senator from Georgia did say and what he has always said, and what he is prepared to maintain anywhere is this: That there are millions of people in this country, unnumbered and untold millions—it looks to me like a majority of them all from the returns of the last election—who believe that this quarrel in Europe, this war in Europe, was not primarily our concern, and who would have been glad if we could have honorably kept out of it forever. If that is not true, this entire country, the Senator from Washington and all others, have been slackers and laggards since Belgium's neutrality was first violated, and certainly and even in a more noticeable degree since the *Lusitania* was sunk. I know there are honest men—for whose opinions I have respect—who think that this country ought to have been put into that war from the beginning; but that was not the policy of the Government and it was not the sentiment of the people of the country.

What I did say and what I did mean was simply this and no more: That those of us who still insist that this country is fighting this war because her flag was fired on and because her citizens were murdered and because she was ordered off the high seas, and for no other reason, are just as loyal to this country, love her just as much, would give and have given just as much for it, and would sacrifice and have sacrificed just as much for it as the Senator from Washington or any other lip hero of whom I know.

Now, the country is at war; I voted to put her there. The country tried to have, and a majority of its representatives tried to enact, the armed-neutrality legislation, and, in spite of the inaccurate memory of my friend from Washington, I tried to help pass it. I did so for many reasons: First, because I thought the commerce of the country was entitled to that protection and the sovereign rights of this Nation were entitled to that vindication. I had no doubt, as it subsequently so developed, that the President of the United States had every substantial power as Commander in Chief of the Army and Navy of the United States to arm the vessels of this country, to protect them against foreign aggression, as he subsequently did; but I felt then, as I feel now, that it was the last chance to serve a solemn warning, a solemn notice upon Germany and to Germany that this country meant to go to war if her rights on the high seas were violated.

But, Mr. President, those men would do this country a disservice, in my humble judgment, who insist on drawing those lines now. More than half of the country thought that the country ought to be kept out of war if possible; more than half of the country thought that the European war was not our immediate concern, and that we ought not to get into it if we could honorably keep out of it; but when we could not keep out of it, and when we did not keep out of it, and when we did get into it, all that was ended.

I simply do not like to have language employed in a statute—and it is still less pleasant to have it employed in speech on the floor of the Senate—that indicates that people who entertain those sentiments, in the opinion of any thoughtful American, are not just as good and loyal Americans as anybody on this earth. Nor do I like to have it indicated, as was indicated by the Senator, that because, forsooth, a Senator or a Member of the other House did not support some particular plan or method of waging or conducting the war, no matter by whom that method was suggested, and no matter how great the majority by which it was adopted, that is a reason for assailing a Senator or a Representative. The Senator from Georgia was called upon in the performance of his constitutional duty to vote on the question of how to raise an army, and he voted his own judgment and his own conscience about that matter, and for that vote he has no apology to offer to the Senator from Washington or to anybody else on this earth.

Mr. POINDEXTER. Mr. President, if I am correctly informed, while the Senator turned away from this direction while he was speaking a moment ago so that, because of the acoustic properties of the Chamber, it was impossible for me to hear the words that he uttered, he made an insulting intimation and used insolent and opprobrious epithets directed to me.

Mr. HARDWICK. If the Senator states that——

Mr. POINDEXTER. I decline to yield to the Senator. I claim the floor of the Senate.

Mr. HARDWICK. Well, the Senator, then, can not use language of that sort, Mr. President.

The PRESIDING OFFICER. The Senator from Washington declines to yield.

Mr. HARDWICK. I rise to a question of order. The Senator can not use language of that sort about the Senator from

Georgia. If the Senator wants to use language of that sort about the Senator from Georgia this is not the proper place.

Mr. POINDEXTER. Who has the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. HARDWICK. I am raising the question of order, let me say, that the language of the Senator is improper.

Mr. POINDEXTER. Mr. President——

Mr. HARDWICK. And I will say, then, that I did not intend to insult the Senator.

Mr. POINDEXTER. I decline to yield to the Senator. I do not propose to be taken off my feet, unless I am taken off by the Chair upon a point of order.

The PRESIDING OFFICER. The Chair understands the Senator from Georgia raises a question of order.

Mr. HARDWICK. Yes; the Senator from Georgia raises a question of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARDWICK. The Senator characterized the language used by the Senator from Georgia as improper and insulting, and a few other things like that—I did not catch all the adjectives. I think that his language does not become a Senator to utter nor the Senate to hear, and it violates the rules in regard to the conduct of debate.

Mr. POINDEXTER. I submit it to the Chair.

Mr. HARDWICK. I refer the Chair to Rule XIX.

The PRESIDING OFFICER. The Chair——

Mr. HARDWICK. I will say——

Mr. POINDEXTER. I decline to yield.

Mr. HARDWICK. I do not ask the Senator to yield.

Mr. POINDEXTER. The Senator is asking me to yield.

Mr. HARDWICK. I addressed the Chair.

The PRESIDING OFFICER. The Chair will state that in the opinion of the Chair the remarks of the Senator from Washington were not a violation of the rules of the Senate.

Mr. HARDWICK. Then, I, of course, yield to the Senator who has the floor.

Mr. POINDEXTER. Mr. President, my purpose in rising was simply to call attention to what the Senator from Georgia has said in order that the manner in which the Senator from Georgia conducts a debate—and I have noticed it on several occasions heretofore—may be characterized by his own demonstration. The Senator from Georgia said a moment ago, in connection with his proposed amendment to this bill, that his purpose was to strengthen the measure; that he had no desire to weaken it. In view of the fact that the Senator from Georgia has departed from the accustomed proprieties of parliamentary language, I feel like saying that I am impelled to believe, from the entire record of the Senator from Georgia with regard to this war and his general discussion of this measure, that it is not the Senator's sincere desire to strengthen the hands of the Government by furnishing the aid provided by this bill. I think the Senator is opposed to the purposes of the bill, and that that is the reason of his amendment. I draw that conclusion from the Senator's own language and submit it to the country upon what the Senator himself has said.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia.

Mr. HARDWICK. I am absolutely terrified at the gallant Senator's assault. The Senator from Washington has been guilty of conduct on this floor that he ought to regret to his dying day, and he has been guilty of statements on this floor that were untrue, and he knows it. [A pause.] I yield to the Senator.

Mr. POINDEXTER. What does the Senator mean by saying that he yields to me? I did not request the Senator to yield.

Mr. HARDWICK. I thought the Senator——

Mr. POINDEXTER. The Senator knew perfectly well that I did not ask him to yield. The Senator has renewed his offensive remarks——

The PRESIDING OFFICER. The Chair will say——

Mr. POINDEXTER. By the use of another word, and I call the Senator to order. It is easy for me to express my opinion here of the Senator from Georgia, but it would be a violation of parliamentary law.

Mr. HARDWICK. I will waive parliamentary law and everything——

The PRESIDING OFFICER. The Chair desires to explain both to the Senator from Georgia and the Senator from Washington that the proceedings in the Senate now trench on a violation of the rules governing the conduct of its proceedings.

Mr. HARDWICK. Very well, Mr. President, I will confine myself to the parliamentary rules.

Mr. POINDEXTER. I should like to ask if the characterization by the Senator of a statement which I made a few moments ago as being untrue is within the rules of the Senate?

The PRESIDING OFFICER. The Chair knows of no point of order being made at the time the language was uttered by the Senator, and the Chair feels that he is not authorized to make an ex post facto ruling. The Chair suggests, therefore, that the Senators proceed in order.

Mr. HARDWICK. Mr. President, because the Senator from Georgia expressed an honest doubt about the possibility of the misconstruction of some of the provisions of this proposed statute he has to have his motives judged, and foully misjudged, by the Senator from Washington and keep silent. He is not likely to do either; he is not likely to submit to any misjudgment about this matter, nor is he likely to keep silent. It is a very common thing nowadays for a good many men in this country to undertake to wrap the flag around themselves to hide their own shortcomings and their own mistakes. I object to that, because I have too much love and too much respect for the flag to see it so employed.

We are operating here under a written Constitution; it is not suspended by war; we are operating here under a written Constitution one of the first and most fundamental guarantees of which is the right of freedom of speech, and because the Senator from Georgia insists that whatever measures are necessary to meet the times, they shall be so framed as to conform as nearly as possible to the Constitution of the United States he, forsooth, is to be indicted and arraigned by such men as the Senator from Washington. God save the mark. Simply because the Senator from Georgia ventured upon the humble and lowly observation that there were many men in this country, including the President of the United States and himself, who had not felt from the beginning that this was a war to democratize the world, he has incurred the wrath of the distinguished Senator from Washington and has had the Senator from Washington, speaking out of the plenitude of his wisdom and the breadth and depth of his exuberant and vocal patriotism, challenge and asperse his motives.

At this point Mr. GORE, from his seat, addressed remarks to the Senator from Georgia.

The PRESIDING OFFICER. The Chair suggests to the Senator from Oklahoma that if he desires to interrupt the speaker he should address the Chair.

Mr. GORE. Mr. President, I have no desire to interrupt.

The PRESIDING OFFICER. The Senator from Oklahoma, then, will reserve his remarks.

Mr. GORE. I have not transgressed any rule of the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma is out of order.

Mr. GORE. I do not care to be reproved by the Chair when I am not disobeying the rules of the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma will observe order.

Mr. GORE. Indeed he will.

Mr. HARDWICK. Mr. President, I should like to act as peacemaker if I can; but the unwarranted and unjustifiable comments of a man whom I had hitherto thought was my friend has somewhat provoked me and irritated me a little myself.

Now, this is the issue. If people can be bulldozed and browbeaten in this country because they venture to differ with other people about what are the best laws to be enacted for this country, about what plans and methods are to be pursued, even for prosecuting this war, then is the Senator from Georgia, forsooth, to be indicted by the distinguished Senator from Washington because he ventures to vote against that Senator on the question of what was the best way for this country to raise an army? Such is the illuminating issue which is presented to the Senate, to say nothing of the question of manners involved.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. KING. Mr. President, on page 2, line 16, after the word "enlistment" and before the word "service," I move to insert the words "in the military or naval service of the United States," so that it will read:

Attempt to obstruct or discourage recruiting or enlistment in the military or naval service of the United States.

It is merely to make a little more clear the meaning of the section.

I will ask the Senator from North Carolina if he will not accept that amendment?

Mr. OVERMAN. I do not think there is any objection to that.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Utah to the fact that his amendment is not in order at this time, the pending amendment being the committee amendment.

Mr. KING. Oh, I beg pardon. I thought the committee amendments had been disposed of.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. BORAH. Mr. President, in accordance with the suggestion which I made the other day, I move to amend the committee amendment by striking out the word "calculated," in line 24, page 2, and inserting the word "intended," so that it will read:

Or any language intended to bring the form of government of the United States * * * into contempt—

And so forth.

Mr. OVERMAN. I have no objection to that.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 2, line 24, in the committee amendment, it is proposed to strike out the word "calculated" and to insert in lieu thereof the word "intended."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Idaho to the amendment of the committee.

Mr. KELLOGG. Mr. President——

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

Mr. BORAH. I yield.

Mr. KELLOGG. I simply wish to suggest to the Senator from Idaho whether it would not be better to leave in the word "calculated" and insert the word "and," so as to read: "Any language calculated and intended"?

Mr. STERLING. Mr. President, with regard to the amendment offered by the Senator from Idaho, I hope it will not prevail. When the amendment was first suggested I was somewhat impressed with it and thought it a proper amendment; but I do not believe any good purpose will be served by putting this statute in a form where it will be insisted that no intent has been shown to commit the offense described in the statute.

We have already adopted an amendment here, offered by the Senator from Colorado [Mr. THOMAS], by which the word "willfully" has been inserted, and all the acts herein enumerated as constituting offenses must be willful in order to come within the purview of the statute. To that amendment I did not object, but it will be insisted, of course, if the word "intended" is used, that circumstances showing guilty knowledge or intent must be proven in each individual case.

Mr. President, the word "calculated" here must mean language the reasonable or probable effect of which will be to bring into disrepute the form of government or the Constitution of the United States. I believe it is a case wherein a man ought to be held to have intended the reasonable or probable consequences of his act or of his language.

Mr. McCUMBER. Mr. President, may I ask the Senator a question right there?

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

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

Mr. McCUMBER. I want to ask the Senator if the word "intended" will not necessarily include that which is calculated? Any person charged with an offense where intention is of the gist of the offense will be presumed in law to intend the natural consequences, or, in other words, the results which will be calculated to flow from his words or his actions.

Mr. STERLING. Yes.

Mr. McCUMBER. Therefore, if he is accused of saying or doing something with intent to produce a certain result, is it not absolutely true that it must be calculated to produce that result in order to establish the intention?

Mr. STERLING. No. It makes no difference, or should not, and does not in many instances of penal statutes make any difference, as to what is in the mind of the doer or the actor charged with an offense. There is the great class of crimes commonly called mala prohibita, where the statute simply makes it an offense to do the act, and the intention with which the act is done is immaterial. The use of the word "intended" may embrace what is meant by the word "calculated" here; but it embraces too much, I think, in addition to what the word "calculated" ordinarily means.

Mr. McCUMBER. May I ask the Senator another question?

Mr. STERLING. I yield to the Senator.

Mr. McCUMBER. If a person were charged with uttering words or doing an act intended to produce a certain result, could he defend himself upon the ground that he did not so intend if the natural consequence of his words or its results would produce that result?

Mr. STERLING. It would at least give him a good pretext for so contending that he did not intend.

Mr. McCUMBER. But the court would not listen to that.

Mr. LODGE. Mr. President——

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

Mr. LODGE. The making or conveying of false reports or false statements which interfere with the operation or success of the military or naval forces of the United States is a far more serious offense than that included in this amendment, and yet the bill, which has not been changed by the committee in that respect, says "with intent to interfere." Again, in the case of statements interfering with the sale of the bonds, it is necessary to show intent to obstruct the sale, and in this very amendment, on line 13, page 3, in case of language used to advocate or to incite curtailment of production, it is necessary to show intent by such curtailment to cripple or hinder the United States in the prosecution of the war. We use the word "intent" in three places and the word "calculated" in two places.

Mr. STERLING. Mr. President, in regard to the last instance, to which the Senator from Massachusetts calls attention, it is very reasonable and proper that the word "intent" should be used there, because it is used in connection with the curtailment of production, and a man might advise curtailment of the production of certain lines of foodstuffs, for example, and not intend any curtailment whatever that would hinder the Government in the prosecution of this war, and the word "intent" is put in there as a proper safeguard.

Mr. LODGE. How about intent in interfering with the operation or success of the military or naval forces or intent to obstruct the sale of United States bonds?

Mr. STERLING. I think the situation there is a little different. In either of these cases the situation is different. A man may advise that the purchase of other bonds than Government bonds is better—better for the purchaser, better for his client, better for his ward, for example, if he be a guardian—and he does not intend thereby to obstruct, although he may be accused of obstructing, the sale of United States bonds.

Mr. LODGE. The Senate amendment takes care of those cases specifically.

Mr. STERLING. The instances cited in the committee amendment, however, differ in purpose from the amendment to which the Senator from Massachusetts has called attention. They are cases where the commission of an act calculated to bring about these results ought to be punishable without a regard to intent on the part of the doer of the act, especially since, according to the amendment of the Senator from Colorado, we have incorporated in the act the word "willfully" and have provided that the act must be willfully done. I would rather say "language the probable effect of which will be" than to use the word "calculated." I think it would be the better and the more apt expression and the more easily understood.

Mr. FRANCE. Mr. President, I offer an amendment to the pending bill and ask that it may be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed and lie on the table.

Mr. BORAH. Mr. President, I had intended to make some observations, but I will let the matter come to a vote.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Idaho to the amendment of the committee. [Putting the question.] By the sound the noes seem to have it.

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

The yeas and nays were ordered.

Mr. MYERS. Mr. President, I should like to have the amendment stated. I have just entered the Chamber.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. It is proposed by the Senator from Idaho [Mr. BORAH], in the committee amendment, on page 2, line 24, to strike out the word "calculated" and to insert in lieu thereof the word "intended."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Idaho to the amendment of the committee. On that question the yeas and nays have been ordered.

Mr. POINDEXTER. Mr. President, I think that if it is required by the express provisions of the act to prove an intent hostile to the United States on the part of the man who says or does the acts that are prohibited it will never be possible to enforce the act. I am of the opinion that it would be utterly useless to enact a law if it were required to prove a man's intent. It ought not to be necessary to prove the intent any

more than it would be necessary to prove whether or not a man who had the smallpox and was quarantined, if he violated the quarantine regulations and went out into communities spreading the germs of the disease, intended to injure his country. If he does the act, it itself is a crime, whatever his intent may be.

Mr. MYERS. Mr. President, I want to call attention to one thing, and ask the careful, thoughtful attention of the Senators to it.

The word "calculated" qualifies the language which one is prohibited from using. The provision of the bill reads, "language calculated to bring the form of government, * * * the Constitution of the United States," and so forth, into disrepute, There, "calculated" qualifies the language uttered by an offender; but the word "intended" would apply to the individual, the man uttering the language, what is in his heart, and it would put an entirely different phase upon the matter.

The clause as it reads now is that anyone who uses language "calculated" to do these things shall be punished, the word "calculated" describing and qualifying the language. Now, if you say that anyone shall be punished who uses language "intended" to bring the Constitution or form of government of the United States into disrepute, the word "intended" refers to something in the heart of the man who uses the language, and I believe its substitution would practically nullify that part of the bill, and render it futile and unenforceable. How would you prove what the man intended, in addition to using the language?

I think the use of language calculated to have the effect described ought to render a man guilty, because if a man has any sense at all he knows the probable effect of his language, and ought to be held to know it; but if you have to prove what is in the man's heart; if you have to prove that he used certain language and then in addition prove that he did it with intent to bring the Constitution or our form of government into disrepute, it will be impossible of proof. The amendment proposed by the Senator from Idaho [Mr. BORAH] would divert the qualifying adjective from the language used by the offender to the heart of the man himself, and that is something that it is impossible to prove. Nobody but the one who utters language and the Almighty can know with what intent it was uttered. Let us not make this provision of the bill unenforceable. Proof of intent should not be required as a part of this provision. I am opposed to the amendment of the Senator from Idaho. It would greatly weaken the bill.

Mr. CUMMINS. Mr. President, I did not intend to discuss this amendment. I am quite willing to have it voted upon; but in view of the suggestions of the Sentor from Washington and those of the Senator from Montana, and being a member of the committee which reported the bill, I feel that I ought to say a word expressive of my views on the subject.

First, let me say to the Senator from Washington that, ordinarily speaking, the intent with which an act is committed or a word is spoken is the essential ingredient of the crime. It has not been very long since the first example of a crime without an intent was introduced into the laws of any civilized country. We have in the statutes of the United States some crimes defined which do not require an intent in order to prove commission; but they are all minor, unimportant violations of the law. They do not relate, ordinarily, to life or liberty. There are not attached to them long sentences for their violation; and I think those who are in favor of the amendment can well assume that the general policy of the criminal law, recognized for centuries, ought to be recognized here and obtain here unless there is a very persuasive reason to the contrary.

The first part of this amendment makes it an offense to use disloyal, profane, scurrilous, contemptuous, or abusive language with regard to the form of government, the Constitution, the Army or Navy, or the uniform of our soldiers or sailors. That is reasonably clear and definite. What is profane and disloyal and scurrilous and contemptuous and abusive language is pretty well settled in the minds of intelligent citizens. But then we proceed:

> Or any language calculated to bring the form of government of the United States, or the Constitution of the United States, * * * into contempt, scorn, contumely, or disrepute.

Here we enter the domain of opinion. What language tends to do these things, or one of them? That is a matter of mere opinion. It is an opinion to be delivered by a judge or a jury; and I think it would be exceeding dangerous to submit to a judge or jury, with reference to a perfectly innocent and upright man, known by his whole community to be an honest and upright and loyal man, the question of whether what he had said, neither contemptuous nor scornful nor abusive nor profane, was calculated or had a tendency to bring these charters of our liberties into scorn or disrepute. We are in danger of embracing within the statute, if we allow it to remain as it is, a great many well-meaning and innocent men; and the very moment the statute is so broadened that it may or probably will bring within its scope men in whom the community generally has confidence, and such men are convicted under the letter of the law, that moment the whole statute ceases to be of any value whatsoever; and instead of confirming and strengthening the loyal and aggressive sentiment of the people of the country for the prosecution of the war, we have done it infinite harm.

I believe that before we can attach to the utterance of any language, no matter how decent, how reasonably argumentative, how fair in its appearance and in its form, the penalties of a crime, we ought to prove that it was uttered with wrongful intent. Now, there is not any difficulty, ordinarily, about proving intent. We have to prove it in nearly every crime that is prosecuted; and almost every criminal that goes to jail has been found to entertain a guilty intent or a wrongful intent in doing the act for which he is prosecuted. Through the use of the word "intended" we will reach the guilty, and we will be in no danger of calling down upon the heads of innocent men the penalties of the law.

There is the widest difference of opinion with regard to language, fair and proper in itself, which tends to bring our institutions into disrepute. Even Senators have a very wide difference of opinion upon that subject, as is evidenced in the debates here from day to day. Let us keep the law strong and well fortified in the minds of reasonable men, and in that way we will do more to strengthen the country, even though now and then a man who ought to be punished escapes the penalty of the law.

I hope very much that the amendment proposed by the Senator from Idaho [Mr. BORAH] will be adopted.

I wanted to say this much because I am a member of the committee. There was no minority report; but all the members of the committee who were present during the consideration of the bill knows that this was my view then, as it is now.

Mr. KING and Mr. STERLING addressed the Chair.

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

Mr. CUMMINS. Does the Senator from South Dakota desire to ask me a question?

Mr. STERLING. No.

Mr. CUMMINS. I yield, then, to the Senator from Utah.

Mr. KING. Mr. President, I should be very glad to get the views of the Senator from Iowa, if he cares to express them, in regard to a suggestion which I made the other day when the Senator from Idaho was addressing the Senate upon this section of the bill. It occurred to me that the language found in lines 24 and 25, on page 2, and lines 1, 2, 3, and part of line 4, on page 3, was unnecessary in view of the preceding matter found in the same section.

The words to which I refer, and which I thought might be eliminated with propriety without weakening the section or the objects of the section, are these:

> Or any language calculated to bring the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute.

The Senator will see that the words preceding, which relate to the same subject, are these:

> And whoever, when the United States is at war, shall utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States.

Then follows the language which I have just suggested might with propriety be eliminated without weakening the section and without cutting out, so to speak, the acts which were sought to be made criminal. It seemed to me that when it was made an offense to utter contemptuous language or abusive language about out form of government, or about the soldiers or the sailors, or the flag, or the uniform, of necessity that language would tend to bring the form of government, the Constitution of the United States, or the uniform, or the soldiers or sailors, or the flag into disrepute; and it seemed to me there was no necessity of enacting the language that I have just suggested might be eliminated. You have covered the case when you make it an offense to utter those words against the Government, or the Constitution, or the soldiers, or the sailors, or the uniform, or the flag.

Mr. CUMMINS. Mr. President, I do not quite agree with the Senator from Utah, and I will give him my reasons for the disagreement.

The previous part of the amendment, in order to be effective, must find language that is profane, scurrilous, contemptuous,

or abusive. The only other word is "disloyal," and I think it is quite true that that word can apply only to a citizen of the United States. It does not embrace subjects of foreign countries who may be temporarily within our jurisdiction or territory. I can well conceive that a skillful man can attempt to bring the United States or the form of our Government, and the Constitution, and our soldiers and sailors, and the flag, and the uniform into contempt and into disrepute without using a profane word, a scurrilous epithet, or an abusive term. If that man employing our tongue or any tongue, however adroitly, intends by his utterance or his publication to accomplish the purpose that is here named, he is even more guilty than the man who uses a profane word or a scurrilous epithet or an abusive term. All that I ask is that with respect to him the question shall be submitted to the jury, "Did he intend in these utterances or publications to accomplish the purpose that is condemned by the statute?" If he did, he ought to be punished. If he did not, he ought not to be punished.

Therefore I would not give my consent to the elimination of that part of the amendment which was just read by the Senator from Utah. I think it should remain, but should be qualified in the way proposed.

Mr. STERLING. If the Senator from Iowa will permit a question, I hope I do not have an extreme view in regard to this matter, yet I almost feel that I would sooner see the suggested amendment of the Senator from Utah prevail than have the word "calculated" stricken out and the word "intended" substituted therefor. But it occurs to me as to whether it is not analogous to the element of "probable cause" in a case for malicious prosecution. We would interpret the word "calculated" as here used to mean language the probable effect of which would be, and so forth. Would it not in a case for malicious prosecution be decided by the court or by the jury under instructions from the court whether probable cause exists or not? Would not the phrase "Probable effect" be so construed by the judge or the jury properly instructed so that there would be no danger of any unjust conviction?

Mr. CUMMINS. I do not see any parallel between the case cited by the Senator from South Dakota and the present amendment, but I can put it to the Senator from South Dakota so that I will explain at least my view of the difference between the word proposed and the word now in the amendment. The Senator from South Dakota might—this is purely a suppositious matter, because he is incapable of doing what I am about to interject—the Senator from South Dakota might deliver a speech that I really thought the probable effect would be to do these things, namely, bring our Constitution or our Government or the form of our Constitution or our Army and Navy, and so forth, into disrepute. I might utter a sentiment of which he thought the same thing. If I were on a jury called to try the Senator from South Dakota or he were on a jury called to try me, what would be his duty or mine?

It would be his duty to find me guilty if he believed that the probable effect of what I had said in perfect good faith, in absolute loyalty, with the best intent of which a citizen is capable, and I would be compelled to do the same sad office for the Senator from South Dakota.

Now, I am not willing to submit that question to a jury. I do not believe that there is a single man in the United States who ought to feel the weight of a law of this sort of which the intent can not be easily and satisfactorily proven, and why, in order to embrace some mythical man, should we trespass upon the domain which has hitherto been held sacred to free speech and free action?

Mr. FALL. Mr. President, I certainly did not intend to take up any further time of the Senate in discussing this matter. However, I feel so strongly on the question of this proposed amendment that I can not refrain from offering one or two words further about it.

In my judgment, it absolutely weakens the entire effect as I understand the proposed effect of the legislation itself. This country is on fire practically. As the President of the United States said at one time before we declared war, the world is on fire and the cinders and sparks are falling all around. That is peculiarly true of the conditions existing in this country. We can not disguise from ourselves the fact that we are not a homogeneous people; that there are 30,000,000 people of foreign birth of the first generation or naturalized citizens among us, and that a large number of them, at least 10,000,000 of that 30,000,000, if not in sympathy with our opponents yet must necessarily be to some extent affected by the fact that they are of the blood of the central powers.

Now, those are the conditions existing. In every State in the Union practically we have to meet those conditions. In some of the States of the Union those conditions are very much more critical and serious than they are in others. Any reckless statement the ordinary effect of which would be to cause the act to be perpertrated which this bill seeks to punish, any reckless statement made with no deliberation whatsoever, should be punished in some way. That is my deliberate judgment. I think that you very materially weaken, that you do not recognize the effect of, your action in inserting the word "willfully" with reference to this proposed language, "willfully uttered." Naturally it will be construed, whenever a court meets the proposition upon the application of some shrewd attorney making a technical defense of the guilty party, and the court will instruct as to what the word "willful" means.

The word "willfully," which you have put in here, means that these utterances must have been made with some measure of care and deliberation; that they must have been uttered not simply as the utterance of a moment, but that they must have been thought over; that there must have been some previous design upon the part of the party uttering the words, as the word "willfully" in the statute naturally imports some such design. The consequence is you are going to have a charge upon the definition of the word "willful" submitted to the jury, though the effect of the language may have been to cast contumely or contempt upon the Government of the United States, the Constitution of the United States, the uniforms of the soldiers of the United States. That may be admitted by every word of evidence; the defendant himself may admit that he knows that that was the effect of the language; but before the jury is justified in finding him guilty they must find that his language which had that effect was uttered with some degree of deliberation, and had some more or less thought given to the subject.

Again, you put in this act a provision that he must have uttered it not only after thought and after deliberation, but that he must have uttered it with the intent. Sir, in the inflamed condition of public sentiment in certain districts in the United States the greatest injury that can possibly be done, in my judgment, may be carelessly and recklessly done by usually the most thoughtful man or the most prominent man in the community.

I would prohibit the use of careless or reckless language the ordinary effect of which would be, in the minds of the jury, to bring about riot or trouble upon the one hand or to cast contumely or reflection or contempt upon the uniform of the man who is fighting our battles in Europe, on the other hand.

I think that you are emasculating this clause and you are going back to exactly the condition which we are now confronted with in every State in the Union. You are undertaking to pass a law which will furnish quibbling for attorneys and put in the statute words which must be passed upon for the liberation of the offender. Those are the conditions which we must confront.

I am just as sincere in regard to the view of those who insist that the difference between the word "calculated" and the word "intended" is merely a matter of tweedledum and tweedledee. The careless enactment of a statute of this kind upon the theory that there is no difference in the use of one or two different words is exactly what causes in times of peace the people of the country to believe that courts do not do justice; that they can not get a case tried; that the legislature or the Congress, as the case may be, throws so many technical defenses around an action that justice can not be done.

I tell you, Senators, in my judgment, you had best provide here a method through which the people of the United States can understand that immediate justice can be done to those offenders, or else they will hang them by the neck until they are dead or will tar and feather them and run them out of their respective communities. This is my deliberate judgment, and I am going to vote against the proposed amendment, just as I opposed with my vote the proposition to put "willfully" into the statute.

Mr. STERLING. Mr. President, as following the remarks of the Senator from New Mexico [Mr. FALL] I should like to quote the language used by the governor of Montana at the meeting of governors here a few days ago, in which he said:

> The greatest criticism heard is against the timorous attitude of the National Government toward treason.

And then the statements of Govs. Manning, of South Carolina, and Milliken, of Maine, in which they—

> warned that unless drastic steps were taken soon, mob violence was to be expected.

That is in line, as I read it, with what the Senator from New Mexico has just said in regard to this matter.

Mr. SMITH of Arizona. Mr. President, I shall not postpone the vote more than a minute. I ask Senators to stop to think a minute and look at the condition of things in this country. I

was impressed by the statement of the Senator from New Mexico [Mr. FALL] of the varied and variegated population of this country. On the one side there is absolute loyalty. There is not one loyal citizen of America who could ever be held under the provisions of this bill whether you adopt the amendment of the Senator from Idaho [Mr. BORAH] or do not adopt it. There are hundreds of crimes where no intent is alleged. What is the necessity to allege an intent to murder or an intent to kill by firing off a Winchester rifle on the crowded street of a city? The crime is in doing it whether people were killed or not killed.

Mr. FALL. The illustration which the Senator is making emphasizes the fact that the crime, as the law charges, is in doing it carelessly.

Mr. SMITH of Arizona. Yes, sir; they do not need any intent; even doing it carelessly, as the Senator suggests, as walking up the street and handling a pistol in a careless manner. The intent has nothing to do with that crime. There are many other crimes we can think of where there is no need to say that any intent was involved.

But there is a crime against this country, a disloyal person doing the things denounced in this bill—and why do we say here, as the Senator so ably suggested, that we must throw around everyone who is guilty the proof before a jury of the intent? You know and every other man who has served, as the Senator has, so ably on the bench, and as I served so unably as prosecutor for several years of my life and for many years engaged in defense in actions, I want nothing better than to say "You will make me prove your intent," and I can show the man of such insignificant purpose, so little read that he did not know what the result would be; that he did not intend to stir up this crowd that was standing around him. I have got to go to the question of proving the intent instead of punishing him for the commission of crime. We should not throw around this bill measures of protection in the fear that the United States is going to run amuck, that it is going to punish loyal American citizens for a mere criticism of the President, a criticism of any one thing that anybody does. There is no American jury in the world that will not preserve the right of every loyal citizen in any criticism he wants to make. There is no doubt about that. But see this insistence that we shall throw protection around crime, treason to our country, if you please, by proof of what the person intended to result from his act. It seems to me that we are merely quibbling with a question in this hour that ought to hold us pretty strongly to the fact of seeing that no man in America is shot in the back, and that our great efforts to win this war shall not be weakened by hedging about every violator of the common rules, the decencies, and the common sense of what a patriotic citizen ought to do; questions of the intent that he deliberated, as the Senator says, and came to the conclusion after a long time that this was the best possible way to hurt America or to help Germany. That thing we want to avoid if we can. I thoroughly agree with the patriotic and luminous statement made by the Senator from New Mexico in that regard.

Mr. LODGE. Mr. President, of course my knowledge of the law is very slight compared to that of the Senator from New Mexico [Mr. FALL] or the Senator from Arizona [Mr. SMITH], but I had thought always that intent had something to do with establishing the degree in a murder case. There are various degrees in a charge of murder, and I thought that intent had something to do with it. That, however, is a mere passing reflection. Here we are proposing to make an offense remarks against our Constitution and form of government; and in our zeal we are running the risk of destroying not only the form but the very essence of free government.

Mr. President, I have become a little weary of having Senators get up here and say to those of us who happen to think a word had better be changed, and that we had better retain the usual protection of intent, that Senators who favor that course are trying to shelter treason.

Mr. SMITH of Arizona. Does the Senator mean that I made any such suggestion?

Mr. LODGE. The Senator made precisely that statement.

Mr. SMITH of Arizona. I should like to answer the Senator.

Mr. LODGE. He said we were trying to shelter treason.

Mr. SMITH of Arizona. I should like to answer the Senator when he shall have concluded.

Mr. LODGE. At least I understood the Senator to say so; and I think the RECORD will show it.

Mr. SMITH of Arizona. That I said what?

Mr. LODGE. That the Senators who were supporting the use of the word "intended," instead of the word "calculated," were trying to shelter treason.

Mr. SMITH of Arizona. On the contrary, I never made any such statement. If I did, I do not understand my own language. I never made even a suggestion of that kind.

Mr. LODGE. I am very glad the Senator did not.

Mr. SMITH of Arizona. I never dreamed of saying that.

Mr. LODGE. I sat here listening, and I thought the Senator did say so.

Mr. SMITH of Arizona. I never dreamed of saying, as the Senator from Massachusetts ought to know, that any Senator on this floor would for one minute intentionally favor protecting treason in this country. On the contrary, I was simply trying to show to the Senate that when we got into a trial of such a case as would arise under this proposed law, if in framing it we threw about offenders all the safeguards which are attempted to be thrown around the defendant in the trial of a case of murder in a State under ordinary conditions, we would open a vast field of defense to any ingenious defender of a criminal on the ground of requiring to be proved not only his intent but his deliberate purpose and intent to do something to injure the United States. I said that under that kind of a provision very likely those absolutely guilty of treason might escape. Certainly I did not, as the Senator from Massachusetts must know, intimate that any Senator in this body or any other genuine American ever had an idea of throwing the least protection around anybody who exhibited the least infidelity to the Government in the prosecution of this war or want of sympathy with our ultimate victory.

Mr. LODGE. I am glad to hear the Senator's explanation. I do not think there is anybody who feels more strongly in regard to any expression of sympathy with Germany than do I, and I have felt so from the time before we entered the war; but I do think, Mr. President, that it is important in passing legislation of this kind—with which I have entire sympathy; and I wish to see such offenses put down—that we should guard the legislation so that it will not be used as a means of persecuting loyal and innocent men.

I do not think the word "intend" is a very serious protection. We have got it in this bill no less than three times. Proof of the intent is required in the case of any person who interferes with the military operations of the Government; it is necessary to show intent in the case of obstructing the liberty loan; it is necessary to show intent, according to this very bill, in the case of advocating the curtailment of production; and yet it is proposed to abandon such defense as the use of the word "intended" may afford—I do not think it is a very great protection—in connection with a prosecution for what may be a hasty remark or what may be an unconsidered speech in a moment of excitement, or what may be perfectly ligitimate and proper criticism. I think it is a very slight protection to give, and one that ought to be given.

In our zeal to punish these crimes we do not wish to run the risk of injuring innocent men and injuring respect for the law or breaking down the Constitution of the United States by law when we are proclaiming punishment for those who speak contemptuously of it.

Mr. POINDEXTER. Mr. President, just one word. I agree entirely with what the Senator from Arizona [Mr. SMITH] has just stated, and I think it may simplify the exact question that is before the Senate by admitting that men may with good intentions favor the German cause in the manner stated in this bill. The question is whether we are going to allow that. That is the exact question before the Senate. Senators may differ in opinion as to whether or not a man, even though with good intentions, should be allowed to go out and make the remarks or do the things specified in this bill. I think that public policy, on the grounds stated by the Senator from Arizona and the Senator from New Mexico, justifies the Senate in making it unlawful, even though the intention is good.

Mr. CUMMINS. Mr. President——

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

Mr. POINDEXTER. In just a moment I shall yield to the Senator from Iowa.

To answer another question that was made, it has been suggested that it makes no material difference if we put the word "intended" into the act. It is said that the intent will be presumed as a matter of law from the natural consequences of the act. That may be true in a certain class of cases; it might be true in some cases of this kind; but it is also true—and the Senator from Arizona, with his experience as a prosecuting attorney, and I can sympathize with him in that, because I have wrestled a good deal myself with those difficulties—that it is always open to the defendant to prove that he did not intend it; it is always open to the defendant to rebut the presumption

that he intended to commit the offense charged. So in the cases which are covered by this bill, if it be said that it is presumed that the intent existed, then he could come into court at any time and rebut it by swearing that he did not intend the consequences alleged and go scot free.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Idaho, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN], who is necessarily absent. I am released from my pair with the Senator from Connecticut as to my vote on the amendments to this bill. I therefore will take the liberty of voting. I vote "nay."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from California [Mr. PHELAN] and vote "yea."

Mr. TILLMAN (when his name was called). Transferring my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. BROUSSARD], I vote "nay."

Mr. WILLIAMS (when his name was called). I understand the Senator from Pennsylvania [Mr. PENROSE], with whom I have a pair, has not voted. That being the case, I transfer my pair to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

The roll call was concluded.

Mr. FRELINGHUYSEN. I have a general pair with the junior Senator from Montana [Mr. WALSH], which I transfer to the junior Senator from California [Mr. JOHNSON] and vote "yea."

Mr. CALDER (after having voted in the affirmative). I have a general pair with the junior Senator from Rhode Island [Mr. GERRY]. I transfer that pair to the junior Senator from Iowa [Mr. KENYON] and permit my vote to stand.

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and will allow my vote to stand.

Mr. JAMES (after having voted in the negative). I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Ohio [Mr. POMERENE] and allow my vote to stand.

Mr. STERLING (after having voted in the negative). I inquire if the Senator from South Carolina [Mr. SMITH] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. STERLING. I transfer my pair with that Senator to the Senator from Michigan [Mr. TOWNSEND] and allow my vote to stand.

Mr. JONES of Washington. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is absent in connection with the liberty-bond campaign.

Mr. SAULSBURY. I desire to announce that the Senator from Ohio [Mr. POMERENE] is necessarily detained on important public business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT]; and

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Alabama [Mr. BANKHEAD].

The result was announced—yeas 34, nays 28, not voting 33, as follows:

YEAS—34.

Baird	Gallinger	McCumber	Smith, Ga.
Borah	Gore	McKellar	Smoot
Calder	Hale	McNary	Stone
Chamberlain	Hardwick	New	Sutherland
Colt	Hitchcock	Norris	Thomas
Cummins	Kellogg	Reed	Vardaman
Curtis	King	Shafroth	Warren
France	Lewis	Sherman	
Frelinghuysen	Lodge	Shields	

NAYS—28.

Ashurst	Jones, N. Mex.	Pittman	Smith, Ariz.
Beckham	Jones, Wash.	Poindexter	Sterling
Fall	Kirby	Ransdell	Swanson
Fletcher	Martin	Robinson	Thompson
Henderson	Myers	Saulsbury	Tillman
Hollis	Nugent	Sheppard	Trammell
James	Overman	Simmons	Williams

NOT VOTING—33.

Bankhead	Harding	Owen	Underwood
Brandegee	Johnson, Cal.	Page	Wadsworth
Broussard	Johnson, S. Dak.	Penrose	Walsh
Culberson	Kendrick	Phelan	Watson
Dillingham	Kenyon	Pomerene	Weeks
Fernald	Knox	Smith, Md.	Wolcott
Gerry	La Follette	Smith, Mich.	
Goff	McLean	Smith, S. C.	
Gronna	Nelson	Townsend	

So Mr. BORAH's amendment was agreed to.

Mr. MYERS. Mr. President, there was considerable said on the floor of the Senate on Saturday about a bill on this subject and having the same object as the pending committee amendment, which I introduced last August, and there was more said about it to-day. An editorial with reference to it, from the New York American, was to-day incorporated in the RECORD.

The bill which I introduced last August, having the same object in view as the committee amendment to the pending bill, and using in large part the same identical language, appears to have fallen under the condemnation of the New York American and of Mr. Roosevelt. The condemnation of the New York American is shown by the editorial which was put into the RECORD this afternoon; and in the Washington Post of this morning I notice that, in explaining the charge which was made against Mr. Roosevelt here Saturday of having misstated the facts in regard to the proposed legislation before the Senate, Mr. Roosevelt says he has discovered that he had in mind the bill which I introduced on the same subject last October, which he thought was before the Senate, instead of the pending measure, and that I am to blame, to use his own words. He uses those words and says the blame, whatever "blame" he may have in mind, rests upon me. Now, that is the first time I ever heard of a legislator being blamed for introducing in a legislative body a bill to suppress treason and disloyalty. If there is any blame in that, I am quite willing to take it. Mr. Roosevelt has blamed this administration, its officials and representatives, from the President down, for nearly everything they have done since we entered into this war; therefore, I have at least been placed in good company.

I want to say a few words about a very slight difference between the committee amendment to the pending bill and the bill on the same subject which I introduced last August, the two being in large part identical. The bill which I introduced last August embodies language which is embodied in this bill and, in addition, simply includes the words "the President of the United States." My bill includes the President of the United States as one of the objects about which disloyal, profane, scurrilous, contemptuous, or abusive language should not be used in time of war.

The committee amendment to the pending bill provides that in time of war it is unlawful to use "any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States." My bill used that same language, and simply added "or the President of the United States."

The criticism that has been directed at my bill by those who find fault with it and blame me for it asserts that under that bill criticism of the President of the United States would not be permitted. There is no ground for any such assertion. I contend that nobody can seriously assert that the provision in the committee amendment before us, which forbids the use of disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States and other objects there enumerated forbids criticism of the form of government of the United States, or forbids criticism of the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, and so forth. If it does not prevent criticism, legitimate and decent criticism, of the form of government of the United States, the Constitution of the United States, or the flag of the United States, then if the words "the President of the United States" were in there, it would not prevent criticism of the President of the United States. If the terms of the committee amendment are not such as to forbid any decent and legitimate criticism of the objects mentioned therein, then they would not prevent criticism of the President of the United States. All would be on the same footing. I believe when we are engaged in war that anybody who uses vile, opprobrious, or offensive epithets about the President of the United States, the Commander in Chief of our Army and Navy, ought to be punished as an enemy of the country. I do not mean criticism. I mean vile, profane, scurrilous, abusive language. Criticism is one thing; vile, scurrilous abuse is another. The President of the United States is the Commander in Chief of the

Army and Navy, and I believe that it is just as offensive and disloyal to use scurrilous, contemptuous, abusive, profane, or disloyal language about the President of the United States, the Commander in Chief of the Army and Navy, in time of war as it is to use the same kind of language about our form of government, the Constitution, the flag, or the soldiers and sailors of the country. It would be a strange law, indeed, that would prohibit such language about the soldiers and sailors of the country in time of war and permit it to be used at the same time about the Commander in Chief of the Army and Navy.

The bill before us is not intended to prevent any temperate or legitimate criticism of the form of government of the United States, or the Constitution of the United States, or the flag of the United States, or the soldiers or sailors of the United States, and the bill which I introduced, and which some outside of this body seem to think censurable, was not intended to prevent criticism of the President of the United States, nor would it. Here is what it was aimed at, in making reference to the President of the United States. I read from the Washington Post of this morning the following:

MEMPHIS, TENN., *April 7.*

Federal officials were called on by local officers last night to protect O. L. Agnew, a cotton-press watchman, from mob violence.

During the liberty-loan parade Agnew is said to have cursed President Wilson, Gen. Pershing, and Red Cross workers.

Think of that, please! In time of war, when a liberty-loan parade is in progress, a man publicly curses the President of the United States, the Commander in Chief of our Army and Navy, and no law to punish such vile and reprehensible, such disloyal, utterances! Yet I am criticized and blamed because I introduced in Congress a bill to punish such loathsome conduct. I say there is need of such a law.

I say that when we are engaged in war, and a liberty-loan parade is in progress, a man who curses the Red Cross workers, Gen. Pershing, the form of government of the United States, the Constitution of the United States, the flag of the United States, the soldiers or sailors of the United States, or the President of the United States ought to be severely punished. That was my idea in including in the inhibitions of my bill, from which this is largely taken, the President of the United States. Of course, all reference to the President of the United States was eliminated by the committee in its amendment, and we now simply have the provisions forbidding disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States. While I think it would have been better if the words "President of the United States" had been left in, since they have been eliminated I think, nevertheless, the committee amendment which we have before us should be adopted and that the bill so amended should be enacted with the inhibitions contained. They are needed. I heartily favor them.

Mr. JAMES. Mr. President, is it true that as the bill is now a citizen is forbidden to curse the Army and Navy but he can curse the Commander in Chief of the Army and Navy?

Mr. MYERS. That is the exact anomaly, strange to say. That is the condition of the bill before us, as it is now worded, and that is why I say I believe it would be a better bill if the words "the President of the United States" were in there if those words had not been eliminated by the committee from the language apparently taken from my bill; but I would rather have the bill as it is than no bill at all on the subject. There is urgent, crying need for this legislation, whether or not it may contain reference to the President. I am for the bill, heartily and earnestly, for every provision, every clause, of it, and I hope it may be speedily enacted.

Mr. GALLINGER. I offer an amendment in the nature of a substitute for the bill, which I ask to have printed and lie on the table.

The PRESIDING OFFICER. That order will be taken.

Mr. JONES of New Mexico. Mr. President, I have an amendment to the pending measure which I think the Senator in charge of the bill will accept. I ask that it be read from the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 21, on page 3——

Mr. OVERMAN. Mr. President, the amendment is not in order now, as I understand.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from New Mexico to the fact that the amendment is not now in order, because the committee amendments are being considered.

Mr. JONES of New Mexico. I understood that we had disposed of the committee amendments.

The PRESIDING OFFICER. There remain some undisposed of. The amendment of the Senator from New Mexico will be printed and lie on the table.

Mr. JONES of New Mexico. I ask that it may be read.

The PRESIDING OFFICER. The Secretary will read the amendment for the information of the Senate.

The SECRETARY. After line 21, on page 3, it is proposed to insert a paragraph, as follows:

Any employee or official of the United States Government who commits any disloyal act or utters any unpatriotic or disloyal language, or who, in an abusive and violent manner, criticizes the Army or Navy or the flag of the United States, shall be at once dismissed from the service. Any such employee shall be dismissed by the head of the department in which the employee may be engaged, and any such official shall be dismissed by the authority having power to appoint a successor to the dismissed official.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

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. OVERMAN. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock p. m., Monday, April 8, 1918) the Senate took a recess until to-morrow, Tuesday, April 9, 1918, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate April 6, 1918.

[Omitted from the RECORD of April 6, 1918.]

ASSISTANT SECRETARIES OF WAR.

Edward R. Stettinius, of New York, to be Second Assistant Secretary of War.

Frederick Paul Keppel, of New York, to be Third Assistant Secretary of War.

APPOINTMENTS IN THE ARMY.

CHAPLAIN.

Rev. John Raymond O'Mahoney, of South Dakota, to be chaplain, with rank of first lieutenant from March 29, 1918.

MEDICAL CORPS.

To be first lieutenants.

First Lieut. Joseph Francis Bredeck, Medical Reserve Corps, from March 23, 1918.

First Lieut. James Loving Hamner, Medical Reserve Corps, from March 23, 1918.

First Lieut. William Bell Foster, jr., Medical Reserve Corps, from March 24, 1918.

First Lieut. Meredith Mallory, Medical Reserve Corps, from March 24, 1918.

First Lieut. Joseph William Garrett, Medical Reserve Corps, from March 25, 1918.

First Lieut. Charles Chester Dickinson, Medical Reserve Corps, from March 25, 1918.

First Lieut. Harold Ward Stone, Medical Reserve Corps, from March 26, 1918.

First Lieut. William Ralph Campbell, Medical Reserve Corps, from March 26, 1918.

First Lieut. Gregory Everett Stanbro, Medical Reserve Corps, from March 27, 1918.

First Lieut. Howard Paul Blake, Medical Reserve Corps, from March 28, 1918.

First Lieut. George Leslie Dailey, Medical Reserve Corps, from March 29, 1918.

First Lieut. Harry Justin Felch, Medical Reserve Corps, from March 30, 1918.

TEMPORARY PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be first lieutenants with rank from January 26, 1918.

Second Lieut. Graham T. Winslow, Cavalry.

Second Lieut. Edward B. Harry, Cavalry.

Second Lieut. Herbert D. Bowman, Cavalry.

Second Lieut. Albert G. Klapp, Cavalry.

To be first lieutenant with rank from February 1, 1918.

Second Lieut. Fred P. Clark, Cavalry.

To be first lieutenants with rank from February 4, 1918.

Second Lieut. Edward A. Titcomb, Cavalry.

Second Lieut. Henry C. Tatnall, Cavalry.

To be first lieutenants with rank from February 5, 1918.

Second Lieut. Harry L. Jones, Cavalry.
Second Lieut. John W. Middendorf, jr., Cavalry.

To be first lieutenants with rank from February 6, 1918.

Second Lieut. Calvin R. MacGillivray, Cavalry.
Second Lieut. George S. Clarke, Cavalry.

To be first lieutenants with rank from February 7, 1918.

Second Lieut. Harold P. Stewart, Cavalry.
Second Lieut. Harold Lalt. K. Albro, Cavalry.

To be first lieutenant with rank from February 14, 1918.

Second Lieut. Ward H. Porter, Cavalry.

To be first lieutenant with rank from February 16, 1918.

Second Lieut. Elias Lyman, jr., Cavalry.

PROVISIONAL APPOINTMENT IN THE ARMY.

CAVALRY ARM.

To be second lieutenants.

Second Lieut. Cecil Marryat Boycott, Officers' Reserve Corps.
Second Lieut. Thomas Henry Dugan, jr., Officers' Reserve Corps.
Second Lieut. Harry Hope Fenley, Officers' Reserve Corps.
Second Lieut. William Joseph Egan, Officers' Reserve Corps.
Second Lieut Redding Francis Perry, Officers' Reserve Corps.
Second Lieut. Marcellus Lowry Stockton, jr., Officers' Reserve Corps.
Second Lieut. Lawrence Patterson, Officers' Reserve Corps.
Second Lieut. Blaine Bee Wallace, Officers' Reserve Corps.
Second Lieut. Samuel Gibson Stewart, Officers' Reserve Corps.
Second Lieut. Charles Howard Espy, Officers' Reserve Corps.
Second Lieut. Warren Henry McNaught, Officers' Reserve Corps.
Second Lieut. Gregory Eflin Sawyer, Officers' Reserve Corps.
Second Lieut. Herbert Naugle Odell, Officers' Reserve Corps.
Second Lieut. Frederic Holdrege Bontecou, Officers' Reserve Corps.
Second Lieut. Roy Edson Craig, Officers' Reserve Corps.
Second Lieut. Frederick Albert Vietor, Officers' Reserve Corps.
Second Lieut. Ralph Damon Dolsen, Officers' Reserve Corps.
Second Lieut. Early Edward Walters Duncan, Officers' Reserve Corps.
Second Lieut. Edward Marple Daniels, Officers' Reserve Corps.
Second Lieut. Paul Evert, Officers' Reserve Corps.
Second Lieut. Philip Richard Upton, Officers' Reserve Corps.
Second Lieut. William Golay Boatright, Officers' Reserve Corps.
Second Lieut. Winfield Chapple Scott, Officers' Reserve Corps.
First Lieut. Theodore Keller Rothermund, Officers' Reserve Corps.
Second Lieut. George Edward Heidenreich, Officers' Reserve Corps.
Second Lieut. Clinton Montross Burbank, Officers' Reserve Corps.
Second Lieut. Ray Duff Willson, Officers' Reserve Corps.
Second Lieut. Donald Thomas Nelson, Officers' Reserve Corps.
Second Lieut. Chevy Chase, Officers' Reserve Corps.
Second Lieut. David Lewis Jones, Officers' Reserve Corps.
Second Lieut. Gilbert Davison Johnson, Officers' Reserve Corps.
Second Lieut. Chester Lawrence Conlon, Officers' Reserve Corps.
Second Lieut. Cleon Barnes Warren, Officers' Reserve Corps.
Second Lieut. Leo Thomas McMahon, Officers' Reserve Corps.
Second Lieut. Andrew Wylie, Officers' Reserve Corps.
Second Lieut. Marcus Gunn, Officers' Reserve Corps.
Second Lieut. William McCord Peeples, Officers' Reserve Corps.
Second Lieut. John Paul Prosper Eckert, Officers' Reserve Corps.
Second Lieut. Phillip Bassett Shotwell, Officers' Reserve Corps.
Second Lieut. Harold Moorman Collins, Officers' Reserve Corps.
Second Lieut. Nathaniel Wheeler, Officers' Reserve Corps.
Second Lieut. Richard Relf, Officers' Reserve Corps.
Second Lieut. George Sherwood Richardson, Officers' Reserve Corps.
Second Lieut. Ralph Eugene Ireland, Officers' Reserve Corps.
Second Lieut. Bryan Llewellyn Davis, Officers' Reserve Corps.
Second Lieut. William Stewart Cannon, Officers' Reserve Corps.
Second Lieut. William Taylor Myers, Officers' Reserve Corps.
Second Lieut. Eugene James Kelly, Officers' Reserve Corps.
Second Lieut. Emerald Clark Robbins, Officers' Reserve Corps.

FIELD ARTILLERY.

To be second lieutenants.

Second Lieut. Benson Glenwood Scott, Officers' Reserve Corps.
Second Lieut. Ralph Hirsch, Officers' Reserve Corps.
Second Lieut. Robert Sickels, Officers' Reserve Corps.
Second Lieut. David Barton Kinne, jr., Officers' Reserve Corps.
Second Lieut. Robert Victor Maraist, Officers' Reserve Corps.
Second Lieut. Nathan Warner Gillette, Officers' Reserve Corps.
Second Lieut. Edwin Stewart Brewster, jr., Officers' Reserve Corps.
Second Lieut. Paul Ryrie Scott, Officers' Reserve Corps.
Second Lieut. Melvin Lewis Craig, Officers' Reserve Corps.
Second Lieut. Earl Gordon Wagner, Officers' Reserve Corps.
Second Lieut. Joseph Clifford Robbers, Officers' Reserve Corps.
Second Lieut. Blagden Manning, Officers' Reserve Corps.
Second Lieut. Don Castles Kreger, Officers' Reserve Corps.
Second Lieut. Laurence W. Boothe, Officers' Reserve Corps.
Second Lieut. Samuel Arrington Palmer, Officers' Reserve Corps.
Second Lieut. Harold Kondolf, Officers' Reserve Corps.
Second Lieut. Jay Williams Sechler, Officers' Reserve Corps.
Second Lieut. John Campbell Moses, Officers' Reserve Corps.
Second Lieut. John Craig Miller, jr., Officers' Reserve Corps.
Capt. Walter Arthur Metts, jr., Officers' Reserve Corps.
Second Lieut. John Edwards Stryker, jr., Officers' Reserve Corps.
Second Lieut. Morgan Foshee Simmons, Officers' Reserve Corps.
Second Lieut. Russell Lagrange Jolley, Officers' Reserve Corps.
Second Lieut. Frank Camm, Officers' Reserve Corps.
Second Lieut. Robert Benjamin Frantz, Officers' Reserve Corps.
Second Lieut. George Raymond Bell, Officers' Reserve Corps.
Second Lieut. Leonard Harrison Frasier, Officers' Reserve Corps.
Second Lieut. Samuel Lomax Hassell, jr., Officers' Reserve Corps.
Second Lieut. Clifford B. Cole, Officers' Reserve Corps.
Second Lieut. Arthur Pope Shepard, Officers' Reserve Corps.
Second Lieut. John Swope Burrell, Officers' Reserve Corps.
Second Lieut. Charles Kemper Dunn, Officers' Reserve Corps.
Second Lieut. Richardson Lester Greene, Officers' Reserve Corps.

INFANTRY ARM.

To be second lieutenants.

Paul Ward Beck, jr., of California.
Second Lieut. Hiram Wendell Tarkington, Officers' Reserve Corps.
Second Lieut. Luke Witt Loftus, Officers' Reserve Corps.
Second Lieut. John Core Duffy, Officers' Reserve Corps.
Second Lieut. Douglas Osborne Mead, Officers' Reserve Corps.
Second Lieut. Charles Arthur Wagner, jr., Officers' Reserve Corps.
Second Lieut. Talley Dozier Joiner, Officers' Reserve Corps.
Second Lieut. Earl Russell Fretz, Officers' Reserve Corps.
Second Lieut. Charles Harold Turner, Officers' Reserve Corps.
Second Lieut. Franklin Joseph Peck, Officers' Reserve Corps.
Second Lieut. Clarence Matthew Tomlinson, Officers' Reserve Corps.
Second Lieut. Lester Hardee Barnhill, Officers' Reserve Corps.
Second Lieut. Francis Youlden Cowle, Officers' Reserve Corps.
Second Lieut. Chester Wyatt Buchanan, Officers' Reserve Corps.
Second Lieut. Sterner St. Paul Meek, Officers' Reserve Corps.
Second Lieut. Stuart Hughes Smythe, Officers' Reserve Corps.
Second Lieut. David Barrett Head, Officers' Reserve Corps.
Second Lieut. Robert Matthews Burr, Officers' Reserve Corps.
Second Lieut. Julian Vance Link, Officers' Reserve Corps.
Second Lieut. Kenneth Clark Johnson, Officers' Reserve Corps.
Second Lieut. Forbes Rickard, jr., Officers' Reserve Corps.
Second Lieut. Joseph Jenkins Cornish, Officers' Reserve Corps.
Second Lieut. Ralph W. Neelands, Officers' Reserve Corps.
Second Lieut. Ralph Wagner Shepherd, Officers' Reserve Corps.
Second Lieut. Elbert Arcularius Nostrand, Officers' Reserve Corps.
Second Lieut. William Frederick Williams, jr., Officers' Reserve Corps.
Second Lieut. Hervey Aldrich Tribolet, Officers' Reserve Corps.
Second Lieut. Robert Brooks Ennis, Officers' Reserve Corps.

Second Lieut. Leo Joseph Hagerty, Officers' Reserve Corps.
Second Lieut. Levie Wilson Foy, Officers' Reserve Corps.
Second Lieut. James Hereford McGinnis, Officers' Reserve Corps.
Second Lieut. John Thomas Hains, Officers' Reserve Corps.
Second Lieut. Wilbur Henry Vinson, Officers' Reserve Corps.
Second Lieut. John Cord Blizzard, jr., Officers' Reserve Corps.
Second Lieut. Leon Simon Oppenheimer, Officers' Reserve Corps.
Second Lieut. Robert Harris McFarlane, Officers' Reserve Corps.
Second Lieut. Howard Clark, jr., Officers' Reserve Corps.
Second Lieut. Adrian Barton Drake de Kay, Officers' Reserve Corps.
Second Lieut. William Martin Means, Officers' Reserve Corps.
Second Lieut. Henry Ellis Bacon, Officers' Reserve Corps.
Second Lieut. Thomas Edward Clark, Officers' Reserve Corps.
Second Lieut. Jesse Switzer Ogden, Officers' Reserve Corps.
Second Lieut. Efton Murrel James, Officers' Reserve Corps.
Second Lieut. Arnold L. Gralapp, Officers' Reserve Corps.
Second Lieut. Thomas Linton Urquhart, Officers' Reserve Corps.
Second Lieut. Ronald Patten Wildes, Officers' Reserve Corps.
Second Lieut. Earl Bryan Mathews, Officers' Reserve Corps.
Second Lieut. David M. Fisher, Officers' Reserve Corps.
Second Lieut. Robert Ignatius Stack, Officers' Reserve Corps.
Second Lieut. Paul Wilbur Warren, Officers' Reserve Corps.
Second Lieut. John Huling, jr., Officers' Reserve Corps.
Second Lieut. Paul Sherman Strickland, Officers' Reserve Corps.
Second Lieut. Harvey Chaplain Bounds, Officers' Reserve Corps.
Second Lieut. David Aston Turner, Officers' Reserve Corps.
Second Lieut. William Hamilton Russell, Officers' Reserve Corps.
Second Lieut. Paul Augustas Reinke, Officers' Reserve Corps.
Second Lieut. Orryl Samuel Robles, Officers' Reserve Corps.
Second Lieut. Walter Headden Ogden, Officers' Reserve Corps.
Second Lieut. Horatio Ward Wells, Officers' Reserve Corps.
Second Lieut. Ralph Hipple Dean, Officers' Reserve Corps.
Second Lieut. Horace Kelita Heath, Officers' Reserve Corps.
Second Lieut. Maurice Embry Gibson, Officers' Reserve Corps.
Second Lieut. Harry Russell Evans, Officers' Reserve Corps.
Second Lieut. Robert Golden Carter, Officers' Reserve Corps.
Second Lieut. Bartholomew Robins De Graff, Officers' Reserve Corps.
Second Lieut. George La Franc O'Connor, Officers' Reserve Corps.
First Lieut. Harold Napoleon Gilbert, National Army.
Second Lieut. Charles Eugene Rust, Officers' Reserve Corps.
Second Lieut. Jay Johnson Morrow Scandrett, Officers' Reserve Corps.
Second Lieut. Monroe Heath, Officers' Reserve Corps.
Second Lieut. Joseph Bryan Thompson, jr., Officers' Reserve Corps.
Second Lieut. Fred George Coffield, Officers' Reserve Corps.
Second Lieut. Wilbert Christian Hendricks, Officers' Reserve Corps.
Second Lieut. Isaac Schechter, Officers' Reserve Corps.
Second Lieut. William Albert Collier, Officers' Reserve Corps.
Second Lieut. Walter Scott Huxford, Officers' Reserve Corps.
Second Lieut. John Hanlon Atkinson, Officers' Reserve Corps.
Second Lieut. James Hunter Martin, Officers' Reserve Corps.
First Lieut. Archibald Miles Mixson, Officers' Reserve Corps.
Second Lieut. Paul Wesley Sherman, Officers' Reserve Corps.
Second Lieut. Albert Gresham Wing, Officers' Reserve Corps.
Second Lieut. William Fred Rehm, Officers' Reserve Corps.
Second Lieut. Edward Nicholson Fay, Officers' Reserve Corps.
Second Lieut, Ralph Ellsworth Ladue, Officers' Reserve Corps.
Second Lieut. Edward Watson Kelley, Officers' Reserve Corps.
Second Lieut. Harry Charles Crowl, Officers' Reserve Corps.
Second Lieut. John Franklin Lancaster, jr., Officers' Reserve Corps.
Second Lieut. Claude Delorum Collins, Officers' Reserve Corps.
Second Lieut. David Beckwith Miller, Officers' Reserve Corps.
Second Lieut. Thomas Graves Cherry, Officers' Reserve Corps.
Second Lieut. Paul Taylor Funkhouser, Officers' Reserve Corps.
Second Lieut. Roger William Sanders, Officers' Reserve Corps.
Second Lieut. Arthur Tinker, Officers Reserve Corps.
Second Lieut. Louis William Seggel, Officers' Reserve Corps.
Second Lieut. Wallace Williams, Officers' Reserve Corps.
Second Lieut. George Clarence Nielsen, Officers' Reserve Corps.
Second Lieut. Raymond Greenleaf Sherman, Officers' Reserve Corps.
Second Lieut. Robert William Blessing, Officers' Reserve Corps.
Second Lieut. Burdette Garrison, Officers' Reserve Corps.
Second Lieut. James Alexander Miller, Officers' Reserve Corps.
Second Lieut. Errol Edgerton Crouter, Officers' Reserve Corps.
Second Lieut. Earl Campbell Horan, Officers' Reserve Corps.
First Lieut. Samuel Baker Chism, Officers' Reserve Corps.
Second Lieut. Walter Judson Ferguson, Officers' Reserve Corps.
Second Lieut. William John Henry Ryan, Officers' Reserve Corps.
Second Lieut. Coleman Ferrell Driver, Officers' Reserve Corps.
Second Lieut. Wallace William Millard, Officers' Reserve Corps.
Second Lieut. Frederick Josiah Bradlee, jr., Officers' Reserve Corps.
Second Lieut. Sherman Stiles Spear, Officers' Reserve Corps.
Second Lieut. Robert Morgan Burrowes, Officers' Reserve Corps.
Second Lieut. Walter Wellington von Gremp, Officers' Reserve Corps.
Second Lieut. Kie Doty, Officers' Reserve Corps.
Second Lieut. Charles Homer Tinsley, Officers' Reserve Corps.
Second Lieut. Harold Tyler Hayes, Officers' Reserve Corps.
Second Lieut. Leo Charles Scheibelhut, Officers' Reserve Corps.
First Lieut. Albert Elliot Holleman, Signal Corps.
Second Lieut. Clarence Wynn Duerig, Officers' Reserve Corps.
Second Lieut. George Harvey Ferguson, Officers' Reserve Corps.
Second Lieut. Joseph Hamilton Richardson, Officers' Reserve Corps.
Second Lieut. Sterling Mackay Palm, Officers' Reserve Corps.
Second Lieut. Arthur Grady Hutchinson, Officers' Reserve Corps.
Capt. Owen Greek Smith, Officers' Reserve Corps.
Second Lieut. Norman Marcus Nelsen, Officers' Reserve Corps.
Second Lieut. Harvey Lewis Littlefield, Officers' Reserve Corps.
Second Lieut. Roy Nathan Hagerty, Officers' Reserve Corps.
Second Lieut. Ronald L. Ring, Officers' Reserve Corps.
Second Lieut. Alfred Timothy Wright, Officers' Reserve Corps.
Second Lieut. John DeJarnette Faison, Officers' Reserve Corps.
Second Lieut. Albert William Selwyn Little, Officers' Reserve Corps.
Second Lieut. John Ainsworth Andrews, Officers' Reserve Corps.
Second Lieut. John Agustin McCann, Officers' Reserve Corps.
Second Lieut. Jack Bryant, Officers' Reserve Corps.
Second Lieut. George Andrew Lockhart, Officers' Reserve Corps.
Second Lieut. Robert Whitley Miller, Officers' Reserve Corps.
Second Lieut. Rumsey Lewis, Officers' Reserve Corps.
Second Lieut. Mark Milton Potter, Officers' Reserve Corps.
Second Lieut. James Julian Pirtle, Officers' Reserve Corps.
Second Lieut. Alfred Edward Dedicke, Officers' Reserve Corps.
Second Lieut. George Fredrick Macdonald, Officers' Reserve Corps.
Second Lieut. John Raymond Booth, Officers' Reserve Corps.
Second Lieut. Paul Gray Miller, Officers' Reserve Corps.
Second Lieut. James Clay Ward, Officers' Reserve Corps.
First Lieut. Ralph Burten Henning, Officers' Reserve Corps.
Second Lieut. Richard Oscar Bassett, jr., Officers' Reserve Corps.
Second Lieut. Jerome Heslen Joyce, jr., Officers' Reserve Corps.
Second Lieut. William Mead Ferris, jr., Officers' Reserve Corps.
Second Lieut. Edward Adams Mead, Officers' Reserve Corps.
Second Lieut. Frank Opper German, Officers' Reserve Corps.
Second Lieut. Harry Boissonnault, Officers' Reserve Corps.
Arnold Richard Christian Sander, of Iowa.
Second Lieut. Ceryl B. Godfrey, Officers' Reserve Corps.
Stanley Marshall Prouty, of Massachusetts.
Second Lieut. Richard Dodson Robinson, Officers' Reserve Corps.
Second Lieut. Charles Alfred Fuller, jr., Officers' Reserve Corps.
Second Lieut. Carl Alstien Foss, Officers' Reserve Corps.

Second Lieut. William Hervey Thomas, Officers' Reserve Corps.
Second Lieut. Wilbur Ellsworth Bashore, Officers' Reserve Corps.
Second Lieut. Harold Head, Officers' Reserve Corps.
Second Lieut. Alan Campbell Clark, Officers' Reserve Corps.
Second Lieut. Philip Carl Johnson, Officers' Reserve Corps.
Second Lieut. William Henry Crampton, Officers' Reserve Corps.
Second Lieut. William Walter Watson, Officers' Reserve Corps.
Second Lieut. Walter William Boon, Officers' Reserve Corps.
Second Lieut. Hugh McCord Evans, Officers' Reserve Corps.
Second Lieut. Homer Virgin Gooing, Officers' Reserve Corps.
Second Lieut. Mark Farnum, Officers' Reserve Corps.
Second Lieut. Michael Joseph Mulcahy, Officers' Reserve Corps.
Second Lieut. Harold Stokely Wright, Officers' Reserve Corps.
Second Lieut. George Merrick Hollister, Officers' Reserve Corps.
Second Lieut. Lois Chester Dill, Officers' Reserve Corps.
Second Lieut. Edward James Maloney, Officers' Reserve Corps.
Second Lieut. Wesley Houser, Officers' Reserve Corps.
Second Lieut. Richard Abram Jones, Officers' Reserve Corps.
Second Lieut. Alexander Baldwin Mitchell, Officers' Reserve Corps.
Second Lieut. William Trafford Teachout, Officers' Reserve Corps.
Second Lieut. Joseph Terry McCaddon, jr., Officers' Reserve Corps.
Second Lieut. Paul Jennings Swank, Officers' Reserve Corps.
Second Lieut. Lloyd D. Yates, Officers' Reserve Corps.
Second Lieut. Clarence O'Leary, Officers' Reserve Corps.
Second Lieut. Frank Thomas Richard, Officers' Reserve Corps.
Second Lieut. Laurence Welch Wilkin, Officers' Reserve Corps.
Second Lieut. Roy Bernhard Trelstad, Officers' Reserve Corps.
Second Lieut. Peyton James Brown, Officers' Reserve Corps.
Second Lieut. Hugh Barclay, Officers' Reserve Corps.
Second Lieut. Lawrence William Jenkinson, Officers' Reserve Corps.
Second Lieut. Wright Hackett Ross, jr., Officers' Reserve Corps.
Second Lieut. Nelson Macy Walker, Officers' Reserve Corps.
Second Lieut. James Hodges Drake, Officers' Reserve Corps.
Second Lieut. Francis Wayland Chatham, Philippine Constabulary.
Second Lieut. Charley Elkins Rogers, Officers' Reserve Corps.
Second Lieut. Henry Julius Morgan, jr., Officers' Reserve Corps.
Second Lieut. Leland Barton Aseltine, Officers' Reserve Corps.
Second Lieut. Hugh Dudley Benedict Cotton, Officers' Reserve Corps.
Second Lieut. Donald Howard Williams, Officers' Reserve Corps.
Second Lieut. Milton Brandt Goodyear, Officers' Reserve Corps.
First Lieut. Charles Downing Winchester, Officers' Reserve Corps.
Second Lieut. George David Armstrong, Officers' Reserve Corps.

PROVISIONAL APPOINTMENT, BY PROMOTION, IN THE ARMY.

INFANTRY.

Second Lieut. Archibald R. MacKechnie to be first lieutenant with rank from August 7, 1917.

PROVISIONAL APPOINTMENT, BY TRANSFER, IN THE ARMY.

Second Lieut. Veno Earl Sacre, Infantry, to be second lieutenant of Cavalry with rank from November 15, 1917.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Roland M. Comfort to be a lieutenant commander in the Navy, for temporary service, from the 21st day of March, 1918.

Lieut. (Junior Grade) Herbert W. Jackson to be a lieutenant in the Navy, for temporary service, from the 1st day of February, 1918.

Lieut. (Junior Grade) Clifton A. F. Sprague to be a lieutenant in the Navy, for temporary service, from the 8th day of March, 1918.

Lieut. (Junior Grade) Thaddeus A. Hoppe to be a lieutenant in the Navy, for temporary service, from the 21st day of March, 1918.

The following-named acting ensigns, for engineering duties only, to be lieutenants (junior grade) in the Navy, for engineering duties only, for temporary service, from the 15th day of October, 1917:

Joseph H. Currier,
Isaac J. Van Kammen, and
Ernest V. David.

Ensign Michael J. Wilkinson to be a lieutenant (junior grade) in the Navy, for temporary service, from the 1st day of January, 1918.

Carpenter Herman R. Newby to be an ensign in the Navy, for temporary service, from the 11th day of October, 1917.

The following-named warrant officers to be ensigns in the Navy, for temporary service, from the 1st day of April, 1918:

Frederick W. Boldt,
Horace L. Ham,
George Berton,
Alexander B. Provost,
Harry A. Mewshaw,
Chris Halverson,
William G. Scott,
Harry Bennett, and
Elmer J. Tugend.

The following-named enlisted men to be ensigns in the Navy, for temporary service, from the 1st day of April, 1918:

Morey H. Downs,
Daniel E. Haskell,
John C. Mayhew,
Tom H. Williamson,
Hubert K. Stubbs,
Harold V. Andrews,
Clarence V. Waggonner,
Henry C. Flanagan, and
Omer L. Brewington.

The following-named ensigns in the United States Naval Reserve Force to be ensigns in the Navy, for temporary service, from the 1st day of April, 1918:

Cecil A. McKay,
Nathan Young,
Stuart Parker,
Caleb Loring,
William L. Hickey,
Feustman B. Thatcher,
Barnes Newberry,
Bruce Burns,
Charles H. Duell, jr.,
John R. Haire,
Donald M. Lovejoy,
Edgar M. Queeny,
Charles H. Sterrett, and
Allen L. Welch.

The following-named ensigns in the National Naval Volunteers to be ensigns in the Navy, for temporary service, from the 1st day of April, 1918:

Duncan W. Frick and
Ralph J. A. Stern.

The following-named pay clerks to be assistant paymasters in the Navy, for temporary service, from the 1st day of January, 1918:

Henry G. Conrad and
Harry H. Bloxham.

The following-named lieutenant commanders to be commanders in the Navy, from the 1st day of July, 1917:

Hugo W. Osterhaus, and
Byron A. Long.

Lieut. (junior grade) Zachary Lansdowne to be a lieutenant in the Navy, from the 5th day of June, 1917.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, from the 7th day of March, 1918:

Augustine H. Gray,
Warren L. Moore,
Wadleigh Capehart,
Melville S. Brown,
George M. Cook,
Frank H. Kelley, jr.,
Dorsey O. Thomas,
Miles P. Refo, jr.,
Robert T. Young,
Elmer K. Niles,
Charlton E. Battle, jr.,
Alfred G. Zimmermann,
Ellis S. Stone,
Thomas S. King, 2d,
Urey W. Conway,
George F. Parrott, jr.,

Norman Scott, and
Jay L. Kerley.

Ensign Herbert K. Fenn to be a lieutenant (junior grade) in the Navy, from the 7th day of June, 1916.

Assistant Surgeon Charles S. Stephenson to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 2d day of October, 1917.

The following-named passed assistant paymasters to be paymasters in the Navy, with the rank of lieutenant commander, from the 29th day of August, 1916:

Lewis W. Jennings, jr., and
William G. Neill.

Passed Asst. Paymaster Edward R. Wilson to be a paymaster in the Navy, with the rank of lieutenant commander, from the 15th day of September, 1916.

The following-named assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenant (junior grade), from the 29th day of August, 1916:

John B. Ewald and
Samuel R. White, jr.

Asst. Paymaster Macdonough C. Merriman to be a passed assistant paymaster in the Navy, with the rank of lieutenant (junior grade), from the 15th day of September, 1916.

Asst. Paymaster John D. P. Hodapp to be a passed assistant paymaster in the Navy, with the rank of lieutenant (junior grade), from the 25th day of April, 1917.

Chaplain Eugene E. McDonald to be a chaplain in the Navy, with the rank of captain, from the 23d day of May, 1917.

The following-named assistant naval constructors to be naval constructors in the Navy, with the rank of lieutenant, from the 1st day of April, 1918:

Philip G. Lauman,
Arthur W. Frank, and
Ralph T. Hanson.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 6, 1918.

[Omitted from RECORD of April 6, 1918.]

COLLECTOR OF CUSTOMS.

Norman R. Hamilton to be collector of customs for customs collection district No. 14, with headquarters at Norfolk, Va.

UNITED STATES DISTRICT JUDGE.

Joseph C. Hutcheson, jr., to be United States district judge, southern district of Texas.

UNITED STATES ATTORNEY.

William Woodburn to be United States attorney, district of Nevada.

UNITED STATES MARSHALS.

Maurice Splain to be United States marshal, District of Columbia.

John L. Terrell to be United States marshal, northern district of Texas.

William Osborne to be United States marshal, southern district of West Virginia.

POSTMASTERS.

COLORADO.

Edgar J. Bancroft, Palisades.
Agnes S. Jones, Fort Logan.

CONNECTICUT.

Joseph H. Derenthal, Madison.

FLORIDA.

Stella Blocker, Cocoanut Grove.
Walter B. Leonard, Hastings.
Edward M. Luffman, Lake Helen.
Fay H. Price, Umatilla.

INDIANA.

Franc Mensel, Bremen.

KANSAS.

Orla A. Granger, Glen Elder.
Minnie A. Reed, Soldier.

MICHIGAN.

L. Emma Hollister, Auburn.
Holger F. Peterson, Grayling.

MINNESOTA.

Mabel C. Benson, Clara City.

MONTANA.

Henry F. Fuerstnow, Joplin.
Leroy W. Obershaw, Cascade.

MISSOURI.

John J. W. Donnegan, Herculaneum.
Harvey H. Schooler, Fairfax.

NEW YORK.

George H. Barwise, Port Henry.
Frederick Theall, Hartsdale.

NORTH CAROLINA.

William H. Griffin, Pittsboro.
Harry R. Hastings, Sylva.
Benjamin J. Skinner, Farmville.

NORTH DAKOTA.

Jacob A. Phillips, Cleveland.

TENNESSEE.

Beatrice J. Myers, Sewanee.

TEXAS.

Joseph E. Abrahams, New Braunfels.
James A. Aldridge, Devine.
James F. Atkinson, Florence.
James K. Barry, Smithville.
John W. Grigg, Tulia.
Bratton C. Hardin, Rochester.
John Frank Highsmith, Menard.
John S. Munn, Junction.

Executive nominations confirmed by the Senate April 8 (legislative day of April 6), 1918.

CONSUL GENERAL.

CLASS 4.

Marion Letcher to be a consul general of class 4.

CONSUL.

CLASS 3.

Fred D. Fisher to be a consul of class 3.

SECOND ASSISTANT SECRETARY OF WAR.

Edward R. Stettinius to be Second Assistant Secretary of War.

PROMOTIONS IN THE NAVY.

First Sergt. Francis S. Kieren to be a second lieutenant in the Marine Corps for temporary service.

Second Lieut. Frank B. Wilbur to be a second lieutenant in the Marine Corps for temporary service.

REGISTERS OF LAND OFFICE.

Oliver C. Harper to be register of the land office at Independence, Cal.

Frank Laning to be register of the land office at Visalia, Cal.

POSTMASTERS.

CALIFORNIA.

Adolph E. Christensen, Selma.
Charles J. Hammond, jr., Hayward.
Iona T. MacKenzie, Indio.
Frances L. Musgrove, Arbuckle.

GEORGIA.

Robert C. Ayers, Royston.
Bessie Waldrop, Jackson.

NEBRASKA.

Harold Hjelmfelt, Holdrege.

WEST VIRGINIA.

Daisy D. McNemar, Petersburg.
James A. Stephens, Follansbee.

REJECTION.

Executive nomination rejected by the Senate April 8 (legislative day of April 6), 1918.

POSTMASTER.

GEORGIA.

Abbie F. Beacham, Glenwood.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 6, 1918.

[Omitted from RECORD of April 6, 1918.]

William M. Croll to be naval officer of customs in Customs Collection District No. 11, with headquarters at Philadelphia, Pa.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 8, 1918.*

The House met at 12 o'clock noon.

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

By Thy Grace, O God, who lives and reigns above us; by the vast and illimitable space around us; by the myriads of worlds which fill it and declare Thy glory; by the earth's great luminary which fills it with light and quickens all life to new activities, joy, and gladness; by the love that binds us together in families and nations, makes statesmen and patriots; by the high ideals which move men to action; by the hope that cheers them on their way; by the devout of every age, the prophets, seers, and martyrs; by the precepts and incomparable life and character of the Master; by the hopes of yon bright heaven, may we be inspired to unboundless faith in the eternal verities and quickened into faithful and fruitful servants to Thee, our God and our Father. Amen.

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

HOMING PIGEONS IN THE UNITED STATES.

Mr. DENT. Mr. Speaker, I call up the bill S. 3980.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3980) to prevent interference with the use of homing pigeons by the United States, to provide a penalty for such interference, and for other purposes.

Be it enacted, etc., That it be, and it hereby is, declared to be unlawful to entrap, capture, shoot, kill, possess, or in any way detain an Antwerp, or homing pigeon, commonly called carrier pigeon, which is owned by the United States or bears a band owned and issued by the United States having thereon the letters "U. S. A." or "U. S. N." and a serial number.

SEC. 2. That the possession or detention of any pigeon described in section 1 of this act by any person or persons in any loft, house, cage, building, or structure in the ownership or under the control of such person or persons without giving immediate notice by registered mail to the nearest military authorities, shall be prima facie evidence of a violation of this act.

SEC. 3. That any person violating the provisions of this act shall, upon conviction, be punished by a fine of not more than $100, or by imprisonment for not more than six months, or by both such fine and imprisonment.

Mr. DENT. Mr. Speaker, under the rule which the House adopted last Saturday there are 15 bills on the calendar that the Committee on Military Affairs would like to have disposed of, and every one of those bills has the approval of the War Department and every one has a unanimous report from the Committee on Military Affairs of the House, except one on which a member reserved the right to object to offer an amendment. That bill, after a consultation with the gentleman from California [Mr. KAHN], the ranking minority member, we have put at the foot of the list, and I do hope that the House will be patient with the Committee on Military Affairs to-day and let us pass these bills, which have the approval of the War Department and the Committee on Military Affairs. Unless some gentleman desires to discuss this question, I desire to move the previous question on the passage of this bill.

Mr. CANNON. Will the gentleman yield?

Mr. DENT. I will yield to the gentleman.

Mr. CANNON. I have just glanced at the bill. I do not know much about carrier pigeons. I see they use the term "homing pigeons."

Mr. DENT. Commonly known as carrier pigeons.

Mr. CANNON. I see it is declared to be unlawful to entrap, capture, shoot, kill, possess, or in any way detain an Antwerp or homing pigeon. I have just glanced hastily through it, and it seems to me it should be "knowingly." You could hardly say it was unlawful if I were to kill a homing pigeon—and I never did kill a pigeon in my life. I would not know if it were a canvasback or a homing pigeon——

Mr. DENT. Well, if the gentleman reads a little further he will find that the pigeon will have to have the earmark, or "U. S. A." or "U. S. N.," showing it belongs to the Government. It is the only pigeon the Government uses.

Mr. CANNON. Suppose you shoot one unknowingly that had "U. S. N." on it.

Mr DENT. Oh, I would not object to the word "knowingly" going in there.

Mr. CANNON. It seems to me it should go everywhere.

Mr. WALDOW. Will the gentleman yield?

Mr. GARNER. Insert after the word "to," in line 3, the word "knowingly."

Mr. DENT. I ask unanimous consent for the amendment suggested by the gentleman.

The SPEAKER. The gentleman from Alabama asks unanimous consent to insert the word "knowingly," line 3, after the second word "to." Is there objection?

Mr. WALDOW. Mr. Speaker, reserving the right to object, does not the gentleman believe that in section 2 that is taken care of, that section 2 takes care of what the gentleman has in mind by the mere fact you notify the authorities you have that pigeon in your possession.

Mr. DENT. Well——

Mr. CANNON. Suppose he has killed it.

Mr. DENT. If the gentleman will let me answer the question that the gentleman asked, section 2 is a section in reference to a rule of prima facie evidence in cases of this kind. It does not declare the crime. I have no objection to the amendment.

The SPEAKER. Is there objection to the insertion of the word "knowingly" as designated? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 2, line 4, after the word "military," insert the words "or naval."

Mr. DENT. I move the previous question on the bill and amendments.

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

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENT TO SECTION 1342, REVISED STATUTES.

Mr. DENT. Mr. Speaker, I call up the bill H. R. 9570.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9570) to amend articles 52 and 53 of section 1342 of the Revised Statutes, as amended by an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, and for other purposes.

Be it enacted, etc., That articles 52 and 53 of section 1342 of the Revised Statutes of the United States, as amended by an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, be, and the same are hereby, amended to read as follows:

"ART. 52. Suspension of sentences: The authority competent to order the execution of the sentence of a court-martial may suspend the execution, in whole or in part, of such sentences as do not extend to death or to the dismissal of an officer, and may restore the person under sentence to duty during such suspension. A sentence, or any part thereof, which has been so suspended may be remitted, in whole or in part, by the officer who suspended the same, by his successor in office, or by any officer exercising appropriate court-martial jurisdiction over the command in which the person under sentence may be serving at the time. The same authority may vacate the order of suspension at any time and order the execution of the sentence or the suspended part thereof in so far as the same shall not have been previously remitted. The death or honorable discharge of a person under suspended sentence shall operate as a complete remission of any unexecuted or unremitted part of such sentence.

"ART. 53. Execution or remission—Confinement in disciplinary barracks: When a sentence of dishonorable discharge has been suspended until the soldier's release from confinement, the execution or remission of any part of his sentence shall, if the soldier be confined in the United States Disciplinary Barracks, or any branch thereof, be directed by the Secretary of War."

Mr. MADDEN. Will the gentleman yield?

Mr. DENT. I will yield to the gentleman.

Mr. MADDEN. I want to ask if this bill is intended simply to authorize the commanding officer in a case where a court-martial has taken place inflicting a punishment less than death to suspend sentence and restore the convicted man to duty pending the execution of the sentence?

Mr. DENT. Well, in all cases except the death penalty and dismissal from the service. Those are the only two exceptions.

Mr. MADDEN. In other words, it is intended to utilize the service of men pending the execution of sentence?

Mr. DENT. It gives a man who has committed some slight, trivial offense, probably staid out his leave a little too long, an opportunity to get back into service and be restored thereto.

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

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the fol-

lowing titles, in which the concurrence of the House of Representatives was requested:

S. 3911. An act authorizing national banks to subscribe to the American National Red Cross; and

S. 3475. An act to prescribe to the requisite form or proof of death under policies or contracts of insurance covering the lives of persons in or serving with or attached to the military forces of the United States, and for other purposes.

LEAVE OF ABSENCE.

Mr. McCLINTIC, by unanimous consent, was granted leave of absence indefinitely, on account of making liberty loan speeches.

SIX MONTHS' PAY TO DEPENDENT RELATIVES OF DECEASED OFFICERS OR ENLISTED MEN.

Mr. DENT. Mr. Speaker, I call up the bill S. 3736.

The SPEAKER. The gentleman from Alabama calls up the bill S. 3736, which the Clerk will report.

The Clerk read as follows:

An act (S. 3736) to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct.

Be it enacted, etc., That hereafter, immediately upon official notification of the death from wounds or disease, not the result of his own misconduct, of any officer or enlisted man on the active list of the Regular Army, or on the retired list when on active duty, from and after October 6, 1917, the Quartermaster General of the Army shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child to any other dependent relative of such officer or enlisted man previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death. The Secretary of War shall establish regulations requiring each officer and enlisted man having no wife or child to designate the proper dependent relative to whom this amount shall be paid in case of his death. Said amount shall be paid from funds appropriated for the pay of the Army.

SEC. 2. That nothing in this act or in other existing legislation shall be construed as making the provisions of this act applicable to officers or enlisted men of any forces or troops of the Army of the United States other than those of the Regular Army, and nothing in this act shall be construed to apply in commissioned grades to any officers except those holding permanent or provisional appointments in the Regular Army.

Also the following committee amendments were read:

Page 1, line 6, after the word "Army," insert the following: "or on the retired list when on active duty."

At the end of the bill insert a new section, as follows:

"SEC. 3. That the sum received hereunder shall be deducted from any amount that may be, or may become, due and payable to any such widow, child, children, or dependent relative of such officer or enlisted man under the act entitled 'An act to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes,' approved October 6, 1917, or any act or acts amendatory thereof."

The SPEAKER. This bill is on the Union Calendar.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection?

Mr. DYER. Will the gentleman yield?

Mr. STAFFORD. I think this is a very important bill and should receive some consideration in the Committee of the Whole, and therefore I object.

Mr. DENT. 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. 3736.

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. 3736, with Mr. BURNETT in the chair.

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

The Clerk read as follows:

An act (S. 3736) to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. DENT. Now, Mr. Chairman, I would like to make just this brief statement in regard to this bill.

The bill restores a law that was on the statute books prior to the adoption of the amendment to the War-Risk Insurance bill. That bill repealed a statute which had been on the books for years and years—I know not how long but for many, many years past—providing for the taking care of the widows and the children and the dependent relatives of soldiers by providing six months' pay, pending the time that they were readjusting their situation. The bill, as the committee knows, amending the war-risk insurance act did not come from the Committee on Military Affairs, but was reported out by the Committee on Interstate and Foreign Commerce.

I do not know whether the repeal of that law was intentionally done at that time or not. I do not recall whether there was any discussion of it. But, at any rate, the War Department insists that that law ought to be restored in order to take care of the widows and the children and the dependent relatives and soldiers who are killed or who die while in the service, by giving them the additional pay of six months.

Mr. WELTY. Will that law, if passed, apply to the officers and soldiers of the National Army?

Mr. DENT. It will not, Mr. Chairman. It simply restores the law as it was and makes it applicable to the officers of the Regular Army, on the theory that an officer of the Regular Army has made a profession out of that particular life and that he has made no preparation, whereas the other people are going in only for temporary service.

Mr. WELTY. Mr. Chairman, do not the officers and soldiers of the National Army make a greater sacrifice than the man who is educated in the Regular Army and makes a profession of that?

Mr. DENT. Well, I would not undertake to draw any comparisons as to who makes the greatest sacrifice, but the business proposition and the practical proposition is the one I am suggesting, that in the one case the soldier has made a profession out of that particular life, whereas, in the other instance, a man who has gone in temporarily is supposed to have made some arrangement for his family prior to service in the Army.

Mr. WELTY. Now, does it include the soldiers and the officers of the National Guard of the various States which were taken into the Army?

Mr. DENT. It only includes the officers and enlisted men of the Regular Establishment.

Mr. WELTY. I will ask whether or not the chairman of the committee and the committee itself will accept an amendment to include the soldiers and officers of the National Army and soldiers and officers of the National Guard?

Mr. DENT. I will state to the gentleman that, so far as I am concerned, I will not object to it if he will limit that to the pending emergency.

Mr. WELTY. That is all right.

Mr. DENT. But this law restores the old law so that it is permanent legislation as to Regular Army officers.

Mr. KAHN. Will the gentleman yield?

Mr. DENT. Yes.

Mr. KAHN. But it is a little more than that, if you will allow me. It not only restores the old law giving this compensation, but the amount is finally deducted from the insurance. Under the old law the widow or the other relatives got the money outright. Under this bill they only get the advance for immediate needs.

Now, some suggestion has been made here that this ought to refer to the men in the National Army and the National Guard as well as the men in the Regular Army. Of course, the Regular Army officers are shifted from one military post to another. They have to go wherever they are ordered, and in the natural course of events they do not have the opportunity for establishing homes. The man who comes into the Military Establishment from civil life has a home, and he undoubtedly has somebody at his home who has sufficient credit there to keep off the creditors until the insurance money is paid. That does not apply to the Regular Army officers as a rule.

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

Mr. KAHN. Yes.

Mr. WALSH. Are there not thousands of officers who recently were commissioned in the Regular Army who have not made a career in army life?

Mr. KAHN. Yes. That is so. Yet the number is very small in comparison with the great number of officers who have been commissioned in the National Guard and in the National Army.

Mr. WALSH. Mr. Chairman, will the gentleman yield further?

Mr. KAHN. Yes.

Mr. WALSH. Assuming the case of an officer in the National Army and the case of an officer in the Regular Army, both of them neglecting to take out insurance, the officer in the Regular Army would get the advance, and his dependents would be paid six months' pay, whereas the dependents of an officer in the National Army who neglected to take out insurance would have nothing.

Mr. KAHN. The amendment proposed as section 3, I take it, covers the case of the Regular Army officer who failed to take

out insurance. He would not be able to draw anything under this bill, because section 3 provides that it shall be deducted from his insurance.

Mr. WALSH. But that does not prevent his being paid where there is no insurance. It simply provides for deducting it from what insurance may be due. But if he has no insurance at all, it does not provide that the payment shall not be made. It may be due. Now, if none is due, that would not prevent its being paid. The point I was trying to make, if the gentleman will permit me, was this: That in the case where a Regular Army officer failed to take out insurance, and in a case where an officer in the National Army failed to take out insurance, the dependents of one would receive this payment, whereas the dependents of the other would not?

Mr. KAHN. I do not think that the War Department would make any payment where the man has not taken out insurance.

Mr. MILLER of Minnesota. If the gentleman will permit, the War Department would have to do it, I think, under this law.

Mr. KAHN. I do not so understand. I have no objection personally to allowing the bill to be amended so as to take in the officers, whether they are in the National Army or in the National Guard or in the Regular Army. I have no objection to that.

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

Mr. KAHN. Yes.

Mr. REAVIS. Would the gentleman have any objection to restricting this payment to those officers who have taken out insurance? Then it could be deducted.

Mr. KAHN. I am perfectly willing to have such a restriction made.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman permit a question?

Mr. KAHN. Yes.

Mr. GREEN of Iowa. It seems to me that if that proposition is accepted and made a part of the law we defeat the intention of the bill, inasmuch as it is based on the argument the gentleman has used—that the regular officer, having no home, has no means of localized credit, whereas the National Guard officer or National Army officer might have credit enough to bring his remains back.

Mr. KAHN. I believe that if the gentleman will look into the record of the War-Risk Bureau he will find that practically every officer has taken out the insurance to the full amount—$10,000.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield again?

Mr. KAHN. Yes.

Mr. GREEN of Iowa. I can not fully understand the bill, but it seems to me it is of very little advantage to those who have taken out insurance. It is chiefly of advantage to those who have not. It is mainly an advance to those who have taken out insurance.

Mr. KAHN. As I explained a moment ago, the Regular Army officer, having no fixed habitation, is so situated that his dependents left behind can not probably get credit.

Mr. GREEN of Iowa. That was the object. But I was speaking of the effect of it. It will only afford substantial relief to those who have not taken out insurance. It is deducted from those who have taken out insurance, and they get it a little quicker.

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

Mr. KAHN. Yes.

Mr. MILLER of Minnesota. This is confined in its expression to those who are in the Regular Army?

Mr. KAHN. Yes.

Mr. MILLER of Minnesota. Those who are retired or on the active list of the Regular Army?

Mr. KAHN. Yes.

Mr. MILLER of Minnesota. It is really the reenactment of the law that has heretofore existed?

Mr. KAHN. The gentleman is quite right.

Mr. MILLER of Minnesota. It is really continuing to this class of people benefits heretofore enjoyed by them?

Mr. KAHN. Exactly.

Mr. MILLER of Minnesota. Now, I am assuming that this is proper legislation; but why is it not advisable to extend the benefits of it to the National Guard and the National Army?

Mr. KAHN. I have no objection to that, I will say to the gentleman. I have so stated already. I have no objection to having the bill amended so as to take in the officers from every branch of the service.

Mr. MILLER of Minnesota. Did the committee give consideration to that feature?

Mr. KAHN. I do not think so.

Mr. MILLER of Minnesota. The gentleman is undertaking to state that the Committee on Military Affairs would not be opposed, at least, as a body, to any such suggestion?

Mr. KAHN. I do not think these gentlemen at my left are opposed to the extension of it. I would ask the chairman of the committee this question: Does the chairman of the committee object to an amendment of this bill making it applicable to the National Guard and the National Army as well as to the Regular Army?

Mr. DENT. As I stated a moment ago, I would be willing to accept an amendment of that kind provided it was limited, of course, to the present emergency.

Mr. MILLER of Minnesota. Would it not be advisable for the chairman of the committee to propose or offer such an amendment?

Mr. DENT. It might be.

Mr. MILLER of Minnesota. Now, may I make an inquiry there of the gentleman from California and the gentleman from Alabama? The language here used is "any officer or enlisted man." I have long been somewhat confused as to just what the enlisted man is. Would the law construe a man who has been drafted under the selective-draft act as an enlisted man?

Mr. KAHN. Yes.

Mr. MILLER of Minnesota. Has that been officially determined, to make that certain?

Mr. KAHN. I do not know what decisions have been handed down, but, as I understand it, the officials of the War Department have invariably referred to the men in the National Army as enlisted men. In fact, the gentleman from Kansas [Mr. ANTHONY], who has just rung up the Judge Advocate General's office, has been informed that the words "enlisted men" applies to all private soldiers in the National Army as well as privates in the Regulars and those in the National Guard organizations.

Mr. MILLER of Minnesota. I think that is the way it ought to be; but I have wondered several times if it would not be better if the committee used some language somewhere in the bill distinctly showing that that is the case.

Mr. MADDEN. They have to enlist after they are drafted, do they not?

Mr. GREENE of Vermont. The words "enlisted man" do not refer to the means by which a man gets into the service. They refer to his status after he gets in.

Mr. MILLER of Minnesota. Is that quite true?

Mr. KAHN. Certainly. He is either an officer or an enlisted man. Neither the word "officer" nor the words "enlisted man" refer to the means by which he got in.

Mr. MILLER of Minnesota. But the gentleman knows that heretofore the only way a man could get in was by enlisting.

Mr. KAHN. Oh, no; we had drafted men during the Civil War, and they were considered enlisted men at that period.

Mr. GREENE of Vermont. A West Pointer does not enlist.

Mr. MILLER of Minnesota. But he is an officer.

Mr. GREENE of Vermont. Exactly; and it refers to the status of the man after he is in the service and not the means by which he got in.

Mr. MILLER of Minnesota. We are all agreed that that is what it ought to mean.

Mr. GREENE of Vermont. Yes.

Mr. MILLER of Minnesota. But I have been afraid that some court might not take that view of it.

Mr. MADDEN. Does a man who goes into the Army as an officer voluntarily enlist?

Mr. KAHN. No; he is commissioned in the Army.

Mr. MADDEN. When a man is sworn in, that is his enlistment, is it not?

Mr. KAHN. As a private; certainly. If he goes into the ranks, he is an enlisted man. If he goes in as an officer, he is a commissioned officer.

Mr. MADDEN. The part I want to get information on, so that it will go into the RECORD and may guide the executive branch of the Government at some time, is whether or not the oath itself is not the thing that constitutes enlistment.

Mr. KAHN. Yes. It constitutes his entrance into the Army. If a man goes into the ranks, then he is an enlisted man. If he takes the oath as an officer, he is a commissioned officer.

Mr. MADDEN. Yes; but that is the thing that completes his enlistment, either as an officer or as a private.

Mr. KAHN. Yes; the taking of the oath.

Mr. MILLER of Minnesota. Now, if I may go back once more—and I hope the gentleman will pardon me—Gen. SHERWOOD just advises me that during the Civil War men who were

taken into the service by the operation of the draft were never called enlisted men. They were always technically known as conscripts.

Mr. KAHN. Yes; and it was used as a term of contempt, to their detriment.

Mr. MILLER of Minnesota. That is very true, but we do not care anything about that.

Mr. DYER. The records do not show that.

Mr. KAHN. That was the common term used in the Army, but the records of the War Department show that they were enlisted.

Mr. MILLER of Minnesota. The gentleman may be mistaken about that.

Mr. FOSTER. Let me say to the gentleman that last summer when we were passing the bill to relieve those in the Army from the work necessary to be done on mining claims we investigated that, but I can not recall to whom we talked about it. We were informed, however, that the term "enlisted men" meant everybody.

Mr. KAHN. Yes. Noncommissioned officers are enlisted men.

Mr. FOSTER. We thought of changing the wording, but they said it was not necessary, because that meant everybody.

Mr. MILLER of Minnesota. Let us analyze that for a minute. I do not know who it was who said that enlistment means everybody.

Mr. FOSTER. It means those who go into the Army, either drafted or as volunteers.

Mr. MILLER of Minnesota. It might be somebody not qualified to give affirmative technical information who said that.

Mr. DYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. I should like to know who has the floor?

The CHAIRMAN. The gentleman from Alabama [Mr. DENT] has the floor.

Mr. DYER. Are we under the five-minute rule?

The CHAIRMAN. We are not. The gentleman from Alabama is entitled to an hour.

Mr. MILLER of Minnesota. The gentleman from California had the floor, and I interrupted him, and I beg his pardon.

Mr. DENT. I have the floor, and I yielded to the gentleman from California.

The CHAIRMAN. The gentleman from Alabama yielded to the gentleman from California.

Mr. DYER. I ask the gentleman if he will yield to me five minutes?

Mr. RAYBURN. I object to that; that is, I want some explanation from the Committee on Military Affairs of what is meant by this bill before time is yielded to anybody else.

Mr. WALSH. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. The gentleman from Texas [Mr RAYBURN] certainly can not object to the gentleman from Alabama yielding time.

Mr. RAYBURN. I said I objected, but I amended that by saying I wanted somebody on the Committee on Military Affairs to explain what is meant by this bill. I do not know.

Mr. DYER. The chairman of the committee explained it very fully.

Mr. RAYBURN. I want to ask a question or two about it.

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

Mr. RAYBURN. I want to ask the chairman of the committee this question: In section 3 of this bill it says:

> That the sum received hereunder shall be deducted from any amount that may be, or may become, due and payable to any such widow, child, children, or dependent relative of such officer or enlisted man under the act entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914, and for other purposes," approved October 6, 1917, or any act or acts amendatory thereof.

What does that mean? What deduction?

Mr. DENT. It means any benefit, any amount, any sum received from the insurance; an allowance or anything else under that act shall be deducted on account of this advance.

Mr. RAYBURN. Let me ask this question: We have established an Insurance Bureau in the Treasury Department. A man makes a contract with the Government for insurance. He or somebody for him pays the premium. Does the gentleman think this six months' allowance would come out of that, when it is provided in the law that that is the insurance for which he has contracted, for which he has paid the premium in good faith, and which the law provides shall be paid in monthly installments running over 240 months? Does the gentleman think that this deduction would come out of that?

Mr. DENT. Unquestionably.

Mr. RAYBURN. But we have a contract with this man for which he has paid valuable consideration.

Mr. DENT. Does the gentleman from Texas, who is a good lawyer, contend that the widow or dependent relative could receive advance payment under the provisions of this act and not be bound by it?

Mr RAYBURN. I do; because it is a contract made in good faith with the Government, and for which he has paid.

Mr. DENT. This is a gratuity that the Government is giving and the Congress of the United States can repeal it to-day.

Mr. RAYBURN. I beg the gentleman's pardon, does the gentleman think that when an insurance bureau is established and a soldier takes out insurance under that law and pays his premium that it could violate that contract? The Government has placed the man in a hazardous employment, the Government is only taking the risk of the hazard; then does the gentleman say that that is a gratuity to the man after he has taken out the insurance and paid the premium?

Mr. DENT. I say unqualifiedly, so far as my opinion is concerned, that the Congress of the United States can this afternoon repeal the whole insurance law.

Mr. RAYBURN. Absolutely; but it is not a gratuity.

Mr. DENT. We can repeal it, and anyone who accepts a benefit must be bound by it.

Mr. RAYBURN. I think the gentleman's law would apply to compensation, but certainly it would not apply to the insurance.

Mr. DENT. What is the difference between compensation and insurance?

Mr. RAYBURN. He pays nothing for the compensation; that is a pension; but insurance he pays for. We established a bureau of insurance for the reason that nine companies out of ten canceled all the insurance that the man had, and we established a bureau which said that they would take every man and insure him at peace-time rates.

Mr. DENT. And the gentleman thinks that the Congress of the United States would be estopped from repealing it?

Mr. RAYBURN. I do not think your bill repeals it, and I do not think it ought to be repealed.

Mr. PADGETT. Is not this an advanced payment?

Mr. RAYBURN. No.

Mr. PADGETT. It pays them six months' gratuity; it is admitted that they have got the money and are deprived of nothing.

Mr. RUCKER. Will the gentleman yield?

Mr. DENT. I will.

Mr. RUCKER. This bill refers to enlisted men in several places. Do these payments include drafted men?

Mr. DENT. No; they do not as the bill is drawn, but I am willing that the bill should be amended and make it cover all branches.

Mr. RUCKER. So that it will clearly embrace drafted men?

Mr. DENT. Yes.

Mr. RUCKER. Then what would become of section 2?

Mr. DENT. I will move to strike that out.

Mr. SHERLEY. Will the gentleman yield?

Mr. DENT. I will.

Mr. SHERLEY. The gentleman has probably stated it before, but I have not been able to hear it. What is the reason, in view of what we have done under the insurance law for the soldiers, that he gives as warranting this legislation?

Mr. DENT. The reason given by the War Department, stated in the letter published in the report, is that it takes a long time for the widow, child, or dependent relative to collect the insurance money. The allowance under this act would tide them over.

Mr. SHERLEY. In the first place, that is an assumption concerning matters the War Department knows much less about than the War-Risk Insurance Bureau, and it is an assumption that ought not to be true in fact.

Mr. DENT. I am not disposed to take issue with the Secretary of War or the War Department myself on that subject.

Mr. SHERLEY. I do not see why the gentleman should not. They have no particular monopoly of wisdom and have nothing to do with enforcing the insurance act.

Mr. DENT. They have all to do with the payment of the six months' pay.

Mr. SHERLEY. Ah, now the gentleman is coming to what seems to me to be the situation. Under the old law, before we provided a new compensation, they had it; and they do not like to give up something they formerly had, whether the reason has passed away or not. That is what I would like to hear the gentleman about.

Mr. DENT. I have explained the reason for the bill, that it is to tide over the dependents in the first place, and in the next place to restore the law as it was before this act was repealed for those who have not taken out any insurance.

Mr. SHERLEY. There is some benefit in the insurance act that we have passed.

Mr. DENT. They are credited for that; it is to be deducted.

Mr. SHERLEY. Why should you assume that the Government will have to be more tardy than the insurance companies in adjusting things of that sort?

Mr. DENT. The gentleman knows that in proving up claims for insurance it will take time.

Mr. SHERLEY. There ought to be no more delay in the War-Risk Insurance Bureau paying under that act than in the War Department paying under this act.

Mr. KAHN. Will the gentleman yield?

Mr. DENT. I will yield to the gentleman.

Mr. KAHN. In further reply to the gentleman from Kentucky [Mr. SHERLEY], the gentleman was not here when I first explained the matter. As the gentleman knows, many of the Army officers have no fixed abode. The wife happens to be at some post for the time being, if there are quarters there, and if not she goes to some city and rents quarters. She has no established credit in that city and probably has not enough money to buy widow's weeds in case her husband is killed. This is an attempt to allow the War Department to advance her the money, in order that she may get those supplies which are absolutely necessary under the circumstances.

Mr. SHERLEY. I can not, of course, in question and answer reply to a great many assumptions in the gentleman's statement that I do not think are fully warranted. He assumes that this is the only way that such a person is going to be able to get any money immediately from the Government, which I deny.

Mr. KAHN. It is the speediest way of doing it.

Mr. SHERLEY. That is the question at issue.

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

Mr. DENT. I yield.

Mr. REAVIS. I have not been able to hear much of what has been going on here, and I would like to know why it is that the benefits in this bill are confined to the Regular Army officers and not given to the Reserve officers?

Mr. DENT. In the confusion the gentleman has not heard me repeat two or three distinct times, on several occasions, that I was willing to offer an amendment extending the provisions to the National Guard, the National Army, and the Officers' Reserve Corps.

Mr. REAVIS. I am very glad to hear that. There has been so much confusion that we have not been able to hear much of what has been going on.

Mr. WALSH. Will the gentleman state why the committee reported this bill without that amendment; why the report confined it?

Mr. DENT. Of course, if the gentleman wants to go into the motives that inspired the committee, I would state to him that when we considered the bill we were simply undertaking to restore as permanent law that which we thought was unintentionally repealed by the war-risk insurance law, which the Military Committee did not handle.

Mr. WALSH. That was the only reason?

Mr. DENT. That is the only reason we had in mind when we reported it.

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

Mr. DENT. Yes.

Mr. HUDDLESTON. The theory upon which this is being done is that the beneficiary will be able to get this money more quickly through the officers of the War Department than the Bureau of War-Risk Insurance?

Mr. DENT. That is the statement the Secretary of War made in approving this bill.

Mr. HUDDLESTON. Will the gentleman permit me to call his attention to the fact that the operation of the War-Risk Insurance Bureau is much more speedy than the War Department? It means delay instead of speed, according to my experience, and I have handled several of these things. Will the gentleman permit me to further call attention to another aspect of this matter? Under the war-risk act the soldiers are permitted to designate their beneficiaries, and under this act the beneficiary is arbitrarily designated, not according to the will of the soldier in some instances. The effect of this will be to take away insurance that the soldier has been paying for, in order that it may be paid to some one not the beneficiary and given to some one else, to whom the soldier does not want it to go, and have it charged to the beneficiary.

Mr. DENT. I can not agree to that. I think the gentleman is wrong, because whatever is gotten under this is to be deducted from what is given under the war-risk insurance.

Mr. HUDDLESTON. In other words, there will be a double benefit?

Mr. DENT. No.

Mr. HUDDLESTON. As I understand the gentleman, the beneficiary in the policy of insurance will still get what it was intended she should get, and this benefit if it be paid to a different beneficiary——

Mr. DENT. I guess that is true.

Mr. HUDDLESTON. Would be a double benefit. Therefore there will be cases in which there will be discrimination and double payments.

Mr. DENT. There can not be any double payments.

Mr. HUDDLESTON. I understood the gentleman to admit there would be.

Mr. DENT. It may be that there will be an increase in the number of beneficiaries, but there will not be any double payments.

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

Mr. DENT. Yes.

Mr. LOBECK. In line 3, on first page, it is provided "That hereafter," and so forth. Why should not this apply to men who are now at the front, who may have died in the last two days? Why should it not take effect from the time these men have gone into the service, if they have not been paid?

Mr. DENT. That is taken care of. The committee considered that proposition, and that is taken care of in the language on lines 6 and 7, "from and after October 6, 1917," which was the date that the war-risk insurance law repealed this law.

Mr. LOBECK. It does not affect those before October 6?

Mr. DENT. The law was not repealed until October 6, and every one had the benefit of the law up until that time. This restores the law from and after that date.

Mr. LOBECK. I have had cases where men lost their limbs or died before October 6. It would not affect those cases?

Mr. DENT. This bill would not affect them. Under the old law they would have been entitled to the benefits of the law.

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

Mr. DENT. Yes.

Mr. WINSLOW. Does the gentleman know whether or not a like provision is contemplated for members of the naval service?

Mr. DENT. Yes; the chairman of the Naval Committee proposes to offer an amendment to that effect, and I shall accept it.

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

Mr. DENT. Yes.

Mr. LITTLE. The question was raised as to whether this term "enlisted men" would include drafted men. Several gentlemen gave us their definite opinion that it would, but on looking at the dictionary I find the dictionary does not agree with them. I call the attention of the chairman to the definition of the word "enlist":

> To enter voluntarily the military service, the navy, or the like, by formal enrollment; authorize the placing of one's name on the muster roll or list of recruits.

What I have been afraid of is that the courts might decide that the gentlemen who stated their opinion to us are wrong and that the dictionary is right, and I would suggest to the gentleman that when he offers his amendment to include men in the National Army and the National Guard and the Reserve Corps he bear in mind the dictionary definition rather than the floor suggestion.

Mr. DENT. Well, I understand the War Department construes the words "enlisted men" as covering every man in every branch of active service.

Mr. LITTLE. I have heard that statement several times——

Mr. DENT. That is the construction the War Department puts on it, and that is the language that has been used.

Mr. LITTLE. If the gentleman will permit me, the courts will have to construe it according to the dictionary, and I think probably the War Department would follow the courts. It would be a very simple matter to word that so as to agree with the dictionary. That is just a suggestion——

Mr. GREENE of Vermont. If the gentleman will permit, I think the gentleman from Kansas would get a satisfactory definition, at least if not definite an indirect one, by reading anything of the law that relates to the National Army or the National Guard. Now take the National Army. It is made up of drafted men, and men in the National Army who are not officers are referred to in orders and everything else as enlisted men.

Mr. LITTLE. That may be, but whoever wrote those orders did not read the dictionary and did not know the English language.

Mr. GREENE of Vermont. I did not understand that Noah Webster got up our Army.

Mr. LITTLE. No; but he got up the dictionary.

Mr. DENT. I hope we can reach some conclusion on this bill. I had rather lay it aside than to spend the whole day on this bill. There are 15 other bills here.

Mr. DYER. Mr. Chairman——

Mr. STAFFORD. I would like to have some time in opposition to the bill. I have already expressed the desire to the gentleman from California, and I would like to have 10 or 15 minutes, but I do not wish to be recognized in my own right.

Mr. DENT. I was just suggesting I hope to reach some agreement. I know it is not proper in the Committee of the Whole House, but I would like an understanding that general debate be closed on this proposition, say, in 30 minutes.

Mr. KAHN. Will the gentleman yield?

Mr. DENT. Yes.

Mr. KAHN. There are gentlemen on this side who want time to speak on this bill. The gentleman from Wisconsin [Mr. STAFFORD] wants 10 minutes to speak on this bill. I believe I am entitled to an hour in my own right under the present proceedings on this bill, and I would desire to yield 10 minutes to the gentleman from Wisconsin on this bill. If the gentleman will reserve the balance of his time we can probably pass this bill without much trouble.

Mr. DENT. I was trying to reach some agreement. I know it is not exactly in order to reach an agreement in the Committee of the Whole House, but I hoped to reach some agreement by which we could finish discussion of this bill. The gentleman has suggested 30 minutes. If the gentleman has any other suggestion——

Mr. KAHN. I have no suggestion; the 30 minutes will satisfy me.

Mr. DYER. I would like to ask who is to have the 30 minutes?

Mr. WALSH. That does not mean exclusive of the five minutes for amendments?

Mr. DENT. Of course not.

Mr. WALSH. But 30 minutes for general debate.

Mr. DENT. Then I ask unanimous consent that general debate upon this bill be closed in 30 minutes.

Mr. RAYBURN. I want 10 minutes.

Mr. DENT. Half of it to be controlled by myself and half by the gentleman from California.

Mr. RAYBURN. Can I get 10 minutes of that time?

Mr. DENT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BURNETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3736, and had come to no resolution thereon.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill S. 3736 be temporarily laid aside.

The SPEAKER. The gentleman from Alabama asks unanimous consent that Senate bill 3736 be temporarily laid aside. Is there objection?

Mr. RAYBURN. Mr. Speaker, reserving the right to object, does the gentleman mean by "temporarily" that he intends to take up this bill to-day, because some of us want to be here when it comes up again?

Mr. DENT. I hardly think it possible to reach it to-day. We have 13 bills, and I propose to go on with the calendar and put that at the foot of the list.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

SALE OF CERTAIN WAR SUPPLIES.

Mr. DENT. Mr. Speaker, I call up the bill H. R. 9900.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9900) authorizing the President during the existing emergency to sell war supplies, materials, and equipment heretofore or hereafter purchased, acquired, or manufactured by the United States.

Be it enacted, etc., That during the existing emergency the President be, and he hereby is, authorized, in his discretion, and upon such terms as he shall deem expedient through the head of any executive department, to sell any war supplies, materials, and equipment heretofore or hereafter purchased, acquired, or manufactured by the United States to any person, partnership, association, or corporation, or to any foreign State or Government engaged in war against any Government with which the United States is at war; and any moneys received by the United States as the proceeds of any such sale shall immediately become available as part of any existing appropriation for the support of that department, corps, or bureau which furnished the war supplies, materials, or equipment so sold.

The committee amendment was read, as follows:

Page 2, strike out all of lines 4, 5, 6, and 7 and insert "be covered into the Treasury of the United States and a full report of the sale shall be forthwith submitted to Congress."

The SPEAKER. This bill is on the Union Calendar.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. DENT. Mr. Speaker, this bill simply gives to the War Department the authority to sell property to our cobelligerents and also to dispose of useless property that the War Department may have on hand, and it is recommended by the War Department. I hope the bill will be passed. I wish to call attention to the fact that the Senate has passed a similar bill, and I ask to substitute the Senate bill with the amendment proposed by the Committtee on Military Affairs. I ask to substitute the Senate bill, together with the House amendment, for the House bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Will the gentleman yield?

Mr. DENT. Yes.

Mr. STAFFORD. I am informed that the Senate bill varies in some particulars from the House bill as reported other than the amendment which was reported by the committee. Will the gentleman inform the House wherein there is a difference. Mr. Speaker, I ask unanimous consent that the Senate bill be reported.

Mr. DENT. I yield to the gentleman from Vermont [Mr. GREENE].

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 3803) authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property, heretofore or hereafter purchased, acquired, or manufactured by the United States, in connection with, or incidental to, the prosecution of the war.

Be it enacted, etc., That during the existing emergency the President be, and he hereby is, authorized, in his discretion, and upon such terms as he shall deem expedient, through the head of any executive department, to sell any supplies, materials, equipment or other property heretofore or hereafter purchased, acquired, or manufactured by the United States in connection with, or incidental to, the prosecution of the war, to any person, partnership, association, or corporation, or to any foreign State or Government engaged in war against any Government with which the United States is at war; and any moneys received by the United States as the proceeds of any such sale shall immediately become available as part of any existing appropriation for the support of that department, corps, or bureau which furnished the war supplies, materials, or equipment so sold.

Mr. GREENE of Vermont. If the gentleman from Alabama will permit, I will explain the difference between the bills.

Mr. DENT. I will.

Mr. GREENE of Vermont. If Members will take the bill H. R. 9900, and on page 1, line 6, strike out the word "war," and the final word in the line, "and," and on line 7, after the word "equipment," insert "or other property," and, again, in line 8, after the word "States," insert "in connection with or incidental to the prosecution of the war," they will find they have the only difference between the text of the two bills. And the title is amended also. The purpose of that was simply to amplify the definition of war supplies so that there would not be any too small construction put upon the purposes for which some very useful and necessary materials might be included.

Mr. STAFFORD. Will the gentleman from Alabama yield?

Mr. DENT. Yes.

Mr. STAFFORD. Can the gentleman from Vermont inform the House the extent to which the Government will loan and advance machinery to the private manufacturers who will be engaged in the manufacture of munitions or supplies necessary for the Army?

Mr. GREENE of Vermont. The only information I have about it is that more or less vague and indefinite suggestion which we have had all through the period of war, namely, as fast and as much as will be necessary.

Mr. STAFFORD. Has the War Department suffered much handicap in having their supplies manufactured because of the inability of private manufacturers to equip their plants with machinery, and, if so, to what extent? Of course, we all know that large numbers of private manufacturing establishments have received contracts from the War Department for the manufacture of supplies. This bill, as I take it, is to aid those manufacturers who have not the capital or the machinery that the Government may wish them to have with which to manufacture supplies.

Mr. GREENE of Vermont. I take it that, in general words, the idea is that this Government, entering the war without very many plants of its own and no plant adequate to take care of the demand, has been put to the expedient of taking over private plants, or taking, evidently, such possession of them as might be necessary for the operation of them, and in cases installing its own machinery or other facilities in it, so that, in a sense, they are quasi-Government plants to that extent. And by that fact, of course, it is evident that nobody could foresee exactly when and where and under what circumstances a neces-

sary proposition of that kind might be considered. Thus there is no accurate data to be gathered by way of forecast.

Mr. STAFFORD. Of course, we all realize it is important in the prosecution of the war to supply machinery under contractural relations that will be taken over by the private manufacturers at the end of the war, to be used during the war for the necessary war supplies.

I ask the gentleman's further attention to the letter of Gen. Crowder, in which he says, in the second paragraph:

The second purpose is not clearly divulged in the language of the act.

That is rather ambiguous. I had difficulty in determining to what that referred.

Mr. GREENE of Vermont. It is explained by the paragraph that immediately follows, as I understand it.

Mr. STAFFORD. The gentleman believes that the reference in the third paragraph is to that particular matter?

Mr. GREENE of Vermont. Yes. I had the same difficulty and have come to exactly the same conclusion that I have just stated.

Mr. ELSTON. The gentleman is perfectly satisfied with the language in the Senate bill and prefers it to that in the House bill?

Mr. GREENE of Vermont. We prefer it because it is more ample and gives less opportunity for quibbling in some emergencies.

Mr. LONGWORTH. Will the gentleman from Alabama yield?

Mr. DENT. I will.

Mr. LONGWORTH. I do not quite understand why the Judge Advocate General should have jurisdiction over a matter of this sort that has been referred to that department.

Mr. DENT. What is the question?

Mr. LONGWORTH. I simply asked why the Judge Advocate General should have been appealed to in a matter of this sort.

Mr. DENT. Does the gentleman refer to the letter in the report?

Mr. LONGWORTH. Yes.

Mr. DENT. I will state to the gentleman that the Judge Advocate General is the representative of the Secretary of War in legislative matters during the Secretary's absence.

Mr. LONGWORTH. May I ask if there is any one individual or board now in existence which has final jurisdiction over these matters of purchase of supplies or arranging for supplies?

Mr. DENT. I can not answer that. I am not familiar with it.

Mr. Speaker, I move the previous question on the passage of the bill.

Mr. STAFFORD. The gentleman wishes to offer an amendment, does he not?

Mr. DENT. Yes.

The SPEAKER. The gentleman moves the previous question on the Senate bill with the House amendment.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the House amendment to the Senate bill.

The amendment was agreed to.

The bill as amended was ordered to be read a third time as amended by the House amendment, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, the House bill (H. R. 9900) will lie on the table.

There was no objection.

TEMPORARY INCREASE, MILITARY ESTABLISHMENT.

Mr. DENT. Mr. Speaker, I call up the bill H. R. 9902.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 9902) to amend section 8 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917.

Be it enacted, etc., That the last sentence of section 8 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, be, and the same hereby is, amended to read as follows:

"Vacancies in the grades of the Regular Army resulting from the appointment of officers thereof to higher grades in the forces other than the Regular Army herein provided for shall be filled by temporary promotions and appointments in the manner prescribed by section 114 of the national-defense act, approved June 3, 1916, except that such promotions and appointments may be made by the President alone when such vacancies are in grades not above that of colonel; and officers appointed under the provisions of this act to higher grades in the forces other than the Regular Army herein provided for shall not vacate their permanent commissions or be prejudiced in their relative or lineal standing in the Regular Army.

The SPEAKER. This bill is on the Union Calendar.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. WALSH. Mr. Speaker, will the gentleman state whether the only difference that is sought to be remedied by this legislation is that in the National Army and these other branches of the service the law now provides that appointments above the grade of colonel must be affirmed and ratified by the Senate, and that is not so in reference to the Regular Establishment?

Mr. DENT. Yes.

Mr. WALSH. And this seeks——

Mr. DENT. To allow the President to make appointments in the Regular Establishment up to and including the grade of colonel without confirmation by the Senate. They are merely temporary appointments, so as to put the temporary appointments in the Regular Establishment on the same footing with the appointments in the National Army. I move the previous question, Mr. Speaker.

The previous question was ordered.

The SPEAKER. 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. DENT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ARMY MINE-PLANTER SERVICE.

Mr. DENT. Now, Mr. Speaker, I call up House bill 9898.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 9898) to establish in the Coast Artillery Corps of the Regular Army an Army mine planter service.

Be it enacted, etc., That hereafter there shall be in the Coast Artillery Corps of the Regular Army an Army mine planter service, which shall consist, for each mine planter in the service of the United States, of one master, one first mate, one second mate, one chief engineer, and one assistant engineer, who shall be warrant officers appointed by and holding their offices at the discretion of the Secretary of War, and two oilers, four firemen, four deck hands, one cook, one steward, and one assistant steward, who shall be appointed from enlisted men of the Coast Artillery Corps under such regulations as the Secretary of War may prescribe: *Provided*, That the Coast Artillery Corps is hereby increased by such numbers of warrant officers and enlisted men as may be necessary to constitute the force provided by this act: *Provided further*, That the annual pay of the warrant officers and enlisted men in the various grades established by this act shall be as follows: Masters, $1,800; first mates, $1,320; second mates, $972; chief engineers, $1,700; assistant engineers, $1,200; oilers, $432; firemen, $396; deck hands, $216; cooks, $360; steward, $540; assistant stewards, $288: *And provided further*, That warrant officers shall have such allowances as the Secretary of War may prescribe, and shall be retired and shall receive longevity pay, as now provided by law for officers of the Army, and that the enlisted force herein provided for shall receive the allowances and continuous-service pay now provided by law for enlisted men of the Army: *Provided*, That in computing length of service for retirement, and in computing longevity pay for warrant officers and continuous-service pay for the enlisted men authorized by this act, service on boats in the service of the Quartermaster Department or the Quartermaster Corps prior to the passage of this act shall be counted: *And provided further*, That during the continuation of the present emergency all enlisted men of the mine planter service of the Army of the United States in active service whose base pay does not exceed $21 per month shall receive an increase of $15 per month; those whose base pay is $24, an increase of $12 per month; those whose base pay is $30, $36, or $40, an increase of $8 per month; and those whose base pay is $45 or more, an increase of $6 per month: *And provided further*, That the increases of pay herein authorized shall not enter into the computation of continuous-service pay.

The SPEAKER. This bill is on the Union Calendar.

Mr. DENT. I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. DENT. Now, Mr. Speaker, I yield to the gentleman from California [Mr. KAHN] to explain this bill.

The SPEAKER. The gentleman from California is recognized for five minutes.

Mr. KAHN. Mr. Speaker, for several years the Coast Artillery Corps has asked for this legislation. The Committee on Military Affairs has not heretofore taken it up, but since we have gone into this war it is essential that this legislation be passed.

The Coast Artillery Service has charge of the mine planters of the country. The officers of that corps find now that they have a great deal of difficulty in getting civilians to work on the mine planters if the weather happens to be a little rough, or if they do not like the kind of work required in the service. In war we can not wait for the weather. We have to be ready to act immediately, and the War Department feels that by enlisting men in this service they can be ordered to do the work at any time, at any hour of the day or night, as occasion may arise.

It is a service, of course, that operates only along the coast of our country. I understand there are only nine mine-planter stations in the country. It is not always possible to get men in an emergency to do this necessary work. The passage of this bill will enable the War Department to enlist men for this service. Under the circumstances it is believed that we will have no further difficulty in operating mine planters at any hour of the day or night.

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

Mr. KAHN. Yes.

Mr. WALSH. I wanted to ask a question with reference to deck hands on these mine planters. I suppose they perform a character of work similar to that of a seaman upon that class of vessels?

Mr. KAHN. Not what you would call a seaman, but what they call a deck hand. He is a man who——

Mr. WALSH. Well, he would be the only seaman on board of the mine planter.

Mr. KAHN. The mine planters do not go out to sea for any great distance. They are operating in and near the harbors. We have deck hands on the ferryboats that ply in our ports. The men on the mine planters are like those deck hands.

Mr. WALSH. They go as far out to sea as these submarine chasers—these small boats?

Mr. KAHN. No. They simply mine the harbors.

Mr. WALSH. They might not go as far out to sea as it is intended that the submarine chasers should go, but they would go out as far as some of the submarine chasers actually do go. My inquiry was prompted by noting the small pay that was paid these deck hands—$216 a year.

Mr. KAHN. That is about the same pay they get for the same work in private service.

Mr. WALSH. On board these tugboats?

Mr. KAHN. Yes.

Mr. WALSH. And it is thought to fix the pay at the same rate they receive in private service, and then they get $180, I see, additional, according to the last proviso.

Mr. KAHN. Well, we have given all the employees of the Government some increase of pay through the legislation that was passed through this House.

Mr. WALSH. They get $15 a month if their base pay does not exceed $21. That would give the deck hands $396 per year. Now, I wanted to ask if they would also get commutation?

Mr. KAHN. No.

Mr. WALSH. Would they get this 30 or 40 cents a day for meals, as in the Navy?

Mr. KAHN. No. They are furnished their meals.

Mr. WALSH. And they do not have to contribute to that?

Mr. KAHN. No. They will get rations like the enlisted men of the Army.

Mr. WALSH. Now, Mr. Speaker, I desire to ask the gentleman a question with reference to the salary fixed for masters and for the mates. What did the committee have to compare with?

Mr. KAHN. That is about the salary they are getting now in that service.

Mr. WALSH. Would the gentleman state in what part of the country you can find the master of a tugboat that gets $1,800 a year?

Mr. KAHN. You will find that mine planters are located around Boston Harbor, and they are located around New York Harbor, and that they are located at the mouth of Chesapeake Bay. They are located on the Atlantic coast, as you go down the coast and around the Gulf shore; they are located on the Pacific coast around Puget Sound, and the harbor of San Francisco.

Mr. WALSH. Well, they have been in the service of the Government?

Mr. KAHN. Yes; as civilians.

Mr. WALSH. How does it compare with the compensation in private employment?

Mr. KAHN. Well, I imagine that it must be about the same, because these men are not enlisted. They are not commissioned. If they could get better pay in private employment they would probably not serve with the Government for less wages than they could get from private concerns.

Mr. WALSH. I have no desire to unduly consume time upon this measure, Mr. Speaker, but I wanted——

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

Mr. WALSH. I move to strike out the last word, to permit the gentleman from California to answer a question.

The SPEAKER. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. Who would be the warrant officers under this schedule?

Mr. KAHN. I presume they would be the same as warrant officers in the Navy, carpenters, and so on.

Mr. WALSH. But there are no carpenters provided for in this service.

Mr. KAHN. I know, but the warrant officers in the service would be doing the same class of work as the warrant officers in the Navy.

Mr. WALSH. Would a fireman be a warrant officer?

Mr. KAHN. I do not think so.

Mr. WALSH. Probably warrant officers would not be below the grade of assistant engineers.

Mr. KAHN. No; I do not think so. Probably the warrant officers would be those occupying the positions just below assistant engineers and not above that.

Mr. WALSH. Mr. Speaker, if I understand the gentleman correctly, it is attempted here to create a new branch of the military service, something that has been desired for some little time.

Mr. KAHN. Yes.

Mr. WALSH. But especially necessary during this present war?

Mr. KAHN. Quite right.

Mr. WALSH. And that in fixing the compensation and the benefits the committee have sought to make it compare with a similar service of the Navy, although this is to be under the jurisdiction of the Chief of the Coast Artillery?

Mr. KAHN. Quite right.

Mr. WALSH. And the committee have sought to put the compensations and benefits upon the same plane with those of men similarly engaged in the Navy?

Mr. KAHN. Yes.

Mr. WALSH. And with that end in view this increase in pay has been granted?

Mr. KAHN. Quite right.

Mr. WALSH. That is satisfactory. I yield back the balance of my time.

Mr. ROBBINS. Mr. Speaker, may I in the time of the gentleman from Massachusetts ask a question?

Mr. WALSH. I yield to the gentleman from Pennsylvania.

Mr. ROBBINS. Why is this service placed under the Army? Does not the Navy maintain a mine-sweeping fleet?

Mr. KAHN. The Navy does not maintain this mine-planting service.

Mr. WALSH. It is connected with the forts.

Mr. KAHN. It has always been under the Coast Artillery. This work is done within or immediately at the entrance of the harbors.

Mr. ROBBINS. It is all done by boats, is it not?

Mr. KAHN. It is all done by Coast Artillery boats. Mine planters, special boats built for that service. It has always been operated by the War Department. It has never been operated by the Navy.

Mr. ROBBINS. Will there not be some conflict between the Navy and the Army about this?

Mr. KAHN. None whatever, because the mine planters are operating now under the War Department.

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

Mr. ROBBINS. I move to strike out the last two words. I want to find out further what increased expense this proposed new fleet of mine sweepers that the Army is going to operate is going to put upon the Government.

Mr. KAHN. These vessels are mine planters—not mine sweepers. As I understand, it is proposed to pay these men the wages they have been getting; but I explained at the beginning that these employees at the present time are civilians. They can leave at any moment, and they do frequently leave their positions. In war it is necessary to have these men when you need them. That is the purpose of the legislation.

Mr. ROBBINS. I understood that, but I ask now what increase of expense this proposes to entail upon the Government?

Mr. KAHN. As I understand it, there will be no increase of expense.

The SPEAKER. The pro forma amendment is withdrawn. The question is on the engrossment and third reading of the bill.

Mr. DENT. Mr. Speaker, there is an amendment I would like to offer, to perfect the bill, in accordance with the present law. On page 3, line 4, after the figures "$30," I move to insert the figures "$33."

This amendment is suggested by the Secretary of War in order to conform to the present law as to the increase in the pay of privates.

The SPEAKER. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENT: Page 3, line 4, after the figures "$30," insert the figures "$33."

Mr. MEEKER. Mr. Speaker, I move to strike out the last word just for the purpose of asking to insert in the RECORD a short interview with a very prominent Army officer in regard to desk officers. I do this in order that both sides of this question may have a fair hearing.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD about desk officers. Is there objection?

There was no objection.

The SPEAKER. The pro forma amendment is withdrawn. The question is on the amendment offered by the gentleman from Alabama [Mr. DENT].

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

REIMBURSEMENT OF EXPENSES OF ENLISTED MEN.

Mr. DENT. Mr. Speaker, I call up the bill (H. R. 9163) to provide for reimbursement of actual expenses or flat per diem for enlisted men traveling on duty under competent orders.

The SPEAKER. The gentleman from Alabama calls up a bill, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar.

Mr. DENT. I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That hereafter, under such regulations and within such maximum rates as may be prescribed by the Secretary of War, enlisted men may be reimbursed for actual expenses of travel, including subsistence and lodging, incurred while traveling under competent orders and not embraced in the movement of troops, or they may be paid a flat per diem therefor in lieu of such reimbursement.

Mr. DENT. Mr. Speaker, under the present law an enlisted man traveling, for instance, as a guard with a prisoner would get only $1.50 per day, which, of course, is not sufficient to pay the expenses of himself and his prisoner. The object of this bill is simply to pay him his actual expenses. That is all there is to it.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

RESERVE OFFICERS' TRAINING CORPS.

Mr. DENT. Mr. Speaker, I call up the bill (H. R. 9098) to suspend for the period of the present emergency sections 45, 46, and 56 of "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, and for other purposes.

The SPEAKER. The gentleman from Alabama calls up a bill, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. The bill is on the Union Calendar.

Mr. DENT. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent that this bill will be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That sections 45, 46, and 56 of "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, be, and they hereby are, suspended for and during the period of the present emergency, but for such period only, and that upon the termination of said emergency said suspension shall cease and terminate and said sections shall thereupon be and become reinstated and of the same force and effect as if this suspension had not been made.

SEC. 2. That during the present emergency the President be, and he hereby is, authorized to detail such number of officers of the Army of the United States, either active or retired, not above the grade of colonel, as may be necessary for duty as professors and assistant professors of military science and tactics at institutions where one or more units of the Reserve Officers' Training Corps are maintained; but the total number of active officers so detailed at educational institutions shall not exceed 1,000, and no officer shall be so detailed who has not had at least one year's commissioned service in the Army of the United States. Retired officers below the grade of lieutenant colonel so detailed shall receive the full pay and allowances of their grade, and retired officers above the grade of major so detailed shall receive the same pay and allowances as a retired major would receive under like detail.

SEC. 3. That during the present emergency the President be, and he hereby is, authorized to detail for duty at institutions where one or more units of the Reserve Officers' Training Corps are maintained such number of enlisted men, either active or retired, of the Army of the United States as he may deem necessary, but the active noncommissioned officers so detailed shall have had at least one year's active service, and the total number of such active noncommissioned officers so detailed shall not exceed 3,000, and shall be additional in their respective grades to those otherwise authorized for the Army of the United States. While detailed under the provisions of this section retired noncommissioned officers of the Army of the United States shall receive active pay and allowances.

SEC. 4. That during the present emergency such arms, tentage, and equipment as the Secretary of War shall deem necessary for proper military training shall be supplied by the Government to schools and colleges other than those provided for in section 47 of the national-defense act approved June 3, 1916, having a course of military training prescribed by the Secretary of War and having not less than 100 physically fit male students above the age of 14 years, under such rules and regulations as he may prescribe; and the Secretary of War is hereby authorized during the present emergency to detail commissioned and noncommissioned officers of the Army of the United States to said schools and colleges, detailing not less than one such officer or noncommissioned officer to each 500 students under military instruction; but no officer or noncommissioned officer shall be so detailed who has not had at least one year's active service in the Army of the United States.

Mr. BUTLER. Mr. Speaker, let us have some explanation of this bill.

Mr. LITTLE. Will the gentleman from Alabama define very briefly just exactly what is the Reserve Officers' Training Corps?

Mr. DENT. That is the training corps in the schools and colleges, provided by the national-defense act.

Mr. LITTLE. For what purpose, exactly? I know in a general way, but I should like a further explanation.

Mr. DENT. The bill speaks for itself. It is to provide officers to be instructors in schools which maintain one or more units of the Reserve Officers' Training Corps. It is for the training of officers so that they can be called into the service after they are trained. They agree and understand that they will be subject to be called into the service after they get the training. That is under the national-defense act.

Mr. LITTLE. And the Reserve Officers' Training Corps people are liable to be called into the service?

Mr. DENT. Undoubtedly.

Mr. KAHN. I think the gentleman from Alabama misunderstood the question of the gentleman from Kansas. The purpose of this legislation——

Mr. DENT. The gentleman from Kansas was not asking about the purpose of the legislation.

Mr. LITTLE. No; I am satisfied with the purposes of the legislation, but I thought it was a good time to get a little information.

Mr. BUTLER. Will the gentleman yield?

Mr. DENT. I will.

Mr. BUTLER. I understand this applies only to the schools and colleges which heretofore have had assignments of Army officers for the purpose of instruction.

Mr. DENT. Yes; and any that may be assigned.

Mr. BUTLER. How about the high schools, the public schools?

Mr. DENT. It depends upon whether the War Department recognizes them. The object of this bill is simply this, in a nutshell: Under the present law only officers of the Regular Establishment can be assigned to schools and colleges. The War Department anticipates that there will be a great many National Guard officers and National Army officers returned from the front injured in such a way that they could not go into the trenches and see active service, but can go to these schools and colleges; and it is simply to extend to the officers of the National Guard and the National Army the right of assignment to these schools and colleges so as to increase the number of available officers.

Mr. BUTLER. And if a high school should ask for a detail the War Department would be authorized to send an officer there?

Mr. DENT. Yes.

Mr. ALEXANDER. Provided they have a sufficient number of pupils.

Mr. BUTLER. Yes. I want to say that in my home town we have the only universal military training found in the United States. Noncommissioned officers are drilling these boys—180 in number. I have a letter from the superintendent of the public schools this morning saying that one would scarcely appreciate

the improvement in these high-school boys since they began training. It is the only place in the United States where such military training is had.

Mr. DENT. Mr. Speaker, I ask unanimous consent to substitute the Senate bill on the same subject for the House bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent to consider the Senate bill in lieu of the House bill.

Mr. WALSH. May I ask if they are identical?

Mr. DENT. They are except perhaps in a minor particular; the only difference is that in the House bill it refers to the present emergency while in the Senate bill it refers to the present war.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate bill.

The Clerk read the bill S. 3528, as follows:

An act (S. 3528) to suspend for the period of the present war sections 45, 46, and 56 of 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 for other purposes.

Be it enacted, etc., That sections 45, 46, and 56 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, be, and they hereby are, suspended for and during the period of the present war, but for such period only, and that upon the termination of said war said suspension shall cease and terminate and said sections shall thereupon be and become reinstated and of the same force and effect as if this suspension had not been made.

SEC. 2. That during the present war the President be, and he hereby is, authorized to detail such number of officers of the Army of the United States, either active or retired, not above the grade of colonel, as may be necessary for duty as professors and assistant professors of military science and tactics at institutions where one or more units of the Reserve Officers' Training Corps are maintained; but the total number of active officers so detailed at educational institutions shall not exceed 1,000, and no officer shall be so detailed who has not had at least one year's commissioned service in the Army of the United States. Retired officers below the grade of lieutenant colonel so detailed shall receive the full pay and allowances of their grade, and retired officers above the grade of major so detailed shall receive the same pay and allowances as a retired major would receive under like detail.

SEC. 3. That during the present war the President be, and he hereby is, authorized to detail for duty at institutions where one or more units of the Reserve Officers' Training Corps are maintained such number of enlisted men, either active or retired, of the Army of the United States as he may deem necessary, but the active noncommissioned officers so detailed shall have had at least one year's active service, and the total number of such active noncommissioned officers so detailed shall not exceed 3,000, and shall be additional in their respective grades to those otherwise authorized for the Army of the United States. While detailed under the provisions of this section retired noncommissioned officers of the Army of the United States shall receive active pay and allowances.

SEC. 4. That during the present war such arms, tentage, and equipment as the Secretary of War shall deem necessary for proper military training shall be supplied by the Government to schools and colleges other than those provided for in section 47 of the national-defense act approved June 3, 1916, having a course of military training prescribed by the Secretary of War, and having not less than 100 physically fit male students above the age of 14 years, under such rules and regulations as he may prescribe; and the Secretary of War is hereby authorized during the present war to detail commissioned and noncommissioned officers of the Army of the United States to said schools and colleges, detailing not less than 1 such officer or noncommissioned officer to each 500 students under military instruction; but no officer or noncommissioned officer shall be so detailed who has not had at least one year's active service in the Army of the United States.

Mr. ROBBINS. Mr. Speaker, I move to strike out the last word. On page 3, section 4, line 17, it provides that the Secretary of War shall detail an instructor to each 500 students under military instruction. Above that, in the same section, it provides for schools having not less than 100 physically fit male students above the age of 14 years. Now, that seems to be inconsistent, and I think there should be an amendment providing for 1 for every 500 students or fraction thereof.

Mr. WALSH. If the gentleman will yield, the first part of the section only applies to tentage and equipment, and not to instructors.

Mr. DENT. Will the gentleman refer me to the line and section that he wishes to amend?

Mr. ROBBINS. Page 3, section 4, line 17 and line 24. I want to ask if that refers to tentage and equipment, as suggested by the gentleman from Massachusetts, or to students?

Mr. KAHN. The gentleman from Massachusetts is right. The first part refers to tentage and equipment that the Secretary of War is allowed to furnish them for instruction. The latter part refers to the number of instructors. I believe it is entirely in accord with the provisions of the national-defense act. There is one instructor for every 500 students.

Mr. ROBBINS. And must be one for every 100 students at least——

Mr. KAHN. No; there is no school that has fewer than 100 that can get the instruction.

Mr. ROBBINS. That is the smallest number provided for?

Mr. KAHN. Precisely; and they can have one instructor for 100 pupils up to 500, and if they have more than 500 they can get an additional instructor.

Mr. ROBBINS. Mr. Speaker, I withdraw the pro forma amendment.

Mr. DENT. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

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

On motion of Mr. DENT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The House bill (H. R. 9098) was laid on the table.

INDEMNITY FOR DAMAGES CAUSED BY AMERICAN FORCES ABROAD.

Mr. DENT. Mr. Speaker, I call up the bill (H. R. 9901) to give indemnity for damages caused by American forces abroad.

The Clerk read the bill, as follows:

Be it enacted, etc., That claims of inhabitants of France or of any other European country for damages caused by American military forces may be presented to any officer designated by the President, and when approved by such an officer shall be paid under regulations made by the Secretary of War.

SEC. 2. That claims under this statute shall not be approved unless they would be payable according to the law or practice governing the military forces of the country in which they occur.

SEC. 3. That hereafter appropriations for the incidental expenses of the Quartermaster Corps shall be available for paying the claims herein described.

SEC. 4. That this statute does not supersede other modes of indemnity now in existence and does not diminish responsibility of any member of the military forces to the person injured or to the United States.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore (Mr. FOSTER). The gentleman from Alabama asks unanimous consent to consider this bill in the House as in Committee of the Whole House. Is there objection?

There was no objection.

Mr. DENT. Mr. Speaker, I yield to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, in the Army appropriation bill there has been for many years a provision for the appropriation of a lump sum to pay the damages caused in this country by our troops in their maneuvers—damages like broken windows, broken fences, tramping down crops, and so on. This simply attempts to do the same thing in foreign lands, where our troops are now operating, or in a country where they may happen to be. The War Department feels that in European countries, where the American troops do damage of any kind, it is very desirable that the inhabitants of these countries be speedily paid the damage that has been incurred.

This bill simply provides for such relief and gives the War Department the right to pay the damages as soon as they are investigated by an Army officer and recommended by him for payment.

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

Mr. KAHN. Yes.

Mr. WALSH. I notice in the letter from the Secretary of War he says that the proposed legislation will not supersede the one hundred and fifth article of war but will facilitate its enforcement. Can the gentleman state, briefly, what that article has to do with this?

Mr. KAHN. I believe that article allows payments of damages for property destroyed. Of course that is only operative in this country, and this will make it operative in a foreign country.

Mr. WALSH. Of course it is not intended that this legislation will permit a person having, for instance, a residence along the battle front, which has been blown up, to recover damages.

Mr. KAHN. Oh, no.

Mr. WALSH. It is only in the movement, operation, and maintenance of troops not engaged in actual battle?

Mr. KAHN. Exactly. It is for damages that occur by reason of the operation of troops in France going to or coming from the front or while in billets and not in action.

Mr. WALSH. The gentleman's former statement was a little broader than that, and I thought he did not intend it.

Mr. KAHN. No; the law in this country now on the statute books only allows payment of damages done during maneuvers.

Mr. WALSH. But this provides that damages which are payable by the law of the country in which they are committed could be compensated for under this act; so that if in France certain damages are inflicted which under our law could not be paid for under this act compensation would have to be made.

Mr. KAHN. It is believed by the War Department that on account of the comity that exists between the two nations we ought to be willing to meet these things frankly, fully, and freely. The people of France, of course, cooperating with our troops, would probably look to the United States to pay them for damages which they could secure under their own law if their own soldiers had done the damage. I want to say to the gentleman that I think that in all nations the law is practically identical regarding damages done by troops during maneuvers.

Mr. MILLER of Minnesota. Mr. Speaker, I would like to ask the gentleman from Alabam a question, having in mind what the gentleman from California [Mr. KAHN] has just said that damages contemplated to be compensated in this way are confined to those of maneuvers, and only to maneuvers.

Mr. KAHN. Maneuvers and movements of troops.

Mr. MILLER of Minnesota. I would include that in maneuvers—movements of troops back and forth. The gentleman intended to include utilization of land for training purposes?

Mr. KAHN. No.

Mr. MILLER of Minnesota. School purposes?

Mr. KAHN. No.

But assuming that is the import of the bill, there can be no objection to it, but that is not the language of the bill. The language is this:

That claims of inhabitants of France or of any other European country for damages caused by American military forces.

There is nothing to confine that to maneuver, nothing to confine it to anything, but it is as broad and sweeping as any language could possibly be—

caused by American military forces.

Mr. DENT. I call the gentleman's attention to the language—

under regulations made by the Secretary of War.

Mr. MILLER of Minnesota. That extends only to the payment and not to the character of the injury that would justify a claim for damages.

Mr. KAHN. Mr. Speaker, I desire to call the gentleman's attention to section 2.

Mr. MILLER of Minnesota. Yes; I have read section 2, and that in one sense limits it, but not in the sense I mentioned—

That claims under this statute shall not be approved unless they would be payable according to the law or practice governing the military forces of the country in which they occur.

As they are likely all to occur in France or possibly some in Belgium, whether or not the case constitutes a claim depends upon the local law of France and Belgium, not upon the American law, and nobody here knows what the law of France or Belgium is or what it will be in a week or two weeks from now. That in one sense limits it, but not to the extent the criticism indicated. Let me call the gentleman's attention to this. The cases which may result in a claim are any acts performed by the American military forces, and these claims can be presented to any officer designated by the President; but here is the language—

and when approved by such an officer shall be paid under regulations made by the Secretary of War.

The regulations of the Secretary of War extend only to the manner of payment and do not extend to anything else. This officer has no latitude. It does not say they may be paid, but they shall be paid.

Mr. KAHN. Under such regulations as the Secretary of War shall make. And let me call to the attention of the gentleman from Minnesota what the Secretary of War said on this subject.

The proposed law provides for the prompt payment, under such regulations as the Secretary of War may make or may cause to be made, of all claims for injury to persons and damage to property resulting from the presence of United States military sources in Europe. Gen. Pershing informs the War Department that the inability to pay claims for the injury due to and expenses caused by Government motor vehicles and other causes result in much hardship and injustice to French people and seriously injures the reputation of the American Army in France as compared with the reputation of the British forces.

And it is in order to obviate that complaint and to establish a more friendly feeling toward the American soldier in France that the War Department asks for this legislation.

Mr. DENT. As I understand the criticism of the gentleman from Minnesota is to "when approved by such an officer" over there it will be absolutely binding.

Mr. MILLER of Minnesota. Absolutely.

Mr. DENT. Why?

Mr. MILLER of Minnesota. I would like to have the gentleman point out wherein I am incorrect.

Mr. DENT. The language reads:

Damages caused by American military forces may be presented to any officer designated by the President, and when approved by such an officer shall be paid under regulations made by the Secretary of War.

Now, the regulations to be made by the Secretary of War cover the whole case.

Mr. MILLER of Minnesota. I can not agree with the gentleman that assumption is not found in law, and I am sure the gentleman will agree with me——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GREEN of Iowa. Will the gentleman yield? I move to strike out the last word.

Mr. MILLER of Minnesota. Mr. Speaker, I desire to be recognized to strike out the last word.

The SPEAKER pro tempore. The gentleman has had five minutes.

Mr. MILLER of Minnesota. I have not had any time.

The SPEAKER pro tempore. The Chair understood the gentleman was given recognition for five minutes.

Mr. MILLER of Minnesota. Then I ask unanimous consent for five minutes more.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER of Minnesota. I am not going to vote against this, but I believe it is not quite exact or the correct thing at all, but I recognize the necessity of passing some such bill, and for that reason I am willing to vote for it, but I am not going to let it go by without pointing out wherein it is defective. Now, the gentleman's contention, as I understand it, is that these claims are to be presented under such regulations and rules as the Secretary of War may prescribe. Well, I submit that is not the language of the bill, and that could not be construed as the meaning of the bill for this reason.

Mr. DENT. Now, the gentleman is a good lawyer, and, to expedite matters, how would he improve the language?

Mr. MILLER of Minnesota. I would not use that language at all.

Mr. DENT. I asked the gentleman how to improve it.

Mr. MILLER of Minnesota. This language says that these claims—

May be presented to any officer designated by the President and when approved by such officer shall be paid.

Now, that should be, "may be paid."

Mr. DENT. I will accept that amendment.

Mr. MILLER of Minnesota. Under rules and regulations under authority of the Secretary of War. The regulations that the Secretary can make relate only to the manner and method of payment and not to adjudication of the claim.

Mr. DENT. I will accept the amendment.

Mr. GREEN of Iowa. Let me suggest to the gentleman that the amendment ought not to be accepted, and when I can get time I think I will be able to show it.

Mr. MILLER of Minnesota. I only want one more moment and then I will give up the floor. It seems to me that this bill is designed to reach the situation pointed out by the Secretary of War quoted from Gen. Pershing's request and the language of the bill should restrict the operations of the bill to that class of subjects. Why is it necessary to make it so sweeping; why is it necessary to employ such universal language? Why not say, "That claims of inhabitants of France or of any other European country for damages caused by American military sources while engaged in maneuvering or transportation within the boundaries of France?" There you have got the whole thing.

Mr. GREEN of Iowa. Has the gentleman finished?

Mr. MILLER of Minnesota. I would like to ask the gentleman's opinion of language of that kind.

Mr. DENT. I do not think that would hurt it at all, but I do not think it would accomplish anything.

Mr. KAHN. Will the gentleman yield?

Mr. MILLER of Minnesota. Let me point out one thing further. Under the articles of war of this Government the commander of an army engaged in actual military operations can commandeer, he can take food for himself and horses and clothing and anything necessary to carry on his campaign. Now, you do not propose these claims be adjudicated in this manner, I am sure, but they would be included——

Mr. WALSH. Is it not included in the 105th article of war?

Mr. MILLER of Minnesota. Yes.

Mr. WALSH. This does not supersede that.

Mr. KAHN. Will the gentleman allow me to suggest to the gentleman from Minnesota why this amendment would not meet a certain situation——

Mr. MILLER of Minnesota. No; the bill does not say the one hundred and fifth article shall prevail.

Mr. KAHN. And why it may not be desirable to have that language in the bill?

Mr. MILLER of Minnesota. I would like to ask the gentleman why.

Mr. KAHN. Here is my point: An officer is instructed to carry a dispatch to a certain place. He is not engaged in maneuvers. He starts off in an automobile, and going down the road at a fast rate on a dark night he runs over a pig belonging to a French peasant. Ought not that French peasant be paid for that loss?

Mr. MILLER of Minnesota. There is no question about it at all.

Mr. KAHN. And yet the limitation of the gentleman would preclude his getting pay for it.

Mr. MILLER of Minnesota. That language of limitations, if it does not cover the classification to which the gentleman refers, should be changed.

Mr. KAHN. Does not the gentleman think it would be better to leave those little details to the judgment of our officers on the other side, who are dealing with the inhabitants day after day?

Mr. MILLER of Minnesota. I am willing to indorse that whole-heartedly, and to accomplish it we should have a language to cover such class of cases as shall be designated by rules and regulations prescribed by the Secretary of War. Then there can be no objection to it.

Mr. GREENE of Vermont. What is the difference between that and what it is now?

Mr. DENT. In line 6——

Mr. MILLER of Minnesota. I do not care where you put it. The rules and regulations of the Secretary of War should relate back to the presentation and adjudication of the claims.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. GREEN of Iowa. Mr. Speaker, I think this bill is just exactly in the form it ought to be now, and I believe I can give very good reasons for it. The second section provides—

> That claims under this statute shall not be approved unless they would be payable according to the law or practice governing the military forces of the country in which they occur.

That is according to the law and practice of the military forces in France. Now, if the forces in France were operating in this country, we would not want our laws to be abrogated. We would want compensation to be paid in accordance with our law, and that is what the French want, and that is what they ought to have. We could not afford to be otherwise than liberal in these matters. We can not afford to stick on small things when the law of France gives some compensation. We ought to be willing to give the same compensation to the people of that country that their own laws give to them. That limits and prescribes exactly what shall be paid.

Mr. WALSH. The gentleman contends that there is no discrimination against our troops in France as against the British troops or the French troops or any other troops?

Mr. GREEN of Iowa. None whatever. It is what the other armies are doing. If that is what the British troops are doing, as I understand they are; if that is what the French troops are compelled by their own Government to do, and it follows the custom of our own military forces, then being over in that country and fighting by their side, we ought to be willing to do that ourselves. I do not think the bill needs any change as it stands.

Now, some criticism was made because the bill provided that these claims shall be paid when approved by the proper officer. Why not? When we have had them submitted to some officer, and he has gone over them and examined them, and found that they conform to the French law and custom of the country, and then, after hearing the evidence he finds that they are just, why should they not then be paid? What does "approved" mean? It means found correct and proper.

Mr. KAHN. That is exactly what is done in this country, some particular officer passes upon the bill, and then the bill is paid if damage is done here.

Mr. GREEN of Iowa. I thank the gentleman for the suggestion.

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. GREEN of Iowa. Yes.

Mr. STAFFORD. There are numerous cases in tort caused by the actions of our soldiers in this country connected with their military duty, in the way of driving automobile trucks which come in collision with private automobiles, say, whereby the claimants are obliged to come to Congress for recognition of damages. I did not know until the gentleman from California [Mr. KAHN] just mentioned it, that there was any provision made for that character of claims.

Mr. GREEN of Iowa. I am not prepared to state——

Mr. KAHN. And if the officer or soldier is performing some military duty and damages property in this country, or, under this law, damages a person, the damage ought to be allowed and paid. In this country it is paid where damages of that kind occur.

Mr. STAFFORD. Will the gentleman advise the House whether in case of a collision of an Army automobile truck driven on the highway with a privately owned vehicle there is any provision or regulation?

Mr. GREEN of Iowa. If the gentleman will pardon me——

Mr. STAFFORD. Is there any provision or regulation for the payment of that character of claim through departmental channels?

Mr. KAHN. I believe it can be paid.

Mr. STAFFORD. I am told there are many claims pending before the Committee on Claims of just that character.

Mr. KAHN. I understand where the damage is slight that they are invariably taken up and adjusted by the department out of the lump-sum appropriation that is made for that purpose.

Mr. GREEN of Iowa. Mr. Speaker, I do not care anything about that. The point I am trying to make is that this provides for compensation in the same manner, and according to the law and custom of the country in which our troops are operating. The same rule applies to British troops and to their own troops, and in fairness and justice we ought to be willing to do the same thing. And even if we should go a little beyond what we would consider proper in this country, it seems to me that we can under no circumstances afford to have any difficulty or bad feeling created. It is of the highest importance that good feeling should exist between the inhabitants of France and other friendly countries where our troops may be operating, and even if we should pay some claim that was somewhat exaggerated, or one for which no liability would arise in our own country, it would be well worth all it cost in sustaining the friendly feeling that now exists between us and those who are our allies in fact if not in name.

Mr. LITTLE. Mr. Speaker, none of the gentlemen have touched what seems to me to be a very loosely drawn portion of this bill. Under this bill, interpreted by any rule of law, you have provided for the claims of the German people. If our Army stays in France, of course, it would only apply to France, but we legislate on the theory that they are going to Berlin. If you run over a pig in Germany, under the laws of that country you would have to pay for it. It says:

> Claims of inhabitants of France or any other European country—

Which is Germany—

> for damages caused by American military forces.

God knows we hope we will cause them a whole lot. We expect to go there.

Now, "claims under this statute shall not be approved unless they would be payable according to the law or practice governing the military forces of the country in which they occur." They will occur in Germany, and under their law we would be liable; and that is the kind of a law you are making.

Mr. GREEN of Iowa. What statute has the German in his country?

Mr. WALSH. Under what theory does the gentleman contend that a law of the United States heretofore made or hereafter made during the continuance of this war includes our enemies?

Mr. LITTLE. Because it says so.

Mr. WALSH. No. The gentleman is entirely wrong.

Mr. DENT. I would like to ask the gentleman this question: If he thinks any commanding officer of the American forces will ever approve a claim against us by Germany?

Mr. LITTLE. That is the answer that I expected. The gentleman from Massachusetts [Mr. WALSH] suggests that there is no theory under which it can be done. There never was until the committee brought in a bill authorizing it and suggesting it. That is the kind of a bill you have brought in.

A gentleman on the other side asked whether it was possible that anybody who has any sense would approve such a claim under this measure. If you pass this bill, the Congress of the United States will have authorized it. Has not this House got as much sense as you expect the American commanding officer to have? You are depending on the American officers to see to it that the law you pass is not enforced. Thank God, the American officer will have sense enough to see that it is not. But have we not sense enough to pass a law that a boy will not break if he does his duty?

Mr. DENT. Let me remind the gentleman that we have forces in England, in training in England, and we may send some forces into Italy.

Mr. LITTLE. Yes; and we are going to have some in Germany pretty soon, I hope.

Mr. DENT. I hope so. This bill was drawn by the War Department.

Mr. LITTLE. That does not improve things any. I suspected that.

Of course, gentlemen, I realize that no American officer is going to enforce this particular feature that I suggest might be enforced, but that is no answer to my criticism. It is the duty of this House to draw its statutes so that they will not be open to misconstruction. We must not leave it to the officers. This House must have as good judgment as the officer is expected to

have. When you are about it, why not frame it so as to meet the situation? The bill should read, "The claims of the inhabitants of France or any other European country except the enemies of this country," or some little phrase like that. Then you will not have made yourselves ridiculous for all time.

Mr. GORDON. Mr. Speaker, will the gentleman yield there?

Mr. LITTLE. Yes.

Mr. GORDON. Would an officer or any other American citizen be guilty of giving aid and comfort to the enemy by doing the very thing you suggest, or would he not?

Mr. LITTLE. You are going to vote for a bill to do it.

Mr. GORDON. Certainly not. You could not do the thing you suggest without being guilty of treason.

Mr. LITTLE. What are we doing, then? We are simply depending upon the officer to safeguard the place you have left open. You authorize him to commit treason and rely on him not to. To think that the boy has sense enough to see that this is not done is not a good reason why we should not guard against it. When you draw your legislation, gentlemen, you should draw it so that it says what we mean and means what we say, so that such criticisms would not arise.

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

Mr. LITTLE. Yes.

Mr. ROBBINS. Does not the gentleman think that an amendment, right after the word "country," reading something like this, "with whom we are at war," would do what is desired?

Mr. LITTLE. Yes; that is what I said.

Mr. GREENE of Vermont. What would you do in the case of Turkey?

Mr. ROBBINS. Yes; and what would you do in the case of Spain?

Mr. GREENE of Vermont. We are really at war with Turkey, but technically at peace. Spain is a neutral country. If we saw the Turkish troops alongside of German troops, we would kill the Turks as well as the Germans, would we not?

Mr. LITTLE. Of course; and this applies to Bulgaria and Turkey and Switzerland and Holland.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. ROBBINS. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will read the bill first, and then the amendment.

The Clerk read the bill, as follows:

A bill (H. R. 9901) to give indemnity for damages caused by American forces abroad.

Be it enacted, etc., That claims of inhabitants of France or of any other European country for damages caused by American military forces may be presented to any officer designated by the President, and when approved by such an officer shall be paid under regulations made by the Secretary of War.

SEC. 2. That claims under this statute shall not be approved unless they would be payable according to the law or practice governing the military forces of the country in which they occur.

SEC. 3. That hereafter appropriations for the incidental expenses of the Quartermaster Corps shall be available for paying the claims herein described.

SEC. 4. That this statute does not supersede other modes of indemnity now in existence and does not diminish responsibility of any member of the military forces to the person injured or to the United States.

Amendment offered by Mr. ROBBINS: Page 1, line 4, after the word "country," insert "with whom we are at war."

Mr. DENT. Well, Mr. Speaker, in order that gentlemen may write the bill to suit themselves, I hope that amendment will be adopted. Does the gentleman from Massachusetts object to it?

Mr. WALSH. Surely.

Mr. ROBBINS. Mr. Speaker, the amendment is only intended to clarify what the law seeks to accomplish. The purposes of the bill are perfectly proper. It simply means to pay damages where damages are allowed in the countries where the American Expeditionary Forces may be operating and commit those damages. But if those damages are committed in a country like Spain, a neutral country, so far as we are concerned, or in a country like Turkey, with which we are not at war, but with which we are hostile, to all intents and purposes, we ought not to pay damages in a case of that kind, should such damage occur to Turkey; not only in the countries of our allies or neutrals, but also in countries with which we are at war may damages arise which would be covered by this bill as it now is.

Now, we shall invade Germany, no doubt, and there will be damages that will be committed by the movement of troops or by the transmission of supplies, and matters of that kind. This bill ought to be clear as to the character of damages we are to pay under its provisions and the persons who are entitled to claim under its terms.

Now, to illustrate by referring to something with which I am familiar, in the National Guard of Pennsylvania every year when we were in camp we damaged private property, such as passing over cultivated fields in the maneuvers and breaking down fences in the march, more or less. Those damages are all examined into and paid by the quartermaster's department, who settles and pays them immediately after the damages occur.

I suggest that in this bill provision should be made for some officer to conduct the investigation and ascertain the facts, and then pay the damages as the evidence would show it should be paid. We ought to define in this statute the countries and citizens that are entitled to make such claims.

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

Mr. ROBBINS. Yes.

Mr. REAVIS. The damages done by the National Guard are done in our own country. How is our Army to get into a neutral country?

Mr. KAHN. By violating the neutrality of that country.

Mr. ROBBINS. They could get in by a movement, either in advance or otherwise, as military strategy may require at the time.

Mr. REAVIS. Not without violating the neutrality of that country. It would be tantamount to a declaration of war if we did get in, so that there can be no damages in a neutral country.

Mr. ROBBINS. This law ought to be so clear that it should not be necessary to come to Congress to amend it in the near future when any emergency would arise.

Mr. GREENE of Vermont. If we violate the neutrality of a country we would be at war with it, and consequently this act would not apply.

Mr. ROBBINS. That would not be war. We could invade a country and commit damage and not be at war, or even cause war.

Mr. GREENE of Vermont. Germany went into Belgium and violated her neutrality. Was not that considered an act of war and resented as such?

Mr. ROBBINS. Because she did not get the right to go in. She invaded by force, which is an act of war.

Mr. GREENE of Vermont. It was the going in which constituted the act of war.

Mr. ROBBINS. But the kind of case which is considered here is one where our Army would go in without any hostile intention. Suppose we sent an army through Canada, or if our port of entry was temporarily interrupted in France and we would move through Spain. It would not be war unless we forcibly entered; yet we might cause damage, and such should be paid under this bill.

Mr. GREENE of Vermont. That is exactly what Belgium was asked to do—to let the German Army go through Belgium for the purpose of attacking France.

Mr. SLAYDEN. Mr. Speaker, while it is not likely to happen, and no such thing is contemplated, and I sincerely hope no such circumstances will arise as to compel our troops ever to seek refuge either in Spain or in Switzerland, it is conceivable that they might do so. In the Franco-Prussian war of 1870 large bodies of troops went into Switzerland to avoid capture.

Mr. ROBBINS. These troops went across the boundary not for war but safety. Such damage should be paid.

Mr. SLAYDEN. Now, they might have done damage there, and naturally the Government of France would be responsible for it and pay for it.

Mr. GREENE of Vermont. Would the gentleman suggest that this Congress is now in a mood to prepare against the possible defeat and flight of our Army?

Mr. SLAYDEN. No.

Mr. ROBBINS. No; that is not the thought at all. We are here endeavoring to prepare an act of Congress and not speculating about our Army. It will not be defeated. It will never retreat.

Mr. SLAYDEN. I distinctly stated in the beginning that it was unlikely to happen, and that it contemplated no such thing, but it is conceivable that they might go into Switzerland.

Mr. GREENE of Vermont. It is not conceivable to me.

Mr. KAHN. The words "the claims of inhabitants of France or of any other European country" would take care of Switzerland and Spain.

Mr. SLAYDEN. I am not objecting——

Mr. ROBBINS. It should be clarified by inserting the words "with which we are not at war," which is the amendment I propose, after the word "country."

Mr. WALSH. Mr. Speaker, I am opposed to the amendment of the gentleman from Pennsylvania [Mr. ROBBINS]. While we are at war with Germany and her allies, I do not think any act we pass can be susceptible of conferring any benefit upon the inhabitants of Germany. It seems to me that is the height of absurdity. We are at war with Germany, and we are at war with her allies, and any law that we have heretofore passed, or that we may pass now or in the future, can not confer any benefit upon our enemies. By every rule of interpretation and by every rule of international law the legislation that we pass can be interpreted only as conferring rights, privileges, or bene-

fits upon our own people, or upon people who are associated with us in fighting the common enemy. Of course, we can not include Germany in this act, and if anybody sought to advocate or further a claim for damages inflicted upon property in Germany or in Austria, or owned by Germans or Austrians in any other land, by the American Expeditionary Forces, it would be seeking certainly not to assist our own troops, but would be indirectly aiding the troops or the cause of Germany. We have already passed an act taking care of alien property within our own borders, or within our own jurisdiction.

Mr. LONGWORTH. Of course, this is an improbable contingency, but is it not a fact that the bill as it stands might be construed as providing that we would be liable for damages if our troops destroyed any property in Turkey or Bulgaria?

Mr. WALSH. No; I believe not.

Mr. LONGWORTH. Why not?

Mr. WALSH. Because, although we have not declared war against Turkey or Bulgaria, we are at war with Germany and with nations associated with Germany in this war; and while we have not specifically declared war against Turkey or Bulgaria, they are in such a situation, under the declaration of war, and under the contest which is now being waged, that we could not confer any benefit by legislation upon Turkey or Bulgaria.

Mr. LONGWORTH. Congress has definitely decided, as I believe wrongly, not to declare war against Turkey or Bulgaria at present, and therefore under this law we would be liable in damages for any injuries committed by our troops against the property of those countries.

Mr. WALSH. Congress has decided not to declare war specifically against Turkey or Bulgaria, but the military authorities are not precluded thereby from blowing up Turkish property or destroying a Turkish force if they get in our way; and if the military authorities do that it is war, and this law would not give Turkey or any of its inhabitants any right to claim damages.

Mr. LONGWORTH. Who decides that it is an act of war? Under this bill we are liable in damages.

Mr. WALSH. Mr. Speaker, I do not think it requires any legislation to lay down the principle that no country which is opposing the forces of the United States in this present emergency needs to be explicitly exempted or taken out of legislation which is passed to confer rights and privileges upon other people.

Mr. MILLER of Minnesota. Will the gentleman yield for a question?

Mr. WALSH. Yes; I yield to the gentleman from Minnesota.

Mr. MILLER of Minnesota. Assuming that the American troops in an offensive movement cross over and move upon German territory and destroy civilian property in the course of the operation. Does the gentleman mean to say that Congress could not, if it desired, pass a law that would give compensation to private citizens of Germany for the loss of such property?

Mr. WALSH. I suppose Congress could go through the form of putting such legislation on the statute books, but I have grave doubts as to whether any such legislation as that could properly be enforced.

Mr. MILLER of Minnesota. Why could it not be enforced?

Mr. WALSH. And also I have serious doubts as to whether or not that legislation would be consistent with the action of this country in prosecuting the struggle under its declaration of war.

Mr. MILLER of Minnesota. The gentleman and I are not at all far apart on that particular point, but I am directing this to the gentleman's opinion as a lawyer. Has Congress the power, and is it competent to pass a law that would be binding upon the people of the United States, to compensate civilians in Germany for private property necessarily destroyed in the course of the military operations performed by our troops on the soil of Germany?

Mr. WALSH. Does the gentleman mean during this war?

Mr. MILLER of Minnesota. During this or any other war.

Mr. WALSH. I do not think Congress can do so, in view of its declaration of war.

Mr. SLAYDEN. It would not, anyway.

Mr. CRAGO. Let me call the gentleman's attention to the fact that this is not a bill making any new claims against the Government. It is only a bill providing how bills can be paid at once, in order that they may not accumulate and come in as omnibus claims in the future.

Mr. WALSH. Yes; and to put our troops upon the same footing as French troops and the other troops of our allies.

Mr. DEWALT. Mr. Speaker, I desire to offer an amendment.

Mr. DENT. I move the previous question on the bill and all amendments to the final passage.

Mr. MILLER of Minnesota. Will the gentleman withhold that motion?

Mr. ROBBINS. The bill has not been read yet.

Mr. MILLER of Minnesota. Mr. Speaker, I have an amendment that I want to offer.

Mr. LONGWORTH. Is not the bill being read under the five-minute rule?

The SPEAKER pro tempore. The bill is being read for amendment.

Mr. ROBBINS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROBBINS. Is it not the proper thing to dispose of my amendment?

The SPEAKER pro tempore Yes; after the previous question is ordered.

Mr. MILLER of Minnesota. I make the point of order that the motion of the gentleman from Alabama is not in order, because we are reading the bill under the five-minute rule and the bill has not been completed.

Mr. SAUNDERS of Virginia. Mr. Speaker, the motion of the gentleman from Alabama is in order. When the bill is under consideration under the five-minute rule that is not the first reading. He can move the previous question and cut off any further reading or debate of the bill under the five-minute rule.

The SPEAKER pro tempore. The gentleman from Virginia has stated the rule correctly. The question is on ordering the previous question on the bill and amendments to final passage.

Mr. MILLER of Minnesota. Is that motion to the entire bill?

The SPEAKER pro tempore. The entire bill.

Mr. MILLER of Minnesota. But the entire bill has not been read.

The SPEAKER pro tempore. The point of order is overruled, and the question is on the motion of the gentleman from Alabama for the previous question.

The question was taken, and the motion for the previous question was rejected.

Mr. DENT. Mr. Speaker, I ask unanimous consent that all debate on this bill and amendments thereto be closed in 10 minutes, the gentleman from Minnesota [Mr. MILLER] to have 5 minutes and the gentleman from Pennsylvania [Mr. DEWALT] 5 minutes.

Mr. REAVIS. Reserving the right to object, I would like five minutes.

Mr. DENT. I will make it 15 minutes.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that all debate on this bill shall close in 15 minutes. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. ROBBINS].

The question was taken, and the amendment was rejected.

Mr. DEWALT. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 4, after the word "country," insert "not an enemy or ally of an enemy."

Mr. DEWALT. Mr. Speaker and gentlemen of the House, I have listened with careful attention to the arguments that have been made here in regard to the proposed amendment by the gentleman from Pennsylvania, and I am clearly of the opinion as a lawyer that there is considerable force in the suggestion that the bill should be amended in order to clarify it. While it may be true as a matter of law, both in our country and as international law, that you can not enforce a claim against the United States for any damage done in a belligerent nation, to wit, a belligerent nation against the United States, nevertheless this bill proclaims to the inhabitants of France or any other European country that damage caused by American military forces may be personally adjudicated by those officers. Now, the phraseology of the bill is very wide, to wit, "the inhabitants of France or any other European country," which of itself would include Turkey and include every other nation which is now a belligerent nation, although not at war with us actually, but an ally of Germany. Turkey is an ally of Germany; Roumania is now an ally of Germany; Russia, if you please, by reason of the revolution, is also ipso facto an ally of Germany; and, for the life of me, I can not see the justice of this proposition, if these European nations, although we are not actually at war with them, if they suffer damage by the passage of our troops over their territory we should be obliged to pay for it. Therefore I propose to insert the words "not an enemy or an ally of an enemy," and I think that is a substantial amendment.

Mr. WALSH. Will the gentleman yield?

Mr. DEWALT. I will.

Mr. WALSH. The gentleman concludes that it is necessary to instruct the military officers to be careful and not approve claims of people who are fighting us?

Mr. DEWALT. I would reply to the gentleman in this way, that I believe no man is harmed much by careful instructions unless he is a man who thinks he knows it all.

Mr. DEMPSEY. Will the gentleman yield?

Mr. DEWALT. I will.

Mr. DEMPSEY. I think the gentleman's amendment is a proper one. At present we are simply concerned with France, and would it not be sufficient and serve all purposes if we struck out the word "any other European country"?

Mr. DEWALT. I think not; I think the phraseology in my amendment meets the question concisely, that we shall not pay any damages to an enemy country or the ally of an enemy country, and that clears up the whole situation, in my judgment.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. DEWALT. Yes.

Mr. GREEN of Iowa. I want to commend the amendment of the gentleman from Pennsylvania. I had prepared an amendment, but I think the gentleman's is better than mine. His covers the allies of the enemy, so the objection that we have not declared war against some countries will not lie against his amendment. While I think the amendment is not necessary, still I believe that acts of Congress ought to be clear and explicit, and the gentleman's amendment makes it so.

Mr. MILLER of Minnesota. Mr. Speaker, I would like to have the attention of the gentleman from Alabama, and as he is not at this moment present I will address myself to the other members of the Military Affairs Committee. The objection which has been discussed of late is whether or not the terms of this act are broad enough to confer benefits upon citizens of a nation with whom we are at war. That is but one of the features that I think open to criticism, as far as the language in the first paragraph is concerned.

In addition to that this language is so comprehensive that it covers all classes of claims that may be comprehended between paragraph 1 and paragraph 2. Now I notice some gentlemen on the Military Affairs Committee are constantly asserting that the design of this is to do so and so. That suggestion is not troubling any of us. We are all agreed that it is properly the design, but the question is, Does it not only do that, but do a lot more? Seriously, I think it does; and too much more to make it safe and sane legislation. I want to suggest to the chairman of the committee [Mr. DENT] and to the other members of the committee that instead of the language in paragraph 1 we use language like this, and I am not captious about it; I am not going to argue it for an hour or a minute, but I am merely going to suggest it and leave it, but I do think it improves the bill very materially. Instead of the language in the bill, insert the following:

"That such classes of claims as may be prescribed by the Secretary of War of inhabitants of France or of any other European country for damages caused by American military forces may, under such rules and regulations as the Secretary of War may prescribe, be presented to and adjudicated by any officer designated by the President, and when approved by such officer may be paid in such manner as the Secretary of War may direct."

That obviates two or three defects in the bill. In the first place, it enables the Secretary to confine the operation of the bill to that class of cases which have been enumerated, and, in the second place, it enables the officer to adjudicate the claims. The language of the bill does not permit adjudication. The language of the bill says that when the claim is presented, if it is a valid claim, it shall be paid.

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

Mr. MILLER of Minnesota. Yes.

Mr. GORDON. Does the gentleman claim that there is anything in this bill that precludes the Secretary of War from prescribing regulations as to the manner in which these claims shall be allowed and paid?

Mr. MILLER of Minnesota. Most certainly.

Mr. GORDON. The gentleman is entirely mistaken about that.

Mr. MILLER of Minnesota. I am not. If the gentleman can understand the English language and will read the first paragraph, he will come to a different conclusion.

Mr. GORDON. The method of adjudication is not prescribed in the bill. The regulations are authorized and prescribed there.

Mr. MILLER of Minnesota. The gentleman has not read the bill.

Mr. GORDON. Oh, yes; I have.

Mr. MILLER of Minnesota. As usual, he is talking without having knowledge of the facts before him. We thrashed that out an hour ago, and it was clearly demonstrated that the rules and regulations that the Secretary may prescribe were confined to the payment and not to the presentation.

Mr. GORDON. Does not the method of payment include the presentation and adjudication?

Mr. MILLER of Minnesota. It never has yet.

The SPEAKER pro tempore (Mr. FOSTER). The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. DEWALT].

The amendment was agreed to.

Mr. REAVIS. Mr. Speaker, I move to strike out the last word. I have in my hands a circular that is being very generally circulated throughout the Middle West. I think this is about the tenth that has been sent to me from my district. It is a matter so appalling in its consequences that I think public attention should be called to it. It is apparent to all of us that a crisis has been reached in the world's affairs. I grow somewhat apprehensive at times as to whether or not the forces of the allied powers without the aid of America will be able to defeat the German Military Establishment. It seems to me that victory for the allies is largely dependent upon the contributions made by this Nation both in the way of supplies and in the way of soldiers. With civilization utterly dependent upon us any discouragement is almost treasonable. This circular is gotten out by one who signs herself Jessica Henderson, recording secretary of the National Antivivisection Federation (Inc.). It is being circulated, as I understand it, in the homes of the Middle West. It is causing the gravest dread and anxiety among the parents of the Nation, and I think is a matter to which the attention of the country should be directed, and especially the attention of the Department of Justice.

I am not conscious that I have uttered a partisan word in this body in the last year or that I have cast a partisan vote. There was a time last fall when I addressed myself briefly to the situation at Camp Funston, but my statement was to call attention to an existing evil and to suggest a remedy. I am glad to say that the conditions that then existed have been removed. But here is a circular going out into the homes of the Middle West, and I shall not take the time to read it now, to the effect that thousands and thousands of our soldiers are being killed by the treatment they receive in the cantonments. It contains such sentences as the following:

> The thousands of deaths deliberately inflicted upon our soldiers and sailors has passed the scandal line. It has become a tragedy.

Mark that phrase—

> The thousands of deaths deliberately inflicted.

Of course, no one could inflict these deaths but the Nation. It contains the most extravagant and absolutely untruthful statements that it is possible to put on paper. I have personally investigated some of the camps adjacent to Washington and some of the camps far removed from Washington. I know that never a time since the morning stars first sang together has any soldier been guarded as tenderly and as carefully as the American soldier is to-day. [Applause.] This cruel and false statement is going into the homes of the Nation and creating anxiety almost indescribable. The mothers and fathers of Nebraska——

Mr. COX. Is it going through the mail?

Mr. REAVIS. I do not know how it is going. This one was sent to me through the mail by one of the most patriotic and responsible men in my State.

Mr. LONGWORTH. Is this one of these antivaccination circulars?

Mr. REAVIS. Yes; that is what it is reputed to be—that by reason of innoculation the Government is deliberately killing thousands of soldiers in the cantonments. The circular contains such statements as this:

> According to the recent statement of a lieutenant from Massachusetts his regiment received six innoculations in one day, and the men fell like dead men on the floor as they were trying to get to their beds. Not a few of them but many became dead men. On one train coming east from Kansas a man reported eight dead soldiers. These were husky Kansas farmers—before innoculation.

It is filled with extravagant statements of that kind and is exciting great apprehension on the part of the fathers and mothers who have sons in these camps. Nothing could be further from the truth. I was reading just yesterday of the treatment given our boys over in France, of their recreation camps located in the most beautiful section of that most beautiful country; far removed from the excitements and temptations of great cities; under the charge directly of the Young Men's Christian Association, so that no painted women, no whited sepulchers, are permitted within miles of the place.

The finest sort of recreation and intellectual entertainment is given to the boys. American women of the best type are their associates. I have seen them in Washington, and Washington is merely typical of the other cities where the civil population is giving all of its time and attention in order that proper and moral recreation and entertainments shall be given to the boys. I think the attention of the Department of Justice ought to be drawn to such circulars as these. It is absolutely unpatriotic. If the lady who signed this is not in the employ of those who are responsible for the German propaganda and the spy system that has been rife in this country she ought to be, because she is doing more to discourage those who remain at home by such stuff as this than anything that has been called to my attention. Personally, I intend to see that this document gets into the hands of the department, to give it an opportunity to investigate this so-called association and stop it, as it ought to be stopped, at once. I am very glad indeed, inasmuch as I occupied this floor last fall for a moment in calling attention to the conditions that then existed at Camp Funston, to say that that condition has been removed. I do not know of a single cantonment in the United States to-day where the boys are not given the most careful, the most tender, the most solicitous care, and statements of this kind, untrue as they are, at this particular time, when we are calling for an additional draft, are absolutely unpatriotic and almost treasonable in their effect.

Mr. GREENE of Vermont. Will the gentleman permit?

Mr. REAVIS. Gladly.

Mr. GREENE of Vermont. As I understand it, this woman refers to thousands of deaths taking place in our cantonments.

Mr. REAVIS. Let me read the exact statement.

The thousands of deaths deliberately inflicted upon our soldiers and sailors has passed the scandal line—it has become a tragedy.

Mr. GREENE of Vermont. And the facts are that the total mortality of the camps from all causes does not reach into the thousands.

Mr. REAVIS. Of course they do not, but what sort of effect can statements of this kind have going to homes where the facts are not known. [Applause.]

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

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid upon the table.

AMENDING ACT FOR THE NATIONAL DEFENSE.

Mr. DENT. Mr. Speaker, I call up the bill S. 2917.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2917) to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes."

Be it enacted, etc., That section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes," be, and the same is hereby, amended to read as follows:

"SEC. 15. Chaplains.—The President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army at the rate of not to exceed, including chaplains now in the service, 1 for each 1,200 officers and men in all branches of the Military Establishment, with rank, pay, and allowances as now authorized by law: *Provided*, That there shall be assigned at least one chaplain for each regiment of Cavalry, Infantry, Field Artillery, and Engineers."

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. DENT. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. DENT. Mr. Speaker, the gentleman from Pennsylvania, [Mr. CRAGO], a member of the committee, desires to be recognized on the bill.

Mr. CRAGO. Mr. Speaker, in explanation briefly of the purposes of the bill I want to submit a few observations on the position of Army chaplain. The origin of the office of capellanus, or chaplain, is traced to the appointment of persons to watch sacred objects. In times of war in older days many of the sacred emblems belonging to the country were carried by the army into the field and were guarded by the chaplain. The functions of that office have been extended until they now include in practically all of the armies of the civilized world the moral and spiritual care of the men who compose the army. Because of the fact that many persons seemingly are not aware of the vast field of endeavor which opens itself to the Army chaplain, and because we are now asking to increase the number of chaplains, I thought it might be proper to say a few words regarding the great work that these men are doing and the necessity for an increase in their number. I agree thoroughly with the gentleman from Nebraska [Mr. REAVIS] in his statement that never in the history of the world have soldiers been so carefully guarded in their living conditions as the men who compose our present Army. Heretofore we have had one chaplain for approximately every 1,000 men in the Army. Now, under our increase we have but one chaplain for approximately each 3,000 men in the Army. It is not necessary to make an increase in exact accordance with the increase of the Army, but it should be an approximate increase. My limited military experience has always been in an infantry regiment, but I think practically the same condition obtains and will be found in all organizations of the Army. Other than the adjutant of the regiment I know of no officer whose duties are more important or more varied in their character than the duties and the opportunities of a real busy Army chaplain. Contrary to the general opinion he is not in any respect a superfluous officer, carried on the roll for mere formality, but his work is far-reaching and can be productive of very, very much good in maintaining the morale of the Army. If by chance some one has accepted a commission as chaplain with the mistaken idea that he has secured a soft berth, if he is a real man and finds himself in that position, in touch with young men who have left home and loved ones to battle for their country, he will soon awaken to a realization of the fact that the possibilities of his work are almost without limit, and if the right man is filling that place he can gain the confidence of the men in matters which they will not reveal to other officers. The chaplain has it in his power to be a great help to the Army, and the knowledge that these men are in touch with the boys who have been parted from home ties and restraints is very comforting to the parents of our soldiers and helps console them in their separation. I believe we should have a major chaplain for each regiment and an assistant for each battalion, as our regiments are divided into three battalions.

These battalions now consist of about the same number of men as in former years composed a regiment. In many instances I have found young men in the Army camps and in the cantonments who are preparing themselves for the ministry or for Young Men's Christian Association work, serving in the ranks as privates or as noncommissioned officers, and who are rendering valuable help to the chaplains. They gain the confidence of the men, cheer them in their work, help them over the rough places, and I would suggest that many of these men from the ranks who have done this proficient work should be the men who would be commissioned in these new positions as Army chaplains. They would supplement the work of the present chaplains to a nicety.

Referring again to the derivation of the word "chaplain," may we not say that we as a Nation are sending into battle our most precious possessions, and that we should throw every safeguard around the morals of these brave men who go out to fight our battles? We have done well so far in providing for these things. They have been given entertainment; the Young Men's Christian Association has done wonderful work, but sooner or later these soldiers now in camps will go to the front, and when they meet the shock of battle, when the test of wounds and disease comes, these chaplains will be with them and will be the ones who will minister to these men in a mental way, just as our doctors aid them in a physical way; and it will be a great consolation to know that when a young man falls on the field of battle, gives up his life, or makes the supreme sacrifice, as he breathes his last in the hospital, that there at his side will be the loyal chaplain of the regiment ready to convey his last words to the folks at home. I think we are only doing our duty when we increase this corps of men who are doing such wonderful work. [Applause.]

Mr. ANTHONY. Mr. Speaker, is the bill ready for amendment now?

The SPEAKER pro tempore. It is ready to be read.

Mr. ANTHONY. I would like to offer an amendment to the bill.

The SPEAKER pro tempore. The Clerk will read the bill for amendment.

The Clerk read as follows:

An act (S. 2917) to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes."

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support of the Army for the fiscal year ending June 30, 1918, and for other purposes," be, and the same is hereby, amended to read as follows:

"SEC. 15. Chaplains: The President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army at the rate of not to exceed, including chaplains now in the service, one for each 1,200 officers and men in all branches of the Military Establishment, with rank, pay, and allowances as now authorized by law: *Provided*, That there shall be assigned at least one chaplain for each regiment of Cavalry, Infantry, Field Artillery, and Engineers."

Mr. ANTHONY. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. ANTHONY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANTHONY: Insert after the word "Engineers," in line 13, page 2, the following:

"*And provided further*, That the persons appointed under this act shall be duly accredited by some religious denomination or organization and of good standing therein."

Mr. ANTHONY. Mr. Speaker, the purpose of the amendment is to broaden the law now on the statute books permitting the appointment of chaplains in the Army. The language of the present law, as I remember it, confines the appointment of the chaplains to members of certain recognized religious denominations, and to men having certain qualifications in regard to being regularly ordained ministers. The purpose of the amendment is to make possible the appointment of chaplains from such beliefs as do not ordain their ministers, for instance, members of the Christian Science organization. A number of very worthy men are ready to undertake service in the Army as chaplains belonging to worthy organizations such as this, and would be made eligible to appointment if this amendment was adopted. It simply puts the matter up to the appointing power as to the men it shall recognize. There is no question but what certain members of the Christian Science faith are well qualified to be chaplains in the Army, and would do as great good and as efficient work as members of other sects and denominations. And I offer the amendment in the hope that the House will broaden the scope of the present law.

Mr. GORDON. Would your amendment be broad enough to include Mohammedans?

Mr. ANTHONY. If the President would find a good one he could certainly exercise his discretion even to do that.

Mr. GORDON. Or a Buddhist or all other heathen denominations?

Mr. ANTHONY. In this country we are very liberal in the construction of religious matters, and, for instance, if we recruited a regiment of Filipino Moros a Mohammedan chaplain might be thought of.

Mr. LOBECK. Would it also include men accredited to the Salvation Army, or would the old law do that?

Mr. ANTHONY. I will ask the chairman of the committee in regard to that.

Mr. DENT. The requirements are, as I recall, to the effect that they must be regularly ordained ministers of some well-recognized religious denomination.

Mr. ANTHONY. The duties of the present-day chaplain go beyond the preaching of sermons by regularly ordained ministers. We want men who, beside their religion, have big hearts in their breasts to help the men solve the human problems that come to them.

Mr. KAHN. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. KAHN. I think it is advisable to inform the House how chaplains have been appointed heretofore. The Catholic Church has a representative here in this city who speaks for the church in the appointment of Catholic chaplains. He is Father O'Hern, of the Catholic University. The Protestant denominations have a representative here in Washington, and he makes all suggestions regarding the appointment of Protestant chaplains in the Army. The department had invariably consulted these two men about the appointment of chaplains before we got into the war. Since then, of course——

Mr. DYER. Will the gentleman yield?

Mr. KAHN. I just want to make this explanation. I simply want to inform the committee what the practice was before we got into the war. But now, of course, the Army has expanded enormously. There are enough soldiers of other religious denominations in the various branches of the service to warrant the appointment of some chaplains other than Protestants or Catholics. I believe one or two Jewish chaplains have already been appointed, and it is very desirable to allow, as my colleague on the committee [Mr. ANTHONY] stated, a number of Christian Scientists to be appointed. There is no doubting the fact that that denomination has grown enormously in this country in recent years. Their readers are men who can offer religious consolation just as well as the chaplain of any other denomination. But as my colleague from Kansas explained, the duty of a chaplain in a modern Army is not alone the offering of religious consolation. The boys in the field go to the chaplain and confide in him their personal difficulties, very probably troubles at home. The chaplains also take part with the soldiers in the games that the soldiers play. They umpire baseball games and referee football matches, and things of that kind.

Mr. DYER. Will the gentleman yield?

Mr. KAHN. Yes.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. McKENZIE. Mr. Speaker, I ask unanimous consent that my colleague may have five minutes more in which to answer that question.

The SPEAKER pro tempore. The gentleman from California is speaking in the time of the gentleman from Kansas [Mr. ANTHONY]. The gentleman from California is recognized.

Mr. KAHN. Mr. Speaker, I yield to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I may be misinformed, but I had understood that the various Protestant churches had, instead of one person, a board which was composed of representatives of the different churches.

Mr. KAHN. I believe that is true, but that board in turn delegate their authority to the one man. The board passes upon the qualifications of the man, but the one minister of the Protestant faith finally presents the matter to the War Department. That is my understanding.

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

Mr. KAHN. Yes.

Mr. DYER. Will the gentleman state what organizations or denominations, or whatever they may be described, would be eligible for appointment as chaplains, as representatives, provided the amendment of the gentleman from Kansas is agreed to?

Mr. KAHN. Well, I want to say that under the law existing before we got into this war the War Department apportioned the chaplains according to the strength of the religious denominations in this country.

Mr. GORDON. In the Army?

Mr. KAHN. No; not in the Army, but in the country at large; so many per thousand population in the country. I presume that in working out the number that ought to be apportioned under this law they would probably follow that practice. It is almost impossible, in fact it is inadvisable, to ask any man in the Army of the United States what religion he professes or to what denomination he belongs. We are entirely free from that in this country. As best they were able to gauge the proportions of the various denominations in this country they divided the chaplaincies heretofore.

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

Mr. KAHN. Yes.

Mr. McKENZIE. I would like to ask my colleague a question in reference to the amendment offered by the gentleman from Kansas [Mr. ANTHONY]. In case his amendment is adopted, can a Christian Scientist make his application, for instance, to be chaplain in the Army? His application will have to be examined and all the facts looked into and the recommendation made by this board, or any other board, that is here in Washington supervising the recommending of chaplains? Is that true?

Mr. KAHN. I think that is true.

Mr. McKENZIE. Then, if that is true, there would be no chance for a man who did not come up to the standard of morality or efficiency being appointed?

Mr. KAHN. I think that is absolutely true. The character and qualifications of the chaplains that are being appointed in the Army are thoroughly investigated before the recommendations are made.

Mr. DYER. The gentleman recognizes, of course, that this will be a substantial change in the existing law if we should agree to that amendment; because, as I understand it, ordained ministers are not in the Christian Science Church?

Mr. KAHN. The gentleman is quite right; and that is true, also, as I understand it, in one or two other sects of the Christian church. They have no ordained ministers.

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

Mr. KAHN. Yes.

Mr. LONGWORTH. There are certain sects, I understand, whose members not only refuse to fight but refuse to do any work connected with the war. Would it be possible to appoint any of those under this provision?

Mr. KAHN. I do not think so. I want to say to my friend from Ohio that the gentleman from Pennsylvania [Mr. BUTLER] spoke of the fact a little earlier in the proceedings that in his home city 180 boys are receiving military training under a compulsory law passed by the local governing board of that city. My friend from Pennsylvania, as the gentleman is aware, is a Quaker, and the principles of the Quaker Church are against war. But the communicants of that church, the members of that faith, have adopted a special decree permitting Quakers in this country to join the armies in this war and fight for the country. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. DYER. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Missouri moves to strike out the last word.

Mr. DYER. Mr. Speaker, I want to call the attention of the House to the importance of this legislation and to the fact that it ought to have been enacted some time ago. I ask the Clerk to read a cablegram from Gen. Pershing in reference to this bill.

The Clerk read as follows:

[Cablegram received at the War Department from H. A. E. F.]

To THE ADJUTANT GENERAL,
Washington, for the Secretary of War:

1. In the fulfillment of its duty to the Nation much is expected of our Army, and nothing should be left undone that will help in keeping it in the highest state of efficiency. I believe the personnel of the Army has never been equaled, and the conduct has been excellent; but to overcome entirely the conditions found here requires fortitude born of great courage and lofty spiritual ideas. Counting myself responsible for the welfare of our men in every respect, it is my desire to surround them with the best influence possible. In the fulfillment of this solemn trust it seems wise to request the aid of churchmen from home.

2. To this end it is recommended that the number of chaplains in the Army be increased for the war to an average of three per regiment, with assimilated rank of major and captain in due proportion, and that a number be assigned in order to be available for such detached duty as may be required. Men selected should be of the highest character, with reputations well established as sensible, practical, active ministers or workers accustomed to dealing with young men. They should be in vigorous health, as their services will be needed under most trying circumstances. Appointees should, of course, be subject to discharges for inefficiency, like other officers of the National Army.

3. It is my purpose to give the Chaplain Corps through these forces a definite and responsible status and to outline, direct, and enlarge their work into cooperative and useful aid to the troops.

(Signed) PERSHING.

Mr. DYER. Mr. Speaker, may I ask the chairman of the committee a question?

Mr. DENT. Yes.

Mr. DYER. As I understand the bill, it provides only for the rank that has existed heretofore; captain is the highest.

Mr. DENT. Yes.

Mr. DYER. Does the present law provide for majors?

Mr. DENT. Yes. This does not change the law in any respect, except to increase the number.

Mr. DYER. It increases the number?

Mr. DENT. Yes.

Mr. KAHN. They can not be made majors until they have had a certain number of years' experience in the Army.

Mr. DYER. Yes.

Mr. DENT. I will state to the gentleman that the national-defense act provided for one chaplain for each regiment. At the time the national-defense act became a law a regiment, in peace times, was composed of about 1,200 men. Under the new organization a regiment now is composed of something like 3,600 men, and they are asking the same proportion of chaplains that were provided for under the national-defense act.

Mr. DYER. Mr. Speaker, closely related to this bill, and of great importance to the successful carrying on of the present war, is the bill H. R. 9563, which will authorize promotions to higher grades in the Medical Corps and the Medical Reserve Corps. This legislation is urgently desired by the Surgeon General of the Army and leaders in the profession throughout the entire country. On March 9 I presented a statement as to the effect the bill would have if enacted into law, and also gave comparisons between the Medical Department of the Army of the United States and that of England, France, and Italy. The only objection to this legislation comes from the General Staff. Why the General Staff has set its judgment against that of Surg. Gen. Gorgas, of the Army; Surg. Gen. Braisted, of the Navy; and the greatest surgeons and physicians in and out of the Army and Navy is more than I am able to understand. I do not think that the Committees on Military Affairs of the Senate and the House, or the Members of Congress generally, should act upon the advice of the General Staff in preference to Gen. Gorgas and the men who are directly connected with the work of caring for the wounded and sick of our Army.

The President recently wrote a letter indorsing this legislation. His letter was addressed to Dr. Franklin Martin, member of the advisory commission of the Council of National Defense, and is as follows:

MY DEAR DR. MARTIN: I read very carefully your memorandum of February 27 about the rank accorded members of the Medical Corps of the Army, and have taken pleasure in writing letters to the chairmen of the Military Committees of the House and Senate, expressing the hope that the bill and resolution may be passed.

Cordially and sincerely, yours,

WOODROW WILSON.

The Assistant Secretary of War recently took a position against this legislation in a telegram to Dr. Harvey G. Mudd, of St. Louis, Mo. This telegram was no doubt sent after consultation with the General Staff. The telegram is as follows:

Your telegram with reference to Owen-Dyer bill received. Your statement that the provisions of the bill are absolutely essential for the conservation of the health and life of our soldiers is entirely erroneous. The bill does not increase either the number of officers or men in the Medical Department, but it does make three and one-half times as many major generals in the Medical Corps as there are in the entire Regular Army—a force much larger. It also authorizes a larger number of brigadier generals than there are in the entire Regular Army. The provisions of the bill are indefinable and the War Department is absolutely opposed to its passage.

BENEDICT CROWELL,
Acting Secretary of War.

I called the attention of Dr. Franklin Martin to the telegram and received from him the following letter:

ADVISORY COMMISSION, COUNCIL OF NATIONAL DEFENSE,
March 27, 1918.

From Dr. Franklin Martin, member of advisory commission.
To Hon. L. C. DYER, House Office Building, Washington, D. C.
Subject: Owen-Dyer bill.

1. In reply to your letter of March 26, in which you inclosed a letter from Benedict Crowell, Acting Secretary of War, to Harvey G. Mudd, of St. Louis, it is apparent that Mr. Crowell failed to take into consideration one of two important things when he wrote that letter. He says the provisions of the Owen-Dyer bill are indefinable, and the War Department is absolutely opposed to its passage. The Owen-Dyer bill, in my opinion, is not only definable but extremely definite, inasmuch as it provides percentage of officers based on the number of men in active service. The percentage thus provided for higher officers is not as great as that provided for the French, English, Italian, German, and Japanese Armies for their medical departments.

2. He states that your bill provides for three and one-half times as many major generals in the Medical Corps as there are in the entire Regular Army. It also authorizes a larger number of brigadier generals than there are in the entire Regular Army. This statement is liable to be misinterpreted, as it refers to the Regular Army and not to the contemplated National Army that we are preparing with which to fight the war. The old Regular Army, as you know, was not more than 65,000 men. It was afterwards authorized, I believe, to 295,000 men.

3. In referring to the officers in the Regular Army, he speaks of the number of officers of that force, and not the officers that would be required for our large Army. To illustrate: When we have an Army in the field of 2,000,000 men, according to the provisions of your bill, the Medical Department would have 70 general officers divided equally among major generals and brigadier generals. The Army as a whole would have 333 general officers. In addition, we must always remember that the Medical Department, by the provisions of your bill, will not provide for general officers only to the extent that medical men are required for actual service, and therefore will depend entirely upon the size of the Army in the field. In other words, we must not forget that we are providing the reserve corps not only for the Regular Army but for the National Army.

4. Gen. Gorgas, Dr. Mayo, Senator OWEN, and the rest of us are standing definitely behind the Owen-Dyer bill. We insist upon the bill retaining the present names, because we have advertised the bill to the civilians of the country. We also insist upon the percentage basis for officers because we want officers proportioned to the number of men we have in service. With those two provisions we, of course, would be willing to accept minor amendments.

5. Inasmuch as the President has expressed to the chairmen of the two military committees his approval of this bill, get prompt action from those committees and get in on the floor of the House and Senate as soon as possible, because there we can expect large support.

FRANKLIN MARTIN,
Member of the Advisory Commission.

The above shows very plainly that the General Staff and the Assistant Secretary of War had not given careful consideration to what the legislation would accomplish.

As stated above, there is a universal demand for legislation to bring about what the bill I have introduced would accomplish. I call attention also to three comments from the press, as follows:

[From the Journal of the American Medical Association, Chicago, Ill., Mar. 30, 1918.]

LEGISLATION FOR INCREASED RANK FOR MEDICAL OFFICERS.

On several occasions the Journal has emphasized the importance of legislation for increased rank and authority for officers of the Medical Reserve Corps. Specifically it has urged enactment of the recently introduced Owen-Dyer bill. It has been suggested that modification of this bill would be necessary to secure its passage, but that such modification need not be serious. In any event, some such legislation is not only desirable but also vitally necessary if common justice is to be rendered to the Medical Reserve Corps and if the best results are to be achieved by the Medical Department. Apparently the only active opposition thus far has come from the General Staff and the Secretary of War. If the newspapers of the country mirror public opinion, certainly the public is in favor of this legislation.

As the Brooklyn Eagle says: "The logic of this proposition appeals to every mother whose son is in a home camp or in the country's service abroad. It is inexorable logic. All that the Owen bill, now pending, does is to give Army surgeons the ranks corresponding to those the Navy grants. It is not a radical, not a revolutionary measure,

but it will put an end to conditions greatly injurious to the health protection of American soldiers." The Buffalo News thinks that "inasmuch as the measure is calculated to facilitate the work of the Army Medical Corps and benefit the troops by precluding dangerous delays in medical relief, etc., its passage will be welcomed and approved of by everyone"; and the New York Globe states that "the request of the officers of the Medical Reserve Corps to be placed on the same footing as the Regular Army medical officers seems to be a perfectly reasonable one. * * * The call of the Army to the medical profession has been enthusiastically responded to. * * * Remediable legislation ought to be enacted without delay, and the doctors of the country should help the volunteering members of their profession to win the recognition to which they are entitled by urging their Representatives and Senators to support the Owen-Dyer bill." The Chicago Herald presents the case for both sides, and states that "lives can be saved and the strength of the Army kept up, medical men think, more easily if greater power commensurate with responsibility were in the hands of the doctors and sanitarians. A decision should be reached without prejudice, and unless it can be lucidly shown that higher ranks for medical officers can have definite disadvantages, Gen. Gorgas's bills should be enacted." The Boston Herald notes that the cream of the medical profession of the United States is now included in the Medical Reserve Corps. "They labor under a serious handicap by reason of their inferior rank. * * * Titles ought to correspond to responsibilities. * * * When we realize that in all our wars disease has been responsible for more than 70 per cent of the mortality, we can get some realization of the importance of the service which we call on the Medical Reserve Corps of the Army to render." The Philadelphia Record doubts whether Secretary of War Baker is "seriously against" the legislation. "From an unprejudiced point of view," it says, "there would seem to be no good reason why physicians and surgeons who are rendering invaluable service in saving lives and protecting the health of the soldiers should not be raised to a rank commensurate with the importance of their work, especially if that is the case in other armies than our own. The opposition to this apparently simple act of justice betrays the same spirit which fought against the idea that enlisted men in the Army and Navy should be given every opportunity to rise to the highest honors."

In fact, the press is practically unanimous in favoring this legislation. With this encouragement the physicians of the country should redouble their efforts to let Congress know that the medical profession wishes an early and favorable consideration of legislation for fair treatment of their confrères in military service.

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[From the Outlook, New York, Apr. 3, 1918.]

RAISE THE RANK OF MEDICAL OFFICERS.

As Representative DYER asserted the other day, of late years Congress has not been giving the necessary consideration to the Surgeon General's office. Mr. DYER was speaking concerning the bill in the House of Representatives which he had introduced, the same bill having been introduced by Senator OWEN, of Oklahoma, in the Senate, to raise the rank of officers of the Medical Reserve Corps. According to the present law, ranks for officers in the Medical Reserve Corps are lieutenant, captain, and major. The pending legislation provides for ranks in addition of lieutenant colonel, colonel, brigadier general, and major general.

Such a law should be passed. It would give to our medical men working abroad not only a parity of rank with other medical men working there, but it would give them a position of much-needed authority. Recommendation given by a medical officer to a line officer of superior rank has not hitherto carried the necessary weight, and this experience is responsible for the demand for advanced rank. As Surg. Gen. Gorgas recently said, as quoted by the New York Times:

"Line officers have had no hesitation in ignoring the sanitary recommendations of medical officers of lower rank. The men of the Medical Corps should get higher rank—rank commensurate with the importance of the positions they hold. Some of them are administering great hospitals, yet they hold subordinate rank."

The same paper quotes the following from Dr. Simon Baruch:

"Dr. C., a professor of gynecology (therefore expert in abdominal surgery) in one of our great medical schools, has been one of the original founders of the Medical Reserve Corps, rivaling in prevision of present medical actualities the wonderful prevision of Leonard Wood of present military actualities. He served in the humble capacity of lieutenant in the Medical Reserve Corps for many years, was actively on duty in the camp of reunited veterans at Gettysburg in 1913, has worked with might and main to make the Medical Reserve Corps a veritable military force, served in its enlargement required by the expansion of our military force, and is now in active service in Europe with the rank of major. He has recently been superseded in authority by a former student of his, who, having entered the Regular Army, has now attained a rank superior to Dr. C."

The number in the regular Medical Corps now on active duty is 775, and volunteer physicians in the Medical Officers' Reserve Corps to the number of 12,855 are also on active duty. The well-known surgeon, Dr. William J. Mayo, speaking of the great sacrifices financially and professionally which members of the Medical Reserve Corps have made, says that the only condition the men ask is that during the time they are in service they shall have working conditions which justify the sacrifices. With or without the increased rank, as Dr. Mayo adds, the medical profession will bear its burdens. But it looks to Congress to uphold the dignity of the medical profession.

We do also.

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[From the Weekly Bulletin of the St. Louis Medical Society, Mar. 21, 1918.]

OWEN-DYER BILL.

Mr. L. C. DYER, in advocating the passage of the Owen-Dyer bill before the House of Representatives, emphasized the fact that physicians of the highest standing in the profession are now in the military service with only the rank of major, thereby losing the benefit of their experience and knowledge by the lack of power to enforce their recommendations. As stated by him, the bill has received the unqualified indorsement of Dr. Franklin Martin, member of the Advisory Commission of the Council of National Defense; Dr. William J. Mayo, and other members of equally high standing in the profession. He also quoted from the report of Lord Esher, of Great Britain, who was chairman of the committee which reorganized the English War Office in 1904 and then opposed what the medical profession deemed adequate authority and rank. But 13 years later, on February 3, 1917, he wrote as follows: "How much of the suffering undergone by our soldiers since the war began has been due to the shortsightedness of my committee, and notably tant general's branch over the royal army medical corps was and is responsible not only for the early failure to grip the medical factors of the war, but they hampered conditions under which the surgeon general has worked. His triumphs and those of the royal army medical corps have been achieved in spite of obstacles that the subordination of science to ignorance and of elasticity to military discipline explains, but can of myself, will never be known. Certainly, the control of the adjunot justify."

Congressman DYER also related the experience of the medical officers during the Spanish-American War, especially at Chickamauga, where a line officer refused to consider the recommendations of the chief medical officer and brought on the awful catastrophe which is still fresh in the minds of the medical men of the country. Mr. DYER further stated that the recommendation for the increased rank is asked in order to increase the efficiency of the Medical Reserve Corps. It will be of great value to the health and welfare of the soldiers, and health is necessary to efficiency. Recommendations given by a medical officer in order to carry weight necessary for such important recommendations should not be made to a line officer of superior rank. Advanced rank carries with it this power.

The following telegram was sent to Hon. ROBERT L. OWEN, Hon. L. C. DYER, and to the Secretary of War by the Missouri State Committee Medical Section, Council of National Defense, in reply to an article which appeared in the Globe-Democrat Sunday, March 17, 1918, as follows:

"Associated Press dispatches state to-day that the War Department has interfered with the free expression of his opinion by the Surgeon General on the Owen-Dyer bill granting adequate rank and authority to medical officers. In view of the published approval of this measure by the President, we confidently hope that this morning's report is erroneous.

"The opposition of the Owen-Dyer bill has seriously hampered the efforts of the Government to secure an adequate number of physicians for our rapidly growing National Army. The passage of this bill will place our own medical officers on a basis equivalent with that of the medical officers of Great Britain, France, Italy, Japan, our own Navy, and the forces of the enemy.

"These provisions are absolutely essential for the conservation of the life and health of our soldiers.

"HARVEY G. MUDD, M. D.,
"Chairman."

Mr. CANNON. Mr. Speaker, I make a pro forma amendment for the purpose of asking the gentleman from Kansas, or the chairman of the committee, or the gentleman from California, a question. If the amendment of the gentleman from Kansas is adopted, would that let in religious people belonging to organizations whose ministers are not ordained—the Christian Scientists, for example? Would it let in Universalists and Unitarians?

Mr. ANTHONY. I will say to the gentleman that I believe it would. The chairman of the committee has just suggested that the amendment should not be adopted without the proviso, "under such regulations as the department may prescribe."

Mr. DENT. "Prescribed by the Secretary of War."

Mr. ANTHONY. So that that would put it up to the War Department, surrounding it with proper safeguards.

Mr. CANNON. Then there is no doubt but that they would be eligible even if the ministers were not ordained?

Mr. ANTHONY. If the appointing power so decided.

Mr. CANNON. I want to ask another question. What is the age—40 years?

Mr. ROBBINS. Forty is the maximum.

Mr. DENT. Yes; 40 is the maximum age.

Mr. CANNON. Does the gentleman think it wise to fix an age limit?

Mr. DENT. It has been suggested, and personally I can not see any objection to it.

Mr. CANNON. I know of my own personal knowledge one or more, two or more, very upright men; one is a Catholic, another a Protestant, a member of the Methodist Church. They are both over 40. I do not know in all my acquaintance two men who would be better qualified than they from every standpoint. Is it by regulation or by statute that 40 is the prescribed limit?

Mr. DENT. By statute.

Mr. CANNON. Would the gentleman offer an amendment raising the age limit to 45?

Mr. DENT. I have no objection to that.

Mr. CANNON. It seems to me it ought to be done. Will the gentleman offer the amendment? He is familiar with the bill.

Mr. DENT. I will offer an amendment.

The SPEAKER pro tempore. Does the gentleman from Alabama desire to offer an amendment to the amendment?

Mr. CANNON. To the Anthony amendment.

Mr. DENT. I will wait until that is disposed of. I suggest to the gentleman from Kansas, my colleague on the committee, that he will modify his amendment so as to provide that these appointments shall be made under such regulations as may be prescribed by the Secretary of War.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent that my amendment be further modified to comply with the gentleman's suggestion.

The SPEAKER pro tempore. The gentleman from Kansas asks that his amendment be so modified.

Mr. CANNON. Let us have a vote.

The SPEAKER pro tempore. Will the chairman of the committee please state the amendment which he proposes?

Mr. DENT. To amend the amendment of the gentleman from Kansas [Mr. ANTHONY] by adding the words "under such rules and regulations as may be prescribed by the Secretary of War."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment as modified: Insert after the word "therein" the words "under such regulations as may be prescribed by the Secretary of War," so that the amendment will read: "*And provided further*, That the persons appointed under this act shall be duly accredited by some religious denomination or organization, and of good standing therein, under such rules and regulations as may be prescribed by the Secretary of War."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Kansas [Mr. ANTHONY] as modified.

The amendment was agreed to.

Mr. CANNON. Mr. Speaker, will the gentleman from Alabama offer the amendment that we spoke of, raising the age limit to 45?

Mr. DENT. In line 13, on page 2, after the word "engineers," strike out the period and insert a colon and add the following:

Provided, That the maximum age limit of chaplains in the Army shall be 45 years.

Mr. McKENZIE. Mr. Speaker, does the gentleman from Alabama want to talk on that amendment?

Mr. DENT. No; I do not.

Mr. CANNON. Does my colleague [Mr. McKENZIE] oppose the amendment?

Mr. McKENZIE. Yes; I am opposed to it.

Mr. CANNON. I should like to know what the gentleman thinks. I will try to get recognition to speak after he speaks, because he may convince me.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Mr. DENT offers the following amendment, to follow the amendment just adopted: Strike out the period and insert a colon and add the following: "*Provided*, That the maximum age limit of chaplains in the Army shall be 45 years."

Mr. McKENZIE. Mr. Speaker, I dislike very much to differ from my distinguished colleague [Mr. CANNON] on a matter of this character; but I want to say to the members of the committee that this matter was not considered or discussed in the Committee on Military Affairs while we were considering the bill that is now under discussion. At the time of the enactment of the national defense act, with all the information from the War Department, the age limit for chaplains was fixed at 40 years, after full consideration of all the facts. One of the reasons for it is that if you commission a man at 40 years, before he arrives at the age of retirement the Government can get at least 22 or 24 years' service from him. It is not good policy to commission old men in the Army of the United States in any branch of the service. I would not say a word against the character or the usefulness of ministers above the age of 40 years, for I know many of them who are exemplary gentlemen in the communities in which they reside, and some of them no doubt would make excellent chaplains in the Army.

Mr. FLOOD. May I ask the gentleman a question?

Mr. McKENZIE. Yes.

Mr. FLOOD. Would these chaplains be permanent officers of the Army, or would they remain only during the war?

Mr. McKENZIE. I presume that is the purpose of it. They would be officers in the Reserve Corps.

Mr. FLOOD. Then would it make so much difference?

Mr. McKENZIE. This amendment ought to go to another section of the law. It is offered in the wrong place, but we can discuss it here. Of course, the House has a right to put it on here if it sees fit to do so, but I simply want to call the attention of the Members to the letter just read a few minutes ago from Gen. Pershing, admonishing us to send to France only young men. I am not criticizing men because they are old, for I have seen quite a number of years myself; but I do realize, as every man here must realize, that a man who accepts a commission as a chaplain in the Army of the United States at this time ought to be prepared to go across the water, where the boys will need his services more perhaps than they will need them in this country; and any man who has passed the age of 40 years, with perhaps an exception here and there, is not physically qualified to meet the exposure and the trials with which he will have to contend there, if he goes onto the field of battle where the boys are, and the place where he ought to be in order to render the services which are expected of a chaplain in a regiment. I will not go into the matter further, but I think it will be a mistake to raise the age limit.

Mr. GORDON. Will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. GORDON. Would it not obviate every objection that the gentleman has stated so well if all the provisions of this act were limited to the period of the present emergency?

Mr. McKENZIE. No; it would not, for I know that we have plenty of young, virile men in the ministry in this country who are ready and willing to go and make the sacrifice in France, and you and I know that we have all got friends in the ministry who are over 40 years of age. Many of them have appealed to us to have them commissioned in the Army of the United States. They are patriotic gentlemen. They want to serve our country, and we have said to them, "The law bars you. Forty years is the limit. We are looking for younger men." Now, when the storm of battle is just coming on, when the moment has arrived when we want the strongest men in the country, are we going to let down the bars and say that men can go into this service on the battle field who can not get into any other branch of the service? Gentlemen of this House, vote in this amendment, if you will, out of respect to my good old colleague from Illinois [Mr. CANNON]; but, looking at it from the standpoint of one who has given some little thought to the military affairs of this country, I feel that it would be a mistake.

Mr. BUTLER. Let me ask the gentleman a question.

Mr. McKENZIE. Yes.

Mr. BUTLER. Does the gentleman mean to say that a man 45 years of age is incapable of preaching? We are not going to take them to fight.

Mr. McKENZIE. I mean for a chaplain in the Army, who can go out among the boys.

Mr. BUTLER. I know, and they do go out.

Mr. McKENZIE. Out into the field and into the storm.

Mr. BUTLER. There are men in the ranks carrying guns who are 45 years of age.

Mr. GREENE of Vermont. But they have been in the ranks all the time. They are not men who have stepped down out of a pulpit.

Mr. BUTLER. I know, but they can enlist up to 40, and the older a man is the better he preaches.

Mr. GREENE of Vermont. But they have not got activity enough to get out into the trenches and take the dying confessions of the men, and so forth.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. CANNON. Mr. Speaker, I know how old a man is when he is 45 years of age; and a man in good health, who would be received at all, would, I think, at 45 years of age, be quite as useful as a chaplain as a young man of 25 or 30 or 35. Why, let me ask my friend how old are you?

Mr. McKENZIE. I am 58.

Mr. CANNON. Fifty-eight and just married. [Laughter.] Why, if my friend and colleague whom I respect and almost love——

Mr. McKENZIE. If the gentleman will permit me, I am one of those who has conserved his strength in his youth. [Laughter.]

Mr. CANNON. Yes; and if a man has lived to the age of 45 and has no disease, if he has a good constitution, if he is healthy, if he can pass the examination of the surgeons, if he has had the religious experience, I think he is quite as useful as the man of 25 or 35 or even 40. I have had two applications that I spoke of from men whom I know, one very zealous Catholic priest. I think he could outrun me even if I could go back to the age of 45; he is a perfect specimen of manhood, and perfectly loyal. Another one was from a Methodist preacher. I have not had a great many applications, but my attention has been called to it as it has been called to other candidates for chaplain who are not ordained ministers. But that is within the power of the President to cure because he makes the nominations, and I am content with the amendment which has been offered by the gentleman from Kansas upon that point. But I think that we can trust the Secretary of War and trust the board of ministers that are consulted, and trust the examining surgeons. I will say to you now that if I was called upon to die immediately and wanted religious consolation I would not take any 30-year-old chaplain. [Laughter.] I would get one of mature years that had had greater experience for that consolation. I trust, with all due respect to my colleague, that the committee will adopt the amendment.

Mr. HUMPHREYS. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. HUMPHREYS. Is not the military age from 18 to 45 for enlisted men?

Mr. CANNON. Yes.

Mr. DENT. I beg the gentleman's pardon; it used to be 18 to 45, but it is now 18 to 40 by the draft act.

Mr. HUMPHREYS. Prior to this a man could enlist as a private and go into the ranks at the age of 45.

Mr. CANNON. Yes; I had forgotten about the change.

Mr. GREENE of Vermont. Mr. Speaker, I move to strike out the last word. I think none of us need preface our remarks on the floor with a reservation of respect for our venerable colleague who has stated the spiritual, religious, and the fellowship side of his case admirably, as he always does. We all cherish that regard for him always. But, in spite of his view, there has come a change in the spirit of the functions and responsibilities of chaplains in the Army. It began to manifest itself before war and has been heightened, deepened, and intensified by the awful experience in this world-run-mad war across the seas. No longer do men estimate the value of a chaplain by the skill or grace of his spiritual endowment alone, or his capacity to unfold the mysteries of theology, but he begins his career, and perhaps it may be said that he sums up his career, in his physical and mental capacity to live with and be a part of the night-and-day life of the young soldiers between the ages of 21 and 31 in the trench and on the battle field, in hospitals, in bivouacs, or in the billet. He must be a companion, he must be a fellow with them; his mind must not be so old and confirmed in impressions of his own experience or in the certainties of his own theology that he can not be all things to all men, but he must live and be with these men and must partake of all the essentials and demands of their daily life. I know, and we all know, that at the age of 45 we do not take the same interest in the same pleasures that the youths of 21 do. It would be something of a monkish task, religious as we might be, to sacrifice the cowl and habit and get down in a most reciprocal mood with the young man in a pastime of that character.

Mr. SLOAN. Will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. SLOAN. Is it not a fact that one of the functions of a chaplain, at least some of them, is to give advice? And is it not a fact that a young soldier would be more liable to accept advice on the problems that beset him of a man of mature years and experience than he would of a man who has not had that age and experience? Recollect this, that it is not making all of these chaplains men of mature years, but only that they may have some of mature years in a chaplaincy rank.

Mr. GREENE of Vermont. It would do all that, let me say to my friend from Nebraska, if the man of mature years and experience and all the record of saintliness had legs that were 21 years old so that he could go where the young man was dying. He has got to hasten to administer the last sacrament, or perhaps take the last dying wish as a message to the loved ones at home, and he must accept hardships not less than the man who gives his life in this great sacrifice.

Mr. BUTLER. Will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. BUTLER. I appreciate the force of the gentleman's statement, but would not all that be cured by a physical examination?

Mr. GREENE of Vermont. A man may be able to pass a standard physical examination and doctors may find his lungs, heart, and internal organs responding to the test, but he does not have that resiliency of youth which would support him when he comes to be exposed, and he may in five days be down with pneumonia and not have that youthful body to sustain him that he would have if he was a younger man.

That is the point involved in youth and years in active army service. As to having the old man for counsel and the young man for action, when Uncle Sam has a chaplain in the service, he wants to be able to determine that the first chaplain on the list can go anywhere he is called upon to go. He does not want chaplains, any more than soldiers, who have to be selected for particular service, who may have it said of them that this man is to be used for this service and this man on another service; that the other man is not strong enough for this, and so on. He wants such a man that the first called upon can move to the sphere of activity and perform the service required. He can not divided them into classes, and the chaplains must be just as young as the men they are trying to serve.

Mr. FESS. Mr. Speaker, the age of 40 is merely arbitrary, and the idea that one who is 41 is unfit to do the work that one who is 40 is fit to do is not to be accepted as a general rule. If we should go upon the basis that has been here announced, the former chaplain of the One hundred and tenth Pennsylvania Regiment, who is an honored Member of this body, and who would be very much desired by the men of that regiment as a chaplain now—and I refer to our colleague, Dr. TEMPLE—could not be accepted. He would be too old. It seems to me the argument that because you want to increase the age would necessitate selecting men who are unfit because if they are older than a certain age they would be unfit does not have any strength to it.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. FESS. Yes.

Mr. GREENE of Vermont. Has the gentleman observed from his own experience and observations of others whether it is any easier or more certain for a man to recover from illness when he is 45 than it used to be when he was 25?

Mr. FESS. I am not sure that statement is true, except where you have reached the age of debility. I do not think senility is reached at the age of 40. I know that a very distinguished physician said that those who reached 40 would never learn any more. I do not believe that is true. Goethe wrote Faust when he had reached the age of 80, and our distinguished ex-Speaker never was more effective than at the age of 82.

Mr. GREENE of Vermont. True; but those were mental labors, not those that require the absolute control of a youthful body that could withstand all of the shocks of hell and come out alive.

Mr. FESS. I do not think that because a man has gone beyond the age of 40 he has ceased to be efficient. I do not think that rule would hold at all, and therefore I hope the amendment will be adopted.

Mr. BUTLER. Did I understand the gentleman from Vermont to say that our very highly respected ex-Speaker can not sit up all night if he wants to?

Mr. GREENE of Vermont. I did not make any such observation, and I hope the time will never come when he can not.

Mr. DENT. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Alabama [Mr. DENT].

The amendment was agreed to.

The SPEAKER pro tempore. The question now is on the third reading of the Senate bill.

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

On motion of Mr. DENT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WAR MEDALS FOR AMERICANS.

Mr. DENT. Mr. Speaker, to those members of the committee to whom I have given a list of the bills to be called up I desire to say that the next bill is one to provide medals of honor, and I ask that it be laid aside temporarily; and the bill following that, to permit Americans to wear foreign medals, the chairman of the Committee on Naval Affairs has asked me to postpone the consideration of.

The SPEAKER pro tempore. Then those bills will be passed over temporarily.

COMMUTATION TO COMMISSIONED OFFICERS.

Mr. DENT. Mr. Speaker, I next call up the bill (S. 3863) to provide quarters or commutation thereof to commissioned officers in certain cases.

The SPEAKER pro tempore. The gentleman from Alabama calls up a bill, which the Clerk will report.

The Clerk reported the title of the bill.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I believe this bill involves an expenditure of some $33,000,000 by the National Government. I think it is too important a bill to be considered in that way. I object.

Mr. DENT. 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. 3863) to provide quarters or commutation thereof to commissioned officers in certain cases.

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. 3863, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of the bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 3863) to provide quarters or commutation thereof to commissioned officers in certain cases.

Mr. DENT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chairs hears none.

Mr. DENT. Mr. Chairman, I will ask the gentleman from California, a member of the committee reporting the bill, to take the floor.

The CHAIRMAN. The Chair will recognize the gentleman from California.

Mr. KAHN. Mr. Chairman, before we get down to that stage I would ask the chairman of the Committee on Military Affairs whether we can not get an agreement as to general debate and would suggest not more than one hour. The committee has a very few additional bills, and it is desirable to finish those this afternoon, if we can. I suggest to the chairman that the committee rise for a moment and agree to a time for general debate on this bill.

Mr. DENT. Mr. Chairman, I move that the committee do now rise for that purpose.

The motion was agreed to.

Accordingly the committee rose; and Mr. FOSTER having resumed the chair as Speaker pro tempore, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3863, and had come to no resolution thereon.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3863, and pending that, I ask unanimous consent that all debate on this bill be limited to one hour. Has the gentleman from California any suggestion as to how that time is to be divided?

Mr. KAHN. I suggest that the chairman of the committee divide the time——

Mr. DENT. I know of no opposition over here to the bill.

Mr. BURNETT. Mr. Speaker, will my colleague yield? If there is no extended debate desired, why would not half an hour be sufficient?

Mr. KAHN. Well, I understand there will be some extended debate on the bill. I do not know but if debate finishes before an hour is over I imagine the committee can take up the bill under the five-minute rule. I should suggest not exceeding one hour.

Mr. DENT. I will ask that general debate be not exceeding three-quarters of an hour, and that the gentleman from California control the time.

Mr. WALSH. Mr. Speaker, reserving the right to object, if there is to be some opposition to the bill, ought not the party or parties who oppose the bill to have some part of that time?

Mr. DENT. I am trying to find out who the party or parties are who are opposing the bill.

Mr. KAHN. I will say frankly to the gentleman from Massachusetts——

Mr. WALSH. The gentleman from California indicated——

Mr. KAHN. That I will yield time to those who are opposed to the bill.

Mr. WALSH. I am not opposed to the bill.

The SPEAKER pro tempore. The gentleman from Alabama moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3863, and pending that he asks unanimous consent that general debate be limited to 45 minutes, to be controlled by the gentleman from California [Mr. KAHN]. Is there objection? [After a pause.] The Chair hears none. The question is on the motion to go into the Committee of the Whole House on the state of the Union.

The question was taken and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3863, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3863, and under the order of the House general debate is limited to 45 minutes, to be controlled by the gentleman from California. The Chair recognizes the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, prior to the outbreak of the war an Army officer who did not occupy quarters at a military post or at some camp was given commutation of quarters. That is, he was paid a certain amount of money to enable him to procure lodgings for himself and his family. When the war broke out, the Military Establishment was increased very largely, and a decision was rendered by the Comptroller of the Currency. That decision said, in effect, that where an officer was present with troops in the field, and occupied a tent, that constituted quarters so far as that officer was concerned. In other words, the Government was furnishing him quarters, and he was not entitled, therefore, to commutation of quarters or an allowance of rent for lodgings for himself and his family. The effect of that decision was practically a reduction of the salary of the Army officer, because officers were promptly ordered to various commands and were assigned to the various Army camps of this country. Their families occupied rented quarters and the officer had to pay for those quarters out of his own pocket. I take it that the Government never intended to do anything of that kind.

Mr. FESS. Will the gentleman yield for one question?

Mr. KAHN. I do.

Mr. FESS. Did that apply only to an officer who had a family or apply also to an officer who had not a family?

Mr. KAHN. It applied to every officer who rented quarters and lived in them.

Mr. FESS. Whether he had a family or not?

Mr. KAHN. Whether he had a family or not, and I may add that this allowance was given him in accordance with the grade he had attained in the Army. In other words, a second lieutenant only got an allowance for two rooms; and as he advanced in the Army and finally became a colonel or a general he got many more rooms. Where the Government could not furnish rooms or a building to house him the Government gave him an allowance to take care of that. Now, the purpose of this bill——

Mr. HELM. Will the gentleman yield?

Mr. KAHN. In a moment. The purpose of this bill is to allow those officers who have families or dependents to get an allowance during this war. Now I yield to the gentleman from Kentucky.

Mr. HELM. How will this bill affect those officers who are at the different cantonments of the United States?

Mr. KAHN. Well, if a cantonment is at a military post and there are buildings at the post which the officer can occupy with his family, the Government would furnish him a home where he and his family could live. But in the case of a cantonment where there are no quarters for officers and he simply gets a tent that he lives in or a rough shack which is put up for him, he is not given commutation of quarters. The decision of the comptroller was that he is getting quarters when he is in the field, and was therefore not entitled to the allowance.

Mr. HELM. Would an officer at one of the cantonments with officers' quarters be entitled to commutation?

Mr. KAHN. Yes; if he has a family or if the quarters are such that he can have his family with him, I take it, he would not get the commutation, but would get the quarters. But in cases where he would simply have a room for himself, I take it that he would get the commutation if we pass this law.

Mr. HELM. Is this bill intended to affect officers in the United States and officers in France?

Mr. KAHN. I so take it; yes. Because the gentleman can well conceive of this kind of a condition in France: An officer who is not immediately at the front, but who is performing staff duty, say, in Paris, and has got to have some place in which to live, ought not to be called upon to go down into his own pocket to furnish those quarters.

Mr. HELM. Now, the officers are in France. Are the families of these officers there?

Mr. KAHN. No; but the family is generally occupying rented quarters here. Therefore under this proposed legislation he is given the commutation in order to pay the rental of those quarters for his family.

Mr. HELM. Now, let us see just a moment. There have been thousands of officers added to the Army since the war broke out. A very large percentage of those officers came from civilian life. They had their homes; they owned them; and their families are now occupying the homes that the officer occupied with his family before he was commissioned as an officer. He is now at an Army post. His family is at home, we will say, in the house that he owns and in the house that the officer calls home. Would that officer be entitled to commutation?

Mr. KAHN. He would. Let me show the gentleman the other side of the picture.

Mr. HELM. In other words, he would be entitled to rent on his own home, would he?

Mr. KAHN. He would be entitled to commutation. Here is the situation: The officer who has a home and who is not in the field gets his commutation anyhow. He is getting it now, in cases such as the gentleman cites, if the man happens to be with the staff somewhere. But you have in the Army, in addition to the class of men mentioned, many a man who has not anything but ability, patriotism, and courage. He is willing to give his services to the Government of the United States. Why should he be penalized, why should these places be held open only for men who have homes in some city, who own their own homes? Why should not the poor man have a chance to go into the Army and, if possible, go as an officer? You can not pass any law that will work equitably in every case. We have to take the general average.

Mr. MAPES and Mr. BANKHEAD rose.

Mr. KAHN. I yield first to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. I would like to ask the gentleman if this law makes any distinction between the men of the Regular Army and the National Army?

Mr. KAHN. No.

Mr. MAPES. The officers of the National Army and the National Guard would be entitled to the same commutation of quarters as the others?

Mr. KAHN. Yes. It says "every commissioned officer of the Army of the United States on duty in the field," and that includes the Regular Army, the National Guard, and the National Army.

Mr. MAPES. I am very much in favor of the bill, and I wanted to have that point clear.

Mr. BANKHEAD. Are all of these staff officers who are now on duty in the city of Washington, an almost innumerable number, entitled to this commutation of quarters?

Mr. KAHN. They get it now.

Mr. BANKHEAD. And the officers in the field who are serving with the soldiers are deprived of it?

Mr. KAHN. Exactly. Every one of those staff officers is entitled under the law to get his commutation now, and they do get it, I suppose. But the man who is away from his family, the man who is out in the field fighting, does not get the allowance. He has to pay for the rent of the quarters for his family out of his regular salary.

Mr. SANDERS of Louisiana. Will the gentleman permit a question?

Mr. KAHN. Certainly.

Mr. SANDERS of Louisiana. Then, unless this bill is passed, as I understand it, the man actually in the field is penalized under the construction of the Comptroller of the Treasury?

Mr. KAHN. Quite so.

Mr. FAIRFIELD. Is this construction of the comptroller a new construction of the law, different from what it has been before?

Mr. KAHN. I take it the matter had not been passed upon prior to this decision. It was always allowed without question, there was no question raised by any comptroller previously, but since we got into the war the question was raised, and that decision was rendered. This law is intended to correct this palpably very serious hardship on the officers of the Army.

Mr. ELSTON. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. ELSTON. Apropos of what the gentleman is saying, I happened to get a letter to-day from a captain, who, when at home, resides in my district, but who is now stationed in France. He wrote to a friend, who sent me what he says. In the letter he states:

> We have been held in very expensive places awaiting orders all along the line, when the daily expense is not less than $5 per day.

Every dollar of this would come out of his own pocket. Is that a characteristic situation of a great many officers on duty in France to-day?

Mr. KAHN. I understand it is.

Mr. ELSTON. That would be at the rate of $150 a month.

Mr. KAHN. I understand it is that situation that brings about the necessity for this legislation.

Mr. FESS. Will the gentleman yield for another question?

Mr. KAHN. Certainly.

Mr. FESS. I am still in doubt on the matter of unmarried commissioned officers. Is the unmarried commissioned officer here in the Capital——

Mr. KAHN. He is getting his, but under this law he will get it only if he maintains a home.

Mr. FESS. That is what I am trying to get at.

Mr. HELM Will the gentleman yield further?

Mr. KAHN. Yes.

Mr. HELM. Is the gentleman in position to inform the House what was the total amount of commutation charges prior to the declaration of war?

Mr. KAHN. I do not recall, but I think we allowed in every Army appropriation bill something like $1,000,000 a year. I am not quite sure about that, but I think that is about the amount.

Mr. HELM. What is the estimated cost under this bill?

Mr. KAHN. Thirty-three million five hundred thousand dollars.

Mr. HELM. The total, then, would be thirty-five millions?

Mr. KAHN. No; the total would be $33,500,000.

Mr. ALMON. Mr Speaker, will the gentleman yield for a question?

Mr KAHN. Yes.

Mr. ALMON. You understand from this bill that an officer engaged in foreign service would be entitled to commutation, regardless of whether his family remained here or went abroad?

Mr. KAHN. The State Department is not allowing the families of officers to go abroad. They are not issuing passports to them. They have refused to issue passports.

Mr. ALMON. Then, according to the gentleman's statement, the probabilities are that their families would all remain here?

Mr. KAHN. The very purpose of the bill is to give them commutation for their families over here.

Mr. ALMON. Then it is immaterial as to where the families were located at the time they were engaged in the service?

Mr. KAHN. Yes. The State Department, as I understand it, has issued an order that the families of officers or men can not accompany them to the other side.

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

Mr. KAHN. Certainly.

Mr. OLNEY. For the benefit of the House I would like to point out an instance of the wife of a lieutenant colonel, the lieutenant colonel being in the field, with no expenses allowed for commutation, yet this young woman, with a small family, is obliged to accept a clerkship at $70 or $80 a month, she not having the benefit of commutation.

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

Mr. KAHN. Yes.

Mr. STAFFORD. What is the occasion of the expenses of a lieutenant colonel so that he can not allot some of his salary for the maintenance of his wife?

Mr. OLNEY. No particular occasion, except that expenses in a city like Washington have been enhanced to a considerable extent, rents have gone up, and the cost of living has risen. There is a small family of three or four children attached to this family, and in order to live commensurately with their state of living in the past this lady accepted a position here to help out.

Mr. STAFFORD. If the officer were assigned here in Washington, I understand he would be allowed commutation.

Mr. OLNEY. But he is in the field.

Mr. STAFFORD. Then, what is there to prevent this lieutenant colonel from paying a portion of his large salary to his wife, so that she may not be obliged to accept a position in one of the departments here in Washington?

Mr. ELSTON. I understand she had to take this position in order to add to the allotment sufficiently to support her family.

Mr. STAFFORD. Here is the point I make, if the gentleman will permit: The fact that the lieutenant colonel, with a salary of several thousand dollars, is in a position to support his wife if he wishes, and what are the expenses of that lieutenant colonel whereby he does not allot sufficient amount for the support of his wife and children?

Mr. KAHN. If the gentleman from Massachusetts [Mr. OLNEY] will permit, I will try to answer the question of the gentleman from Wisconsin [Mr. STAFFORD]. The base pay of a lieutenant colonel, I believe, is $3,600. Of course, he gets increases for every five years of his service.

Mr. DAVIS. Mr. Chairman, will the gentleman yield for just a question?

Mr. KAHN. Certainly.

Mr. DAVIS. I notice from the reading of the first section of the bill that it speaks of "during the present emergency for every commissioned officer of the Army of the United States." Does that apply to Marine officers?

Mr. KAHN. No. That is part of the Navy of the United States. This applies to Army officers. The three armies—the National Army, the National Guard Army, and the Regular Army—are referred to in legislation since the war began as "the Army of the United States."

Mr. DAVIS. Is there any law allowing for a Marine officer in the foreign service?

Mr. KAHN. I am not familiar with the law as it applies to the Navy officers. I am only informed as to the law applying to Army officers.

Mr. ALMON. Do they not get 20 per cent additional for foreign service—the Army officers?

Mr. KAHN. The enlisted men get 20 per cent additional and the officer 10 per cent.

Now, I want to answer the question of the gentleman from Wisconsin [Mr. STAFFORD], which he propounded to the gentleman from Massachusetts [Mr. OLNEY]. The Army officers have found it difficult in these days of the high cost of living to get along with the pay that has been given under the provisions of law fixing the salaries for Army officers. I dare say that the family of a lieutenant colonel has been living up to that salary, and has not been able to save a dollar. I believe that is especially true where there are a number of children. A man has to live up to his position. You can not expect a lieutenant colonel of the Army to live in cheap quarters in a large city. You can not expect him to allow his children to go around with clothing unbecoming the children of an officer of the United States Government. Everybody knows that the cost of everything has gone up enormously in recent years. I dare say that the lieutenant colonel whose case was cited by the gentleman from Massachusetts is only one of hundreds. They live up to the salary that they get. Their position requires it, and they have not saved a dollar for a rainy day.

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

Mr. KAHN. Yes.

Mr. STAFFORD. Take, for instance, the lieutenant colonel in the foreign service in the field. What are his expenses that will prevent him from allotting a portion of this $3,600, plus 10 per cent additional for foreign service, for the maintenance of his wife and children at home, so that she will not be obliged to work, as in the case put by the gentleman from Massachusetts?

Mr. KAHN. I presume he makes a large allotment. But, in addition to all his ordinary expenses, he is also put to extraordinary expenses. In the first place, he is serving with the officers of the English Army; he is serving with the officers of the French Army. They entertain him. He has to return the compliment and entertain them. The cost is very high when you consider that phase of army life.

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

Mr. KAHN. Yes.

Mr. HELM. The gentleman has just spoken about the American officer having to move in the same circle with the British officers, the French officers, and the Italian officers. How do their salaries compare with the salaries of like officers of the United States?

Mr. KAHN. The gentleman misunderstood me. I said that the American officer who has a family in this country has to live up to his station. Now, in Europe the European officer does not get as much pay as the American officer.

Mr. HELM. What does a lieutenant colonel, for instance, in the English Army get?

Mr. KAHN. I am not prepared to tell the gentleman. I do not know. I am frank about that. I did know, because I looked up those things in the past; but it has gone from my memory. But I do know that——

Mr. HELM. Which officer is the higher paid?

Mr. KAHN. The American officer.

Mr. HELM. By what percentage?

Mr. KAHN. I think the American officer gets at least 33⅓ per cent more than the others.

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

Mr. KAHN. Yes.

Mr. ELSTON. At that point I have an extract from the same officer whose letter I quoted a little while ago. He says that the English Army has recently raised the pay of officers to the same rate as ours and feeds them besides. I do not know whether that is a fact or not, but that is his information.

Mr. KAHN. I am willing to take that statement of my colleague. But let me call the gentleman from Kentucky's attention to this fact: The Government does not feed the Army officer. He has to furnish his own food, both in this country and abroad. The Government does not clothe the Army officer. He has to furnish his own uniforms—dress uniforms, fatigue uniforms, and regular uniforms. So his personal expenses are considerable every month, aside from the allowance that he makes to his family; and I take it that no officer of the United States Army is paid too much for the service he is giving his country.

Mr. SLOAN. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. SLOAN. Is it not a fact that the officers of Great Britain and France and Italy are more usually from the wealthy families, and are supported from home more than are the American officers?

Mr. KAHN. That is quite true. Many of the officers in the armies of those countries are the sons of noblemen, and many others are the sons of very wealthy merchants.

Mr. HELM. To be a nobleman does not necessarily mean to be a rich man.

Mr. KAHN. Not necessarily; no.

Mr. SLOAN. Usually, though.

Mr. CARAWAY. The gentleman does not mean to say that is true of the French officers, that they come from rich families?

Mr. KAHN. No; I do not. At least not all of them.

Mr. CARAWAY. That was a part of the question.

Mr. KAHN. Neither is it true altogether of the English officers.

Mr. CARAWAY. Of course it is not. They come very largely from people who are well bred, but not rich. They are the poorer sons.

Mr. KAHN. But according to the statements I have read many of the officers in the foreign armies come from wealthy families.

Mr. SANDERS of Louisiana. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. SANDERS of Louisiana. Is it not a fact that when an officer of our Army is ordered to France his equipment, including clothing, weapons, field glasses, and so forth, costs nearly $1,000?

Mr. KAHN. That is true, and it has become a scandal and a disgrace, the way they are charging these officers for uniforms and equipment. [Applause.]

Mr. SANDERS of Louisiana. Is it not a further fact that these officers can not go to France unless they carry the equipment that the Government says they must carry?

Mr. KAHN. Yes; they must carry the entire equipment with them.

Mr. SANDERS of Louisiana. No matter what they have to pay for it, they have to get it?

Mr. KAHN. Yes; they have to take the equipment which the Government prescribes.

Mr. STERLING of Illinois. Will the gentleman yield?

Mr. KAHN. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has used 30 minutes. He has 15 minutes remaining.

Mr. KAHN. I shall reserve the remainder of my time, because two or three gentlemen have asked me for time.

Mr. STERLING of Illinois. Will the gentleman yield for just one question?

Mr. KAHN. For one question.

Mr. STERLING of Illinois. Is the Military Committee likely soon to report a bill for the relief of Army officers, to give them better pay?

Mr. KAHN. I do not know of any such proposed legislation.

Mr. STERLING of Illinois. I think it is the duty of the committee at least to put that proposition up to the House.

Mr. KAHN. The War Department has not suggested it to the committee, and the committee have been so occupied with necessary legislation for winning this war that we have not had time to go outside to try to find business for the committee.

I now yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

The CHAIRMAN. The gentleman controls the entire time. He has 15 minutes remaining and he yields 5 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, on Saturday, on page 5121 of the RECORD, appears a statement made by me in relation to the Post Office order cutting off parcel-post packages to soldiers abroad. I stated that that order was issued on March 29, and went into effect on April 1, but that its actual operation has been postponed until April 15. Having made that statement on Saturday, I desire to correct it, as I find to-day that the order is in actual operation. The reason I made the statement was that I was quoting from the Official Bulletin, issued, as Members know, by the Committee on Public Information, in which, under date of March 29, appears the order of the Postmaster General, with the heading "Order issued restricting shipments of mail parcels to United States soldiers in France." and then another heading asking that wide publicity be given to the order.

Under date of April 2, in the same publication, the Official Bulletin, appears an official order from The Adjutant General

directing attention to the order issued under authority of the Secretary of War, signed F. W. Lewis, Adjutant General, postponing the operation of the order of the Post Office Department from April 1 to April 15. He asks that the same be published in the Official Bulletin, which it was under date of April 2. It reads as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, March 29, 1918.

From: The Adjutant General of the Army.
To: Gen. Frank McIntyre, Chief Bureau of Insular Affairs.
Subject: Reported increase in weight and bulk of parcel-post matter for soldiers.

Referring to letter from this office dated March 26, 1918 (311.16 OD, A. G. O.), in which it was requested that the War Department bulletin relative to articles being shipped by parcel post, express, or freight companies to be published in the Official Bulletin, you are informed that the date of action on this matter has been postponed from April 1 to April 15, 1918.

By order of the Secretary of War:

F. W. LEWIS,
Adjutant General.

My attention has been called to-day to the fact that parcel-post matter addressed to soldiers abroad is being refused at post offices. I made inquiry of the Post Office Department about 20 minutes ago in relation to this matter and was informed that the order of March 29 from the Postmaster General restricting the parcel-post shipments, and putting it in operation April 1, had never been changed. But the War Department issued a supplementary order postponing its operation until April 15. In other words, here is the situation: The Post Office Department makes one order, at the request of the War Department, prohibiting the shipment of parcel-post matter to soldiers after April 1, and the War Department countermands that order evidently, by stating that such parcels can be shipped until April 15, but the War Department seems to have no way of enforcing its order. I never saw wires crossed worse in my life, and the sufferers are our soldier boys abroad; because the Postmaster General asks that wide publicity be given to his order, in effect April 1, dated March 29, and every post office in the country where there is a father or mother of a soldier abroad knows that these packages can not be shipped, although the War Department was willing that these shipments should be continued until April 15. Now, it seems to me when such an important order as that is issued somebody ought to know what the authority actually is, and whether our boys can receive those desired packages from home or not. The whole thing is a mass of confusion. In my opinion the order never ought to have been issued. There is nothing that appeals to these boys more than to receive these packages, and certainly the two departments ought not to be in direct conflict as to the date when the order goes into effect. Having made the statement I did on Saturday, that parcels could be sent until April 15, I desire now to correct it, because the Post Office Department seems to have more authority than the War Department has in the premises.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Speaker, I yield two minutes to the gentleman from Louisiana [Mr. SANDERS].

Mr. SANDERS of Louisiana. Mr. Chairman, I received on Saturday evening three telegrams from my home city that were sent to me early Saturday morning relating the progress of the third liberty loan in my city. I ask that they be read at the desk in my time.

The Clerk read as follows:

BOGALUSA, LA., *April 6, 1918.*

Hon. J. Y. SANDERS, M. C.,
Washington, D. C.:

Your home city had the proud distinction of subscribing the entire allotment for the parish in three minutes after the time set for taking subscriptions. We are now over the hundred thousand mark.

E. R. CASSIDY,
City Chairman Third Liberty Loan.

[Applause.]

BOGALUSA, LA., *April 6, 1918.*

Hon. J. Y. SANDERS,
House of Representatives, Washington, D. C.:

Washington Parish, population 30,000, of which 16,000 reside in city of Bogalusa, went over the top at 8.03 central time this morning. Most of the business men of the city were up all night stirring up enthusiasm for loan and asking people to meet at the city building at 8 o'clock this morning ready to make their subscriptions. Entire $80,000 allotted to this parish was quickly subscribed. Applications being handled by 15 clerks working at four tables. Last subscription, which took Bogalusa and Washington Parish over the top, was signed at 8.03. The total subscriptions will be considerably in excess of this amount as campaign progresses. Bogalusa is the largest sawmill city in the world, and has distinction of having more men in proportion to population enlisted in the Army and Navy than any other city we know of in the United States.

W. H. SULLIVAN.

[Applause.]

BOGALUSA, LA., *April 6, 1918.*

Hon. J. Y. SANDERS, M. C.,
Washington, D. C.:

Bogalusa went over the top. Double amount of the allotment, third liberty loan, at 8.03 central time this morning. You may tell Congress we have finished the third and are now awaiting their order to start fourth.

A. N. DOBBS,
Secretary Washington Parish Committee.

[Applause.]

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS. Mr. Chairman, if I understand this bill, it is an attempt to put the officers in the field on an equality, as far as their pay is concerned, with the officers who are not assigned to duty with troops but are quartered in other places. In that I, of course, concur. It occurs to me, however, that the bill has been worded so as to discriminate rather, even yet, against the officers assigned to duty, and I ask the attention of the gentleman from California to this fact. Under the law now, as I understand it, officers get commutation for quarters, heat, and light, whether they have any family dependent upon them or not. But they do not get it if they are with the troops in the field. They get it in Washington and other places, but if ordered away they do not get it. This provides that those who may be ordered away into the field service with the troops can get pay, provided they have dependents in their families to take care of.

Mr. KAHN. The gentleman is quite right.

Mr. HUMPHREYS. It occurs to me that that distinction should not be made. Take a captain in Washington who has no family; he gets commutation for four rooms, heat, and light. Now, under this bill the captain who is with the troops gets commutation for four rooms, provided he has a dependent, but he still gets no commutation for heat and night.

Mr. CANNON. Will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. CANNON. As I understand, the officer who is with the troops, if the Government gives him quarters, he gets no commutation, but the ruling has been made that if he is quartered in a tent he is entitled to commutation.

Mr. HUMPHREYS. Provided he has dependents—wife or child or dependent parents—but if he is unmarried and lives in Washington City or New York, or wherever he may be detailed, he gets commutation, although he has no family to support.

Mr. KAHN. If the gentleman will permit me, if he has no family and is living in Washington or New York, he is getting the commutation now, and he gets it under this bill just the same.

Mr. HUMPHREYS. I understand he does.

Mr. BURNETT. But the fellow living in Paris would not get any, although his expenses would be greater.

Mr. HUMPHREYS. The man on the battle line does not get it unless he has a dependent at home, and then he only gets commutation for quarters, whereas the officer in Washington, without reference to whether he has a family or not, gets commutation for quarters and commutation for heat and light. It occurs to me that that is not right. The purpose that Congress has in mind, as I understand it, is to take care of the family of the officer. Now, instead of prescribing that the officer shall have commutation for two rooms if he has a certain number of dependents, or eight rooms if he has another number, the law says that a second lieutenant shall have two rooms, a captain four rooms, and a major six or eight rooms, or whatever it is; a colonel such a number. Now, the captain may have 10 children and the colonel none, but that makes no difference. We provide that the colonel shall have so many rooms and the captain less. It occurs to me that the words "on duty in the field or on active duty without the territorial jurisdiction of the United States" should be stricken out, so that the bill will read:

That during the present emergency every commissioned officer of the Army of the United States who maintains a place of abode for a wife, child, or dependent parent, shall be furnished—

And so forth.

I think he ought to have commutation wherever he lives if the others are to get it.

Mr. KAHN. Mr. Chairman, I yield three minutes to the gentleman from Indiana [Mr. VESTAL].

Mr. VESTAL. Mr. Chairman, I am interested in what the gentleman from Mississippi has been saying in reference to this bill. It was the thing I wanted to ask the chairman of the committee about. I understand that the law as it is now, the act of 1907, provides commutation for officers and gives them heat and light allowances. It is my understanding that the purpose of this bill is to place the officers when they are in the war on the same footing as they have been when we were at peace. That is practically what they have proposed to do.

But it does seem to me that the bill proposed by this committee ought to be amended to include the heat and light allowance. It seems to me it is no more than fair. I may be wrong, but here is an officer who leaves this country and goes across the ocean to fight. His wife and children can not go there. Both the officer and his family are put to enormous expense. There is no question about that. The officers are not receiving any higher salary than they were before. In other words, as the law stands to-day, the officer on active duty is practically penalized from $50 to $150 a month for fighting for this country. That is exactly what it means. It seems to me that the families of these officers ought to be allowed quarters or the officers be allowed commutation not only for quarters but for heat and light as well. It seems to me it is no more than just. I know that at the last session of Congress I introduced a bill for this same purpose, and the bills are practically alike, except that in the bill I introduced I provided that in addition to the commutation for quarters they should have commutation for heat and light as well. I believe that ought to be added to this bill.

Mr. ELSTON. Are those two allowances—for heat and light and for quarters—provided for by different statutes entirely or are they both included in this same statute of 1907 referred to in this bill?

Mr. VESTAL. I think there is but one statute covering the matter. I would say to the gentleman that when I prepared my bill I had a talk with a number of officers about it—that is, as to whether, unless specifically mentioned, the bill would carry heat and light allowances. I discussed the proposition, and the officers I talked to said that unless heat and light allowances were added it would probably not be included.

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

Mr. VESTAL. Yes.

Mr. HELM. I notice on page 3 of the report that the present cost in peace times of commutation of quarters amounts to $737,500. If I understand the drift of the gentleman's argument, it is that he wants to do equal and exact justice between all officers, both as to commutation of quarters and heat and light?

Mr. VESTAL. Yes.

Mr. HELM. And at the same time conserve the resources of the United States. Could not that be done by repeating this measly sum of $737,500 and saving that sum, and then the $33,000,000 that this is going to cost the Government could be utilized and expended in maintaining our end of the war and in assisting our allies by loaning them money and prosecuting this war more effectively. In other words, does the gentleman think it is necessary to appropriate $33,000,000 annually in order to equalize the present number of officers in the Army with the obviously comparatively few number of officers in the Army who are receiving only $737,500?

Mr. VESTAL. I can not yield for a speech. What I mean to say is this: That, in my judgment, the officers of our Army in time of war and their families ought to have the same treatment at least that they have in time of peace, and that is what this bill is proposing to do, outside of the commutation for heat and light. I hope that this bill will be amended so as to make it sure that it carries commutation for heat and light as well as for quarters.

The CHAIRMAN. The gentleman's time has expired. All time has expired under the order of the House. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That during the present emergency every commissioned officer of the Army of the United States on duty in the field, or on active duty without the territorial jurisdiction of the United States, who maintains a place of abode for a wife, child, or dependent parent, shall be furnished at the place where he maintains such place of abode, without regard to personal quarters furnished him elsewhere, the number of rooms prescribed by the act of March 2, 1907 (34 Stats., p. 1169), to be occupied by, and only so long as occupied by, said wife, child, or dependent parent; and in case such quarters are not available, every such commissioned officer shall be paid commutation thereof at the rate authorized by law in cases where public quarters are not available; but nothing in this act shall be so construed as to reduce the allowances now authorized by law for any person in the Army.

Mr. McKENZIE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Add, after the word "Army," at the end of line 7, page 2, the following: "except that in all cases where civilians have been commissioned in any branch of the military service, such officers shall only be entitled to quarters or commutation for quarters when required to change their place of residence in compliance with orders from the War Department."

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, I have not a word of criticism against the men in the Staff Corps of our Army who are detailed here in Washington or elsewhere. I understand these men are here because they are under orders to render service here in Washington. I did not object to the law giving to those men the commutation that is provided by statute, but this bill is intended to give to the men in a small way that recognition and justice to which they are entitled who are serving our country in the field. In other words, it is an attempt in part to put the man who is with troops in the field on the same footing as the officer in our Army who, while rendering patriotic and efficient duty, remains, perhaps, in the safe seclusion of this great Capital City of ours or in some other secure place in our country. This is an effort to give to the men who are officers in the line, in the field, and in France the same recognition they would receive if they were in Washington. But the purpose of my amendment, which you have just heard read, is not to take from any officer in the Regular Establishment the commutation to which he is now entitled, nor is it in any way to do an injustice to the man in the field; but I can not help but feel that we ought, even if in a small way, to take into consideration the fact that the taxpayers of this country will have to meet these bills, and where it is not necessary to make the payments, in my judgment, we ought to cut them out. Now, what does my amendment do? It simply means this, that if a young man, or an old man, for that matter, has been working in one of the Government departments or has been in business in this city and has been receiving $1,400 or $1,500 or $1,600 a year, and he has been going to his work every morning in civilian clothes, wakes up some morning and finds that he is an officer in the Army of the United States, and he goes down and buys a uniform and leather leggings and goes back to work at a salary of $2,000, perhaps, or $2,400 a year, and goes back to his habitation at night, does not even change the bed in which he has been sleeping for years, has no greater expense to pay—it simply provides that in those cases, whether in the city of Washington or in the central division of our Army at Chicago, or elsewhere, that such officer shall not be entitled to reach into the Treasury of the United States and take therefrom commutation for quarters; that he is getting better pay from his Government, perhaps, in most instances than he received before, and he shall not be entitled to it until he removes from his place of abode or his residence and goes into the field or to some other place of activity away from his home.

To my mind it is simple justice, it is only fair play, and to say that a man who lives here in this city—and it is no reflection on a man to live in the city of Washington—that because he has been commissioned in the Army of the United States at a higher salary perhaps than he ever received in his life, that it is incumbent upon this Government to still add to his pay commutation for rooms, and perhaps heat and light, as one gentleman said, because he has been commissioned in the Army of the United States, is unreasonable. I simply ask you gentlemen in the interest of justice, in the interest of respect if nothing more to the uniform of the man who is an actual soldier, that you adopt this amendment. I have no personal interest in it whatever, but I do believe that the time has come when there ought to be at least some bar put up to prevent this kind of thing going on here or elsewhere.

Mr. BANKHEAD. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. BANKHEAD. I want to ask the gentleman how his amendment would affect the case of a man who is in the Regular Army for a number of years and on temporary duty here in Washington?

Mr. McKENZIE. It would not touch him. I am for that fellow because he has dedicated his life to the Army of the United States and is entitled to some consideration.

Mr. BANKHEAD. It only applies to those recently appointed?

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENZIE. I ask for one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KING. I would like to ask the distinguished gentleman from Illinois, a member of the committee, since we are punishing these individuals, if we did not bring these boys to this city and whose fault is it?

Mr. McKENZIE. I will say to the gentleman I am not trying to punish them or criticize them.

Mr. KING. Whose fault is it if a man is grabbed up during his dreams or during his sleep and put into a major's uniform? He can not do it himself.

Mr. McKENZIE. Of course if he is built of the right material he will not get up in very much of a fright; but if he happens to be a little gun shy, of course it will be disturbing to him.

Mr. KING. But it is seeking to punish a good military officer.

Mr. McKENZIE. That is not my purpose; I am simply trying to do what I think is just.

Mr. MAPES. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. MAPES. The gentleman says he wants to have this apply to the real soldier. If I understand the amendment of the gentleman correctly, he would give this commutation of quarters when they come here from other cities and who are not any more soldiers than the man who happens to live in the District. Am I correct?

Mr. McKENZIE. This bill is founded on the basis that the extra cost of living to the soldier is such that he ought to have it. I am willing to go that far when he is put to the additional expense. I am after the man who has not been called upon to make the sacrifice.

Mr. MAPES. The gentleman's amendment only applies to those living in Washington and who continue to live here, or continue to live in some other city and might be doing some military work.

Mr. McKENZIE. Where they were not required to be put to that added expense.

Mr. BURNETT. Mr. Chairman, the gentleman is a member of the Military Affairs Committee, and I want to ask him if the War Department and the committee have not been able to work out any plan by which they can check, if not stop, this infamous profiteering on the uniforms of the officers? Is there not some way by which those outlaws and robbers can be stopped or punished for that kind of profiteering? I understand the salary of these officers is taken for a month or two in paying for the uniforms that are furnished to them. Is there no way to stop that?

Mr. McKENZIE. I understand that is being handled by regulations in the War Department now.

Mr. KAHN. And has been stopped.

Mr. McKENZIE. And has been stopped.

Mr. ELSTON. Does the gentleman know anything in the history of the Signal Corps which compels an officer to pay $45 a pair for boots of a peculiar make, and which are not of what you might call a usable nature, being more ornamental than anything else, and have attached to them a pair of spurs which have no practical use, and no use whatever except by way of ornament?

Mr. McKENZIE. If a man asked me why a man who rode a bucking broncho should need spurs, I could answer him, but I can not answer the other question.

Mr. GREENE of Vermont. This is the history of that case: In the origin of the service the Signal Corps men were mounted men, but there has been no change in the custom or practice in the service as to the matter referred to, although the service itself has been through many changes.

Mr. KAHN. Mr. Chairman, I rise in opposition to the amendment. Let me call my colleague's attention to some facts. There are many men called to Washington in the Ordnance Department. They are graduates of universities and they have special knowledge of chemistry. Their services are essential to the country in this crisis.

Mr. McKENZIE. Will my colleague yield?

Mr. KAHN. Yes.

Mr. McKENZIE. You did not take it that I was making any criticism of the men?

Mr. KAHN. Oh, no. I am not saying you are criticizing, but I want to show why these men ought to get this commutation; that is all. These men were probably earning $1,500 or $1,600 in their vocations. They are young men, but they are skilled. They are skilled in their profession and their services are of great value to the country. They are commissioned as second lieutenants to begin with; at least most of them are. They get a salary of $1,700 a year. They all have their family in the town from which they come.

Mr. McKENZIE. I would not cut that gentleman out—a man who comes from some other section of the country and has a home to maintain.

Mr. KAHN. Well, suppose here in Washington there are men who are peculiarly fitted for the duties they are called upon to perform and who can give the country valuable service in this hour of emergency, would the gentleman penalize them for going into the service of the United States? That is what his amendment would do. They would not be getting this commutation of quarters at all, and yet their expenses are enormously increased the moment they put on their uniform. They have to equip themselves with a full set of uniforms. They have to buy all the accessories, and I am told that these cost now about $600 for the average man who goes into the Army as an officer—the various uniforms and the equipment that he requires.

Take men in the Quartermaster Corps. That corps has to have specialists. They have lots of them, men who are familiar with cotton canvas, for instance. Every foot of it the Government buys has to be inspected and can only be inspected by experts. And the same is true with woolen cloth, with leather which is used for harness, with leather that is used for shoes. These men are experts, and many of them come from this city of Washington. Would you cut them out of these allowances? Many of them were getting when they entered the service more salary than the Government now pays them.

Mr. GORDON. The observation which the gentleman has made is unquestionably true, but they are not directed to the amendment of the gentleman from Illinois [Mr. McKENZIE]. His proposition, if I understood it, is that where these officers who are commissioned are not detailed away from their homes and do not change their place of residence they shall not receive allowances in lieu of quarters.

Mr. KAHN. That is what I am speaking about.

Mr. GORDON. So far as quarters are concerned, the cost of living is not increased at all.

Mr. KAHN. I am not claiming that it is.

Mr. GORDON. Then, why should they have an allowance in lieu of it?

Mr. KAHN. I am claiming that in many cases they do not get as much salary as they were getting before they went into the Army, and great expenses have been put upon them by reason of the fact that they have gone into the Army.

Mr. BLACK. Will the gentleman yield?

Mr. KAHN. And if a man goes into the Army, as the gentleman [Mr. GORDON], who is on the committee, knows, he generally goes as a second lieutenant, at $1,700 a year, and yet he may have been occupying in some business house a position in which he was getting $2,400 or $3,000 a year. Would you penalize a man because he is patriotic enough to give his services to his country?

Mr. HUMPHREYS. Does the gentleman know of any expert in the purchase of cloth or rubber or any of these things that he speaks of who has been commissioned in the Quartermaster Department as a second lieutenant?

Mr. KAHN. I understand that there are such men. I understand, too, that in the Ordnance Department there has been quite a number.

Mr. HUMPHREYS. As second lieutenants?

Mr. KAHN. I think so, but I am not certain as to that.

Mr. HUMPHREYS. Just one question more. Two or three thousand of these young men went to the training camp and got commissions. They were then assigned to the Quartermaster's camp, after being commissioned second lieutenants. They then went to Jacksonville and served three months in that school in the Quartermaster's camp, and nearly every one of them is a second lieutenant to-day, whereas quite a number of young gentlemen who did not go to the training camp, and did not go to Jacksonville, are commissioned as first lieutenants and as captains.

Mr. KAHN. Yes; and some of them as majors.

Mr. HUMPHREYS. Those commissioned as majors are, as a rule, men who are expert along the line the gentleman has suggested. These boys who went in as second lieutenants after six months' training——

Mr. KAHN. Three months' training.

Mr. HUMPHREYS. Six months' training; three months in the training camp and then they were commissioned, and then served three months in training in the Quartermaster's camp, so as to become expert; and at least nine out of ten of them are still second lieutenants; and it is not infrequently the case that young men are put in over them as first lieutenants and captains—men who can hardly be called experts.

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

Mr. KAHN. Mr. Chairman, I ask for five minutes more.

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

There was no objection.

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

Mr. KAHN. First, I want to answer the remarks of the gentleman from Mississippi [Mr. HUMPHREYS]. Of course the moment we got into this war and our armies were enormously expanded the War Department began to commission men in various lines of endeavor so as to get the benefit of the experience of those men. I dare say if we had had a very large Quartermaster Corps it would not have been necessary to commission men in the higher grades, but it was necessary at the beginning of this war, and that is how some of these higher-grade commissions were issued. But after all, in an emergency

like this, you can not expect to have equal justice done in every individual case. You are lucky if you do not have glaring inconsistencies throughout the service.

Mr. LITTLE. Now, will the gentleman yield?

Mr. KAHN. Yes.

Mr. LITTLE. May I ask the gentleman this question: Do the young men from this District who have commissions here as majors or lieutenants receive allowances?

Mr. KAHN. They do.

Mr. LITTLE. A man could live at home, where he has been living all his life, and get allowances for quarters, while the fellow in Europe does not?

Mr. KAHN. If he goes abroad with the Army he does not.

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

Mr. KAHN. Yes.

Mr. WALSH. Does the gentleman base his contention on the argument that these skilled men are doing that or on the fact that they have been commissioned?

Mr. KAHN. Naturally, upon both. The fact that they are doing this skilled work for the Government is one consideration. They may have been occupying positions right here in Washington, receiving $3,000 or even $4,000 a year as experts. The Government reaches out and says, "We need your services. We can give you a commission, but we can only commission you as a second lieutenant."

Mr. WALSH. Will the gentleman yield further?

Mr. KAHN. Yes.

Mr. WALSH. What has the gentleman to say, then, about these young men who possess this technical knowledge, and who have been drafted, and who are receiving the pay of privates, and have been put on this technical work of inspecting cloth, for instance, as privates in the Army at the pay of privates? They get none of this extra pay or commutation for the work they are doing.

Mr. KAHN. Yes; but the private is in line for a commission when vacancies occur, and the privates are frequently commissioned.

Mr. WALSH. Vacancies are rather infrequent in the case of a private.

Mr. KAHN. The present reserve officers' training camp is made up entirely of private soldiers.

Mr. WALSH. But the privates are still doing inspection work.

Mr. KAHN. That is an incident of their service. They are put in the Quartermaster Corps to do that work of inspection because of their skill, and that is an incident of service in every army throughout the world.

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

Mr. KAHN. Yes.

Mr. ELSTON. I notice a communication from the Secretary of War which is printed in the report accompanying the bill, and I notice the statement is made that these allowances have always been considered a part of the compensation of the officers; that is, by tradition and custom it has come to be practically an addition to their salary. That is in the nature of an allotment of a wage.

Mr. KAHN. Yes.

Mr. ELSTON. A colleague has just suggested that it is included in the income tax as a part of the wage.

Mr. KAHN. Yes.

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

Mr. KAHN. Yes; I yield to my colleague.

Mr. McKENZIE. I know that there are injustices here and there, and we are unable to prevent that. I quite agree with my colleague on that point, but I want to ask my colleague if he does not believe that when an injustice is apparent, as in this case, it is our duty to cure it?

Mr. KAHN. Oh, I think that every man in the country ought to make sacrifices for his country, especially when his country is in war. But because many men have to make these sacrifices a great country like this ought not to punish its faithful citizens because they want to serve it in an honorable way.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Vermont. Mr. Chairman, I move to strike out the last word. I only want to call attention to one phase of this thing which does not seem to have been very much developed. As was suggested by the gentleman from California [Mr. ELSTON], ever since these allowances for commutation of heat, light, and quarters have been in the law, the money so paid has been considered a part of the pay and allowances of the officer. In other words, it has been swept up into his compensation. It does not make any difference whether he is a married man or whether he is an unmarried man. When he gets into a certain grade he has a certain allowance, as the gentleman from Mississippi [Mr. HUMPHREYS] has indicated to you, a certain allowance for rooms, according to his grade, and then the allowance for heat and light that goes with them. Now, that has gone on for all these years as a part of the compensation of the officer. What is incidental to it? Just exactly the same experience that men have in civil life. Two men are engaged in any occupation, one may be married and one unmarried, and yet it is only fair that the compensation for the character of service performed by them should not be affected at all, in the one case or in the other case, because one man is married and one man is not married. It is the value of the service that is being rendered, and not the domestic status of the man who renders the service, for which the reward is paid.

Now, if you pass this bill exactly as it is, you are going to have two scales of compensation for officers of the same grade in the United States Army, no matter what grade they are in. Part of them, if they are married, will get one kind of pay, and if they are unmarried they will get another kind of pay. You will have two different kinds of allowances for each grade, depending upon the domestic status of the men, something you would not think of tolerating in civil life at all.

And there is another proposition involved in the amendment moved by my colleague from Illinois [Mr. McKENZIE]. It is true that there is an apparent superficial injustice in the fact that certain men living in a city for the time being are put to no extra expense by performing military duty in that city, and it may be that there is some color to the suggestion that they ought not to have been commissioned in the Army in the first place. Yet the fault is not in the men, but it is in the executive that put the law to the uses to which it has been put, by which the War Department is permitted to commission such men in that way. Are we to punish the men who are serving in other capacities in the Army, whose appointments and whose duties may not be related to these so-called "safety-first" soldiers at all? Is it fair to punish them because they are swept up into the same kind of a law by this amendment that you make for everybody?

Mr. HUMPHREYS. But the gentleman understands that this bill, just as it is, discriminates against the soldier who is sent out into the field to fight.

Mr. GREENE of Vermont. Exactly.

Mr. HUMPHREYS. It does not give him the commutation unless he has a family.

Mr. GREENE of Vermont. That is exactly what I undertook to indicate.

Mr. HUMPHREYS. While if he stays in Washington he gets commutation anyhow, whether he is married or unmarried.

Mr. GREENE of Vermont. If we were to get right down to good, common sense in the consideration of this legislation, and to apply the same rules that govern us in civil affairs, we would make commutation of heat, light, and quarters for all officers of the Army or for none.

Mr. HUMPHREYS. That is right.

Mr. GREENE of Vermont. There ought to be no distinction. It is the pay for the service performed. It is not in recognition of the domestic status of the man who happens to be earning that pay.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

Mr. ROBBINS. Can not the amendment be again reported?

The CHAIRMAN. Without objection, the amendment will again be reported.

The Clerk again read the amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. KAHN) there were 29 ayes and 29 noes.

Mr. STAFFORD. I demand tellers.

The CHAIRMAN. The gentleman from Wisconsin demands tellers.

The question of ordering tellers was taken.

The CHAIRMAN. Nineteen Members have arisen, not a sufficient number.

So the amendment was rejected.

Mr. HUMPHREYS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 3, after the word "thereof," insert the words "and commutation of heat and light."

Mr. STAFFORD. I reserve a point of order to the amendment.

Mr. HUMPHREYS. What is the point of order?

Mr. STAFFORD. That it is not germane.

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, the bill before the committee seeks to amend the act of March 2, 1907, Thirty-fourth Statutes at Large, which in its place is an amendment of the act

providing for commutation of quarters found in the Twentieth Statutes at Large, page 151. The last-named act which is the first provision found in the law as to the allowance for commutation of quarters is in language as follows:

SEC. 9. That at all posts and stations where there are public quarters belonging to the United States, officers may be furnished with quarters in kind in such public quarters, and not elsewhere, by the Quartermaster's Department, assigning to the officers of each grade, respectively, such number of rooms as is now allowed to such grade by the rules and regulations of the Army: *Provided*, That at places where there are no public quarters, commutation therefor may be paid by the Pay Department to the officer entitled to the same at a rate not exceeding $10 per room per month, and the commutation for quarters allowed to the general shall be at the rate of $125 per month, and to the lieutenant general at the rate of $70 per month.

I now call attention to the act which is referred to in this bill, and to which the matter directly relates—page 1169 of the Thirty-fourth Statutes at Large:

Barracks and quarters: For barracks and quarters for troops other than Seacoast Artillery, storehouses for the safekeeping of military stores, for offices, recruiting stations, to provide such furniture for the public rooms of officers' messes and such heavy permanent furniture for officers' quarters at military posts as may be approved by the Secretary of War, and for the hire of buildings and grounds for summer cantonments and for temporary buildings at frontier stations, for the construction of temporary buildings and stables and for repairing public buildings at established posts, including the extra-duty pay of enlisted men employed on the same: *Provided*, That no part of the moneys so appropriated shall be paid for commutation of fuel or for quarters to officers or enlisted men: *Provided further*, That section 9 of an act approved June 17, 1878 (20 Stat. L., p. 151), be, and the same is hereby, amended to read as follows: "That at all posts and stations where there are public quarters belonging to the United States, officers may be furnished with quarters in kind in such public quarters, and not elsewhere, by the Quartermaster's Department, assigning to the officers of each grade, respectively, such number of rooms as is stated in the following table, namely: Second lieutenants, 2 rooms; first lieutenants, 3 rooms; captains, 4 rooms; majors, 5 rooms; lieutenant colonels, 6 rooms; colonels, 7 rooms; brigadier generals, 8 rooms; major generals, 9 rooms; lieutenant general, 10 rooms: *Provided further*, That at places where there are no public quarters commutation therefor may be paid by the pay department to the officer entitled to the same at a rate not exceeding $12 per month per room:" *Provided further*, That the number of and total sum paid for civilian employees in the Quartermaster's Department, including those paid from the funds appropriated for regular supplies, incidental expenses, barracks and quarters, Army transportation, clothing, camp and garrison equipage, shall be limited to the actual requirements of the service, and that no employee paid therefrom shall receive a salary of more than $150 per month, except upon the approval of the Secretary of War, $3,750,000.

Now, Mr. Chairman, the Chair will readily see the bill is amendatory of one provision of the statutes and that provision is limited to one subject matter, namely, commutation of quarters. Nothing in the bill or in the statute sought to be amended refers to commutation for heat and light.

The CHAIRMAN. The Chair would like to ask the gentleman a question. Is the provision of law providing for commutation for heat and light in a separate or distinct section of the act from the one providing for commutation for quarters?

Mr. STAFFORD. I can only answer the Chairman to this effect: That the section I have read is limited exclusively to commutation for quarters, and if there is any such provision for heat and light it is in some other section. I have furnished the Chair with the entire quotation of the statutes so that the Chair may be fully advised. If there is such provision of law as to commutation for heat and light, it must be in some other section. It is not in this section; and this bill is amendatory of this one section which relates entirely to commutation of quarters.

Mr. HUMPHREYS. Mr. Chairman, as to the law in the matter, I may be mistaken; but my information is that this section, which the gentleman just read, providing quarters is the only statute, and that under that commutation for heat and light has been allowed to officers, but it requires an appropriation to do it. I am further advised that it is the opinion of those who will be called upon to construe this law, perhaps, that this section as it stands now in the bill will give to these officers commutation for heat and light. It was simply to make that certain that I offered this. I take it that there can not be anything to the gentleman's point, for if we furnish quarters we surely have the right to make them comfortable. The statute which he read, as I understand it, is the only statute on the subject. I may be mistaken about that, but I am advised that it is the opinion of the Judge Advocate General of the Army that under this bill as proposed these officers would be entitled to commutation for heat and light, but in the appropriation bills we always provide that. I just want to make that certain which I was afraid might not be certain. For that reason I offered the amendment.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. HAMILTON of Michigan. There is no statute for the commutation of heat and light?

Mr. HUMPHREYS. I will not say that. I would say I have not been able to find one myself.

Mr. HAMILTON of Michigan. I wanted to be informed how in practice they apportion this commutation for heat and light.

Mr. HUMPHREYS. So much a room. A second lieutenant gets commutation for two rooms at $12 each plus about $8 for heat and light.

Mr. HAMILTON of Michigan. It is estimated it will take about so much to heat and light them?

Mr. HUMPHREYS. Yes; a captain gets four rooms and so on up. A general perhaps gets 10 or 12 rooms, and he gets the $12 apiece commutation for 10 rooms and commutation for heat and light is proportionately greater.

Mr. HAMILTON of Michigan. That the gentleman thinks is a matter of practice and is not covered by any statute?

Mr. HUMPHREYS. I can only say that, in the limited investigation I gave the matter, I could not find the statute; and I have been advised that the Judge Advocate of the Army—he did not tell me this—is of opinion that this bill, if enacted into law, would comprehend commutation of light and heat. I remember this, that when we brought the National Guard officers here during the past 10 or 12 years in the Medical Corps to take this course that we authorized them to take, they were provided commutation of quarters, and they were paid commutation for heat and light, and in the course of time the Comptroller of the Treasury held they were not entitled to commutation for heat and light, and they had to pay that back into the Treasury. I tried to get an authorization for it, but I was unsuccessful; and that made me fearful that although the Judge Advocate General might think that this included heat and light the Comptroller of the Treasury might rule otherwise.

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

Mr. HUMPHREYS. Yes.

Mr. KAHN. The amount involved in the gentleman's proposition, after all, is of such a negligible character in the great expense of this war that the officers have not asked for that legislation.

Mr. HUMPHREYS. Well, the officers that I know of would like to be put on an equality at least in the matter of pay with the officers who stay here in the city of Washington, and, as far as I am concerned, I would like to put them at least upon an equality, and when we propose to pay these officers in Washington commutation of light and heat, I think, as a matter of simple justice, we ought to pay it to the men who are with the troops.

Mr. GARNER. Will the gentleman yield?

Mr. HUMPHREYS. I will.

Mr. GARNER. I was going to ask the gentleman—it is now half past 5 o'clock, and unless the gentleman wants to make a speech probably the Chair was ready to rule, and unless he desired to discuss the point of order——

Mr. HUMPHREYS. Is that an inquiry?

Mr. GARNER. I did not know whether the gentleman wanted to discuss the point of order any further; otherwise I would call for the regular order.

Mr. HUMPHREYS. I was directing my remarks to those whose sympathies are with the soldiers, who are sent to war even in preference to those who remain at home. I do not know whether my remarks were addressed to the gentleman from Texas or not. [Laughter.]

The CHAIRMAN. The question for the Chair to decide depends to a very large extent, practically entirely, upon the question of fact as to whether the commutation for light and heat is embodied in the law for commutation of quarters.

Mr. STAFFORD. If the Chairman will permit me, I will answer more definitely the query the Chairman directed to me—whether there was a separate statute for commutation of light and heat. I have in my hand a letter from the Auditor for the Navy Department, of whom I made direct inquiry as to this subject but not this immediate question, in which he cited my attention to the acts which I have directed to the Chairman's attention as being the only acts which relate to commutation of quarters. Those acts I have read in full to the Chair and the committee, and nowhere is there any reference in those acts to any commutation for light and heat.

The CHAIRMAN. As the Chair stated——

Mr. COOPER of Wisconsin. Mr. Chairman, in connection with the point of order, suppose an officer went from here to Chicago and we were simply to give him commutation of light, what good would it do him without his having quarters? Commutation of heat is nothing unless he has a house in which to put the heat, and it strikes me "commutation of quarters" ought to be construed to include commutation of light and heat.

The CHAIRMAN. The Chair was proceeding to state that the question was one very largely to be controlled by facts as to whether the provision for heat and light was in the same law with the provision for commutation for quarters. The Chair is frank to say he is not familiar with all the laws governing the Military Establishment. The Chair, however, has privately asked the chairman of the Committee on Military Affairs since this point of order was made if the provision for the commutation of heat and light was in a separate statute. The chairman stated he was of the opinion that the provision of law for the commutation of quarters carries with it commutation for heat and light, and that the provision for heat and light had been allowed by the auditors as incidents necessary and a part of the commutation of quarters. Accepting that as law, the amendment of the gentleman from Mississippi simply carries out what the law for commutation already authorizes, and therefore the Chair overrules the point of order.

The question is on the amendment offered by the gentleman from Mississippi.

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

On a division (demanded by Mr. STAFFORD) there were—ayes 30, noes 14.

So the amendment was agreed to.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word. I do it for the purpose of asking the gentleman from California [Mr. KAHN] a question about the statement that he made a few moments ago, referring to regulations of the Army about supplying officers from the Quartermaster's Department with equipment, including clothing, and so forth. I was going to say I do not believe enough publicity has been given to it that I would ask him to make a statement in reference to this order.

Mr. KAHN. The Senate passed a bill to allow the Government to furnish Army officers with uniforms at cost. While that bill was pending in the House Committee on Military Affairs the War Department issued an Army regulation allowing officers to buy their uniforms from the Quartermaster's Department at cost.

Mr. HASTINGS. And that extends to all officers?

Mr. KAHN. Yes, sir.

Mr. HASTINGS. That is all.

Mr. HASKELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 6, after the words "United States," strike out the words "who maintains a place of abode for a wife, child, or dependent parent," and after the word "furnished," in line 7, strike out the words "at the place where he maintains such a place of abode, without regard to personal quarters furnished him elsewhere," and after the word "sixty-nine," in line 12 on page 1, strike out the words "to be occupied by, and only so long as occupied by said wife, child, or dependent parent."

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

Mr. STAFFORD. Mr. Chairman, I would like to ask the gentleman from New York [Mr. HASKELL] a question. I understand from the letter of the Acting Quartermaster General that under existing practice the maximum amount of allowance for quarters is $737,500. His estimate is, if we pass this bill as reported by the committee——

Mr. HASKELL. Mr. Chairman, I can not yield for a statement. I want to discuss the amendment.

Mr. STAFFORD. I beg the gentleman's pardon. I thought the gentleman was going to yield the floor.

Mr. HASKELL. I would like to discuss the amendment.

Mr. Chairman and gentlemen, I feel, as the gentleman from Vermont [Mr. GREENE] stated here a little while ago, that we can not establish two systems of pay for Army officers or for Federal employees anywhere, any more than we should establish two schedules of pay for Members of Congress—one for those who happen to be married and another for those who happen to be single.

I personally know a great many men who went into the training camps, and who to-day are in the Officers' Reserve Corps. Their expense for uniforms has been large. Besides they pay for their own mess. It has been said here to-day that the equipment which they need preparatory to going abroad will amount to $1,000. That may not be the exact amount, but, be that as it may, the claim for quarters or commutation thereof is a worthy one with reference to the officer in the Army, whether he is married or not. The expense which he has incurred and the sacrifice made by him in entering the service entitle him to it.

The pay of Army officers was fixed about 10 years ago. Since then, at a modest estimate, the cost of living has increased 50 per cent. Proof of this fact can be found by comparing the cost of the ration of 10 years ago with its cost to-day.

And I challenge the statement made here to-day that the men who accepted commissions in the Army are receiving a higher grade of pay than they were in civil life. I dare say that instead of receiving a higher rate of pay, if the figures were calculated they would show that the men who have commissions to-day in the Officers' Reserve Corps are receiving on an average less than 50 per cent of the pay which they received in civil life.

I know it to be a fact in reviewing the applications for admission to the training camps and in the consideration of applications for commissions in the Army in the War Department that the rate of pay, the earnings of the men per annum in civil life, has been one of the strong determining elements in the situation, because their earnings and success in private life would seem to be an excellent guide, if physically and morally fit, as to their prospective usefulness in the military service, and especially so when the Government has been able to obtain these men at 50 per cent and more less than their earnings before entering the military service.

The spirit of service and sacrifice, and not profit, has controlled these men who have accepted commissions. It has not been a matter of dollars and cents with them at any time as to whether they would serve in this war; but having commenced that service, something that was allowed and paid in the past should not be taken away, as has been the case with the allowance of commutation for quarters.

They have had their obligations at home; some have families, some of them have other dependents, and all of them have incurred large and unusual expense since entering the service.

It does not seem to me sound legislation that we, as the Congress of the United States, should grade the pay of officers on the proposition as to whether a man is married or single, whether he has a dependent, or otherwise, because then you would have to go further and consider how many dependents each officer has or how many children he has, and should he be married and have 12 children, you would have to give him a higher, larger, and more adequate compensation, and the difficulties and work involved would make the plan prohibitive.

So I think, gentlemen, we ought to establish one plan of pay, and give it to the single men, to the officers, whoever they may be, wherever they may be serving, and make them all alike and not give any advantage to the swivel-chair officer, as we have been doing. Give it to the man, preferably, in the field; but, as that does not seem practicable, treat them all the same irrespective of whether they be married or single, and I submit that this, the only fair and uniform, the only proper way to proceed in this matter, will be accomplished if the amendment proposed by myself is adopted.

Mr. WALSH. Will the gentleman yield?

Mr. HASKELL. I yield.

Mr. WALSH. Do I understand correctly when I understand the gentleman to say that 50 per cent of the men who have been commissioned are receiving less now than they did in civil life?

Mr. HASKELL. I have not the figures, but from the applications I have seen, and from men that I know, and applications I have seen submitted, I can say as to them, in every case where they were commissioned, that they are receiving not more than 50 per cent of the earnings which they were receiving prior to entering the service as commissioned officers.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment of the gentleman from New York [Mr. HASKELL].

Mr. HUMPHREYS. Mr. Chairman, I ask the gentleman from California if he is not willing to accept this amendment?

Mr. DENT. Mr. Chairman, may I say that I am willing to accept it?

Mr. STAFFORD. Can the chairman of the committee inform the members of the committee as to how much additional money will be required in case that is adopted? The gentleman from California [Mr. KAHN] once stated that the commutation of quarters for these officers under existing practice ran up to $7,000,000; but as I read the letter of the Acting Quartermaster General, Gen. George W. Goethals, the maximum amount, as he estimates, under existing practice, is $737,500. Am I right in that particular?

Mr. DENT. I was under the impression that the figures were different from that.

Mr. STAFFORD. I ask the gentleman's attention to the third paragraph of Gen. Gothals's letter, found on page 3, in which he says that the total amount will be $737,500, and he estimates that if this bill is passed as reported it would cost $33,850,000.

Mr. DENT. Passed in its present form, I recoilect.

Mr. STAFFORD. How much additional will it cost to the Government if the amendment of the gentleman from New York is adopted?

Mr. DENT. It has been variously estimated at from $50,000,000 to $75,000,000.

Mr. STAFFORD. And the gentleman is willing to accept that amendment?

Mr. DENT. Yes. I will state frankly to the gentleman why I am willing to accept the amendment. It will put the bill into conference, and there, I hope, we can work out something that will be fair and equitable.

Mr. STAFFORD. Does not the gentleman think we should have a quorum present when we are determining a question that will involve an expenditure of $50,000,000 or $75,000,000 additional on the part of the Government?

Mr. DENT. That may be; but I would not look at it in that way. That is my feeling about it.

Mr. STAFFORD. Of course, the gentleman from Alabama may not have any feeling for the amount that is involved. I can say to him that I have some feeling for the Treasury when the amendment involves $75,000,000, and I think there are some here who believe there should be a quorum present when such an amendment is adopted.

Mr. DENT. Well, I have never been close enough to the Treasury to have any feeling like that. [Laughter.]

Mr. HUMPHREYS. Mr. Chairman, I ask unanimous consent to address the House for five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. HUMPHREYS. Mr. Chairman, if this amendment is going to be accepted, I do not care to say anything; but I want to call attention to this fact: The gentleman from Wisconsin [Mr. STAFFORD] speaks about having some feeling for the Treasury. This amendment simply proposes to pay the officers who are sent to France to fight the battles of this war the same as we pay to officers who stay at home. [Applause.] That is all.

I hope that this House will have as much feeling for the men who go out on the battle field to die for the Republic as they have for the Treasury of the United States, which would not be worth a baubee if these men did not go out and sacrifice themselves for the perpetuity of this Government. I hope the amendment will be agreed to. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield to me a moment before he takes his seat?

Mr. HUMPHREYS. Yes.

Mr. MOORE of Pennsylvania. It also means that we will pay the men in the various camps away from home now as much as we pay those detailed at the seat of Government?

Mr. HUMPHREYS. It means that we pay them all the same salary, wherever they may be. It puts them on an equality. It makes no discrimination against any of them. As the bill now stands it discriminates against the man who is sent away from home and put into the trenches. That can not be justified. I hope this House will vote for the amendment. [Applause.]

Mr. STAFFORD. Mr. Chairman, I ask for recognition in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes in opposition to the pro forma amendment.

Mr. STAFFORD. Mr. Chairman, it seems to me the Members of the House to-day have no regard whatever for the taxpayers of the country, and that their only regard is for swelling the salaries, not of the enlisted men who are fighting our cause on foreign battle fields, but for the officers, that least deserve an increase in salary.

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

Mr. STAFFORD. And they base their argument for that increase, or raid on the Treasury of the United States, involving perhaps an amount of $100,000,000, upon an existing practice, localized in only a small portion of this country, which covers an expenditure of about $700,000.

The committee addressed an inquiry to the Quartermaster General as to what would be the saving if the present practice were abandoned, so as to place all on an equality, and he stated that the present policy costs only $737,000.

Many of the Members having received letters, very probably, from interested officers of the Army, and not satisfied with the extent to which the committee has gone by providing an increase of salaries to the officers aggregating $33,000,000, now wish to have an amendment passed that will carry an additional $50,000,000 to $75,000,000 to be imposed upon the Treasury, without a quorum present.

Why, gentlemen, we are just launching upon the third liberty loan, and everywhere the people are responding generously to the call, and that call will be met. But there is going to be a limit to this policy of $100,000,000 of appropriations to a certain favored class. There are many married enlisted men who are receiving the allowances allowed them by the war-insurance act.

This House took decisive action when that bill was under consideration, that under the compensation feature of the war-insurance act the widows of officers should receive no more than the widows of enlisted men, and now you are singling out officers, those of a special class, who are receiving high salaries as it is.

An instance has been cited as warrant for this raid of $33,000,000, and now this additional raid of $50,000,000 to $75,000,000 more, of a lieutenant colonel who receives a salary of $3,600 and who, because he is obliged to entertain abroad, is not able to send any allotment to his wife at home, and she is obliged to go to work for the small pittance of $80 a month. That man ought to be ashamed of himself for allowing his salary of $3,600 to be dissipated abroad and permitting his wife to work here for her and her children's support. If they can not present a better justification for this outrageous raid on the Treasury, this amendment should be defeated.

I am surprised at the gentleman from New York suggesting an amendment that involves an addition of $50,000,000 to $75,000,000, which in all will raise the fund to more than $200,000,000.

Mr. PLATT. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. PLATT. Does the gentleman think it is exactly fair, when a man is ordered into the field, when he risks his life, to cut down his pay?

Mr. STAFFORD. Oh, the officers with the true mettle in them are not thinking of their mere pay while they are fighting this war. They are not concerned about their pay. True, they will accept it if we vote it, but the officers generally are satisfied with conditions and are willing to accept those conditions as they are. But you are singling out the officers. You are not considering married enlisted men. Their wives are limited to the pittance of $25 a month, or $35 perhaps if they have children, but here are second lieutenants receiving $1,700 a year, many of whom were not receiving as much as that in civil life.

Mr. PLATT. And many of them were receiving much more.

Mr. STAFFORD. And you are justifying your position entirely by the fact that there is an existing practice that costs the Government $700,000 a year at the utmost and using that as an excuse to increase the appropriation more than a hundred times. This is extravagance run wild.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The question is on the amendment of the gentleman from New York [Mr. HASKELL].

The question being taken, the Chairman announced that he was in doubt.

The committee divided; and there were—ayes 30, noes 25.

Mr. STAFFORD. I ask for tellers, Mr. Chairman.

Tellers were refused, 12 Members—not a sufficient number—rising in support of the demand.

Accordingly the amendment was agreed to.

Mr. DENT. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3863) to provide quarters or commutation thereof to commissioned officers in certain cases, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. STAFFORD. Mr. Speaker, I demand a separate vote on the amendment offered by the gentleman from New York [Mr. HASKELL].

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] demands a separate vote on the Haskell amendment. The Chair will put the other amendments first.

Mr. DENT. Mr. Speaker, I would like to submit a request for unanimous consent. I have only one other bill on the list.

The SPEAKER. Had we not better get through with this one first?

Mr. DENT. I was going to submit a request in regard to it, and state the reason why. I have only one other bill on the list to-day and that is the bill which amends the draft act, excepting from the draft citizens of neutral countries who have declared their intention to become citizens of the United States. The bill is recommended by the President, by the War Department, and by the Secretary of State. Under the rule, if this bill should go over I could not get it up. So I ask unanimous consent that immediately after the reading of the Journal to-morrow the vote be taken on S. 3863, providing for commutation of officers' quarters, and that it then be in order to call up H. R. 9932, in regard to citizens of neutral countries.

The SPEAKER. The gentleman asks unanimous consent that the pending bill go over until to-morrow, in the status in which it is, and that the first thing after the reading of the Journal and the clearing up of the usual business on the Speaker's table this bill be voted on, and that H. R. 9932 shall be in order immediately after this bill is disposed of. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 2316. An act to promote export trade, and for other purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4102. An act granting the consent of Congress to the county commissioners of Bonner County, Idaho, to construct a bridge across the Clark Fork River in Bonner County, Idaho.

ADJOURNMENT.

Mr. DENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 9, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a deficiency estimate of appropriation, payable from the postal revenues, required by the Post Office Department for expenses of mail bags and equipment, fiscal year 1918 (H. Doc. No. 1018); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting certain changes desired in estimates for the Yellowstone National Park for the fiscal year 1919 (H. Doc. No. 1019); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LANGLEY: A bill (H. R. 11276) to relieve Congress from the adjudication of private claims against the Government; to the Committee on the Judiciary.

Also, a bill (H. R. 11277) for the payment of certain claims for difference between the pay in which service was rendered and the pay received growing out of service in the Army as reported by the Court of Claims; to the Committee on War Claims.

By Mr. KALANIANAOLE: A bill (H. R. 11278) to appropriate $50,000 for the erection of a fish hatchery and laboratory at Honolulu, Hawaii; to the Committee on the Merchant Marine and Fisheries.

By Mr. DYER: A bill (H. R. 11279) to protect citizens of the United Sattes against lynching in default of protection by the States; to the Committee on the Judiciary.

By Mr. BURNETT: A bill (H. R. 11280) to regulate the immigration of aliens to the United States; to the Committee on Immigration and Naturalization.

By Mr. SLAYDEN: A bill (H. R. 11281) for additional buildings, equipment, and repair facilities, San Antonio Arsenal, San Antonio, Tex.; to the Committee on Military Affairs.

By Mr. KEATING: A bill (H. R. 11282) to regulate the employment of minors within the District of Columbia; to the Committee on the District of Columbia.

By Mr. PHELAN: A bill (H. R. 11283) to amend and reenact sections 4, 11, 16, 19, and 22 of the act approved December 23, 1913, and known as the Federal reserve act, and sections 5208 and 5209, Revised Statutes; to the Committee on Banking and Currency.

By Mr. SIMS: A bill (H. R. 11284) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KALANIANAOLE: Joint resolution (H. J. Res. 277) extending to the Territory of Hawaii the same right that is given to the States of the Union to participate in the Federal funds for vocational education; to the Committee on the Territories.

By the SPEAKER (by request): Memorial of the Legislature of the State of Montana, urging need for legislation providing for the location, registration, classification, and proper assignment of labor; to the Committee on Labor.

Also, memorial favoring the passage of legislation to enable the President to make railroads make additions and improvements necessary for war purposes; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Montana, favoring the passage of amendment to the Constitution of the United States giving suffrage to women; to the Committee on Woman Suffrage.

Also, memorial of the Legislature of the State of Montana, favoring an appropriation of $750,000 for the Flathead irrigation project; to the Committee on Indian Affairs.

By Mr. GALLIVAN: Memorial from the General Court of the Commonwealth of Massachusetts, requesting Congress to provide for the public ownership and operation of coal mines; to the Committee on Mines and Mining.

Also, memorial from the General Court of the Commonwealth of Massachusetts, in favor of free railroad transportation for soldiers and sailors in the service of the United States; to the Committee on Military Affairs.

By Mr. LUFKIN: Memorial from the General Court of the Commonwealth of Massachusetts, favoring free transportation for soldiers and sailors in the service of the United States; to the Committee on Military Affairs.

By Mr. ROGERS: Memorial from the General Court of the Commonwealth of Massachusetts, favoring free transportation for soldiers and sailors in the service of the United States; to the Committee on Military Affairs.

By Mr. TINKHAM: Memorial from the General Court of the Commonwealth of Massachusetts, favoring free railroad transportation for soldiers and sailors in the service of the United States; to the Committee on Military Affairs.

Also, a memorial from the General Court of the Commonwealth of Massachusetts, requesting Congress to provide for public ownership and operation of coal mines; to the Committee on Mines and Mining.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ALEXANDER: A bill (H. R. 11285) granting an increase of pension to John Mittlestedter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11286) granting a pension to William T. Murphy; to the Committee on Pensions.

By Mr. ANTHONY: A bill (H. R. 11287) granting a pension to George Clark; to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 11288) granting an increase of pension to Sarah Ann Cantrell; to the Committee on Pensions.

Also, a bill (H. R. 11289) granting an increase of pension to Francis M. Noojin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11290) for the relief of heirs or estate of John Edwards, deceased; to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 11291) granting a pension to Mary MacArthur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11292) granting a pension to Ingoald Rugg; to the Committee on Pensions.

Also, a bill (H. R. 11293) granting a pension to Mariah Graves; to the Committee on Invalid Pensions.

By Mr. DENTON: A bill (H. R. 11294) granting an increase of pension to Joel Skelton; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 11295) granting a pension to Henry Thomas; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 11296) granting a pension to S. H. Gurley; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 11297) granting an increase of pension to Harvey Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11298) granting a pension to Almer G. Logsdon; to the Committee on Pensions.

Also, a bill (H. R. 11299) granting an increase of pension to John H. Carter; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 11300) granting an increase of pension to Henry C. Hill; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11301) granting an increase of pension to Daniel A. Larkin; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 11302) granting an increase of pension to Joseph K. Dixon; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 11303) granting an increase of pension to Albert R. Smiley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11304) granting an increase of pension to Middleton Shockey; to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 11305) for the relief of Edward H. Dennison; to the Committee on Claims.

By Mr. ROUSE: A bill (H. R. 11306) granting a pension to Kenzie Lovelace; to the Committee on Pensions.

Also, a bill (H. R. 11307) granting an increase of pension to J. M. Wilson; to the Committee on Invalid Pensions.

By Mr. SAUNDERS of Virginia: A bill (H. R. 11308) granting a pension to Charles A. Baldwin; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 11309) granting an increase of pension to Henry Davis; to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 11310) granting a pension to Clara R. Wilson; to the Committee on Pensions.

By Mr. SULLIVAN: A bill (H. R. 11311) granting an increase of pension to Alpheus N. Barnhouse; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 11312) granting an increase of pension to Leverett C. Felch; to the Committee on Invalid Pensions.

By Mr. WARD: A bill (H. R. 11313) granting an increase of pension to Horatio T. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11314) granting a pension to Almira York; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By the SPEAKER (by request): Petition of R. E. Lee Freese, Fayette, Mo., calling the attention of Congress to the deserving person who wants to rent land; to the Committee on Agriculture.

Also, resolution of the Interstate Association of Building Contractors, pledging the support of the Middle West in the war and asking for the appointment of a representative from that section on the war emergency construction board; to the Committee on Military Affairs.

Also, resolution by the Presbyterian and Reformed Churches, of Washington, D. C., asking for a national day of fasting and prayer; to the Committee on the Library.

Also, petitions of Franklin District Farm Club and others, of Missouri, asking that a price for corn be fixed; to the Committee on Agriculture.

Also, petition of American Defense Society, relative to letter of United States Commissioner of Education; to the Committee on Education.

Also, petition of Louis A. Cuvillier, relative to Republics of the United States and France; to the Committee on Foreign Affairs.

Also, memorial of Friends of Our Nature Landscape, relative to appropriation for bureau of national parks; to the Committee on the Public Lands.

Also, petition of United Irish Societies of New York, asking freedom for Ireland; to the Committee on Foreign Affairs.

Also, petition of C. A. Riek, of Hermann, Mo., against chaplains in Army, etc.; to the Committee on Military Affairs.

By Mr. CARY: Petition of the Public Utilities Commission of the District of Columbia, against allowing the Washington, Baltimore & Annapolis Electric Railway Co. to build loop at New York Avenue, Thirteenth and H Streets NW.; to the Committee on the District of Columbia.

Also, memorial of Wisconsin Daily League, against increase in second-class postage; to the Committee on Ways and Means.

By Mr. DALE of New York: Resolution of the Alabama State Highway Conference, urging the National Government to build more and better highways; also indorsing the Chamberlain-Dent bill calling for Federal planning of military roads; to the Committee on Roads.

By Mr. DILLON: Resolution of the South Dakota Life Underwriters' Association, favoring universal military physical and military training; to the Committee on Military Affairs.

By Mr. ELSTON: Petition of St. John's Presbyterian Church, Berkeley, Cal., for the passage of a bill to prohibit the manufacture of any kind of food into any kind of alcoholic drink; to the Committee on the Judiciary.

By Mr. ESCH: Resolution of the Wisconsin Daily League, opposing the periodical postage provisions of the war-revenue act and suggesting amendment; to the Committee on Ways and Means.

By Mr. FOSTER: Petition of Central Church of Christ, to repeal the increased rate of postage on magazines, etc.; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Resolution of the Alabama State Highway Conference, asking for more and better road building by the National Government; to the Committee on Roads.

By Mr. OSBORNE: Petition of Mrs. Margaret Nelson, Los Angeles, Cal., for relief from excessive, exorbitant, and unjust policy assessments; to the Committee on the Judiciary.

Also, memorial of Stanton Post, No. 55, of California and Nevada, Grand Army of the Republic, located at Los Angeles, Cal., requesting Congress to unite the suggested memorial holiday proposed for May 9 with the present national Memorial Day, May 30, to the end that the heroic service of our comrades who preserved the Union may not be lost to history; to the Committee on the Library.

By Mr. RAKER: Petitions of Everwear Manufacturing Co., Makins Produce Co., the Elkus Co., Hooper & Jennings, and Coffin, Redington Co., in vigorous support of Senate bill 3962; to the Committee on Ways and Means.

Also, resolution of the executive committee of the Authors' League of America, in opposition to the zone system as applied to second-class mail matter; to the Committee on Ways and Means.

Also, petition of the Mendota (Ill.) Woman's Club, protesting against the zone system and asking for its immediate repeal; to the Committee on Ways and Means.

Also, petition of H. Tillman and 35 others, of Jenny Lind, Cal., favoring war prohibition; to the Committee on the Judiciary.

Also, petition of Langley & Michaels Co., San Francisco, Cal., relative to Senate bill 3962, providing for monthly installments for payments of income and excess-profits taxes; to the Committee on Ways and Means.

Also, petition of Pacific Electric Railway Co., relative to provision made in war-finance bill for financing public utilities having maturities coming due; to the Committee on Ways and Means.

By Mr. STEENERSON: Petition of Fargo (N. Dak.) College, urging amending war-revenue law with reference to legacies and inheritances; to the Committee on Ways and Means.

Also, petition of citizens of Frazee, Minn., against House bill 128, relative to interference with religious liberties, etc.; to the Committee on the District of Columbia.

Also, memorial of citizens of Fergus Falls, Minn., favoring compulsory military training; to the Committee on Military Affairs.

By Mr. WOODYARD: Petition of the Rotary Club of Huntington, W. Va., favoring the enactment of a law changing the time of payment of income and excess-profits taxes; to the Committee on Ways and Means.

SENATE.

TUESDAY, *April 9, 1918.*

(Legislative day of Saturday, April 6, 1918.)

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

The Vice President being absent, the President pro tempore assumed the chair.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

The PRESIDENT pro tempore. The Secretary will report the pending amendment of the committee as amended.