Also, a bill (H. R. 11327) to transfer the Steamboat-Inspection Service from the Department of Commerce to the Shipping Board; to the Committee on the Judiciary.

By Mr. FORDNEY: A bill (H. R. 11328) to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion; and to secure the abrogation of the treaty provisions in relation thereto; and to promote safety at sea; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BACHARACH: A bill (H. R. 11329) for the relief of William H. Bozarth; to the Committee on Military Affairs.

By Mr. CLAYPOOL: A bill (H. R. 11330) granting an increase of pension to Thomas C. Rodgers; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 11331) granting an increase of pension to William T. Kimbrel; to the Committee on Invalid Pensions.

By Mr. CURRY of California: A bill (H. R. 11332) granting a pension to George Eicheldinger; to the Committee on Pensions.

By Mr. EVANS: A bill (H. R. 11333) granting a pension to Charles F. Lufkin; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 11334) granting an honorable discharge to Henry T. Shafer; to the Committee on Military Affairs.

Also, a bill (H. R. 11335) granting an honorable discharge to William H. Sweet; to the Committee on Military Affairs.

Also, a bill (H. R.) 11336) granting a pension to Martha J. Comstock; to the Committee on Pensions.

Also, a bill (H. R. 11337) granting an increase of pension to George Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11338) granting an increase of pension to Oscar A. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11339) granting an increase of pension to Brainard D. Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11340) granting a pension to Anna Anthony; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 11341) granting a pension to Michael Tahaney; to the Committee on Pensions.

Also, a bill (H. R. 11342) granting a pension to James F. Davis; to the Committee on Pensions.

Also, a bill (H. R. 11343) granting a pension to Henry M. Libbey; to the Committee on Pensions.

Also, a bill (H. R. 11344) granting an increase of pension to Phillip M. Fudge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11345) for the relief of Henry L. Biddle; to the Committee on War Claims.

By Mr. GOODALL: A bill (H. R. 11346) to amend and correct the military record of Alvah B. Doble; to the Committee on Military Affairs.

By Mr. KING: A bill (H. R. 11347) granting a pension to James F. Kenney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11348) granting a pension to Harrison Lantz; to the Committee on Pensions.

Also, a bill (H. R. 11349) granting an increase of pension to John L. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11350) granting an increase of pension to Lewis C. Derry; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 11351) granting an increase of pension to Timothy K. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11352) granting an increase of pension to Alpheus N. Barnhouse; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 11353) granting a pension to Violette F. McCool; to the Committee on Invalid Pensions.

By Mr. ROBBINS: A bill (H. R. 11354) granting an increase of pension to W. C. Knox; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 11355) for the relief of the Atlas Lumber Co.; Babcock & Willcox; Johnson, Jackson & Corning Co.; and the C. H. Klein Brick Co., each of which companies furnished to Silas N. Opdahl, a failing Government contractor, certain building materials which were used in the construction of Burke Hall, at the Pierre Indian School, in the State of South Dakota; to the Committee on Claims.

By Mr. SNOOK: A bill (H. R. 11356) granting an increase of pension to Oren Blain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11357) granting an increase of pension to Augustus Brown; to the Committee on Invalid Pensions.

By Mr. VINSON: A bill (H. R. 11358) granting an increase of pension to Mrs. Mary E. Hellegeist; to the Committee on Pensions.

Also, a bill (H. R. 11359) to construct a public building for a post office at the city of Sandersville, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. WHITE of Ohio: A bill (H. R. 11360) granting an increase of pension to Stephen Devol; 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: Petition of the Milwaukee Association of Life Underwriters, proposing a change in the wording of the provision of the war-revenue bill relating to tax upon life-insurance premiums; to the Committee on Ways and Means.

Also, petition of the Merrill Study Class, Merrill, Wis., demanding repeal of the zone system of postal rates on second-class matter; to the Committee on Ways and Means.

By Mr. DALE of New York: Memorial of River City Lodge, No. 108, Brotherhood of Railway Carmen of America, Portsmouth, Ohio, against increase in second-class postage; to the Committee on Ways and Means.

Also, petition of Pennsylvania College for Women, opposing increased rates of postage on newspapers and periodicals; to the Committee on Ways and Means.

Also, petition of Lapine Commercial Club, Lapine, Oreg., opposing the zone system of postal rates; to the Committee on Ways and Means.

By Mr. DILLON: Petitions of about 125 South Dakota farmers, asking for a revision of wheat grades and asking for a minimum price of $2.75 per bushel for the 1918 wheat crop; to the Committee on Agriculture.

By Mr. ESCH: Memorial of Highway Officials and Good Roads Advocates, favoring more and better highways; to the Committee on Roads.

By Mr. HAMILTON of Michigan: Petition of George Ricket, F. H. Baker, and 75 other citizens of Dowagiac, Mich., favoring universal military training; to the Committee on Military Affairs.

By Mr. PETERS: Petition of Castine Masonic Club, of Castine, Me., favoring repeal of zone system of postal rates on second-class matter; to the Committee on Ways and Means.

By Mr. RAKER: Petitions of J. J. Pfister Knitting Co.; Buckingham & Hecht; Judson Manufacturing Co.; Standard Biscuit Co.; Gerson & Breyer; Meese & Gottfried; O'Rourke, Eubanks Hat Co.; California Wine Association; Marvin Shoe Co.; Shirek & Sons; Garcia & Muggins; Getz Bros. & Co.; L. Dinkelspiel Co.; L. Samter & Sons, of San Francisco; Hedges-Buck Co., of Stockton; Klein-Norton Co., of Los Angeles, Cal.; Illinois-Pacific Glass Co., favoring passage of Senate bill 3962, relative to payment of excess profits and taxes; to the Committee on Ways and Means.

By Mr. TEMPLE: Petition of First United Presbyterian Church of New Castle, Pa., favoring war emergency prohibition as war measure; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *April 10, 1918.*

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

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

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 question is on the amendment of the committee as amended.

Mr. PENROSE. 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:

Ashurst	Henderson	Myers	Smith, Ariz.
Baird	Hitchcock	New	Smith, Ga.
Chamberlain	Hollis	Norris	Smith, S. C.
Culberson	Jones, Wash.	Overman	Smoot
Cummins	Kellogg	Penrose	Sterling
Dillingham	Kendrick	Poindexter	Thompson
Fall	King	Ransdell	Tillman
Fletcher	Kirby	Robinson	Trammell
France	Lodge	Shafroth	Underwood
Hale	McCumber	Sheppard	Walsh
Hardwick	McNary	Simmons	Williams

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. PENROSE. I desire to announce the absence of my colleague [Mr. KNOX] on account of official business.

Mr. FLETCHER. I wish to announce that the Senator from Mississippi [Mr. VARDAMAN] is absent on account of illness.

Mr. JONES of Washington. I desire to announce that the Senator from Iowa [Mr. KENYON] is absent in connection with the liberty-loan campaign.

Mr. NEW. I wish to announce the absence of my colleague [Mr. WATSON] in connection with activities for the liberty loan.

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

The Secretary called the names of the absent Senators, and Mr. JOHNSON of California, Mr. NUGENT, Mr. SWANSON, Mr. WADSWORTH, Mr. WARREN, and Mr. WEEKS answered to their names when called.

Mr. BANKHEAD, Mr. HARDING, Mr. BECKHAM, Mr. CURTIS, Mr. FERNALD, Mr. MCKELLAR, Mr. COLT, Mr. MARTIN, Mr. NELSON, Mr. GALLINGER, Mr. THOMAS, and Mr. JAMES entered the Chamber and answered to their names

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

Mr. CHAMBERLAIN. I ask consent to present a report from the Committee on Military Affairs.

Mr. OVERMAN. I yield to the Senator for that purpose.

The VICE PRESIDENT. Without objection, the report will be received.

AIRCRAFT PRODUCTION.

Mr. CHAMBERLAIN. From the Committee on Military Affairs, I submit a report in the matter of aircraft production. I ask that the report be printed, and also that it be printed in the RECORD.

Mr. SHEPPARD. I desire to present a minority report and ask also to have it printed in the RECORD.

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

Mr. HITCHCOCK. I ask that the report made by the chairman of the Committee on Military Affairs be printed in the RECORD, and I include in the request that the views of the minority be printed with it.

The VICE PRESIDENT. That order has already been made.

The report and the views of the minority are as follows:

[S. Rept. No. 380, pt. 1, 65th Cong., 2d sess.]

INVESTIGATION OF THE WAR DEPARTMENT—AIRCRAFT PRODUCTION.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs, being engaged under authority of the Senate in an investigation of the War Department, and having taken much testimony, herewith submits the following report in the matter of aircraft production, together with certain recommendations:

TRAINING SCHOOLS.

The Signal Corps has established and is now conducting 20 aviation training schools in the United States. Four additional schools are in process of construction and are expected to be finished in June next.

The aggregate capacity of the schools now in operation is something over 3,000 cadets. One thousand nine hundred and twenty-six have thus far been graduated from this primary training course and commissioned as reserve military aviators. Very few of these have received their advanced training in this country.

In addition to the above, the Signal Corps, acting upon the invitation of the several entente Governments dispatched some 1,200 cadets to England, France, and Italy last year, who were to receive primary and advanced training in aviation schools of those countries. The experience of a great many of these men has been most unfortunate in that at some of the schools a very serious delay has occurred in providing them with the training planes, which it was expected would be manufactured in foreign factories in sufficient number. As a result, several hundred of the American cadets have been practically idle and have made no progress. About 450 of them are reported as having completed the primary training, after long delay. The Signal Corps is giving serious consideration to the advisability of bringing the remainder back to the United States to be trained. With the exception of this severe disappointment, the primary training of our aviators, according to the testimony of the aviation officials, appears to be progressing favorably. The health record of the schools is excellent and the fatalities arising from aviation accidents, while always distressing, appear to be less frequent than in the schools of our allies, according to the testimony of the Chief Signal Officer.

TRAINING PLANES.

For some time after the inception of the work the output of primary training planes in this country for use in our schools gave ground for grave concern. In recent weeks, however, the output has been greatly increased and there seems to be no doubt of the Signal Corps having an amply sufficient number in the future. On April 1, 1918, 3,458 primary training planes had been completed. The planes are of two standard types developed for the purpose and are equipped with Curtiss and Hall-Scott motors, respectively. The advanced training planes are being turned out in accordance with the schedule and estimates laid down at the inception of their manufacture. In advanced training planes four types are being made, the total number up to date manufactured being 342. In these planes three types of engines will be used, of which 965 have been completed. These include the Gnome, Le Rhone, and Hispano Suiza, all of foreign design but American manufacture. The Liberty motor is not suitable for use in these planes.

THE LIBERTY MOTOR.

It is apparent from the evidence that the 12-cylinder Liberty motor is just emerging from the development or experimental stage. Since the original design and the setting up of the first completed motor in July, 1917, a large number of changes have been found necessary, many of them causing delay in reaching quantity production. Within the last two months changes of considerable importance have been made which, it is hoped, will make the motor serviceable for combat planes of the defensive type, and for bombing and observation planes. It is not designed for and can not be used in the swift, single-seater fighting machine. A few of the motors are being flown in appropriate machines. These reports, as recited to the committee, indicate that with the latest changes the motor will be satisfactory for the character of work expected of it, and that it bids fair to hold its own with foreign motors of similar power, weight, and purpose. For the campaign of 1919, the Liberty motor must undoubtedly be further improved in order to keep up with the evolution constantly going on along the front. The motor as now manufactured is of the direct-driven type, a type which has limits of usefulness in heavy machines.

Steps are being taken in the designing of a geared drive, in order that the usefulness of the motor may be further extended and further improvements attained. Twenty-two thousand five hundred Liberty motors have been ordered, 122 have been completed for the Army, and 142 for the Navy. Four have been shipped over seas. Some of those already delivered are being altered to overcome the defects ascertained during the last few weeks. It is understood, however, that these alterations will consume but a very short time.

The production of Liberty motors to date is, of course, gravely disappointing. The testimony shows that experts of the highest reputation and experience have, since last July, repeatedly warned the officials of our Government that the perfecting of a newly designed motor must inevitably involve many months of painstaking experiment, accompanied by many setbacks and disappointments. In spite of the unanimous testimony of motor experts along this line, the Government officials having the manufacture of the Liberty motor in charge have made the mistake of leading the public and the allied nations to the belief that many thousands of these motors would be completed in the spring of 1918. Information of this sort, not borne out by the facts, has been injurious, and its constant dissemination the committee regards as misleading and detrimental to our cause.

COMBAT PLANES.

The production of combat planes in the United States for use in actual warfare has thus far been a substantial failure and constitutes a most serious disappointment in our war preparations. We had no design of our own; neither did we adopt any one of the European designs until months after we entered the war. Much time was consumed in discussion as to types. Innumerable changes in designs and specifications of the types finally decided upon have cost further delay. In all, five types have, at one time or another, been adopted. Two of them have been abandoned after the expenditure of much time and money. The three remaining types still left upon our program are now in the course of manufacture. Of these, the largest and most powerful is the Handley-Page heavy bombing machine, designed to carry as many as six men, eight machine guns, and a heavy load of bombs, and to be driven by two Liberty motors. The history of the negotiations for the adoption and manufacture of this plane afford a remarkable illustration of procrastination and indecision, too long to recite. Suffice it to say that the designs and specifications of this plane which had been used with marked success by the British and placed in production by that Government, were offered to our officials as early as May, 1917. The testimony before your committee shows that the Signal Corps finally decided upon the manufacture of a number of sets of parts of this machine about January 1, 1918. Eventually the finished and tested parts will be shipped to England, where they are to be finally assembled in factories now being prepared for this work. Officials of the Aviation Section of the Signal Corps testify that they do not expect the completion of the first set of parts in this country before the month of June, 1918.

Another type of combat plane, known as the De Haviland, is included in our program. This machine habitually carries two men, four machine guns, a moderate load of bombs and other apparatus, and is to be driven by one Liberty motor. Fifteen have been completed; 1 has been shipped to France; the remaining 14 have been very recently completed in this country. Some of these have been tested, propelled by a Liberty engine, and appear to have given satisfaction. The third type upon the program is known as the Bristol fighter This machine is lighter and faster than the De Haviland. Its speed is expected to be in the neighborhood of 125 miles per hour. It is what is known as a reconnoissance machine. Another term which might be properly applied to it is "defensive fighter." It carries two men, four machine guns, and is driven by one Liberty motor. The decision to make this type was reached on November 7, 1917. The manufacturers completed the first of these machines during the week ending March 30, 1918. The machine was tested once during that week with a Liberty motor, and, according to the testimony of the aviation officials, met its preliminary test successfully. This machine, a few hours after its flight, caught fire while standing upon the aviation ground and was entirely destroyed. The officials of the Signal Corps assured the committee that another machine would soon be finished by the manufacturer and that if it met the tests satisfactorily quantity production might be expected within a reasonable period. The testimony as to this machine was given on April 2, 1918. This completes the list of machines now under manufacture and constitutes a correct statement of the situation in this country as of April 1, 1918. In addition to the American production of engines and aeroplanes as herein set forth, considerable orders for combat aeroplanes and engines were last summer placed with European manufacturers by Gen. Pershing, and we have furnished quantities of material and numbers of mechanics to aid in their construction.

Your committee has full information as to the number and quantity of machines and engines ordered here and abroad but does not feel justified in stating the number in this public report. The facts contained in this report are drawn from the testimony of the Chief Signal Officer, Gen. Squier, Col. Deeds, and Mr. Potter, the chief of the Equipment Division of the Aviation Section of the Signal Corps, and are confirmed from other sources official and otherwise.

Your committee, being devoid of technical knowledge of motors and aeroplanes, does not undertake to point out in detail engineering and manufacturing errors which may have been committed and which, in part, may account for this gravely disappointing situation. Your committee, however, is convinced that much of the delay in producing completed combat aeroplanes is due to ignorance of the art and to failure to organize the effort in such a way as to centralize authority and bring about quick decision. A certain aloofness in dealing with persons possessing information based upon experience, an apparent intention of confining the actual production to a restricted number of concerns,

and a failure of the officials in charge of the work to grasp the situation in a broader way and seize upon the best approved foreign engines and planes and proceed promptly to build as many as possible for the campaign of 1918 has contributed to the failure. It is greatly to be regretted that the statements of Government officials have misrepresented the progress of the aviation program. This has misled the public, and your committee, cognizant of the facts, has, in the performance of its duty, made this report to the Senate.

Your committee believes that production of aircraft should be controlled by one executive officer, appointed by the President and responsible to him. He should be assisted by a corps of the best aircraft engineers and designers possible to obtain, both European and American. The matter of production should be taken out of the hands of the Signal Corps entirely, and no man who has any near or remote interest in a company manufacturing airplanes or engines should be permitted to act as adviser or be in authority. While we are developing American aircraft and American engines we should temporarily, at least, procure an abundant supply of approved types of aircraft and engines of European design.

Further, it seems to the committee that every encouragement should be given to the development of aircraft and that any action which retards progress, such as trust agreements or the prevention of those developing machines from flying, under proper restrictions, should be removed.

The committee also believes it to be its duty to point out that thus far no broad plan looking to future development has been laid down by the authorities. Warfare in the air is still in its infancy and it is inevitable that rapid changes will take place in both engines and planes. It is essential to our success that those in charge of the American aviation development shall be constantly looking ahead and devising plans for a continued expansion of the program, as well as the development of new types of engines and planes.

[S. Rept. 380, pt. 2, 65th Cong., 2d sess.]

INVESTIGATION OF THE WAR DEPARTMENT—AIRCRAFT PRODUCTION.

Mr. SHEPPARD (for himself and Messrs. MYERS and KIRBY), from the Committee on Military Affairs, submitted the following:

VIEWS OF THE MINORITY.

We do not believe that the report of the majority of the Senate Military Affairs Committee on the aviation situation shows a proper estimate of what is being accomplished or that it is sufficiently complete to give an accurate impression of the facts.

Soon after the war began the Signal Corps arranged with the French Government for the making of 6,100 combat planes at a total cost of $127,000,000, the planes to be produced as rapidly as American flyers could be trained to operate them. As the American aero squadrons reach the front ready for duty, battle planes are being supplied them under this arrangement. To aid in this foreign manufacture of planes for American flyers, the Signal Corps has shipped to France 11,000 tons of various materials and has sent 7,000 mechanics to release for French factories making planes for our American flyers the French workers on motor transports. The Signal Corps then arranged for the making of about 11,500 combat planes in the United States, the term "combat plane" being here used to embrace all kinds of planes, both offensive and defensive, except training planes. The Curtis Aeroplane Corporation, the Dayton Wright Aeroplane Co., the Fisher Body Co., the Standard Aero Corporation, the Grand Rapids Aeroplane Co., W. H. Mullen & Co., and about 19 other companies throughout the country were engaged for the production either of completed machines or of spare parts.

Let it be said here that when the war began the United States Government had purchased altogether less than 200 aeroplanes in its entire history, and that of the few aeroplane factories in this country probably not one was making over five or six a month. It is hardly possible to grasp the magnitude of the task the factories contracting to make the 11,500 combat planes found before them. New plants had to be constructed, old ones fundamentally changed. Special tools for the making of the planes had to be devised and manufactured, and mechanics had to be trained to make the tools and also to make the planes after the tools had been completed. An aeroplane, especially the battle aeroplane, is one of the most highly technical, delicate, and complicated machines known to man. In no other form of machinery is absolute and painstaking accuracy in the smallest details more indispensable. It has about 4,000 parts and requires from 1,800 to 2,800 different drawings in the preparation for its manufacture, almost as many drawings as are required for a battleship. Every part is strained to the utmost while the machine is in the air, and the slightest break almost anywhere means instant disaster. When it is remembered how often the wheels of railway trains, due to hot boxes, etc., parts of railway and automobile engines, tires on autos, etc., go wrong, necessitating immediate repair, and that any similar breakdown in an aeroplane would mean, as a rule, death to its occupants, some part of the responsibility and difficulty involved in making a finished plane may be understood.

Remember further that every fighting plane must have machine guns, synchronizing devices, special telescope airplane sights, wireless apparatus, cameras of special type, electric heating devices for clothing, oxygen apparatus, speed indicators, special gauges, barometers, compasses, altometers, etc., to say that this complicated equipment is in steady and adequate production, and that factories are now about in shape for quantity production of combat planes, and have about completed the foundation for what is as difficult and responsible a task as has ever fallen to the hand and brain of man, is to state the truth and at the same time to recite an achievement unparalleled in all history for so short a time.

Remember again that when these combat planes were contracted for the only known lubricating oil adapted to their delicate parts was an oil made from the castor bean. There were not enough beans in this country to make anywhere near the amount of oil required. Neither were there enough seeds with which to grow the needed quantity of beans. The Signal Corps had to search the globe for seeds and finally secured a shipload from distant India. Then the corps had to contract for the planting of the seeds in this country and has succeeded in having about 110,000 acres planted. It is now claimed that a form of petroleum has been developed that will answer the same purpose. This, however, is still in the experimental stage, while the oil from the castor bean is known to be entirely adequate and reliable.

Remember again that the cloth used in the wings of the aeroplanes of all types had to be treated with a liquid substance which makes the cloth as fireproof as possible and also strengthens it for the immense strain to which it is subjected in the air. The Signal Corps is having this acetone distilled from wood under its own supervision on an enormous scale and at a cost of about $20,000,000.

The corps has had to find a substitute for Irish linen as the material for wing cloths on training planes, and has succeeded in adapting a certain form of long staple cotton to this need.

Coming now to the training plane, it may well be said that the completion of 3,500 to date, and the fact that they are now in quantity production, practically according to program, constitutes a remarkable achievement when the nature of the task is fairly weighed. The training plane is simpler than the battle plane and for that reason could be produced sooner, but the making of the training planes on a quantity scale is in itself a task of unprecedented difficulty and magnitude.

Let it be remembered, further, that the Signal Corps had to put regiments of workers in the forests to find the spruce needed in the making of aeroplanes. The spruce trees are found among fir and other trees, and of each 100 feet cut only about 15 per cent is found sound enough for aeroplane construction. Approximately a billion feet of lumber had to be cut and inspected and tested before the necessary 100,000,000 feet of spruce could be obtained.

Propellers are made of mahogany and other highly durable woods, and three or four must be made for each machine. This mahogany comes from the Tropics, and whether and when it can be brought to seaport depends on tropical rains, which swell the rivers so as to permit transportation.

Let us now consider the liberty motor. The liberty motor could not fairly have been called an experimental and untried device. It represented a combination of what had been demonstrated to be best in all motor construction. The Signal Corps, with its trained and skilled engineers, understood that a foreign motor could not be adapted to American manufacture and turned out in sufficient quantity in anywhere near the time in which the liberty motor could be produced. Foreign motors are based on the metric system of measurements, etc. American practice and American manufacture are not adapted to this system. All parts made under the metric system must be converted into inches and fractions of inches under our system. The foreign motor is so extensively the result of handwork that it is with great difficulty adapted to the machine work that dominates American factories.

Furthermore, the liberty motor is capable of 100 more horsepower than any foreign motor, except a few of one single type—the Rolls-Royce. The liberty motor develops 400 horsepower ordinarily and is capable of 465. The foreign limit, with the one exception above mentioned, is 300.

The liberty motor has become so well established that the British Government has asked for a large number. Sir William Weir, head of British aircraft production, stated recently in London that he considered the liberty engine the greatest single factor in the world's aviation program; that it was the most important single thing in the air program of England in 1918.

As soon as the liberty motor had been designed arrangements were made for the manufacture of a very large number before the close of 1918. The exact figures are withheld for military reasons. Henry Ford agreed to produce a substantial number of the total, the Packard Co. another portion, the Lincoln Motor Co., Nordyke & Marmon, General Motors, and the Trego Co. still other portions. These companies were notified to get ready last summer, and the actual contracts were signed later. They have spent the intervening time preparing plants, tools, and workmen for this unprecedented work and are now on the eve of quantity production. The very names of these manufacturers are sufficient assurance that they would not take a day longer than necessary to lay proper and efficient foundations.

The foreign planes which were accepted by the Signal Corps, known as light battle planes or single seaters, for which the liberty motor is too heavy in horsepower, were none of those offered by foreign concerns that came to America soon after the war began to sell their wares, except the Handley Paige, and that was not the plane which the Handley-Paige people first offered our Government on this side. Indeed, when the Handley-Paige plane was first offered here it was untried and undeveloped and had not been accepted by the British Government. The Signal Corps sent a commission abroad to study foreign planes on the ground and accepted certain ones only after careful and personal study.

On the whole, the record of the Signal Corps is one of which every American can be justly proud. In the face of unparalleled difficulty it is accomplishing an unparalleled task with characteristic American energy, capacity, patriotism and enthusiasm.

MORRIS SHEPPARD.
H. L. MYERS.
W. F. KIRBY.
Members of the Military Affairs Committee.

INDEMNITY FOR DAMAGES IN FRANCE.

Mr. ROBINSON. Mr. President, out of order I ask unanimous consent to present a report (No. 379) from the Committee on Claims, and I also ask for its immediate consideration. It is the bill (S. 4289) to give indemnity for damages caused by American forces abroad. It is an urgent matter. It was sent down some time ago by the War Department. The Judge Advocate General has sent me a letter explaining the necessity for prompt action concerning the bill. I am going to ask that the letter be printed in the RECORD. The necessity for the passage of the legislation is explained in a cablegram sent by Gen. Pershing to the War Department, and that will also be printed in the RECORD.

Mr. SMOOT. I should like to have the Senator read the cablegram, so that we may know just what the bill is intended for.

Mr. ROBINSON. The letter in which Gen. Pershing's cablegram is set forth is as follows:

WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, March 27, 1918.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on Claims,
United States Senate, Washington, D. C.

DEAR SENATOR ROBINSON: When the Secretary of War left for Europe he charged me with the duty of looking after War Department legislative projects pending in Congress. Among these projects is S. 3781—a bill to provide for indemnity for damages caused by American troops abroad, now pending before the Committee on Claims. Cablegrams received from Gen. Pershing indicate the urgent necessity of the speedy passage of this bill in order that the reputation of the United States may not be seriously injured with the French people. The bill itself provides nothing beyond that which would secure justice and equity. Viewed alone from this standpoint some delay in its passage would not

be serious, but when it is pointed out that under existing law the United States is absolutely unable to indemnify the French people for losses sustained by them due to injuries and accidents caused by the Government I believe that a situation is presented which calls for the speediest possible action upon the part of Congress.

Under date of January 17 Gen. Pershing cabled as follows:

"Subparagraph F, with reference to my indorsement of June 23 on Judge Advocate's letter, subject. Claims by inhabitants of France for damages caused by American military, and to paragraph 5, your cablegram 563, most urgently recommend immediate enactment of laws providing that hereafter appropriations for incidental expenses, Quartermaster Corps, shall be available for the prompt payment, under such regulations as the Secretary of War may make or cause to be made by the Commanding General of the American Expeditionary Force in Europe, of claims for injuries to persons and damage to property resulting from the acts or omissions of the United States military forces in Europe. Inability to pay claims for injuries due to accidents caused by Government motor vehicles and other causes result in much hardship and injustices to French people, and seriously injures our reputation as compared with British. Proposed legislation designed to authorize prompt settlement of the claims of inhabitants that would be paid by French Government under French laws if resulting from acts of French forces. We avail ourselves of French laws to quarter our troops in homes of their people, and should therefore conform to the French laws in our relation to them as nearly as practicable. Desire to inaugurate system employed by British, of district and division claim officers for the settlement of small claims and general claim board for large claims. Will have benefit of precedent of British claim board for guidance. Proposed legislation will not supersede One hundred and fifth Article of War, but will facilitate its enforcement. Have delayed making this recommendation pending decision of the comptroller in France. Comptroller holds no appropriation available and says, 'My regret is in not being able to find any authority of law for doing what would appear ought to be done.'"

Another cablegram from Gen. Pershing, of date March 21, is as follows:

"With reference to paragraph 1F, my cablegram 506, and paragraph 1, your cablegram 726, please advise us as to what progress has been made in the enactment of legislation authorizing settlement of claims. If bill does not conform precisely to my recommendation in paragraph 1F, my cablegram 506, desire to be informed of the exact text of the bill."

In view of the situation above set out, would it not be possible for you to have this bill immediately acted upon by your committee? An identical bill (H. R. 9901) has been favorably reported by the Committee on Military Affairs of the House and is now pending in the Committee of the Whole House. I have just addressed a letter to Mr. DENT, calling his attention to the situation as above explained to you, and have urged him to immediately secure the action of the Committee of the Whole House and the passage of the bill by the House. I am hoping that Mr. DENT will be able to secure the passage of this bill within the next few days. If, in the meantime, your committee would favorably report the Senate bill, then the House bill could be placed before the Senate for immediate passage upon its arrival from the House.

Very truly, yours,

E. H. CROWDER,
Judge Advocate General.

Mr. SMOOT. I am not going to object to the passage of the bill, but simply want to say to the Senator from Arkansas that similar legislation has been presented to the Committee on Appropriations of the Senate, and in several cases they have already acted. As this affects an appropriation recommended by that committee, I can not see why the department did not send the bill to it.

Mr. ROBINSON. I will state——

Mr. SMOOT. I will say to the Senator——

Mr. ROBINSON. Let me make a statement.

Mr. SMOOT. Very well.

Mr. ROBINSON. The department evidently did not know what committee would have jurisdiction of it, and originally sent the bill to the chairman of the Committee on Military Affairs, who introduced it. He did not call my attention to it. My attention was subsequently called to the matter in the letter of the Judge Advocate General, and I reintroduced the bill and now report it from the Committee on Claims. It is questionable whether the jurisdiction as to some sections of the bill might be divided, but in my opinion the Committee on Claims is the appropriate committee, and that is manifestly the view of the chairman of the Committee on Military Affairs of the Senate.

Mr. SMOOT. Of course, it proposes to authorize money to be paid out of an appropriation that has already been made. But I shall not object to the consideration of the bill at this time, for I believe the legislation ought to pass; I care not very much how it reaches that stage.

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

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

Be it enacted, etc., That 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.

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

Mr. CHAMBERLAIN subsequently said:

The Senate this morning passed a bill to give indemnity for damages caused by American forces abroad. The bill has been referred to the Committee on Claims, and it was reported out by the Committee on Claims, and, as I said, it passed the Senate. The House has passed a similar bill, and it is pending before the Committee on Military Affairs, referred by mistake to that committee. I therefore ask that the Committee on Military Affairs be discharged from the further consideration of the bill (H. R. 9901) to give indemnity for damages caused by American forces abroad.

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

Mr. ROBINSON. I now ask for the present consideration of the House bill from which the Committee on Military Affairs has just been discharged. It is identical with the bill which the Senate passed this morning. The House of Representatives passed this bill last Monday. It came to the Senate and, as stated by the Senator from Oregon, was referred to the Committee on Military Affairs. That committee has been discharged from the consideration of the bill. In my opinion it will not be necessary to refer the House bill since the Senate has already passed to-day an identical Senate bill. I therefore ask for the consideration of the House bill which will obviate the necessity of further action in the House of Representatives.

The VICE PRESIDENT. Is there objection?

There being no objection; the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read as follows:

Be it enacted, etc., That claims of inhabitants of France or of any other European country not an enemy or ally of an enemy 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.

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

Mr. ROBINSON. I move to reconsider the vote by which the bill S. 4289 was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. ROBINSON. I move that the bill be postponed indefinitely.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 3863) to provide quarters or commutation thereof to commissioned officers in certain cases, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 9932) to amend section 2 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," in which it requested the concurrence of the Senate.

PETITIONS.

Mr. GALLINGER presented a petition of the Congress Heights Public Improvement Association, of Washington, D. C., and a petition of Electrotype Molders and Finishers Union No. 17, of Washington, D. C., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

BILLS INTRODUCED.

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

By Mr. TILLMAN:

A bill (S. 4296) to provide medals of honor and bars for deeds of gallantry and intrepidity in the naval service of the United States (with accompanying papers); to the Committee on Naval Affairs.

By Mr. RANSDELL:

A bill (S. 4297) to grant to swamp-land States a vested title in and to certain lands; to the Committee on Public Lands.

By Mr. THOMPSON:

A bill (S. 4298) granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico; to the Committee on Pensions.

By Mr. NEW:

A bill (S. 4299) granting a pension to James E. Newgent;

A bill (S. 4300) granting an increase of pension to Paul L. Bahr;

A bill (S. 4301) granting an increase of pension to Jonathan Paulus;

A bill (S. 4302) granting an increase of pension to Zachariah Blake (with accompanying papers);

A bill (S. 4303) granting an increase of pension to Ellen Lee Scantling (with accompanying papers);

A bill (S. 4304) granting an increase of pension to John H. Scott (with accompanying papers);

A bill (S. 4305) granting an increase of pension to Levi H. Miller (with accompanying papers);

A bill (S. 4306) granting a pension to Elza L. Ross (with accompanying papers);

A bill (S. 4307) granting an increase of pension to William C. Roose (with accompanying papers);

A bill (S. 4308) granting a pension to Isabell Main (with accompanying papers); and

A bill (S. 4309) granting an increase of pension to Henry J. Lane (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4310) for the relief of the estate of Henry A. V. Post; to the Committee on Claims.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. LODGE submitted an amendment proposing to appropriate $900,000 for extensions and improvement to building No. 42 (shops A, B, and C) machine shops and foundry at the navy yard, Boston, Mass., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the act (S. 3400) to regulate the pay of retired chief warrant officers and warrant officers on active duty.

HOUSE BILL REFERRED.

H. R. 9932. An act to amend section 2 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States" was read twice by its title and referred to the Committee on Military Affairs.

USE OF HOMING PIGEONS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (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, which were on page 1, line 3, after "to" where it last occurs, to insert "knowingly," and on page 2, line 1, after "military," to insert "or naval."

Mr. FLETCHER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

NATIONAL DEFENSE.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (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," which was on page 2, line 11, after "engineers," to insert:

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 regulations as may be prescribed by the Secretary of War: *Provided*, That the maximum age limit of chaplains in the Army shall be 45 years.

Mr. CHAMBERLAIN. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

QUARTERS FOR COMMISSIONED OFFICERS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3863) to provide quarters or commutation thereof to commissioned officers in certain cases, which was, on page 2, line 1, after "thereof," to insert "and commutation for heat and light."

Mr. CHAMBERLAIN. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

SALE OF MILITARY SUPPLIES.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (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.

Mr. CHAMBERLAIN. I move that the Senate disagree to the amendment of the House and ask a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN conferees on the part of the Senate.

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 PRESIDING OFFICER (Mr. ROBINSON in the chair). The question is on agreeing to the amendment of the committee as amended.

Mr. THOMAS. I rose to inquire what is the amendment.

Mr. OVERMAN. It is the committee amendment which has been discussed here for four days.

The SECRETARY. On page 2 strike out the remainder of line 17 and insert certain words.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole and open to amendment. There being no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. The bill is in the Senate and still open to amendment.

Mr. PENROSE. I desire to offer the following amendment as an additional section.

The PRESIDING OFFICER. The Senator from Pennsylvania offers an amendment, which the Secretary will read.

The SECRETARY. Add, as an additional section, the following:

SEC. —. Any person holding any office or position under the United States, by appointment, who shall have committed any of the offenses herein enumerated, shall, upon a conviction therefor after a hearing before the head of the department in which he is serving, be thereupon discharged from such office or position by the said head of such department: *Provided*, That if charges are preferred that such person has committed any of these offenses, such charges shall be promptly heard by the head of the department.

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

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

The yeas and nays were ordered.

Mr. PENROSE. I raise the point of no quorum.

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

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

Ashurst	Hale	McCumber	Sherman
Baird	Henderson	McKellar	Simmons
Bankhead	Hitchcock	McNary	Smith S. C.
Chamberlain	Hollis	Martin	Thomas
Colt	James	Nelson	Thompson
Culberson	Johnson, Cal.	Nugent	Tillman
Cummins	Jones, N. Mex.	Overman	Townsend
Dillingham	Jones, Wash.	Penrose	Underwood
Fall	King	Robinson	Walsh
Fletcher	Kirby	Shafroth	Williams
France	Lodge	Sheppard	

Mr. SHEPPARD. I wish to announce that the junior Senator from Kentucky [Mr. BECKHAM] is detained on official business.

Mr. KING. The Senator from South Dakota [Mr. STERLING] is occupied in committee work.

Mr. JONES of Washington. The Senator from Kansas [Mr. CURTIS] and the Senator from Nebraska [Mr. NORRIS] are necessarily absent on business of the Senate.

The PRESIDING OFFICER. Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absentees.

The Secretary called the names of the absent Senators, and Mr. POINDEXTER, Mr. KENDRICK, Mr. GALLINGER, Mr. RANSDELL, Mr. KELLOGG, Mr. HARDWICK, Mr. SMOOT, Mr. SHIELDS, Mr. NEW, and Mr. TRAMMELL entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present. The question is on the amendment of the Senator from Pennsylvania.

Mr. PENROSE. Owing to the fact that when the amendment was read there was hardly anyone in the Chamber I ask that the amendment be again read by the Secretary.

The PRESIDING OFFICER. Without objection, the Secretary will again state the amendment.

The Secretary again read the amendment proposed by Mr. PENROSE to add at the end of the bill a new section.

Mr. OVERMAN. I offer an amendment to the amendment offered by the Senator from Pennsylvania, namely, after the word "enumerated," in line 3, and before the word "shall," to insert the words "since the declaration of war by the United States."

Mr. PENROSE. I can not accept that amendment.

The PRESIDING OFFICER. The Chair will request the Senator from North Carolina to again state his amendment in order that the Secretary may note it.

Mr. OVERMAN. I desire to amend the amendment so that it will read:

Any person holding any office or position under the United States, by appointment, who shall have committed any of the offenses herein enumerated since the declaration of war by the United States——

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

The SECRETARY. It is proposed to amend the amendment offered by Mr. PENROSE, in line 3, after the word "enumerated," by inserting the words "since the declaration of war by the United States," so as to read:

Any person holding any office or position under the United States, by appointment, who shall have committed any of the offenses herein enumerated since the declaration of war by the United States, shall, upon a conviction therefor, after a hearing before the head of the department in which he is serving, be thereupon discharged from such office or position by the said head of such department.

Mr. ASHURST. Mr. President, I suggest to the Senator from North Carolina that he have his amendment come in after the word "who," in line 2.

Mr. OVERMAN. Very well; I think that would sound a little better, and I will ask that the words suggested by me be inserted there. It does not make any difference in meaning.

The PRESIDING OFFICER. The Senator from North Caroline modifies his amendment.

Mr. OVERMAN. Yes; I think the suggestion of the Senator from Arizona is better.

Mr. PENROSE. What is the suggestion?

Mr. OVERMAN. The Senator from Arizona suggests that the words proposed by me be inserted after the word "who," in line 2, so as to read:

Any person holding any office or position under the United States, by appointment, who, since the declaration of war by the United States, shall have committed any of the offenses herein enumerated—

And so forth.

I think the place suggested by the Senator from Arizona is a better place for the words.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina to the amendment offered by the Senator from Pennsylvania.

Mr. OVERMAN. Mr. President——

Mr. PENROSE. Does the Senator from North Carolina desire to explain the amendment? Does he desire to have the floor?

Mr. OVERMAN. I do not understand the Senator.

Mr. PENROSE. I was making an inquiry of the Chair as to who had the floor.

Mr. OVERMAN. I have offered the amendment to the amendment and have suggested the place where I think it should be inserted. I ask the Secretary to read it now, so that the Senator from Pennsylvania may understand it as I have modified it.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. It is proposed by Mr. OVERMAN to amend the amendment of Mr. PENROSE, so that it will read as follows:

Any person holding any office or position under the United States, by appointment, who, since the declaration of war by the United States, shall have committed any of the offenses herein enumerated, shall, upon a conviction therefor after a hearing before the head of the department in which he is serving, be thereupon discharged from such office or position by the said head of such department: *Provided*, That if charges are preferred that such person has committed any of these offenses, such charges shall be promptly heard by the head of the department.

Mr. CUMMINS. Mr. President, I do not rise to take up the time of the Senate in arguing this amendment, but I do not want to have it understood by my silence that the amendment proposed now by the Senator from North Carolina is of any value. It would be utterly impossible for anyone to have committed any of these crimes prior to the declaration of war. They are all crimes of a character that can only be committed during war. For instance, one who spoke contemptuously of the Constitution of the United States 20 years ago or 5 years ago or 4 years ago would not have committed a crime such as is denounced by this bill.

Mr. PENROSE. Why would he not?

Mr. CUMMINS. Simply because it was not during the war.

Mr. PENROSE. But the words "since the declaration of war by the United States" have not yet been added to the amendment.

Mr. CUMMINS. But the whole amendment relates to crimes committed during the war.

Mr. JAMES. Mr. President, will the Senator from Iowa yield to me?

Mr. CUMMINS. I yield.

Mr. JAMES. Is it not true that the amendment reported by the committee says:

Or shall willfully obstruct or discourage, or willfully attempt to obstruct or discourage, the recruiting or enlistment in the service of the United States—

That would apply to a time before the war, because we were enlisting men in the Regular Army before the war.

Mr. CUMMINS. I do not think that would be reached under this provision.

Mr. JAMES. It does not say "enlistment during the war," but "enlistment in the service of the United States."

Mr. CUMMINS. I do not want to have anybody assume that I thought that these acts that were committed before the war could have been or could be converted into offenses against the United States.

Mr. OVERMAN. Mr. President, I agree with the Senator so far as the amendment is concerned; but, out of abundance of caution, I thought it would be well to incorporate in the amendment of the Senator from Pennsylvania the words suggested by me.

Mr. TOWNSEND. Mr. President, may I ask the Senator from North Carolina a question?

Mr. OVERMAN. Certainly.

Mr. TOWNSEND. Will the Senator from North Carolina kindly explain what he has in view by offering this amendment?

Mr. OVERMAN. I do not wish anybody to be convicted under this provision for language used before we entered the war.

Mr. KIRBY. Mr. President——

Mr. CUMMINS. Mr. President, if I may be allowed just a moment, this section begins—

Whoever, when the United States is at war, shall willfully make or convey false reports—

And so forth.

That continues throughout the entire bill.

Mr. KIRBY. Mr. President, it seems to me that the amendment to the amendment should not be adopted. It is contrary to the spirit of our institutions and our laws to make a man answerable for an act that has been made a crime long after the act was committed. If a man who had heretofore made such statements as those denounced by this measure had not then been guilty of a crime, he ought not now to be declared guilty of a crime for an act which was not criminal when it was committed. It seems to me we are going far enough when we say that a man shall not henceforth do so and so; and I think that the amendment to the amendment ought not to be adopted.

Mr. PENROSE. Mr. President, this is not a criminal provision. It simply declares that where a man has a certain record he shall be removed from office.

Mr. KIRBY. I am not complaining about the amendment, but about the amendment to the amendment.

Mr. PENROSE. The amendment of the Senator from North Carolina, in my opinion, destroys the provision I have offered. Whether he is apprehensive of a wide breach being created in some of the departments of the Federal Government or not and has persons in mind he desires to protect I am not informed.

Mr. OVERMAN. Has the Senator in mind any persons whom he desires to affect?

Mr. PENROSE. I have in mind quite a number of gentlemen.

Mr. OVERMAN. And one especially. I ask the Senator if it is not one man he is after?

Mr. PENROSE. No; my sympathies are catholic and general. I have a number of people in mind who have written pro-German books and given vent to pro-German sentiments of very virulent character; and I think the moral effect of their presence in the departments, exercising a brief autocratic authority and

insulting honorable gentlemen who come down here to see them on matters of business, might well be looked into. These men have suddenly become patriotic upon becoming attached to an office.

The provision I have offered is simply declaratory of a condition, just as if an amendment were offered that anyone who in the past, or within 20 years, had been guilty of the crime of forgery should be ineligible for office and should be discharged if in office. Certainly that would be a legitimate declaration as a qualification of an officeholder.

As to confining the measure to acts perpetrated since the war, we have a very flagrant illustration that such restriction does not prevail in practice, when President Wilson interfered in the fight in Wisconsin and charged Mr. LENROOT with alleged crimes and offenses occurring before the declaration of war. So that, if the Senator's party leader and guiding spirit in his actions can go back before the war and charge a Member of Congress with certain misdemeanors, certainly we can afford to take up the cases of the humbler class of appointees in the Federal departments; and if they have been guilty of some flagrant declaration of sympathy with the enemies of the country, particularly very recently, so as to give every reason to suppose that their minds have not changed, it seems to me the charges ought to be considered, and, if proved, then the officeholder ought to be removed. What is the use of going into the byways and villages and prosecuting some ignorant and uneducated man, who, in the heat of the moment, may have made some frivolous remark or who may have lightly spoken in a way that can be considered an offense under this act, and either convict him and sentence him to jail or put him to the expense, and there always is considerable expense, of defending himself in court, when the departments are quite largely honeycombed with men who have recently been guilty of the same offense?

Mr. WALSH, Mr. OVERMAN, and Mr. JONES of New Mexico addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. OVERMAN. Mr. President, the whole amendment——

The PRESIDING OFFICER. The Chair has recognized the Senator from Montana, who first addressed the Chair.

Mr. OVERMAN. I beg pardon.

Mr. WALSH. The Senator from Pennsylvania [Mr. PENROSE] makes it extremely hard for some of us who are very heartily in favor of his amendment to vote for it. I gather from the remarks of the distinguished Senator that he has introduced this amendment because he wants to go after somebody; but I desire to submit to the Senator from North Carolina [Mr. OVERMAN] that not only is the suggestion made by the Senator from Iowa [Mr. CUMMINS] sound, that no offenses under this act could possibly have been committed prior to this war, but the amendment proposed by the Senator from Pennsylvania can not, under the rules of construction, have a retrospective operation. It contemplates the discharge of those only who shall be found to have committed these offenses, and these offenses will not exist at all until after the act is passed. Prior to that time the thing is not a crime; it is entirely harmless; no one committed any offense by doing any of these things in the past, and will not have committed any offense until the act is passed. So that I think we may very readily accept the amendment offered by the Senator from Pennsylvania.

Mr. OVERMAN. Mr. President, the intention of the amendment is that it shall have a retrospective effect. That is the intention of the Senator who introduced the amendment. I agree with the Senator from Montana [Mr. WALSH] and, as I have said, I agree with the Senator from Iowa [Mr. CUMMINS]. The amendment amounts really to nothing except that it is the intention of the Senator from Pennsylvania to punish somebody whom he has in mind. He denounced Mr. Creel when he introduced the amendment, and Mr. Creel has been denounced on this floor here for some two hours or more by one Senator. Then it was that the Senator introduced this amendment for the purpose of directing it toward one or more men who might have committed offenses under the language of it prior to the declaration of war. I agree that it can not have any retrospective effect, no matter what the Senator says who introduces the amendment; but if the amendment should be adopted I think we should put in the words I have suggested out of an abundance of caution. I agree with the Senator from Iowa and the Senator from Montana that they will have no effect; but I think the whole amendment ought to be beaten.

Mr. JONES of New Mexico. Mr. President, I am in entire sympathy with what I understand to be the general purpose of the amendment offered by the Senator from Pennsylvania [Mr. PENROSE], but I had thought that perhaps this matter might be reached in a little different way.

The other day I offered an amendment somewhat along the same line, which reads 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.

Mr. President, it seems to me that there is one very important reason why it might be more advisable to adopt the amendment which I proposed some days ago than the one offered by the Senator from Pennsylvania. The amendment of the Senator from Pennsylvania simply furnishes as a ground for dismissal of the official a criminal act, an act which is made criminal by virtue of the bill which we are now considering; and it must be apparent to any one that to put that provision in the bill, and authorize the head of a department to try out a criminal offense, might have some very deleterious influences.

For instance, an individual charged with a crime who is to be tried before a jury of the country would necessarily be prejudiced if the head of a department had previously taken up the question as to his guilt of a criminal offense and had found him guilty; and it strikes me that for the purpose of dismissing an official we need not go that far. I believe that every person in the employ of the Government ought to be not only not disloyal, but ought to be highly patriotic, and that we need not limit ourselves to the elements which we are willing to have constitute a crime for the mere purpose of bringing about the dismissal of an official. It was with that end in view that the amendment which I proposed some days ago was prepared.

I can see how innocent people might be prejudiced in a criminal tribunal by first having the head of a department try out the case, and dismiss the party for the specific thing which is now to be declared to be a criminal offense; and so this amendment which I have proposed lays down the things which in themselves will furnish ground for the dismissal of the official.

I think we all want highly patriotic citizens only in the service of the Government at this time; and the amendment which I have prepared will accomplish that purpose, and at the same time not prejudice anybody who may subsequently be brought to trial in a criminal tribunal. I believe that my amendment will accomplish all that the Senator from Pennsylvania seeks and all that the Senators generally seem to want, and will not have any deleterious influences upon those who may be prosecuted in the courts. I should like to have this amendment accepted, if it seems to be agreeable to the Senators; and for the purpose of having it considered I offer it as a substitute for the amendment proposed by the Senator from Pennsylvania.

Mr. PENROSE. Mr. President, the amendment which the Senator from New Mexico has offered as a substitute does not seem to me to cover in any way the condition that I want to reach; and I should like to ask him whether it does or not? My purpose is to reach the case of an officeholder who, say three years ago, wrote a book declaring in unmistakable terms that Germany was right in the war, and that France and England were the aggressors, and that the sinking of the *Lusitania* was justified.

Mr. JONES of New Mexico. Mr. President, I do not believe that that point is covered by my amendment, and I must say that I doubt very much whether it should be covered by any amendment. I do not believe in going back to stir up old sentiments and animosities. I am quite content to believe that there are in this country thousands of people who were not in accord with the most aggressive of us who went into this war for reasons which appeared to us to be sufficient and compelling, but who are just as patriotic to-day as any of us. They may have differed three years ago on some lines of international policy, and yet to-day may be patriotic citizens who ought to be serving this country in some way. I do not believe that we ought to adopt any amendment which will cover just the things presented by the Senator from Pennsylvania.

Mr. CUMMINS. Mr. President, I rise to a point of order. We already have an amendment pending in the third degree, and the amendment now offered by the Senator from New Mexico is in the fourth degree. It is therefore not in order; and as much might be said of the amendment offered by the Senator from North Carolina. It is in the third degree.

Mr. OVERMAN. No; Mr. President——

Mr. PENROSE. The second degree.

The PRESIDING OFFICER. The Chair thinks the pending question is the amendment of the Senator from North Carolina to the amendment of the Senator from Pennsylvania, and that the amendment offered in the nature of a substitute by the

Senator from New Mexico is not at this time in order. It is first in order to perfect——

Mr. JONES of New Mexico. I assumed that the amendment offered by the Senator from Pennsylvania could be perfected. I wanted to state the purpose of my amendment, and my purpose to present it as a substitute at the proper time.

Mr. PENROSE. I suppose I can modify my own amendment, and that would be in order. I recognize that there is something in the statement made by the Senator from Montana. I had thought about it when I drew the amendment, but concluded that as this is not a criminal statute, but merely a direction to the head of a department, I need not be too technical in the language used; but I am entirely willing, in deference to the criticism of the Senator from Montana, to modify the amendment, on line 3, by striking out the words "offenses herein enumerated" and substituting "acts for which punishment is provided herein." I think that would come pretty near meeting the objection.

Mr. SHIELDS. Mr. President——

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

Mr. PENROSE. Yes.

Mr. SHIELDS. I should like to ask the Senator from Pennsylvania for a construction of his amendment as to the scope of it. It provides that any person holding any office or position under the United States by appointment who shall have committed any of the offenses described may be removed and discharged by the head of a department.

Mr. PENROSE. Yes.

Mr. SHIELDS. Does that cover and include every person and every officer inferior to the head of an executive department?

Mr. PENROSE. I should think so; yes.

Mr. SHIELDS. Say, for instance, the Secretary of the Treasury. There are a number of officers, such as the Comptroller of the Currency, the Treasurer, the Commissioner of Internal Revenue, and some others, who are nominated and appointed by and with the advice and consent of the Senate. They are not appointed by the Secretary of the Treasury, or by any of his subordinates, but by the President. Does this amendment give to the Secretary of the Treasury the authority to remove the officers that I have mentioned?

Mr. PENROSE. No; I take it for granted that the charges would be submitted to the President. They are presidential appointees and nominally identified with the Treasury Department.

Mr. SHIELDS. I do not think the Senator meant to include the broad scope I suggested, because this provides that the head of the department may remove them, not the President.

Mr. PENROSE. I would consider that the President would be the head, in the sense referred to by the amendment.

Mr. SHIELDS. I do not understand that the President is the head of any department, and therefore I do not think such a designation would include him.

Mr. PENROSE. To meet the Senator's objection I will further modify the amendment with a proviso, as follows:

Provided, That where the person holding such office or position is appointed by the President or other executive head—

I will perfect that amendment in a minute.

Mr. SHIELDS. Perhaps that would include some officers who could be removed from office only by impeachment. I have not looked up the matter with that in view.

Mr. PENROSE. I will modify the amendment by putting in on line 4, following the words "after a hearing before the head of the department," the words "or the President or other official making such appointment," so that it will read:

After a hearing before the head of the department or the President or other official making such appointment.

Mr. LODGE. Why not have it read:

After a hearing before the President or the head of the department in which he is serving.

Mr. PENROSE. That would be all right—

After a hearing before the President or the head of the department in which he is serving

Mr. OVERMAN. As I understand, the Senator does not want to convict anybody by any ex post facto or retrospective law.

Mr. PENROSE. This is not an ex post facto law.

Mr. OVERMAN. I understand. Now, will the Senator agree to accept an amendment striking out the word "have," and making it read "commit" instead of "committed"?

Mr. PENROSE. Oh, that would destroy the amendment.

Mr. OVERMAN. So that any person holding any office or position under the United States by appointment who shall commit any of these offenses shall be subject to removal?

Mr. PENROSE. That destroys the whole purpose of the amendment.

Mr. OVERMAN. Then the Senator wants to go back, does he——

Mr. PENROSE. I do; I have said so repeatedly.

Mr. OVERMAN. And take cognizance of language used 20 year ago?

Mr. PENROSE. I do not think it would be necessary to go back 20 years, because these conditions had not arisen then. I suppose you could go back 20 years where an officer had advocated violence, I. W. W. doctrines, or socialistic doctrines. There are some such in the departments.

Mr. BORAH. Mr. President, I should like to ask the Senator a question. I am reading the amendment now as it is printed:

Any person holding any office or position under the United States by appointment who shall have committed any of the offenses herein enumerated——

Mr. PENROSE. I have changed that.

Mr. BORAH. What change was made?

Mr. PENROSE. Instead of "offenses herein enumerated" I have made it "any of the acts for which punishment is provided herein."

Mr. BORAH. Does the Senator intend by that to submit an amendment which, if incorporated into the bill, will operate upon acts described in the bill, but which took place before the bill was passed?

Mr. PENROSE. Yes. This is not an ex post facto law or a criminal statute providing for penalties of fine or imprisonment. It is simply equivalent to a declaration that anyone who committed forgery or murder 20 years ago shall be removed from office. Certainly we would have a right to do that.

Mr. BORAH. Mr. President, I would not support a measure which would undertake to make a law operative prior to the time the law was passed. In the first place, I do not think you could do it. I think it is in the nature of punishment. It may not be within the technical provision, but it is within the spirit of the constitutional provision that you can not pass an ex post facto law; but to undertake to pass a law by which a party shall be held responsible for acts defined in the law, but which acts took place before the law was passed, is in spirit in violation of that fundamental principle of government.

Mr. OVERMAN. To be sure.

The PRESIDING OFFICER. The Chair suggests that the Secretary state the amendment as modified.

Mr. OVERMAN. Mr. President, there has been a great deal of confusion about this amendment; and without any disrespect to the Senator from Pennsylvania, but because I think the sentiment of the Senate is against the amendment, I move to lay it on the table.

The PRESIDING OFFICER. The Senator from North Carolina moves to lay on the table the amendment of the Senator from Pennsylvania. [Putting the question.] By the sound the ayes seem to have it.

Mr. PENROSE. I call for the yeas and nays, Mr. President.

The PRESIDING OFFICER. The yeas and nays are demanded.

Mr. PENROSE. I do not want to criticize the Chair, but my hearing is pretty good, and——

The PRESIDING OFFICER. The Senator from Pennsylvania demands the yeas and nays. Is the call sustained?

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. SHIELDS. Mr. President, without having made an examination of the question——

Mr. GALLINGER and other Senators. Regular order!

Mr. SHIELDS. Am I in order, Mr. President?

The PRESIDING OFFICER. The Chair will state that the pending question is a motion to lay on the table the amendment of the Senator from Pennsylvania, and it is not debatable. The Secretary will call the roll.

The Secretary called the roll.

Mr. JAMES. I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Missouri [Mr. STONE] and vote "yea."

Mr. DILLINGHAM. Because of my general pair with the Senator from Maryland [Mr. SMITH] I withhold my vote.

Mr. KIRBY. I announce the unavoidable absence of the senior Senator from Missouri [Mr. STONE] on account of illness, and also the necessary absence of the junior Senator from Missouri [Mr. REED], on account of the illness of his colleague.

Mr. MYERS. The Senator from Connecticut [Mr. MCLEAN], with whom I have a pair, is necessarily absent. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. UNDERWOOD. I wish to announce the unavoidable absence of my colleague [Mr. BANKHEAD] on official business. I will state that he is paired with the senior Senator from Connecticut [Mr. BRANDEGEE]. I ask that this announcement may stand for the present.

Mr. CHAMBERLAIN (after having voted in the affirmative). I voted, but I observe that my pair, the junior Senator from Pennsylvania [Mr. KNOX], is absent. In his absence I transfer my pair to the Senator from California [Mr. PHELAN] and let my vote stand.

Mr. DILLINGHAM. I transfer my general pair with the senior Senator from Maryland [Mr. SMITH] to my colleague [Mr. PAGE] and vote "nay."

Mr. SIMMONS (after having voted in the affirmative). I wish to inquire whether the junior Senator from Minnesota [Mr. KELLOGG] has voted?

The PRESIDING OFFICER. He has not.

Mr. SIMMONS. I have a pair with that Senator, but transfer my pair to the Senator from Nevada [Mr. PITTMAN] and let my vote stand.

Mr. WALSH (after having voted in the affirmative). I voted without noting the absence of the Senator from New Jersey [Mr. FRELINGHUYSEN], with whom I have a general pair. I transfer that pair to the Senator from Ohio [Mr. POMERENE] and let my vote stand.

The PRESIDING OFFICER (Mr. ROBINSON). I desire to announce that the Senator from Ohio [Mr. POMERENE] is detained on important public business.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT];

The Senator from West Virginia [Mr. SUTHERLAND] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK]; and

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON].

Mr. JONES of Washington. I desire to announce that the Senator from Kansas [Mr. CURTIS] and the Senator from Nebraska [Mr. NORRIS] are absent on business of the Senate. I will allow this announcement with reference to these Senators to stand for the day.

Mr. CALDER (after having voted in the negative). I have a general pair with the junior Senator from Rhode Island [Mr. GERRY]. He has not voted. I transfer my pair to the senior Senator from Utah [Mr. SMOOT] and let my vote stand.

Mr. FLETCHER. I wish to announce the absence of the junior Senator from Mississippi [Mr. VARDAMAN], on account of illness. I will let this announcement stand for the day.

The result was announced—yeas 26, nays 27, as follows:

YEAS—26.

Ashurst	Kendrick	Ransdell	Smith, S. C.
Chamberlain	McKellar	Robinson	Thompson
Culberson	Martin	Shafroth	Tillman
Fletcher	Myers	Sheppard	Walsh
Henderson	Nelson	Shields	Williams
James	Nugent	Simmons	
Jones, N. Mex.	Overman	Smith, Ariz.	

NAYS—27.

Baird	Gallinger	Lodge	Sterling
Borah	Hale	McCumber	Thomas
Calder	Harding	McNary	Townsend
Cummins	Johnson, Cal.	New	Underwood
Dillingham	Jones, Wash.	Penrose	Wadsworth
Fall	King	Poindexter	Warren
France	Kirby	Sherman	

NOT VOTING—42.

Bankhead	Gronna	Norris	Smoot
Beckham	Hardwick	Owen	Stone
Brandegee	Hitchcock	Page	Sutherland
Broussard	Hollis	Phelan	Swanson
Colt	Johnson, S. Dak.	Pittman	Trammell
Curtis	Kellogg	Pomerene	Vardaman
Fernald	Kenyon	Reed	Watson
Frelinghuysen	Knox	Saulsbury	Weeks
Gerry	La Follette	Smith, Ga.	Wolcott
Goff	Lewis	Smith, Md.	
Gore	McLean	Smith, Mich.	

So the Senate refused to lay Mr. PENROSE's amendment on the table.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Carolina [Mr. OVERMAN] to the amendment of the Senator from Pennsylvania.

Mr. TOWNSEND. Mr. President, I voted against laying the amendment on the table, as I usually do vote against such disposition of bills or amendments, except such as are introduced purely for the purposes of delay. I feel that this question ought to be discussed.

I confess, however, Mr. President, that I do not feel from what has been said in its behalf that I can support the amendment upon its merits. I realize that there has been good ground for the feeling which the senior Senator from Pennsylvania has on account of the appointment of men to positions of trust and of their retention in office after their unfitness has been demonstrated, whose whole experience has been antagonistic to our Government and its Constitution. I have only contempt for such appointees.

It occurs to me that there is some danger, if it is possible for Congress to do it, in the passage of a retroactive law, and that is the whole object which the Senator has in mind, as he states. I think it would be exceedingly dangerous. There were good reasons for men to differ in opinion before the war had progressed in Europe very far. Some of the very best men in this country expressed themselves strongly in favor of the German side of the controversy. That was before we were in it and while we were occupying what was said to be a neutral position.

Now, it stands to reason that the representatives of the various nations in Europe which were involved in that war would have a choice between European contestants, and it is too late now when we require the working together of all our citizens to go into the past and rake up statements which have been made carelessly or indifferently for the purpose of determining the loyalty of our people at the present time.

Mr. PENROSE. If the Senator will permit an inquiry on that point, I can understand how good men might have had a different point of view three years ago than they have to-day, but can the Senator excuse or condone a case where a person within three or four years has deliberately declared the Constitution of the United States a fraud on the people, a vicious and unworthy instrument, our whole scheme of government an effort to suppress the people, and tearing, you may say, to shreds an instrument that all officeholders are called upon before they perform an official act to uphold and support?

Mr. TOWNSEND. No; I do not sympathize with that.

Mr. PENROSE. This amendment covers much more than sympathy with Germany.

Mr. TOWNSEND. It covers that and other things——

Mr. KING. Mr. President——

Mr. TOWNSEND. Just let me answer the Senator from Pennsylvania for a moment. I condemn more the power that appoints such a man to office than I do the appointee himself.

The general provision of the proposed law provides that men shall be branded as criminals and punished as criminals if they commit the offenses charged in the bill. If they are convicted, they will be sent to jail, and can not very well serve in the office during that time at least, and I think there will be no difficulty about disposing of those men.

I agree with the Senator that there have been mistakes made, as suggested by him, and I would like to see them corrected, but I would like to have the men who made the mistakes correct them themselves. I do not want to subject the possible persecution or to condign punishment, because it is a punishment for a man to be discharged under such a complaint as will be made against him if he is now a loyal, law-abiding citizen.

Therefore with the explanation of the Senator from Pennsylvania, which is to the effect that he wants it to reach back prior to the war; and, believing that Congress has no right to enact such a law, yet inasmuch as the distinguished Senator has announced the purpose of the measure so directly I can not vote for it.

Mr. CUMMINS. Mr. President, like the Senator from Michigan [Mr. TOWNSEND], I voted against laying the amendment upon the table. I do that always, or nearly always, because I do not like that way of disposing of a measure.

But there are three reasons which will make it impossible for me to vote for the amendment proposed by the Senator from Pennsylvania. The first is that I do not think that it has a proper place upon this bill. We are enacting a criminal statute, and I think the provisions of the bill ought to be limited to that subject. We ought not to attempt to regulate the departments of the Government in the passage of a purely penal law.

The second reason is this: The person who is to be dismissed must be tried before the head of the department. If the head of the department is in sympathy with his own country and wants to preserve in his work a loyal force of men, he will have no difficulty whatsoever in doing so without a statute of this

sort. If he is not particular with regard to the sentiment of his employees regarding the country which they serve, then this would be unavailing, because he would not find the particular employee to have been guilty of the offense for which he is to be removed.

My third reason is that I am just as solicitous about preserving to the President of the United States the just power he has under the Constitution as I am anxious to preserve in the Congress the powers which it has assumed to exercise under the Constitution; and while I know that we have the right to prescribe qualifications or elements of eligibility which the President must observe in making appointments, I doubt very much whether we have the right to say to the President that upon a given state of facts he must discharge or dismiss a given employee.

For these reasons I am opposed to the amendment, aside from the injustice, in a sense, of punishing one for an act committed before the declaration is made in the statute, and with regard to that I can easily see that the Senator from Pennsylvania can escape the prohibition of the Constitution against ex post facto laws, because I hardly think that declaring a certain requirement for an employee is a penalty or a punishment that would fall within the constitutional prohibition. But it is obviously unjust to hold one to an accounting of that character by a statute passed after the act was committed unless the act be of such exceeding gravity as to entirely remove the opportunity or the thought of repentance and reform. For these reasons I do not feel that I can support the amendment.

Mr. PENROSE. Will the Senator permit an inquiry on that point?

Mr. CUMMINS. Certainly.

Mr. PENROSE. The Senator is himself, to some extent, a party guilty of this very performance, because he has acquiesced in it. I do not recall that he has raised his voice in protest. A gentleman of German ancestry was nominated to this body for the office of brigadier general, and he was charged with offenses such as are enumerated in this bill, occurring before the war, and among them excusing the sinking of the *Lusitania*. The charges were never proved adequately. They are denied by the party defendant and by his friends, and yet that gentleman's life is ruined and his career blighted. I have not heard the Senator from Iowa raise any protest against the injustice of bringing up offenses of this character committed before the war.

Mr. CUMMINS. Mr. President, I did not happen to be in the Senate when that matter was before the body.

Mr. PENROSE. It has been hanging for months and is still pending. Why does not the Senator move to have the committee discharged?

Mr. CUMMINS. I understand perfectly the instance to which the Senator refers, although not familiar with all the facts which may have been developed in the case; and there is no parallel at all, in my point of view, between such a case and the enforcement of such a provision as has been proposed by the Senator from Pennsylvania. I will not knowingly vote to confirm any man whom I believe to be unfit for the office to which he may have been appointed or nominated by the President. I never have and I never will, because I understand that the duty devolved upon us by the Constitution is an important one and not merely the discharge of a perfunctory or nominal service. I would not vote to confirm the gentleman to whom the Senator from Pennsylvania refers, either to a military or a civil office, if he were charged and proven to be guilty of the utterance of the language which is imputed to him, unless I am convinced that he had entirely reformed his habit of thought and is really a loyal citizen to the laws and institutions of the United States.

Mr. PENROSE. And not likely to have a relapse.

Mr. CUMMINS. He might have a relapse. I have known Senators as well as ordinary individuals to fall away from their sound and emphatic resolutions of reform. But that is a responsibility which ought to be discharged by the President and by the heads of the departments. If they are loyal and decent they will not keep in their employ men who are unfaithful to the Government which they serve, and if they are not loyal and decent a law of this sort would be of no value in correcting them.

Mr. FLETCHER. Mr. President, just a word or two with regard to the proposed amendment. Perhaps before saying what I am about to say I should correct the Senator from Pennsylvania as to the case which he mentions, which was pending some time ago. I do not feel at liberty to refer to matters that arose in executive session, but I will say, by way of correcting his idea about the status of that case, that it is no longer before the committee; that when Congress adjourned the nomination became void, because it was not confirmed. That failure to confirm was the end of the matter until another nomination is sent in.

Mr. PENROSE. It was long enough before the Senate to have given the Senator from Iowa ample opportunity to protest, if he holds the views he says he does.

Mr. FLETCHER. Of course, as to that I have nothing to say; but I do not feel at liberty to go further into that particular matter, because it involves executive business.

Mr. CUMMINS. Mr. President, I endeavor to do my duty as I see it, and I shall continue to do that without regard to the reflections of the Senator from Pennsylvania.

Mr. FLETCHER. My chief objection to the amendment is that, frankly, it is proposed by the Senator from Pennsylvania in order to reach out and accomplish a purpose and object outside of the intent and scope of this particular measure. If there is a condition which in his mind ought to be remedied with reference to some particular individual or condition, it ought to be, it seems to me, reached in another way.

But in addition to that, I do not think the Senator would accomplish by this amendment what he has in mind at all. I doubt very much if he could accomplish it by adding to this bill some provision in an effort to bring within its scope acts and conduct which took place long before the condition arose which is the very basis of this bill, namely, "when the United States is at war." Simply providing that if offenses which shall have been committed, or that if acts for which punishment is provided herein shall have been committed, by an appointee he shall be removed from office if, upon inquiry by the head of the department he is found guilty of having done these acts for which punishment is provided in the bill, does not reach the situation at all, it seems to me, that the Senator has in mind, because the acts for which punishment is provided in the bill are acts which have been committed "when the United States is at war." That is perfectly plain.

The very opening sentence of the bill provides that "whoever, when the United States is at war, shall willfully" do certain things shall be punished. The Senator says whoever commits any of the acts for which punishment is provided in the bill, or whoever shall have committed the acts for which punishment is provided in the bill, shall be removed from office. Necessarily the amendment would be held to mean the acts which are punished under the bill are acts which have been committed since this war began; but I think it does not extend to acts committed before that condition arose.

Mr. THOMAS. Mr. President——

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

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

Mr. THOMAS. Suppose that is the intended and obvious consequence of the language used in the amendment, does the Senator suppose for a moment that the courts would permit it to stand?

Mr. FLETCHER. I do not think they would; and that is the real reason why I voted to lay the amendment on the table, because I think that the act would not be valid; that it would be absolutely void; but I do not believe it would accomplish the object anyway. I do not think it is necessary to enact a provision of this sort for future application, because, as has been said heretofore by some Senators in this discussion, the head of a department has the absolute authority now to dismiss from the service a disloyal employee or appointee. There is no difficulty about removing that sort of an official or employee; and if anyone knows of such an employee occupying a position in the Government service it would be the duty, it seems to me, of that one to prefer charges to the head of the department or to the executive under whose authority he is acting and bring the proof to sustain those charges. I am satisfied there would be no hesitation on the part of those having the power to see that such an employee or appointee should no longer occupy that relation to the Government.

I am not out of sympathy at all with the notion of getting rid of any such employees if they exist; and I have, I will say frankly, some reason to believe that there are people in the Government service who ought not to be in the Government service. We are living in extraordinary times; war conditions bring on new responsibilities, new duties, and impose new lines of conduct. What was said and done years ago in times of peace might be entirely harmless—foolish, it might be, but entirely harmless—which to-day would be treasonable, and we must recognize that situation.

There ought not to be in the Government service any man who not only is not helping the other side, but any man who is not enthusiastically helping the United States, in my judgment. If there is any such man or woman in the Government service, he or she ought to be speedily dismissed, because this war has absolutely drawn the line, and you are either on one side or on the other. Every man and every woman in this country must take a stand on one side or the other. Either you are for the

Government in this tremendous struggle, which involves the very life of civilization, or you are against it. If you are against it, then you ought not to be in a position to hamper or hinder or obstruct. Not only that, you ought not to occupy a position under the Government when you are not helping to the utmost of your ability to move forward in this great enterprise.

Mr. President, I am in favor of the amendment proposed by the Senator from New Mexico. I am not at all out of sympathy with the thought included generally in the amendment of the Senator from Pennsylvania. I do not think it will accomplish what he intends to accomplish by it; and I do not think that, if it did, it would be valid as a law. We can not enact that sort of legislation; and it is, in my judgment, out of place to attempt to place it on an important measure like this.

Mr. President, I hope that we shall dispose of this bill to-day. It is important that it should be disposed of. The people of this country are aroused. I am getting letters in every mail from men who write to me saying, "My boys are on the other side in the trenches; are you going to take care of those people who would stab them in the back on this side?" German propaganda is more dangerous than are German guns to-day, and we must get control of that situation. This sort of legislation will help to do it, and the sooner we enact it into law the better.

Mr. SMITH of Georgia. Mr. President. I came into the Chamber just as the vote was being had to lay upon the table the proposed amendment of the Senator from Pennsylvania [Mr. PENROSE], and I voted against laying it on the table, because I saw in it a direction that the disloyal should all be turned out of office, and that meets my most cordial approval. If there are in any of the departments any who are not absolutely behind the Government or any who go around and in any way express disapproval of the contest we are in and sympathy with our enemies, they ought to be turned out, and speedily turned out; but I really believe that the amendment which is proposed by the Senator from New Mexico [Mr. JONES] is in more satisfactory shape than the amendment of the Senator from Pennsylvania.

I wish to add that in voting for either amendment I do not indicate a doubt as to the right of the head of a department in Washington, without any such legislation, to discharge instantly an employee who had been guilty of any of the conduct described in this bill or who expressed himself in a way that indicated disloyalty.

Mr. McCUMBER. Mr. President——

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

Mr. SMITH of Georgia. I do.

Mr. McCUMBER. I wish to ask the Senator a question. Assuming that the person appointed to an office is absolutely loyal to this Government as between this Government and our enemies, does the Senator believe if that person speaks with the greatest contempt not only of the Constitution of the United States but of the founders of that Constitution he ought to hold an office by appointment under the Constitution?

Mr. SMITH of Georgia. It does not embarrass me to answer that question. I answer without hesitation, "no."

Mr. McCUMBER. I am glad to have the Senator's answer. Then the Senator believes that we ought to have a law that would disqualify such a person?

Mr. SMITH of Georgia. I do not believe that anyone should hold office in the United States who is not ready to take an oath to support the Constitution of the United States, and take it with an earnest and zealous heart, and with a profound desire to support the Government.

Now, Mr. President, what I desire to say is that I believe the heads of the departments have the right now to remove such employees; and they ought to do so. I think the President ought to remove any of his appointees who fail in loyalty or express themselves in such a manner as to indicate a question as to their loyalty. I, however, would not wish to vote against one of these resolutions, for, even though I think the power already exists, I do not mind emphasizing it by the declaration that we think the power ought to be exercised; and in voting for such a resolution I would feel rather that we were expressing the opinion that the duly constituted superior officers should exercise this power than to question the fact that they have it already.

Mr. UNDERWOOD. Mr. President, I did not intend in the beginning to say anything on the floor with reference to this bill. I intend to give the bill my support, and have so intended from the very beginning. Under ordinary circumstances, it is very difficult for me to get my consent to vote for drastic legislation that goes into the homes of the citizens of the United States and holds men responsible for acts that are made offenses by laws that in many cases are unknown in advance of committing the offense to the individual who offends. But, Mr. President, I think the hour has come in the American Republic when the tocsin has sounded for all men to stand upon guard. The danger to our Republic, the danger to our civilization, the danger to our democratic institutions is too great, too appalling at this hour for any man to hesitate as to the position he will take when it is necessary to uphold the flag and support the Government of the United States. Therefore, although I recognize that the terms of this bill are drastic, that they are severe, I intend to give the bill my support.

Now, coming to the amendment offered by the Senator from Pennsylvania [Mr. PENROSE], I refused to vote to lay the amendment on the table, not that I object to laying amendments on the table; I have never occupied that position. If I am opposed to an amendment and I think that it is standing in the way of the enactment of legislation that ought to go through the body, although I never intend to be impolite to my fellow Senators, I would not hesitate for a moment as a public duty to vote to lay any amendment on the table to get it out of the way.

The reason I voted against laying the amendment of the Senator from Pennsylvania on the table was because I believed either that amendment or some other amendment along that line should be enacted. There may be better proposals. I have heard in the debate reference made to a proposal by the Senator from New Mexico [Mr. JONES]. I do not happen to be advised as to what that particular amendment is, but I shall listen to the debate, and if it is offered as a substitute for the pending amendment and I consider it a better proposal, I shall vote for it as a substitute; but I do not propose to occupy the position in the Senate of the United States wherein I say I am willing to go to the hut or the hovel and convict a man of disloyalty to the flag of the United States, and yet when it comes to those who are garbed in the uniform of the country, men in authority, those who should best know what disloyalty means, those on whose shoulders rests the primary duty to support the flag and to be loyal to the United States, I am not willing that they should be allowed to commit disloyal acts and continue to hold office while the citizen is convicted of a similar offense.

Mr. OVERMAN. Mr. President, will the Senator allow me?

Mr. UNDERWOOD. I yield.

Mr. OVERMAN. The fact that a man is an officeholder and is garbed in some official uniform would not exempt him from the provisions of this bill.

Mr. UNDERWOOD. No; but it ought to fire him out of the office so quickly that he could not bat an eye between the time of committing the offense and going out of the service of the United States.

Mr. OVERMAN. This bill provides for putting such a man in the penitentiary for 10 years.

Mr. UNDERWOOD. Well, he ought to go to the penitentiary, of course; but in the meantime he ought not to be cloaked in the uniform of his country.

I do not agree with the Senator from Pennsylvania that his amendment is retroactive. I have heard it stated in the debate that this amendment may be directed against some particular person. If it is, I am not aware of that fact. If there is any man in the service of the Government of the United States who has committed any of these offenses I do not know it, and I am glad that I do not know it, because it would disturb me very greatly to feel that any man who holds office under the Government of the United States could continue to do so while being disloyal to his Government. So that, so far as that side of the question is concerned, it does not concern me; but I do not agree with the Senator from Pennsylvania that the amendment can be retroactive in its terms.

Mr. BORAH. Mr. President——

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

Mr. UNDERWOOD. I do.

Mr. BORAH. The Senator from Pennsylvania, as I understand, intends the amendment to be retroactive.

Mr. UNDERWOOD. I heard him make the statement; but I am not going to vote on the bill on the statement of the Senator from Pennsylvania.

Mr. BORAH. Of course, the Senator from Alabama would not be bound, and neither would the courts in construing the act be bound, by the interpretation of the Senator from Pennsylvania; but when an amendment was offered which would unquestionably make it operative in the future alone the Senator from Pennsylvania declined to accept the amendment. I presume, therefore, that if the Senator from Alabama should convince the Senator from Pennsylvania that the amendment is not retroactive, the Senator from Pennsylvania will undertake to make it so.

Mr. UNDERWOOD. I do not know how the Senator could make it so if he attempted to do it.

Mr. KNOX. Mr. President——

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

Mr. UNDERWOOD. I yield.

Mr. KNOX. May I not suggest that the word "retroactive," which was used by my colleague, was not used in the constitutional sense at all; that it only meant, as I read the language of his amendment, that those who have been guilty of this vile thing shall not continue to hold office. It is not retroactive. It is only imposing a condition for holding office.

The right to hold office is not a natural right. An office is created by statute, and the statute may impose any condition it sees fit upon the person who shall hold it. For instance, the statute may say that nobody shall hold office who is not a citizen, or that nobody shall hold office who is not of a certain age, just as this amendment says that nobody shall hold office who has committed any one of these offenses. So I think the doctrine of retroactive legislation, as our Constitution provides it, is not involved here at all.

Mr. BORAH. Mr. President, I do not disagree with the suggestion of the Senator from Pennsylvania; but it is not in harmony with the suggestion of his colleague. If I may have just a moment, the amendment says:

> Any person holding any office or position under the United States by appointment who shall have committed any of the offenses herein enumerated shall, upon a conviction therefor—

And so forth. He must be convicted before this thing operates at all; and the Senator from Pennsylvania [Mr. PENROSE] stated that he intended that it should cover the last three years.

Mr. PENROSE. Any number of years.

Mr. BORAH. Any number of years, and before it operates at all he must have been convicted of the offense.

Mr. PENROSE. Before the head of the department.

Mr. KNOX. Suppose the statute stated that nobody shall hold an office who has not a good moral character or who does not sustain a good moral character. You could go back five years and show that a man had committed murder or burglary.

Mr. BORAH. Precisely; but what would the Senator do with the word "conviction"?

Mr. KNOX. That establishes the fact.

Mr. BORAH. Exactly; but in convicting him you may go back to his acts which cover the last three years.

Mr. KNOX. Exactly.

Mr. BORAH. You could not convict him for acts of the last three years unless the provision was retroactive.

Mr. KNOX. Retroactive only in the sense that the condition for continuing to hold office has relation to his conduct in the past as well as in the present.

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

Mr. UNDERWOOD. I will.

Mr. NELSON. This is not retroactive legislation. It is ex post facto legislation. That is what it means. It is making criminal an act that was not criminal when it was committed.

Mr. PENROSE. It does not make any act criminal.

Mr. NELSON. Why, how can you convict a man under this law for what transpired before there was any law in existence?

Mr. PENROSE. There is no penalty of fine or imprisonment. The word "conviction" means that when the head of the department is persuaded that these acts have been committed then the appointee shall be discharged from the office.

Mr. NELSON. How can he be convicted by any court for something that was not an offense when it was done?

Mr. PENROSE. He is not convicted before any court. He is convicted before the head of the department.

Mr. BORAH. That is not what the amendment says.

Mr. PENROSE. Yes; it is.

Mr. UNDERWOOD. Mr. President, I am always glad to yield to my colleagues; but I only desire a few more minutes, and I should like to finish my statement.

In part, the Senator from Idaho [Mr. BORAH] has suggested what my view of this amendment is. The amendment is no broader in its terms and can reach no further than the original bill. It relates to the original bill; it is tied to the original bill and must be construed with the original bill. Now, it is proposed to turn a man out of office, not for an act, as suggested by the Senator from Florida, but for committing an offense. The amendment of the Senator from Pennsylvania does not refer to any acts committed along this line, but to an offense of which the officeholder is convicted.

Mr. PENROSE. Mr. President, I will state for the information of the Senator from Alabama that I have modified the language by striking out "offenses herein enumerated" and inserting the words "acts for which punishment is provided herein."

Mr. UNDERWOOD. Of course, that does not change the effect. The language "acts for which punishment is provided herein" brings it back to the word "offense" in the sense in which I am speaking of it, because there is no punishment provided now, and therefore the act for which punishment is provided can not be effective until after this bill is passed. Now, the bill itself starts out by saying, "Whenever the United States is at war." These offenses, therefore, are all limited to the time when the United States is at war. We went to war a year ago the 6th of this month; and therefore there could be no act committed under this bill in the sense in which the Senator from Pennsylvania uses the word—an act that could be punished as a crime—prior to the declaration of war, because it was not an offense at that time. More than that, as to the particular acts referred to in the section of the bill which is sought to be amended, they are not acts for which a man can be convicted until you pass the bill, and therefore his amendment could not be retroactive.

I am in doubt in my mind on the proposition as to whether or not, if a man committed a disloyal act, even if it were retroactive, and I could turn him out of office, I would not do it. I might not hang him by an ex post facto law, but I am not one that is willing for a man to wear the uniform of the Government of the United States who has admittedly committed a disloyal act. Now, the amendment of the Senator from Pennsylvania may not be in the best form. I am not committed to the form. If someone else offers as a substitute, or by way of amendment, a better form, I shall gladly give it my support; but I shall not vote to wipe out of the bill entirely, if my vote can prevent it being done, a provision in the bill that distinctly declares to the people of the United States that a man who stands in the uniform of his country, whether he is in the Army or in civil life, shall not hold office if by word or deed he is disloyal to the flag of his country.

Mr. OVERMAN. Mr. President, I am in favor of doing what this bill proposes. If a man is disloyal, or has uttered these sentiments since the war was declared, I want him to go to the penitentiary. I want him to be treated like any other citizen. Senators have been arguing that because a man has an office in this country, he has a cloak around him by reason of which he can not be convicted. Why not put him in the same category with anybody else, no matter who he is, Cabinet officer or anybody else, and put him in the penitentiary?

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

Mr. OVERMAN. Yes; I yield.

Mr. UNDERWOOD. I stated a moment ago that I recognized that a man should be sent to the penitentiary for doing these things, and, in addition to that, that he should be turned out of office.

Mr. OVERMAN. Why, Mr. President, if there is any such man in this Government, he ought to be turned out, and it will not require any law to do it.

Mr. UNDERWOOD. To be sure.

Mr. OVERMAN. He ought to be indicted and punished as an ordinary citizen. Why do we want to go on and say that we will turn him out of office? What does that amount to? Nothing. I want to put him where he belongs—in the penitentiary.

The Senator argues that because the bill itself says this must happen during the war, this amendment is added to that provision of the original bill. It is not so. This is offered as a separate section. Nothing is said about the war. Therefore, according to this amendment as I construe it, if a man at any time, 25 years ago, said anything or uttered anything that is prohibited in this bill, no matter when it was uttered, the Senator wants to turn him out of office.

I do not believe in ex post facto laws, Mr. President. I shall never vote for an ex post facto law; but I will withdraw my amendment, and let us test the sentiment of the Senate on this question, and see whether or not the Members of the Senate are in favor of the Penrose amendment.

The Senator from New Mexico [Mr. JONES] prepared an amendment carrying out in due form the idea of turning these people out of office. So far as I am concerned, I am willing to accept that amendment; but I am opposed to this amendment, because I believe, as the author says, it is intended to have a retrospective effect; it is intended to be an ex post facto law; it is intended to get after certain people who have been mentioned here upon this floor; and I do not think that is just or right or fair. But if, since the war began, any man has uttered any of these sentiments or done anything which is forbidden in this bill, let him go to the penitentiary and be fined and be punished in that way, but do not simply remove him from office.

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

Mr. OVERMAN. I yield.

Mr. KING. Suppose that two or three months or six months before the time when we recognized the existence of a state of war a man who was in office, or who is still in office, denounced the Constitution of the United States and our form of govern-

ment and denounced the flag. Under this act he could not be punished. Does not the Senator think that that man, entertaining those views, ought to be removed from office?

Mr. OVERMAN. I put him in the same class with other people. As the Senator from Michigan says, there are Germans over this country—in my State and in every other State—who sympathized with Germany, who uttered sentiments like those named in this bill before war was declared, who now are giving their money to buy liberty bonds and are sending their sons to the front. They are just as loyal as I am. Yet while this country was not at war they were sympathetic with Germany. I would not put those men within the provisions of this bill because of some act or some things they did prior to the war. I think there are probably a million Germans in this country who are loyal. I believe there are. It is disloyalty hereafter that we are trying to reach.

Mr. LODGE. Mr. President, the Senator's bill is aimed at the people who speak against the form of government of the United States and the Constitution.

Mr. OVERMAN. Yes.

Mr. LODGE. It is not a question of people who indulge in pro-German talk. There are lots of them in office here. It is the people who are against the Constitution that the bill seeks to reach.

Mr. OVERMAN. Mr. President, in times of peace there may have been Germans——

Mr. LODGE. No; not Germans.

Mr. OVERMAN. There may have been Germans who said that they did not like our Constitution and that they preferred their form of government and thought it better than ours; yet, Mr. President, there was no law against it then. Now we are making a law against it, and I would not go back 10 years to punish a man who did that. Would the Senator?

Mr. LODGE. I would not appoint him to office.

Mr. OVERMAN. No; I would not, either, if he had the same sentiments now.

We might as well be candid about this. All of this is a fight against one man. Now, Mr. President, I do not know him. I am not defending him, and if he uttered what it has been said on this floor that he uttered I would turn him out; but I would leave it to the loyal officeholders who control this Government to do it if it is true, and for anything he has done since that time I would put him in the penitentiary, where this bill puts him. I would not just simply turn him out of office.

Mr. SHIELDS. Mr. President——

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

Mr. OVERMAN. I do.

Mr. SHIELDS. I should like to ask the Senator whether he does not think that where there is a disloyal man in the service, so expressing himself, setting a bad example and perhaps committing treason to the Government, and it is discovered, there ought to be some summary way to remove him right then and there, and not wait for an indictment and conviction and perhaps a review in an appellate court upon the subject? That is largely the object of legislation of this kind, and it is very wholesome, and I favor it. I like the amendment offered by the Senator from New Mexico [Mr. JONES] much better than I do that offered by the Senator from Pennsylvania; but I certainly would not support any measure that would be an ex post facto law, because it would be useless as well as bad legislation. If the effect of this and the intent of it is to forfeit an office by an act or on account of conduct that did not cause a forfeiture at the time the act was committed, it would be an ex post facto law; it could not be enforced; and all forfeitures come within the ex post facto law provision there.

Mr. OVERMAN. Mr. President, the Senator interrupted me. I do not disagree with him. I said when I began my speech that the Senator from New Mexico had showed me, three or four days ago, an amendment to which I did not object if he would narrow it somewhat in form.

Mr. SHIELDS. I do not think the Senator did; but the position he has taken was getting into conflict with the idea of some legislation along this line.

Mr. OVERMAN. I just started to say that I would be glad to see some legislation on this subject, although I do not think it is necessary. I think if any man has uttered any disloyal sentiment or has done any disloyal act he ought to be turned out; and I would not only turn him out but, as I say, I repeat, I would get the district attorney to indict him. That is what ought to be done. He ought not to be just simply turned out and uncloaked. He ought to be put where the humble citizen will be put—convicted and sent to the penitentiary and kept there; and I would hang some of them.

The PRESIDING OFFICER. The Senator from North Carolina withdraws his amendment to the amendment of the Senator from Pennsylvania. The question, then, is on the amendment of the Senator from Pennsylvania.

Mr. MYERS. Mr. President, I move to amend the amendment offered by the Senator from Pennsylvania by inserting, after the word "who," in line 2, these words:

After the entrance of the United States into the present war.

I send to the desk a copy of the amendment as it will read if my proposed amendment be incorporated in it.

The PRESIDING OFFICER. The Secretary will state the amendment of the Senator from Montana to the amendment of the Senator from Pennsylvania.

The SECRETARY. After the word "who," in the second line of the amendment of the Senator from Pennsylvania, as printed, it is proposed to insert the words "after the entrance of the United States into the present war," so that, if amended, it will read:

SEC. —. Any person holding any office or position under the United States, by appointment, who, after the entrance of the United States into the present war, shall have committed any of the acts for which punishment is provided herein, shall, upon a conviction therefor, after a hearing before the President or the head of the department in which he is serving, be thereupon discharged from such office or position—

And so forth.

Mr. PENROSE. Mr. President, I should like to ask the Senator from Montana, if the question is a proper one, whether he has any one or more persons in mind to protect in the departments by this amendment?

Mr. MYERS. Mr. President, I am sure the Senator from Pennsylvania would not at any time, on any subject, ask me an improper question; and——

Mr. PENROSE. There is nothing improper in that. I do not mean to have the question assume an improper shape.

Mr. MYERS. I am acquitting the Senator of that. I say it is entirely proper, and I know that the Senator would not at any time, on any subject, ask me an improper question. This is a proper one, and I will answer it.

Mr. PENROSE. All right.

Mr. MYERS. It has not reference to any one or more particular persons. I believe that a distinction ought to be drawn in regard to punishment, or the infliction of any penalty, between persons who have made disloyal or profane or contemptuous or scurrilous or abusive remarks about the subjects enumerated in the amendment of the Senator from Pennsylvania since we entered the present war, and those who may have made such remarks before we entered the present war. This measure imposes a penalty, and I do not believe the same penalty would be applicable to one who made such a remark before we entered the war as would be applicable to one who made it since we entered the war.

Mr. PENROSE. If the Senator will permit me, I may be a little dense in my intellectual processes, but I should like to get illumination from the Senator from Montana as to the precise difference between a declaration that the Constitution of the United States is a fraud perpetrated upon the American people, and that the founders of that great instrument were practically men without character or repute, made one day or three months before the war, and a similar declaration made the day after the declaration of war. Is there any difference, Mr. President, when the statement stands unrepented, uncontradicted, a record against the character of the officeholder which would certainly persuade the average man that his sympathies were not in harmony with the purposes of the Government of the United States?

Mr. MYERS. Mr. President, morally there is no difference, but when it comes to the infliction of punishment I think there ought to be a difference. Before we entered into this war a man might make many criticisms against the Constitution of the United States——

Mr. OVERMAN. Will the Senator withdraw his amendment, and let us make a straight fight on the amendment of the Senator from Pennsylvania? I wish he would withdraw his amendment, so that we can make a straight fight on that amendment.

Mr. MYERS. A straight fight can be made by rejecting my amendment.

Mr. OVERMAN. I should like to see a straight-out fight, and see how many Senators will vote for the amendment of the Senator from Pennsylvania.

Mr. MYERS. I want to answer the Senator's question a little more fully. As I was saying, before we entered into this war a man might make many strictures on the Constitution of the United States, criticism of it, denunciation of it in time of peace, which I think would not be proper in a time when we are engaged in war. I think there is a difference. But out of respect to the wish of the acting chairman of the committee, who has charge of the bill, I do not want to infringe on whatever he thinks is proper, and I am ready to yield to his request, and I withdraw my amendment to the amendment.

Mr. NELSON. Mr. President, while I sympathize with the purpose the Senator from Pennsylvania has in view, I think the amendment will utterly fail to accomplish the proposed object. Reading it in the ordinary sense, it seems to me it is absolutely nugatory and void because of its uncertainty. I will read it:

Any person holding any office or position under the United States, by appointment, who shall have committed any of the offenses herein enumerated, shall, upon conviction therefor—

It does not say by what tribunal the conviction shall be had—

upon conviction therefor after a hearing before the head of the department.

It does not imply that the department must convict him.

Mr. PENROSE. That is the intention.

Mr. NELSON. It is not expressed at all in the amendment.

I wish to say further to the Senator as to the purpose he has in view to reach a case like that of Mr. Creel, as I understand it he is not an appointee of any department; he is a direct appointee of the President.

Mr. PENROSE. That part of the amendment has been changed.

Mr. NELSON. It would hardly cover it; but if it did cover it I do not conceive that you could make that criminal which was not criminal when said or done. Our Constitution is very plain about that.

No bill of attainder or ex post facto law shall be passed.

If there is any question in this law which makes those acts criminal which were not criminal when perpetrated it is an ex post facto law, and it is utterly nugatory.

So it does seem to me that giving it the scope and view the Senator intends, and that is that there is to be a trial and a conviction by the courts or by the Secretary, no court under our Constitution would ever convict a man for an offense which was committed prior to the enactment of this law. This law creates the offense; there was no such offense in existence under the law of the United States as is described in this bill prior to its enactment. So it would be utterly nugatory. It is because I look upon the question in that light that I voted to lay the amendment on the table, and for the same reason which was so well expressed by the Senator from Alabama, and that is, if I believe an amendment is not proper, is not what it ought to be, I have no scruples to vote to lay it on the table.

So I say to the Senator from Pennsylvania that I sympathize with what I think is the purpose he has in view, but this amendment will utterly fail to accomplish it, in my opinion. There is nothing mandatory here upon the heads of the departments. What we ought to do if we want to do anything is to first put in a prohibition and state that no head of any Government department or the President of the United States, if you please, shall employ or keep in the service of the Government any employee who is guilty of these offenses or guilty of disloyalty, if you please, giving whatever definition you see fit, and it is to be the duty of the heads of the department as soon as they ascertain it from their own information, or as soon as charges are made, to investigate these things, and if they find they are true then the employee shall be removed.

The amendment of the Senator, in my opinion, will utterly fail to accomplish what he intends to do, and I can not vote for it.

Mr. JONES of New Mexico. Mr. President, I believe I had better offer this proposed amendment of mine as a substitute for the amendment proposed by the Senator from Pennsylvania. I have been listening to the debate by the various Senators. I believe there can be no objection to the amendment which I propose, and I believe that it will accomplish all a vast majority of the Senators have indicated they seek to accomplish.

So that it may be understood I will read again the amendment which I offer now as a substitute for the amendment proposed by the Senator from Pennsylvania. Since I prepared the amendment the suggestion was made by the Senator from Tennessee [Mr. SHIELDS] to me that perhaps it was too broad and would include officials in the legislative or judicial branches of the Government, and perhaps that ought not to be done. So I will accept, if it meets the approval of the Senate, an amendment which I have written in here at the suggestion of the Senator from Tennessee. It will then read:

Any employee or official in the executive branch 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.

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

Mr. JONES of New Mexico. I gladly yield.

Mr. NELSON. I have this suggestion to make: If the Senator from Montana will withdraw his amendment, I think the Senator's amendment is in order.

The PRESIDING OFFICER. The amendment of the Senator from Montana has been withdrawn.

Mr. JONES of New Mexico. I understand the amendment of the Senator from Montana has been withdrawn, and therefore I offer this as a substitute.

Mr. LODGE. Let me ask the Senator a question. Does it cover only employees?

Mr. JONES of New Mexico. It covers employees and officials. At the suggestion of the Senator from Tennessee I ask leave to amend my amendment.

The PRESIDING OFFICER. The Chair will state to the Senator from New Mexico that that is not necessary; that he can offer his amendment now in such form as he desires.

Mr. JONES of New Mexico. Very well; I modify my amendment.

Mr. NELSON. I ask that the amendment be read by the Secretary as it reads now.

The PRESIDING OFFICER. The Secretary will read the amendment as modified.

The SECRETARY. In lieu of the words proposed to be inserted by the Senator from Pennsylvania insert the following:

Any employee or official in the executive branch of the United States Government who commits any disloyal act or utters any unpatriotic or disloyal langauge, 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.

Mr. McCUMBER. Mr. President, I think the Senator from New Mexico does not intend this provision to apply to any act that has been heretofore committed, of course. In other words, it is not retroactive in any way. It being in the nature of a quasi-criminal proposition, it will be strictly construed, and, of course, will be prospective in its construction. Therefore, no matter what anyone may have said concerning the Constitution in the past, no matter what criticism he may have leveled at the Constitution or the American Government or the soldiers or sailors of the United States, he would not be removable under the amendment which the Senator proposes.

I do not think it possible or probable, at least, that anyone who has been appointed to any place, so long as he is in close connection with his position and his salary, is very liable to make any such remarks, and therefore the very purpose for which the original amendment is offered is lost sight of, and that is to compel the removal of those persons who may be found in the service of the United States whose mental attitude toward the Constitution is such that they ought not to hold the place.

I will vote against this proposed amendment simply because it does nothing. All it does is to say if a person has been guilty of the offenses for which he should be punishable he shall be removed from office.

Mr. GALLINGER. If the Senator will permit me, the Senator's criticism is well taken. It reminds me of the clerk who, when the administration changed, said no one need suppose he was fool enough not to change his politics as fast as the administration changed. So those now in office are not going to commit these deeds. They are watchful over their speech and conduct. Hence the amendment really amounts to nothing.

Mr. WALSH. Mr. President, before the vote is taken I desire to say a few words, prompted by some remarks of the Senator from North Dakota [Mr. McCUMBER]. So far as the officials referred to in the amendment are concerned, they are appointed by the President of the United States under the provisions of the Constitution, and they are removable by the President of the United States for any cause that he thinks sufficient, even in the case of those officers whose appointment must be confirmed by the Senate. So if the President of the United States, being advised of the fact, thinks the case calls for the removal of the officer, he will be entitled to remove him, notwithstanding the provisions of this act if it becomes a law.

Mr. McCUMBER. I agree with the Senator.

Mr. WALSH. Moreover, Mr. President, it is doubtful whether this act can put any constraint upon the President of the United States and require him to remove an officer for anything described in the act. So far as that is concerned, it is merely suggestive in character. It does not arise to the dignity of a law, because there is no way of enforcing it.

So, Mr. President, with respect to officers whose continuance in service is not protected by law. If Congress has vested the appointment of any officer in the head of a department the power of appointment gives the power to remove for any cause the head of the department deems sufficient. A great many people in the public service are protected or are believed to be protected by the provisions of the civil-service act. The only force of any of these amendments that are proposed is to remove from those now complained of, except in the civil-service act,

the protection of the act so far as the matters to which these amendments refer go. So no one need be alarmed that anyone who may have transgressed in any of these particulars in the past may be continued in office or protected in office if any of these amendments happen to be adopted.

Mr. McCUMBER. There is no question about the power of the President to remove any appointee. I will go further than that and say that notwithstanding our civil-service law the President has the right to remove any of these appointees, and that the civil-service law is merely a suggestion to the President that it is the view of the country as expressed by the Congress that he should not summarily remove them without proper cause. He would not be compelled to abide by that.

All this amendment does—and I am speaking of the amendment of the Senator from Pennsylvania—is a suggestion to the President that he should remove from any office anyone who has heretofore held such opinions concerning the Constitution of the United States and our form of government as would make him practically unfit to hold his position. That is all that it can be, in my opinion.

The amendment to that amendment, offered by the Senator from New Mexico, tends to excuse those who held those views prior to the entrance of this country into the war. I do not believe that any man can so suddenly change his views with reference to the Constitution of the United States and the character of our form of government that it changes his whole opinion simply because we are in a war. The question of the Constitution and the question of whether we are righteously in this war are two separate and distinct questions.

I do not think the Senator would claim that an anarchist, even though he would be very loyal to this Government, ought to hold a position under it, or that a person who believes that we ought not to have a republican or representative form of government, but that we ought to have an autocracy, should be an officeholder under the Government. If persons had those views prior to the war they probably will continue those views during the war.

Mr. JONES of New Mexico. I, of course, realize the force of what the Senator from North Dakota has said. I am in sympathy with nearly all that he has said. But we want to keep a larger class of people in Government service than that indicated by the Senator from North Dakota, and I submit that things have been done in the past which were in the twilight zone that are not of sufficient magnitude to justify us in going back and drawing fine distinctions as to what would have been considered patriotic or disloyal at that time.

Mr. McCUMBER. Let me say to the Senator you already have provided in the amendment offered by the Senator from Pennsylvania or the Senator from New Mexico for the punishment of those people who make such utterances. I assume that if you prosecute them—and they can be prosecuted even though they hold a public office—and if prosecuted for disloyal sentiments, they will not hold their office after an indictment has been urged against them. So it is unnecessary for that purpose. The only purpose there can possibly be is the purpose to reach those who have convictions not concerning loyalty, but convictions concerning the Government of the United States and our Constitution which render them unfit to hold a position under it.

Mr. OVERMAN. I said to the Senator from New Mexico when he introduced this amendment, several days ago, that I did not object to it, and therefore I hope it will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute of the Senator from New Mexico [Mr. JONES] for the amendment of the Senator from Pennsylvania [Mr. PENROSE].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. LODGE. I offer the following amendment to the bill as a new section.

The PRESIDING OFFICER. It will be read.

The SECRETARY. Add at the end of the bill a new section, as follows:

SEC. —. 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, 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, or pamphlets.

Mr. OVERMAN. I am glad to accept that amendment, as far as I am concerned.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. NELSON. I am opposed to the amendment.

Mr. OVERMAN. I accept it, as far as I am personally concerned.

Mr. LODGE. Mr. President, I only want to say this word: I have always believed, and believe now, that the great mass of the citizens of this country of German extraction are as thoroughly loyal as any other class of citizens. We see their names in the casualty lists every day, and the great mass of them speak English. Some of them speak no other language except that of the United States.

This amendment of mine simply carries out and puts into law the regulation of the Post Office Department at this moment. German is the enemy's language. Many of the papers, judging from extracts that I have seen, have gone to the very verge of disloyalty and over it. I think it is only a protection in the direction of this bill that there should not be papers published in this country in the enemy language containing disloyal utterances in a language which the great mass of the people of the country can not understand. If we are to have a foreign-language newspaper in this country in this time of war that is published in the enemy language it ought to be accompanied by an English translation, so that we may know what they are doing.

Mr. FALL. I wish to ask the Senator a question. Why should we discriminate as to the German language alone?

Mr. LODGE. It is enemy language.

Mr. FALL. Is not the Austrian enemy language? In my judgment, the Turkish is enemy language; the Bulgarian is enemy language.

Mr. LODGE. Austria has no universal language. It has something like 17 languages.

Mr. FALL. Very well. Then are not the 17 languages in Austria exactly on the same plane?

Mr. LODGE. No. All the Austrian Germans are our enemies. I do not think there are more bitter foes of Germany in the world than the Bohemians are. They are ardent against them. I do not want to interfere with other languages; I want to interfere only with the enemy language, which is the language of the German Empire.

Mr. FALL. Mr. President, I shall vote against the amendment for that very reason. I want to interfere with the sending of literature through the United States mails in any other than the English language, or, at least, not permitting the literature to go through the mails in any other language unless accompanied by a translation. Unfortunately I do not understand as many languages possibly as the Senator from Massachusetts, and I want to have the original and the translation published side by side. This is an English-language country, it is an American country. It is not an Austrian nor a Bohemian nor a Slav country nor a Turkish country nor a Bulgarian country. It is an American country and English is the language of the country, and the use of our mails should be permitted to English literature or, at least, a translation in English; it makes no difference in my judgment what language may be used. If you confine this proposition simply to the German language I certainly will not vote for it.

Mr. NELSON. Mr. President, I am utterly opposed to this amendment, and I shall briefly state my reasons. During the last Congress we passed legislation giving the Post Office Department full power to regulate this matter of foreign newspapers. I voted for that and I am heartily in favor of it. The Post Office Department have laid down rules under which loyalist papers which have shown their loyalty, and have always been loyal, can go on and publish in their own vernacular language any news pertaining to the war or the progress of the war, but it has always held that those papers that are not loyal must publish a translation of any article of that kind in English.

Mr. GALLINGER. If the Senator will permit, the law was passed at the last session.

Mr. NELSON. I think so.

To my mind, Mr. President, this is a direct insult to the large German population in this country. While there are some among them who are not loyal the bulk of them are as loyal as those who are native born.

I object to this amendment because it segregates the German from all other foreign newspapers. If the amendment covered all newspapers published in foreign languages I would not look upon it as a discrimination.

Mr. President, in my neighborhood 60 miles from where I live is the small city of St. Cloud. The Catholic bishop of that diocese lives there. He is a native of Minnesota, but of German descent, Bishop Busch. He is as patriotic and as loyal as any man who is descended from any pilgrim who landed at Plymouth Rock. Two months ago he issued a patriotic pastoral letter to all the priests of his diocese, directing them to read it at the morning service on the ensuing Sunday. He is publishing a newspaper partly in English and partly in German, of

which he has sent copies to me. That bishop has done more good with his paper and through his actions than any other man I know of in that community. I have a right to speak in this way, because I have been brought up as a believer in the Lutheran faith. I should have been glad if all the Lutheran ministers had been as loyal and as patriotic as has been the Bishop of St. Cloud. It is because this proposition will be considered an insult to the people of German descent in this country, because we segregate their language from all the other languages in the country, that I oppose this amendment.

Mr. President, I read this morning a list of the names of the men who have fallen in France, those who have died in battle, those who have died in the hospitals, and those who have been wounded, and I was impressed with the great number of German names. That was as plain as could be. We shall have in the Northwest, in the State of Minnesota and other States, a large body of young men under the selective draft who will join our Army in France to fight in the trenches and in the open field. I do not want anything done to discourage them or to arouse a feeling in this country among the Germans that, as a body, we classify them as black sheep in the American Republic. I want to leave as wide open and as free to them the door of loyalty and patriotism as it is to any other class of our citizens.

So, Mr. President, to my mind, the amendment proposing to segregate the German language from all other foreign languages makes an invidious and unjust discrimination and is a slap in the face of our loyal German citizens in this country.

Mr. McKELLAR. Mr. President, I ask that the amendment may again be read.

The PRESIDING OFFICER. Without objection, the amendment will be read.

The SECRETARY. At the end of the bill, following the amendment already adopted, it is proposed to insert a new section, as follows:

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, 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, or pamphlets.

Mr. McKELLAR. Mr. President, I want to ask the Senator from Massachusetts, Does this amendment apply merely to the duration of the war or does it relate back to prior years?

Mr. LODGE. I only intend the amendment to apply now, during the war.

Mr. McKELLAR. On its face I do not believe it will have that effect.

Mr. LODGE. I have no other intention. The amendment is entirely prospective, in my judgment.

Mr. McKELLAR. And to operate only during the war?

Mr. LODGE. I do not think it could be retroactive.

Mr. McKELLAR. Does not the Senator think it would be better to say "during the period of the war"?

Mr. LODGE. I am perfectly willing to limit it in that way.

Mr. McKELLAR It seems to me it ought to be limited to the period of the war.

Mr. LODGE. I am perfectly willing to so limit the amendment if the Senator from Tennessee desires to add those words.

Mr. McKELLAR. I should like to have the Senator make that modification in his amendment.

Mr. LODGE. I ask the Secretary to so modify the amendment.

The PRESIDING OFFICER. The Secretary will state the modification of the amendment now proposed by the Senator from Massachusetts.

The SECRETARY. In line 1 of the amendment, after the word "mail," it is proposed to insert "during the period of the present war," so as to read:

The use of the mails during the period of the present war shall not be permitted—

And so forth.

Mr. LODGE. That will cover it.

Mr. HARDING. Mr. President, I desire to ask the Senator from Massachusetts, Is it the intention to exclude from distribution through the mails religious pamphlets, tracts, and other issues of societies?

Mr. LODGE. It is not my intention to exclude anything from the mails that carries an English translation with it.

Mr. HARDING. Mr. President——

Mr. LODGE. If the Senator from Ohio desires to speak, I will yield to him.

Mr. HARDING. I should like to say a word, if I may.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. HARDING. Mr. President, I think I feel as keenly as does the Senator from Massachusetts the necessity of making this Republic an English-speaking Republic. I am as anxious, as is he, to provide against the utterance or distribution of disloyal sentiments through any sort of publication issued in the German language. I asked my question with one particular thought in mind. I happen to be familiar with a very well-established and highly loyal religious organization, which is probably doing as much toward the Americanization of the foreign born of this Republic as is any agency in the United States, and I am wondering if we would not defeat the purpose we have in mind if we undertake to go so far as this amendment proposes at this time.

Quite apart from the prohibition on the religious organizations of this country, we have actually encouraged throughout the United States, particularly in my State, the publication of foreign-language newspapers.

Mr. LODGE. Mr. President, if the Senator from Ohio will allow me, I desire to say that I have no possible objection to exempting religious, scientific, or educational publications. My object is to reach the political and the news columns; indeed, those are pretty well reached in the law now.

Mr. HARDING. Well, Mr. President, I am glad that the Senator from Massachusetts has that thought in mind. I should welcome to his proposed amendment a modification of the language such as he has just suggested.

Mr. LODGE. I have no objection to that.

Mr. HARDING. But let us go a step further. As was pointed out by the Senator from Minnesota [Mr. NELSON], we have already enacted a law requiring that the German-language newspapers shall not have access to the mails during the war, except on a license issued by the Post Office Department or by an accompaniment to every editorial article of an English translation.

Mr. LODGE. It applies to all foreign-language newspapers.

Mr. NELSON. If my friend will allow me to correct him, it applies not only to German papers but it applies to all papers which are published in foreign languages.

Mr. HARDING. I stand corrected. I only had the thought in mind that the particular application of the law has been in relation to German newspapers; and because of the fact that I represent a State with a great many German-language newspapers I have been brought into more or less intimate knowledge of the operations of the Post Office Department in that regard. I happen to know that licenses to use the mails, without weekly or daily inspection, have been very grudgingly granted; and in every case where there has been the slightest suspicion of disloyal or seditious utterances licenses have been altogether withheld.

Now, I am opposing no restriction along that line which safeguards public sentiment in this country. I am willing to go much further. I am perfectly content to go on record now and say that the day is near at hand when the making of a really American Republic demands that we have a one-language Republic; but I seriously doubt if it will contribute to the concord of the American spirit at this time to turn and place the ban on all foreign-language newspapers when we are seeking the cooperation and concord and patriotic spirit of all the people in this country, no matter what their origin.

I know of very many German-language newspapers which carry the finest utterances of American devotion and loyalty that are printed anywhere in this land. I have not the slightest doubt that there are many abuses; I have not the slightest doubt that many a traitor is hiding behind the camouflage that is contained in many of these publications. I am wondering, however, if this drastic step at this time—and it is a drastic step—will not bring us more embarrassment than it will accomplish of good. If the Senator from Massachusetts and others who think as doubtless he does, and as I cordially agree, will at another time, when the country is less torn and rent with dissension than it is to-day, will take up the basic proposition of making this an English-speaking Republic, I want to join him in that movement; but I very much doubt the wisdom of going so far as is proposed at this particular time. In any event, if the amendment proposed should prevail, I most urgently suggest that there be such a revision of the amendment made as will exempt religious publications, so that societies which are contributing earnestly and notably to the Americanization program will not be hampered by this provision.

Mr. LODGE. Mr. President, of course I have not the slightest desire to interfere with publications of the character which the Senator from Ohio [Mr. HARDING] suggests, but when the Senator from Minnesota [Mr. NELSON] speaks about discriminating against the Germans in this country, I desire to say that they demand a privilege, and that is that they shall not speak the language of the country. I believe the great mass of the Germans in this country are thoroughly loyal; I repeat that. I have seen their names in the casualty lists from the battle

front in France; and I believe them to be absolutely loyal and to represent the great mass of their people. The great mass of their people, however, read English, and many of them who even bear German names read nothing else. The people who do not read English and who want to have newspapers printed in German are the people who have never learned the language of their adopted country or who have never become naturalized.

Mr. President, I believe that language is one of the greatest bonds of union; perhaps the most powerful possible bond of union. I do not believe you can ever thoroughly unite a polyglot republic. You can see that to-day in Austria, with her 16 or 17 languages. Language, I repeat, is one of the greatest of all possible bonds, and the Senator from Ohio knows as well as I do that a general proposition to get rid of all these newspapers printed in foreign languages—he must know it—could never be accomplished in ordinary times. Political pressure would be altogether too great to permit it.

I aim this amendment against the German-language newspapers, not because I want to discriminate against loyal Germans; I have no thought of that sort; but I am trying to carry out what I believe to be the purpose of this bill; that is, to crush out disloyalty and sympathy with Germany.

Germany is our enemy. What is the use of splitting hairs over Turkey and Bulgaria that, to begin with, have no newspapers in this country? Our enemy is Germany, and the German language is the language of the enemy that is threatening the existence of this Government and of every ideal that this country holds dear. When such newspapers discuss politics or print the news in the German language in this country, I want to know in the language of this country what that news is and what those political sentiments are.

I had forgotten, I frankly confess, how explicit the present law is, but I think it is a little too narrow. I want to stop the disloyalty that this bill aims to stop. I have heard very ardent expressions of intention to reach the so-called soap-box orator, the man on the corner, and this man and the other man who is making all kinds of remarks, but if he is allowed to veil his remarks in the German language we have apparently no desire to reach him.

I think, Mr. President, we ought to be able at least to know what is being said in the enemy language. Some of these people are loyal. I have no desire to strangle a religious or scientific or educational publication, and still less a loyal paper, but there is no way of getting at the disloyal ones—and there are plenty of those—except through the post office and by making a test. That is the reason I introduced the amendment, and the only reason.

Mr. KING. Mr. President, I am in substantial accord with the views expressed by the Senator from Ohio [Mr. HARDING]. The method of dealing with the foreign-language press presents many serious questions. At the outset an important question is as to the power of the Federal Government to legislate in respect to the press. That question engaged the attention of Congress at the time the alien and sedition laws were passed. Senators are familiar with the contentions then made, as well as the position taken thereafter by those opposing such enactments. It was broadly contended by Mr. Madison that the States, under their police powers, alone could deal with the press; that the Federal Government had no power to enact police regulations; and the inhibitions found in the amendments to the Constitution prohibited Congress from abridging the freedom of speech or of the press. I do not intend discussing the constitutional question involved in the consideration of the bill before us nor the legal questions that might be raised by the amendment just offered by the Senator from Massachusetts. There can be no question, however, as to the power of Congress to regulate the entire Postal System of the country and designate what may or may not be carried in the mails. In the case of In re Rapier, One hundred and forty-third United States, page 110, it was clearly pointed out that to refuse the facilities for the distribution of matter deemed injurious by Congress to the public morals was not any interference with the freedom of the press or with any of the rights of the people. As I remember the case, the opinion of the court went further, and in effect held that Congress has the discretion to determine what it will permit to be carried through the mails of the United States, and what it may exclude. The same doctrine was held in the case of Ex parte Jackson, Ninety-sixth United States. So, I think there can be no question but what Congress has the power to enact legislation of the character suggested in the amendment offered by the Senator from Massachusetts.

It is not necessary to invoke the war power of the Federal Government to support the proposition, although it can be argued with great force that under the war power the foreign-language press might be denied the use of the mails. Certainly, if Congress were of opinion that the newspapers published in the German or any other language were disloyal, or that their publication and dissemination were inimical to the interests of the Nation in the prosecution of the war, such publications could be excluded from the mails. By this statement I do not mean to be understood as contending that Congress would have no other method of dealing with disloyal publications or newspapers whose utterances impeded the great war undertaking of our country.

Several months ago I gave some little attention to the foreign-language press of the United States and considered at that time the question as to whether there should be legislation looking to its suppression. Numerous complaints were made, not only to me but to other Senators, that many of the newspapers published in foreign languages within our country were either openly seditious and disloyal or in a subtle and sinister way were opposing the war and the efforts of our Nation to prepare for the great contest. I receive many letters urging that Congress enact laws prohibiting the publication of any newspaper in the language of any country with which we were at war. Many of the letters which I received in relation to this question urged that now was the proper time to destroy all foreign-language newspapers. The contention was made that the publication of so many newspapers in other languages tended to prevent unity and assimilation, and, upon the contrary, directly contributed to separatist movements, and was calculated to maintain racial lines, the result of which was and would be a divided and polyglot population. In August of last year I introduced a bill, S. 2781, which provided that—

> It shall be unlawful for any person to print or publish in the German or in any language other than the English language, any comments respecting the Government of the United States, its policies, international relations, the state or conduct of the war, or of any matter relating thereto without printing or publishing in a column parallel to such matter a true and complete translation of the same in the English language.
>
> Any print or publication in German or any other foreign language which does not conform to the provisions of this act shall not be admitted to the mails, and it shall be unlawful for any person to transport, carry, or otherwise publish or distribute the same.

A violation of the provisions of the bill was to be punished by penalties which were set forth in another section of the measure.

When the Senate was considering the act to define, regulate, and punish trading with the enemy, I offered the bill which I had introduced as an amendment, and it was accepted by the Senate. After the bill passed the House it went to conference, and in conference the subject was further considered. As the bill finally passed and became a law it contained the following provision:

> SEC. 19. That 10 days after the approval of this act, and until the end of the war, it shall be unlawful for any person, firm, corporation, or association to print, publish, or circulate, or cause to be printed, published, or circulated in any foreign language, any news item, editorial, or other printed matter respecting the Government of the United States or of any nation engaged in the present war, its policies, international relations, the state or conduct of the war, or any matter relating thereto: *Provided*, That this section shall not apply to any print, newspaper, or publication where the publisher or distributor thereof, on or before offering the same for mailing, or in any manner distributing it to the public, has filed with the postmaster at the place of publication, in the form of an affidavit, a true and complete translation of the entire article containing such matter proposed to be published in such print, newspaper, or publication, and has caused to be printed, in plain type in the English language, at the head of each such item, editorial, or other matter, on each copy of such print, newspaper, or publication, the words "True translation filed with the postmaster at ——— on ——— (naming the post office where the translation was filed, and the date of filing thereof), as required by the act of ——— (here giving the date of this act)."
>
> Any print, newspaper, or publication in any foreign language which does not conform to the provisions of this section is hereby declared to be nonmailable, and it shall be unlawful for any person, firm, corporation, or association to transport, carry, or otherwise publish or distribute the same, or to transport, carry, or otherwise publish or distribute any matter which is made nonmailable by the provisions of the act relating to espionage, approved June 15, 1917: *Provided further*, That upon evidence satisfactory to him that any print, newspaper, or publication, printed in a foreign language may be printed, published, and distributed free from the foregoing restrictions and conditions without detriment to the United States in the conduct of the present war, the President may cause to be issued to the printers or publishers of such print, newspaper, or publication a permit to print, publish, and circulate the issue or issues of their print, newspaper, or publication, free from such restrictions and requirements, such permits to be subject to revocation at his discretion. And the Postmaster General shall cause copies of all such permits and revocations of permits to be furnished to the postmaster of the post office serving the place from which the print, newspaper, or publication granted the permit is to emanate. All matter printed, published, and distributed under permits shall bear at the head thereof in plain type, in the English language, the words, "Published and distributed under permit authorized by the act of ——— (here giving date of this act), on file at the post office of ——— (giving name of office)."
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> Any person who shall make an affidavit containing any false statement in connection with the translation provided for in this section shall be guilty of the crime of perjury and subject to the punishment provided therefor by section 125 of the act of March 4, 1909, entitled

"An act to codify, revise, and amend the penal laws of the United States," and any person, firm, corporation, or association violating any other requirement of this section shall, on conviction thereof, be punished by a fine of not more than $500 or by imprisonment of not more than one year, or, in the discretion of the court, may be both fined and imprisoned.

I have taken the trouble to inquire from time to time how the act just mentioned operated, and have been informed by a number of officials in the Post Office Department that it has worked in a most satisfactory manner. Under its provisions a number of disloyal publications have been excluded from the mails, as a result of which they have been discontinued. Other newspapers, whose columns had been filled with violent and unjust criticism of the Government and whose policies were calculated to hinder our country in the prosecution of the war, changed their policies—in part, at least—and have become less bitter and denunciatory. It is true that there are many foreign-language newspapers in the United States that are still foreign and not American. It is unfortunate that there are so many foreign-language newspapers published in our country. It is very regrettable that all who have come from other lands have not more quickly taken on the thoughts and ideals and language of their new home. It can not be denied but what there are those living in our midst who desire to preserve in this land the language of their native lands and who resist assimilation and absorption into the great national stream of our country. It is not my purpose at this time to discuss the evils which result from the maintenance of racial lines and the efforts to superimpose upon this land the culture or language or ideals and aspirations of Germany or any other foreign nation.

But I want to add that the time has come when there must be unity and homogeneity. This must be a nation, not many nations—one people, not many peoples. This is America, not Germany, or Austria, or any other nation. Our Government and its institutions, its aspirations, ideals, and mission are different from that of other nations, and those who come here and are welcomed into the family of this Nation must be Americans in all that the word implies. They can not be German-Americans or Irish-Americans or any other kind of Americans. The day is past for any sort of divided allegiance. This must be a united country—there must be one people and one flag. Those who are not for our country and for our flag are enemies and should be dealt with as such. But, referring to the amendment offered by the Senator from Massachusetts, in my opinion it is not necessary and will not be as effective as the present law. Under the existing law the foreign-language press is held in leash and its conduct subject to careful scrutiny. If a paper is loyal and known to be such, it is not subjected to any inconvenience because it can obtain a license; but if it is distrusted or its policy is equivocal, then it must file with the postmaster at the place of publication a true and complete translation of the entire article which deals with the Government or any nation engaged in the present war, its policies, international relations, the state or conduct of the war, or any matter relating thereto. The postmaster is given power to deal in an effective way with the entire foreign-language press.

Mr. LODGE. If the Senator will allow me, the trouble with that is not with the definition the Senator has read, but the matter is left entirely to the decision of the Postmaster General.

Mr. KING. Yes.

Mr. LODGE. The matter is handled in secrecy; the Postmaster General, or his agents, pass on the translation, and there is no opportunity for any public judgment or any judgment such as is carried in this proposed amendment for the protection of the citizen. I think, however, that that act might be amended in such a way as to meet very well the purpose I have in mind.

Mr. HARDING and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Utah yield; and, if so, to whom?

Mr. KING. I yield to the Senator from Ohio, who I think addressed the Chair first.

Mr. HARDING. Mr. President, I wish to say, with the Senator's permission, that the criticism of the Senator from Massachusetts scarcely holds good, because, even if his amendment were adopted, the Post Office Department would still have the discretionary power to pass upon the accuracy of the translation of the German text.

Mr. LODGE. I think that is a trifling matter, for the translation would appear so that all could read it.

Mr. HARDING. But it would still be under the direction of the Post Office Department.

Mr. LODGE. I think the Senator, perhaps, is assuming that the translation would not be an accurate one, that there might be some fraud, which is improbable, because so many people understand the two languages.

Mr. HARDING. If the administrative or executive officers sought to play favorites or be unduly exacting, he would have the opportunity under the one provision as well as under the other.

Mr. LODGE. Does the Senator think the officer would so act?

Mr. HARDING. I would rather not testify.

Mr. LODGE. Mr. President, I feel I owe the Senator from Utah an apology for interrupting him.

Mr. KING. Not at all. The Senator from Idaho [Mr. BORAH] rose; and if he desires to interrupt me I shall be glad to yield.

Mr. BORAH. I was going to say that my fear in regard to the amendment offered by the Senator from Massachusetts [Mr. LODGE] is that it does not furnish a sufficient method of discriminating between loyal and disloyal publications without at the same time imposing the same burden of printing in English upon loyal publications that is imposed upon disloyal ones. I think I am in thorough sympathy with the object which the Senator from Massachusetts has in view, namely, to encourage the use of but one language, and that is our own language, in this country and to bring under our language all our people; but at this time I confess I do not like the idea of putting upon the German paper the burden of publishing in English whether the paper is loyal or disloyal. I only want to reach the disloyal people wherever they come from and whether they belong to one nationality or to another. I do not want to assume that these people are all of such questionable loyalty that this burden should be imposed upon them, because I know, as the Senator from Massachusetts has said, and as we all know, that the great mass of the German citizens of this country are perfectly loyal; and if they were let alone by the propagandists, the small per cent of agitators, they would practically all be loyal. There are a small per cent of disloyal German citizens, but I am morally certain that the great mass of the German people in this country are perfectly true to the American cause. Let us not discriminate against men because they are Germans, but make our discrimination upon the question of loyalty and disloyalty. We do not care where a man comes from or where his ancestors were born. The question is, Is he loyal? If he is loyal, let us deal with him as we deal with all other Americans.

Mr. NELSON. Mr. President, will the Senator from Utah allow me just a moment?

Mr. KING. I yield to the Senator.

Mr. NELSON. I beg leave to state that I voted for the law which the Senator from Utah has just quoted, and I was heartily in favor of it.

Mr. KING. I knew that the Senator from Minnesota supported it, and I have felt that it would accomplish much good in suppressing disloyal publications. As I have already said, it has proved a most effective weapon in dealing with seditious foreign-language newspapers. I concede that there is still much to be desired from the class of newspapers just mentioned. Many of them are negatively loyal; others are sullen and resentful; many graze the edge of treason and disloyalty in every issue. Some devote much space to a denunciation of our allies, particularly Great Britain. Others belittle the power and ability of this Nation to conduct a great war. It is clear that some of these papers have but little sympathy with our country, while others are hostile to every government.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

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

Mr. GALLINGER. To-day I have been examining that law, having somewhat lost track of it; indeed, I think I was absent because of illness at the time it was passed. It seems to me that if that statute does not fully cover the case we could easily amend it so as to provide against any contingency. I think it is rather a dangerous thing, Mr. President, for us to impose this burden upon the German-language newspapers. It is practically asking them to print two newspapers; and I presume it would wipe out most of them, for they could not well afford to do it.

I am quite in sympathy with the view which the Senator from Massachusetts holds, that we ought to Americanize our language as far as possible; and yet there are certain nationalities in this country that would strongly resist it at the present time, not only Germans but other nationalities; for instance, in my own section of the country, French Canadians, who form a very numerous part of our population and who subscribe to newspapers printed in their own language, most of them printed in Canada. So I think we are on rather dangerous ground when we demand that the German-language newspapers shall be printed in two languages; and believing, Mr. President, as I do, that the law which the Senator from Utah has very wisely read, which we enacted last year, can easily be amended if it becomes necessary, I hope the Senator from Massachusetts will withdraw his amendment.

Mr. LODGE. Mr. President, if the Senator from Utah will allow me——

Mr. KING. I yield.

Mr. LODGE. I have listened with attention to what has been said, and I confess that the point which has been made that the amendment as I have drawn it will confound the innocent and the guilty, the disloyal and the loyal, and will put an immense burden, which I would be the last to wish to put, upon the loyal papers, which I have no doubt are in a majority, has convinced me that the amendment is not desirable or right in its present form, and I ask leave to withdraw it.

Mr. KING. Before taking my seat I wish to make one observation.

Mr. KNOX. Will the Senator permit me to interrupt him for a moment?

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

Mr. KNOX. I think one of the mistakes that we make in this connection is to assume that papers that are published in the German language are German papers even in the sense that they are owned by Germans. I happen to know of one particular newspaper, with a very large circulation and printed in the German language, which has 32 stockholders, 28 of whom are native-born citizens of the United States and the other 4 naturalized citizens, and more than 50 per cent of the stockholders are of Anglo-Saxon origin. This newspaper is a tower of strength in the community in which it is printed, because there are there a great number of Germans. It is as loyal as it can be, loyal to the core, and is going to a class of people who are reading patriotic literature published in their own language.

Mr. KING. Mr. President, the loyal Americans are aroused over the pernicious activities of the disloyal foreign-language press as well as the well-nigh treasonable utterances of some newspapers published in the English language. There are a number of extreme Socialist papers and others of an anarchistic nature published in the English language. They are not only un-American, but are seeking the destruction of our Government and of all governments. Our Nation, which has welcomed with generous warmth the downtrodden and the oppressed from all lands, has received ingratitude at the hands of those whom it has sheltered and protected. There are those who seek the destruction and the overthrow of our country who have been the beneficiaries of its humane and just laws and policies. There are some who have come from beyond the seas and sworn allegiance to our Constitution and our flag who are strangers still to our form of government and who rejoice when the sorrowful news is brought to our shores that our bitter and implacable foe has been successful in some military endeavor. Demands are frequently made by loyal Americans that all disloyal newspapers shall be suppressed and that no publication shall be permitted in our country, at least during the war, other than in the English language. I have received hundreds of letters during the past six months from all sections of our country insisting that Congress shall not only deny the use of the mails to foreign-language newspapers but shall absolutely prohibit their publication. Some time ago I introduced a bill, being S. 3529, which reads as follows:

SECTION 1. That on and after July 1, 1918, and until the end of the present war, no newspaper, magazine, news item, editorial, or other matter printed, mimeographed, or otherwise reproduced in the language of any country, or part thereof, with which the United States is at war, or printed, mimeographed, or otherwise reproduced in the languages of any country, or part thereof, allied or associated in war with any country with which the United States is at war, shall be deposited in or carried by the mails of the United States or be delivered by any postmaster or letter carrier: *Provided*, That this section shall not apply to any print, mimeograph copy, or other reproduction brought or sent into the United States from any foreign country. Whoever shall knowingly deposit or cause to be deposited in the mails, or shall knowingly take or receive or cause to be taken or received from the mails anything herein forbidden, shall be fined not more than $5,000 or be imprisoned at hard labor for not more than five years, or both, at the discretion of the court. Whoever shall deposit or cause to be deposited in the mails any matter herein forbidden to be carried by mail may be tried and punished either in the district in which such matter was mailed or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person or concern to whom it was addressed.

SEC. 2. That whoever shall knowingly deposit or cause to be deposited with any express company or other common carrier for carriage, or shall carry from one State, Territory, District, or possession of the United States to any other State, Territory, or possession of the United States any newspaper, magazine, news item, editorial, or other matter printed, mimeographed, or otherwise reproduced in the languages of any country, or part thereof, with which the United States is at war, or printed, mimeographed, or otherwise reproduced in the languages of any country, or part thereof, allied or associated in war with any country with which the United States is at war, or shall knowingly take or receive or cause to be taken or received, from any such express company or other common carrier, any such newspaper, magazine, news item, editorial, or other matter so deposited or transported, shall be fined not more than $5,000, or be imprisoned at hard labor for not more than five years, or both, at the discretion of the court: *Provided*, That the provisions of this section shall not apply to any print, mimeograph copy, or other reproduction brought or sent into the United States from any foreign country.

SEC. 3. That all acts or parts of acts in so far as they are inconsistent with this act are hereby repealed.

I am frank to say that this bill does not fully represent my views, and I am not sure that I would vote for so drastic a measure. I felt, however, that the subject should receive consideration at the hands of the Judiciary Committee, and therefore offered the bill just referred to. It is now pending before the Judiciary Committee, and I feel sure that that committee will examine into the question with care and in the light of all conditions existing, with the view of determining whether that or any other measure of similar character is required to meet conditions existing in our country. Personally I know that there are many loyal newspapers published in other than the English language in our country. There are many newspapers published in the German language whose loyalty to our country can not be questioned, and they are doing a splendid work among their readers. Of course, it is to be regretted that those who subscribe to these papers do not read papers published in the English language. It is to be regretted that there are so many foreign-language newspapers published in the United States. Efforts should be made by the States to educate those who come from other lands in the English language, so that the necessity for a foreign-language press may not exist. I do not mean to disparage the cultural advantages resulting from a knowledge of foreign languages, but I do insist that it will be better for our country and make for greater unity and strength if all our citizens know and speak the English language. This is an English-language Nation, not a German-language Nation, or an Italian-language Nation. I have been surprised to find that in some States laws require the publication of certain legal notices in the German language. As I have stated, any plan which is opposed to the solidarity of all our people should meet with stern and relentless opposition. There are a number of French newspapers published in our country that have exerted a powerful influence for good among their readers. The same can be said of some newspapers published in the Norwegian, Danish, and Swedish languages. It might be very unwise to strike these newspapers down at the present time; indeed, with my present views I would not support a bill to prohibit the publication of all foreign-language newspapers; but, as stated, the question, I believe, will be fairly and exhaustively considered by the Judiciary Committee. I believe that the bill which is now under consideration, if it becomes a law, together with the statutes which we now have, will enable the Government to deal effectively with the disloyal press of our country.

The sentiments against papers published in the German language is partially the result of the efforts made by Germany to control those countries into which Germans have gone. There is a feeling among the American people that Germany has sought to control the policies of other nations by maintaining a sort of imperium in imperio. There is much evidence to support the contention that Germany attempted the colonization of certain Provinces of Brazil with a view to making Brazil, or a part of that country, a colony of Germany. A powerful movement in Germany has been under way for years to Germanize other lands and to extend German control and influence over our Republic.

The Pan-German League has for years waged an unceasing warfare in behalf of "Deutchtum." This organization has boldly sought to control the Germans in Austria and influence Austria's political life. It has also aimed at world dominion in behalf of Germany. For years it has had the active support of the German Government and has attempted a propaganda in this country, as in other countries into which German people have gone. The purpose of that propaganda was to maintain a separatist movement, to keep Germans who went into South America or into the United States or elsewhere as Germans, as German nationals, to prevent assimilation or absorption; to impose upon other peoples German kultur, German ideals, and in the end the German rule.

A considerable portion of the German press of the United States has been a tool in the hands of this Pan-German movement, and has sought to prevent the Americanization of the Germans who have come to this country. In some States strong efforts have been made to control the schools in the interest of this separatist movement and in harmony with the Pan-Germanic scheme. It was thought that the teaching of the German language in the schools would tend strongly to develop the German ideals and superimpose German kultur upon the American people. This movement has sought to influence political thought and action in our country and has strongly resisted the melting process, so essential to national unity and strength.

It may be that in the near future Congress may feel constrained for the good of our country to pass some act dealing in a more comprehensive manner with foreign-language newspapers. I desire to state that some of the most disloyal newspapers published in the United States are those published in

the Italian and Russian languages, and in the so-called Yiddish language. There are a number of anarchistic newspapers published in the Italian language, and a considerable number published in the Russian language; these publications are more opposed to our Government and are far more sinister in their purposes and in their consequences than any of the German publications in the United States. Certainly there should be no suppression of German papers if these are permitted to exist.

Mr. GALLINGER. Mr. President——

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

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

Mr. GALLINGER. The law that the Senator has read, and very properly read, covers all those publications.

Mr. KING. Oh, yes.

Mr. GALLINGER. If the Postmaster General does his duty, as I have no doubt he is trying to do, he will have all those newspapers examined; and if he finds that they are committing acts against our Government that are prohibited by the statute which we are about to pass, of course they will be forbidden the use of the mails.

Mr. KING. May I say to my friend in reply, though, that some of these newspapers are disseminated in other ways than through the mails. For instance, the Tageblatt, published in Philadelphia. It has been excluded from the mails, but nevertheless it is now issuing about 10,000 copies and distributing them to the people through other instrumentalities than the mail. It is a paper which has been disloyal and is still disloyal and hostile to this country and to the cause of liberty, for which it is making supreme sacrifices. The influence of this subtle and sinister paper is for evil; it is an ally of our enemies.

Mr. GALLINGER. Then a few words added to the existing law would cover that, would they not? The Senator could easily frame language that could cover it.

Mr. KING. Yes; I think that could be done.

Mr. LODGE. Mr. President, if the Senator will permit me——

Mr. KING. Certainly.

Mr. LODGE. The newspaper he has described surely will be caught under the law we are now passing.

Mr. GALLINGER. Yes; I think so.

Mr. LODGE. It includes printing, publishing, and uttering. That is the kind of newspaper I want to get at; and I think this law will reach that, because it covers printing, uttering, and publishing.

Mr. KING. I think the Senator from Massachusetts is right; and the bill which we are now discussing, if it passes in substantially its present form, will reach some of the traitorous and disloyal newspapers now being published in our midst. There are a number of papers of this character which are excluded from the mails, but continue their poisonous work by other means of distribution.

Mr. HARDING. Mr. President——

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

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

Mr. HARDING. I will ask the Senator from Utah if he does not think the Philadelphia publication to which he has just made reference might be closed under an Executive order?

Mr. KING. Under what statute, may I inquire of the Senator from Ohio?

Mr. HARDING. I can not specify the statute; but under such an Executive order, for instance, as President Lincoln issued closing some very eminent New York papers during the Civil War.

Mr. KING. Let me say to the Senator from Ohio that one of the attorneys for the Government who aided in the prosecution of the Tageblatt editors a few days ago—and they were acquitted by direction of the court—called at the Senate Office Building this morning to see me, for the purpose of urging that legislation be enacted that would enable the Government to meet the situation and mete out justice to the viperous and traitorous publications menacing the peace and tranquillity of the people. The Tageblatt was published for months, carrying on a wicked and alien campaign against our country, and yet the publishers and editors were so covert and so subtle that they could not be convicted of treason. They were indicted under the treason statute, but the prosecution failed. The attorney just referred to stated to me that he could find no law by which the publication of that paper could be prohibited or the editors prosecuted.

Mr. HARDING. The Senator is aware, is he not, that under his military authority President Lincoln stopped the publication of certain newspapers?

Mr. KING. Oh, I know that President Lincoln ordered the military authority to prohibit the publication of a number of newspapers, and it was done. Gen. Burnside issued a number of orders suspending the publication of some very important newspapers in the United States; and other military commanders acting under general, and in some cases special, authority prevented the publication of newspapers.

Mr. HARDING. Most of which were quite outside of the war zone, too.

Mr. KING. Yes; they were outside the war zone. I am inclined to think that under the decisions of the courts, particularly the decision in the Milligan case, the action of the President of the United States could not be supported.

Mr. POINDEXTER. Mr. President——

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

Mr. KING. I yield to the Senator.

Mr. POINDEXTER. The country could well afford to pay but little attention to the outcome of discussions of lawyers in court if the safety of the country in a war was preserved by the action of the Executive. The duty and the authority of the Executive is to administer all of the various war statutes which we have passed. He has full responsibility for their execution. He has the power, of course, subject to a wise discretion, for which he is held responsible by the American people as to its wisdom, its justice, and its results, to suppress any activity or any agency which, in his judgment, interferes with the carrying out of the laws of Congress.

Mr. KING. If the Senator will permit, I would like to propound a question to him. I ask the Senator, in view of the discussions which we have been having here with respect to freedom of speech in the United States, taking into account the expositions of that view by the Senator from California [Mr. JOHNSON] and the Senator from Georgia [Mr. HARDWICK], keeping in mind the constitutional inhibitions upon Congress concerning the abridgment of the freedom of speech, does not the Senator think that there might be some difficulty if the President of the United States should suppress some of these newspapers upon the ground that they were disloyal? Would it not be urged that he was acting not only in an arbitrary manner but wholly without authority and that he was abridging the liberty of the press and interfering with the right of free speech?

Mr. POINDEXTER. Undoubtedly that would be urged by every spy and traitor and disloyal individual in the United States, and the action of the President would be applauded to the skies by every American patriot.

Mr. KING. Mr. President, while I am just as anxious as anybody can be to go to the limit in suppressing the disloyal press and in punishing spies and traitors, I would prefer to have some statute upon which to predicate our conduct, whether it be executive action or whether it be the action of some of the subordinates of the Government. In other words, I would prefer that we observe the forms of law. This is a Government of law, and even in war the Constitution is not abrogated. We can under the Constitution and with due regard for law protect this country from the traitors, spies, and treasonable publications.

Mr. NELSON. Mr. President——

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

Mr. NELSON. I want to remind my good friend from Washington that the men who are shouting about freedom of the press do not all belong in the category to which he refers. There are a lot of statesmen who can not be called German spies, or operating directly for the Germans, who are all the time shouting about freedom of speech and freedom of the press, and they can see something in every attempt to repress disloyalty that bears in that direction.

Mr. POINDEXTER. Yes.

Mr. NELSON. The fault I found with the Senator's statement was that he did not include enough classes in his specifications.

Mr. POINDEXTER. I did not propose to include all classes. I just included some of them; and I agree with the Senator that there are a great many people who seem to be exercised for fear the liberty of their speech may be interfered with who apparently are perfectly willing that the personal service and the accumulated property of citizens of the country may be taken and put into this war. They seem to regard the right to talk as a more precious privilege than any other right that there is. I think it is one of the least valuable.

Mr. KING. Mr. President, I can not say that I quite agree with the position of the Senator from Mississippi [Mr. WILLIAMS] last evening in rebuking the Senators—as he did in a very strong way—because of what he claimed to be the wasted time in the discussion of the question of freedom of the press, nor do I quite support the views of the Senators from Washington and Minnesota. I believe that whenever any question is

presented for consideration involving the freedom of speech and of the press and those personal guaranties that come down to us with the Constitution the utmost caution should be exercised, even in time of war. I think we should approach the question of abridging the freedom of the press with care and with discrimination, and with a recognition of the fact that our liberty and the splendid civilization which we enjoy are the products, in part at least, of the application of the principles embodied in our Bill of Rights. It is exasperating that in the United States there should be foreign newspapers, and some published in the English language, that are disloyal, that are in a subtle manner expressing sympathy for Germany, and doing everything they can to hamper the United States in the prosecution of the war. And we have German propagandists here doing all that they can to stir up sedition and domestic strife and to obstruct our country in the great task before it.

There are others who are aiding Germany and injuring the United States by their violent opposition to Great Britain. Professing devotion to our country and opposition to Germany, they bitterly assail England, who is fighting our battles and for the cause of civilization. Only a night or two ago in this city, I believe, a woman from Ireland spoke, and a number of Irish-Americans participated. England was denounced and appeals were made for Irish freedom. Our ally was held up to scorn and opprobrium. There was not one word denouncing the barbarities of Germany and her wanton disregard of all law; not a word concerning England's heroic fight for liberty and the cause of humanity. The speakers seemed to be more interested in weakening our cause and attacking our strongest ally than in defending our country from the domination of Germany. Unfortunately we have those in our midst who are not loyal to truth, who are at heart enemies to our country, who are unfit to live under the Stars and Stripes of this Republic. But we will deal with them and with the disloyal press in a legal and proper manner and under the forms of law.

Mr. KELLOGG. Mr. President——

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

Mr. KING. I yield to the Senator.

Mr. KELLOGG. I wish to understand the Senator. Does the Senator believe that this whole subject ought to be treated by a separate bill which will cover all foreign-language papers instead of by a single amendment?

Mr. KING. Yes; I think so. As I stated a few moments ago, there is a bill now pending before the Judiciary Committee that deals with the entire subject of the foreign-language press; and I shall urge the Judiciary Committee to give consideration to that measure at a very early date. But while I am upon my feet, in view of the fact that the Senator from Idaho has an amendment to offer to this bill, I desire to submit one or two further observations.

The amendment of the Senator from Idaho is to strike out from the original espionage bill the provision or section——

Mr. OVERMAN. He is not going to introduce it.

Mr. KING. He is not?

Mr. OVERMAN. No.

Mr. KING. I will finish my sentence and then pretermit any further observations, in view of the statement suggested by the Senator from North Carolina. That amendment had for its object the striking out of the provision in the espionage bill which authorizes exclusion from the mails of certain seditious matter. I just wanted to state that that section has been wonderfully efficacious and has resulted in the exclusion from the mail of thousands and hundreds of thousands of documents seditious and disloyal.

Mr. FALL. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add the following as an additional section, to be known as section 5:

Every official and employee of the United States and of any of its departments, councils, and boards, whether constituted by law or administrative order, shall, within 10 days from the date hereof, notwithstanding that he may heretofore have taken an oath of office, take an oath to support the Government of the United States, its Constitution and laws, and the cause of the United States, as well as an oath to faithfully perform the duties of his office. Every official and employee hereafter elected or appointed shall take a similar oath. Failure or refusal to take such oaths shall create a vacancy in such office or position, and shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both.

Mr. GALLINGER. Mr. President, as I heard that amendment read, it says "within 10 days from the date hereof." Will not the Senator make it read "from the approval of this act"?

Mr. FALL. I am perfectly willing to accept that amendment, Mr. President. Instead of "within 10 days from the date hereof" I ask that it be made to read "within 10 days from the approval of this act." I accept that amendment.

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

The SECRETARY. In lieu of the words "within 10 days from the date hereof" it is proposed to insert the words "within 10 days from the approval of this act."

The amendment to the amendment was agreed to.

Mr. STERLING. Mr. President, I ask to have the amendment as now amended stated from the desk.

The VICE PRESIDENT. The Secretary will state the amendment as amended.

The SECRETARY. It is proposed to add the following as an additional section, to be known as section 5:

Every official and employee of the United States and of any of its departments, councils, and boards, whether constituted by law or administrative order, shall, within 10 days from the approval of this act, notwithstanding that he may heretofore have taken an oath of office, take an oath to support the Government of the United States, its Constitution and laws, and the cause of the United States, as well as an oath to faithfully perform the duties of his office. Every official and employee hereafter elected or appointed shall take a similar oath. Failure or refusal to take such oaths shall create a vacancy in such office or position, and shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both.

Mr. SHAFROTH. Mr. President, may I suggest to the Senator from New Mexico that 10 days is rather a short time for people in the possessions of the United States to take this oath? For instance, there are officers of the United States in the Philippine Islands who are many miles from telegraphic communication; and it seems to me that it would be well to make that 30 days instead of 10 days.

Mr. FALL. I am willing to accept the amendment making it 30 days for those in the possessions of the United States.

Mr. McCUMBER. Mr. President, I hope we will not cast any such reproach upon the American people. I do not want our enemy to understand that we have so little confidence, so little trust, in the officeholders of the United States that we compel them to take another and a subsequent oath. It seems to me that it casts a reproach upon the entire Government of the United States with respect to its loyalty. Because there may be one or two or a dozen persons holding places by appointment who are not loyal to the Constitution, I do not feel that we ought to introduce and pass a law of this kind which questions the loyalty of the whole.

Mr. FALL. Mr. President, I have not said anything with reference to this amendment. The debate, if it may be called debate, which has been heard in the Senate for the last week is ample and sufficient excuse, in my judgment—with due deference to the judgment of the Senator from North Dakota—for the offering of this amendment and for the enactment of such a law.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Minnesota?

Mr. FALL. I yield to the Senator.

Mr. KELLOGG. I should like to ask the Senator from New Mexico if he thinks it would be possible, even within 30 days, for all persons in the employ of the Government, including the soldiers, to take that oath?

Mr. FALL. I have no doubt it would be perfectly feasible and possible for every soldier in the United States and every man, woman, and child in the employ of the United States Government, or connected with it directly or indirectly, to take the oath within 30 days or less time.

Mr. President, the trouble about this matter is that right here in the city of Washington there are hundreds of thousands of people in the very closest connection with the prosecution of this war on the part of the United States, and in positions of trust, who are not under any oath or obligation at all. That condition is very well understood, I think. There are people here, some of them drawing salaries, I think—at least, many of them in the employ of the Government—who are not under any obligation of that character at all to even display patriotism.

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

Mr. FALL. Certainly.

Mr. McCUMBER. Does the Senator believe that any person having in his character so little of ordinary manhood that he was opposed to his own Government would stop at all about taking an oath of that kind, and would it make any difference whatever whether he took the oath or not? Would not his sentiments be exactly the same?

Mr. FALL. Mr. President, I am not one of those who have taken any part in this debate with reference to Mr. Creel or with reference to any other individual.

Mr. McCUMBER. I will say that I have no reference to Mr. Creel in my question.

Mr. FALL. And the amendment that I am proposing is not directed at Mr. Creel or at any other one person. There have been, however, various speeches which, if they meant anything or if they had any reference to anything pending or proposed, did question the loyalty and the fitness of Mr. Creel and of other employees or officials, or associates of the employees or officials, of this Government. Now, Mr. Creel and some others have not come before the Senate for confirmation, so that the legislative body has not in any way whatsoever had an opportunity to deal with them. Without reflecting in the slightest degree upon any of the Cabinet members or any of the heads of departments now in office, I may say that conditions have absolutely and entirely changed in this country since those gentlemen were originally appointed. I have no doubt under heaven that each of them is just as loyal as the Senator from New Mexico or the Senator from North Dakota. As to just what views they may have entertained prior to this war as to the proper course for this Government to pursue, I do not know; I am in ignorance.

I want those gentlemen to take this oath. They have not taken an oath during war times; and I want those officials, or the members of the boards and their employees, who are here dealing with the people's money and spending it by the hundreds of millions, to take an oath or an obligation. The Senator from North Dakota took an oath when he became a Member of this body. People handling more money than the Senator or myself ever dreamed of are handling it here in Washington through the different departments, and are not under oath or under law or the obligations of law.

Mr. NORRIS. Mr. President——

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

Mr. FALL. I yield.

Mr. NORRIS. I will ask the Senator if he does not think it would be better if he confined the proposal that he has made in his amendment to those who have not taken an oath? As I understand, under this amendment, if it should become a law, the President of the United States would have to take another oath.

Mr. FALL. Would it hurt the President of the United States to take an oath now to support the cause of the United States?

Mr. NORRIS. No; I do no think it would hurt him, but he has already taken one.

Mr. FALL. This is no reflection upon the President of the United States.

Mr. NORRIS. Of course not, and I do not intimate that it is. It is not any reflection upon Senators. They can all take another oath.

Mr. FALL. Certainly; and they should take it. I think it is applicable right now to the Senate of the United States.

Mr. NORRIS. But will two oaths strengthen the allegiance of anyone? If there is anything in somebody not having taken any oath, I can see some necessity for the amendment, probably, and we ought to have it; but a Member of the Senate having taken one oath, the oath that we take here, that is stronger than the Senator has prescribed in his amendment, I can not see why he would be improved by taking another one.

Mr. FALL. I provide that he shall not only take the oath that he has taken, but that he shall take an oath to support the cause of the United States. Is there any objection to that?

Mr. NORRIS. Not any objection in the world.

Mr. FALL. Very well.

Mr. NORRIS. But Members of the Senate and of the House have all taken that oath already.

Mr. FALL. To support the cause of the United States in this war?

Mr. NORRIS. Yes; and to defend it against its enemies.

Mr. FALL. There is no doubt about that.

Mr. McCUMBER. Mr. President, let me ask the Senator in all candor whether he does not think a law of this kind, requiring the Members of the Senate to take another oath to support the Constitution or to support the cause of the Government of the United States, would be considered as casting a suspicion upon the loyalty of the Senate as a whole?

Mr. FALL. Oh, no.

Mr. McCUMBER. I think the public would so look at it. You say to the Members of the Senate of the United States, "Take another oath." "Why?" "Why, because we think you are not sufficiently bound by the oaths that you have taken." There is only one purpose in taking an oath, and that is to bind you strongly to some particular sentiment or duty. Now, when you ask them to take that oath over again, it must be because you question whether or not they are to-day conforming themselves to the prior oaths, or whether they are performing their duty. At least it seems to me that would be the view that the enemy would take. It would be the view that our own people would take.

Mr. HITCHCOCK. Mr. President——

Mr. FALL. I will yield to the Senator from Nebraska in a moment. This country found itself in a position once before where it had to provide for the taking of a new oath. Senators seem to have forgotten that.

Mr. McCUMBER. That was in case of a rebellion of certain of our States, in which the loyalty of other States was questioned.

Mr. FALL. In which the loyalty of certain citizens of the United States, even outside of those States, was undoubtedly questioned, and the ironclad oath was provided.

Mr. HITCHCOCK. Mr. President——

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

Mr. HITCHCOCK. As I heard the amendment read, I was of the impression that the Senator intended to require all those remaining in office to take this oath and to penalize those who refused to take it by being excluded from office.

Mr. FALL. Yes.

Mr. HITCHCOCK. But a reading of the Senator's amendment indicates that anyone who fails to take the oath is not only excluded from office but is subjected to a fine of $10,000 or 20 years in the penitentiary, or both.

Mr. FALL. Yes.

Mr. HITCHCOCK. Does not the Senator think it would be a sufficient penalty to drive the man from office?

Mr. FALL. I doubt it, sir. If the Senator is asking my judgment—and apparently he is—my personal judgment upon the matter is that a man who is to-day holding office and is not willing to take that oath is a traitor and ought to go to the penitentiary; that any man who is now holding office and is not willing to take the oath required here, whether he is now under oath or not, should not only lose his office but lose his liberty.

Mr. HITCHCOCK. Is not the Senator in danger of compelling people to perjure themselves by the threat of an imprisonment or a tremendous fine? Would it not be better to provide simply that anyone not willing to take this oath should forfeit his office?

Mr. FALL. I am frank to say that this amendment was drawn here in a very few moments, in pencil, at my desk. It is not, however, simply the thought of a moment, nor has it arisen simply during the course of this debate. It has been in my mind for very many months.

Mr. HITCHCOCK. I am afraid the Senator would defeat his own purpose if, by a threat of imprisonment and a fine, he led men to take this oath who might not take it willingly, and might not intend to keep it. In my opinion it would be a great deal better to deprive them of their offices if they are not willing to take the oath.

Mr. FALL. If the Senator will suggest that as an amendment to the amendment, I will accept it.

Mr. HITCHCOCK. I make that suggestion.

Mr. FALL. I accept the amendment, Mr. President, to strike out the penalty of not more than $10,000 fine or imprisonment of not more than 20 years, or both.

Mr. STERLING. Mr. President, before the Senator takes his seat, I should like to ask him a question. His amendment refers to the support of the cause of the United States.

Mr. FALL. Yes.

Mr. STERLING. Just what is meant by that? Does it mean the cause of the United States in the present war?

Mr. FALL. Certainly.

Mr. STERLING. Or the cause of the United States generally?

Mr. FALL. Certainly; it means the cause of the United States generally and in this war. But this is an amendment to the act. The first line of the act refers entirely to the present war; and for that reason I did not put in "the cause of the United States during the present war," as it has not been put in any of the other amendments. The act itself is one treating of war conditions, and this requirement of the officer is simply one treating of war conditions.

Mr. STERLING. Then it is the Senator's idea that it would be limited to the cause of the United States in the present war by the previous language of the act.

Mr. FALL. I think it would be, but I do not think it should be. I think necessarily it would be by the previous language of the act.

Mr. OVERMAN. Mr. President, I hardly ever differ with the Senator from New Mexico on matters of this kind, nor could I differ from him as far as patriotic motives are concerned, but there are some disloyal officeholders in this country, probably, and they ought to be turned out of office.

We have 70,000 or 100,000 officeholders, as suggested by the Senator from North Dakota. Is it not a hardship to compel all those men to take an oath to support the cause of the United States? Is it not, rather, a reflection upon them? Four or five of them may be disloyal, and it seems to me it is going very far to make 100,000 take an oath of office to catch four or five or half a dozen or a dozen men.

Mr. FALL. I claim that of 100,000,000 people to-day in the United States 99 per cent of them are absolutely loyal. What is the Senator doing with this bill? He is trying to catch that 1 per cent. That is what I am proposing to do with the amendment I have offered.

Mr. OVERMAN. The bill punishes those men who are disloyal; it puts them in penitentiaries.

Mr. FALL. Certainly.

Mr. OVERMAN. I do not see any use to make them take an oath. If a man is disloyal, he would just as soon take an oath to support the country as not. It would make no difference to him whether he took an oath or not.

Mr. FALL. It is not necessary for me to take up any further time in explaining the matter.

Mr. SHAFROTH. Mr. President, let me suggest to the Senator from New Mexico that under the wording of this amendment I presume it would apply to all the soldiers, and it seems to me they ought to be excepted from the operation of the amendment.

Mr. FALL. They have already taken an oath to support the cause of the United States. They do that when they are mustered in.

Mr. SHAFROTH. But you provide a new rule, do you not—and, if that is true, why should all the soldiers over in France and on the way, upon the seas, be required to take on oath? It seems to me that they ought to be excepted, because they are fighting in the cause.

Mr. FALL. If the Senator will offer an amendment excepting the soldiers, sailors, and marines in actual service, I will accept it.

Mr. SHAFROTH. I move that amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the words "of the United States" insert "except soldiers and sailors and marines in the actual service of the United States."

The VICE PRESIDENT. It is accepted. The question is on the amendment of the Senator from New Mexico as modified. [Putting the question.] The noes seem to have it.

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

The yeas and nays were not ordered.

The amendment was rejected.

Mr. FRANCE. I desire to offer an amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. At the end of section 3 add the following proviso:

Provided, however, That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true with good motives and for justifiable ends.

Mr. OVERMAN. Mr. President, on yesterday I opposed such an amendment because I did not see any use to include any man telling the truth about any question. He could not be punished under this bill. It is merely substantive, and therefore I accept it.

Mr. WALSH. Mr. President, before the vote is taken I think it quite appropriate to say that the language of this amendment is substantially in accord with the provisions of the constitutions of many States defining the liberty of speech and of the press. Similar provisions are found in the constitutions of Florida, Kansas, Nevada, South Dakota, West Virginia, Wyoming, Arkansas, California, Illinois, Michigan, Mississippi, New Jersey, New York, Ohio, Oklahoma, South Dakota, Utah, Wisconsin, and Wyoming. It is a principle of the American Constitution that is very generally recognized. I think it is very unfortunate that the Senate should have rejected the amendment as originally proposed.

I will read for the sake of the record the provision of the constitution of the State of New York:

Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libels the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

I think it is rather unfortunate for the Senate to go on record as opposed to the principle announced.

Mr. McCUMBER. Mr. President, I think it is always dangerous to accept amendments that are suddenly thrown into the arena without any consideration.

Mr. OVERMAN. I will say——

Mr. McCUMBER. Just a minute. If this was a bill to determine whether the United States should recover damages against anyone who had slandered it, then I could naturally understand that the rules pertaining to slander and libel should apply. But inasmuch as the purpose of this law is to defend the United States against those who by word or act would interfere with the progress of this war, I do not concede for a single moment that we should be governed and limited by the rules in a civil action for slander or libel.

Let us take the same publication that was given here yesterday or the day before, which was accredited to Mr. Creel. Let us suppose that some person now, after this bill has become a law, should make utterances of that character, and it is claimed by the Government in a prosecution that the effect of utterances of that character was to interfere with this country in the prosecution of the war, all the defendant would have to do would be to say, "It is a question of fact to go to the jury whether it is true or not," not whether it did affect the Government, but whether it is true; and thus we can submit to a jury the question whether the German form of government is better than ours, and leave it to a German jury or a jury made up of hyphenated Americans to determine that question of fact. Of course, he would have to establish the fact that it was done for a good purpose, but I think the writer of that article could well establish the fact that when he wrote it it was intended to produce a sentiment that would result in benefit to the human race, and he would leave the jury to determine the truth or the falsity of a statement rather than to determine its effect upon the American people.

Mr. OVERMAN. I do not believe it can do any harm. I should like to get on with the bill. There would be no harm in putting the Ten Commandments in the bill if we want to do it. I think there is a great deal of force in what the Senator says.

Mr. McCUMBER. If the Senator wants to get on and get it into conference I have no objection.

Mr. OVERMAN. I did not say I was going to do that, but if adopted it will go to conference.

Mr. FRANCE. Mr. President, I merely wish to say for the information of the Senator from Montana that I merely quoted this language. It is not my language at all. It is language which I quoted, and when I first presented it it was in quotation marks, but I afterwards eliminated the quotation marks as seemingly inappropriate to go into the text. It is not my language at all, but the language which is generally used.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maryland [Mr. FRANCE].

The amendment was agreed to.

The VICE PRESIDENT. The bill is in the Senate and open to further amendments.

Mr. SHAFROTH. There is an amendment to be proposed by the Senator from Utah [Mr. KING]. He is out of the Chamber at present. I will send the amendment to the desk that it may be read.

The VICE PRESIDENT. The Senator from Utah [Mr. KING] submits an amendment, which will be read.

The SECRETARY. On page 3, after the amendments heretofore agreed to, insert:

SEC. 2. That section 1 of Title XII and all other provisions 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, which apply to section 3 of title 1 thereof shall apply with equal force and effect to said section 3 as amended.

SEC. 3. That Title XII of the said act of June 15, 1917, be, and the same is hereby, amended by adding thereto the following section:

"SEC. 4. The Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed, with the words, 'Mail to this address undeliverable under espionage act' plainly written or stamped upon the outside thereof, and all such letters or other matter so returned to such postmasters shall be by them returned to the senders thereof under such regulations as the Postmaster General may prescribe."

Mr. BORAH. Mr. President, I do not know that there will be a call for a yea-and-nay vote upon this matter, and I simply desire to say that I shall vote against this proposed amendment. I vote against it for the same reason that I opposed the insertion of it in the espionage act in the first place. I am aware, however, that the Senate at that time was, and I presume it will at this time by a large majority be, in favor of it.

I realize, Mr. President, that under the conditions which now exist with reference to an act which we passed since we passed the espionage act some provision may be necessary in reference to the mailing of nonmailable matter. I am not myself satis-

fied to go on record in favor of the unlimited power which is here given to the Postmaster General in excluding printed matter from the mails.

As I said, I do not desire to take up the time of the Senate or to call for a yea-and-nay vote, but I wish to be understood as voting against the amendment.

Mr. KING. Mr. President, before the vote is taken I should like to submit a few observations.

The purpose of this amendment is to give to the Post Office Department the same authority that was conferred upon it in the espionage act. It is not necessary to detail to the Senate the great benefit which has resulted from that authority. Under it the postal authorities have been permitted to exclude from the mails hundreds of thousands, and indeed millions, of copies of tracts, cards, and other publications put forth by the I. W. W. and other treasonable and traitorous organizations.

Mr. THOMAS. Mr. President——

Mr. KING. I yield to the Senator.

Mr. THOMAS. I understood the Senator to say that the amendment, if inserted in this bill, would introduce into it a power already given by the espionage act. If that is so, why duplicate the authority?

Mr. KING. It merely carries the provisions of the espionage act into this bill in order to cover the offenses that are defined in this measure.

Mr. THOMAS. If that is the case, is not the present law sufficiently comprehensive to do that?

Mr. KING. The solicitor for the Post Office Department, after a very careful examination, reached the opinion that without this section the provision of the espionage act with respect to nonmailable matter would not be applicable to the offenses created in this act. In other words, in this bill certain acts, such as the printing or publishing of certain matter, are made offenses. You could not exclude those publications from the mails without this amendment. I was at first under the impression that the espionage act would cover this in the provision referred to, but in the opinion of the department it would not, and I reached the same conclusion after a very careful personal examination. It is merely to make applicable to this bill the same provision that was placed in the espionage act.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. KING].

The amendment was agreed to.

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

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. HARDWICK. Mr. President, it is not my purpose to delay the passage of the bill. I have expressed already the very serious doubt I have about it and the very serious objections I have to certain features of it. Realizing that the majority of the Senate apparently want to enact legislation of this sort, it is not my purpose to attempt to delay them from carrying out that design. Nor do I care one way or the other whether there is a record vote or not, except, if there is not a record vote, I want it understood that I am not for this bill.

If the bill had been confined in its provisions to the recommendations that came from the Department of Justice to deal with evils that I thoroughly want to deal with, it would not have been subject to the same objections which some of the provisions of the Senate bill are liable to, and it would not be liable to what, I fear, may be a misconstruction of some of its provisions. If the bill as it passed the House of Representatives were being voted on I would cheerfully and willingly and gladly support it, but I do not regard it safe or necessary or wise to enact some of the provisions that are contained in the Senate committee amendment. Since they are to be kept in the bill, and I earnestly hoped that they might be eliminated, I can not support the bill itself.

Justice to the Senate as well as fairness to the country, however, requires me to say that in my judgment the bill has been very greatly improved by some of the amendments the Senate has made. I think the language has been much more carefully guarded than it was when the bill came originally from the committee, and in those respects it has been very much improved.

In fact, I have considered very carefully the question as to whether the improvements were so great as to authorize a man who really wants to do all that this country can do under his view of the Constitution without impinging the constitutional guaranties of freedom of speech to support the bill. I regret to say my judgment still is that that is not the case. A man who believes in the constitutional guaranties and freedom of speech as written in the Constitution and who views it as I do will find things in this bill so incompatible with that guaranty as to render it impossible for him at least to support it.

Of course, in making this statement of my own position I by no means reflect upon either the honesty or good judgment or intelligence of any Senator who thinks otherwise. I can only speak, as I can only act, of course, for myself; but I can not support the bill, as far as I am concerned.

The VICE PRESIDENT. Shall the bill pass?

The bill was passed.

The title was amended so as to read: "A bill 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, and for other purposes."

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

Mr. OVERMAN. I move that the Senate proceed to the consideration of the unfinished business, Senate bill 3771.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

PROTECTION OF WAR MATERIAL AND WAR TRANSPORTATION FACILITIES—CONFERENCE REPORT.

Mr. OVERMAN. I call up the conference report on Senate bill 383, to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to prevent the hostile use of property during time of war, and for other purposes.

There being no objection, the Senate proceeded to consider the conference report on the disagreeing votes of the two Houses upon the bill.

The VICE PRESIDENT. The conference report has been printed and is on the desk of Senators. Does the Senator request the reading of it?

Mr. OVERMAN. No; I do not.

The VICE PRESIDENT. The question is on agreeing to the report.

Mr. JONES of Washington. I wish to state to the Senator that my recollection is some Senator objected to this report when it was presented.

Mr. OVERMAN. The Senator from New Hampshire [Mr. GALLINGER] asked that it might go over in order that it might be printed. I do not know whether he would have an objection to it or not.

Mr. JONES of Washington. The Senator from New Hampshire is not here.

Mr. THOMAS. I ask to have the conference report read.

The VICE PRESIDENT. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House striking out all after the enacting clause, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the words 'war material,' as used herein, shall include arms, armament, ammunition, live stock, stores of clothing, food, foodstuffs, or fuel; and shall also include supplies, munitions, and all other articles of whatever description, and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the United States, or any associate nation, in connection with the conduct of the war.

"The words 'war premises,' as used herein, shall include all buildings, grounds, mines, or other places, wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

"The words 'war utilities,' as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such war

material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which water or gas is being furnished, or may be furnished, to any war premises or to the military or naval forces of the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to any war premises or to the military or naval forces of the United States, or any associate nation.

"The words 'United States' shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

"The words 'associate nation,' as used in this act, shall be deemed to mean any nation at war with any nation with which the United States is at war.

"SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, or, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

"SEC. 3. That nothing herein shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with the sole and bona fide purpose of securing better wages or conditions of employment.

"SEC. 4. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title, and agree to the same.

LEE S. OVERMAN,
DUNCAN U. FLETCHER,
KNUTE NELSON,
Managers on the part of the Senate.
E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

Mr. THOMAS. Mr. President, the object designed to be accomplished by this bill is both meritorious and necessary. The manufacture of war material is to-day the business of the Nation, whose future may depend upon the expedition with which that material is produced and transported. Interferences have frequently occurred since we entered this war—in fact, before we entered it—whereby production has been limited; actual production has been made defective or adulterated; and complete suspensions of work have been accomplished. Some of the things in process of production are vital to our success in this war. Of these the most vital is our shipping program, for without it, Mr. President, the resources of this country can not be effectually mobilized. We may produce enormous quantities of munitions, food supplies, equipment, and all the paraphernalia necessary to the successful prosecution of the war, but if we can not transport that material to the front it is as useless as though it had not been produced at all.

Secondary to our ships is the material; and, of course, its usefulness for the purpose for which we are producing it is quite as essential. I think it was yesterday morning that the newspapers published the statement of a high official of Great Britain that all interferences with speedy production in America of the essentials to this war were not only serious in character, but threatened the outcome of the conflict. Of course, there can be no two sides to that proposition. We are aware of it, and have been aware of it ever since we entered this war.

Mr. President, interferences with production by the individual acts of employees here and there, the mischievous conduct of spies and emissaries of our enemy in our factories, have been going on for some time. Their activities, perhaps, are multiplying. They have not only seriously affected production, but of the commodities produced many have been rendered worthless by reason of improper manufacture and of many defects which have been deliberately created in them.

I know, Mr. President, of no offense to-day that is more serious than this constant exercise within our great industrial plants of activities which are designed to interfere with production not only in the mass but with the quality of the things produced. Those engaged in that work are doing more for the cause of the Kaiser than any other individual activity I can mention; yet, Mr. President, all of them combined are not so serious as interferences in the mass with our production through the suspension of labor in the mass through strikes, through walkouts—I care not by what name they may be called—suspensions, Mr. President, which paralyze plants in their entirety, and in some instances all the plants engaged in the manufacture of particular commodities.

Mr. President, this bill, if I understand its purport, is designed to penalize and punish all active interferences with our production and with its qualities. Unless it accomplishes that it fails of its object. If in providing for the punishment of men who interfere with production, who adulterate production, who cause production to be defective, we shall encourage large bodies of men to stop work entirely, provided only they place their ostensible or actual reason for suspension upon a question of wages—I say, if we are to exempt from the operation of this bill such interferences with labor, the bill might just as well be abandoned. So, Mr. President, I seriously object to the acceptance of this report. The third section of the bill as recommended by the conference committee expressly declares that it shall not apply to suspensions of work by wage earners, provided the suspension be based upon a question of wages.

Mr. SMITH of South Carolina. Was that provision in the bill as it passed the Senate?

Mr. THOMAS. No; it was inserted in the other House. The bill as passed by the Senate was unobjectionable.

Mr. President, we have heard much in the discussions in this body during the past two or three weeks of an organization which is popularly known as the Industrial Workers of the World. It is an organization of self-confessed criminals, who not only do not hesitate to announce their purposes, but who seem to glory in them. They consist of murder, of robbery, of the destruction of property, and of similar propaganda in violation of the laws of God and of man. They are a dangerous organization. It is not a thing to be proud of, nevertheless it is a fact that this organization has grown with considerable rapidity during the past four or five years. They have their representatives in many communities in the United States. They are constantly at work spreading their doctrines and practicing their so-called precepts. They conduct their propaganda openly when they can, secretly when it is necessary; but they are always conducting it, and conducting it among those who are supposed to be discontented or disaffected. In these times, Mr. President, when labor is in great demand and when employers are competing with each other to secure workmen, the members of this organization find fertile soil for the sowing of their doctrine. Strikes ensue almost as an inevitable consequence.

They care nothing for the question of wages; they say so. They care nothing for existing conditions, except in so far as they may be an obstacle to their ultimate purpose, which is the total disintegration of society. It has frequently been announced, and announced as late as this morning, that official Germany has instructed its representatives and emissaries everywhere, not only before, but since we entered into this war, to utilize just such disturbing influences for the fatherland; they have been and will continue to be so used so long as it is possible to escape detection or punishment. It will run the risk of both because of the objects sought to be attained and also doubtless because of the reward which comes to successful effort.

Mr. President, if we adopt this conference report, we leave the field open to these men and their kind to continue their propaganda, the consequences of which will be immunity from punishment. In other words, we offer a premium to the very influences which we seek to suppress and give them license to continue their propaganda and to paralyze the productive energies of the Nation.

Mr. President, at this time, when the allies are engaged in a titanic struggle with the most formidable adversary of his-

tory, when the fate of nations is resting in the balance, when the soldiers of the American Union are holding the hard-pressed lines in France, when this Nation waits with breathless anxiety for tidings across the sea, how the battle goes, we are so legislating as to legalize and encourage suspensions of work in this country. At a time when every ship that can be built is essential not only to the cause of the United States but to the cause of civilization, at a time when every ounce of effort of every citizen should be utilized to support the boys beyond the sea and their allies we are about to say to the workmen of America, "You may suspend your work; you may stop building ships; you may cease manufacturing ordnance; you may leave the fields untilled, provided the only cause of your action, the only complaint you have, is one of wages."

Mr. President, what will our boys in the trenches think as they stand in serried ranks awaiting the shock of the enemy, bearing aloft the banner of this country and ready to do and die, as Americans always are—what must be their emotions to learn that the American Senate and the American House of Representatives at this hour are considering a conference report recommending the enactment of a law under whose terms the men at home may fold their arms, indifferent to that terrific contest, unmindful of what the end may be, that we may discuss the question of wages?

I am unable, Mr. President, to imagine why my good friends upon the Senate conference committee could ever have given their consent to such a conference report. This is no time, Mr. President, for any man to shirk, whether he is a workman, independent or otherwise. Labor has told us that this cause is its cause, and I believe it was sincere in that announcement; but, Mr. President, this bill should provide penalties for all who disregard its requirements.

Great Britain has dealt with this important subject by legislation and by agreements having the force of law. We should do the same thing instead of, as we seem to propose by this bill to do, legalizing conditions, encouraging the creation and continuance of the very things it pretends to prohibit and punish.

Mr. President, it may be that politics has something to do with this bill. Are we afraid of the labor vote? Are the Republican members of the conference committee and of the House of Representatives and of the Senate of the United States afraid of the labor vote? Are the Democratic members of that committee and the Democratic Members of the House of Representatives and of the Senate afraid of political consequences possibly following the excision of this section. I do not want to believe it. I know, Mr. President, that in ordinary times it is the tendency of our common human nature to go far afield in elective republics lest those holding the ultimate power may use it against us. I hope that spirit has not overlapped our declaration of war, and that it will not manifest itself in bills like this. Mr. President, if political influence is to be recognized, let me remind you that the fathers and mothers, the brothers and the sisters of the boys across the sea also possess political power, and their friends as well; and if, after sending our soldiers across the ocean, we are to paralyze their efforts and jeopardize their existence by legislating for suspension of work here, those responsible may hear from that class of voters, as I hope to God they will.

Do we mean it when we say we must win this war? Then why except large bodies of our citizens from the operation of a statute made essential by the prevailing exigency? Do we mean what we say when we declare to the world that our lives, our fortunes, and our sacred honor are enlisted for our own and the cause of the allies? Then let us make good, Mr. President, by inserting no exemptions in a bill of this sort. It is not only wrong, it is monstrous. For my part, I will never vote for the report of this conference committee or for any similar legislation so long as I have the honor to be a Member of this body, while the war continues. It is wrong, absolutely wrong, fundamentally wrong, Mr. President. We must either speed up and bring all of our resources to the aid of our allies and our troops, or we must sooner or later yield to the aggressive power and the formidable forces of our enemy.

Mr. President, what would Germany say, what would the German Emperor say, if a measure of similar import, containing a similar exemption, were sought to be engrafted upon the statute books of the German Empire? They, Mr. President, are massing, and they will continue to mass, behind the army the entire political, social, and industrial strength of the Empire. And so with our allies. There are no strikes in France for wages or anything else. That glorious people are in death grips with their mortal enemy, and they are crying for help from the Nation which through their efforts came into being. England is to-day in this war in every respect. She has had but little difficulty such as I fear would arise under the provisions of this bill; she recognized the menace early in the conflict and met it by conference and by penal legislation.

Better pass no bill at all; better that the work of crippling our industries go on and permit incendiaries to ply their trade within and without them; better pay no legislative heed to the interruptions that have been constantly going on with production than to pass a bill of this sort, containing the exemption which I have condemned.

Ever since I have been a Member of this body, Mr. President, the tendency has been to except differing classes of people from the operation of our general laws. I can not recall a single measure of any great consequence, appropriation bills excepted, that we have enacted into legislation since 1913 which has not bristled with exemptions from its operations. Such legislation is unrepublican; it is undemocratic. A few upon the other side and a few upon this side have voted against such measures, but in vain. Our trade-commission law, our antitrust laws, practically all of the great attempted social and industrial reform legislation which has characterized the Democratic Congress since 1913 has been punctuated with exemptions. That is class legislation. Now, we propose to continue it in the midst of this great, this tremendous struggle, by recognizing, and I fear, by legalizing interruptions on any scale imaginable, provided the sole question be one of wages. Let me add in conclusion, Mr. President, that this legislative reason for suspension can always be urged ostensibly, whatever the other reasons may be.

Mr. President, let all questions of compensation be determined by arbitration, as has been done in the past; but I beseech the Senate not to enact this conference report without striking out section 3.

Mr. GALLINGER obtained the floor.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum. I wish the Senator would let me explain this conference report before he takes it up, because I think he is going to oppose it, and I should like to explain it to the Senate.

Mr. GALLINGER. Certainly.

Mr. OVERMAN. I want the Senate to hear the discussion, because it is a very important question.

Mr. GALLINGER. I yield for that purpose.

Mr. OVERMAN. I suggest the absence of a quorum, because I want the Senate to know what was done and what it is endeavored to do, as I see it.

The VICE PRESIDENT. 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.
Baird	Hardwick	Nelson	Sterling
Bankhead	Henderson	New	Sutherland
Borah	Hitchcock	Norris	Swanson
Calder	Hollis	Nugent	Thomas
Chamberlain	James	Overman	Thompson
Colt	Jones, N. Mex.	Penrose	Tillman
Cummins	Jones, Wash.	Poindexter	Townsend
Curtis	Kellogg	Pomerene	Trammell
Dillingham	Kirby	Ransdell	Underwood
Fall	Knox	Robinson	Vardaman
France	Lewis	Shafroth	Wadsworth
Frelinghuysen	Lodge	Sheppard	Warren
Gallinger	McCumber	Smith, Ariz.	Williams
Gerry	McNary	Smith, Ga.	
Gore	Martin	Smith, Md.	

Mr. SUTHERLAND. I desire to state that on the prior roll calls I was unavoidably absent, on account of being engaged on official business at the departments.

Mr. TRAMMELL. I desire to announce that the junior Senator from Wyoming [Mr. KENDRICK] is temporarily absent on official business.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. A quorum is present.

Mr. GALLINGER. Mr. President, having been recognized, and intending to oppose the report, I am very glad indeed to yield to the Senator from North Carolina to express his views as to the matter to which I shall put myself in opposition. I yield for that purpose.

Mr. OVERMAN. Mr. President, I think the Senate ought to know exactly where we are and the reason for the adoption of this amendment. This is not a Senate amendment. This I regard as the most important bill that has been before the Senate. It passed the Senate some six months ago. It makes it a crime to burn elevators, to destroy war materials, to poison water, to do that which I described here the other day—to injure our flying machines—or to injure in any way any property that is used or might be used in the conduct of the war. It went to the House.

I will just read the Senate bill. It is very short:

That whoever in the United States, during time of war, shall willfully injure or destroy, by fire, or by use of explosives, or by other violent means, or shall attempt so to injure or destroy any war material, war

premises, or any war utilities, as herein defined, or any building or other property of the United States, shall be fined not more than $10,000 or imprisoned not more than 30 years, or both.

The bill went to the House, and the House had it over there, as I say, some three or four months. They have amended it in some particulars of which I am heartily in favor. I stand for the conference report, for the reason that we are told by the conferees that if this amendment is rejected we will have no legislation.

Now, let us see what the amendment to the bill is. I will read what is known as the Cannon amendment. Uncle JOE CANNON introduced this amendment:

Whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

A very good amendment. Then one of the leaders of the House of Representatives offered this amendment:

That nothing herein shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with the bona fide purpose of securing better wages or conditions of employment.

That was in conference some time, and we could not agree. Then, as a matter of compromise, the Senate put in the words "sole and," so as to read, "with the sole and bona fide purpose of securing better wages," so that it would read, as in the bill agreed upon:

That nothing herein shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with the sole and bona fide purpose of securing better wages or conditions of employment.

Mr. GALLINGER. Mr. President——

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

Mr. GALLINGER. Do I understand the Senator to say that the conferees on the part of another body issued an ultimatum that unless that was agreed to there would be no legislation?

Mr. OVERMAN. No; they did not issue an ultimatum. They said that they did not think they could possibly get the House to recede from what is known as section 3.

Mr. GALLINGER. But they did not try the House, did they?

Mr. OVERMAN. Well, they knew the temper of the House. This bill has been over there six months.

Mr. GALLINGER. It was not many weeks ago—indeed, a very short time ago—when my good friend, the Senator from South Carolina [Mr. SMITH], who sits in front of me, suggested to the Senate that unless we agreed to a certain provision in a conference report we could not have any legislation; but we sent it back, and it came back here in the shape in which some of us wanted it, and was speedily agreed to.

Mr. OVERMAN. I am in sympathy with a good deal of what has been said, but the situation is this: We are told that the House will not agree. Now, here is what the Senate has done in the past: The Senate by a large majority in the Clayton bill, under the Cummins amendment, said that labor was not a commodity; that men had a right to stop work if they wanted to. The Senate having gone on record as to that by putting in the words that the men should only stop work for the bona fide purpose of raising wages, limiting it to that, we thought that was about as far as we could go, in view of the instructions from the House, and we finally agreed with a good deal of reluctance.

Mr. GALLINGER. Does not the Senator think that in this time of stress and strain it is unwise to flaunt this flag in the face of the country constantly?

Mr. OVERMAN. I think it is unwise for us to have a fight with labor now. If it is necessary to conscript everybody in this country—labor and everybody else—as we have conscripted our boys, I might join the Senator in that; I would be willing to vote for a conscription act under those circumstances. But in this sort of a bill I think it unwise to make a fight right here on this matter. The leader over there who represents, as I understand, the labor interests of the country, has offered this amendment, confining it solely to stopping work for the purpose of securing higher wages. We have plenty of laws on the books for settling labor disputes by arbitration; but I think, Mr. President, in line with the speech of the Senator from Colorado, with much of which I sympathize, if we want to make these men work, regardless of what wages we pay them, let us conscript them.

Mr. GALLINGER. No, Mr. President; I think we do not ask them to work without any reference to the wages we pay them. We have a commission of conciliation and mediation in this country. We have a system of arbitration which has been employed to very good advantage. There is no disposition to force men to work for a given wage in this country and never has been.

Mr. OVERMAN. The legislation provides that we shall not force them to work.

Mr. GALLINGER. Yes; I observe that.

Mr. OVERMAN. This amendment provides that if men want to get more wages, they have a right to stop work. That is what it is, and that is about all it is. I know that it passed the House by a very large majority, so that the House conferees did not think they could possibly get the House to recede from this amendment. I will say that there was a good deal of opposition on the part of the Senate conferees to this amendment, as there is in the Senate; but after looking over the situation, in view of the fact that it is confined solely to a bona fide effort to secure higher wages, we finally agreed on this. Those are the facts.

Mr. GALLINGER. Mr. President, we have had the same proposition put up to us several times during my incumbency as a Member of this body that unless the conferees of the Senate yielded we would have no legislation. That means, in broad terms and in specific language, that our conferees must be subservient to the conferees of another body whenever they issue an ultimatum. Now, I do not agree to that at all.

When I asked that this conference report should go over and be printed, I did so for the reason that as it was read I caught this provision which the Senator from North Carolina [Mr. OVERMAN] has read, and which the Senator from Colorado [Mr. THOMAS] has discussed with great earnestness and ability.

We have no laws on the statute books that I recall that prevent laboring men from striking for any purpose. We ought to have a law on the statute books preventing them from keeping other men from taking their places when they go on strike. That we have not. I undertook, 25 years ago, when chairman of an investigating committee on the Homestead strike, in making a report signed by every Democratic as well as every Republican member of that investigating committee, to have a provision put in the law that all laboring men had a right to strike if they chose to do so, but that they had no right to prevent other men from taking their places when they were willing to do so. If that provision were in this proposed amendment, it would soften it somewhat, in my opinion, but even then it would be objectionable and unnecessary.

Mr. President, this is a very serious situation. We are in a great war. We are all appealed to every hour of every day to lay aside our prejudices and our prepossessions, to forget everything except that we are loyal to the Government, and to do everything in our power to carry on this war to a successful issue. I know that every Member of this body has done that. I make no exception in that declaration, that we are willing to do everything we can in this crisis. But I submit that unless we can have our munition factories and shipyards running, unless we can have our cotton factories running, unless we can have our woolen factories running, unless we can have all the activities that go to make up the means that must be employed to carry on this war we shall fail in the end.

The Senator from Illinois [Mr. SHERMAN] yesterday in a very eloquent manner and with great emphasis said, "We have not done a man's part in this war"; and we are not going to do a man's part in this war if our factories are to be closed, if our munition plants are to be held up, if we are to be denied the right of having the employment—the continuous employment, if you please—of those who are engaged in those activities. We are not going to do a man's part in this war for some time to come if we are to be denied those things.

What is happening in this country at the present time? I wish, before calling attention to that, to say that this amendment is entirely foreign to this bill. The Senate passed a bill. It provided means that would help us to win this war. Everybody could understand it. To inject an amendment of this kind into the body of this bill, no matter what the circumstances were that influenced our conferees, is a mistake that, if it is continued in the bill, we will live long enough to regret. The Senator from North Carolina says it was put there by the other House, and that unless it is allowed to remain there the bill will fail. I do not agree to that.

Mr. President, I have in my hand a report of the National Industrial Conference Board on "Strikes in American Industry in War Time, April 6 to October 6, 1917." I am going to ask the Secretary to read what I have marked on page 5 of that report, and then I want to animadvert upon some other matter that is contained in the same document.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

The serious aspect of the 1,156 strikes included in this report is clearly seen from the fact that—

The number of employees made idle was 283,402
The number of days of production lost was 6,285,519

The magnitude of the production lost in even this incomplete list of strikes would at any time be serious. In war time, when every day of production of essential materials has definite influence on the war situation, it is little short of appalling.

To visualize better the magnitude of the waste, it may be pointed out that it would require the labor of 251,400 persons for a whole month to make up for the reported loss of production; or, that a manufacturing plant employing 1,000 workers would have to operate for about 21 years of 300 workdays each in order to offset the time thus lost.

Mr. GALLINGER. Mr. President, I trust that every Senator listened to that. In those six months—and this does not include all the strikes; it does not include a great many lesser strikes—there were 1,156 strikes, resulting in the loss of 6,285,519 days of work, at a time when we were in war, and when we are trying to prepare to do our part to save our own country, as well as the countries of our allies, from overthrow.

Mr. President, I will ask the Secretary to read the summary, which will be found on page 19, which is only two or three paragraphs, one paragraph on page 20, and the concluding paragraph on the same page.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Summarizing briefly the salient features of the evidence here presented, it appears:

The first six months following the entry of the United States into the war was a period of extensive strikes. Even the incomplete returns here summarized indicate 283,400 idle workers and a loss of 6,285,000 workdays.

Strikes were most numerous and most serious in those industries particularly essential to war production.

Demands for increased wages were the most frequent cause of disputes. Strikes for recognition of union or closed-shop conditions were the most bitterly contested.

Nearly three-fifths of the disputes occurred in establishments where a majority of the strikers were members of trade-unions; the percentage of total time lost in strikes of this class was even higher.

* * * * * * *

Indications of improvement in the labor situation in recent months are apparent, but it needs only a cursory reading of the daily press to see that the war industries of this country are still heavily handicapped by labor disputes. Cooperation in efforts for the establishment of some workable program which shall minimize these disturbances, at least for the duration of the war, is the patriotic duty of both employers and employees.

Mr. GALLINGER. Mr. President, no words of mine could carry to a mind not prejudiced on this question as much conviction as the words that have been read from the desk.

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

Mr. GALLINGER. Certainly.

Mr. OVERMAN. The Senator will find, as I read the amendment here, that it imposes a $10,000 fine and makes it a penitentiary offense to engage in any other strike than a strike for higher wages; that is all. The amendment which was adopted here, called the Cannon amendment, is to cover the situation the Senator has spoken of, and will do so, namely, that these men can not strike. It makes it a penitentiary offense and a crime to strike; but instead of that, this third section is put in here permitting them to strike for higher wages; that is all.

Mr. GALLINGER. Well, this is a very different matter.

Mr. BORAH. Mr. President, I call the Senator's attention to the fact that this does not limit it to higher wages. It says:

That nothing herein shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with the sole and bona fide purpose of securing better wages or conditions of employment.

Mr. GALLINGER. Certainly.

Mr. BORAH. It covers a very much wider range than the mere matter of wages.

Mr. GALLINGER. It absolutely broadens it, and enables them to offer any excuse. Even if it were confined to the question of wages, it is a very easy matter for these men, some of whom have been characterized not any more severely than I would characterize them, to say that they are striking for higher wages, even when they are getting the highest wages that the world has ever dreamed of. That is what is going on to-day in this country. Why, Mr. President, if I could say to the Senate what I know as to the matter of wages in some of the munition factories in this country it would startle the Senate.

Mr. SMITH of Georgia. Mr. President, is it not true that most of those munition factories are working for the Government on a cost-plus basis?

Mr. GALLINGER. Absolutely.

Mr. President, I am not going to detain the Senate. I have gotten beyond the period in my legislative career of making long speeches. There is very much I should like to say on this subject, because I feel very deeply about it. I know that we have legislated unwisely in the past. The Senator from North Carolina called attention to the fact that in certain statutes we had made exemptions in behalf of labor; and we even went further than that in one statute, and exempted another class of our people who did not ask for exemption; but that was simply to take the edge off the exemption that we gave to labor.

I remember that in an Agricultural appropriation bill—I believe I am right—we exempted the labor organizations of this country from the provisions of the Sherman antitrust law, thereby making it a criminal offense for me to commit an act, but not a criminal offense for a man who was working on my farm to do the same thing. I opposed that as best I could, but it was impossible to stop it. It went through this body, and it went through the other body, and it became a law.

Now, Mr. President, I think we have gone far enough. This bill does not need an amendment of this kind. This bill, as it passed the Senate, is explicit in its terms. It is calculated to speed up production in this country in order to enable us to do a man's part—as the Senator from Illinois said we have not done a man's part up to the present time—to end this war successfully and honorably.

Mr. President, on some former occasions I have taken exception to this class of legislation. No man can justly say that I am an enemy of labor. God knows I have done my share of labor in my time. I will not detail it to-day; but if any man, even of my age, has done more work, certainly for the first 50 years of his life, than I did, then I do not know where that man is; and I am in the deepest possible sympathy with the laboring man. I want him to have every right that belongs to him. I want him to have the protection of the law to as great an extent as he can properly ask for it; but I am not willing that the laboring man, whether he is in a union or otherwise, shall hold up this country at the present time when we are making preparations that ought to have been made years ago so that we might do our part in this great conflict.

I remember, Mr. President, when the four brotherhoods came in here. They did me the honor to visit me in my committee room. They came here with a political pistol which they put to the head of every man in both Houses of Congress. I said to them: "Why not submit your matter to the board of conciliation and mediation?" They repudiated it. I said, "Why not arbitrate your question? The American people will do justice to you."

They repudiated that. They said to me, "We will have that bill passed on Saturday night or we will strike on the next Tuesday." I said on the floor of the Senate that I had not any idea that those men would have ever dared to inaugurate a strike in the United States and stop the entire transportation system of this country; but others thought otherwise. The President of the United States thought otherwise, apparently; Congress thought otherwise; and the demand those men made was acceded to, doing absolute injustice to a hundred times as many other laboring men in this country who did not happen to have the strength they had, because they were an organized body and could accomplish their purpose by threats and intimidation.

Mr. President, because of the words I uttered on that occasion these men marked me for political slaughter. It would not have made much difference to the country if they had accomplished their purpose; but they did not accomplish their purpose. However, the means they used were utterly contemptible, which I will not now stop to enumerate.

Mr. President, as a legislative body having responsibilities upon us in time of peace, and more especially in time of war, we will have to assert ourselves in regard to this question and say that we will not inject in every bill that comes before us a provision such as has been injected in this bill, and which really has no relevancy to the subject matter.

I was intending to refer to an investigation that I helped make 25 years ago and to call attention to some principles that were laid down by that committee, of which the late Senator David B. Hill, of New York, was a member, as well as other distinguished Democrats, but I shall not take the time to do it.

We have a duty to perform. It is our duty to pass every bill that comes before this body that is a fair bill that will help in the prosecution and success of the war in which we are engaged. I have voted for every one of the bills that has been presented here. I have voted with some reluctance for some of them, but I felt that my judgment ought to be subordinated to the judgment of the majority on this floor, and if my vote could do anything to help carry on this great war in which we are engaged, and which God only knows how it may end, it was my duty to do that, and I have done it. But I shall not vote for this report. I shall not vote for any bill that comes here under the guise of a war measure that gives encouragement to men in this hour of stress and strain to halt the operations of the Government in winning the war.

Mr. President, I hope, and I hope sincerely, and I hope feelingly, because I am greatly in favor of this bill as it passed the Senate, in favor of it so far as certain amendments put on in the House are concerned, but not in favor of the one that I have criticized—I say, Mr. President, I hope that this report will be sent back to the conference committee and that we will register our view that the bill should be shorn of the amendment which really has no place in the statute.

Mr. NELSON. Mr. President, as one of the conferees I desire to make a brief statement. This provision of the bill, section 3, is certainly distasteful to me, but the situation was this—and men who serve on conference committees will appreciate it: On the floor of the House, at the instance of Members, this provision was inserted:

or, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

That amendment was adopted on the floor of the House. It was not in the bill reported by the committee. Immediately another Member of the House offered what is now section 3.

I may say here that I was very anxious to have section 3 eliminated. The most we could get the House conferees to do, and I do not think I am violating any particular confidence in stating it, was that they would agree to strike out section 3 if we would strike out the provision I have just quoted, which they called the Cannon amendment, and we felt we could not agree to that. So we got a slight modification in their amendment of section 3 by putting the word "sole" in, so as to read "with the sole and bona fide purpose of securing better wages."

I am far from being satisfied with that amendment, but we are in this situation. We found it difficult in the spy bill. We attempted to put provisions in the spy bill when that was pending to prevent the obstruction of shipments of goods abroad, and we found representatives of the labor organizations come and hamstring us before the committee on that provision, and we have had to confront them on all sides.

I am a member of the committee that has been investigating the operations of the Shipping Board, and I want to tell you, my friends, that nothing has led more to the multiplicity of strikes in the shipbuilding industry than the fact that the administration through various channels have catered to these men. Every time they struck they raised their wages, and put in conditions. They raised the wages, for instance, at the Hog Island shipyard and put in conditions so that an ordinary carpenter gets 70 cents an hour for eight hours' work from 8 o'clock on. If he works from 7 to 8 in the morning he gets double time, and if he works after the end of the eight hours in the evening, he gets time and a half for that work.

Mr. VARDAMAN. Mr. President——

Mr. NELSON. I will yield in a moment. I want to add one word more. Under that provision if he works on Sunday he gets double time, and the result is that many work on Sunday instead of Monday under those conditions. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I wish to express my agreement, in part, with the opinion expressed by the able Senator from Minnesota. I have the honor of serving with the distinguished Senator on the Committee on Commerce, and with him I have observed the unfolding of the whole Hog Island transaction. It is an interesting story all through, and you will find everywhere the slimy trail of the serpent of greed and the big plutocratic footprints of the profiteer. I desire to ask the honorable Senator if he does not think that labor has been induced or encouraged to make demands for excessive wages because of the example of the men higher up who have been conscienceless robbing and plundering the Government in the Hog Island deal and other similar plants?

Mr. NELSON. Oh, there is some of that, of course; a good deal; but does the Senator remember how one day two prominent representatives of labor appeared before the committee and how they protested vigorously that people were lying about union labor; that they had been loyal and faithful and had not been guilty of any obstruction? They came there and were given a clean bill of health, and the next day we had that strike of 6,000 carpenters. Does the Senator remember that?

Mr. VARDAMAN. Yes; I remember that. And I want the Senator to understand that I am in no way condoning anything that has been done by labor, the effect of which hindered or delayed the work of shipbuilding at Hog Island or anywhere else.

I believe it is the duty of every American citizen to do his part completely in the matter of successfully prosecuting this war. I think the man who would take advantage of this terrible emergency to extort unjust wages and delay the building of ships that are so much needed to carry our soldiers and allies foodstuffs across the water is an enemy to his country. I have no word of condonation or excuse for such a person. But I do not want the responsibility altogether to be put upon the man who toils. When I realize, and every other Senator in this Chamber knows, that the men higher up, as Mr. Denman describes them—who contribute nothing but the "know how," when, as a matter of fact, not one of the "know hows" know any more about building a ship than a prairie dog does about the nebular hypothesis or a chimpanzee knows of the political economy of the planet Mars. The plutocratic gentlemen with a pull, who own the Hog Island plant, have succeeded in putting through a scheme by which they will relieve the Government of six or seven million dollars for which they give nothing whatever in return, while the men who toil are to be criticized and verbally crucified because they happen to ask for living wages.

Mr. NELSON. There is something in that statement. There are some of these men high up who have been profiteering and bleeding the Government with an excessive wage; but, while that is a bad thing, Senators can see what a serious thing it is to have shipyard strikes all over the country, first among the carpenters, then among the metal workers, then among the riveters, and so on.

The labor troubles in the shipbuilding lines commenced on the Pacific coast. They have a board of the Government here, the wage board I think it is called, a composite board composed of all kinds of wise statesmen who went to work and increased the wages, first 30 per cent, upon the coast. Then the boys, if I may use the term, got hungry and squared themselves off for another strike, and they increased their wages 10 per cent more. They gave that enormous increase to the men on the Pacific coast in the yards.

Now, what was the result? The result of that was that in all the shipbuilding yards on the Atlantic and Gulf coasts the men got restless. They said, "Here, this arbitration board, this wage board, has given the men on the Pacific coast these enormous wages. We have got to have the same showing." So we have had strikes here in the East without end, and there are strikes pending to-day. I have been a poor man, as poor as anybody could be, in my younger days. I have had to struggle with poverty. My sympathies are with the laboring man, but I confess the attitude that they have manifested in the shipbuilding industry during this year of the war period has utterly shocked me, and I wish that we could all manifest a better spirit.

But there is no use to disguise this thing. From the time we had the railroad legislation, to which the Senator from New Hampshire [Mr. GALLINGER] referred, this campaign has gone on to give these men immunity, no matter how often they strike nor for what purpose they strike.

In time of peace we can stand perhaps an ordinary amount of strikes, and where the strikes are for the bona fide purpose of getting good wages and better hours, if they work them long hours, I can sympathize with them. But now in time of war, when every one of us ought to do our bit, I have felt that some of the labor organizations in this country are not doing what they ought to do. I say this to them in a spirit of utmost kindness. I am not unfriendly to them, but I think they ought, like the rest of our people, to take into consideration the fact that we are at war at this time and that we need the active help and energy of every citizen.

Now, what has been the result of this increase of wages in giving double time for holidays and Sundays? It appears from some of the testimony we have taken before the committee that men have taken advantage of the big wages to lay off instead of working a full week; that they would only work a part of the week. For instance, after they were given the 30 per cent increase on the Pacific coast they, in the first instance, added 10 per cent on the condition that the men would work six days in the week. But finally the men did not like that and so they removed the condition requiring six days' work a week. Then by giving them double time for Sunday they got confused about the Sabbath. They would work Sunday and keep Sabbath on Monday, and then with an ample supply of money some of them were like I have heard some of the colored boys are down South when they get a pocketfull of money Saturday night, they would not think of coming back Monday or Tuesday to go to work. So with these men, they earn as much in three or four days as they have been in the habit of earning in a whole week before, and they see no occasion to put in full time. In fact, I got the impression from the testimony that the increase of wages has led to the slackening up of work.

I think if the situation is studied from first to last, as to what has hampered our shipbuilding and in a limited way hampered

the aeroplane matter in securing all the necessary timber for aeroplanes, the strikes among the laboring men have had a good deal to do with it.

I shall not take up the time of the Senate any further. As I said, I most reluctantly agreed to this amendment. I regard the other provisions of the bill as vital. If there is any one thing that our people have complained about it is the fact that throughout the country men here and there are throwing, if I may be permitted to use a slang phrase, monkey wrenches into the Government machinery. They are destroying munition factories; they are getting up strikes; they are burning elevators; they are destroying mills, sawmills and flour mills; they poison our cattle and interfere with our food supply. In fact, there is scarcely one activity in which the Government is interested but what you will find some hostile man engaged in hamstringing the Government; and, my friends, they are not all Germans as many of you think.

A great many of these most vicious men are Americans. They belong to the I. W. W. order, and they are about as dangerous and vicious a lot as we have in this country. I can readily see how a German imbued with patriotic sentiments and love for his country can go astray in these matters, but how a man who has been brought up here, educated in the schools, brought up under the institutions of this country, can find it in his heart to resort to this campaign of destruction passes my comprehension.

Now, the people are getting restless. We are liable to have lynchings in this country; we are liable to have riots and disorder; and if any legislation that we pass at this session of Congress will help to repress such disorders, help to repress the breach of the peace, help to promote the progress of the war by securing ample food supplies and munitions this legislation is exactly what we need. This is the legislation the people have pined for. This is the legislation that the Department of Justice above everything else insists upon our giving them. In fact, without this legislation the Government is helpless. The people ask us "Why does not the Government do something? Why do you not shoot these men? Why do you not hang them when they blow up a mill or a factory? Why do you not crucify them?" Why do we not? It is not because the Department of Justice has not been efficient; it is because up to this time we have not given the department sufficient and ample legislation. We have given them that in this bill, and because of the great importance of the matter, of the vital provisions of the bill, much to my regret I yielded in the conference, although I entirely agree with the Senator from New Hampshire that that particular provision in the bill is not a proper one.

Mr. UNDERWOOD obtained the floor.

Mr. JONES of Washington. I should like to ask the Senator from Minnesota a question.

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

Mr. UNDERWOOD. I yield to the Senator.

Mr. JONES of Washington. Mr. President, it has been my observation that when labor is interested in any particular legislation which is pending here it has not hesitated to show that interest, but I have had no indication or intimation from any labor source that labor is urging this provision in this conference report. I want to ask the Senator from Minnesota, as a member of the conference committee, whether or not any representatives of labor have pressed this proposition, or whether it is simply the result of the efforts of some one in another body, who assumes to represent labor, who is proposing its adoption? As I say, I have had no suggestion or intimation of any laboring man or representative of labor that they want this legislation or that they ask it in this hour of the Nation's need. I do not believe that labor should be charged with urging this legislation or insisting upon it unless they have been doing so, and I want to ask the Senator from Minnesota if that has been the case?

Mr. NELSON. I desire to say that, so far as I know, no representatives of labor appeared before the conference committee; but the Senator from Washington knows that I can not speak as to what may have affected the House members of the conference committee.

Mr. JONES of Washington. I want to bring out the facts that labor has not expressed its interest in the conference report.

Mr. NELSON. I can only say that the conferees on the part of the Senate have done the very best that they could to get an agreement. Senators who have been on conference committees know that oftentimes individual members have to yield their judgment in order to secure the adoption of provisions which they regard as most important.

Mr. UNDERWOOD. Mr. President, what I shall say is not intended in any way to be a criticism of the representatives of the Senate on the conference committee. I realize from past experience of my own that conferees are often compelled to make compromises and must exercise their own best judgment as to what is necessary to be accomplished; but as this report stands I am against it. On the other hand, I regard this measure as one of the most important measures, if not the most important measure, that has come before Congress for action since we passed the draft bill.

If we have fallen down in this war anywhere, it has not been in our man power. This Nation has accomplished wonderful results, when we consider the fact that we were practically without an army, and to-day we have a million and a half trained soldiers ready to carry our battle flag to Europe. We have, however, fallen down—we have fallen down lamentably—in one respect; that is, our ability to transport our troops to the field of battle.

Congress appropriated to the last cent the money that was necessary to prepare for the transportation of an army; but transportation facilities have not been furnished, though we have been in the war now for more than a year. I am not speaking of what may be accomplished in the future; I hope that what I have heard said about improved conditions is true, and that the defects may be speedily remedied; but we know—there is not a Senator in this Chamber who does not know—when it is remembered that almost a year ago more than a billion dollars was appropriated we ought to have vastly more ships on the seas than we have to-day. There may have been many reasons for our failure to launch the necessary ships, but, so far as I can read and so far as I can hear, our failure to have the ships on the sea is more directly due to the failure of labor to respond to the demands of the Nation than to any other one cause. I do not think any Senator will deny that statement.

I do not charge labor with disloyalty to the flag. I know of hundreds of boys who were laborers before this war was declared who promptly volunteered and joined the Army without waiting for the draft. I know of thousands of men who are engaged in labor to-day who are as patriotic to the country as is any man in this Chamber or out of it. I am not condemning organized labor. Labor has the right to organize for its own uplift and its own benefit so long as its organization is loyal and so long as the organization supports its country and fights for its flag; but peace conditions and war conditions are different. You can not decide the question under the same circumstances from a peace standpoint that you must apply to your decision when war conditions confront your country.

So far as wages are concerned, if I had the making of the law relative to the matter, I would not allow the employer of labor to lock out his men during war times on account of wage questions, neither would I allow labor to stop war industries on account of wage questions. I believe that labor is entitled to a fair and just proportion of the prices that capital gets under war conditions; that it should have it; but it should have it in a way that does not stop the war industries of the Nation. I would require that every labor dispute with regard to wages should be submitted to just arbitration; and when the finding of the arbitrators was ended that both sides must abide by the result.

I would not apply that to peace conditions; but when the Nation's life is at stake and the war industries of the country are of even greater importance to preserve our national life than our Army in the field, can any man hesitate to say that no man should be allowed to delay the production of war materials because of a dispute about wage conditions, when such a dispute can be settled fairly and equitably and justly by arbitration?

More than that, we know that labor to-day is not suffering because of unreasonable wages; that from the beginning of this war down to this time in the war industries of the Nation the price of labor has continued to increase day in and day out. This bill, however, does not stop at the price of labor, but it provides, in section 3:

> That nothing herein shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with the sole and bona fide purpose of securing better wages or conditions of employment.

What does the phrase "conditions of employment" mean? It may mean many things; but the Senate of the United States knows that, so far as it is proposed to be written in the law and the issue in the shipyards of this country, it means an eight-hour day. Since I have been a Member of Congress, so far as Government employment is concerned, I have always voted for an eight-hour day.

Mr. HARDING. Mr. President——

Mr. UNDERWOOD. If my friend will allow me to finish the sentence, I shall yield to him.

I am not opposing an eight-hour day as a peace condition; but when the question comes to us as to whether on Govern-

ment work in the industries of the Nation that are needed to save our national life, men may be required to work more than eight hours a day, I have no sympathy or patience with a man who is opposed to honest labor under those circumstances.

Mr. HARDING. I thought it might illuminate the question under discussion somewhat to call the Senator's attention to the fact that, in the controversies relating to shipping production in this country, the chief condition of labor alluded to was the maintenance of the "closed shop."

Mr. UNDERWOOD. I never have believed in the "closed shop" in peace or in war. I do not think a laboring man or any other man can sustain the proposition that one set of men has the right to enter into a combination to prevent another set of men from earning their daily bread; and if that is one of the conditions that is stopping war industries in this country, it is time for the Nation to wake up.

Mr. KING. Mr. President, will the Senator yield to me for a moment?

Mr. UNDERWOOD. I yield.

Mr. KING. I have before me an article on strikes; and I find that a large number of the strikes which have occurred since we have entered the war have been to enforce a "closed shop," and that some of the labor leaders of the United States have insisted upon a "closed shop."

Mr. UNDERWOOD. Never by my vote will I say that the war industries of America must stop because one man says that another man shall not labor.

Senators, you can not deny it, you can not question that our ships are not on the seas because of labor troubles; and they are not primarily wage troubles, but troubles as to the conditions of labor, which labor did not complain against until the Nation itself was in distress.

Now, I want to say that when I stood on the floor of the Senate and voted to conscript my neighbor's son and send him to the battle fields of France, in my inner consciousness I pledged myself, my vote, and my support in the future to take care of that boy if I had the opportunity to do so; and when I know that that boy is on the battle field to-day, when I know he is aiding to hold that faltering line, and that it is the lack of supplies, the lack of reserves coming up in time, the failure to get the men who are under arms in the United States to the battle fields of France that make the battle doubtful to-day, and that that lack is due to the fact that labor in the shipyards of this country has not responded patriotically to the Nation's call, I say that this bill can not go through in the condition that it now is with my vote. I think it is the duty of the Senate to reject this conference report and to send the conferees back either with direct or implied instructions that they shall not agree to the passage of the bill until this clause comes out.

I am perfectly willing to exempt the mechanic, the shipbuilder, and the miner from the draft. I have no doubt he can serve his Nation better at home than he can on the battlefields of France, and we have put an exemption of that kind into the draft law; but when the men we exempt from the draft are unwilling to respond by doing their utmost to produce the supplies, of which the Nation is in dire need, then I am in favor of telling those men that if they will not work for their country they must fight for their country. That is the only solution to this situation. The farmer's son, the lawyer's son, the doctor's son, have gone to the front, and if the laborer's son wants to stay at home to serve his country, then the Nation should see that he serves his country well, and if he is not willing to stay under those circumstances, then, in my judgment, the nearest recruiting office should be pointed out to him and it should be made certain that he puts on the khaki uniform. That is the only way to meet this question, and the right way to meet it.

Mr. President, I did not intend to delay the Senate, but I could not vote against a conference report involving legislation of this vast importance to the country without an explanation of why I vote against it. I sincerely hope that the conference report will be defeated.

Mr. CALDER, Mr. STERLING, and Mr. OVERMAN addressed the Chair.

The VICE PRESIDENT. The Senator from New York.

Mr. CALDER. Mr. President, in my judgment, this measure, if enacted into law in its present form, would do more injury to the spirit of the American people than any other one thing that could possibly be done. I believe that the great majority of the workingmen of this country have no conception that Congress is even considering the enactment of a law that contains a provision like that in section 3 of the bill under consideration. I am convinced that the vast majority of the American workingmen are patriotic, that they are just as determined to do their share in this war as any other portion of our people, but, Mr. President, the very contracts the Government has been making with munition plants and shipyards—and particularly with shipyards—have encouraged men to strike.

I wonder if Senators know that most of the shipbuilding contracts, both for naval and merchant ships, contain a provision that where the men ask for more pay the increase shall be given them, provided the shipbuilder confers with the Shipping Board or the Navy Department, as the case may be, and the Navy Department or the Shipping Board concur in the increase. These men strike, and the shipbuilder simply confers with the authorities at Washington, and as the Senator from Minnesota [Mr. NELSON] has said, in every single case the wage boards of the Government have awarded the men practically what they asked for, and the Government pays the increase.

Mr. President, I know that very often differences will occur between employees and their employers—the men who have contracted to build ships and manufacture munitions for the country—and these differences must be adjusted.

But I agree with the junior Senator from Alabama [Mr. UNDERWOOD] that a Government board charged with authority to determine these things might very properly be appointed, and then let the action of that board be final.

The other day it was my privilege to spend a few days at Camp Wadsworth, Spartanburg, S. C., where the New York National Guard troops are encamped. While there one evening a British officer made an address, and he spoke of the conditions of labor in England and in other countries of Europe involved in this war, and he told of his own knowledge of the experiences of an unfortunate soldier. This soldier had served nearly two years in the war. He was for one whole week on the battle front. At the end of that week he was ordered back to his base camp. Tired and weary of war, he strayed away from his camp. He was gone a week. He was picked up one day and brought back to the camp, court-martialed, and the next morning stood up against a dead wall and shot to death as a deserter. That man was away just one week, and they killed him for it.

I do not propose, Mr. President, that we shall kill men who stop work, but I propose that men who stop work in Government plants during the war shall be denied the right of reemployment while the war exists, and I join with the junior Senator from Alabama in saying that not only would I deny them work in Government plants during the continuance of the war, but I would say to them that they shall be required to take their place side by side with the American soldiers in France who are struggling to uphold the honor and the dignity of the Nation.

Mr. STERLING. Mr. President, just a few words relative to this conference report.

In discussing the report, Senators have seemed to me to proceed upon the theory that in sections 2 and 4 the language is such that employees might not agree together to stop work, or not to enter upon a strike with the sole and bona fide purpose of securing better wages or conditions of employment. My contention is, Mr. President, that the language of sections 2 and 4 bears no such construction, and that section 3, meant to prevent any such construction, is absolutely gratuitous so far as sections 2 and 4 are concerned; and I beg the indulgence of the Senators while I read the language of sections 2 and 4.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Florida?

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

Mr. FLETCHER. I was just going to say that I had the same point in mind. I think the Senator is entirely correct in his position; and I will ask him further, whether or not section 3 is any new law? Is not that the law now? Does section 3 change the existing law in any respect?

Mr. STERLING. I do not think it does; but I will refer to that a little later, and perhaps to the motive behind section 3.

Reading now section 2, it provides as follows:

> That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war—

Now, thus far the language is preliminary, and an inducement to the act constituting offense, which follows:

> shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, or whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall conspire to prevent the erection or production of such war premises, war material, or war utilities, shall, upon conviction thereof, be fined—

And so forth.

There is section 2; and no language of that section can be construed to prevent workmen from stopping work for better wages or for better conditions of employment; and the same thing, without reading section 4, will apply to the language of section 4.

So, Mr. President, there being no likelihood that either section 2 or section 4 could ever be construed to prevent the things provided in section 3, there is absolutely no necessity to protect employees by the enactment of section 3.

Mr. THOMAS. Mr. President——

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

Mr. THOMAS. Suppose that in the course of a strike, called for the sole purpose of increasing wages, violence should occur, and property should be destroyed, would those guilty of such destruction, according to the Senator's view, still be liable under the other section of the conference report?

Mr. STERLING. I will ask the Senator to repeat that question. I did not quite catch it.

Mr. THOMAS. I say suppose that during the progress of a strike, called simply for the purpose of adjusting wages, violence should occur, and Government property should be destroyed or endangered. Does the Senator think that those responsible for such destruction would be liable to the penalties provided in section 2 of the conference report?

Mr. STERLING. I think so; and section 3 would not protect them from those consequences.

Mr. THOMAS. I disagree with the Senator.

Mr. STERLING. Further, Mr. President, the Senator in charge of this conference report says that we should adopt section 3, in order to do what? In order to avoid the conflict—the inevitable conflict—with labor. Read sections 2 and 4, and let us ask ourselves the question if it has come to this, that we must inject into this bill a provision not demanded by the bill for the protection of labor in stopping work in order to avoid a conflict with labor?

Mr. President, if that is the situation, it is a fearful one and an ominous one for the United States. If we have come to that point, I should say, deplorable as it may be, regret it as we may, let us accept the inevitable, and have the conflict, and have it done with; and what will we do in that conflict? We will appeal to the loyalty and the patriotism of labor throughout the United States, both nonunion labor and union labor, and they will rally in their loyalty and patriotism to the support of the Government and the flag, and as for the rest—well, there is such a thing as martial law.

Mr. President, I do not know exactly what the purpose of section 3 is, but I know of some very significant things. I have a communication which I thought of reading several days ago to the Senate in connection with a resolution that I thought of introducing. It comes from a constituent, who says, in a letter dated the 19th of March:

> As to myself, I am the mayor of our little city, chairman of the Four Minute Men here, president of this branch of the American Defense Society, and have been trying since the war started to do what I can for the benefit of the United States; but there are many things which go against the grain, and I have been wondering if something could not be done to wake up the Senate and House to the fact that there is some one else in this country besides the labor unions who deserve consideration. Lately, in our talks at the movies, we have been trying to get workmen to enlist for shipbuilding, with some little success. Yesterday I received cards for the workmen to fill out, with information stating that certain workmen were wanted for the Puget Sound district. Now, note what follows—

He puts this in quotation marks and underlines it. This is the quotation:

> It is a union-shop district, and those who go out should be members of the craft's organization or signify their willingness to become members.

Then he goes on, of course, and denounces a policy like that.

Mr. WADSWORTH. Mr. President, do I understand the Senator's correspondent to say that that was a circular issued under the authority of the United States Government?

Mr. STERLING. That is from a circular, a quotation in haec verba, from a circular sent out by the United States Public Service Reserve, under the Department of Labor of the United States. I found that out after further correspondence and after inquiry by telegram.

Mr. KING. Mr. President, will the Senator inform us who are the officials who are responsible for that, because they ought to be removed from office, and removed quickly, and prosecuted, if there is any law under which they can be prosecuted.

Mr. McCUMBER. Mr. President——

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

Mr. McCUMBER. Will not the Senator go a good deal further than that? Is it not absolutely true that one of the great shipyards on the western coast was compelled either to cancel a contract or to employ only union labor?

Mr. STERLING. I have understood that such was the fact, and that through the direction of the Government.

Mr. GALLINGER. Mr. President——

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

Mr. GALLINGER. That does not surprise me at all, when the head of the Department of Labor, in addressing a great audience of laboring men, invariably commences his address by saying: "Fellow unionists"—"Fellow labor-unionists."

Mr. OVERMAN. Mr. President, what is the name of that? I never heard of that sort of a concern. What is it?

Mr. STERLING. Has not the Senator from North Carolina heard of the United States Public Service Reserve?

Mr. OVERMAN. I say, I never heard of it.

Mr. STERLING. A bureau under the Department of Labor?

Mr. OVERMAN. Is it a bureau under the Department of Labor?

Mr. STERLING. It is an employment bureau under the Department of Labor.

Mr. OVERMAN. There is a Labor Department, with which we are all familiar, but I do not know of that bureau. I never heard of it.

Mr. STERLING. This circular is so headed and entitled. I am led to inquire, in the face of this correspondence that I have received, in the face of the contents of this circular from which I read, as to how many men besides nonunion men there are, engaged in the Puget Sound district, who might be needed in the great and important and vital work of building ships, and how many who would have joined in that work and helped out the Nation in its hour of need would have gone there had it not been that they were warned by that circular not to go unless they belonged to the craft's organization, or were willing to signify their intention of becoming members of it? Has it come to this? If so, I say, as I said at the outset, let us accept this inevitable conflict, and know where we stand, and whether or not we have a right, as against any organization whatever, to protect the United States and its liberties in this great and terrible war.

Look here: Here is a circular sent out by the United States Public Service Reserve of the Department of Labor, and here are the grandiloquent words of the circular:

> For whom the reserve is intended:
>
> For all men who want to work to help win the war.
>
> For men who are not content to be bystanders, but want to play their part in saving the world from the rule of brute force.
>
> For men who are ashamed to go on to the end of the war working just for themselves, while their neighbors go to the front to give their all—their lives, if need be—for our country.
>
> For men who are ready, when the call comes, to give up jobs which are not vitally important in war times, and take jobs where their country needs them and where they can count for victory.
>
> For men whose patriotism is more than mere words; whose professions that they want to do something for their country really mean business.

My heart responds to every word of that appeal.

But, Senators, it appears that out there in Clark County, S. Dak., where the man lives who sent me this letter, were the men who, in war times, were ready to leave jobs not vital to the issues of this war and go into the Puget Sound district to labor in the shipbuilding business, and they were deterred from doing so by the contents of this circular!

Oh, Mr. President, what may the adoption of section 3 lead to? The fear is it will hamper us in the enactment of much-needed legislation in regard to the labor situation. It is not necessary, as I have tried to show, for the protection of the employees in the shipbuilding or in any other Government industry or work. It is not necessary at all. They may stop work, under the law as it is, for higher wages; but if we adopt section 3, then they will come back and say: "You are estopped now from adopting any other legislation in regard to labor. Congress has committed itself to this proposition." And we will not be enabled, in the face of that, to pass a law making it criminal to conspire to strike or to incite a strike in a great Government war-material industry.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator if they might not well say that the legislative branch of the Government has invited them to strike?

Mr. STERLING. Yes; I think so.

Mr. SMITH of South Carolina. That is right.

Mr. STERLING. I think the Senator from Mississippi is absolutely right in that respect. It is holding out an invitation to strike, as we have done before in other legislation that Congress has enacted under duress, practically.

I say now is the time, fellow Senators, in my humble opinion, if it is intended to make this an issue, to meet the issue right here, and not let things go from bad to worse, as they surely will if we trifle with the question longer.

Mr. OVERMAN. Mr. President, I want to appeal to the Senate to let us have a vote on this question this afternoon.

The bill passed the Senate one year ago yesterday, the 9th of April. Everybody knows it is the most important bill that has been before Congress. I want the Senate to do what it is going to do this afternoon, and if the majority of Senators are against the conference report, let us go back and try to have another conference. Therefore I appeal to the Senate to vote. If Senators vote down the report, it will go back to conference.

Mr. HOLLIS. Mr. President, it is all very well, after several Senators on one side of a proposition have stated their views, to call for an immediate vote without giving the other side a fair hearing. Before a vote is taken on this measure I have a few words that I should like to submit.

We all agree to certain things. We agree that it is not desirable to have a conflict with labor, organized or unorganized; that it is not desirable to take laboring men out and shoot them at sunrise; and I wish to state to the Senate in all seriousness that it is not necessary to have a conflict with labor and it is not necessary to declare martial law and shoot laboring men.

Senators seem not to be aware that there has been going on in this country during the last few weeks a most important conference between capitalists and organized labor. The capitalists have been represented by their best men. Organized labor has been represented by its best men. President Taft has represented the public or the capitalists' side. Those men have had a full and fair conference, and they have come to a deliberate decision. They have adjusted the differences between labor and capital in this war, following the English precedent. There are no strikes in England, because capital and labor got together and agreed what should be done when a conflict should arise between capital and labor.

England at first took the other tack. England passed a law making it a criminal offense for the miners in Wales to strike. Notices were posted at the mines to the effect that men who did strike would be criminals and should be dealt with as such. The miners came out to the top of the ground and read the notices, put their hands in their pockets, and refused to obey the law. Lloyd-George had to go to Wales himself and plead with the men to come back to work as a matter of voluntary agreement.

Mr. KING. Mr. President——

Mr. HOLLIS. I yield to the Senator.

Mr. KING. The Senator will also remember that they have a compulsory arbitration law in England, under which striking is forbidden and punished.

Mr. HOLLIS. It is a voluntary agreement under which strikers may be punished. Labor agreed to that law. Now, that was not necessary. There is no such law applying to railroads. There is such a law applying to munition factories, but the railroad interests in England have agreed with the capitalistic interest, and there have been no strikes.

Under the agreement which has just been made between capital and labor in this country there shall be no stopping of work when there are disagreements between employer and employee, there shall be no lockouts, work shall go right along as before, and the matter shall be first mediated; if a result is not reached, then arbitrated. President Taft is to be the principal man there. I think they call him chairman of that board of mediation and arbitration.

Now, what good is it to allow labor to organize if laborers can not agree one with another to stop work? Organization amounts to nothing unless it is made effective.

This is the old fight that has been going on in the Senate ever since I have been here. When the Adamson law was passed making eight hours a day on the railroads it was supposed that the following winter we would follow it up with a law to prevent strikes. Why did we not? It is because the Interstate Commerce Committee of the Senate considered the matter carefully and the majority of them believed that it was unwise to pass a law to prohibit strikes on railroads, and they did not report favorably on the measure. There has not been a strike on a railroad. There is not likely to be a strike on a railroad as long as the Government is running the railroads. I hope the movement will get so far that there never will be another strike on a railroad whether under Government or under private control.

The Hog Island situation is brought up whenever we have a matter of this sort before the Senate. I wish to say to the Senate that the capitalists who are doing the work at Hog Island struck before they made their contract. Mr. Denman testified before the Senate Committee on Commerce within a day or two that those capitalists held the Government up, I think, for two months, before they received a fee big enough to induce them to go into it. The capitalists held up the work for two months, and then the laboring men are not allowed to cease work until they can have their demands for higher wages considered.

The chairman of the Committee on Commerce tells me there have been no strikes at Hog Island. The strike referred to was a strike in the vicinity of New York. That was a strike of carpenters. It was not necessary to shoot any of those men or their leaders. The President made an appeal to the men to go back to work, and the men voluntarily went back to work, and the differences have either been adjusted or are in process of adjustment.

I have not talked on the floor of the Senate about the conscription of wealth. I have never used that phrase. I was in favor of raising more money for the purpose of prosecuting the war through taxation. I said nothing about great fortunes; I said nothing about the conscription of wealth; and I do not want my friends, who are perfectly honest in their attitude, to talk about the conscription of labor. It is one thing to conscript a man to fight for his country, to be fed by his country and paid by his country, to be under the command of officers furnished by his country, and another thing for a man to be conscripted and set to work in a place like Hog Island, under a private foreman, to make a profit for capital. We can not do that, Senators. The time has not come yet when you can lay your hand on the neck of a brother man and say to him, "Go to Hog Island and work; live under the meanest conditions off the pay we give you, which we say is fair and just. Work under brutal overseers." We can not do that.

Mr. REED. Mr. President——

Mr. HOLLIS. I prefer the Senator would not ask me to yield. Whenever he and I have gotten into an altercation it has always led to trouble. I very much prefer that he would refrain.

Mr. REED. It will not lead to trouble.

Mr. HOLLIS. I hope not. We will arbitrate. I will yield to the Senator.

Mr. REED. I have no desire in the world to interrupt the Senator, if it is unpleasant; but he has made a statement in regard to the bad conditions at Hog Island that I do not think ought to have been made, or that he would have made if he had been on the ground. I visited Hog Island, in company with some other members of the Committee on Commerce. We went into the eating house where these men were fed.

Mr. HOLLIS. To cut that short, I will agree that the conditions at Hog Island are all right. I did not mean to state that they were not. I was merely stating a case where they might be bad. Put it anywhere; I do not care. My point is this: It is one thing to draft a soldier to fight for his country under Government officers, with Government pay, fed and clothed by the Government, and another thing to take a man and put him to work under a private overseer for pay fixed by some one else, under conditions fixed by some one else, for the profits of a capitalist. That is the only point. I think likely the conditions of living at Hog Island are all right. If it is so it is about the first thing I have heard that is there that is all right.

This question came up a year ago when we passed a bill for the priority of shipments on railroads. That bill read very much like this. It provided a penalty for anyone who would obstruct or hinder the transportation of interstate commerce. I feared that it would be construed to prevent peaceful strikes. If we have got to face the question of peaceful strikes on railroads or in munitions factories, let us face it squarely, and have a bill introduced prohibiting it, and argue it out, and come to a vote and have it disposed of. But this proposition has not yet been submitted to the Senate.

It was for fear that some judge might construe this law as prohibiting ordinary strikes that this saving clause was put in. I asked to have the same saving clause put in the bill for priority of shipments by railroads and it was put in. I asked to have the same clause put in the food-control bill and it was put in by the Senate, but went out in conference, and because it went out in conference I voted against the conference report on the food-control bill.

I hope that the conflict will not be precipitated on this small amendment to this comparatively unimportant bill. If Senators think that the exigencies are such that they should undertake to say that a man shall be forced against his will to work for some one else for certain wages, under certain conditions, then Senators should vote against the conference report. If they think that that time has not yet arrived, then the conference report should be adopted, and it should receive their votes.

Mr. REED. Mr. President, I beg the indulgence of the Senate for just a moment. I think the case ought to be stated a little differently than it has been stated by the Senator from

New Hampshire [Mr. HOLLIS]. Nobody has proposed to take an American citizen and put him under a boss, brutal or humane, and make him work. No such proposition is contained either in this bill without the clause that is objected to, nor is it contained in any other bill. No matter what we do about this bill, every laborer in the United States and every citizen will have the absolute option to take work if he pleases to take work and to quit work if he pleases to quit work and whenever he pleases to quit work. Nobody proposes anything to the contrary.

The question that is agitating the minds of some Members of the Senate is this: Can men who are engaged in working upon war supplies be permitted to combine and conspire, not for the purpose of any individual quitting work or gaining the privilege of quitting work, but to combine and conspire to stop the progress of making war materials, and by stopping the progress of the making of war materials to force an adjustment of wages by taking advantage of the hardship under which the Government rests.

Mr. HARDING. Mr. President——

Mr. REED. One second and then I will be glad to yield. Now, that is the question; and the further question, whether in addition to conspiring to stop themselves for the very purpose of tying up the work, but at the same time refuse and by acts of violence prevent other men willing to take up the work to proceed with it. Now, that is the question, and it is not the question stated by the Senator from New Hampshire. I yield to the Senator from Ohio.

Mr. HARDING. I thought it would add to the Senator's statement if it should be said that every contract passed upon by the War Department requires the employer to allow the mediation board of the Government to settle all labor difficulties.

Mr. REED. Now, I want to say this, because I do not want to be misunderstood. I said it a few days ago before this particular controversy arose: Ever since I have been old enough to take part in public affairs I have taken the side of union labor. I have a long and unbroken record on that side. I would be one of the last men in the world to do anything to injure the cause of union labor.

But, Mr. President, the getting together of A, B, and C, engaged upon the work of building a railroad or constructing a machine in times of peace for private individuals, where the injury that will result will largely fall upon the private individual who employs the labor, and where that individual has the opportunity at any time to stop the injury that comes from the strike by acceding to a demand for more wages, I say that kind of a proposition made in a time of peace is a controversy between private individuals, but at this time in the world's history such a controversy between the employees in a great factory that is working on supplies for our Army, which has for its purpose the stopping of the making of those war supplies, is not a private controversy. It is a controversy that is absolutely inseparable from the conflict that is going on upon the battle line of France. Every blow that is struck here for the purpose of arresting the production of cannon, of powder, of shells, and of ships is a blow as certainly struck in the cause of Germany as though it was struck from the German line by a man wearing a German uniform. It is no time for controversies of that kind to be indulged, and I do not believe that labor in this country demands that such a right or privilege shall be indulged. I believe that, man for man, union labor is as loyal as any other class of our citizens, and if they are not loyal, then God help the Republic.

Mr. President, I have said all I care to say. I do not believe this clause ought to stay in this proposed statute. I do believe that when a provision is made by which an arbitration can be had in this time of war loyal labor will accept that arbitration.

Mr. WILLIAMS. Mr. President, even if the question were presented as stated by my good friend from New Hampshire [Mr. HOLLIS] it would present no terrors for me. He stated the question as if it were one of "forcing men to work" under the orders of somebody not selected by themselves. We are forcing men to fight under the orders of somebody not selected by them, and we are not even consulting them about the orders. I see nothing worse in forcing men to work for the motherland. But that is not the question as presented now in this bill. The Senator from New Hampshire does not present the question correctly at all.

Even if that were the question, I can see no great tyranny or pathos in forcing a man to work for his country when we are already forcing another man to fight for it. We are taking from one only his time, and we are possibly, if not probably, taking from the other his health, his limbs, or his life. I fail to see that the two things can be put upon different footings, one from the other. But that is not the question here.

The very utmost to which this controversy goes would be to deny by some court construction the right by agreement to quit work in certain classes of work which are important to the carrying on of the war or necessary and vital to its carrying on.

The question does not even go that far, because when the Senator from New Hampshire comes to study it further he will find that there is nothing in the law without this saving clause that prevents anybody from having the same right even by agreement to quit work.

Mr. President, I want to say that a man has a right in the Hog Island shipyard, and in the shipyards upon the Pacific and the Gulf coast, to-morrow to meet and agree with certain other people to quit work, and let the United States Government fall behind in producing more ships than the submarines are sinking. He has that "right"; yes; he has that legal right; but he has not that moral right; and he is a traitor when he undertakes to exercise the right. Duties are more sacred than legal rights.

Mr. HOLLIS. Mr. President, will the Senator from Mississippi yield to me a moment?

Mr. WILLIAMS. If he does not first agree to leave all controverted questions of wages to some impartial tribunal, and if he stops shipbuilding upon the part of this country in order that he may sit in judgment himself upon the question of his wages, then he is morally a traitor.

Mr. HOLLIS. Is the Senator from Mississippi aware that within the last few days capital and organized labor have agreed to just that thing? That being so, does the Senator not think they ought to be left to do it, instead of passing a law of this kind?

Mr. WILLIAMS. I do; without passing a law of this sort. That is the reason I want this provision stricken out. I want the situation left as it is; to leave it to their voluntary cooperation, which means to leave it to the law as it now is, without denial or reassertion.

I say it is bad patriotism—whether it is good law or not—it is just as bad patriotism for a man not to agree to leave a question of wages before he strikes or locks out to some impartial tribunal organized by the Government of the United States, which is his servant, as it is to desert on the battle line in the presence of the enemy. Both rest on the ground that he himself, even in war times, must be the judge of what duties he shall perform. It is bad patriotism, whether it is good law or not.

I say it is worse patriotism on the part of Congress to *invite* men to strike in these vital and necessary industries. I say that when you put this unnecessary provision in this conference report—although the conferees, of course, did not so intend it—you are inviting men to strike without arbitration; you are inviting the I. W. W. to stir them up to it, and the I. W. W. are German agents; you are saying to them, "Congress says that, no matter what else may be the duty of whatsoever other citizen, you, as a class, have no duty not to hold up shipbuilding and munition manufacturing on the ground that you are citizens of the United States trying to help win the war; we set you aside as a special class; you may obstruct the carrying on of the war all you please, because you do it by peaceful strikes." A peaceful strike, which interferes with the carrying on of a war by your own country, is questionably "peaceful"; it sounds more pro-German warlike than it does peacefullike. But still they have that right—the legal right—they can do it to-day; they can do it to-morrow after we pass this bill, without this provision in it. The only thing about the provision is that you are inviting them to do it.

Here are the assassins of the deep going around sinking our ships—sinking any ships; neutral ships, all sorts of ships—here is all the energy pent up, the energy of Great Britain and France and the United States, trying to sink the submarines, and trying, as a secondary measure, to build so many ships that we shall, at least, have more new ships than they have sunk old ones; and here is the Congress of the United States in a conference report inviting men in shipyards to strike!

The Senator from New Hampshire says, and says very properly, that already these men and their employers have entered into an agreement, and that their agreement is not to strike without arbitration; and yet he would have us put into a solemn law, *after* that agreement, a formal approbation of the strike without arbitration, after they themselves have agreed not to strike during the war, nor to lock out during the war until after arbitration; and arbitration by whom? By a governmental tribunal which thus far has, as the Senator from New York [Mr. CALDER] has said, decided every question of wage or time dispute in favor of the workingmen.

Mr. FLETCHER. Mr. President, just a few words in reference to this matter. It has been stated that another body insisted upon this amendment, and that, in order to reach an agreement, it was determined by the conferees to put it into this conference report. There are reasons why they did so.

The substance of the argument here, in fact the full extent of the argument, it seems to me, against the adoption of the conference report is that this section is unnecessary; not that it is harmful in itself; not that it changes the law as it is; not that it would change the force and effect of either section 2 or section 4, but that it is simply unnecessary and surplusage. That is the argument of the Senator from South Dakota [Mr. STERLING], and it is the argument of the Senator from Mississippi [Mr. WILLIAMS]. The only fault the Senator from Mississippi finds with it is, as he says, that it is an invitation to do something which ought not to be done, not something which men are invited to do as a matter of advice, or as a matter of welcome, or as a matter of preference, but something that the law says in this section shall not be regarded as unlawful. That is all the section says. It says that shall not be unlawful which is not now unlawful and which will not be unlawful after this act shall have been passed without section 3 in it.

Therefore the most that can be said against it is that, as the Senator from Mississippi says, it invites a course of conduct which otherwise might not be indulged in, but which the section itself does not say is proper, is advisable, or is morally justified, but simply says is not unlawful and would not be a violation of the law. On the other hand, the virtue of it is that it makes perfectly plain what everyone concedes is the fact, that neither section 2 nor section 4 makes unlawful the doing of the thing which is mentioned in section 3; it leaves it beyond any question or any doubt. That is all that it accomplishes. It does not change the existing law; it does not alter or modify the provisions of section 2 or section 4; but it does make plain that the provisions of section 2 and section 4 are not contrary to and do not denounce that which is provided for in section 3.

Mr. CUMMINS. Mr. President——

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

Mr. FLETCHER. I yield.

Mr. CUMMINS. I wish the Senator from Florida would make that point a little clearer, because I do not understand the bill in that way. The latter part of section 2 makes it a crime to conspire to prevent the production of war materials. Suppose that a factory making war materials has a thousand employees, and they were to agree amongst themselves to quit work, so that the war materials would not be produced until their wages were increased, does the Senator from Florida say that that would not be a violation of that part of section 2?

Mr. FLETCHER. If there was a conspiracy with the intent to prevent the production of war materials, then it would come within the provisions of section 2; but if the employees agree together not to work solely for the purpose, and in good faith, of securing better wages and conditions of labor, then it would not be a violation of section 2.

Mr. CUMMINS. I can not agree with the Senator from Florida as to the construction he puts upon section 2, and I want to understand his view clearly. The strike is the weapon of organized labor; it uses it by preventing the carrying forward of the enterprise in which the employees may be engaged. Now, it is just as clear to me as though it were expressed in the most direct language that an agreement between employees of a given factory engaged in making war materials to quit work——

Mr. STERLING. Mr. President——

Mr. CUMMINS. Just a moment—to quit work for the purpose of coercing the employer into an agreement for higher wages would be a violation of section 2. I do not want anybody to get the idea that I am in favor of this conference report. I think it is a deadly blow not only to organized labor but to the best interests of the Government, and I intend to vote against it; but I do not want to have the impression go abroad that section 3 is entirely meaningless, for I think it has a very great deal of meaning.

Mr. STERLING. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from South Dakota?

Mr. FLETCHER. I yield.

Mr. STERLING. I simply wish to say to the Senator from Iowa that in construing the latter part of section 2 I hardly think he goes back far enough in the meaning. The offense is not "to conspire to prevent the erection or production of such war premises, war materials," and so forth, but it is:

> Whoever, with intend to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities—

And so forth.

Mr. CUMMINS. The latter part of section 2, however, is in nowise coupled with the former part. I understood the Senator from Minnesota [Mr. NELSON] to say that the latter part was introduced on the floor of the House——

Mr. NELSON. Yes, sir.

Mr. CUMMINS. And adopted as an amendment. Now, it does not require any intent whatever. It says that whoever conspires to prevent the production of war materials, and other things as well, is guilty of an offense.

Mr. STERLING. Will the Senator pardon me while I read the very language here to see if there is not that very connection, so as to show that the intent must exist to obstruct the United States?

Mr. CUMMINS. The intent, of course, must be to prevent, for that is the very weapon the strike involves, namely, the interruption of industry.

Mr. FLETCHER. Then, the Senator holds that an agreement not to work is synonymous with an agreement to prevent and with the intention of preventing the production of material.

Mr. CUMMINS. I say that an agreement among the employees in a given factory to quit work because they are not being paid sufficiently high wages for the purpose, as in the case of all strikes, of compelling concessions to them by their employers, does prevent the carrying forward of that enterprise, whatever it may be.

Mr. FLETCHER. I think the decisions of the court are perfectly plain upon that question, and are to the effect that an agreement among employees to stop work or not to enter thereon for the sole and bona fide purpose of securing better wages is not a conspiracy which the court can enjoin, and certainly such an agreement does not mean the same thing as is meant by the words—

> With intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities—

And so forth.

Mr. President, I am not going to detain the Senate long; I know the anxiety there is to vote on this bill, and I will not enlarge upon the subject generally; but I think it ought to be stated here that nowhere among the shipyards of this country is there a "closed shop"; nor do I understand that there is any effort anywhere to bring about a "closed shop" among the shipyards. Whether that obtains as to munition factories or not I am not prepared to say.

I wish to correct another statement that has been made to the effect that the primary or principal cause for our not having upon the seas the tonnage which we hoped and contemplated would be there, and which we now feel ought to be there, is the lack of labor. That has not been the real cause. There has been some little difficulty with labor, but it can not be said that either the workers of the country or their organizations or their conduct have contributed materially to delay the shipbuilding program. There have been various causes entering into that. In the first place, we were not a shipbuilding Nation; we had to start at the beginning; we had to build the plants; we had to lay the foundations for an enormous industry, and that took time. Then we had to prepare plans and designs and make contracts. We had to engage and manufacture shipbuilding materials—steel, lumber, and various materials of that kind. All those things took time. Labor was willing to work; labor has been doing its part, in my judgment; generally speaking, the workers throughout this country have been loyal to the Government and have been doing their part. There have been here and there some leaders, some bad advisers, some unreasonable or unreasoning men among them who caused trouble and who were prompted by selfish purposes, but, generally speaking, the great body of the workers of this country have done their part and are doing their part to-day, and they are not asking more than they are entitled to receive.

There are various reasons why they should have higher wages than they formerly had, and I freely grant that they have had an increase of over 100 per cent in wages as they stood in 1914 at the beginning of the war; but in some instances five, six, or seven men live in one small room, and in some instances a man with his wife and three or four children live in one room while the man is working day in and day out at his occupation. Those are the "conditions" which might be mentioned in connection with this language in section 3—not that they insist upon the

shipyards being operated as "closed shops," but as to housing conditions and other conditions they have a right in many instances to complain.

They have been doing nobly, as a general rule, in the great work in which they have been engaged, and we need them. We need every man we can get. It is estimated that in shipbuilding a man can build 10 tons a year. If we are going to build 6,000,000 tons of ships this year, what does it mean? It means that 600,000 men must be on the job. We have only about 260,000 now. There are additional men who can be obtained, and who are ready to go, I think, to these yards as soon as they are ready to take care of them. In many instances the number could be increased three or four times if they only had the houses in which to put the men. Some mistake has been made in putting the plants in already congested and crowded industrial districts of the country. They probably ought to have been distributed more than they are distributed, because labor conditions and housing conditions and all those things which make for well-being and satisfaction of workers might be found more adequate than they are in particularly congested and crowded places as we find them to-day. But we can not say that the fact of our not having more ships on the ocean is because labor has not been loyal, or because the workers have not been here and willing to work. That is not the cause.

Mr. President, I do not see any objection to section 3. There may be something in the suggestion, which I can not perceive, that it is an invitation to workers to agree not to work, in a bona fide purpose and plan to get better wages, or better hours, or better housing conditions; but it does not affirmatively authorize or encourage that course. It simply says that that shall not be regarded as unlawful. Whether it is from an ethical or a moral or patriotic standpoint the right thing to do is another question. When it comes to dealing with this subject upon the grounds that have been suggested here, that is a matter that may have to be taken up at some future time; in other words, whether we shall ever reach the point in this country where we will undertake to conscript labor. It is one thing, the old saying is, to lead a horse to water, and another thing to make him drink. You do not necessarily get more output by forcing men to work than you would get otherwise; and in my judgment that is the very last resort that we ought to make.

We can adjust these matters without that course. We are proceeding to adjust them amicably, and every contract that is made now provides for the adjustment of these differences in the various Government operations. I think the difficulty will adjust itself. There will be no necessity for coming to conscription; and for that reason, and in order to make it plain that we are not attempting to come to that, I see no real objection to including section 3 in this report.

As illustrating the attitude of labor, I wish to insert in the RECORD a short article appearing in the Artisan, a labor paper published in Jacksonville, Fla.

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

DRAFTED FOR SERVICE.

In this time of national peril, when in defense of our rights and liberties we, as a Nation, have been forced to enter the war against the German military autocracy, we are all drafted for service.

Each and every one of us owes and must perform some patriotic work and duty in support of our country. Some of us are drafted for service in the Army or Navy, and are called upon to risk their lives in battle, striving to prevent our homeland from being subjected to the horrors of an invading foe.

The success of our forces who go overseas will depend very largely upon the support we render them here at home. We must build ships to take them over. We must produce arms, munitions, and supplies. We must produce food supplies and conserve them so that our overseas forces and our allies may be fed. In short, we must all work for the war. The war is the chief business concern of each and every one of us and we are all drafted for service.

If we are slackers in any way, we help the enemy to kill our own men. If any of our relatives or friends are killed because we have withheld the needed equipment or supplies, then their blood will be on the hands of those of us who have withheld our support. We can not escape our responsibility to those who are offering their lives for our protection. We must labor to produce the things that are needed, and we must curtail our own consumption in order that we may the better supply our soldiers and our allies.

To prosecute the war with full national strength the Government must have first call for labor and materials for war purposes. Every workingman is drafted for service to do his part in producing war goods or in supporting war producers. He is also drafted for service in economizing and saving in every possible way so as to lessen his own competition against our own Government for labor and materials. The more unnecessary things are consumed the greater the demand for labor and materials to reproduce them, and the less labor and materials are available to the Government to prosecute the war. It is only by teaching the people to save and not to compete with the Government for labor and materials that we can put the whole strength of the Nation into this war.

Mr. PITTMAN. Mr. President, it appears that the Senate is disposed to strike out section 3 as it appears in the report, which reads as follows:

SEC. 3. That nothing herein shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with the sole and bona fide purpose of securing better wages or conditions of employment.

I believe that if it is stricken out of the report this law will not stand for any length of time. I am perfectly satisfied that in the patriotic zeal that is stirring the Senators they are about to commit an act which they will be compelled to rescind.

Strikes have been referred to, and they have taken place, and yet nearly all of those strikes were incited by I. W. W.'s, and some of the very Senators who are now so patriotic in regard to compelling labor to work under any conditions on account of these strikes have been delaying the passage of this very espionage bill, which will do much to prevent those strikes.

This bill, if section 3 is eliminated, is a bill for the conscription of labor, pure and simple. It would then say that no laborer could quit work if his action in so doing would interfere with the various plants and occupations mentioned in the bill. The language is plain and simple. If he does any act which he has reason to believe will interfere with the production or transportation of any of the materials named, then he is guilty under this act. I see that the Senator from Georgia [Mr. SMITH] shakes his head. I will read the words:

Or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation—

And so forth.

Mr. SMITH of Georgia. The Senator has not read it all.

Mr. PITTMAN. I did not think the Senator from Georgia had read it, and yet he is prepared to vote on it.

Mr. SMITH of Georgia. Oh, yes; I have.

Mr. PITTMAN. I think there are several Senators here who have not read it, and yet they are prepared to vote on the motion to strike out section 3. It says that any man who has any reason to believe that he is interfering with the Government by his act is guilty of a crime. Now, no man can quit work in any of these occupations without knowing that that very act does interfere with the occupation in which he is engaged. It does not require a group of men to quit in order to constitute a crime.

Mr. KNOX. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Pennsylvania?

Mr. PITTMAN. I yield to the Senator.

Mr. KNOX. Just in the interest of accuracy, if the Senator had read on a line or two farther, I think he would have found the suggestion that I understood to come from the Senator from Georgia to be entirely correct. It says:

Whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy.

He must not only have reason to believe that his act may injure or interfere with the United States in preparing for or carrying on the war, but that reasonable belief must be followed by a willful attempt to injure or destroy material, and so forth.

Mr. SMITH of Georgia. It must be done with the intent to injure.

Mr. KNOX. Yes.

Mr. SMITH of Georgia. I suggested to the Senator from Nevada that he had not read far enough, and I was just getting my copy of the report to call his attention to the exact language.

Mr. PITTMAN (reading from sec. 2)—

Or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, or, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

He is forbidden to willfully quit work with the intention to interfere with any of such occupations, having reason to believe that it will have that effect.

Now, what is the result if section 3 is eliminated? The result is simply this, and section 3 emphasizes that result: Under the ordinary rules of strikes when a body of men quit they do not accomplish their purpose by quitting. They accomplish their purpose by preventing other people from taking their places. That is wrong. That is prohibited in this act. But section 3 simply says that a man may quit work, or a group of men may quit work, if it is for the purpose of benefiting their condition, even if it does injure the Government.

Now, what do you want to say, you who want to strike out section 3? You want to say that a man can not quit work if it injures the Government, no matter how inhuman such work may be. Why? Because you want to strike out section 3. The only exception to the prohibited acts is that a man may quit

work himself, provided he does not try to prevent anyone else from working or in no other way attempts to interfere. Otherwise there would be no sense in section 3.

Another thing: Senators talk about interfering with the shipyards of this country. If this dealt solely with shipyards, or if it dealt solely with munition plants, then there might be some argument for striking out section 3; but it deals with practically every occupation in the United States. Every man who is running a little manufacturing establishment in the United States is included under the provision regarding "material." The product of nearly every mine is included under the head of material. Tell me this: How long would the employer be anxious for mediation if these men could not quit? Why is it that the employers to-day are willing to meet the laborers before a mediation board? It is because the men can quit. Take away from the employee the power to quit and you will find every employer in this country refusing to arbitrate the question of conditions or of wages. That must be apparent to everyone. We have provisions for mediation, but it is not compulsory. The employees are not bound by it. Take away from labor the right to quit and what protection have they against starvation wages and intolerable conditions? What control do you provide over the employer? Is there any punishment for the imposition of starvation wages and death-dealing conditions?

You are conscripting labor. Are you ready to conscript the employer? I am ready to conscript both of them, but I am not ready to conscript the employee and not conscript the employer. I am not willing to say to the employee, "If you quit work you will injure the Government, and you will be guilty of a crime," and not say to the employer, "If you do not pay these men living wages and do not let them live under conditions that they can live under, you will be guilty of a crime." I do not believe in having an act that works on one class of people and not on another class of people.

All of us want to start up and hasten and expedite the manufacture of materials in this country necessary for the conduct of the war, but why start in with the employee? Why not go to the employer? Why not say, "You are partially responsible for some of these rows; you are partially responsible for some of these strikes; and we say to you that we will not only fix wages and hours of labor, but we will fix the conditions under which they are required to work"?

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

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from New Mexico?

Mr. PITTMAN. Yes.

Mr. FALL. Is it not a fact that we have said to the employers engaged in work for the Government, or those in the line of Government work, that if they do not proceed with work to the full capacity of their plants we will take them over, if we choose, and operate them?

Mr. PITTMAN. Undoubtedly we have said to the employers under the direct supervision of the Government that if they do not proceed to do this work we will take them over; yet in the same voice, by striking out section 3, you wish to say, "You can work your labor as you see fit, for they can not quit." You want to permit the copper mines to say to their employees, "You have got to work for a certain wage; you have got to work for a certain number of hours; you have got to work under certain conditions; and you can not quit as a body, because if you do quit it will shut down this mine, and if you shut down this mine you will be guilty of a crime." That is exactly what this bill says. If you would deprive labor of its only protection, then, in the name of humanity, substitute some governmental protection in the same act. We need legislation that will make strikes not only impossible but unnecessary. Without section 3 this legislation is not only inhuman but is crude beyond description.

I have never known such an outrage as this bill will be if you strike out section 3 of this conference report.

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

RECESS.

Mr. OVERMAN. Mr. President, I have been notified by some three or four Senators that they desire to speak on this subject. We can not finish the consideration of this report to-night; and therefore I am going to ask the Senate now to take a recess until 11 o'clock to-morrow morning.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

The motion was agreed to; and (at 5 o'clock and 52 minutes p. m., Wednesday, April 10, 1918) the Senate took a recess until to-morrow, Thursday, April 11, 1918, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 10, 1918.*

The House met at 12 o'clock noon.

The Rev. William Couden, of Washington, D. C., offered the following prayer:

Holy Father, Thy presence envelops us as a cloud. We can not penetrate all that life may mean; we never know all the dangers from which we are protected nor see all the opportunities which we might claim. But the mystery of our life in Thee is shot through with the light of never-failing love. We are amply blest. Yet with hope and faith in Thee we long for more. Teach us, dear Lord, to yield in all to Thee—to obey and trust, to sacrifice and wait, to work and rest. Dedicate to Thy purpose all our efforts and all that we hold dear. Continue Thy care and leading to each of us personally and to the needs of the world.

To-day comes to us a list of names who in high service have given life for our national honor and welfare. God accept them. Christ receive them. Encourage the wounded. Succor those left to carry on the conflict and all who are to go. And comfort the mourning and anxious hearts back home.

In this pregnant hour of history, when we are as those whose eyes watch for the morning, make it clear to all who love Thy appearing in our country and in the nations of our allies that Thou art our God and our Father. For Christ's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Young, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (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.

COLLECTION OF SOLDIERS' INSURANCE.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to address the House for not exceeding one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, the Committee on Interstate and Foreign Commerce and many Members of Congress have been very much besieged by letters from people who have soldiers in the Army who have either died from natural causes or who have been killed. Shyster lawyers over the country have organized, as they usually do on occasions like this, to try to fleece these people out of a part of their insurance and a part of their compensation, trying to make them believe that it is necessary to employ a lawyer and pay him at least 10 per cent or something of that kind on the collection of their insurance and compensation. I desire to state that the Committee on Interstate and Foreign Commerce has reported a bill to stop that practice, and I desire to give notice, in order that they may know what is coming up, that I shall ask unanimous consent this morning for the consideration of that bill.

Mr. STAFFORD. Will the gentleman state the number of it?

Mr. RAYBURN. Eleven thousand two hundred and twenty-five.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DOWELL for one week, in order to take part in the liberty-loan campaign in Iowa.

EXTENSION OF REMARKS.

Mr. POU. Mr. Speaker, I ask unanimous consent to have an editorial inserted in the RECORD. It is from the New York American relative to the work of Secretary Daniels as Secretary of the Navy. There is a part of the editorial which is partisan, which I shall leave entirely out.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I suggest that the proper medium for an editorial of that sort is the Official Bulletin. I object.

The SPEAKER. The gentleman from Massachusetts objects.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10069, the river and harbor appropriation bill.

The SPEAKER. The gentleman from North Carolina moves that the House resolve itself into Committee of the Whole House

on the state of the Union for the further consideration of the river and harbor appropriation bill.

The question was taken; and on a division (demanded by Mr. WALSH) there were—ayes 69, noes 1.

So the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the rivers and harbors bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The Clerk, proceeding with the reading of the bill, read as follows:

Baltimore Harbor and Channels, Maryland: Continuing improvement and for maintenance, $300,000.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word.

I have spoken upon the Baltimore Harbor so often that I take it most Members here to-day know a great deal about the harbor of our great metropolis lying within 40 miles of the National Capital.

Baltimore Harbor is composed of the Patapsco River, which is formed by the North and South Branches of that river. These branches rise in the central part of the State and the total length of the river is about 65 miles. Baltimore lies on the river, about 11 miles from the Chesapeake Bay. The river is only tidal for a few miles above the city. There was a time when the river was navigable to Elkridge Landing, but that has long since filled up. The important portion of the Patapsco River lies below the city of Baltimore and there is a detached part of the channel 4½ miles long into Chesapeake Bay—the Chesapeake Bay section opposite York Spit. The Curtis Bay section of the harbor is on the south side of the Patapsco River, about 6 miles southeasterly of the inner harbor. It is the mouth of Curtis Creek, in Anne Arundel County. This section of the harbor has been recently annexed by the General Assembly of Maryland to Baltimore. There is another section, known as Spring Gardens, which is really an extension of the Patapsco River into that part of the harbor known as Spring Gardens, and is about 4 miles long and half a mile wide.

The river changes entirely at Baltimore. Above it is a flowing stream, sometimes not more than 200 feet wide, while below it is an arm or outlet to the Chesapeake Bay from 1 to 4 miles wide. The tide in the river is slightly over 1 foot—about 14 inches.

When the United States Government began operations in the river there was a depth of 17-feet available at mean low tide. There were, of course, pockets which were deeper, but they availed nothing, inasmuch as the greater portion of the river was only 17 feet deep. In Curtis Bay there was an available depth of 20 feet at mean low water when we got to it, but that required another channel.

To-day there has been gradually appropriated sufficient sums of money to provide a channel 35 feet deep from the sea to Baltimore Harbor and into the harbor. York Spit Channel was dredged several years ago, but in the last few years, under a bill which I introduced, Congress provided $326,000 for the widening of it to make it more available for large ships. I will introduce here a statement showing that up to this time some $9,000,000 have been expended on those channels, which certainly shows effort on the part of Baltimore's Representatives:

Financial summary.

Amount expended on all projects to June 30, 1917, exclusive of receipts from sales, etc., formerly included, amounting to $58.81:	
New work	$8,764,003.40
Maintenance	398,761.12
Total expended	9,162,764.52
Total appropriations to June 30, 1917	9,553,180.00

Fiscal year ending June 30.	1913	1914	1915	1916	1917
Expended for new work	$59,847.65	$75,512.74	$229,739.76	.....	.....
Expended for maintenance	200.00	5,581.46	27,279.45	$22,100.71	$42,681.94
Total expended	60,047.65	81,094.20	257,019.21	22,100.71	42,681.94
Appropriated or allotted	355,250.00	.....	.....	.....	.....

July 1, 1916, balance unexpended	$79,097.42
June 30, 1917, amount expended during fiscal year, for maintenance	42,681.94
July 1, 1917, balance unexpended	36,415.48
July 1, 1917, outstanding liabilities	1,150.00
July 1, 1917, balance available	35,265.48
Amount appropriated by river and harbor act approved Aug. 8, 1917	354,000.00
Amount available for fiscal year ending June 30, 1918	389,265.48
Amount (estimated) required to be appropriated for completion of existing project	626,100.00
Amount that can be profitably expended in fiscal year ending June 30, 1919:	
For new work	200,000.00
For maintenance	100,000.00
Total	300,000.00

At the last Congress the river and harbor bill carried a project for the Baltimore Harbor in the sum of $876,100, and appropriations were made in the bill of last year and this year toward carrying out that project. The amount of the appropriation carried in this bill, to wit, $300,000, is apparently small, but when we realize that we have a comfortable balance from the last bill, which will enable us to carry on the work without hesitancy and toward the completion of the project provided, we can not complain.

This project provided for surveying, deepening, and widening the channel into Spring Gardens to the Hanover Street Bridge, the dredging of a large anchor basin in the harbor opposite Fort McHenry, and the deepening and widening of Curtis Bay Channel into that section of the harbor. The improvement of the Patapsco River section, including York Spit, has been completed and maintained by dredging under previous projects, so that now we have a 35-foot channel from the city to the sea. Together with the harbor improvements made by Baltimore, we have 35 feet of water to the piers at Locust Point.

When the work of dredging under this project of the last bill is finally completed, which will naturally take several years and perhaps more if the war continues, we will have a harbor second to New York alone on the Atlantic seaboard.

We must not be content, however, with 35 feet of water when we realize the great draft of many boats which are now being constructed, especially when we realize that only last year we authorized the construction of several dreadnaughts 850 feet long, drawing 31½ feet of water, and having a tonnage of 40,000 tons. It might be possible with a 35-foot channel to get one of these boats in the harbor if in good condition, but if she was injured it would require more than that amount of water.

It is clearly apparent that unless we have more than 35 feet of water within the next 10 years we will be practically out of the running. New York has a project under way for a 40-foot channel, Norfolk likewise by virtue of its navy yard and dry dock has been authorized 40 feet, and only to-day by amendment a channel has been provided for Charleston, S. C., to her navy yard, at that place, of 40 feet. Philadelphia and Baltimore, it will be seen, in a few years will be practically out of the race as almost the only large seaports along the Atlantic which have not secured 40 feet.

Philadelphia will no doubt obtain what she desires by virtue of its League Island Navy Yard, and it is strictly up to Baltimore, in order to keep in the running, to procure a 40-foot channel from the city to the sea.

I have introduced a bill for this purpose, and while I shall not press it upon this committee to-day as an amendment, I hope and believe that the next rivers and harbors bill will at least contain a survey for that purpose. I wish to impress it upon the House and upon my people that Baltimore, in order keep astride with the other great cities, must have a 40-foot channel, and it will require constant effort and determination in order to procure it.

Mr. LITTLE. Is the gentleman advising his friends to send their shipments to Baltimore?

Mr. LINTHICUM. I advise everybody who wants a thing done quickly and cheaply to go to Baltimore. Baltimore at the present time has developed into a great shipbuilding center. All along the coast down to the Patapsco River are located great shipbuilding yards. The Bethlehem Steel Co. has developed a plant in which they are expending $50,000,000 in improvements and enlargements. As gentlemen know, the House recently appropriated some $50,000,000, $5,000,000 of which will be spent in building homes for workmen. The great Baltimore Shipbuilding & Dry Dock Co. have extended their plant; they occupy a part of Fort McHenry Grounds, and have now gone on the other side of the fort, but outside, and developed another large plant. Along the banks of the Patapsco, below Curtis Creek, a shipbuilding company, with a capital of $3,000,000, has been incorpo-

rated and will be in operation I hope before long; in addition, numerous other plants have been established.

Like Philadelphia, Baltimore has become a great shipbuilding center. Great ordnance warehouses are being built in Curtis Bay, across the harbor from Baltimore. So we are getting along pretty well in Baltimore, and I only wanted to call attention to the fact that we appreciate the $300,000 given us, which with the balance on hand enables us to continue work. There was an authorization of $876,100 altogether.

Mr. WINGO. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. WINGO. The gentleman is evidently not complaining of the way that the committee has treated Baltimore?

Mr. LINTHICUM. No; but I wish the appropriation could have been larger and more work done. There has not been much work done by the Government during the last year; but we make no complaint, for, as a rule, Congress has been fairly good to us; but every dollar spent at Baltimore has been of great advantage to the Government. I want to call the gentleman's attention to the fact that I made a speech two or three years ago in favor of the new immigration station. That new station has enabled the Government to have one of the largest hospitals in the country for the treatment of the injured during this war. It has been turned into a hospital and, with other buildings, will have 2,000 beds.

Mr. WINGO. I do not want the gentleman to misinterpret my question. I am with the gentleman because, like other Members, we realize that when the gentleman goes for something he is generally so persistent that they have to give it to him sooner or later, and the gentleman gets what he wants. He has a remarkable ability to present the merits of his proposition, and he never presents one to the House that does not possess merit, and for that reason the House is generally with him.

Mr. LINTHICUM. Well, we have to keep busy. The great western sections and the port of New York swallow up things. Only yesterday we provided for a 40-foot channel through Hell Gate for New York. I want to call attention to the fact that there are other ports on the seaboard besides New York that ought to have a 40-foot channel. There is Baltimore, Boston, Philadelphia, Norfolk, and I shall ask in due time for a 40-foot channel for Baltimore.

Mr. TREADWAY. Did the gentleman include Boston?

Mr. LINTHICUM. Yes; I included Boston to-day and also in my remarks of yesterday.

Mr. FREAR. Mr. Chairman, the question asked by the gentleman from Arkansas struck the nail on the head. Members of the House convey the impression that through their individual efforts they have something to do with the merits of the various propositions. If we could only get away from that view and understand that it is the merit of the proposition itself on a commercial basis for which we give these appropriations, it would be better. We have got to do that before we will ever get anything that will be fair to the country and fair to the Treasury of the United States.

As to Baltimore and the necessities of that harbor, I do not wish to criticize the gentleman from Maryland [Mr. LINTHICUM], for he is an excellent Member and looks after matters connected with his district, but this appropriation was determined irrespective of his argument, and it ought to be determined irrespective of the argument of Members of the House. If not, it is unfair to other Members, and Congress ought not to give to those who are specially favored and present matters with especial persistency. They should not have any advantage over others. For that reason I speak. I do not think it is right that Members should assume that it is their individual effort which secures these appropriations.

Mr. LINTHICUM. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. LINTHICUM. I merely want to say that the reason I did not take up more time of the Committee on Rivers and Harbors during the formation of this bill is that the project at Baltimore for $876,000 had already been adopted. It was adopted last year, and there was no necessity for further proof, as it then became a continued proposition.

Mr. FREAR. Yes; it was unnecessary, because the committee has full knowledge of Baltimore Harbor, and it has given what she needs irrespective of the wishes of the gentleman. Now, the same is true of most of the harbors and ought to be of our navigable facilities, and I speak of this for fear a wrong impression may go out as to what influences the committee. It may, but it ought not. We ought to be governed entirely by the commercial needs.

Mr. PRICE. Mr. Chairman, I move to strike out the last two words.

Mr. SMALL. Mr. Chairman, if the gentleman will permit me to interrupt, I desire to say there is no formal amendment pending before the House and at the conclusion of the remarks of the gentleman from Maryland I would like to demand the regular order to proceed.

Mr. PRICE. I rise, Mr. Chairman, more particularly to get some information from the chairman of the committee who reported this bill. I notice on page 4 there are about 25 rivers and creeks in my district which carry a maintenance of $3,000. I would say this seems so small, so inadequate, for so many rivers that I simply wanted to know on what this estimate is based.

Mr. SMALL. In reply to the gentleman I will say that the only item in that group for which an appropriation is recommended is the one for Wicomico River, where there is an estimate for $3,000 for maintenance. As to all the other items in that group, no recommendation for an appropriation was made, either because the balance on hand was sufficient for the next fiscal year or because no money is needed for their maintenance. Take, for instance, Wicomico River. There is a balance available there of $3,694, and this sum, together with the cash appropriation of $3,000 carried in this bill, was regarded as sufficient for the present year and the next fiscal year. Every dollar is appropriated for the group of items which was recommended by the Chief of Engineers as being required for their maintenance or improvement.

Mr. PRICE. I understand, then, there is an unexpended balance to take care of the maintenance of those rivers?

Mr. SMALL. There is $60,000 altogether available for the group.

Mr. PRICE. I simply wanted to clear that up because it seemed so small that I wanted to know whether they were properly provided for.

Mr. SMALL. It is a perfectly proper inquiry on the part of the gentleman.

Mr. PRICE. The gentleman thoroughly understands the importance of the rivers in this part of the country. This whole eastern shore of Maryland is cut up with rivers and creeks; in fact, it is the only means of transportation that many sections of that country have; and, in fact, two-thirds of the commerce of that section is carried on those rivers and creeks. I thank the gentleman for his information and am very glad he feels it is provided for so adequately.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

Norfolk Harbor and Channels, Va.: Continuing improvement, $1,540,000.

Mr. SMALL. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out line 20 on page 4 and insert in lieu thereof the following: "improvement and for maintenance, including the channel to Newport News, $1,940,000," so the paragraph as amended will read as follows: "Norfolk Harbor and Channels, Va.: Continuing improvement and for maintenance, including the channel to Newport News, $1,940,000."

Mr. SMALL. Mr. Chairman, in the project for Norfolk Harbor and channels are included, first, Norfolk Harbor, embracing the Elizabeth River; also the Southern Branch of that river, on which the navy yard is located, and the Eastern Branch and the Western Branch of Elizabeth River. Another project in this group is Thimble Shoal Channel, while still another is the channel leading from Hampton Roads to Newport News. In the annual report of the Chief of Engineers recommendations of appropriation were only made for Norfolk Harbor in further continuance of the improvement of the deeper channel of 40 feet to the navy yard and also for the Thimble Shoal Channel. No estimate was submitted at that time for the channel leading from Hampton Roads to Newport News. This additional appropriation of $400,000 is for the maintenance and further improvement of the channel to Newport News and is offered in response to a letter from the Chief of Engineers, which I will send to the Clerk's desk and ask to have read.

The CHAIRMAN. Without objection, the letter will be read.

There was no objection.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 8, 1918.

Hon. JOHN H. SMALL,
Chairman Committee on Rivers and Harbors,
House of Representatives.

MY DEAR MR. SMALL: 1. Referring to the item on page 4 of the pending river and harbor bill for Norfolk Harbor and Channels, Va., I have the honor to state that information has just been received from the district engineer showing that work is urgently needed on the Newport

News Channel for which no provision was made in the estimate as submitted in the annual report for 1917. The existing project for this channel provides for a depth of 35 feet and widening the former project width of 400 feet to 600 feet.

2. No allotment to this channel was made from the appropriation of August 8, 1917, because the 40-foot channel to the navy yard was considered more important. Similarly, in the estimates for the next fiscal year it was deemed advisable to limit the funds to the work that could be done on the channel to the navy yard, no special urgency for work on the Newport News Channel having appeared at that time. Recently, however, the local pilots' association and the commander of the port of embarkation have reported that the largely increased use of this channel for war purposes has developed its inadequacy to serve these needs. The district engineer concurs in their views and recommends that provision be made in this bill for widening this channel to the new project width of 600 feet.

3. The original estimated cost of this work was $270,000. The channel has shoaled, however, since that estimate was made, and there has been a notable increase in prices, so that the district engineer now estimates the cost of this work at $400,000. In view of these conditions, it is recommended that the item for continuing improvement of Norfolk Harbor and Channels, Va., be increased from $1,540,000 to $1,940,000.

Very truly, yours,

FREDERIC V. ABBOT,
Brigadier General, Engineers,
Acting Chief of Engineers.

Mr. SMALL. Unless some further information is requested——

Mr. STAFFORD. Will the gentleman yield?

Mr. SMALL. I will.

Mr. STAFFORD. Does this project for which the gentleman has recommended an increase of $400,000 involve the improvement of the channel to the Newport News training station, which the Government secured under authorization made last year?

Mr. SMALL. Yes; it makes that accessible, including the great shipyard there and the supply depot. It is a very important harbor for the shipment of supplies abroad to our expeditionary forces.

Mr. STAFFORD. It is virtually one of the important points for the embarkation of our troops going abroad.

Mr. SMALL. Probably the most important save Philadelphia and New York.

Mr. STAFFORD. As I understand this additional appropriation it is for the purpose of improving the channel leading up to the new naval station, which was secured by authorization of Congress last year?

Mr. SMALL. The gentleman is correct, and this is asked as a war exigency. Mr. Chairman, I ask for a vote.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Waterway from Norfolk, Va., to Beaufort Inlet, N. C.: Continuing improvement, $500,000.

Mr. SMALL Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 4 strike out the period at the end of line 25 and insert in lieu thereof a colon and add the following words: "*Provided*, That the Secretary of War may, in his discretion, make such minor changes in the location of the waterway as he may deem advisable in the interest of navigation."

Mr. SMALL. Mr. Chairman, I make this statement in connection with this amendment: The district engineer, in making a survey there, has decided that in the interest of economy in construction and maintenance there ought to be a slight deviation in the line as heretofore recommended in the report on the project. This amendment simply authorizes such slight deviation as may be necessary in the interest of economy and navigation.

Mr. FREAR. Mr. Chairman, I will not attempt to oppose this amendment, because the item of $500,000 was offered in the committee and it was opposed there, and I am satisfied to let the committee's action stand. But I do wish to make this brief statement in reference to this project, which I have opposed in the past and which I do not believe to-day is of any commercial importance, particularly in war times. As I have stated in my minority report, the commerce has dwindled down forty-odd per cent within the last two years on this project. This $500,000 proposed in the bill is to meet underestimates made by the Army engineers on this canal or waterway. And it ought to be understood that when these estimates are made and they are accepted so easily by the House we will ask what are the facts. Think of it, in just one year we are confronted with the fact that half a million dollars in underestimates by Army engineers has occurred on this waterway. The amendment seeks to have the Army engineers make changes if they choose. They are permitted to do that, I suppose, anyway. They have had before them various routes for years in order to determine where to send these barges up and down the coast and where to dig canals. I wish to call attention to the fact that here is an appropriation of half a million dollars due to underestimates and mistakes of the engineers in digging on this waterway along the Atlantic coast. But what are several millions of dollars for this part of the waterway? It will run over $6,000,000 when you put in these underestimates, and we do not know how many more underestimates we will have before it is completed. Bear in mind that within the last two years there has been 40 per cent loss in commerce, and yet as a war measure you are putting in half a million dollars. And this is only a small link in an inland waterway scheme that will reach many hundreds of millions of dollars as now proposed and is of no practicable commercial demand or use.

Mr. MOORE of Pennsylvania. Mr. Chairman, I rise to oppose the motion of the gentleman from Wisconsin [Mr. FREAR], who moved to strike out the last word.

I am in favor of the amendment and hope it will be adopted. I realize the gentleman from Wisconsin has made a fight for several years on what may be the canal items in this bill, and he has his reasons therefor. I have given him credit for a conscientious desire to do his full duty in the House, but I question whether it can be truly said that the opening up of the inside waterways along the Atlantic coast at this time is not directly in the line of war necessity. With the facts staring us in the face that the railroads have been unable to carry the freight of the country and to meet the requirements of war, it has seemed to me to be close to suicidal to permit our inside waterways to remain inactive as they have been.

It has been pointed out on this floor time and time again—the older Members know it well, but it may be repeated for the benefit of the new Members—that the inside waterways along the Atlantic coast need but a little digging here and a little digging there to connect them up in one continuous chain along the coast—an inside water course safe from the dangers of the ocean, capable of carrying a barge traffic, and if sufficient depth be given capable of carrying vessels of war inside, protected from storm and free to move about strategically as they see fit.

We do not build navy yards out on the ocean line. Neither do we build ships out in the ocean. We use inland areas for that purpose, and we must have inside passageways through which vessels may come and go. They are not constructed directly on the coast. They are constructed inside.

I gave you yesterday the most notable example we have in the United States to-day of progress along an inside waterway when I referred to the Delaware River. But wonderful as has been the development along that river in recent years, it is limited in its capacity to relieve the Government at this time, because we have deliberately refused to open up connecting links that would make it serviceable to the country—South and North. Gentlemen look querulously at the map and say, "You have got the great ocean to go upon." But gentlemen fail to read in the newspapers in times of stress and storm in the winter season of barges that ought to be on inside waterways attempting to make the outside passage and going to the bottom, carrying human lives along with them.

Mr. STAFFORD. The canals are frozen.

Mr. MOORE of Pennsylvania. The gentleman from Wisconsin says canals are frozen.

Mr. FREAR. I did not say that.

Mr. MOORE of Pennsylvania. But there are other gentlemen from Wisconsin here besides the gentleman who spoke last. The gentleman [Mr. STAFFORD], who dreams in terms of ice, comes from Milwaukee, where they need it in the familiar beverages they drink. But no one needs to remind even the school children of the United States that in certain periods of the year ice comes over the streams of the Northern States. No one need hurl into the face of the merest tyro the statement that canals and waterways and lakes will be frozen. Why, navigation on the Great Lakes, up yonder where the gentleman from Wisconsin lives, is impeded for long seasons during the year on account of ice, and the boats are held up in the harbors, whereas boats can continue to navigate the inside waterways south of Wisconsin, if you will only open up the courses. That simple truth needs no demonstration.

One of the real hindrances to the progress of this war is the failure of this country to properly utilize and operate the navigable waterways that the Lord has given it. Gentlemen remember well the coal shortage of a month ago. They remember how congestion backed up against the port of New York. They were told then that if these waterways had been improved and these barge lines had been encouraged, the storehouses of the Nation might have been full at various points rather than at the one port of New York alone.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Gentlemen vote very properly——

Mr. LITTLE. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. LITTLE. The gentleman from Wisconsin is boasting about the Lakes. Is it not a fact that navigation is safe on the canals while they are continuing to drown people on the Lakes?

Mr. MOORE of Pennsylvania. I am glad the gentleman from Kansas has brought that to the attention of the gentleman from Wisconsin. The gentleman cares only for life on the Great Lakes. I care also for human life along the Atlantic seaboard.

Mr. FREAR. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I say again I was not referring to the gentleman from Wisconsin [Mr. FREAR]. The other gentleman from Wisconsin seems to be peculiarly amused when this question of saving life on the Atlantic seaboard arises.

Mr. FREAR. Before our committee Col. Keller testified briefly as follows, and it is right in line with the gentleman's suggestion.

Mr. MOORE of Pennsylvania. There is no more important war proposition than this.

Mr. FREAR. He says, on page 13 of the inland waterway investigation:

> The railroad freight rate per ton from the anthracite fields to Philadelphia, where that coal might be transshipped to barges and from Philadelphia going to Norfolk by water, is within 50 cents or thereabouts of the rail rate to Norfolk.
>
> Mr. FREAR. What proportion of the haul?
>
> Col. KELLER. About a third. Now, then, that determines what the barge shall get. The man who is buying coal in Norfolk is willing to allow the barge only the difference between the railroad through rate to Norfolk and the railroad local rate to Philadelphia—that is, 50 cents. The result is that the coal does not move by water. The barges have gone out of this coal business. This is the short-sightedness of the people. They do not fight against railroad rates when in normal times these rates favor the individual at the expense of the community. When things are abnormal, however, these rates may militate against the individual as well and damage his interests. We come back to the point that there is no prospect of large traffic on inland waterways until the rail situation is very radically revised.

That is the Army engineer who appeared before our committee.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MOORE of Pennsylvania. I am glad the gentleman quoted that. I will ask the gentleman from Wisconsin if he agrees the canals have gone out of business and are not carrying coal in the manner indicated by Col. Keller?

Mr. FREAR. There may be some canals that are carrying some coal, but I will read also in regard to the New York Barge Canal, if the gentleman wishes.

Mr. MOORE of Pennsylvania. I think the gentleman has read enough for the purposes of the argument. The gentleman has read far enough to prove what I am stating, that these very canals have been put out of business by the railroads, although they were built to serve the country at cheaper rates than the railroads were. The railroads did not encourage the canals. I will point to the Schuylkill Navigation Canal, which was put out of business, although it proposed to bring coal to the consumer for $1 cheaper per ton than it could be brought by rail. Yet the gentleman from Wisconsin insists that is not a good system, and although the railroads themselves to-day are pleading for the rehabilitation of the canals, he would not have them restored but would continue to impose these exorbitant rates upon the consumers of coal. I want no better illustration than that which the gentleman has presented. I will tell him that if we had a canal free of tolls between the Chesapeake and the Delaware Bays now there would probably not be railroad embargoes on lumber from the South that is needed in the shipyards of the North. We would get that lumber up through the canals. We can not get it outside because our ships are commandeered. The schooners that used to carry it are out of business. Barges are not built for ocean-going traffic, and you refuse to permit the inside waterways to be used because you demand that the railroads shall be the sole carriers of the traffic of the country.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. LINTHICUM. I would like to have the gentleman's opinion on a lateral canal like the Chesapeake & Ohio Canal, that brings coal down from Cumberland.

Mr. MOORE of Pennsylvania. Yes. Gentlemen have laughed at that proposition. They have sneered at the thought that we should utilize the Chesapeake & Ohio Canal. It is not along that coastal chain that I have been advocating here, but it is one of the many feeders of that great inland trunk line, and would aid and be aided by it. If the Chesapeake & Ohio Canal had not been chloroformed by the railroads there would have been plenty of coal in Washington last winter, when the people of Washington were begging for coal. That is the fact.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FREAR. Mr. Chairman, may I ask for five minutes to respond to what the gentleman has said?

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. FREAR. The gentleman from Philadelphia dreams on this subject of inland waterways. He is at the head of an organization that is urging generous appropriations for canals and inland waterways. He is present at all the waterway meetings and he derides and criticizes people who disagree with him upon this subject. Now, when it is pointed out to him, the absurdity of his own argument made upon this floor in regard to the shipment of coal on this very waterway, upon which we have put now over $3,000,000 on this short link, and we will put $100,000,000, and far more than that, on this Atlantic coast waterway scheme—aye, a billion dollars, if you choose, if we get it deep enough to carry large vessels—with all these facts submitted to him by the Army engineers, he says that we are glad of failure of usefulness, or substantially that; that that is the position we assume. It is not.

The fact is, I fear, that the gentleman is taking up a narrow-minded view on this inland-waterway proposition. We have got to change the rates of the railroads before traffic will seek the canals. I have insisted upon it while he has remained silent. Why does he not go before the Interstate Commerce Commission? Why does he not go before Mr. McAdoo or somebody else on this proposition?

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MOORE of Pennsylvania. I have gone before Mr. McAdoo, and am happy to say that Mr. McAdoo has promised to utilize the waterways wherever they can be utilized to advantage.

Mr. FREAR. I hope that is true. I have seen the gentleman's picture repeatedly in publications along the vicinity of the canal, wherever he makes his appearance and conducts his investigations.

Mr. MOORE of Pennsylvania. Does not that show the demand for this improvement on the part of the people in those localities?

Mr. FREAR. The gentleman, with his charming personality, is sure to get this publicity. I am discussing coal, and I am showing, Mr. Chairman, that, notwithstanding all the millions of dollars that we have put into this waterway, the Army engineer, in whose judgment you are so frequently asked to give confidence, says there is nothing in it. He says that coal barges are withdrawn because we can carry coal cheaper by rail on account of the 50 cents per ton allowed for differential. That is the reason. It is useless to put millions of dollars into these waterways, as we are now doing, unless we have some intelligent idea of the way to utilize them. The same thing applies to the Mississippi River, on which we have appropriated $170,000,000. What is the use in wasting millions of dollars on the Mississippi River when we have no commerce on the Mississippi River? Col. Keller is a very able engineer and he has a very intelligent understanding of the situation, in my view. He says you have got to raise rates on the railroads if you are to utilize these waterways.

We have disclosed and brought it home to you how much we have appropriated. We have appropriated for three rivers $250,000,000, for the Mississippi, Missouri, and Ohio, with a small commerce which has decreased materially since so-called improvements were begun.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. SLAYDEN. I understood you to quote the engineers as saying you have got to reach the railroad rates before you can utilize these streams. That means you have got to reduce railroad rates?

Mr. FREAR. No. You have got to raise the rates so that it will make it possible for waterways traffic to exist. They have done it in Germany. The reason why they have made it successful in Germany is because the Government controls both railways and waterways.

Mr. SLAYDEN. Is not that success partly due to the fact that certain classes of freight, where expedition is not essential, are carried on the waterways? Is not that true of bulky freight and the cheaper freight?

Mr. FREAR. I would like to explain to the gentleman in detail what occurs practically only on one river in Germany, namely, the Rhine, where river commerce is over 30,000,000

tons annually; and the conditions there are so entirely different from those on any streams we have in this country that it is almost impossible to duplicate them, except where the Government has control of rivers and railways, in order to force certain commerce onto the rivers by raising the railway rates. That is about the only way we can do it, and, as the gentleman says, it is for a certain class of heavy traffic—ore, coal, and bulk freight. Of course, on the Rhine River the coal is at the opposite end of the stream than on our own rivers. The mountains furnish, through snows, some moisture the year round. With us, on the Mississippi and other rivers, in the summer time the waterways are practically useless and largely unused the year round.

Mr. SLAYDEN. Canals are not.

Mr. FREAR. But the expense of the canalization system is too great. We have put $59,000,000 into the Ohio River appropriations already for canalization and the commerce is not as great as it was before we began the improvements. On the Brazos River, down in the gentleman's own country, and on the Trinity River, into which they have put three or four million dollars, there is no tonnage whatever.

Mr. SLAYDEN. But the improvements have not been completed.

Mr. FREAR. No; and if we put in as much as $12,000,000, as we have on the Black Warrior River, the Army engineer says, in effect, in this report that it is useless, that you can not compel people to build boats to carry the commerce or to float commerce when railway facilities are so superior.

Mr. SLAYDEN. I do not want the money spent on streams where navigation can not be developed.

Mr. FREAR. I am satisfied the gentleman does not, and Congress does not, and if we will give intelligent study to this question I think we will come to a realization of the fact that it is a misuse of the money to make such appropriations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Chairman, I do not like to be left in the attitude before the House of urging appropriations for streams where it is not possible to ever develop navigation; but in my travels I have observed that the canals and streams are enormously used, in Belgium, for example, and in Holland, and in some places in Germany, and in France, too. I believe that there are certain classes of freight that will be transported by water whenever there is an opportunity to do so.

Now, as to the Brazos and the Trinity, I do not know whether it is possible to make those streams fit for navigation. That is out of my line of study and investigation. I am compelled to accept the professional opinion of people who are trained in such matters. But it is not quite fair for my friend to cite the present amount of commerce on those rivers in connection with his argument, because neither of those projects has been completed. Of course, commerce has not been built up since the undertaking was initiated to increase the navigability of those streams. His argument would be strong enough if the work on those streams had been finished and no commerce developed, but now it is not finished, and so there is no strength in his argument. That is all I have to say about that.

Mr. SMALL. Mr. Chairman, I do not understand that the gentleman from Wisconsin is particularly opposing this improvement.

Mr. FREAR. I am not, and I ask to withdraw my amendment.

Mr. SMALL. But, for the sake of accuracy, I am sure the gentleman from Wisconsin would like to be informed as to the commerce on this section of the Norfolk-Beaufort waterway, from Norfolk to Albemarle Sound. There was a decrease of only 47,848 tons in 1916 from the previous year, or a decrease of only 9 per cent in tonnage. Or the contrary, there was an increase in the value of the commerce of $404,061 for the same period. I have made the calculation, and I am sure the gentleman would like to have the facts correctly stated.

Mr. FREAR. I quoted from page 542 of the 1917 report of the engineer that the loss in commerce between 1913 and 1916 was 45 per cent. Is that statement correct?

Mr. SMALL. The gentleman will understand that between Norfolk and Albemarle Sound there are two waterways.

Mr. FREAR. The gentleman includes the inland waterway via Dismal Swamp Canal?

Mr. SMALL. Yes. The United States have purchased the Albemarle & Chesapeake Canal route and the same is now under improvement in accordance with the report of the engineers.

Mr. FREAR. That explains the discrepancy. This is from the report.

Mr. SMALL. One of these waterways has been taken over by the Government and is under improvement, and while it is under improvement it can be used very little. The bulk of the commerce still has to go through the privately owned waterway, on which tolls are charged, and it is fair to compile the commerce on both the Albemarle & Chesapeake Canal and the Dismal Swamp Canal, because both have the same termini—that is to say, both extend from Norfolk to Albemarle Sound.

Mr. STAFFORD. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. STAFFORD. We all realize that this project is very dear to the heart of the gentleman from North Carolina [Mr. SMALL], as it is, of course, to the gentleman from Philadelphia, who is the perennial president of the Atlantic Deeper Waterways Association. I would like to inquire of the gentleman as to whether he can inform the House of the character of the tonnage on this inland waterway and the ton-miles of the traffic that is carried on it?

Mr. SMALL. In answer to that I will say that it is all through commerce. It passes the entire distance through. None of it is local in the sense the gentleman has in mind; that is to say, going a few miles. It is all through commerce, and it is of a diversified character, consisting of coal, fertilizers, gasoline, agricultural products, forest products, grain, merchandise, and miscellaneous articles.

Mr. STAFFORD. And the total tonnage is how much?

Mr. SMALL. The total tonnage for 1916, the last figures we have, was 524,475 tons, at a valuation of $15,032,097.

Mr. STAFFORD. Can the gentleman inform the committee as to the character of the vessels used in the carriage of this tonnage, whether they are steam propelled?

Mr. SMALL. The larger part of the transportation is in barges, but a substantial part is also carried in freight steamers.

Mr. STAFFORD. As I understand the project, the recommended depth is 9 feet.

Mr. SMALL. No; it is 12 feet, with a width of 90 feet at the bottom and a width of 150 feet at the top.

Mr. STAFFORD. Other than the gentleman from the eighteenth ward of Philadelphia, the distinguished president of the Inland Waterways Association, is there any thought of making an inland waterway deep enough so as to have it possible to transport men-of-war?

Mr. MOORE of Pennsylvania. Mr. Chairman, I rise to a point of order. I do not want to have the gentleman's words taken down, but I ask if it is permissible to refer to a Member in the first person?

Mr. SMALL. Mr. Chairman, if I have any time remaining I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. My point of order is that the gentleman from Wisconsin is violating the rules in referring to his colleague in the first person.

Mr. STAFFORD. Mr. Chairman, I wish to take exception to the position of the distinguished gentleman from Pennsylvania, the president of the Inland Waterways Association. I have not, as the report of the proceedings will show, referred to any gentleman, not even the illustrious gentleman from Pennsylvania, the honorable gentleman from Pennsylvania, in the first person. I have referred to him always in the third person. I would not magnify the ego by referring to him in the first person. [Laughter.]

Mr. MOORE of Pennsylvania. I accept the humble apology of the gentleman from Wisconsin. [Laughter.]

Mr. Chairman, I now apologize to the House for having committed an error in respect to the gentleman from Wisconsin, to whom I referred a little while ago. When I spoke of the gentleman from Wisconsin as having paid little attention to waterways I was referring to the gentleman from Wisconsin [Mr. STAFFORD], who usually is very accurate in other matters. But the gentleman from Wisconsin [Mr. FREAR], coming with special force to the aid of his colleague, entered the fray and seemed to take to himself the suggestion that I had reflected upon him. I have observed in the list of Members from Wisconsin that there is more than one Member from Wisconsin in the delegation, and several of them are of considerable prominence in this House, so that when reference is made to any one of them perhaps it would be better, the rules permitting, to designate them by name.

Mr. STAFFORD. Can the gentleman say that as far as the delegation from Pennsylvania is concerned, and particularly when matters pertaining to the city of Philadelphia are under consideration?

Mr. MOORE of Pennsylvania. With humble apologies to my colleague I admit that there are gentlemen in the Pennsylvania delegation who do their best for their country and their State; in fact, all of them do, as I assume that all of the gentlemen from Wisconsin do. The trouble is that when a Member refers to "the gentleman from Wisconsin" a large part of the delegation rises with one accord. [Laughter.]

The gentleman from Wisconsin [Mr. FREAR] mistook my reference to the gentleman from Wisconsin [Mr. STAFFORD] as

having reference to him. Now, the gentleman from Wisconsin [Mr. FREAR], to whom I did not refer, indicated that the gentleman from Pennsylvania sometimes, because of his enthusiasm for waterways, became abusive. That statement ought not to stand without contradiction.

I have never been abusive to the gentleman from Wisconsin. I have been lenient to the gentleman from Wisconsin. I have been observant of his weaknesses. I have seen that the gentleman from Wisconsin is fair up to a certain point, and then stops without ascertaining all the facts. The gentleman from Wisconsin says the gentleman from Pennsylvania gets his picture in the papers along the Atlantic coast, but the gentleman from Wisconsin gets display headlines in the Chicago Tribune.

Mr. FREAR. May I inquire of the gentleman when this occurred?

Mr. MOORE of Pennsylvania. I have observed that when the gentleman makes a spectacular speech on the floor it appears the next morning in the Chicago Tribune, and as that paper has a wide circulation throughout the State of Wisconsin I assume that a Wisconsin speech in the Chicago Tribune is good for home consumption.

Mr. FREAR. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FREAR. The gentleman will agree with me when I say that the Chicago Tribune, of all the papers in this country, has helped defeat or modify some of the bad river and harbor bills in the past, and that was done on its own motion, and it has been a matter of national concern.

Mr. MOORE of Pennsylvania. It has encouraged the gentleman from Wisconsin to go on and make his statements about eastern projects and projects elsewhere. It has given encouragement through display headlines. That may be "according to Hoyle"; gentlemen in Congress are permitted to do that sort of thing if they want to. There are gentlemen on the other side of the House who come in suddenly and make spectacular speeches about their colleagues and then rush off on the lecture platform. But other gentlemen are content to make speeches about waterways, waste, and extravagance, and they get the headlines in the Chicago Tribune.

Mr. BRITTEN. Will the gentleman yield for a suggestion?

Mr. MOORE of Pennsylvania. I will yield to my friend.

Mr. BRITTEN. In reply to my good friend from Texas [Mr. EAGLE], I would like to say that there is probably not one man in the House who is here oftener or who spends more time in the House than the gentleman from Wisconsin [Mr. STAFFORD].

Mr. EAGLE. Mr. Chairman, I agree with the gentleman.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. There is another case of mistaken personality. [Laughter.]

Mr. FREAR. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FREAR. Mr. Chairman, I have called the attention of the House to the fact that the gentleman from Pennsylvania [Mr. MOORE] has ignored the report of the Army engineers. He has never replied to it, he can not reply to it, because it is so convincing in itself. It says that the barges along this canal have been withdrawn because coal can not be shipped profitably.

As to the further suggestion in regard to the proposition that we have here—this waterway—I have not made a motion to strike it out, although, as I have shown, $500,000 additional cost was occasioned through the mistake of engineers, and, as I said, every coal barge has been withdrawn. No coal has been shipped notwithstanding the enthusiastic promises of the gentleman from Pennsylvania, and I shall continue to stand here and explain what these facts are, supported by the Army engineers' reports, which he has heretofore generally accepted. I have no personal feeling in regard to the matter, but I shall not permit myself to be misrepresented.

Mr. MADDEN rose.

Mr. SMALL. Can we not have a vote upon this amendment?

Mr. MADDEN. I would like to make a speech upon it.

Mr. SMALL. Then I ask unanimous consent that at the end of five minutes all debate upon the paragraph and all amendments thereto be closed.

Mr. MADDEN. And I ask that that be made 10 minutes. I modify the request to make it 10 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate upon the pending paragraph and all amendments thereto close in 5 minutes, and the gentleman from Illinois [Mr. MADDEN] modifies that request and asks unanimous consent that debate be closed in 10 minutes.

Mr. SMALL. The gentleman himself to consume that time?

Mr. MADDEN. Yes.

Mr. SMALL. I accept the modification.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois that he may proceed for 10 minutes?

There was no objection.

Mr. MADDEN. Mr. Chairman, we are considering the item on page 4, lines 24 and 25:

Waterway from Norfolk, Va., to Beaufort Inlet, N. C.: Continuing improvement, $500,000.

According to the minority views, this $500,000 indicates an underestimate of the cost of the improvement, and the minority of the committee make this statement, which is published on page 12 of the minority views:

A proposed inland-waterway project along the Atlantic coast and Gulf that canalizes marshes, sounds, creeks, and dry land, at a possible expense to the Government of from $100,000,000 to ten times that amount, depending on depth, is being vigorously urged upon Congress and upon war boards as a war measure. This bill contains $500,000, because of mistaken estimated expense on one section of a canal or waterway from Norfolk to Beaufort. After appropriations of $3,244,400 to June 30, 1917, in addition to the half million dollars of underestimates, $2,397,180 more will be required for this canal waterway that lost 45 per cent of its small commerce between 1913 and 1916, according to page 542 of the 1917 Engineers' report.

I would like to ask the gentleman from North Carolina, in charge of the bill, if the statement in the minority views which I have just read is true? I do not pretend to know the facts.

Mr. SMALL. Mr. Chairman, a short time ago, while perhaps the gentleman was diverted——

Mr. MADDEN. I was not present.

Mr. SMALL. I stated in reply to the gentleman from Wisconsin [Mr. FREAR] in effect that that statement was erroneous, and I explained why it was. As a matter of fact, there has been a falling off of only about 9 per cent, the decrease being 47,848 tons, while there has been an increase in valuation of the commerce of $404,661.

Mr. MADDEN. So that the total tonnage, according to the gentleman from North Carolina, has fallen off 9 per cent, while the value of the tonnage which passes through the canal has increased.

Mr. SMALL. More than $400,000.

Mr. MADDEN. What does the gentleman from Wisconsin say?

Mr. FREAR. Mr. Chairman, the facts are just as stated here, taken from the official report, and the explanation of the chairman of the committee is that part of this commerce which he counts in goes around by an inland canal not owned by the Government.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes; I want to get at the facts.

Mr. SMALL. This matter has been explained quite often, but I am sure the gentleman will not object to its being explained again. The first section of the waterway from Norfolk to Beaufort Inlet under improvement is that section from Norfolk to Albemarle Sound. There are two waterways from Norfolk to Albermarle Sound, one known as the Albermarle & Chesapeake Canal route and the other as the Dismal Swamp route, both having the same termini.

And, therefore, in taking into consideration the commerce between the two termini you must of necessity consider the commerce upon both. Now, the engineers recommended taking over the Albermarle & Chesapeake route. During the construction of that section along the Albermarle & Chesapeake Canal route naturally navigation has been obstructed and therefore not so large a commerce now goes through the Government-owned waterway as upon the other privately owned waterway; but when the Government's own waterway is completed, which will probably be by the end of the year, then all the commerce will go through the Government-owned and free waterway; so the figures I gave as to commerce represented the commerce upon both of those waterways, both the Government-owned and the privately owned, both having the same termini. When the public waterway from Norfolk to Albermarle Sound is completed all the commerce will use this route because it is free and will have ample depth and width. In the meantime, in estimating the commerce, it is only fair to combine the commerce on both routes.

Mr. MADDEN. So that while the gentleman from Wisconsin makes a charge in this report, and this charge I understand is based on the report of the engineers of 45 per cent——

Mr. SMALL. Of the Government-owned waterway, only one.

Mr. MADDEN. That 45 per cent of the tonnage on the Government-owned waterway has been lost. The gentleman from North Carolina states there was a decrease only of 9 per

cent of the combined tonnage on both waterways in 1916 from the previous year. Is that right?

Mr. SMALL. Yes.

Mr. MADDEN. I assume we pay tolls on the privately owned waterway?

Mr. SMALL. That is true, because the Government-owned waterway is under improvement and can not be used by loaded barges and steamers.

Mr. MADDEN. It was constructed before we began to appropriate the money, I assume, or it would not have been carrying a larger tonnage than now.

Mr. SMALL. I will say this route selected by the Government of the United States—the Albemarle and Chesapeake route—had deteriorated while the other one had been better maintained.

Mr. MADDEN. The gentleman means the privately owned waterway has been better maintained?

Mr. SMALL. Yes.

Mr. FESS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. FESS. Assuming both statements are correct, notwithstanding there is a loss of tonnage of 9 per cent?

Mr. MADDEN. Yes; that is true. That is the very best statement that can be made—that there is 9 per cent loss of tonnage, regardless of whether you carry through one or two waterways.

Mr. FESS. That is the point.

Mr. MADDEN. If you make the calculation on the one which is owned by the Government of the United States, and upon which we have already expended $3,244,000, and upon which we expect to expend, in addition thereto, $2,397,800, we have lost 45 per cent, and added to those two items we still have $500,000 proposed to be expended through authority of the pending law, which is an addition to the two items I have named; so we will still find ourselves in the position of having expended over $6,000,000 to bolster up a constantly decaying public institution. Now, my theory is that in the expenditure of public money we ought to have in mind the development for which the money is being expended; that we ought not under any circumstances to expend these vast sums where the evidence is clear we are spending the money on an obsolete institution.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MADDEN. I will be delighted.

Mr. MOORE of Pennsylvania. How much money does the gentleman say has been spent?

Mr. MADDEN. Three million two hundred and forty-four thousand dollars, June 30, 1917.

Mr. MOORE of Pennsylvania. And how much is to be expended?

Mr. MADDEN. Two million three hundred and ninety-seven thousand eight hundred dollars, in addition to the $500,000 herein authorized.

Mr. MOORE of Pennsylvania. That large sum of money having been spent on work that is still under construction, would the gentleman stop here and waste all that has been done?

Mr. MADDEN. I will illustrate. I recall very clearly a case where I installed a large amount of machinery which cost about $500,000. It was up-to-date machinery on the day it was installed. I discovered after the installation of this machinery that it did not produce the results which it was intended to produce when the investment was made. It was thought wise to scrap that machinery and substitute other machinery that would produce the desired results more economically. It was scrapped, the new machinery was installed, and the economy anticipated resulted from the change. If private interests will do such things, why should the Government not do likewise? Waste of money on obsolete facilities is never justified, not even out of the country's Treasury.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. SMALL].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Waterways between Charleston and Alligator Creek (opposite McClellanville), S. C.: For maintenance, including branch to Morrisons Landing, $5,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word in order to ask a question of the chairman of the committee, or some member of it, in reference to this item of $5,000 for the maintenance of branch to Morrisons Landing, which landing is apparently on a waterway between Charleston and Alligator Creek, opposite McClellanville. What sort of branch is this, a canal or a river?

Mr. SMALL. That is through a natural waterway 47½ miles long. I will say to the gentleman that the project provides for a channel 4 feet deep at mean low water and 60 feet wide—I am reading from the report of the Engineers, page 638—60 feet wide at bottom between Charleston and a point opposite McClellanville, with a branch channel of the same dimensions to Morrisons Landing in McClellanville. The gentleman will find also on page 637, at the bottom, under commercial statistics, that this waterway while carrying comparatively a small tonnage occupies a very important relation to the local commerce of that section.

Mr. WALSH. Then, I understand $12,000 has been expended by way of maintenance upon this branch during the year ending June 30, 1917?

Mr. SMALL. The amount expended during last year was $12,179, which was expended in dredging—the gentleman will find on page 638, under the paragraph entitled "Operations and results during the fiscal year"—in dredging and restoring the branch channel leading to McClellanville, which had been filled as the result of an unusual storm on July 15, 1916. Dredging was also done to restore, as fully as practicable, project dimensions in the channel at Salt Pond Creek, Santee Pass, Grays Bay, and Sewee Bay. The total amount expended was as I have stated.

Mr. WALSH. Now, Mr. Chairman, a further inquiry. I notice in this project, and a great many others of probably similar character, that it requires a great number of appropriations of larger and smaller sums each year for maintenance. Why can not these small connecting links in these inland waterways be so constructed or so improved that the cost of maintenance will be reduced? In other words, why can not we make a lump-sum appropriation of $50,000, or more, if necessary, to so dredge out or repair or reconstruct these small creeks or rivers of not very great depth in a way as to not require this constant appropriation for maintenance? Can the gentleman explain what there is peculiar about it?

Mr. SMALL. The gentleman has asked a very pertinent and appropriate question. The matter of maintenance of channels of necessity varies, dependent upon the physical conditions. Take a channel, for instance, that is dredged 100 feet wide and 10 feet deep through a body of water a mile or 5 miles wide, and the gentleman will understand that through wave action or other action of the water there is of necessity a certain erosion on the side of the dredged channel into the channel itself, and the only way it can be removed is by annual dredging. Now, the stability of a channel depends also on the character of the soil. A sandy channel erodes very easily and fills up. Rather strange to say, a channel composed of mud is more stable than one of sand, as I understand it.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SMALL. Mr. Chairman, I would like just one minute more in which to answer the question.

The CHAIRMAN. Without objection, the time will be extended one minute.

Mr. SMALL. Of course, with a bottom of clay the channel is even more stable. Where the channel is sufficiently narrow or where it is an artificial channel, and erodes or shoals or fills up, there the channel can be maintained by the process of revetment. But that is only practicable where the channel is narrow and only embraces the limits of the navigable channel itself.

Mr. WALSH. Will the gentleman state what is done with the dredged material? Is it piled upon the banks, or is it deposited in other portions of the creek or shallow bay?

Mr. SMALL. Now, where the material is soft the dredging is usually done by hydraulic dredges, and the material is carried by pipes to the side of the stream and deposited.

Mr. WALSH. Now, could not this annual maintenance expense and work be dispensed with if, instead of dredging that channel through the little bay or creek, 4 or 6 feet deep, a channel was cut through to a depth of 15 feet or 20 feet? And the washing in would probably continue to a certain extent, but it would result in sloping down the sides and would not shoal up the channel to such an extent.

Mr. SMALL. The gentleman has asked a question which is rather one of engineering, but I doubt as a practical proposition whether Congress would be willing to authorize a greater depth than is necessary for existing commerce for the purpose simply of preventing the filling of channels.

The Clerk read as follows:

Charleston Harbor and Channels, S. C.: Continuing improvement and for maintenance, $110,000.

Mr. SMALL. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from North Carolina offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: On page 5, strike out the period at the end of line 21, and insert in lieu thereof a colon and add the following: "For improvement to provide a channel 40 feet deep and 1,000 wide, extending from the sea to Charleston Navy Yard, $1,500,000: *Provided*, That this work shall not be undertaken until the proposed new dry dock at this navy yard, carrying a depth of 40 feet of water over the blocks, has been authorized; in all, $1,610,000."

Mr. SMALL. Mr. Chairman, I might make this preliminary statement: When the Naval appropriation bill was recently reported to the House it contained a provision authorizing the construction of a very large dry dock at the navy yard at Charleston, carrying a depth of 40 feet over the blocks. The Naval appropriation bill authorized a further improvement of Charleston Harbor to a depth of 40 feet. Of course, if a dry dock is constructed of the dimensions I have specified, the further deepening of the harbor is absolutely essential for the utilization of the dry dock. That matter came to the attention of the Committee on Rivers and Harbors, and we brought it to the attention of the Secretary of War, accompanied with this statement of the committee, that the War Department had jurisdiction over the improvement of all harbors and channels for the purpose of navigation, whether that navigation was by vessels of commerce or by vessels of war, and that the Navy Department did not have jurisdiction; further, that the Committee on Rivers and Harbors had jurisdiction of such improvements and the Committee on Naval Affairs did not.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. SMALL. Yes.

Mr. MADDEN. The naval bill, as I understand the gentleman, provides an appropriation to deepen the harbor surrounding the dry dock? Is that right?

Mr. SMALL. That is a different piece of work from deepening the channel.

Mr. MADDEN. I understand that. I am leading up to what I want to say. Provision has already been made in the naval bill for deepening the harbor at the dry dock and surrounding the dry dock. Is that right?

Mr. SMALL. That is in the naval bill.

Mr. MADDEN. Now, if the expenditure is made as provided in the naval bill, the harbor will have a depth of 40 feet. Is that right?

Mr. SMALL. No. Has the gentleman been to Charleston?

Mr. MADDEN. The harbor itself——

Mr. SMALL. The navy yard is on the Cooper River, and, in fact, most of the harbor of Charleston is on the Cooper River. I can not tell the gentleman at this moment the distance from the navy yard to the sea.

Mr. PADGETT. It is about 6 miles.

Mr. SMALL. Now, this proposition is to give a depth of 40 feet from the navy yard to the sea.

Mr. MADDEN. Yes; I know. The point I wanted to have the gentleman tell me is this: If the expenditure is made as recommended by the Committee on Naval Affairs——

Mr. SMALL. For the dry dock?

Mr. MADDEN. For the dry dock and the surrounding water, there will be a depth of 40 feet there, presumably for the purpose of building ships with 40-foot draft or repairing ships that have 40-foot draft. Now, the proposition of the Committee on Rivers and Harbors is to supplement what the Naval Committee proposes to do by deepening the entrance to the dry dock from the sea, so that facilities will be afforded for the passage of ships from the sea to the dry dock and from the dry dock out to sea?

Mr. SMALL. The gentleman's statement is correct.

Mr. MADDEN. So that there would not be any use in expending the money recommended by the Naval Committee unless the House also authorized this expenditure to supplement it. Is that correct?

Mr. SMALL. The gentleman is correct in that. Now, may I send up to the desk and have read a communication from the Secretary of War recommending this amendment to the bill as a war measure?

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, April 4, 1918.

Hon. JOHN H. SMALL,
Chairman Committee on Rivers and Harbors,
House of Representatives.

DEAR SIR: Referring to your letter of April 1, 1918, and prior correspondence concerning the proposed 40-foot channel at Charleston, S. C., for which an item is included in the pending naval appropriation bill, I have the honor to state that I have received a letter from the Secretary of the Navy on this subject, calling attention to the fact that the proposed construction of a dry dock at the navy yard, Charleston, S. C., carrying a depth of water of 40 feet over the blocks, will require for its use the construction of a channel having a depth of 40 feet at mean low water and a width of 1,000 feet extending from deep water beyond the jetties to a point on the Cooper River opposite the present naval dry dock at the navy yard, and requesting that inasmuch as this proposed dredging is a matter coming under the jurisdiction of the War Department, an item for this work be recommended by this department for inclusion in the pending river and harbor bill.

The preliminary estimate made by the Navy Department for such a 40-foot channel, based upon recent costs of dredging, is $5,000,000. The item carried in the pending naval appropriation bill provides $1,000,000 for beginning this work. The Secretary of the Navy states, however, that the dry dock will require approximately 30 months for its construction, or, in other words, it should be completed by January 1, 1921, and suggests that the dredging operations be conducted so that the desired channel shall be completed not later than the estimated date for completion of the dock. The time available has not been sufficient to permit any revision of the above estimate of cost for this work, but this is not essential at this time as an initial appropriation will cover the prosecution of the work for the first year, and the necessary surveys can then be made with a view to submitting a revised estimate of cost at the next session of Congress. It is believed that an appropriation of $1,500,000 should be made now for this purpose contingent upon the authorization of the proposed dry dock.

In compliance with the request of the Secretary of the Navy, it is, therefore, recommended as a war measure that the item for Charleston Harbor and Channels, S. C., on page 5 of the pending river and harbor bill be amended to read as follows:

"Charleston Harbor and Channels, S. C.: Continuing improvement and for maintenance, $110,000; for improvement to provide a channel 40 feet deep at mean low water and 1,000 feet wide, extending from the sea to the Charleston Navy Yard, $1,500,000: *Provided*, That this work shall not be undertaken until the proposed new dry dock at this navy yard, carrying a depth of 40 feet of water over the blocks, has been authorized; in all, $1,610,000."

Very respectfully,
BENEDICT CROWELL,
Acting Secretary of War.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Let me just make this statement, and then I will yield. This authorization by the proviso does not become effective unless Congress shall hereafter authorize the dry dock. It is obvious that if the dry dock is authorized, the channel ought to be provided, and this is the committee, and this is the place in which to authorize the deepening of the channel to correspond with the dry dock if it shall be authorized.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. SMALL. Just half a minute. We have already provided 40 feet to the New York Navy Yard. We have provided 40 feet to the Norfolk Navy Yard. We are providing 35 feet to the League Island Navy Yard at Philadelphia, and now we are simply authorizing this 40-foot channel to the proposed dry dock at Charleston if it shall be authorized.

Mr. WALSH. Does the gentleman coincide with the statement in this letter that this should be acted upon favorably as a war measure, and does he refer to the present war?

Mr. SMALL. It is a war measure in that it refers to war activities of the Government, to wit, the Navy Department.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. BRITTEN. Mr. Chairman, has the chairman of the committee finished with his argument?

Mr. SMALL. Yes. The gentleman wishes recognition in his own right?

Mr. BRITTEN. Yes. I desire to oppose the amendment, Mr. Chairman.

This amendment now before the House has a peculiarly strategic position. It is the initial expenditure for a $5,000,000 channel to the Charleston Navy Yard. During my short term in Congress the Charleston yard has repeatedly endeavored to get recognition as a deep-draft vessel location from Congress and from the Committee on Naval Affairs without success. Attempts have repeatedly been made to make a big battleship yard out of the Charleston yard. By "a big battleship yard" I mean a big ship-construction yard, which it is not; and when the chairman of the committee having this bill in charge says we have provided a 40-foot channel to the New York yard, and we have provided a 35-foot channel to the Philadelphia yard, and we have provided a 40-foot channel to the Norfolk yard, he is referring to big construction yards, yards capable of dismantling a battleship. The Charleston yard can not do that if it had a million feet of water.

This movement is just in line with one that was made a couple of years ago to extend and enlarge certain berthing piers down there, which were originally intended for destroyers, with a view to making them big enough and strong enough to berth a battleship.

Mr. FOSTER. Mr. Chairman, will my colleague yield?

Mr. BRITTEN. Yes.

Mr. FOSTER. I would like to ask if it is the intention of the Naval Committee, through the Navy, to build up the Charleston yard to the extent that it can build these large battleships, like the Brooklyn and Philadelphia yards?

Mr. BRITTEN. I am glad the gentleman asked that question. It is in line with my own thought, and I was about to tell the House that no hearings have been held by the Committee

on Naval Affairs on this tremendous $9,000,000 appropriation, $4,000,000 for the dock and $5,000,000 for this channel. No hearings were had before the Committee on Rivers and Harbors. If a construction yard is really desired, I do not know it officially.

Mr. SEARS. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. SEARS. As I understand it, the chairman stated that this would not be effective unless the building of a dock was carried into effect.

Mr. BRITTEN. That is true. That is why I referred to the particular strategic character of this particular amendment. It concerns two committees, and they play one against the other. They say when the Committee on Naval Affairs has recommended an appropriation of $4,000,000 for the dry dock surely we will not build a dock where there is no water. So this committee will run water up to the dock.

Mr. SEARS. As I understand it, in the naval bill this item would be subject to a point of order. In that case the argument could not be used that this House had passed it because we had provided that it would not be put into effect until that plan had been adopted.

Mr. BRITTEN. The gentleman is correct; and the dock itself is as subject to a point of order as the dredging project now before the House.

Mr. SEARS. If the point of order is raised, this would not be effective. I suppose the gentleman is a member of the Committee on Naval Affairs?

Mr. BRITTEN. Yes.

Mr. SEARS. Suppose that committee should adopt the dry-dock plan and then you could not get the channel. You would be in an awkward position.

Mr. BRITTEN. My dear, sir, both these propositions are carried in the naval bill to-day. A rule is sought making everything in the naval bill not subject to a point of order. That will cover the deepening of the channel as well as the building of the dock.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. LONGWORTH. How many battleships are in the Charleston Navy Yard?

Mr. BRITTEN. None are there, and none will ever go there, unless this House provides water over which they can go. We have a three and one-half million dollar dock building in Philadelphia that will dock anything that will go through the Panama Canal, and we have an enormous dock being built at Norfolk that will carry anything that can enter the Panama Canal, and the State of Massachusetts is building a 1,200-foot dock at Boston that will carry anything that can enter the Panama Canal. These docks are in process of completion to-day on the Atlantic coast. And yet some gentlemen will have the nerve to get on the floor of the House and say that this dock, at an initial expenditure of $9,000,000, taking three years to construct, is a war measure, and should be appropriated for now.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. May I have five minutes more time, please?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. BRITTEN. It is not a war measure. If it were a war measure there would be no question about it from my viewpoint. I will be glad to join in authorizing the expenditure of hundreds of billions of dollars if necessary to conduct this war, but when gentlemen get on this floor and propose to build a dock where there is no water, and then to spend $5,000,000 to get water up to it, it is thoroughly absurd. It is just another movement to make a big battleship yard out of the Charleston yard, a movement which has been attempted time and again, and has always failed in this House on a record vote. Now, supposing we get this dry dock, and supposing we get a thousand-foot channel 40 feet deep to the dock, and then we send a battleship up there to have one of its turrets removed or one of its big guns removed, is there anything in the Charleston yard to-day that can move it? They have not the mechanical equipment there, they have not the buildings to handle big repairs. Then will come another $5,000,000 or $10,000,000 for necessary mechanical and yard improvements. This $9,000,000 is just the initial expenditure of what may be $20,000,000 or $25,000,000 or $30,000,000.

Mr. SWITZER. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. SWITZER. I would like to call the attention of the gentleman to the fact that yesterday the Committee of the Whole, against the protest of the Rivers and Harbors Committee, put into this bill the proposition to deepen Hell Gate to 40 feet as a war measure, when it will take four or five years to complete it.

Mr. BRITTEN. And I will say to the gentleman that the deepening of Hell Gate is one of the most important war propositions possible. Last year our committee went through Hell Gate on the *Mayflower*, and we were swept back three times, and if we had not had a very skillful and daring commander in young Commander Berry, who is now commanding the destroyer *Manly* on the other side, we would have been dashed against the rocks in Hell Gate. That is a very dangerous place and the obstructions there should be removed. But this proposition which we are now considering is no war measure. It is a farce. This $9,000,000 is merely a starter to an enormous expenditure to come in the future. If a battleship were to dock there to-day, they could not remove one of the big guns. They have no traveling cranes or heavy cranes capable of lifting a turret or the guns of a great battleship; they have not the mechanical equipment for the repair of great pieces of armor and armament on a battleship. The yard is absolutely useless to-day, even if they had the water, for the purpose of making extensive repairs on a great battleship.

Mr. LONGWORTH. Suppose $5,000,000 were spent in constructing the channel; would the channel stay 40 feet deep?

Mr. BRITTEN. I am glad to have the gentleman from Ohio refresh my memory about something that I would probably have forgotten. About three or four years ago the electric suction dredge that is always employed around Charleston got out of order and it was laid up for repairs for about six months. Will you gentlemen be surprised when I tell you that in front of the dock that is now there they did not have 9 feet of water at the end of that time, because of the silt that had settled in the meantime? Now, supposing we agreed——

Mr. WHALEY. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. WHALEY. The gentleman just made the statement that the suction dredge got out of order.

Mr. BRITTEN. Yes.

Mr. WHALEY. As a matter of fact, was it not the bulkhead of the dock that got out of order and had to be taken to Norfolk to be repaired, and they did not dredge in front of the dock during the absence of that bulkhead for six months? Those are the facts in the case.

Mr. BRITTEN. I will give the gentleman the facts. The bulkhead does not do any dredging.

Mr. WHALEY. Of course not; but the dredge——

Mr. BRITTEN. The dredge itself was out of order, and the silt settled and they did not have 9 feet of water in front of the dock.

Mr. WHALEY. The bulkhead of the dock was taken away for repairs because it was leaking, and there was no use to dredge in front of the dock, when they could not use the dock because there was no bulkhead there. The dock was out of use for six months while the bulkhead was being repaired, and no dredging was done in front of the dock during that time. But the dredge has never been out of order.

Mr. BRITTEN. Is not the bulkhead the front of the dock?

Mr. WHALEY. Why, of course it is, and you remove the bulkhead in order to get into the dock, and you close the bulkhead when you want to keep the water out of the dock.

Mr. BRITTEN. Exactly so. When the bulkhead was taken away the dock was filled with water, was it not?

Mr. WHALEY. I am claiming that the dredge was never out of order.

Mr. BRITTEN. I am telling you that in front of the bulkhead they did not have 9 feet of water.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. BRITTEN. It is true that the river will silt up unless it is constantly dredged. If you are going to have a thousand-foot channel with a depth of 40 feet of water, you have got to have at least one dredge there all the time working 24 hours a day. I question whether one dredge can do it. I am not engineer enough to determine that. But this is just the initial expenditure of something that may be enormous, and the House ought to consider it very carefully. This project has been brought forward time and time again, and has always been defeated on the floor of the House. It is not a war measure, because the report of the Secretary of War says it will take 30 months, I believe, to do the dredging. It will take 30 months

or three years to build the dock. After we have the dock built, it can not accommodate a battleship so far as repairs are concerned, because they have not sufficient mechanical equipment in the yard.

My colleague from Illinois [Mr. MADDEN] asked a question a while ago concerning the length of this channel. The channel provided in the amendment is from the sea to the navy yard, up the Cooper River. It is not a commercial proposition in any sense of the word. It is a 1,000-foot channel from the sea to the navy yard, and the depth provided is 40 feet. It is pork of the purest kind. This is a time when Congress is willing to give millions of dollars for any war expenditure, without even inquiring into its value, but it should not waste a penny on pork. We are ready to appropriate everything that is asked. Every Member in the House and Senate is ready to appropriate for any reasonable war measure. Be fair with yourself, gentlemen, and understand that this is pork, pure and simple. Get your feet into this pork barrel. Now is the time to develop the Charleston yard and make it a great battleship yard. Let us get the dock and real water first, and then we will come in after millions for mechanical equipment; because naturally we must have the equipment after we have the dock and the water. Oh, the shame, at a time like this, when we are taxing every ounce of our energy at home, to foist upon a confiding public a quantity of pork such as would never be countenanced in peace time, when the war scare and fake patriotism could not be used to camouflage our votes.

Mr. LEVER. Will the gentleman from Illinois yield for a question?

Mr. BRITTEN. Yes.

Mr. LEVER. The gentleman made the statement a moment ago that the Cooper River was greatly subject to siltage. Is that true?

Mr. BRITTEN. Yes.

Mr. LEVER. Will the gentleman let me read from the Helm report?

Mr. BRITTEN. The gentleman from South Carolina can do that in his own time.

Mr. LEVER. But the gentleman has made a misstatement.

Mr. BRITTEN. I shall not object to the gentleman reading from the Helm report.

Mr. LEVER. This is from the Helm report of January 15, 1918:

> In regard to the dredging for maintenance of approaches to the water front at this yard there seems to be an erroneous impression that much silt is deposited at all points. Matter is only appreciably deposited at still points away from the strength of the current, and such matter is a slimy mud, easily removed by a suction dredge.

Mr. BRITTEN. That is very true; the report is entirely correct. There is a lot of silt there and it is easily removed. The report says so; but I have never heard anything about the character of the soil at a depth of 40 feet. They may find rock.

Mr. LEVER. Let me read something further from the report on that point:

> A small electric suction dredge, costing about $12,000 for running and upkeep per year, can easily keep this portion of the yard free and do other dredging work as required.

Mr. BRITTEN. What portion of the yard is that?

Mr. LEVER. In front of the dock.

Mr. BRITTEN. Yes; in front of the dock, 100 feet wide.

Mr. LEVER. And the balance of the channel.

Mr. BRITTEN. Oh, the gentleman does not mean the balance of the channel, does he?

Mr. LEVER. In front of the dock.

Mr. BRITTEN. Yes; a little $12,000 barge will take the silt away from a 100-feet-wide place, but what about the balance of the channel, 7 miles long? I say it will cost more than $150,000 to dredge the channel if we are to maintain a 40-foot depth 1,000 feet wide.

Mr. WHALEY. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. WHALEY. Did the gentleman ever read the Engineer's report on the subject?

Mr. BRITTEN. Which report? They have made dozens.

Mr. WHALEY. I mean the recent report.

Mr. BRITTEN. Which one?

Mr. WHALEY. The Helm report. I have it here; and it says that for the entire business, from the navy yard to the sea, 14 miles, $160,000 will keep it open, one-half of what it costs at Philadelphia or New York.

Mr. BRITTEN. Well, I guessed $150,000.

Mr. WHALEY. The gentleman said in front of the dock.

Mr. BRITTEN. No; I said to keep the desired channel open.

Mr. PADGETT. Mr. Chairman, I think it would be well to get a clear, concise, and consecutive statement of the situation. It is true that we are building at Philadelphia a 1,000-foot dock, with 40 feet over the blocks. We are building one at Norfolk, and the State of Massachusetts is building one at Boston in the State of Massachusetts. South of Norfolk, for something like 2,500 or 3,000 miles of coast line, we have no naval accommodations adequate and sufficient. We have a plant at Charleston susceptible of splendid development. They have there 30 feet of water, and will have a channel out to the open sea of 30 feet by September.

They speak about having no water; 30 feet is as much water as we had at many places several years ago. It would cost less to do the dredging at Charleston than it will to maintain the dredging at New York or Philadelphia, so that these matters offset themselves.

Now, what is the situation? We have 2,500 miles of seacoast below Norfolk without a large dock. We have authorized six battle cruisers. They are 850 feet in length and they draw at mean low draft 31 feet. If they are disabled, they might draw as much as 45 feet. At Charleston, if we have a 40-foot channel, there is 5 feet of tide, and that would give 45 feet in a high tide that could be available for the use of the dock.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MILLER of Minnesota. These battle cruisers of which the gentleman speaks, are they under process of construction?

Mr. PADGETT. Not just now.

Mr. MILLER of Minnesota. When is it expected that they will be completed?

Mr. PADGETT. I do not know; but probably three or four years.

Mr. MILLER of Minnesota. Was not the original estimate that it would take four years to construct them?

Mr. PADGETT. Yes.

Mr. MILLER of Minnesota. And they have not yet begun them?

Mr. PADGETT. Not yet; but we have a number of battleships in addition to the battle cruisers. We authorized battleships of more than 40,000 tons displacement carrying twelve 16-inch guns. We are building others of 32,000 tons displacement, with 14-inch guns. We need docks for taking the battleships that are under construction and some of which are in existence. We have at Charleston a dock that is capable of taking ships of the size and class of the *Utah*, and that is about 22,000 tons displacement, but we have accommodations for nothing larger than that. We have numbers of ships above 22,000 tons displacement. Now, all the strategists say that if we ever have a naval engagement on our side of the water, all the indications point to the fact that it will be in the south or in the Caribbean. We have nothing south of Hatteras. Hatteras is known as the graveyard of the Atlantic so far as the danger of sinking ships is concerned.

The Secretary of the Navy earnestly urged and recommended the construction of a large dock at Charleston. I took the position with the committee, and I want to be entirely frank here, that we ought to have a dock of this character south of Hatteras, and all of the authorities agree that on the coast main line of the United States Charleston is not only the best place but it is about the only place that is available. That is about 700 miles south of Norfolk. Seven hundred miles might be very important in saving a disabled ship. When we are building battleships that are costing $28,000,000 apiece, as we are, we can not in good business judgment jeopardize them by failing to provide safety for them in the neighborhood that all of the military strategists point out is the field of battle. Those battleships draw at mean load about 30 feet.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. These battleships, as well as the battle cruisers, draw at mean draft more than 30 feet. It is true that you have a tide of about 5 feet rise where they could go into the yard, but that tide lasts only for a few hours; and if your ship comes in on a 35-foot high tide, which on low tide is down to 30 feet, and the ship draws 31 feet, necessarily the ship then at mean draft would go down a foot into the mud and rest upon the bottom, which would be very hazardous for these splendid ships. No one could tolerate that. So that I said in the committee, and I say here, that we need and should have a dock south of Hatteras, and there should be one at Charleston; but unless we can get the water to make that dock usable, I would not stand for the dock. I would not advocate

or ask the construction of a dock 40 feet over the block, or 42 or 43 feet over the sill, to accommodate ships that can pass through the Panama Canal, because there will be commercial uses as well as naval uses also, if we did not have the water. We need the dock, and we should have the water for it. If we can get the water as is provided here, I stand for the dock; but if the House refuses the water, it would be silly to provide a dock with 40 feet over the blocks or 42 feet over the sills. Therefore the Naval Committee placed in the bill the coupled proposition of a dock and the water.

The question of committee jurisdiction arose. The Committee on Rivers and Harbors has jurisdiction over the question of the dredging of the channels in the harbors and in the river outside of the basin at the navy yards, but it was so important that we should have the water if we were to have the dock that I was unwilling to report a proposition for a dock unless we had the assurance that we would get the water. Therefore we coupled the two in the naval appropriation bill.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Let me finish this sentence and I shall. The committee reported out the proposition for the dock and for a 40-foot channel a thousand feet wide. As I stated, these cruisers are 850 feet long, and if we are going to have a channel, we ought to have one with a margin for turning around. The question of committee jurisdiction arose, and in speaking with Mr. SMALL I said to him that the Naval Committee did not wish to usurp or to infringe upon the rights of the Rivers and Harbors Committee, and if they would report this measure and the House adopted it, it would be stricken out of the naval bill and we would ask only for the dock. He has done that. The Secretary of War has recommended it; the Secretary of the Navy has urged it. We should have the dock. We need it. It is a necessity. We ought not to spend $4,000,000 for it, however, unless we can get the water to make it usable. That is the plain business proposition, and this is the proposition for the water. I yield to the gentleman from Pennsylvania.

Mr. BUTLER. Mr. Chairman, the gentleman from Tennessee and I will agree that we have been at this business a good while. I know what is going to be done, and therefore there is no use of opposing it. I only want to say to my chairman that the opposition I have to this I purpose using upon the stump for all time to come, but not here, because the die is cast and this is to be built; but the gentleman and I will agree that this is not a war proposition.

Mr. PADGETT. It is not a war proposition in the sense that it can be constructed within the time within which I hope the war will end. I hope the war will end before three years. I think it will take three years to build the dock and do the dredging. However, independent of the war, as a sensible naval proposition we should have the dock, whether we are in the war or not. The idea of having from 2,500 to 3,000 miles of coast line without a dock, without an opportunity to bring in and repair or care for our ships when the ships, as I said, many of them cost us $28,000,000, shows no business judgment.

Mr. BUTLER. Mr. Chairman, the gentleman is always reasonable and speaks out plainly, and therefore I want to ask him a question or two. This is not the best place, however, to be selected for a large appropriation of money for naval purposes, is it?

Mr. PADGETT. To be entirely frank with the gentleman, I think that we need and should have two navy yards and large docks south of Hatteras, one on the coast line and one in the West Indies. I think the finest place in the world is in Samana Bay on the north of the east end of the island of Haiti. I have never seen or known of such a place as nature built there for a naval station; but we do not own it at present. I cherish the hope that we will in the future; but that would be 1,500 to 2,000 miles from Charleston.

Mr. BUTLER. Again I want to say that I am not going to oppose this, but I want to get some facts for the RECORD so that we will have them. What is the estimate of the cost of this great dock?

Mr. PADGETT. Four million dollars.

Mr. BUTLER. Will the chairman agree with me that that will not build it?

Mr. PADGETT. I do not know that. I think it will. The one at Norfolk is being built within the appropriation of three and a half million dollars, and the one at Philadelphia is being built within that limit of cost. This is adding $500,000 additional.

Mr. BUTLER. These contracts were made some time ago, were they not?

Mr. PADGETT. My recollection is about 18 months ago.

Mr. BUTLER. Now, what is the estimated cost of the construction of this channel?

Mr. PADGETT. The dredging they are doing there now and have been doing under the appropriations heretofore made was 13 cents per cubic yard——

Mr. BUTLER. Amounting to about $5,000,000.

Mr. PADGETT. It is estimated at a cost of 20 cents a yard. The present contract cost is 13 cents, and therefore 26,000,000 cubic yards in round numbers would amount to about $5,000,000.

Mr. BUTLER. Now, can I ask the chairman of the Committee on Naval Affairs this question? How much did Admiral Parks recommend each year to keep this channel clean?

Mr. PADGETT. I think the report—the Helm Board report—varied from somewhere between $160,000 and $180,000 out to deep water beyond the jetties.

Mr. BUTLER. We agree on this, and I call the attention of the chairman of the committee to it, he reported that it would take $185,000 a year to keep the channels clean when made.

Mr. PADGETT. I do not recall, but that is in substance the Helm Board report.

Mr. BUTLER. It has been our observation always that they increase these estimates by 15 to 25 per cent.

Mr. PADGETT. As to the outer channel I do not know. The dredging at Charleston has been practically in front of the present large dock. As the gentleman is aware, the present dock is——

Mr. BUTLER. I never was there.

Mr. PADGETT (continuing). Set inland and the current of the stream runs out in front of the dock, and there is an eddy in front of the dock, and the deposit of the silt is in that eddy in front. This dock is proposed to be put out on the line of the current so as to avoid that deposit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. I ask that I may have five minutes.

Mr. BUTLER. I have taken up a good deal of the gentleman's time with interruptions, and I ask that he may have five minutes.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER. Now, then, we are agreed it is not going to be a war measure, because we know this improvement can not be made in three years. Now, will the chairman agree——

Mr. PADGETT. I think it will take at least three years.

Mr. BUTLER. Will the chairman agree with me as to the wisdom of postponing this permanent construction there at this time because of the scarcity of labor in the country?

Mr. PADGETT. Well, of course, the labor question is an important question, but the consideration of having a dock south of Hatteras on our south coast is so great I do not want to postpone the matter.

Mr. BUTLER. I know what is going to happen—I do not ask the chairman for any explanation whatever, but I know what is going to happen. I have been here long enough to know. Now, will the gentleman yield for another question? Does the gentleman agree with the President's 14 conditions which he submitted to the world, that we should at this time make an appropriation that will result finally in an appropriation of $25,000,000 for a great improvement after this war is over? Will the gentleman explain that to the committee?

Mr. PADGETT. I will be very frank with the gentleman; I do not think the millennium is going to come at the conclusion of this war.

Mr. BUTLER. I do not know whether it is or not.

Mr. PADGETT. I do not think when this country has built up a magnificent Navy and has it well equipped and efficient that we are going to scrap it.

Mr. BUTLER. I understand we may not. I think the chairman and I will have little to do with it, but the President will have much to do with it. Will the gentleman advise us to look so far in the future as to begin at this time a dock which will result in appropriations of millions of dollars? Is that a good thing to do?

Mr. PADGETT. I think we ought to build this dock. I think it is necessary to have it, as I stated, independent of the war; that, whatever we may have after the war, we ought to have this dock south of Cape Hatteras.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. PADGETT. Yes.

Mr. MILLER of Minnesota. Was the gentleman—I think he was—a member of the Committee on Naval Affairs when the first improvement was made at the Charleston Harbor for the Navy?

Mr. PADGETT. I was not, sir. That was several years before I came to Congress.

Mr. MILLER of Minnesota. Then the gentleman can not answer the question I was about to ask.

Mr. PADGETT. I now yield to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Chairman, I want to ask the gentleman from Tennessee if it is intended by the Committee on Naval Affairs or the Navy Department to build a great navy yard at this point?

Mr. PADGETT. Yes, sir. I think they ought to have a good yard there.

Mr. FOSTER. Where they will build battleships?

Mr. PADGETT. Not a construction yard.

Mr. FOSTER. But a repair yard?

Mr. PADGETT. A repair yard; a docking yard.

Mr. FOSTER. This dry dock will take three or four years to finish, I understand?

Mr. PADGETT. The Secretary, in a letter to me, which I have here, stated that he thought it could be constructed in 30 months. I think it will take three years.

Mr. FOSTER. Unless the war extends over a period of several years this would not be of any benefit during the present war, would it?

Mr. PADGETT. No, sir. If we are to take three years in building, of course it would not be usable under that time; but I stated a while ago that, independent of the fact that we are at war, that we should have a dock south of Hatteras, and the gentleman knows the hazardous risk of going around Hatteras. It is known in ocean parlance as the "graveyard of the Atlantic coast," and to attempt to bring our ships of great cost and value around there and over a distance of 2,500 or 3,000 miles without a dock—there is no good business proposition in that.

Mr. FOSTER. Does the gentleman know what the estimated cost for this construction would be?

Mr. PADGETT. The dredging?

Mr. FOSTER. I mean to put this in proper shape for the repair of naval vessels, including the dry dock and dredging, and all.

Mr. PADGETT. The dry dock is estimated to cost $4,000,000. That is $500,000 above similar docks at Norfolk and Philadelphia. The dredging is estimated at 20 cents a cubic yard instead of 13 cents, at the present contract, and it is estimated there are 26,000,000 cubic yards, which would cost $5,000,000. That would be $9,000,000 estimated cost. Now, then, they would have to have a large crane there to lift the big guns off and on. I should say that outside of that, $2,500,000 or $3,000,0000 would fit it up.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. I ask for one additional minute.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the chairman of the committee have five additional minutes if he desires to use it.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Tennessee may have five additional minutes if he desires to use that much time. Is there objection?

There was no objection.

Mr. FOSTER. I would like to ask the gentleman this question. I know he has been on the Committee on Naval Affairs for many years and is well informed on naval affairs, and I would like to ask if in his judgment we ought to begin now, with the high cost of everything and with the scarcity of labor, this construction, and if it is absolutely necessary for the Navy?

Mr. PADGETT. It is a matter of so much importance that I do not like to postpone it. Independent of the war, we need something south. I think we ought to have one in the West Indies as well as one on the coast line south of Hatteras.

Mr. FOSTER. It is the gentleman's judgment that this is the best place for it?

Mr. PADGETT. It is the best place on the mainland. All the authorities agree upon that. But in the West Indies, in my judgment——

Mr. FOSTER. I will say to the gentleman that the reason I have asked these questions is because I have been here several years, and I know that Congress has refused to do much with this Charleston Navy Yard.

Mr. PADGETT. There has been a great deal done there. Now, that reminds me that only recently the Secretary of War has set apart $16,000,000 under Gen. Goethals for building, just above the navy yard, and would use this channel—$16,000,000 for the construction of storage and shipbuilding facilities on account of this war.

Mr. FOSTER. Is that to be permanent, or just during this war?

Mr. PADGETT. Well, I can not say. A great deal of it will be permanent after the war is over. Of course, some would go away.

Mr. FOSTER. Are they erecting permanent buildings there now?

Mr. PADGETT. I have no information on that; I can not say. Does the gentleman from South Carolina [Mr. WHALEY] know the nature of the buildings?

Mr. WHALEY. They are to be of permanent construction. The testimony before the Appropriations Committee was that these storage houses there were to be permanent, and not to be temporary structures.

Mr. PADGETT. I was not informed on that particular phase of it.

Mr. WHALEY. They are just above the navy yard—a half mile. They are reached by the same river. Ships would have to go by the navy yard to get there.

Mr. MILLER of Minnesota. I would like to make an inquiry of the gentleman before he takes his seat. Having in mind what the gentleman has so frankly stated to the House, if he knows, I would like to have him inform the House what the Acting Secretary of War had in mind when in the letter to the gentleman he used this language:

It is therefore recommended——

Mr. PADGETT. That letter is to the gentleman from North Carolina [Mr. SMALL]. It is not to me.

Mr. MILLER of Minnesota. Very well, to Mr. SMALL, the chairman of the Committee on Rivers and Harbors:

It is therefore recommended as a war measure that the item for Charleston Harbor and Channel * * * be inserted in the pending bill.

Mr. PADGETT. The Secretary of War regards it as a war measure, and the Secretary of the Navy also so regards it.

Mr. MILLER of Minnesota. And in the same letter they state that it will not be completed in less than three years.

Mr. PADGETT. The Secretary of the Navy said two and one-half years. I am frank to say that I think it would take three years to construct them. But whether it takes two years, or two years and a half, or three years; whether we have war or do not have war, it would be for the safety of this country. We have had enough experience, I think, in overlooking some things. I think we ought, when we see this before us, to consider it a duty and an obligation and prepare for it, independent of the continuance of the present war.

Mr. MOORE of Pennsylvania. I am inclined to support this proposition, and I want to ask the gentleman this: Whereas several ports along the Atlantic coast, including Philadelphia and Baltimore, have 35-foot channels, and Boston has that and more, would it be unreasonable to start Charleston on a 35-foot basis?

Mr. PADGETT. I always want to be frank with the House. A 40-foot channel is needed. If you are going to have a 40-foot basin and 40 feet over the blocks in the docks, and if your ships that are liable to go in draw 45 feet if they are disabled, I think, we may just as well face the matter frankly and honestly and proceed with what we know will ultimately be required. It does not take any more money at the present time. The appropriation is only $1,500,000.

Mr. MOORE of Pennsylvania. I thoroughly agree with the gentleman's statement about having a dry dock south of Norfolk, or south of Hatteras. I think the time has come when we should establish such a dock along the south Atlantic coast. But this proposition comes before the House in an unusual way. It is provided that we shall have a dry dock if we get the water.

Mr. PADGETT. No. The Naval Committee reported the two proposals coupled together, an appropriation for both. But this other is conditioned upon the dock. If you do not get the dock, there is no use in making this appropriation; if you do not get this, there is no use in giving the other. But we need both. I hope the House will approve this, and then when we reach the other, in the naval bill, give us the dry dock.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SMALL. Mr. Chairman, is it possible to get unanimous consent to fix a time for closing debate on this paragraph and the amendment?

Mr. DEMPSEY. I want to be heard a few minutes.

Mr. FREAR. I desire to have about seven minutes. I want to read from the reports. This talk is not related to the official reports.

Mr. SMALL. Could we agree by unanimous consent to close the debate in 45 minutes?

Mr. MILLER of Minnesota. Reserving the right to object, the time so far consumed has been consumed almost entirely in

favor of the proposition, except that occupied by the gentleman from Illinois [Mr. BRITTEN]. If the time is evenly divided there is no way of knowing how these nine men are to talk.

The CHAIRMAN. Is there objection?

Mr. FREAR. Reserving the right to object——

Mr. SMALL. I ask unanimous consent, then, Mr. Chairman, that we close debate in one hour.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the debate on this paragraph and amendments thereto close in one hour.

Mr. FREAR. Reserving the right to object, will the members of the Committee on Rivers and Harbors have the right to discuss it in this time?

Mr. SMALL. I have no doubt that the gentleman from Wisconsin, a member of the Committee on Rivers and Harbors, will have some time.

Mr. FREAR. I ask that because of the fact that we have not yet taken part in this debate.

Mr. BROWNING. Mr. Chairman, I sincerely trust that this item of dredging will go through. I am a member of the Committee on Naval Affairs. I am one of those who have opposed advancement or increase for the Charleston Navy Yard, believing that it was not the place for a large dry dock and extensive operations. Last summer I visited Charleston, and was very much impressed with the activities of that yard; but, like the chairman of the committee, I was still opposed to a large dock there when we had not a sufficient depth of water.

I realize the fact that south of Hatteras there are no dry docks, and there should be some. As the chairman has stated, we should have one in the Caribbean Sea. We have not enough dry docks in the United States to-day, even north of Hatteras.

Now, the only place on the main seacoast for this proposed dock is at the Charleston Navy Yard. We have no activities anywhere else.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. BROWNING. Yes.

Mr. LONGWORTH. What are those activities, may I ask the gentleman?

Mr. BROWNING. They are engaged there in almost all naval activities, including the building of vessels.

Mr. BUTLER. They are?

Mr. BROWNING. They were building chasers while I was there, though this is not a building yard. It is, as the chairman has said, a repair yard. They have a dock there to-day that will dock any ship of the *Utah* class, and all that is needed is depth of water.

Now, the Secretary of the Navy has recommended very strongly that this new dock be built. I made the motion in the committee that it be built, provided we can get 40 feet of water. There is, of course, no necessity for a dock unless we can have the water, and if we do get the water the dock should be built right there.

Now, I feel that it is essential that we should build this dock at Charleston, because there is not one nearer than Norfolk, about 700 miles away; and in that long coast line there should be a dock to repair vessels of the Navy.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield there?

Mr. BROWNING. Yes.

Mr. BRITTEN. Does the gentleman agree with me that the mechanical equipment at Charleston is entirely inadequate for extensive repairs on battleships now?

Mr. BROWNING. Probably it is; but with an expenditure for a crane to remove the big guns I think good work can be done at Charleston.

Mr. BRITTEN. Is there any mechanical equipment at Charleston with a crane that would move a big gun to repair or reline that big gun?

Mr. BROWNING. There is not; and I do not know of any other yard where there is.

Mr. FOSTER. That yard has not been equipped for this work?

Mr. BROWNING. It has not been. I hope it will be. It should be.

Mr. BUTLER. Let me ask the gentleman a question. The gentleman advocates this item, and he is well informed. Has the gentleman in mind what this means—how much of an appropriation it will be necessary to make in Charleston to repair and construct ships?

Mr. BROWNING. I do not know what it will cost, but in my opinion an expenditure of $2,500,000 or $3,000,000 will equip that navy yard to repair ships.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. BROWNING. Yes.

Mr. BRITTEN. Is the gentleman basing his report on an estimate of a Navy official?

Mr. BROWNING. We have no estimate from a naval official on that matter.

Mr. BRITTEN. It is an estimate of his own, then?

Mr. BROWNING. Yes; it is an estimate of my own. If the gentleman has a better estimate, I will be glad to hear it.

Mr. FOSTER. Let me ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. BROWNING. Mr. Chairman, I would like to have three minutes in which to answer a question.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to proceed for three minutes. Is there objection?

Mr. FREAR. Reserving the right to object, the members of the committee have not had a chance to speak. We are the ones who are making the appropriation.

The CHAIRMAN. Is there objection?

Mr. FREAR. I object.

The CHAIRMAN. The gentleman from Wisconsin objects.

Mr. MILLER of Minnesota. Mr. Chairman and gentlemen of the committee, if this were a motion to make a reasonable appropriation reasonably to develop commercial facilities at Charleston Harbor, I would vote for it. If this were a proposition to make more efficient this Government in the prosecution of this war, I, like other Members here, would vote for it.

But this is neither. This is a proposition to appropriate an abnormal sum of money, although it is but the beginning of larger appropriations yet to come, artificially, first, to build a naval station, and, second, a river leading up to it. It is an artificial proposition first and last. We have first got to build a river, and then they say if we build the river they will build a dock and naval works at the end of it. Why would they not? If you will build a river to Peoria, Ill., I have not the slightest doubt that they would be glad to have you construct a navy yard, dry dock, and so forth, there.

A few years ago I had the privilege of visiting Charleston Harbor and looking over this proposition. It did not require the eye of an expert. It required just the eye of an ordinary common-sense individual, who could see and interpret a little bit that which he saw, to know that the placing of the plant there, in the first place, was not because of any naval consideration at all. I asked Navy officials why that plant had been placed there, and they all said they did not know, that they thought I ought to know more than they about it, because they understood the reason for is was in Congress and not outside.

Mr. BROWNING. Mr. Chairman——

Mr. MILLER of Minnesota. No; I can not yield. If I can get some more time I will yield.

Mr. BROWNING. They did not give me any more time.

Mr. MILLER of Minnesota. At the time I was there I went in on a boat of 10,000 tons, and we were hung up all night long 4 miles from the town waiting for a tide that could take us in. At that time the only use to which the dock which is there now could be put was for torpedo boats; and I did find one or two naval officers who said it was their opinion that this was valuable as a torpedo-boat station, but valueless for any other purpose. Now, you can not convince me that there is any practical common sense in spending an enormous sum of money to build a river, at the end of which you are going to build a naval station; and the fact that there is not a naval station for 2,500 miles of coast does not convince me of the propriety of this. This is but 600 or 700 miles from Norfolk. I have been an enthusiastic supporter of every proposition to develop the Norfolk yard. That should be the great naval base on the Atlantic coast, and any money that is asked for that place should receive the hearty approval of Members of Congress. But this is not that at all. This is but a few miles geographically south, however the coast may curve. When you reach Charleston, S. C., you have still got your 2,000 miles and more of coast where there is no navy yard. If you will take a look at the map you can see at a glance that this navy yard should be located, not at Charleston at all, having in mind that which the chairman of the Naval Committee has just stated and that which is common to the intelligence of most of those who have thought at all on naval subjects, but that the place for the naval station is either on the Gulf coast or in the West Indies, and probably in the West Indies. Why did we buy St. Thomas a year ago, giving $25,000,000 for it? Why have we been told repeatedly that that is the place for a naval station, in the West Indies? It is true, as the gentleman said, that any naval engagement will probably be in the vicinity of the West Indies somewhere, in a key position relative to the United States and the Panama Canal. What good will it be, then, to have a sinking ship within a thousand miles of Charleston?

It would be just as well to have it within 1,500 miles of Norfolk. The difference does not amount to anything. Build your

naval station, if you must, in the West Indies; and I think you ought. There are two places now where the United States needs a great naval base. One is in the West Indies and the other is at Guam, and every naval official will tell you so. The money you are going to spend on this job will artificially create something that will be of advantage to Charleston, S. C., but it will be of no material advantage to the Nation, and that amount of money would build the naval base at Guam that the United States has been needing so much for these many, many years.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Minnesota. May I have two minutes more?

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. No; my friends, this is one of those propositions that will never, never down. It has been kicking at the gates of this Chamber for years. The inception of the proposition was some years ago, when a gentleman influential in the Government desired an expenditure of public funds there at his home place. We have been scandalized at times because public moneys have been used to build useless Army posts, useless naval stations, and it has been the general consensus of opinion that the most useless expenditure we have ever made, for the most useless purpose, was that at Charleston, S. C. They see that now, so they come back and ask that, in addition to the $10,000,000 heretofore spent, you spend $30,000,000 more to build a river and build a naval station, and when they get that, then they say they will have something serviceable to the country. You never can convince me that the Navy is going to live or die dependent upon the expenditure of $30,000,000 to build a river into the interior and then a dry dock at its end. Pensacola, Mobile, New Orleans, and other places in the South have ample facilities infinitely better than Charleston, where a much smaller expenditure than this would furnish these facilities. It is Charleston, S. C., that wants this; and if the Nation wants it, I have not heard the Nation's voice.

Mr. FREAR. Mr. Chairman, if this were a war measure, and if it were needed by the Government for the prosecution of this war, I would be the last man in the House to raise my voice against it. I have supported every war measure. But this proposition, as the gentleman who has just preceded me has stated, is known throughout the length and breadth of the country for the scandal that occurred when it was originally proposed. Now, Mr. Chairman, it comes here in a peculiar way. Our committee were hurriedly called together, long after the introduction of this bill, and told in a few minutes that we were to put this measure into the bill. We have never had a hearing. We have not the first understanding, except from what these gentlemen have stated on the floor, of the necessity or even desirability of this project, but we are asked to put $5,000,000 in the Charleston Harbor without any hearing and without any notice. I ask any member of the committee to refute that statement. I understand there has been no hearing in the Naval Committee. All we have to rely upon is the reports of the engineers, and those have been offered largely for commercial reasons. But let us see what the engineers say concerning the naval station at Charleston. I have here before me the report of the engineers, Document No. 947 of the Sixty-first Congress, second session, and on page 8 the engineer says, as follows:

> The largest battleships can now cross the Charleston bar by entering at high water—

Remember, they had only 26 feet of water then—

> the channel being 600 feet wide and 26 feet deep at mean low water. The mean rise of tide is 5.2 feet. The entrance channels are straight and easily navigated.

When this was written, with the 26-foot channel, the engineer said that it was sufficient for all naval uses for the largest battleships. Now, you propose to make it 14 feet deeper, to a proposed depth of 40 feet. This is all we have got to enlighten us on the subject except the verbal statement presented to us by various gentlemen, and I do not question the gentlemen, but I know the importance and necessity sometimes at different localities of getting these projects. I say as a war measure it can not be defended, and it can not be defended, according to the statement of the Army engineers which I have read, nor can it be of value or constructed for several years to come. It will be of no use in this war.

I read from Document No. 19, Sixty-third Congress, second session. The report says:

> The report referred to in this document recommended an improvement of Cooper River to a depth of 30 feet, at an estimated cost of $175,000, in the interest of the Navy, there being no commercial need at that time for the improvement. The project has not been adopted.

There has been no objection to the 30-foot project, and the Engineer's report shows that there are no terminals unless they have been recently constructed. The commerce is comparatively small, and all terminals are privately owned, according to the report.

Now, what we want to know are the facts. We never have had a chance to ascertain what the facts are regarding the new $5,000,000 project, and yet we are asked to put in a waterway costing $5,000,000, and possibly $20,000,000 for aught we know. We have no idea where the limit will be with the dry-dock proposition. For that reason I say it can not be justified. If you start now, you have opened the door for wasteful appropriations that may be made at all times. All you have to do is to say that this or that committee demands jurisdiction, and we will adopt the project whether they have an intelligent understanding of the proposition or not. The Secretary of War recommended every project needed for the prosecution of the war before he left for France and after the bill was reported. A subordinate officer now urges a plan without any hearings, and in the face of the Engineer's report that the present channel will float the largest naval vessels.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BURNETT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Young, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 9901) to give indemnity for damages caused by American forces abroad.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (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, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments to bills of the following titles:

S. 3863. An act to provide quarters or commutation thereof to commissioned officers in certain cases; and

S. 2917. An act 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."

RIVERS AND HARBORS APPROPRIATION BILL.

The committee resumed its session.

Mr. SWITZER. Mr. Chairman, as a member of the Rivers and Harbors Committee, in view of the lengthy discussion of this proposition, I feel it my duty to explain the attitude of the members of the Rivers and Harbors Committee and my own attitude as to this proposed amendment. This is a naval proposition. It is a war necessity, and not a commercial proposition. Year after year we have turned the further deepening of the channel down as a commercial proposition, but as a member of the Rivers and Harbors Committee I do not feel that it is incumbent upon me to demand hearings, to have the facts brought before my committee, in order to vote for a project providing adequate water after we are informed that the Naval Committee is going to have constructed a dry dock as a war necessity. That is a matter wholly within the jurisdiction of the Naval Committee. When the Secretary of the Navy and the Secretary of War say to me as a member of the Rivers and Harbors Committee that such a thing is a war necessity or a naval necessity or a military necessity, I do not feel that I, as a member of the Rivers and Harbors Committee, should go any further in the investigation of that proposition.

I do not believe that it is within the jurisdiction of the Rivers and Harbors Committee to investigate as to whether or not there is need of a dry dock at Charleston, S. C., after the Naval Committee or Navy Department determines the necessity. Whenever the War Department determines, or whenever the Navy Department determines, to erect a dock and asks that a depth of water be provided, we will not run counter to those two great departments in that work by refusing to provide them the water to the dock. And recollect, gentlemen, that the appropriation is conditioned solely on the construction of the $4,000,000 dry dock. If the Navy Department does not do what it says it is going to do there will not be a single dollar of the appropriation expended. But if the Navy Department does construct the dry dock no member of the Rivers and Harbors Committee—of course the House committee has a right to do as it pleases—no member of the Rivers and Harbors Committee should undertake to in any way obstruct or delay the Naval or Military Departments. We

feel that this is a matter entirely outside of our province. What I want the members of the committee to understand at this time is that if we vote to refuse the proposed depth of channel to the dry dock you are voting against something that the Naval Committee proposes, and does not affect the Rivers and Harbors Committee at all. It is immaterial to us except we feel that it is our patriotic duty when the Secretary of the Navy or the Secretary of War says a thing is necessary as a war measure, that they are going to construct a dry dock to accommodate war vessels at Charleston, S. C., it is our duty as patriotic members of the Rivers and Harbors Committee to recommend the appropriation necessary to make the dock useful.

That is the way I feel about the matter. Now, as far as the length of time is concerned, the House went on record yesterday in a matter that it will take five years to complete, the deepening of the channel at Hell Gate as a war measure, and if this can be completed in three years I do not see why the time should be used as an argument against the proposition.

It was pointed out by the chairman of the Naval Committee, and by the gentleman from New Jersey [Mr. BROWNING], who is on the Naval Committee, that this is certainly a strategic proposition; that if there is ever any great naval battle in the South Atlantic, it will be in this region, and there ought to be a large dry dock constructed at Charleston, S. C., to take care of injured or damaged vessels. But recollect that we do not claim that it is a commercial necessity. We have only based our recommendation on the proposition that the Naval Department is going to construct a dry dock.

Mr. WHALEY. Mr. Chairman, I am not advocating this amendment from local considerations alone. So far as the amendment is concerned, it comes from the Committee on Rivers and Harbors. The chairman has explained to you the reason why the committee has offered this amendment to the bill. It was at the solicitation of the Secretary of War, who was requested by the Secretary of the Navy, as a naval necessity. If any amendment has ever come before this House free from local influence, it is this amendment. If any amendment has ever come before this House saturated with war necessities, it is this amendment. I do not care to speak to this amendment from the war requirement standpoint, but I do want to eradicate from your minds misapprehensions and misstatements which may have found lodgment there in respect to the Charleston Navy Yard. This House has been harangued each year with misstatement and misinformation in reference to the navy yard at Charleston, and I propose for five minutes to tell you the history of that yard.

In 1901, under an act of Congress, a commission was appointed by Secretary John D. Long, a Republican Secretary of the Navy in President McKinley's Cabinet, to seek the most available site on the south Atlantic coast for a navy yard, and that commission selected Charleston. The commission was headed by Admiral Rogers. The commission selected Charleston because it was strategically the place on the south Atlantic coast to put a navy yard. Year after year attacks have been made upon that yard on the ground that it is a political yard. The Members of this House have never seemed to realize the fact that it was put there by a naval commission composed of naval officers; that it was placed there because it was the most available and desirable place to have a yard.

Two years ago, in order to wipe out any misunderstandings, to take away any feeling that this yard was a political yard, this House, under an act of Congress, appointed another commission, and that commission went down on the south Atlantic and Gulf coasts and examined every harbor, and it made its report to this Congress. This was the Helm Commission, a commission being composed of naval officers. This commission reported as follows:

> After carefully weighing all the advantages and disadvantages, including costs, of the various sites between Hatteras and Key West, Fla., the commission is of the opinion that on this coast line Charleston Harbor most nearly meets the physical requirements of the Navy Department for a first-class navy yard.

The Members of the House ought to bear in mind that we have 2,500 miles of Atlantic seaboard, 1,200 miles from the Canadian line to Cape Hatteras. That composes the north Atlantic coast. In those 1,200 miles there are five big navy yards, there are five harbors with 40 feet of water—Portsmouth, N. H., Boston, New York, Philadelphia, and Norfolk. There is a navy yard with deep water for almost every 250 miles. After you pass Cape Hatteras there are 1,000 miles of seacoast to the end of Florida, Jupiter Inlet. In that whole coast of 1,000 miles there is only one navy yard, and that is the Charleston yard. Charleston is 415 miles from Norfolk and 488 miles from Key West, Fla., almost exactly in the middle of all that stretch of coast. There is not a single naval officer who has ever appeared before any of the committees of the House, or who has ever talked to me, who has not said that the next fight we will have on the ocean by any country attacking this country will be in the Caribbean Sea.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

Mr. WHALEY. Yes.

Mr. BOOHER. I would be very glad indeed if the gentleman could take the time to explain why he thinks the next naval engagement will be in the Caribbean Sea? I ask the question for this reason: Yesterday when we were discussing the proposition of deepening New York Harbor, a gentleman for whom I have the highest regard made the statement that all naval officers agree that if there ever was a great naval battle fought in this country it would be at New York, in Long Island Sound. The gentleman and the chairman of the Naval Committee are somewhat at variance. The chairman of the Committee on Naval Affairs says all naval authorities agree that it will occur in the Caribbean Sea.

Mr. WHALEY. I am quoting to you the naval officers' opinion. I will give you an admiral's opinion.

Mr. BOOHER. I want to know why it is that they have their fighting points so far apart?

Mr. BRITTEN. Is it not probable that the next great naval battle will be fought where the appropriation is desired?

Mr. WHALEY. Perhaps it will be fought out in Illinois, on the Lakes, I do not know. They have a training station out there, but they always send the boys to the ocean to do the fighting.

Mr. BRITTEN. And that is where the best boys come from, too.

Mr. WHALEY. I admit that some of them do, but not all. As I was saying just now, on the North Atlantic coast you have five deep-water ports and you have five navy yards. In those navy yards you have 14 large dry docks. On the South Atlantic coast you have not a single deep-water port, with the exception of the port of Charleston, which to-day has a channel 30 feet in depth from the sea to the navy yard. You are building battleships the draft of which was never contemplated when any navy yard was established. The deepest draft when this yard was established was considered to be 23 feet, and the commission that established this yard said that it was necessary to dredge one shoal in that river to deepen it to 25 feet, so as to carry the largest battleships in the Navy at that time. That was in 1901, but we have progressed in the building of battleships just as we have along other lines. We are delving a little deeper and expanding in our thoughts, in our actions, in our construction of battleships. The result is that the depth in 1901 and the depth in 1910 is not the depth necessary in 1918, nor the depth that will be necessary in 1921.

Therefore, when the Helm Commission made its report on this navy yard, and said it is strategically the ideal place to put a capital shipyard because of Charleston's expansive harbor, its fine river, its protection from storm, its freedom from bombardment, its ease to defend, and its accessibility to the sea, they joined in that report in saying that at a reasonable cost a depth of 35 to 40 feet could be secured in this river and this harbor, and, gentlemen, it ought to be put in this river and harbor. Now, with reference to cost and maintenance, the commission showed that the cost was reasonable. At that time only $2,000,000 were received for the river and harbor; but, in addition to that, as it has been necessary in every navy yard in this country, we must have a turning basin opposite this yard. The result is, of course, additional cost. Now, they further showed in this very report, which is very illuminating, that the maintenance of this river to a depth of 40 feet is less by one-half than it is at New York, Philadelphia, and one other port. Now, the gentleman from Illinois [Mr. BRITTEN] has harped upon the presence of silt in the river. It is not silt in the river which has to be dredged from the mouth of the dock. Every engineer who has examined into it says so. The only one I know of who does not hold this view is the gentleman from Illinois. It is the mud from the sides of the canal that lead into the dock which requires dredging. Now, in building the dock, not the yard, but the dock, they put it 700 feet from the channel of the river, and they cut through a mud bank. Now, my friends, the water flows over the sides of that canal twice a day, with the result that the erosion of the sides of that canal gets into the bottom of the canal, and necessarily that will keep up unless you dredge it until the sides reach the angle of rest, whatever that may be, under the circumstances of any given case. They have recommended time and again that the simplest and easiest way to stop the filling in at the mouth of the dock entirely is by building a sea wall along the two sides, which can be done at a reasonable cost.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DEMPSEY. Mr. Chairman and gentlemen, as I understand the situation this amendment by the committee is opposed upon three or four different grounds. One ground suggested is that this committee met hastily and did not have hearings. Why, that is a reason for the passage of the amendment and not against it. It shows that there is necessity; it shows that it is a war measure. The Secretary of War sent letters to our committee and said that it is a war measure and that he urged our committee to adopt an amendment of that kind. He would not have asked its adoption at the last moment, after the bill had been reported and when it was impossible to have hearings, unless there was urgent need.

Mr. BUTLER. Will the gentleman yield?

Mr. DEMPSEY. So that instead of its being an argument against the proposition it is one for it.

Now, let us take the next proposition. Gentlemen say this is not a proper place at which to establish this yard. Well, now, upon what do they base that argument? They say that it is 6 miles inland upon this river. That is the statement and the argument of men without expert knowledge, and certainly it is in direct contradiction of a series of reports of all those who have investigated the matter and who, after a comparison of this port with other ports, say that Charleston is the best of all the ports south of Norfolk and between Norfolk and Key West for the purpose for which it is proposed to establish this dock.

On the other hand, what are the arguments in favor of the proposition? There is first the naked, bald statement of the Secretary of War and the Secretary of the Navy, the two experts on whom we ought to rely, because they are charged with the responsibility, and they say that this should be done. There is next the fact that, while to the north between the Canadian line and Norfolk each 250 miles there is a dock of this kind, south of Norfolk and down to Key West there is none at all, and there is that long stretch of coast in which a battle is likely to occur absolutely destitute of any place to which a battleship could go in case of being disabled or in case of disaster.

We say that one should be supplied, and we say that the natural place to supply it is midway between Key West and Norfolk—halfway, the natural distance. Now, gentlemen, let us go to the broader question. Every man upon the floor, I suppose, will join in this statement. From the fateful 6th of April, 1917, down to to-day every patriotic Member of this body has been ready to support the United States in anything which would help protect us against the common enemy and help to win this war; and shall we, without expert knowledge—shall we, in face of the statement of the Secretaries of War and Navy——

Mr. FREAR. Will the gentleman yield?

Mr. DEMPSEY (continuing). Say that it is not necessary to do this thing; that it is not a war measure? I believe not. I believe we are unready to do that thing. Yes; I yield to the gentleman.

Mr. FREAR. The Secretary of War did not sign that letter, the gentleman will admit. He is not in this country at the present time. He presented statements to us of what he thought was necessary in reference to war measures, and we supported all of those. The statement I read from the engineers was to the effect that vessels can be brought in even at the 26-foot depth, and we have agreed to the 30-foot depth in the past.

Mr. DEMPSEY. Of course, the Secretary of War when he is not in this country can not sign letters individually. The Secretary of War is like any other man at the head of an executive department. When he goes away he leaves in charge a man next to him, and Mr. Crowell, Acting Secretary, signed this letter, and it is to be supposed that he had the same expert advice which would have been had by the Secretary of War had he been personally present. I can see nothing in the distinction to say it is not signed by the Secretary of War personally, but is signed by a deputy; but I say on broad grounds and on patriotic grounds, on the ground that since the 6th of April we have been voting for everything that has been proposed to us as a war measure, to save our fleets and provide for them if they are disabled between Key West and Norfolk, I ask you to vote for this amendment. [Applause.]

Mr. DEWALT. Mr. Chairman and gentlemen of the committee, coming 100 miles from the seacoast and having no port anywhere nearer than that distance, I think I can claim that I approach this question without any interested motives.

It might be that everything that was said by the distinguished gentleman from South Carolina [Mr. WHALEY] could be taken as colored somewhat by the locality in which he lives, and the same might have been said of the distinguished gentleman from New York when he was so urgently advocating the depth of the channel at Hell Gate.

Again, I have heard certain gentlemen here criminate and recriminate in regard to the merits of this bill, saying it was founded on graft, and then saying, too, that it was a monumental pork issue. Now, that is not the question before this House. The question before this House is this: Is it needed at this time, and is the expenditure a proper one? If it is, we should vote for it irrespective of location, irrespective of the wishes of the gentleman who advocates it, and regardless of any locality or sectionalism.

Now, what are the facts? It seems we have no navy yard capable of doing this sort of work, all the way from Norfolk down to Key West. Certainly, there must be a station somewhere, and this seems to be halfway distant between the two points. Now, one would infer, other circumstances being equal, that this is the point for that station. But I hear my distinguished friend from Pennsylvania, my fighting Quaker friend [Mr. BUTLER], for whom I have the greatest of all high regard, say that this is not a war measure. I beg the gentleman's pardon. There is no more patriotic citizen in the Commonwealth of Pennsylvania, and I say with all sincerity that there is no more patriotic citizen within the confines of the entire Union than the gentleman from Pennsylvania [Mr. BUTLER]. [Applause.] But he is mistaken about this view. This is a war measure. I saw that Lloyd-George said only yesterday that this battle in France which is now being waged, called the great battle of the Somme, might last for eight months. I hope and pray with all of you that we may be successful in that issue. I hope the time will never come when we will have to fight here on these shores, but if the war continues, and there be not any immediate successful issue, we may have a war upon the seas. We must have the war upon the seas, and if we have the war upon the ocean, it will be at our door. And if we have vessels that cost $28,000,000 each, as said by the chairman of the Committee on Naval Affairs, then this money being expended is a picayune. Four million dollars is only one-seventh of the price of one dreadnaught.

In other words, we are about to expend a portion of money here—for what? For the repair and upkeep and taking care of these dreadnaughts if it becomes necessary. More than that, I understand that there is not only one vessel of that kind being built but there are a number of them, and there is no place in the southern waters where there is draft enough to accommodate them.

They say Charleston is not the place. They say we ought to spend money in the West Indies, if you please. They say that it ought to be farther south. But we have already expended $10,000,000, I understand, on this location, and why waste the $10,000,000 already expended by not increasing this appropriation for opening this channel? It seems to me, then, from that point of view, that this is the thing to do at this time. More than that, I have heard some gentlemen say here that nobody could convince them that this was the proper site. Now, I approach this matter entirely with an open mind. I listened to the argument presented by the chairman of the Committee on Naval Affairs, and very carefully gave full attention to it; I listened to the argument of the gentlemen on the other side who oppose this measure, the distinguished gentleman from Minnesota [Mr. MILLER], and also the argument of the gentleman from Illinois [Mr. BRITTEN]. I was willing to be convinced, and am still willing to be convinced; but there are some people who, when convinced against their will, remain of the same opinion still. That is the trouble. I am willing to take the word and the authority of the chairman of the Committee on Naval Affairs. I am willing to take the word of the gentleman who is at the head of this Committee on Rivers and Harbors. More than that, I am fully willing and anxious to take the opinion of the Secretary of War and the Secretary of the Navy, because I believe that they have honestly recommended this as a war measure and that we need it now. [Applause.]

Mr. FARR. Mr. Chairman, I shall support the amendment appropriating the money for Charleston. I do not know who has the power to-day to tell whether this is a war-emergency measure or not. Four years ago no one would have dreamed of the great conflict that is being waged across the ocean. And after it started I did not find a man here in Washington who predicted that it would go longer than a year. Now, that war has continued for nearly four years, and it is yet undecided. I feel that it will require the power of this great Nation to win that conflict and possibly the finality of it may be decided on our shores. It was my pleasure last summer to visit Charleston, and my conclusion then was that large sums of money should be expended there for greater activities at that yard. I did not then know of the conclusion of the Helm commission. I realized that some day a great battle would be fought in

those waters; that we would have to fight to maintain the Monroe doctrine. That war will come after this war is concluded, no matter how it is concluded. Some day, unless we have the military and naval strength that will deter the enemy, we shall have to battle in those waters to maintain the Monroe doctrine; and we ought to safeguard ourselves in order to do it successfully.

If we could turn the hand of that clock back a few years there would be many things that we would do that we have left undone—that would have helped us in this terrible conflict. I am surprised at the utterances of some of these gentlemen in not being willing to visualize a little bit to-day, realizing the many missteps that we have made in the past. I want to follow the leadership of the military authorities and the naval authorities. I think this country would be in better position and that the war across the ocean would have been concluded ere this if we had done that before.

I am not going to make a mistake to-day. I shall vote for this appropriation. If a war should take place and a battle ensue in the Caribbean Sea, we would have $200,000,000 worth of battleships there to fight for our liberty. We need these places, not only at Charleston, but we should have another great naval station a considerable distance down toward the West Indies.

Now, I hope my friends on this side will not be governed by any prejudicial view against this project. I have heard these prejudices expressed for a long time. I am happy to say I have not been infected by them, and I trust they will look to the future safety of our great country and act accordingly. [Applause.]

Mr. BRITTEN. Will the gentleman yield? Did not the gentleman on several occasions vote against a dry dock and the extension of piers down there because he did not think that the Charleston Navy Yard should be built up as a great repair or construction yard?

Mr. FARR. I have no knowledge of ever having voted against this project. But if I did, I made a mistake, and I am happy now to remedy that mistake and do something for the future safety of our country. [Applause.]

Mr. SMALL. Mr. Chairman, if no other gentleman desires to speak, I will call for a vote.

Mr. MOORE of Pennsylvania. I believe I was amongst those for whom time was reserved.

Mr. SMALL. Yes. I yield to the gentleman.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, it did not need the speech of the gentleman from South Carolina [Mr. WHALEY] to convince me that this amendment ought to be adopted. But I want to compliment him upon the very clear presentation of the case which he has made. I am somewhat familiar with the situation at Charleston. I have observed from the commercial aspect of it that Charleston is recovering lost ground. A new railroad bringing coal from northern fields has come to Charleston. In many other ways the city has been going forward.

Charleston, situated geographically as it is, has as much right to be considered for a great navy yard or for a great dry dock as any other point along the coast. I am glad the gentleman from South Carolina has told in such clear terms the relationship of Charleston to the other cities along the Atlantic seaboard. What he says about the northern dry-dock situation is substantially true. I think, however, that he errs as to the depth of some of the channels leading up one or two of the rivers to which he has referred. Philadelphia, for instance, does not have 40 feet, although I wish it had. It is gradually acquiring an assured 35-foot channel, and yet it is 100 miles from the sea, and, as I indicated yesterday, is the busiest shipbuilding river in the United States. Baltimore has 35 feet assured. The problem for these two cities in the future will be to attain that 40 feet which Boston has in sight, and which was guaranteed to New York yesterday, and which will now come to Charleston eventually, if this amendment is adopted.

But as one coming from a Northern State, intensely interested in this question of the development of the Atlantic coast, and as one who has traversed that coast from Maine to Key West, I want to agree not only with the gentleman from South Carolina, but with the chairman of the Committee on Naval Affairs, that there ought to be a great naval dry dock south of Cape Hatteras.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FESS. As a member of the Committee on Rivers and Harbors——

Mr. MOORE of Pennsylvania. Which I am not.

Mr. FESS. I beg the gentleman's pardon. I thought he was.

Mr. MOORE of Pennsylvania. I have not that distinction.

Mr. FESS. Well, as a distinguished Member of the House who knows what that committee has done, why did not the committee put this amendment in?

Mr. MOORE of Pennsylvania. For the reason, apparently, which is indicated in the letter of the Secretary of the Navy, which was read at the Clerk's desk at the beginning of this debate.

Mr. FESS. It was rather a matter not of this committee but of the Committee on Naval Affairs?

Mr. MOORE of Pennsylvania. It is a matter of the two committees, one of which, the Committee on Naval Affairs, had proposed to attain this object by action in the naval appropriation bill, and the other, apparently, was the effort of the Committee on Rivers and Harbors to retain its jurisdiction by making provision here. As it presents itself to me there is a compromise here that will be satisfactory to both committees.

Mr. FESS. And the omission of the item by the committee is not necessarily an argument against it?

Mr. MOORE of Pennsylvania. I think not. This question would undoubtedly have come up in the naval appropriation bill, and by passing it now as a river and harbor measure I think it will be waived when the naval appropriation bill comes forward. I merely suspect that; I do not know.

Mr. PADGETT. The understanding between the chairman of the Committee on Rivers and Harbors and myself was that if this committee passed it here it will go out of the naval bill.

Mr. MOORE of Pennsylvania. That was the understanding I had from the discussion thus far.

Mr. FREAR. Does the gentleman know of any other item in the bill, by amendment or otherwise, where there is no report from the engineers and no hearings on the item? I will say that there is not to my knowledge.

Mr. MOORE of Pennsylvania. I do not know. Norfolk is the last point, the southernmost point, on the Atlantic seaboard where dry-dock accommodations can be had. Now, gentlemen, picture to yourselves a vessel in distress coming up from the Caribbean Sea, coming in from the ocean, coming around from the Gulf, that has no place to go until it reaches Norfolk.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. The coast of Florida is more than 500 miles long. In November last I took a trip along the inland waters of Florida from the St. Johns River, Jacksonville, down to Key West, and I say to you that it is a reflection upon this Nation that there is no point along the coast of Florida, along its entire 500 miles of length, into which a vessel in distress at sea drawing 20 feet of water can go; not one; nor are there places anywhere along the coast from New Orleans yonder on the Gulf all the way around to Norfolk to which a naval vessel which is leaking or in bad repair can go to be placed in dry dock for repairs. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SMALL. Mr. Chairman, in closing this discussion I just wish to say this: A provision for this dry dock at Charleston has been reported in the naval appropriation bill and will be considered when that bill comes before the House. No one can foretell with absolute certainty whether that provision in the naval appropriation bill will receive the approval of the House, although I believe the approval of the House will be given for the authorization of this dry dock. But if the dry dock shall be authorized in the naval appropriation bill and become an accomplished fact, is there a single Member of the House who would vote against deepening the channel from the sea to the navy yard in order to make the dry dock usable? No one would think of voting against an authorization for the deepening of the channel if the dry dock had been provided.

Now, this provision for deepening the channel does not become effective unless the dry dock shall be subsequently authorized, and if the dry dock is never authorized, the money will never be expended; so that upon those conditions it seems to me every remnant of objection to this amendment authorizing the deepening of the channel in Charleston harbor from the sea to the navy yard ought to be removed. [Applause and cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. BRITTEN. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 70, noes 4.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Savannah Harbor and Savannah River below, at, and above Augusta, Ga.: For maintenance, $100,000.

Mr. FREAR. Mr. Chairman, I am not opposed to the appropriation of $100,000, but I desire to call attention to a practice which is not just to the Army engineers.

In Document No. 337 of the Sixty-fifth Congress, first session, dated August 13, 1917, is a report upon Savannah Harbor. In that report the engineers oppose going on with the proposition which was offered at that time and under consideration. The engineer in charge, Col. Mills, makes this statement, that it is first necessary to complete the work that is being done in the harbor at Savannah before undertaking further extensions that he says will impose additional burdens upon the Federal Government in the way of outlay for construction in the first instance and subsequent expense for maintenance.

We are undertaking to prosecute certain other improvements in the harbor. Now, this statement was made by the engineer, and the report was made on August 17 last. Accompanying the report is a statement of the harbor commission of Savannah, signed by 11 members, saying that they did not want this extension attempted at this time; that they preferred to have the other work done. Yet the committee has sent this matter back to the Army engineers, asking them to give a new report, and this inside of a little over six months, in the face of the protest of the Savannah commission itself that it is not necessary, and in the face of the report of the engineer that we ought not to incur this unnecessary expense at this time. The House knows what the purpose of such an action is, to send it back to the engineers after they have given careful consideration and are supported by the people of Savannah themselves, to ask them now practically to make a different report. I say, Mr. Chairman, if we are going to support the engineers, if we are going to give them the assistance which we assume to give them here, and which has been claimed upon this floor, we ought not to take such action.

Mr. DUPRÉ. Will the gentleman yield?

Mr. FREAR. I yield to the gentleman from Louisiana.

Mr. DUPRÉ. Is the gentleman referring to anything that is in this present bill?

Mr. FREAR. No; I am not. I am referring to a practice that I think ought to be stopped, and if not stopped it ought to be exposed. When the engineers have reported upon a proposition of this kind, when they come in and say that certain work ought not to be proceeded with, and when they are supported by 11 members of the Harbor Commission saying the same thing, I say we ought not to send this back to them, upon the request of local interests, in order to have the engineers change their position.

Mr. DUPRÉ. Is the gentleman asking the Committee of the Whole to take any affirmative steps?

Mr. FREAR. I am stating the action that the committee took against my protest, and which was favored by the gentleman who asks me the question. I am stating a fact which has a far closer relation to this bill than a good deal of the conversation that has occurred here on the floor to-day, and I think it is a very important proposition that the House should understand that when the engineers have just brought in a report, and they are supported in their action by the people of the locality, by 11 members of the Harbor Commission, we ought not to send the matter back to the engineers asking them to give a reexamination, which practically, of course, invites them to change their position.

Mr. DUPRÉ. Has the gentleman stated that certain of the members of that commission have changed their minds on that subject?

Mr. FREAR. Some of the members have done so within the past six months, because I think there are one or two interests that desire to have some special service given to them; but the engineer himself who made the examination says it is an undue expense to place upon the Government. Yet we send it back for reexamination.

Mr. DUPRÉ. You mean that the Committee of the Whole does?

Mr. FREAR. No; the Rivers and Harbors Committee, of which the gentleman is a member, and he voted to do it.

Mr. DUPRÉ. Why revamp all these matters on this floor?

Mr. FREAR. Because the more we expose that practice the sooner we are going to defeat it.

Mr. DUPRÉ. And, in the language of the gentleman from Pennsylvania, the greater headlines somebody will get.

Mr. FREAR. No; but we are going to expose these things, and I assume that the gentleman has voted for all these propositions, and he can. I have no objection; but I want to show what an unfair position it is in which to place the Army engineers.

Mr. DUPRÉ. I regret very much that the gentleman has had any objection to my voting for what I believe to be proper.

Mr. FREAR. No; of course the gentleman can pursue his own course.

Mr. SHALLENBERGER. Mr. Chairman, I desire to put into the RECORD a table having to do with the bill we are going to consider to-morrow.

During my absence in Nebraska the Provost Marshal General did me the honor to write a letter to members of the Military Committee, in which he challenged the correctness of some figures I had put into the RECORD showing the way in which the classification of men under the proposed law would affect the different counties in the State of Nebraska. The statement he made was that I had misinterpreted those figures.

The first column in the table shows the total number of men classified. The second shows those that were classified as he interpreted it, and who had accepted that classification, and the third column showed those who had appealed. The Provost Marshal General held that from the men who had appealed should have been deducted those who were put in the second column as class 1. In the letter he placed a table showing the classification of all the counties in the fifth district, and I think his own figures will convince anyone who examines them that the Provost Marshal General is in error in his contention. For instance, in the county of Clay his own figures show that 1,178 men were classified and that 264 were placed in class 1. He figures 22 per cent, therefore, in class 1; but the trouble with his figures is that in the next column it is shown that 343 men appealed from the classification of 264 in class 1.

In the county of Franklin, in the same district, 800 men were classified; and, according to his own figures, 152 were placed in class 1, and he figures 19 per cent; but the following column shows that 294 men appealed, apparently from a total of 152, which, of course, is absurd.

In Frontier County, in the same district, out of a total of 765 registrants, apparently only 114 were put in class 1, or 15 per cent, but from that 114 his own figures show that 322 appealed.

In the county of Hayes, in the same district, his figures show 283 registrants and 77 in class 1, which, he says, is 27 per cent only who were put in class 1, but 187 have appealed.

I ask unanimous consent to extend in the RECORD the entire statement of the adjutant general of the State of Nebraska, showing the percentages of men who were supposed to be in class 1 in every county in the State, and showing that he is entirely in error in his contention by his own figures. If the appeals of those men who are pending are not granted, they also must be added to those listed in class 1. I wish to show that the adjutant general's own tables are proof positive that I was correct in my statement. I wish to put in the RECORD the full statement of the adjutant general of the State, including these tables, whose figures confirm my statement.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to insert in the RECORD the statement and tables indicated by him. Is there objection?

There was no objection.

The statement and tables are as follows:

STATEMENT OF THE LETTER FROM THE OFFICE OF THE PROVOST MARSHAL GENERAL.

1. Mr. SHALLENBERGER'S figures are incorrect. (See Exhibit A.) They are in some cases two or three times higher than the actual figures. The reason for this is that the returns were sent in under two heads, viz, total persons in class 1 and total class 1 cases pending. The former number was taken from column 8 of the classification list; the latter number was taken from column 15 of the classification list, and, of course, signified a duplicate number of persons and not an additional number; that is, those numbers of class 1 who appealed were, of course, included within the figures representing the total of class 1—e. g., if there were 150 placed in class 1 by a local board, and if there were 50 appeals, the persons making these appeals were part of the 150 in class 1.

Mr. SHALLENBERGER, not understanding this, has added together the two figures; i. e., class 1 persons and class 1 persons appealing. Obviously in those districts where the numbers of appeals pending was large, the figures would, of course, be grossly exaggerated; for example, there are 9 boards in which the number of appeals pending are between 100 and 1,000, hence in these boards his erroneously high figures make it appear as though almost the entire body of classified persons were placed in class 1. For example, in taking the principal countries named in his speech:

(1) Seward County, with 1,287 classified, did not have 1,262 in class 1, but only 722; i. e., not 98 per cent but 56 per cent in class 1.

(2) Chase County, with 361 classified, instead of having 283 in class 1 has only 164; i. e., not 80 per cent but 45 per cent in class 1.

Thus in 9 out of the 20 boards cited by him the figure for class 1 is reduced, when corrected to sometimes one-third, or even one-fourth, of Mr. SHALLENBERGER'S figures.

The gross inequalities thus emphasized by him do not exist.

Nebraska—Fifth congressional district.

Local board of city or county.	Code No.	Total registrants.	Boards' action on first draft.					Boards' action on classification.			
			Number called.	Exemption claims disallowed.		Certified for service.		Number classified.	Class 1.		Pending.
				Number.	Per cent.	Number.	Per cent.		Number.	Per cent.	
Adams	26-2-1	1,925	429	104	51	230	54	1,785	622	35	107
Chase	26-2-4	398	102	4	11	56	55	361	164	45	19
Clay	26-2-5	1,239	379	17	10	134	35	1,178	264	22	343
Dundy	26-2-6	429	160	1	2	61	38	375	71	19	9
Franklin	26-2-8	853	150	15	28	72	48	800	152	19	294
Frontier	26-2-9	830	293	25	17	130	47	765	114	15	322
Furnas	26-2-10	932	423	11	6	135	32	846	84	10	4
Gosper	26-2-12	422	170	7	8	62	36	380	59	16	201
Hall	26-2-13	2,206	500	62	26	219	44	1,943	484	25	12
Harlan	26-2-15	781	186	36	37	83	42	715	157	22	15
Hayes	26-2-16	324	150	13	23	68	45	283	77	27	187
Hitchcock	26-2-17	403	242	26	31	74	31	335	85	25	4
Kearney	26-2-20	837	373	56	50	167	45	703	207	27	81
Nuckolls	26-2-25	1,098	364	13	8	114	31	1,010	365	36	250
Perkins	26-2-28	311	65	3	8	21	32	295	69	23	1
Phelps	26-2-29	936	350	20	9	148	42	855	285	33	104
Red Willow	26-2-31	979	264	10	7	95	36	892	150	17	5
Webster	26-2-37	942	250	6	6	89	36	839	170	20	48
Range of variation					2-51		31-55			10-45	

County.	Men classified.	Class 1 men.		Class 1 men's classification pending before district boards.	
		Number.	Per cent.	Number.	Per cent.
Adams	1,785	622	34.83	107	40.83
Antelope	1,206	156	12.93	0	12.93
Arthur					
Banner	142	19	13.37	1	14.07
Blaine	144	31	21.52	1	22.22
Boone	1,132	292	25.79	7	26.41
Box Butte	776	236	30.41	53	37.42
Boyd	574	75	13.06	0	13.06
Brown	455	113	24.83	1	25.05
Buffalo	1,938	423	21.82	2	21.92
Burt	1,163	220	18.91	20	20.65
Butler	1,275	225	17.67	35	20.38
Cass	1,593	394	24.73	99	30.94
Cedar	1,408	388	27.56	12	28.40
Chase	361	164	45.48	119	78.39
Cherry	1,174	344	29.30	8	29.98
Cheyenne	768	302	39.32	3	39.71
Clay	1,178	264	22.71	343	
Colfax	1,041	217	20.84	28	23.53
Cuming	1,250	324	25.92	14	27.04
Custer	2,056	363	17.65	15	18.38
Dakota	596	196	37.88	0	32.88
Dawes	833	217	26.05	14	27.73
Dawson	1,402	194	13.83	2	13.98
Deuel	313	84	26.83	3	27.78
Dixon	960	210	21.87	0	21.87
Dodge	2,035	600	29.48	36	31.25
Douglas	1,828	538	29.43	13	30.13
Omaha:					
Division No. 1	2,981	1,867	62.56	40	63.90
Division No. 2	3,001	752	25.05	9	25.35
Division No. 3					
Division No. 4	4,303	1,681	39.06	69	40.67
Division No. 5	3,272	1,137	34.75	30	35.66
Dundy	375	71	18.93	9	21.33
Fillmore	1,113	210	19.16	70	25.28
Franklin	800	152	19.00	294	55.75
Frontier	765	114	14.90	322	56.98
Furnas	846	84	9.92	4	10.40
Gage	2,443	794	32.50	1,014	74.00
Garden	459	147	32.66	16	36.22
Garfield	231	54	20.68	9	24.13
Gosper	380	59	15.52	201	68.42
Grant	186	66	35.31		35.31
Greeley	728	126	17.30	5	17.99
Hall	1,943	484	24.90	12	25.52
Hamilton	1,241	248	19.98	45	23.61
Harlan	715	157	21.95	15	24.05
Hayes	283	77	27.20	187	98.28
Hitchcock	335	85	25.37	4	26.56
Holt	1,417	250	17.64	4	17.92
Hooker	128	20	15.62		15.62
Howard	882	224	25.39	19	26.53
Jefferson	1,303	347	26.63	148	37.98
Johnson	834	191	20.50	51	26.66
Kearney	703	207	27.12	81	37.74
Keith	444	157	35.36	2	35.80
Keya Paha	306	107	34.93		34.93
Kimball	320	80	25.00	1	25.15
Knox	1,599	576	36.22	243	51.50
Lancaster					
Lincoln, division No. 1	2,935	674	22.96	9	23.26
Lincoln, division No. 2	1,757	284	15.90	4	16.12
Lincoln	1,515	364	23.97	23	25.49
Logan	159	47	29.56	4	32.07
Loup	154	39	25.37		25.32
McPherson	128	34	26.56	2	28.12
Madison	1,876	322	17.16	12	17.80
Merrick	873	174	19.93	15	21.65
Morrill	874	217	24.82	13	26.30
Nance	753	107	14.20	5	14.87
Nemaha	980	276	28.16	82	36.53
Nuckolls	1,010	365	36.13	250	60.89
Otoe	1,573	383	24.53	191	36.67
Pawnee	760	193	25.39	4	25.93
Perkins	295	69	23.38	1	23.70
Phelps	855	285	33.45	104	45.61
Pierce	889	175	19.67	26	22.60
Platte	1,743	417	23.88	50	26.74
Polk	877	192	21.87	4	22.35
Red Willow	892	150	16.81	5	17.37
Richardson	1,622	330	20.90	7	21.30
Rock	311	62	19.95	1	20.25
Saline	1,447	301	20.80	80	25.95
Sarpy	747	175	23.42	1	23.68
Saunders	1,697	657	38.71	665	79.90
Scotts Bluff	1,590	255	15.94	4	16.19
Seward	1,287	722	56.09	540	98.05
Sheridan	839	195	23.35	8	24.31
Sherman	747	134	17.93	5	18.62
Sioux	391	80	20.45	7	22.25
Stanton	707	145	20.65	2	20.93
Thayer	1,131	243	21.75	15	23.07
Thomas	154	55	35.71	1	37.01
Thurston	831	290	35.98	167	55.97
Valley	811	184	22.68	10	23.92
Washington	985	244	24.77	6	25.38
Wayne	939	247	26.55	14	28.06
Webster	839	170	20.26	48	25.97
Wheeler	173	34	19.31	5	22.18
York	1,489	290	19.72	100	26.35
Total	193,491				
Class 1, not appeals		27,351			
Class 1, appeals				6,330	
Total registrants placed in class 1 by local boards		33,681	32.5		

32.5 per cent of registrants liable for service are in class 1.

Mr. McKENZIE. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. McKENZIE. I would like to ask my colleague from Nebraska whether or not he still is of opinion that he is not in error in his former statement where he gave the figures from the county, I think 1,280 and some odd, and 1,270 were put in class 1. I would like to ask the gentleman whether or not he has verified his figures, and whether or not he was not mistaken?

Mr. SHALLENBERGER. The figures are in The Adjutant General's report. It is the county of Seward; and that report shows that there were 1,287 classified; 722 were put in class 1,

or 56.09 per cent. Five hundred and forty men have appealed, and The Adjutant General has put the figures in percentages, 98.5. These figures are his, and I want to put them in the RECORD to show that I used the official figures. It is a marvelous thing; but if you go over the figures you will find that the Provost Marshal General's contention is impossible. Take the county of Gage, in the district of my colleague, Mr. SLOAN, and in that county there are 2,443 registrants; 794 put in class 1—32.5 per cent—according to the figures of the adjutant general of Nebraska. One thousand and fourteen men have appealed. Does it mean that only 794 were put in class 1 by the local board in that county? No; it means what the adjutant general has indicated—that 794 men have accepted and 1,014 have appealed. If the 1,014 are denied the appeal, then the entire amount is in class 1.

Mr. McKENZIE. I want to clear this one thing up. I want to ask the gentleman from Nebraska whether he has taken any steps to investigate the board that would make that sort of a return?

Mr. SHALLENBERGER. I have not; but while in Nebraska I called on a number of counties and asked for the reason of this tremendous difference in classification, and I was informed that it resulted from the interpretation and understanding of the law by the draft boards. One county would only put 10 per cent of the total registration in class 1, while another county, according to these figures, would put 90 per cent in class 1. It results from the action of these local boards.

I want the House to understand that the classification list I am inserting in the RECORD is furnished me by the adjutant general of Nebraska after I wired the governor for it. I asked the report to show the total number of registrants and the number of them placed in class 1 by local boards. The percentage figures, which were made by the Nebraska office, plainly show that he furnished me the total placed in class 1, placed those who accepted their classification in the second column, and those who appealed in the third, and by the final percentage figures the total percentage of those registrants of draft age who would be in class 1 unless appeals were granted.

The Clerk read as follows:

Sapelo and Darien Harbors, Cowhead and Satilla Rivers, Club, Plantation, and Fancy Bluff Creeks, Ga.; and St. Marys River, Ga. and Fla.: For maintenance, $4,000.

Mr. SMALL. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 5, line 25, strike out "Club, Plantation."

Mr. SMALL. Mr. Chairman, that is to correct a clerical error. Club and Plantation Creeks should not have been in that group because they are provided for otherwise. I will ask unanimous consent to print a letter from the Secretary of War suggesting the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes outside of the regular order, because I have a matter that I want to call to the attention of the House in relation to the charges against the aviation section of the Army.

Mr. FOSTER. Is this foreign to this bill?

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes out of order.

Mr. FOSTER. That matter is coming up to-morrow, and I do not think it ought to be taken up at this particular time.

Mr. CALDWELL. I hope the gentleman will not object.

Mr. KENNEDY of Iowa. Mr. Chairman, I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Altamaha, Oconee, and Ocmulgee Rivers, Ga.: Continuing improvement and for maintenance, $40,000.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word. I do not want to be persistent about this matter, but there is continuously published in the newspapers criticism of the Army of the United States in relation to its endeavor to create an air service. The matter has got to be so important to the public, and the public is so greatly disturbed about it, that it is absolutely necessary that something be done to clarify the situation as it stands. Now, it so happens that I am chairman of the subcommittee on aviation.

Mr. SMALL. The gentleman made a personal appeal to have five minutes for this, and I hope no objection will be made.

Mr. WALSH. Mr. Chairman, I think the gentleman may be justified in coming to the defense of the Aviation Service, but it seems to me rather unusual to inject a controversy of this sort into the river and harbor bill. Undoubtedly some other gentleman might desire to justify the criticism that has been made. If that is so, controversy would run along here for quite a little time.

Mr. CALDWELL. I will say to the gentleman that the other day the gentleman from Kansas [Mr. CAMPBELL] took some time of the House on a matter foreign to the bill, and I made no objection to it.

Mr. GILLETT. But that was in general debate.

Mr. WALSH. That was general debate, and the gentleman had a right to do it.

Mr. CALDWELL. I have not taken much time of the House at this session.

Mr. WALSH. Mr. Chairman, the chairman of the committee says that he is willing that the gentleman should proceed, and I will not object.

Mr. STAFFORD. I suppose if gentlemen desire to answer the gentleman from New York there will be no objection on the part of the chairman of the committee.

Mr. CALDWELL. In order that we may know whether the Army has fallen down in its endeavor to build up an air service or not, we must consider the condition of the country at the time it undertook to make an army in the air to supply us with the necessary equipment and compare that with the accomplishments.

When war was declared there were in the Nation about 156 men who could fly, and not one of them was skilled in the kind of flying that must be learned in order that they could take part in military combat. As compared with that condition, we find that to-day America has in its Army alone 2,700 qualified pilots and 9,100 graduates of ground schools, besides the thousands in the flying and ground schools. Each day the men in the flying schools fly over 156,000 miles, or more than six times the distance around the earth. Of these, large numbers are now actually flying on the battle front in France, and it is considered by our enemy and our allies that they are the most daring and the most efficient fliers in the world. [Applause.]

Shortly after war was declared every business organization in America that could make or thought it could make aircraft was invited to Washington for consultation, and after a careful and exhaustive examination of their plants and equipment it was found that, even though Great Britain and France had stimulated aircraft production in America in every way that limitless money could induce by offering to pay any kind of profit that the American manufacturer demanded, it was freely admitted that we could not construct more than 630 airplanes in America in a single year, and it was not expected that these factories could be expanded so as to make them able to produce more than 1,500 planes in 18 months. To illustrate the kind of stimulation that the allies had furnished for the development of this infant manufacturing industry it might be well to relate the story often told concerning the Curtiss plant. It seems that the purchasing agent of Great Britain, being ordered to supply a large quantity of aircraft, called the Curtiss factory on the telephone and asked Mr. Curtiss how many planes he could make in a year, and on receiving the reply asked if he could not increase his output. Mr. Curtiss replied that he could if he had the money, and the English agent said, "How much do you need?" Mr. Curtiss replied, "One hundred thousand," meaning dollars. The English agent said, "All right; I'll mail you a draft." When Mr. Curtiss opened his mail the next morning he nearly dropped dead, for the draft was for 100,000 pounds instead of dollars.

The fact, however, that the reports of the newspapers and of the Senate committee seem to overlook, demonstrates that the manufacturers of America have thought more of their country than they have of European money, for to-day they are actually manufacturing more than a thousand airplanes every month, and the production is increasing every day. [Applause.]

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. McKENZIE. While the gentleman is going into a defense of this I simply want to ask my colleague if there has not been a tremendous fall-down from the promises made to the Committee on Military Affairs when the appropriation of $640,000,000 was being passed?

Mr. CALDWELL. Not from the promises made by any Army officer that I recall, but from the promises made in the newspapers and by men who took up the matter after we had appropriated the $640,000,000 and the idea of an army in the air had become popular.

Mr. LONGWORTH. Did not the Secretary of War make a direct statement as to the number of airplanes expected to be delivered in France by the 1st of July?

Mr. CALDWELL. I do not remember any such statement having been made to the committee.

Mr. HULL of Iowa. How many combat planes have we now?

Mr. CALDWELL. We have in France to-day 185 combat planes, of which 5 were manufactured in the United States, put in boxes here, and sent to France. In addition to that, we have 1,220 training planes in France——

Mr. GILLETT. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. All but five of these machines are of foreign make and purchased by us under agreement with the allies. They are now being used by the American aviators in France.

Mr. HULL of Iowa. How many fighting planes did the gentleman say?

Mr. CALDWELL. One hundred and eighty-five.

Mr. HULL of Iowa. Are they equipped with Liberty motors?

Mr. CALDWELL. Not all of these, as I understand it, but surely five of them are.

Mr. GILLETT. The gentleman does not distinguish between fighting planes and combat planes. I do not think there is a single fighting plane in France made in the United States. I think the gentleman is mistaken.

Mr. CALDWELL. There is no difference. I am not mistaken. The gentleman probably refers to the single-seater. None have been built here because Gen. Pershing has requested that we do not build any here.

Mr. FOSTER. Does the gentleman think it proper to make all this public?

Mr. CALDWELL. Yes; I do think so, because before I got these figures I told the Army officer who gave them to me that I expected to make them public in a speech and that I did not want any information that would be improper to tell for fear that our enemy might learn facts of military importance, and he told me that he was giving me figures that were old enough, so that even if Germany knew them it would do no harm to the Army, because the situation was improving so rapidly. In addition to this, I feel that in view of the criticism that has come of the activities of this line of preparation that it is necessary to give the people facts upon which they can form their judgment as to the justification of the criticism and the character of the men making it.

There are three kinds of criticism. First, criticism coming from strong, energetic, patriotic Americans who are straining in the traces and anxious that we should enter this war in the big, American way. That kind of criticism is healthy and sought by all public officials who are anxious to do their duty. There is a second sort of criticism coming from people who have strangely mixed motives, either partisan or political, personal or biased, or selfish or mercenary. Some aim to obtain political preferment by tearing down through unfair criticism the administration that is responsible at this time. Some seek to injure those against whom they have personal spite or who have failed to grant favors requested. And still others have machinery and equipment that they would like to sell the Government at an exorbitant profit regardless of the adaptability of the appliances. To this kind of criticism we should give but little heed, except that it creates a reservoir for much of the third kind of criticism, namely, that coming from those who are disloyal and seek to defeat our country by disseminating insidious propaganda tending to destroy the confidence of our people in the Commander in Chief of our Army.

It is admitted that the airplane program is not as far advanced as it was hoped a year ago it would be at this time. But the delay has not been very great when the obstacles encountered are considered.

When we began to coordinate the industry of the country for the purpose of producing aircraft in quantity our first unforeseen obstacle came in the discovery that the most essential wood used in airplane construction (spruce) was available in such limited quantities that we could not supply our allies with the timber they required without going into new fields and adopting new and radical methods of curing the timber. There was in sight about 14,000,000 feet of spruce timber at the time we started our plan of production, and the allies required 28,000,000 feet. Our men have gone into primeval forests, constructed new mills, and during the past year have actually cut about 30,000,000 feet of lumber and will provide 100,000,000 feet this year.

The next unforeseen obstacle was the disloyal operations of the I. W. W., which had a strong working organization among the loggers and lumbermen of the Northwest. To combat this our Army officers organized the Loyal Legion of Loggers and Lumbermen, and have, I believe, effectively put out of business in the lumber region the pernicious, disloyal, and un-American I. W. W. We have to-day 10,000 men in uniform armed with axes fighting for American liberty. [Applause.]

It was then discovered that though there were many factories in America that were thought by their owners to be capable of constructing aircraft, after examination the owners refused to take contracts because of the great change necessary in their plant and equipment. Although at the beginning there were only three airplane factories in the United States and a half dozen or more shops making experimental planes, to-day more than 400 manufacturing companies are working on contracts or subcontracts in the construction of aircraft and their accessories, employing more than 100,000 men. [Applause.]

It was later discovered that there was not enough linen in the world to cover the airplanes being constructed for the Army, and after much patient labor by many of our most skilled experts a substitute was finally devised, and the Government has acquired practically all the long-fiber staple cotton crop, at a cost of about $14,000,000. We have purchased 34 tons of linen thread, to make up the deficiency of the amount required in our program. Strange as it may seem, the market is well supplied with the silk thread required. In the construction of the fusilage a different kind of wood is used, but cut into thin strips called in the art "laminated wood." If these strips we have already prepared for this purpose were laid on the ground, as they say in Ohio, "side by each," they would cover more than a thousand acres. [Applause.]

The next obstacle encountered seemed almost insurmountable, for the great Liberty motor, concerning which I will later make some remarks, would not properly function with any lubricant except castor oil. On inquiry it was found there was not castor oil enough in the world to meet our requirements, and there were not enough castor beans in America to sow the fields. To meet this almost overwhelming obstacle we sent a ship to India and brought back a load of castor beans, and have actually planted 100,000 acres of land in the United States from which we expect to manufacture all of the castor oil that our program may require. [Applause.]

We are about 90 days behind in our manufacturing schedule, and some of this has been made up from foreign purchases. Most of it was caused by two sources: First, when we laid out our program the allies, knowing what our equipment was, suggested that we devote our energy to the manufacture of training planes and the preparation of our men to fly therein, with the understanding that as fast as they were sent abroad the allies would supply them with combat machines and training on the front. We have kept our share of the program in that we have manufactured more training planes than we could use here, building up a reserve supply, and have manufactured all of the advanced training planes that we have had use for. We have sent 26,000 men abroad, of whom 7,000 are mechanics, and we have shipped 11,000 tons of material to France. Second, by change of plan under orders from France.

Of these, 3 squadrons of 18 planes each are now actually operating under the American flag and under American control, yet our Army holds only a 4-mile sector, and there are a great number of our men flying with England, with France, and with Italy in foreign machines and under foreign control in preparation of joining American units after they have had experience with the veterans of the allies. And I am authorized to state that we have not a single flying officer ready to go over the front that is without a combat plane and its equipment. [Applause.]

In the training of our pilots the casualties have been remarkably small. We have lost 26 officers, 42 cadets, and 17 enlisted men through accident. In other words, we have had one fatality for every 300,000 miles flown. Flying in an Army airplane has become safer than automobiling in the crowded city streets.

We have already constructed, tested, and have ready for service 264 Liberty engines, concerning which there has been so much criticism; 18 of them are now being used by the Army and a larger number by the Navy. Forty engines have been sent to our allies; quantity production has started and they will be delivered in increasing numbers. That the motors are a success is proved by the fact that our allies have asked us to send them as many engines as we can spare.

The Liberty motor produces a horsepower at less than 2 pounds and 100 horsepower more than any other motor being used on the battle front to-day, with approximately 100 pounds less weight. There is no question but that the Liberty engine will fly the combat plane recommended by Gen. Pershing faster than any other engine now available, and I feel sure that when the war is over the Liberty engine will stand out as one of the great accomplishments of the war, and I am only sorry that the man who conceived the idea—Maj. Souther—could not have lived to see its success. The delay in turning out quantity production is amply justified in the efficiency of the machine developed. The same applause will come here that came on the test of the Browning gun which had been adopted by the Ordnance Department following the Lewis gun controversy. I am sorry to say that a great portion of the criticism of the Liberty motor has come from men interested in other types of engines,

which they had hoped to have adopted by the Government, notwithstanding the fact that they were not so powerful as the engine we have developed; and certain men, for partisan and personal reasons, have repeated these criticisms, thus giving them credence.

I know, of course, that a great many of the statements that I have made will be challenged in the Senate and by certain Members of this House who have too much partisanship. I have been extremely careful in giving figures and making declarations of fact, and I am willing to stand on the statements I have made. I am satisfied that time will show that I was not only justified in making these statements but that the critics of the administration will be put to rout by public opinion when the facts are known.

We are to be congratulated that we have had at the head of our Air Service men like Maj. Gen. George O. Squier, Col. E. A. Deeds, and Col. H. H. Arnold, who have had the character to do the right thing in the face of complaints from high places and to withstand pressure exerted in behalf of those who sought favor at the expense of efficiency and urged hurry instead of care. [Applause.]

The Clerk read as follows:

Indian River, St. Lucie Inlet, Miami Harbor (Biscayne Bay), and harbor at Key West, Fla.: For maintenance, $20,000.

Mr. SEARS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 6, by inserting, after line 8, the following paragraph: "Key West Harbor, Fla.: For improvement by deepening to a depth of 26 feet, where necessary, and by removal of what is commonly known as the 'middle ground' to a width of 800 feet, in accordance with the report submitted in House Document No. 185, Sixty-fifth Congress, first session, and subject to the conditions set forth in said document, $150,000."

Mr. SEARS. Mr. Chairman, I offer a substitute for the amendment which I have just sent up.

Mr. STAFFORD. Is that a committee amendment? I wish to reserve the point of order. It is rather ambiguous whether it is a harbor improvement or for the removal of water hyacinths.

Mr. SMALL. It is not a committee amendment.

Mr. SEARS. Mr. Chairman, I send up a substitute. There is no use of wasting time, because I am not offering this simply to talk.

Mr. STAFFORD. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Do I understand that the gentleman is offering two amendments at one and the same time, one an amendment and the other a substitute?

The CHAIRMAN. The Chair so understood.

Mr. SEARS. I am offering a substitute to my amendment.

Mr. STAFFORD. The gentleman can not do that. The gentleman can not offer a thousand and one amendments at one and the same time.

Mr. SEARS. Then I offer the substitute and I withdraw the first amendment.

The CHAIRMAN. Without objection, the gentleman will be permitted to withdraw the amendment just read, and he offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 6, by inserting, after line 8, the following paragraph: "Key West Harbor, Fla.: For improvement by deepening to a depth of 26 feet, where necessary, and by removal of what is commonly known as the 'middle ground' to a depth of 800 feet, in accordance with the report submitted in House Document No. 165, Sixty-fifth Congress, first session, $150,000: *Provided*, That authority to enter into a contract in an amount not to exceed $232,700, the full amount of the estimate, if satisfactory bids are received, or to purchase, contract, or hire a suitable dredging plant and do the work therewith, is hereby given if it is found that an advantageous contract can not be made."

Mr. STAFFORD. Mr. Chairman, on that I reserve the point of order.

Mr. SEARS. Mr. Chairman, I would say for the gentleman's information that this is for the improvement of Key West Harbor, and I have simply followed the recommendation of the Board of Engineers, quoting their language, in order that this work might be done as they decided it should be done.

Mr. STAFFORD. Mr. Chairman, the gentleman embodies in his amendment an authorization for the purchase of a dredging plant, as I understand it.

Mr. SEARS. Well, that was the recommendation of the Board of Engineers, which I will read to you at the proper time, so they could proceed with the work if they could not get a contract which was advantageous to the Government. In other words, the Government would do the work.

Mr. STAFFORD. I will reserve the right to object so that the gentleman can explain it.

Mr. SEARS. I will strike that part out if the point of order is reserved. I will strike out the dredging part and offer it as an amendment. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to speak for 15 minutes. Is there objection?

Mr. KENNEDY of Iowa. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Iowa objects.

Mr. SEARS. Mr. Chairman, will the gentleman withhold his objection?

Mr. MOORE of Pennsylvania. I suggest the gentleman ask for 10 minutes.

Mr. SEARS. Well, I want to say this, Mr. Chairman, before making the request, I have sat here and listened to gentlemen talk about war and everything else and I have made no objection, but patiently listened. I can not present this matter fairly to the committee in even 15 minutes.

Mr. WALSH. Will the gentleman yield?

Mr. SEARS. I will.

Mr. WALSH. Did not the gentleman prior to the beginning of general debate suggest that he would waive his time in general debate and take time under the five-minute rule?

Mr. SEARS. I did, and it was practically agreed to. I made the statement when general debate was up that I would not take any time of the House in general debate, because I only proposed to take time on this amendment, and the chairman stated that he hoped nobody would object.

Mr. KENNEDY of Iowa. I objected because the gentleman does this whenever the river and harbor bill is up. He refuses to take time under general debate but proceeds to ask for time under the five-minute rule, and I shall object to any further time beyond 10 minutes.

Mr. SEARS. Mr. Chairman, I am sorry the gentleman objected, because I have tried to deal frankly and fairly with colleagues. I would like to talk about this in general terms, but, on account of my limited time, I have to be not only specific, but speak very, very rapidly. Key West Harbor, as you know, is located at the southernmost point of Florida. There has not been a single dollar appropriated for it since 1913. In 1911, $25,000; in 1912, $63,000; and in 1913, $15,000 was appropriated. Not a single dollar, in a single river and harbor bill, has been appropriated for maintenance or for any other purpose since 1913, and practically nothing for the three years prior thereto, notwithstanding the fact that in 1909 the commerce was 129,125 tons and value $15,878,120, and in 1915 the commerce was $26,026,547 and 946,736 tons. In 1917 the commerce was over $37,051,579 and 1,028,374 tons, and this notwithstanding the fact that some steamers had to be withdrawn from Key West Harbor because practically every time one of them would enter the port it would run aground, and it would take two or three days to get it off. Now, I do not want you to take my word for it, and I will therefore read you what others say. First I want to call your attention to page 8, part 1, of Report of Chief of Engineers, United States Army, 1917, in which you will find Key West has been established as a permanent sea-coast defense. On June 13, 1917, the Secretary of War submitted a report to Congress, and it was published in House Document No. 185, Sixty-fifth Congress, first session. You can get this report, and each of you can verify what I am going to say. I will read to you these indorsements, but I will have to do so briefly and as rapidly as possible. The first indorsement is signed by W. M. Black, brigadier general. On page 2 of said document you will find the following or second indorsement:

After due consideration of the above-mentioned reports, I concur in the views of the district officer, the division engineer, and the Board of Engineers for Rivers and Harbors, and therefore report that the improvement by the United States of Key West Harbor, Fla., with a view of removing the Middle Ground is deemed advisable to the extent of widening the channel opposite the wharves to a width of 800 feet and a depth of 26 feet at mean low water, at an estimated cost of $232,700. The first appropriation should provide $150,000 and authority to enter into contract for the full amount of the estimate, if satisfactory bids are received, or to purchase, construct, or hire a suitable dredging plant, and do the work therewith, if it is found that an advantageous contract can not be made, the balance of the estimate to be appropriated as needed.

The above is dated June 11, 1917, after war had been declared and after the House had passed the rivers and harbors bill last year. I tried to get this report at that time, but it had not been printed, and I lost my amendment

The third indorsement is by the Chief of Engineers, United States Army:

Key West Harbor lies on the west front of the city of Key West, Fla. There are two improved channels, one from the south and one from the northwest.

Mr. MADDEN. Mr. Chairman, the gentleman from Florida is making a very interesting statement, and I would like to have order.

Mr. SEARS. Mr. Chairman, I want to thank the gentleman, and I want to apologize for speaking so rapidly. I have a proposition full of merit.

The existing project now in force provides for a channel through the northwest entrance 17 feet deep at mean low water and of sufficient width for navigation, and for deepening and widening the main ship channel so as to afford a channel 30 feet deep at mean low water and 300 feet wide, and for removing certain shoals from the anchorage. There is now available a depth of 18 feet through the northwest channel and a depth of 30 feet and a width of not less than 300 feet through the main ship channe. The total expenditure on this work to June 30, 1916, has been $741,096.94. A draft of 26 feet can be carried at low water to the wharves along the city front in the inner harbor. The mean tidal range is 2.6 feet at the northwest entrance and 1.4 feet in the main ship channel. Opposite the city front is a submerged reef, referred to as the Middle Ground, which restricts the width of the inner harbor, particularly in front of the Mallory wall. Key West has been growing in importance as a commercial port, and vessels regularly engaged in trade, as well as those making occasional stops, have been increasing in size. The larger ones now find difficulty in maneuvering to and from their berths because of insufficient width. Groundings are not of infrequent occurrence, and, as the bottom is generally of rock, these groundings are fraught with more than ordinary danger. It is believed that some additional width is required to keep pace with the expansion of commerce and that the project proposed by the district officer is well adapted to meet the needs of the locality. The board therefore concurs in the opinion of the district officer and the division engineer that it is advisable for the United States to undertake the additional work contemplated by estimates (b) above at a cost of $232,700.

The remainder of this section is practically the same as the recommendation of Gen. Black, and is signed by Frederic V. Abbot, colonel, Corps of Engineers, now Brigadier General, Board of Engineers for Rivers and Harbors. That is the third indorsement.

The fourth and following indorsement is by Mr. George E. Brown, superintendent, Engineer Department at Large, in same document, and is included in the report of Lieut. Col. W. B. Ladue, Corps of Engineers:

7. The field work of the preliminary examination was executed by Mr. George E. Brown, superintendent, Engineer Department at Large, from whose report the following is quoted:

"Complaints relative to the difficulty and danger experienced by vessels maneuvering in this portion of the channel have frequently been made in the past when the vessels using it were neither so great in number nor of so great draft. Vessels of comparatively small tonnage and moderate draft have experienced difficulty, delay, and damage in many cases by the insufficiency in width of channel of the area in question.

"Opposite three of the most important of the commercial wharves (Mallory, P. & O. Steamship Co., and Porter Dock Co.), and a scant 500 feet distant from the front of the Mallory Wharf, is the point of Frankford Bank at a depth of 19 feet at mean low water. For an available depth of 24 feet at this point the width is further reduced to 400 feet. When vessels are lying at these wharves—and they almost invariably are—the situation is further complicated by less available space in which the moving ship can maneuver without causing damage to other vessels or the risk of grounding themselves. The bottom throughout the length of this channel in front of all wharves with a depth exceeding 20 feet is bare rock.

"All vessels are compelled to turn in landing at or leaving the wharves; except under the most favorable conditions of wind and tide vessels of comparatively small tonnage are almost invariably delayed, and in many cases have been damaged, in making this turn; frequently they ground here, and in some cases have lain aground for several days—in one case for a week—and release themselves finally only by lightening ship by the removal of cargo or other weight.

"The improvement of the Main Ship Channel has permitted the entrance of larger and deeper draft vessels to the outer harbor. The benefits to shipping are not increased in corresponding degree by reason of the fact that these do not have access to the wharves for discharging or loading cargo or taking on fuel or to the inner harbor for shelter for lack of swinging room.

"The channel along the wharves is considered inadequate for safe and economical navigation by the masters of vessels now using it. It imposes prohibitive limitations to prospective expansion. Two new vessels are now building to be added to lines giving regular service to the port, one of which is considerably larger and deeper than any of the vessels previously used; the owners state that the channel is not adequate for the accommodation of this vessel. The port is being investigated and (contingent on its further improvement) is under consideration for a general coal and fuel-oil station for commercial shipping. Among the advantages claimed for it as a fuel port for bunkers are that it is only 6 miles off the regular course for all ships sailing from the Gulf to ports in the Eastern Hemisphere and that ships may load at all seasons to summer load line when bound to southern European ports as against the winter load-line limitation when bunkering north of Cape Hatteras during the winter season. It is stated as a fact by the interests who have investigated this question that the time saved and the extra cargo carried will offset the increased price of local coal. Because of the shorter haul, oil can be supplied here cheaper than at other ports where bunkering would be confined to local shipping.

"The commerce of the port is steadily increasing. During the year 1915 there was an increase of more than 50 per cent over the preceding year. Commerce during the current year has exceeded that for 1915 from present indications.

"The area proposed for improvement by the parties to the several communications is, in my opinion, unnecessarily large for present needs. It is my opinion, corroborated by the masters of vessels with whom I have consulted, that the removal of the southerly projection of Frankford Bank and the extensions formed by isolated shoal spots, will be adequate for the immediate requirements of ships now operating or under construction for this port. The depth should be 26 feet at mean low water. The removal of the southerly projection of the Middle Ground, while admittedly desirable for a commodious anchorage and for easy access to the Northwest Channel, is an undertaking of larger proportions than present necessity would warrant.

"Considering Key West and the territory immediately contiguous to it, with relation to commodities of purely local origin and destination, the productive possibilities now seem limited. Considered in its relation to transit freight and passengers and through shipping, its possibilities are very great. The present expansion of this business, in so far as it relates to shipments to the island of Cuba, has been limited only by the ability to provide equipment with sufficient rapidity to handle it. Large quantities of freight in transit to other Gulf ports are carried by vessels calling at Key West. This is not shown in the tabulation of commerce submitted for the port, yet the fact that deep-draft ships are enabled to make this a port of call, loaded to maximum draft, permits of the profitable operation of these ships.

"The deep harbor of Key West has made possible the salvage of many vessels that have suffered damage or disaster. Improvements offer possibilities of benefits not only to local commerce but to a vast quantity of general commerce navigating these waters.

"The channel in the inner harbor is inadequate for the class of vessels now operating. It imposes distinct limitations on prospective expansion. It is believed the consistent growth indicated in the past two years will steadily continue. I believe this improvement to be urgent and necessary to future development of the commerce of this port and recommend its favorable consideration."

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN and Mr. DUPRÉ. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentlemen? [After a pause.] The Chair hears none.

Mr. SEARS. Fifth indorsement is dated December 1, 1916, and is as follows:

The narrowness of the inner harbor, however, particularly at the point of the submerged bank opposite the Mallory Wharf, causes considerable difficulty in the handling of the large vessels now frequenting the port.

6. The improvement particularly desired by parties interested in this project is the removal of a strip along the eastern side of the lower end of Frankford Bank, opposite the city front, to a depth of 25 or 26 feet at mean low water, and of width sufficient to give ample space for large vessels to maneuver to and from the wharves. More broadly viewed, the removal to a depth of 26 feet, of the entire lower end of Frankford Bank and of the Middle Ground proper, south and east of a line extending northeastwardly through buoys N8 and C15 NW., is desired, with a view to greatly increasing the anchorage area opposite the town, and opening up the southern end of the Northwest Channel. Some of those favoring the improvement ask the removal of the entire area of both banks south of latitude 24° 34′, as shown on the Coast Survey chart.

* * * * * * *

13. The width of the channel opposite the city water front is not sufficient for the safe maneuvering of large vessels. When a vessel is lying at the face of the Mallory Wharf the available space for large vessels to pass is inconveniently narrow, particularly when the tide is running strong. So long as the commerce of the port was small, and was handled in small vessels, this condition caused no serious complaint; but with the increase in size of ships and in the volume of the freight movement, the difficulties of navigation here have steadily increased. Vessels frequently ground on the submerged bank, with loss of time and sometimes more or less serious damage and expense for tug hire and lighterage. Forwarding agents claim that they have frequently been forced to decline proffered charters because the vessel offered could not reach the wharves with safety; and that large vessels that might touch at Key West with freight or to fill bunkers avoid the port on account of the lack of adequate channel room. Recently the Mallory Steamship Line put a fine new steamer, the *Henry R. Mallory*, on the Texas run. This steamer is 439 feet long and draws 23 feet, and is the first of several new boats of about this size which are to be put in this service soon. On November 7, on her first voyage, touching at Key West, she grounded heavily on the shoal opposite the wharves, and in consequence of this mishap the owners have decided not to send her to that port again while present conditions continue.

14. Key West is an important port for deep-sea export and import. Located at the entrance to the Gulf of Mexico, this port is a natural port of call for vessels in the Gulf trade and occupies an exceptionally favorable location for a large bunker business in both coal and oil. Key West is the continental United States port nearest to Cuba, and with the completion of the Florida East Coast Railway to Key West and the establishment of a daily railway car-ferry service to Habana the tonnage and value of imports and exports through the port in the Cuban trade have greatly increased.

* * * * * * *

16. I therefore report that in my opinion the harbor of Key West is worthy of further improvement by the removal of a portion of the southern end of Frankford Bank with a view to widening the channel of the inner harbor opposite the wharves, and recommend that a survey of the locality and the preparation of a plan of improvement, with an estimate of cost, be authorized.

W. B. LADUE,
Lieutenant Colonel, Corps of Engineers.

I now desire to call your attention to the sixth and seventh indorsements, dated April 26 and 27, respectively, 1917, as follows. These may be found on pages 18 and 19:

8. In my opinion, the harbor of Key West is worthy of further improvement at this time to the extent of widening the channel through the inner harbor to 800 feet along the commercial water front, as shown by line D—E—C, the depth to be 26 feet at mean low water, at an estimated cost of $232,700; the first appropriation to be $150,000, with authority to enter into contract for the full amount of the estimate if reasonable and satisfactory bids are received, or to purchase, construct, or hire a suitable dredging plant and do the work therewith if it is found that an advantageous contract can not be made; the balance of the estimate to be appropriated in a single sum when needed.

W. B. LADUE,
Lieutenant Colonel, Corps of Engineers.

OFFICE DIVISION ENGINEER, SOUTHEAST DIVISION,
April 27, 1917.

To the CHIEF OF ENGINEERS, UNITED STATES ARMY:

1. Forwarded.
2. I concur in the views and recommendations of the district engineer officer in paragraphs 6, 7, and 8.

JOHN MILLIS,
Colonel, Corps of Engineers.

Both of above were made after war was declared. All of the preceding indorsement may be found in the document first referred to.

This is taken from my statement before the committee and may be found on page 6 of same:

In that connection I will say the importance of Key West is a matter which the members of the committee and Members of Congress should now recognize, and we should make this appropriation to prepare for the future. We have been criticized because we did not do so in the past. I happened to find a report, dated March 24, 1913, Sixty-third Congress, second session, made by Capt. Hayden, of the United States Navy. On pages 10 and 11, paragraphs 6 and 20, you find as follows:

"6. The remarkable and unique location of Key West, its naval command of the Straits of Florida and the Yucatan Channel, and thus of the entire Gulf of Mexico, its commercial and trade importance as the nearest railway terminal to all of the West Indies and Central and South America, all combine to make its future importance such an absolute certainty that immediate action to build the proposed inclosed naval basin and breakwater would seem imperative.

"20. It is very likely that our next great naval battle will be fought in these waters about Key West, or between Key West and the Panama Canal. That battle is going to convert about half a billion dollars' worth of dreadnaughts into junk and make the loser sue for peace at any cost of treasure, territory, and prestige. The efficiency of this naval base at Key West may determine the result of that battle."

The above, perhaps, has nothing to do with river and harbor improvements. However, you are all familiar with the part Key West played in the Spanish-American War, and I am satisfied the memorandum made by Capt. Hayden in 1913 impresses you of the importance of Key West from a strategical standpoint.

Years ago only small ships plied into Key West. They did not encounter much difficulty and could properly take care of the commerce at said harbor. However, this commerce has grown to such an extent the small boats are no longer able to take care of it and it is not safe for the large vessels to touch at said port.

Now, Mr. Chairman, last year I read to the committee a letter from Secretary Daniels, calling to their attention and to the attention of my colleagues the importance of Key West, from a strategic standpoint, the same being, in part, as follows: "The Navy Department fully appreciates the importance of Key West as an offensive and defensive base, and all the department's plans include Key West." Let me say the Naval Board believes Key West may be to the United States what Heligoland is to Germany, if we will simply take advantage of same and make the necessary improvements. But ships are being taken away because of the lack of improvements. We have there a naval base, coast artillery, and wireless. There are several thousand young men in training there. There is also an aviation station located there. And yet when I try to get some one to say this is a war necessity, they do not seem to realize it. A few days ago I went down to see the Assistant Director General about the shortage of cars, the citizens of my district being unable to get cars. Last year, because of conditions of Key West Harbor and shortage of ships, there were hundreds of cars at Key West waiting to be unloaded. There are to-day, no doubt, many cars there waiting for ships; and yet you say that this appropriation is not necessary. I want to say to my colleagues that some day this country will wake up to the importance of Key West and give to that site the appropriations that I believe it is entitled to. [Applause.]

We have just passed an amendment to the bill, presented by the chairman of the committee, in which he says that the item, although it will take three years to complete, is a war measure. I say to you again, my colleagues, I believe if I had time to read these reports to you in full I would convince you of the importance of Key West, and if there is a war measure in the present bill, Key West should be included, and I make this statement in all sincerity. I have always voted for every proposition I believed was right, whether it affected my district or not, and all I ask at your hands is the same fair treatment. I have never asked my colleagues to vote otherwise. I simply say to you that I believe my amendment is a most meritorious one; that it is a war measure, if there is such a thing as a war measure, and therefore I trust that you will vote for it. [Applause.]

And I want to say further that I shall never crawl to some board, and this is without any spirit of criticism, not elected by anybody, to get the indorsement of a project, in order that I may include it in a bill. If the indorsements such as I have read to you, 10 in number, from the Secretary of the Navy and all these officers, except the first, Lieut. Col. Ladue, made after we went into the war, indorsing the proposition, telling you the necessity and urgency of it, are not sufficient to convince my colleagues, it would be useless for me to go to some board that had never been to Florida and try to convince them. Let me briefly divert just here to tell you that during the latter part of February of this year a Government collie went ashore at Key West, remained aground all night, and only floated by assistance of tugs. I apologize for taking up this much of your time. As I said before, if you believe it is a meritorious proposition, that the commerce should not be held back, and that the same recognition to Key West, at one end of this great country of ours, should be given as we gave to that great city of New York, at the other end, I believe you gentlemen in the spirit of fairness will grant this appropriation for which I ask. [Applause.] I have not referred to the many letters I have received and the valuable information contained in them because I have not the time. However, I want to again remind you of the letter from the Mallory Steamship Co., which I read to you last year. I trust you will look it up as I have not time to read it now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the gentleman be given one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Did the gentleman state how many steamship lines enter Key West?

Mr. SEARS. I did not. I forget the exact number, and can not tell without looking it up. I do not know as to lines, but for year 1916 there were about 5,000 American ships and 200 foreign. This includes arrivals and departures. There is quite a number. I believe, in going to Galveston and other Gulf ports, quite a large number of ships also pass, and most of those vessels could come in if this improvement was made. The principal commerce is from New York to Galveston, Cuba, and Central America.

Mr. MOORE of Pennsylvania. Are stops made at Gulf points and at Key West on the way around?

Mr. SEARS. They are, if they can stop.

Mr. MOORE of Pennsylvania. I know that commerce passing there is very large. I was wondering if the gentleman had any statistics on that point.

Mr. SEARS. It was $37,051,539 and 1,028,374 tons in 1917.

A few moments ago I called your attention to the fact that the prophecy I made last year has come true. That was if relief was not granted the Mallory Line would be compelled to withdraw their large steamer, and this has been done. I also called your attention to the grounding of a Government collier.

Mr. MOORE of Pennsylvania. I think there was another vessel in distress there a short time ago because of lack of water. What is the depth of the water?

Mr. SEARS. Nineteen feet for about 400 feet and about 26 feet for 300 feet, as I recall.

Mr. MOORE of Pennsylvania. What is contemplated by your amendment?

Mr. SEARS. This whole expenditure contemplates a width of 800 feet with a depth of 26 feet, and will not cost more than $232,700, as I understand the report of engineers.

Again, let me say, if with car after car waiting to be unloaded and waiting for ships; with boats being forced not to come to the harbor on account of lack of proper and necessary improvement; with Government vessels going aground and running the risk of being ruined; with Key West recommended by naval experts as the place for a torpedo-boat destroyer and submarine base; with Key West designated a place for permanent seacoast defense; with all the Government war activities and holdings there; with her importance as a coaling and oil port; and with others not mentioned, does not constitute a war measure, then I would like to see one. I am satisfied my colleagues will support the amendment, because it is entitled to their support, and I hope and believe the able chairman of the committee will not oppose same.

Mr. SMALL. Mr. Chairman, the gentleman has made an interesting speech and a pleasant impression, and if that were controlling the committee might be inclined to vote for his amendment.

But, unfortunately, this is the condition affecting this amendment: This is a new project. In the formulation of the last river and harbor act, approved August 8, 1917, no new projects were included in the bill except such as were intimately associated with the prosecution of the war, and so recommended by the Secretary of War. The committee adopted that same policy in the formulation of this bill.

Now, gentlemen say that that is somewhat arbitrary. They say it is delegating an unusual discretion to an officer of the Government. But I think that if gentlemen were to consider very carefully they would decide that it was as fair and consistent a method as could be devised.

Now, let us see what would happen if the committee were to adopt this amendment, putting this new project into the bill, which does not come within the policy adopted by the committee in the formulation of the bill. Quite a number of new projects were insistently urged before the committee. I need mention only one. I see before me the gentleman from Massachusetts [Mr. LUFKIN], who came before us more than once with a delegation asking for the adoption of a new project for Beverly Harbor, Mass. We did not disparage the new project for Beverly; neither do we disparage the new project for Key West. In good time they will be adopted, and they will be constructed.

Mr. SEARS. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. SEARS. We have been told that since 1913, since Key West has been able to get recognition from the River and Harbor Committee, of which the gentleman is chairman. I believe it will carry, but when can I assure them that it will be done?

Mr. SMALL. If the gentleman will tell me when this war will close I could more intelligently answer his question.

Now, as I was saying, we have in the consideration of this bill passed that part of the bill where it would be in order to offer an amendment adopting the new project for Beverly Harbor, Mass., and any Member could object to returning to the bill in order that an amendment might be offered to include it. Not only that, but there are others. In other words, if you depart from the policy of the committee, you open up a condition which may endanger the passage of any river and harbor bill at this session.

Now, here are the reasons for this policy: We are in a time of war. We are constantly told that we must not engage in any activities other than for the war, which require the employment of capital, the purchase of material, or the use of labor, and this policy was adopted. It is obviously fair, it was wise and just, and it has been applied without sectionalism, without any personal predilections, and without any partisanship to the entire country. The application of this policy affected Massachusetts and Florida and Louisiana and all other sections of the country, so that the gentleman who represents the Key West district in Florida is not alone in the position that he occupies in not having this new project adopted.

I hope the committee will not agree to the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Yes.

Mr. MOORE of Pennsylvania. Was this project approved by the engineers?

Mr. SMALL. Oh, yes. It has gone through all the processes, and has received the final approval of the Chief of Engineers, and has been sent to Congress by the Secretary of War in the regular way, just as the project for Beverly Harbor and others.

Mr. MOORE of Pennsylvania. What stands against it from your committee viewpoint is that it has not been recommended as a war proposition?

Mr. SMALL. As a war measure.

Mr. MOORE of Pennsylvania. May I ask the gentleman if the committee has considered the fact that several vessels have been in distress and, I believe, one wrecked, by reason of the fact that they did not have a sufficient depth of harbor at that place?

Mr. SMALL. I have no personal knowledge of that, but I will say this, that Key West has 30 feet in the main channel and 17 feet in the northwest channel. This is simply to widen the channel in front of the wharves.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Florida [Mr. SEARS].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. SMALL. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided, and there were—ayes 46, noes 23.

Mr. SMALL. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from North Carolina asks for tellers.

Mr. STAFFORD. I make the point of order, Mr. Chairman, that there is no quorum present.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety-six Members are present; not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Dies	Garland	Ireland
Austin	Donovan	Garrett, Tenn.	James
Borland	Dooling	Godwin, N. C.	Johnson, S. Dak.
Brumbaugh	Doughton	Good	Johnson, Wash.
Byrnes, S. C.	Dowell	Goodall	Jones, Va.
Campbell, Pa.	Drukker	Gould	Juul
Carew	Dunn	Griffin	Kahn
Chandler, N. Y.	Edmonds	Hamilton, N. Y.	Kearns
Classon	Elliott	Harrison, Miss.	Kelley, Mich.
Cooper, Ohio	Estopinal	Hayes	Kelly, Pa.
Copley	Fairchild, B. L.	Heaton	Kettner
Costello	Fairchild, G. W.	Heflin	Key, Ohio
Crago	Flynn	Heintz	Kiess, Pa.
Curry, Cal.	Foss	Helvering	Knutson
Darrow	Fuller, Ill.	Hensley	Kreider
Davidson	Gallagher	Hicks	LaGuardia
Davis	Gallivan	Hollingsworth	Larsen
Decker	Gandy	Hood	Lobeck
McAndrews	Polk	Sanders, N. Y.	Talbott
McClintic	Porter	Saunders, Va.	Taylor, Colo.
McCulloch	Pou	Scott, Iowa	Templeton
McLaughlin, Pa.	Powers	Scott, Pa.	Tinkham
McLemore	Rainey	Sherley	Towner
Mann	Ramsey	Shouse	Van Dyke
Meeker	Rankin	Slayden	Vare
Mondell	Reavis	Smith, C. B.	Voigt
Montague	Riordan	Smith, T. F.	Volstead
Moon	Roberts	Snyder	Walker
Morin	Robinson	Stedman	Webb
Mudd	Rose	Stephens, Nebr.	Woodyard
Neely	Rowland	Sterling, Pa.	
Norton	Rucker	Stevenson	
Parker, N. Y.	Sabath	Strong	

The committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the river and harbor appropriation bill, H. R. 10069, found itself without a quorum, whereupon he caused the roll to be called, when 302 Members, a quorum, answered to their names, and he reported the names of the absentees to be entered on the Journal and RECORD.

The committee resumed its session.

Mr. SMALL. Mr. Chairman, I think the demand for tellers is first in order.

The CHAIRMAN. The gentleman is correct. The gentleman from North Carolina demands tellers on the amendment of the gentleman from Florida [Mr. SEARS].

Tellers were ordered, and the Chairman appointed Mr. BOOHER and Mr. SEARS.

Mr. ROBBINS. Mr. Chairman, may we have the amendment reported again?

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to have the amendment reported again. Is there objection?

There was no objection.

The amendment of Mr. SEARS was again reported.

The committee divided; and the tellers reported—ayes 99, noes 76.

Accordingly the amendment was agreed to.

The Clerk read as follows:

Mobile Harbor and Bar, and channel connecting Mobile Bay and Mississippi Sound, Ala.: For maintenance, $160,000; continuing improvement of Mobile Harbor and Bar, $100,000; in all, $260,000.

Mr. SMALL. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 7, line 10, strike out the numerals "$100,000" and insert in lieu thereof the numerals "$200,000"; and in the same line strike out the numerals "$260,000" and insert in lieu thereof the numerals "$360,000."

Mr. GRAY of Alabama. Mr. Chairman, I have a substitute.

The CHAIRMAN. The Chair will first recognize the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, this paragraph provides for Mobile Harbor and Bar and the channel connecting Mobile Bay and Mississippi Sound. The bill as reported carries $160,000 for maintenance and $100,000 for further improvement of Mobile Harbor and Bar. These appropriations were based upon the recommendations in the Annual Report of the Chief of Engineers.

On March 22 the Chief of Engineers sent a communication to the chairman of the Committee on Rivers and Harbors, making a recommendation to the effect that the appropriation for Mobile be increased $100,000, so that the total appropriation, instead of $260,000, will be $360,000. I will send up a letter from the Chief of Engineers recommending this increased appropriation and will ask to have it read.

The CHAIRMAN. Without objection, the Clerk will read the letter.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 22, 1913.

Hon. JOHN H. SMALL,
Chairman Committee on Rivers and Harbors,
House of Representatives.

MY DEAR MR. SMALL: 1. I am just in receipt of a report from the district engineer at Mobile, Ala., indicating that the amount carried in the pending river and harbor bill for that port should be increased, if practicable. The present amount, $260,000, was based upon the estimates made by the district engineer last July to cover simply the operation of the Government dredging plant for the next fiscal year, it being considered impracticable either to build an additional dredge at this time on account of the state of the shipbuilding market, or to have work done by contract on account of the limitation imposed by law forbidding contracts at a cost in excess of 25 per cent over the cost of doing the work with Government plant.

2. The district engineer now reports that there has been a large increase within the last few months in the cost of operating the Government plant. The cost of fuel, for instance, has gone up about 100 per cent, and the cost of other supplies and of repairs and wages has also

increased to a marked extent. He, therefore, recommends that the estimate for Mobile Harbor be increased by $100,000 in order to make adequate provision for the operation of the Government dredges and the prosecution of the improvement as rapidly as this plant will permit, until another appropriation can be made available by Congress at its next session.

3. In view of these circumstances, it is recommended that this item in the bill be amended so as to increase the amount of the appropriation from $260,000 to $360,000.

Very truly, yours,

FREDERIC V. ABBOT,
Brigadier General, Engineers,
Acting Chief of Engineers.

Mr. SMALL. Mr. Chairman, as stated, this amendment simply covers the increased estimate sent in by the Chief of Engineers, made necessary by reason of the conditions set forth in his letter. I ask for a vote.

Mr. GRAY of Alabama. Mr. Chairman, I offer a substitute.

The CHAIRMAN. The gentleman from Alabama [Mr. GRAY] offers a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute amendment offered by Mr. GRAY of Alabama: Strike out all on page 7, line 10, after the word "bar," and insert in lieu thereof the following: "$700,000; in all, $860,000."

Mr. SMALL. Mr. Chairman, this is simply a question of how much shall be appropriated for the maintenance and further improvement of Mobile Harbor and Bar. The amount carried in the bill plus the amendment which I added for $100,000 additional, based upon a later estimate, is all that the engineers say they can profitably and wisely expend until June 30, 1919, and any sum more than that is unnecessary and has no recommendation and will not be expended. No one disputes the importance of Mobile——

Mr. GRAY of Alabama. Will the gentleman yield there?

Mr. SMALL. Yes.

Mr. GRAY of Alabama. How does the gentleman know they can not expend it; just a mere opinion of the engineers?

Mr. SMALL. I know it because the Chief of Engineers, after a careful investigation, reports that it is all he can possibly expend, and as the money has to be expended under his supervision he is best qualified to express an opinion.

Mr. GRAY of Alabama. Will the gentleman yield further right there?

Mr. FREAR. Was not that statement also made by Col. Newcomer before our committee?

Mr. SMALL. Yes; and repeated by the Chief of Engineers.

Mr. GRAY of Alabama. I wanted to ask the gentleman: Suppose that the Government could get two other dredges at some point on the Gulf and put there at Mobile. Does the gentleman presume that it could not be wisely spent if they could get the dredges from some other place?

Mr. SMALL. Why, in answer to that, if we are going to make appropriations based on suppositions on the hiring of dredges or getting them from some other sources, or if we are going to speculate as to what might be spent, we would have no stable basis upon which to predicate the appropriation. This estimate was made in the same manner as all other estimates for improvements throughout the country.

Mr. BURNETT. Will the gentleman yield?

Mr. SMALL. I will.

Mr. BURNETT. When was the $260,000 estimate made?

Mr. SMALL. That was submitted in the Annual Report of the Chief of Engineers.

Mr. BURNETT. Made when?

Mr. SMALL. For the fiscal year ending June 30, 1917. It was printed and submitted to Congress at the convening of this session in December last. The estimate will be found in the first volume of the Annual Report of the Chief of Engineers.

Mr. BURNETT. As a matter of fact, they have moved up the estimates $100,000 in a few months?

Mr. SMALL. Based entirely, if the gentleman heard the letter from the Chief of Engineers, on the condition stated there.

Mr. BURNETT. Did not the same condition in the December——

Mr. SMALL. That is based entirely on the increased cost of labor and material.

Mr. BURNETT. What does the district engineer recommend?

Mr. SMALL. He recommended a larger sum.

Mr. BURNETT. How much?

Mr. SMALL. His recommendation was over $700,000. However, I am coming to that. It was originally contemplated when this new project for Mobile Harbor was adopted that the Government would construct a new dredge, but since our entrance into this war it has been deemed a wise policy by this committee that we should not construct any new dredges.

At a time when the United States Shipping Board was straining every nerve in the securing of labor and material for the construction of merchant ships for our use during the period of the war, it was deemed unwise and unpatriotic to embark the War Department in the construction of new dredges. And a good part of that appropriation—and I will not attempt to go into details—is for the construction of a new dredge, and I might say that a dredge now costs about twice as much as it did in 1914. Now, coming to this appropriation that is recommended, it is based upon what can be expended during the next fiscal year by the use of the Government plant at Mobile. This is all they can spend, based upon the best estimate of the cost of labor and material for the operation of the Government plant. And we ought not to appropriate any more than can be spent. Some gentleman has said, "Could not we hire dredges from some other station on the Gulf?" No. We examined the Chief of Engineers, or his representative, upon that point, and he reported there was no dredge which could be secured.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. So, Mr. Chairman, expressed in a nutshell, this amendment of the gentleman from Alabama [Mr. GRAY] seeks an appropriation for a larger sum than is estimated, and there is no appropriation in this bill, either for maintenance or further improvement, in excess of the amount estimated by the Chief of Engineers for each improvement.

Now, Mr. Chairman, I would like to conclude with this comment: The River and Harbor Committee formulated this bill along lines which they believed represented the best sentiment of the House and of the country. It has been formulated further along lines which had the approval of the Secretary of War and of the President. The President in several conferences which I and other members of the committee had with him, after mature reflection advised as strongly as he could the construction of this bill along the lines which were followed by the committee. The Committee of the Whole has just adopted a new project for Key West, contrary to the policy of the Committee on Rivers and Harbors; that is to say, it had not been recommended as a war necessity. We are going to ask at the end of this bill that a separate vote be had in order that the House may determine what its policy shall be. If the House wishes a large bill, then let it vote for a motion to recommit this bill to the committee, and we will with pleasure construct a bill adopting a number of new projects, if you think it will meet with the Executive approval.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. We, as members of the committee, have not formulated this bill without a struggle. If I might make a personal reference, I will say that there is no Member of this House who has been more besieged by his own constituents for new projects than the chairman of this committee has been. But believing that this policy was wise, that it reflected the sentiment of the House, I resolved that I would be a good soldier, and I told my constituents the policy which we had adopted, and that they must abide by it.

But if this policy does not meet with the approval of the House, if you wish us to formulate a bill relieved of these limitations, it is only for the House to say so. Then if we come to a yea-and-nay vote on a separate proposition, and you want to go outside the policy and adopt the project for Key West and other amendments to this bill, you can say so, and then rerefer the bill to the committee, and we will follow the final judgment of the House in the formulation of this bill.

Mr. FREAR. Mr. Chairman, will the gentleman yield? Has not the gentleman stated in the committee that any such bill would not meet the approval of the Executive, and have not letters been received from the Secretary of War opposing such amendments?

Mr. SMALL. I doubt the propriety of quoting the President. He never told me that he would not approve the bill, and if he had told me I doubt the propriety of quoting him.

Mr. DUPRÉ. Will the gentleman yield?

Mr. SMALL. I yield to the gentleman. The other gentleman began speaking before I had yielded to him.

Mr. DUPRÉ. That was characteristic of the gentleman. [Laughter.]

Mr. SMALL. I did not intend that the House should draw that inference.

Mr. FREAR. I understood that the gentleman had yielded to me, or I would not have addressed him.

Mr. DUPRÉ. The gentleman from Wisconsin always obeys these amenities. I was about to ask the gentleman from North Carolina a question, since certain things are being stated about what happened in the committee, whether he would be permitted to say how unanimous and enthusiastic the vote was not to include any new projects in the bill?

Mr. SMALL. I do not think it would be within the rules to discuss what occurred in the committee or how the members of the committee voted. The committee voted to report this bill by a large majority.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. SMALL. Does the gentleman desire me to get further time or will he get it in his own right?

Mr. DUPRÉ. I trust that the gentleman from Tennessee, in the chair, will give me some time.

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. DUPRÉ. Mr. Chairman, I trust that I violate none of the proprieties, so carefully observed by the gentleman from North Carolina [Mr. SMALL] and the gentleman from Wisconsin [Mr. FREAR], when I say that upon the roll call on the final report of this bill I was the only member of the committee who voted against a favorable report thereon. When I found that my colleague from Wisconsin had not even registered his vote against it I felt quite sure that I was right in voting against a favorable report. [Laughter.] I did not vote against a favorable report on the bill because there was any item in it to which I objected. I voted against it because I objected primarily to the manner in which the bill had been constructed.

There have been denunciations in the past, in which, I think, the gentleman from North Carolina [Mr. SMALL] possibly has indulged, and certainly in which I have engaged, against lump-sum appropriations. Well, I can not see the difference, and I do not care to look into differences that do not make a difference, that have not substance, between a lump-sum appropriation put over at the point of capitulation in the Senate to the garrulity of those old gentlemen who occupy these high places and this bill that has been reported from the Committee on Rivers and Harbors, of which I happen to have the honor to be a member. [Laughter.] I do not see any difference between a lump-sum appropriation bill written in the law and one that is practically and truly written in the law when we have a representative of the Chief of Engineers coming to our committee and saying, "Well, I approve of this; I approve of that." And I use the personal pronoun probably erroneously, and certainly not offensively, because certainly the gentleman who represented the Chief of Engineers, and through him the Secretary of War, was as fine a type of the Corps of Engineers as I know. But what I resent—and that is the primary basis of my objection to this bill—is that the representative of the Chief of Engineers should come to the committee and say, as he did:

> My corps is under pledge to the Secretary of War not to put into this bill anything that we do not think is necessary to the prosecution of the war and its early and successful prosecution to a finish.

Apparently the House has been disagreeing with this gentleman, disagreeing with the chairman of my committee, disagreeing with the gentleman from Wisconsin [Mr. FREAR], disagreeing with the conclusions of the committee, for it has decided that the amendment that was not proposed in the committee by the gentleman from New York, my friend DEMPSEY, should prevail. They have decided that the amendment proposed by the gentleman from Florida [Mr. SEARS] should also prevail, and of course I have heard of the combination of North and South before. I am not talking about any other combinations. It looks to me as if, considering the Mobile item here—and I can not forecast what will be its result—possibly the suggestion of the chairman, that this bill be recommitted, might not be altogether indefensible. [Laughter.]

I voted against the bill in committee, and I think if I had something to say and I could get some of my colleagues to agree with me on the committee, I might report a bill here that my friend from Illinois [Mr. MADDEN] might approve. [Laughter.] It has been truly appealing to me to see him taking up the cudgels for river and harbor improvements.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. DUPRÉ. I hope my friend from Illinois will secure me a few minutes more.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Louisiana may have five minutes. Is there objection?

There was no objection.

Mr. DUPRÉ. The gentleman from Illinois responded to my suggestion as handsomely as I thought he would. He has been the friend of river and harbor legislation—God save us from our friends—in the past. [Laughter.] And now he is the champion of improving this bill.

He certainly was the Deus machina yesterday that brought the Dempsey amendment to favorable consideration. I hope that the people of Illinois will recognize his merit in future senatorial aspirations. [Applause.] The Constitution limits the people of a State in voting for Senators, and it also limits the people of a State in voting for Congressmen beyond the borders of the State; but the gentleman from Illinois [Mr. MADDEN] is at large, and I hope that the people of New York will remember his gladsome services in the development of that harbor. [Laughter.] For my part I will say that I bore the adoption of that amendment with considerable Christian fortitude. [Laughter.] And I did not mind when Key West was recognized this afternoon, though I felt constrained, under the ethics of the situation, to vote against both of those propositions. But I would suggest hereafter when we have a rivers and harbors bill to frame—and possibly we may have to reframe it now—that we have a composition in bankruptcy among the gentleman from North Carolina [Mr. SMALL], the gentleman from Wisconsin [Mr. FREAR], and the gentleman from Illinois [Mr. MADDEN] in getting the bill put before the House. You never can tell how the House feels about a bill. Sometimes it thinks a bill is too large, and certainly in the last day or two it has shown that it thinks this one is niggardly, inadequate, and unworthy, and that is the reason why I voted against the measure. [Applause and laughter.]

Mr. FREAR. Mr. Chairman, I know the House has been delighted with the statement made by my friend from Louisiana [Mr. DUPRÉ], who is a very genial member of the committee and of the House. To my mind, though, the Members of this House have more to think of than the few quips and turns which he gave in this discussion.

The Army engineers have made an effort to hold this bill within limits. I wanted to express my approval of it. There are things in the bill that I do not like. I can not believe they are justified, even from the ordinary understanding; but the efforts of the Army engineers to hold this bill within limitations ought to be supported by this House. I watched as Members went between the tellers, and nearly every man who has supported "pork" propositions in the past went through here laughing and chuckling because the committee bill was being broken down. I do not say all did, because there are some men who are undoubtedly just as honest in purpose as I am. [Laughter and cries of "Oh, no!"] Well, many of you, I want to tell you, can not defend your records; I care not what you say.

Mr. TAYLOR of Arkansas. Not against your criticism, in your judgment.

Mr. FREAR. That is all right. I will not question the honesty of anyone; but let me say this: I do not care what your action may be; only one man on that side of the House has risen in an effort to prevent the passage of these amendments. Break down this bill if you choose, get the "pork" into it if you choose.

If you feel that you are engaging in any service for the benefit of this Government at a time when we are sending men all over this country trying to raise money to finance the war, when you support projects like one and the other that are being urged here against the report of the Army engineers, you have a right to so vote, but I can not understand how you do it. I have no more interest in this than has the gentleman from Louisiana [Mr. DUPRÉ]. I can not express here what occurred in the committee as to the understanding of the probabilities of this bill being enacted into law. I hope that it will be; that is, if it is gotten through in a fair way. I would that we could get the bill through in some fair form. But let me say to you, gentlemen——

Mr. DUPRÉ. I think the gentleman is justified in saying that. I say that in all kindness.

Mr. FREAR. I just want to say this, in conclusion, that I have tried to defeat these bills in the past and I have succeeded once or twice in exposing some of the scandalous conditions in them. I have been opposed very frankly and very bitterly at times on this floor. In fact, a few moments ago a gentleman expressed himself very intensely because he was not getting enough in his case for his State. But it makes no difference. I feel that I am doing what is right, and that must be the guide

for every man. Gentlemen on the Democratic side, I want to say to you that you and your party have got to go before the country soon. Let it be understood that only one man rose on the Democratic side to oppose these amendments. We are trying the best we can to keep this bill within reasonable confines. You can sweep us off our feet. You can bring in your amendments here unquestionably, but it is a dangerous thing to do, to vote against the report of the Army engineers, who have sought to provide a bill here in accordance with the recommendations of the Secretary of War and that it be kept within war limits.

Mr. DUPRÉ. Will my colleague yield?

Mr. FREAR. Yes; certainly.

Mr. DUPRÉ. Have not the gentleman's friends on his side been largely responsible for such amendments to this bill as have prevailed?

Mr. FREAR. Not only that, but I will say that I am not the guider of the consciences of the gentlemen on this or the other side, many of whom have voted for some of these amendments.

Mr. DUPRÉ. How about being the guardian of the consciences on the gentleman's own side?

Mr. FREAR. Of course, no party lines ought to be drawn. Let me say this, that when the chairman of the committee is the only gentleman on that side rising to oppose this $500,000 increase in appropriation, and these amendments are going through, one after another, you of the dominant party must accept the full responsibility. You did not give anything extra for New York—that was a question of phraseology, voting for it to be put through at this time—but you are here putting in new and unjustified appropriations, adding to the bill until it is likely to fall from the increased weight.

Mr. DUPRÉ. Will the gentleman yield?

Mr. FREAR. Not now. You can break down the bill, possibly, as the chairman of the committee says; you can send it back, but I warn you that you will not want to go before the country on such a proposition.

Mr. OLIVER of Alabama. Mr. Chairman, the amendment offered by the gentleman from Alabama [Mr. GRAY] simply provides a larger appropriation for a project that now has the unqualified approval of the Board of Engineers as well as the Committee on Rivers and Harbors. The present bill carries an appropriation for this work, and the sum called for in the amendment is well within the estimated ultimate cost of this approved and adopted project. The very fact that the present bill carries an appropriation for this work is conclusive evidence of its importance and that it is regarded as a war necessity.

The only reason assigned by the engineers for not recommending a larger appropriation at this time is apprehension on their part that a sufficient number of dredges may not be secured to complete the work during the next fiscal year. If the necessary dredges can not be had, then the appropriation will not be used. In view of the importance of the work, sufficient funds should be provided for the vigorous prosecution of the same if dredges can be secured for this purpose.

The same condition obtains here that the gentleman from Wisconsin [Mr. FREAR] points out obtained at New York, and which caused the House on yesterday to vote an increased sum over that recommended by the Board of Engineers. It is a matter of great importance that the 30-foot channel at the port of Mobile be deepened at the earliest possible time. The gentleman from Alabama [Mr. GRAY] has called attention to the large shipbuilding operations now being carried on at Mobile, and to the further fact that a new company is now preparing to expend from twelve to fourteen million dollars for an additional large shipyard there. The letter from the Shipping Board read by the gentleman from Alabama clearly shows the interest that the Shipping Board and the Emergency Fleet Corporation feel in the deepening of the channel at this port.

The Shipping Board has already let a number of large contracts for the building of ships at Mobile, and additional contracts will be let. An unlimited amount of fine shipbuilding timber is available to the yards at this port, within a distance of 240 miles, with all-year river and rail connection therefrom. Two large lumber mills in my district, about 200 miles by river from Mobile, are now supplying large quantities of timber for ships being built at Mobile, and some of this timber is being carried on barges down the Warrior River.

I desire to call attention to the further fact that an inexhaustible amount of bunker steam coal in quality equal to that supplied to vessels at Norfolk and Philadelphia is in close proximity to Mobile and can be transported there by both rail and water. Labor conditions are excellent, and this fact, coupled with the ready availability of coal and timber, emphasize the supreme importance of deepending and widening this channel at once.

The district engineer is not in accord with the Board of Engineers as to the amount of money that can be wisely expended during the next fiscal year, and his report indicates that the amount asked for in the amendment now under consideration can be wisely expended. In view then of the excellent shipbuilding facilities at Mobile, its nearness to timber and coal, I feel confident, if the required appropriation is now made to complete the channel, that sufficient dredges will be forthcoming to do the work. Dredges from other places, not so well provided with labor and facilities for building ships as Mobile, can and will be diverted.

Vessels with a draft of 30 feet are now under construction at this port, which fact strongly argues the importance of pushing to early completion the work of deepening and widening the channel.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

Mr. SMALL. Mr. Chairman, can we not have an understanding as to when we shall have a vote on this paragraph and all amendments thereto? I ask unanimous consent that debate on this paragraph and all amendments thereto close in two minutes.

Mr. BURNETT. Will not the gentleman allow me five minutes?

Mr. SMALL. Then make it seven minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto shall close in seven minutes.

Mr. SMALL. Two minutes to be used by the gentleman from Alabama [Mr. OLIVER] and five minutes by the gentleman from Alabama [Mr. BURNETT].

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. MADDEN. If they are building ships with 30 feet draft at Mobile and you have only a 26-foot channel, how are they going to get them out of there? And, also, I would ask if there is any wisdom in the determination of the Shipping Board to build ships of such a draft at such a place?

Mr. OLIVER of Alabama. The 30-foot draft applies to the loaded vessel; unloaded there will be no trouble in getting out through the 26-foot channel.

It is of the greatest importance, however, that ships should be loaded at a great supply port like Mobile, and not be required after completion to leave empty.

This bill commits Congress to a 30-foot channel at Mobile, and if you will now supply the necessary funds for this work the dredges, in my judgment, will be forthcoming to complete it at the earliest possible time.

I invite the attention of the Members to the following data in reference to Mobile, which I incorporated some time since in the hearings before the Naval Committee:

Mobile's claims for consideration as a site for large shipbuilding yards are based upon the fact that she possesses in preeminent degree all the qualifications necessary, viz, strategic location, defensive works, abundance of skilled and unskilled labor, and near vicinity to raw materials used in construction, as well as being favored with a mild climate, which permits of outside work all the year round.

Mobile not only enjoys water transportation from the coal and iron districts of Alabama, but is the nearest Gulf port to all the great manufactured iron and steel centers of the country.

The surrounding country is not subject to inundation, and traffic is not disturbed by weather conditions at any period of the year.

Mobile possesses the following advantages:

Located 30 miles from Gulf; safe from sea attack; entrance to Mobile Bay protected by two forts.

Mild climate, permitting outside construction the year round.

Surrounding country not subject to inundation.

Undisturbed by rise and fall of tide (1.4 feet average tide).

Two sources of transportation, viz, rail and water.

Five railroads operating from coal and iron districts to Mobile, also reaching directly and indirectly the greatest manufacturing cities of the United States.

All-year navigation on rivers, guaranteeing iron, coal, and timber supply to Mobile should railroads fail in crisis.

More skilled machinist labor than any Gulf port.

More ship carpenters, calkers, etc., than rest Gulf ports combined.

More foundries and boiler works than any other Gulf port.

More iron, coal, and timber located upon Alabama's inland waterways, reaching Mobile, than is available to any other Gulf port.

Cheapest inland water transportation of any Gulf port.

Lowest basis of rail rates enjoyed by any Gulf port, and lower rates from iron and coal districts of Alabama than other Gulf ports west of Mobile enjoy, guaranteeing cheapest raw materials.

Over 27 feet of water at mean low tide from Gulf to Mobile, and with very little work, estimated at not exceeding 50 days of dredging, the entire channel can be made available for vessels with a draft of 30 feet.

Fresh water.

Summed up, Mobile has the best location on the Gulf; has advanced over all other Gulf ports in quantity and quality of its skilled labor (machinist and shipbuilding), and is nearest port by rail and water to great iron, coal, and timber supply of Alabama.

Mr. BURNETT. Mr. Chairman, the proposition involved in this amendment is, if this $850,000 is authorized and is not used it remains in the Treasury. If, on the other hand, dredges can be obtained and the money is not authorized, then the work has to stop. The Government takes no chances, loses no money, and yet the work itself takes a very serious chance if the authorization is not given. In addition to what my friend from Alabama [Mr. OLIVER] has said, I want to emphasize this fact. There are plants for the construction of ships at Mobile, some of which ships will be of 30 feet draft, and the gentleman from Illinois [Mr. MADDEN] asks how they will get them out. They can get them out empty, but the Government does not want them sent out empty, and that is one reason for deepening this channel. At that great port there are millions of tons of coal, millions of feet of lumber, and other things that can be shipped every year, and these ships that are now being built there ought not to be forced to go away from the great coal-producing section of the south and of the country to other ports to be loaded. That is the common sense proposition involved here. The Government takes no chances on the expenditure of the money, but the Government does take a chance, it seems to me, if the authorization is not made, because, if the dredges can be obtained, then they will soon run up against the proposition that they have no money to continue the work on the channel.

Mr. DUPRÉ. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. For a question.

Mr. DUPRÉ. Is not the gentleman's argument equally applicable to the development of the Charleston Channel?

Mr. BURNETT. I do not know. I did not hear the discussion on that item.

Mr. DUPRÉ. The gentleman was not concerned about that.

Mr. BURNETT. I am concerned about everything that is in the interest of winning this war and getting the ships and getting them loaded and getting them out to help win it.

Mr. DUPRÉ. In Alabama?

Mr. BURNETT. Anywhere; it does not make any difference where. I have not a cent in this bill. The great river that I live on is an inland river, with obstructions in the center and no navigation to Mobile Bay. I have no pork in the bill. The gentleman from Wisconsin [Mr. FREAR] can not shake his gory locks at me and yell about pork, because there is not a dollar of pork in it for me; but I am arguing for a just cause in the interest of getting ships built quickly, ships gotten out quickly from the place where they are to be made and put into use and laden with coal when we carry them out. Mr. McAdoo recognizes the congested conditions in all the north Atlantic ports, and he himself has said that there should be a considerable shifting to the ports of the South in order to relieve the congestion in the north Atlantic.

Now, gentlemen, how can you shift that condition, how can you remove that congestion, unless you afford ample port facilities through which our exports may be made from our section of the country as well as every other section of the country? Recommendation has been made, as I understand, to divert a large amount of foodstuffs that are being produced in the Middle West to the ports of the South in order to relieve congested conditions elsewhere. We remember the congestion in the transportation of coal last winter. We recollect how the cry went up all over the country that there was not sufficient means of transportation to carry coal to keep the women and children of this country from freezing; and yet here is a proposition right at the foot of the great coal-producing section of the country, and you propose to tie it up and hem up a port there, so that it will not be able to allow the ships to go out or in laden with products for which all of this country is crying. Mr. Chairman, this seems to me to be peculiarly a question of war emergency. The gentleman from North Carolina [Mr. SMALL] holds as a sword of Damocles over us the threat that if we are going to put amendments on this bill it will be recommitted to the committee. Well, those kind of threats never have scared me. If this House believes that there has been a mistake made by the committee, or even by as high officials as the Board of Engineers back of it, it ought without hesitation to correct that mistake. Is there not a report of the district engineer, the man on the ground, the man who knows more about it, probably, than the Board of Engineers who are sitting here in their chairs in Washington? I hope the recommendation of that engineer will prevail in this case.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DUPRÉ. And all other cases, because I have read some the gentleman would not like.

The CHAIRMAN. The question is upon the substitute offered by the gentleman from Alabama [Mr. GRAY].

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. GRAY of Alabama) there were—ayes 17, noes 49.

So the substitute was rejected.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was adopted.

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman from North Carolina if it is not about time for us to rise.

Mr. SMALL. I think so.

Mr. DUPRÉ. I am very glad to see the gentleman from North Carolina and the gentleman from Illinois are in accord.

Mr. SMALL. I move that the committee do now rise.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

Mr. OLIVER of Alabama. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the requests of the gentlemen? [After a pause.] The Chair hears none.

Mr. SMALL. I want to say for the information of the committee that as I understand it this bill will not be taken up to-morrow, but on Friday.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10069, the rivers and harbors appropriation bill, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. DENT. Mr. Speaker, I ask unanimous consent that immediately after the reading of the Journal on to-morrow that Senate joint resolution 123, known as the quota or amendment to the draft law, be considered in order until disposed of.

The SPEAKER. The gentleman from Alabama [Mr. DENT] asks unanimous consent that what is called the quota bill, Senate joint resolution 123, be taken up to-morrow morning after the reading of the Journal and the disposition of business on the Speaker's table, and shall be the continuing order until it is completed. Is there objection?

Mr. GILLETT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman how much general debate he proposes?

Mr. DENT. I will say to the gentleman from Massachusetts that the Committee on Military Affairs asked for five hours' general debate, and the Committee on Rules have tentatively agreed to a rule on this proposition with three hours' of general debate. On account of the number of gentlemen who wanted to speak on it I am going to ask that a compromise be made of four hours' general debate.

Mr. GILLETT. I think that will be satisfactory.

The SPEAKER. Does the gentleman ask that now?

Mr. DENT. I will ask that now.

Mr. SMALL. Reserving the right to object, just a moment, we expect to go on with the river and harbor bill on Friday morning. Suppose this draft bill is not completed to-morrow?

The SPEAKER. If this request of the gentleman from Alabama [Mr. DENT] is agreed to, they will go on with the quota bill if it extends beyond to-morrow.

Mr. DENT. We certainly ought to finish the bill in six hours, because it will not take long, I will state to the gentleman from North Carolina, to read the bill. It is not very long.

Mr. SMALL. Could not the gentleman couple with his request for unanimous consent that the House meet at 11 o'clock to-morrow?

Mr. DENT. I would not like to do that in view of the fact that the members of the Military Committee who are not here have not been consulted on this proposition, and they expect to be here at 12 o'clock.

The SPEAKER. The gentleman from Alabama asks unanimous consent that to-morrow, after the reading of the Journal and disposition of business on the Speaker's table, that Senate resolution No. 123 shall be taken up for consideration, with four hours for general debate, and that the resolution shall be the continuing order until disposed of. Is there objection?

Mr. SMALL. Mr. Speaker, I do not want to object to this bill which the chairman says is important, but at the same time I

think the river and harbor bill has some rights in the House. We would like to take it up on Friday.

Mr. DENT. I will state to the gentleman that in my own judgment this bill will be disposed of in one day. But the gentleman knows that no Member of the House can predict what is going to happen.

Mr. SMALL. Will the gentleman amend his unanimous consent so as not to continue longer than 2 o'clock on Friday?

Mr. MADDEN. You can not do that.

Mr. DENT. I would not like to do that. I am sure the bill ought to be disposed of long before that.

Mr. MADDEN. If the gentleman makes the request I will have to object, because I think the most important thing before the country is the bill the gentleman is asking to take up for consideration, and it ought to be disposed of without anything else intervening.

The SPEAKER. Is there objection?

Mr. SMALL. Mr. Speaker, in view of what I consider to be the importance of this bill in connection with the war, I will not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

Mr. MILLER of Washington, by unanimous consent, was granted leave of absence for April 11, 12, 13, and 14, 1918, on account of taking part in the liberty-loan campaign.

EXTENSION OF REMARKS.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating the program adopted by the interallied Socialists at the conference held in London last February.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by incorporating the platform agreed to by the interallied Socialists in London last February. Is there objection?

Mr. WALSH. Reserving the right to object, how long is this?

Mr. LONDON. It is from 4 to 6 pages. I think it will make about 2 pages of the RECORD. It is a very important document.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, I would like to ask the gentleman from New York, who stated that this is a very important document, what particular bearing or importance it has in the present emergency in which this country finds itself now?

Mr. LONDON. It has the greatest bearing, because it is a statement by the Socialists of France, England, and Italy on the objects and aims of the war, showing their support of the war and indorsing the main principles of it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. SMALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock p. m.) the House adjourned until to-morrow, Thursday, April 11, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting a proposed clause of legislation reappropriating for the fiscal year 1919 the balance of the appropriation for Mount Rainier National Park for 1918 which may remain unexpended at the close of the year (H. Doc. No. 1033), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 204) to provide for the fitting up of quarters in the post-office building at the city of Sacramento, Cal., for the accommodation of the District Court of the Northern District of California and its officers, and making an appropriation therefor, reported the same with amendment, accompanied by a report (No. 482), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 10609) authorizing the Secretary of the Treasury to exchange the present Federal building site at Eatonton, Ga., for another site on the public square in said city, reported the same without amendment, accompanied by a report (No. 483), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. POLK, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 11364) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 481), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. ALEXANDER: A bill (H. R. 11361) to confer on the President power to prescribe charter rates and freight rates and to requisition vessels, and for other puposes; to the Committee on the Mechant Marine and Fisheries.

Also, a bill (H. R. 11362) to amend the shipping act approved September 7, 1916, entitled "An act to establish a United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions, and with foreign countries; to regulate carriers by water in the foreign and interstate commerce of the United States; and for other purposes"; to the Committee on the Merchant Marine and Fisheries.

By Mr. LONERGAN: A bill (H. R. 11363) to amend paragraph 2 of section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

By Mr. LINTHICUM: A bill (H. R. 11365) to make The Star-Spangled Banner the national anthem of the United States of America; to the Committee on the Judiciary.

By Mr. ROGERS: A bill (H. R. 11366) authorizing the Secretary of War to provide for medical treatment and hospital care of officers, enlisted men, and civilian employees in the Military Establishment while on furlough, necessitated by disability originating in the line of duty; to the Committee on Military Affairs.

By Mr. SEARS: A bill (H. R. 11367) 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; to the Committee on Education.

By Mr. TIMBERLAKE: A bill (H. R. 11368) to authorize the Secretary of the Interior to issue patent in fee simple to the National Lincoln-Douglass Sanatorium and Consumptive Hospital Association (a corporation), of Denver, Colo., for a certain-described tract of land; to the Committee on the Public Lands.

By Mr. BAER: A bill (H. R. 11369) to provide for the national security and defense and further to assure an adequate supply of food by authorizing the Department of Agriculture to aid in the control of flood waters of the Red River Valley of the North in the States of Minnesota, North Dakota, and South Dakota, thereby increasing the areas of land suitable for the production of foodstuffs; to the Committee on Agriculture.

By Mr. ROBBINS: Joint resolution (H. J. Res. 278) proposing the removal of certain Government departments from the city of Washington; to the Committee on the Judiciary.

By Mr. ALEXANDER: Resolution (H. Res. 306) for the consideration of S. 3388; to the Committee on Rules.

By Mr. LUFKIN: Memorial of the General Court of Massachusetts, requesting Congress to provide for public ownership and operation of coal mines; to the Committee on Mines and Mining.

By Mr. TAGUE: Memorial of the General Court of the Commonwealth of Massachusetts, favoring free transportation for all soldiers and sailors in the service of the United States; to the Committee on Military Affairs.

Also, memorial of the General Court of the Commonwealth of the State of Massachusetts, requesting the 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. POLK: A bill (H. R. 11364) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; committed to the Committee of the Whole House.

By Mr. BARKLEY: A bill (H. R. 11370) granting a pension to Christie Jones and Goldfish Jones; to the Committee on Pensions.

By Mr. BARNHART: A bill (H. R. 11371) granting an increase of pension to Joseph R. Emory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11372) granting a pension to Thomas Epert; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 11373) granting an increase of pension to Obadiah McGuire; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 11374) granting an increase of pension to Isaac Nichols; to the Committee on Pensions.

By Mr. DOMINICK: A bill (H. R. 11375) for the relief of Hassie Cantrell; to the Committee on Claims.

By Mr. EMERSON: A bill (H. R. 11376) granting a pension to Charles W. Johnson; to the Committee on Pensions.

By Mr. ESTOPINAL: A bill (H. R. 11377) for the relief of Laurence L. Faure; to the Committee on Claims.

By Mr. FULLER of Massachusetts: A bill (H. R. 11378) granting a pension to Charles H. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11379) granting a pension to Elizabeth H. Waugh; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 11380) granting a pension to Charles Francis Gilroy; to the Committee on Pensions.

By Mr. HUDDLESTON: A bill (H. R. 11381) granting an increase of pension to J. M. Pike; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11382) granting an increase of pension to Absalom A. Lusk; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 11383) granting a pension to Mary R. Mellinger; to the Committee on Pensions.

By Mr. PARKER of New Jersey: A bill (H. R. 11384) granting an increase of pension to Charles S. Shepard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11385) for the relief of Albert Hamilton; to the Committee on Naval Affairs.

By Mr. ROMJUE: A bill (H. R. 11386) granting an increase of pension to Addie Burns; to the Committee on Pensions.

Also, a bill (H. R. 11387) granting an increase of pension to Thomas H. McKay; to the Committee on Invalid Pensions.

By Mr. STERLING of Illinois: A bill (H. R. 11388) granting a pension to Hannah E. Cline; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 11389) granting a pension to John L. C. Ellis; to the Committee on Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 11390) granting a pension to John S. Salisbury; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11391) granting an increase of pension to William Burgess; 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): Memorial of the Committee of Six of New York City, favoring the passage of Senate bill 2917, for increasing the number of chaplains in the Army; to the Committee on Military Affairs.

Also, petition of the mass meeting of the loyal citizens of Chicago, commending President Wilson for placing the American troops under Commander Gen. Foch; to the Committee on Military Affairs.

Also, petition of the district conference, International Association of Rotary Clubs, Hutchison, Kans., favoring the construction of swimming pools at various Army training camps; to the Committee on Military Affairs.

Also, petition of E. C. Johnson and 18 other citizens of Union, Mo., protesting against the lowering of the price of corn by the United States Food Administration; to the Committee on Agriculture.

Also, petition of St. Johns Valley Farm Club, protesting against the lowering of the price of corn by the influence of the United States Food Administration; to the Committee on Agriculture.

Also, petition of the Macedonia (Mo.) Farm Club and J. H. Guese and six other citizens of New Haven, Mo., protesting against the lowering of the price of corn by the United States Food Administration; to the Committee on Agriculture.

Also, memorial of St. Louis Chamber of Commerce, opposing legislation looking to the reemployment of convict labor in the manufacture, etc.; to the Committee on Labor.

By Mr. CAREW: Petition in opposition to the zone system as applied to second-class mail matter passed by the executive committee of the Authors' League of America (Inc.); to the Committee on Ways and Means.

By Mr. CARY: Memorial of American Peat Society of New York, relative to the development of the natural resources of nitrogen; to the Committee on Mines and Mining.

Also, petitions of the junior class, Seneca (Wis.) High School, and River City Lodge, No. 108, Brotherhood of Railway Carmen of America, Portsmouth, Ohio, protesting against zone system of postal rates on periodicals and newspapers; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of the Merchants' Association of New York, opposing the Tavenner bill, H. R. 8665; to the Committee on Labor.

Also, petition of Mendota Woman's Club, of Mendota, Ill., protesting against zone system and demanding its repeal; to the Committee on Ways and Means.

Also, petition of New York Produce Exchange, favoring continued use of the pneumatic-tube mail-distributing service in New York City; to the Committee on the Post Office and Post Roads.

Also, petition of Western Springs Woman's Club, Western Springs, Ill., protesting against zone system and demanding its repeal; to the Committee on Ways and Means.

By Mr. DOOLING: Petition in opposition to the zone system as applied to second-class mail matter passed by the executive committee of the Authors' League of America (Inc.); to the Committee on Ways and Means.

By Mr. ELSTON: Memorial of Berkeley Center (Cal.) Civic League, urging confiscation of all food products held by the brewers; to the Committee on Agriculture.

By Mr. FULLER of Massachusetts: Paper to accompany House bill granting a pension to Elizabeth H. Waugh; to the Committee on Invalid Pensions.

By Mr. HADLEY: Petition of King County Pomona Grange, No. 13, State of Washington, petitioning for price to be fixed on all commodities produced by labor; to the Committee on Agriculture.

By Mr. JOHNSON of Washington: Petition of E. E. Hopkins Camp, No. 18, United Spanish War Veterans, South Bend, Wash., favoring the bill to pension widows and children of officers and enlisted men of the Spanish-American War, Philippine insurrection, and Chinese rebellion; to the Committee on Pensions.

By Mr. KENNEDY of Rhode Island: Resolutions of Pawtucket (R. I.) Typographical Union, No. 212, urging passage of Sherwood old-age pension bill; to the Committee on Labor.

By Mr. McKEOWN: Petition of the district conference, International Association of Rotary Clubs, Hutchinson, Kans., March 8, 1918, favoring the training of National Army men in swimming; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Petition adopted by the International Order of Good Templars, favoring total prohibition; to the Committee on the Judiciary.

By Mr. MORIN: Petition of the Women's Missionary Society of the Good Hope United Presbyterian Church of Pittsburgh, Pa., urging the enactment of a law prohibiting the liquor traffic for the duration of the war and the period of demobilization; to the Committee on the Judiciary.

By Mr. RAKER: Letters from Sherwood & Sherwood, James Graham Manufacturing Co., W. W. Montague & Co., Heyman-Weilman Co., and H. S. Crocker Co., all of San Francisco, Cal., favoring Senate bill 3692, regarding the manner of payment of income and war excess-profits taxes; to the Committee on Ways and Means.

Also, letters from River City Lodge, No. 8, of Portsmouth, Ohio; Mrs. Harry A. Davis, of Fig Tree, Cal.; the La Pine Commercial Club, of La Pine, Oreg.; and the Pennsylvania College for Women, of Pittsburgh, Pa., protesting against the zone system; to the Committee on the Post Office and Post Roads.

Also, letter from the Western Springs Woman's Club, of Western Springs, Ill., protesting against zone system and demanding its repeal; to the Committee on Ways and Means.