

By Mr. BURNETT: Joint resolution (H. J. Res. 326) authorizing the readmission to the United States of lawfully resident aliens applying therefor after having been enlisted or conscripted for military service of the United States or of one of the nations belligerents of the United States; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. CARTER of Massachusetts: A bill (H. R. 12874) granting a pension to Lebeus H. Brockway; to the Committee on Pensions.

Also, a bill (H. R. 12875) granting a pension to Adoniram J. Edwards; to the Committee on Pensions.

Also, a bill (H. R. 12876) granting a pension to Thomas Casey; to the Committee on Pensions.

By Mr. SANDERS of New York: A bill (H. R. 12877) granting a pension to Edgar Shadbolt; to the Committee on Pensions.

By Mr. WALTON: A bill (H. R. 12878) fixing the term of service of Welton W. Pratt during the Civil War; to the Committee on Military Affairs.

Also, a bill (H. R. 12879) fixing the term of service of Elijah C. Putman during the Civil War; to the Committee on Military Affairs.

PETITIONS, ETC.

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

By Mr. ESCH: Petition of A. J. Johnson, president Iowa State Equity Society; H. A. Fuller, vice president American Society of Equity; J. Weller Long, secretary-treasurer American Society of Equity; and S. W. Ricords, president South Dakota Farmers' Union, asking for the suspension of immigration laws that sufficient farm labor may be secured during the war; to the Committee on Immigration and Naturalization.

By Mr. HERSEY (by request): Petition of Waterville Motor Co. and other citizens of Waterville, Me., urging change in taxation of automobiles; to the Committee on Ways and Means.

By Mr. OSBORNE: Petition of William W. Castleberry, Los Angeles, Cal., urging war-time prohibition for conservation of grains, etc.; to the Committee on the Judiciary.

Also, resolution of Rev. Marcus P. McClure and others of First Presbyterian Church, Los Angeles, Cal., urging prohibition; to the Committee on the Judiciary.

SENATE.

THURSDAY, September 5, 1918.

(Legislative day of Wednesday, September 4, 1918.)

The Senate met at 12 o'clock noon.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Bankhead	Johnson, Cal.	Martin	Sterling
Benet	Jones, N. Mex.	Nelson	Sutherland
Brandegee	Jones, Wash.	New	Thomas
Calder	Kellogg	Overman	Townsend
Chamberlain	Kendrick	Penrose	Trammell
Culberson	Kenyon	Phelan	Vardaman
Curtis	King	Poin Dexter	Watson
Fletcher	Kirby	Shafroth	Wilfey
France	Knox	Sheppard	
Gore	Lenroot	Stimmons	
Hale	McCumber	Smith, Ariz.	
Henderson	McNary	Smoot	

Mr. BANKHEAD. I desire to state that my colleague [Mr. UNDERWOOD] is necessarily absent temporarily. I make this announcement for the day.

Mr. GORE. I desire to announce that the junior Senator from Nebraska [Mr. NORRIS] is absent on official business.

Mr. SUTHERLAND. My colleague the senior Senator from West Virginia [Mr. GOFF] is absent on account of illness.

Mr. PHELAN. I wish to announce that the Senator from Montana [Mr. WALSH] and the Senator from Rhode Island [Mr. GERRY] are detained on official business.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Forty-five Senators having answered to their names, a quorum is not present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. NORRIS and Mr. FALL answered to their names when called.

Mr. POMERENE, Mr. GUION, Mr. NUGENT, Mr. SHERMAN, Mr. ROBINSON, Mr. LODGE, and Mr. MCKELLAR entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-four Senators having answered to their names, there is a quorum present.

TRANSFER OF GOVERNMENT BUREAUS FROM WASHINGTON.

Mr. THOMAS. Mr. President, I ask unanimous consent to submit a resolution which I ask the Secretary to read, and that it may lie over until the unfinished business is disposed of.

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

The resolution (S. Res. 296) was read, as follows:

Resolved, That the President be requested, under the powers conferred upon him by the provisions of the so-called Overman Act, and for the purpose of relieving the congestion of population in the District of Columbia, to order the transfer from Washington to other cities in the country for the duration of the war, all bureaus, commissions, and subdivisions of the several departments which can discharge their functions and perform their duties as well outside of said district as within its boundaries, such order to be effective not later than the 1st day of October, A. D. 1918.

The PRESIDING OFFICER. The resolution will lie on the table subject to call.

DRY ZONE AROUND MUNITION PLANTS.

Mr. KELLOGG. Mr. President, I ask unanimous consent to introduce a joint resolution and have the same immediately considered. In the agricultural bill there has been adopted a clause or paragraph authorizing the President to establish what is called a dry zone around munition plants, shipbuilding yards, and so forth. As that bill may not become a law for a month or two months I would like to have the Senate pass this joint resolution, as it is very important that the President shall have that power now. I ask that the joint resolution be read.

The joint resolution (S. J. Res. 172) authorizing the President to establish zones in which intoxicating liquors may not be sold, manufactured, or distributed, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the President of the United States be, and hereby is, authorized and empowered, at any time after the passage of this joint resolution, to establish zones of such size as he may deem advisable about coal mines, munition factories, shipbuilding plants, and such other plants for war material as may seem to him to require such action, whenever in his opinion the creation of such zones is necessary to, or advisable in, the proper prosecution of the war, and that he is hereby authorized and empowered to prohibit the sale, manufacture, or distribution of intoxicating liquors in such zones, and that any violation of the President's regulations in this regard shall be punished by imprisonment for not more than one year or by fine of not more than \$1,000, or by both such fine and imprisonment.

Mr. JONES of Washington. I shall have to object to the joint resolution at this time. It emphasizes the necessity of the passage of the pending agricultural bill.

The PRESIDING OFFICER. Objection is made.

ARREST OF ALLEGED SLACKERS.

Mr. CHAMBERLAIN. Mr. President, I know it is hardly in order at this time to address the Senate on any subject except the pending unfinished business, but I ask to have read into the Record an editorial from the New York World of this morning, entitled "New York's Dragonade." It is very short, and after it is read I desire to make just a few observations.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the article will be read by the Secretary.

The Secretary read as follows:

NEW YORK'S DRAGONADE.

Whoever was responsible for the wholesale round-up of so-called draft slackers in this vicinity on Tuesday operated absolutely in defiance of the spirit of American law. He was armed with no warrants. His orders were carried out chiefly by men destitute of official standing. There is no record in all the history of New York of such another lawless proceeding.

To seize tens of thousands of young men by force in this fashion and make them prisoners on the mere suspicion that they were military delinquents was an outrage. There had been no adequate warning of the raid, which might easily have been given. No provision had been made for the care of the captives. The guilty and the innocent, the strong and the weak, the law-abiding and the law-defying, were herded together promiscuously in armories and police stations, and private citizens, usurping judicial functions, passed judgment upon droves of free-born Americans, kidnapped and insulted.

In this monstrous invasion of human rights it is noticeable that agents of the Department of Justice, deputy United States marshals, officers of the police, regular soldiers from Forts Jay and Hancock, naval bluejackets, and members of the National Guard, to say nothing of volunteer organizations, participated. By whose orders were all these forces turned loose, and by what authority did such a mob assume to act when it took captive thousands of men who, as Mr. De Woody, chief of the New York division of the Department of Justice, now admits, were not properly subject to suspicion?

In war or in peace, the arrest and incarceration of 50,000 men in order to apprehend 500 offenders is a shameful abuse of power.

Mr. CHAMBERLAIN. Mr. President, if the World were not just as I am, the friend and supporter of the administration generally, I assume I would be very severely criticized for

having that matter read into the RECORD. I know nothing about what is being done except what the World states, and I want to unite with the editor in denouncing any such proceedings as are now being indulged in, if the statements are true, in reference to so-called slackers, no matter from whence the authority for such proceedings comes.

Mr. President, there is no man in the Senate and there is no man in the country who despises a man who undertakes to evade his military duty any more than I do. But, notwithstanding that, Mr. President, the men who are slacking, and that there are some there can be no question, ought to be reached by due process of law. The whole Department of Justice, the Military Bureau of the War Department, the Military Bureau of the Navy Department, all the American defense societies, United States marshals, and all the officers of the law have some means and some instrumentalities for reaching the slackers. Here it is charged that thousands and tens of thousands of perfectly innocent men are being arrested without authority and haled before the courts and some of them placed in prison, possibly kept overnight there, who were perfectly innocent of undertaking to evade military duty.

I am just informed this morning by a Member of the Senate that over in Maryland in a plant where shells are being manufactured the young men who are engaged in that industry and who have been exempted because they are engaged in an essential industry when they dare go on the street are arrested by some fellow without authority and imprisoned, and immediately placed in the category of discredited slackers. That is not right; it ought not to be that young men who, against their own wishes and against their protest, are being held from active military service abroad because engaged in essential industry are looked upon as slackers, and they will not remain in their places unless compelled to do so by some military source. The result of this kind of proceeding is that young men who are innocent, who are not undertaking to slack, who are trying to do their duty by the country, are in many instances rounded up and put in prison.

I do not know by whose authority it is done, and I want to take this first opportunity to say the country will not stand it to have innocent young men rounded up and imprisoned where they have undertaken to do their whole duty to the country.

Mr. CALDER. Mr. President, I am very glad the chairman of the Committee on Military Affairs has brought this matter to the attention of the Senate. I was an observer of some of these raids myself on Tuesday in New York City. I protested to the officers in command of some of these squads against the manner in which the raids were being done. When I arrived in Washington yesterday morning I protested at the Department of Justice, the newspapers having indicated that they were responsible for it. The Assistant Attorney General, with whom I talked yesterday, said the matter was without his knowledge and would have his immediate attention.

But, Mr. President, I know thousands of men in New York City, many of them over the draft ages, who could have no card of classification, were taken by the authorities and sent to police stations and herded together in school yards and armories, and were compelled to have responsible people come and identify them. In fact, at least a dozen of these cases were called to my attention for identification.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from New York yield to the Senator from Connecticut?

Mr. CALDER. I yield.

Mr. BRANDEGEE. Will the Senator be kind enough to state when he protested to the officers in command of the squads, who were thus violating the law, what reply the officers gave and whether they stated their authority for the action taken?

Mr. CALDER. They said under the authority of the Department of Justice.

Mr. VARDAMAN. Will the Senator repeat under what authority?

Mr. CALDER. Of the Department of Justice. In one place I saw a street car stopped and an armed sailor go into the car and take men out of it, in some cases where they were escorting ladies. Men were stopped in the street. They were taken out of their places of business and crowded into vans, perhaps 50 or 60 packed in like sardines, and sent to the police station houses.

Mr. McCUMBER. Does the Senator say, of his own knowledge, that any great number of persons were arrested who had registered as they ought to have registered?

Mr. CALDER. All of the men who had their registration cards with them were immediately released; but many of them,

not having previous notice, did not have their cards with them; some men who were over the draft age and some under were apprehended, and not having identification cards were compelled to furnish evidence that they were not liable for service.

Mr. McCUMBER. Of course, the Senator would naturally look for errors in the matter of age; but, on the whole, did they not round up an enormous number of real slackers who ought to have been rounded up?

Mr. CALDER. The newspapers indicate that out of some 40,000 men who were arrested in the several boroughs of the city perhaps two or three hundred at the most were unable finally to submit satisfactory evidence that they were not liable to arrest. Many of these men, however, were not residents of New York City, but were passing through the city. One man called me up on the telephone who was a resident of Baltimore and asked me if I could identify him because of his business acquaintance in New York. I was unable to identify him, but suggested how he might be released.

Mr. THOMAS. If I understand the Senator from New York, then, the number of slackers actually apprehended was less than 1 per cent of the number arrested?

Mr. CALDER. From the newspaper stories I should judge that to be the case.

Mr. BRANDEGEE. Mr. President—

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

Mr. CALDER. I do.

Mr. BRANDEGEE. In view of the remark of the Senator from North Dakota [Mr. McCUMBER] as to whether or not in point of fact the men arrested were slackers, I desire to say that in my opinion that is entirely irrelevant to the question that we are discussing. The question is not whether or not a man is a slacker; the question is whether the man who presumes to arrest him has any authority to arrest anybody.

Mr. CALDER. I have no further knowledge of the subject except what I was informed by a number of men who were arrested and what I read in the newspapers.

Mr. JONES of Washington. Mr. President—

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

Mr. JONES of Washington. I thought the Senator was through.

Mr. CALDER. I yield the floor.

Mr. JONES of Washington. I desire to say that I will withdraw my objection to the request to temporarily lay aside the unfinished business for the consideration of the joint resolution which the Senator from Minnesota [Mr. KELLOGG] desires to present.

Mr. KELLOGG and Mr. JOHNSON of California addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GORE. Will the Senator from Minnesota yield to me for just a moment?

Mr. KELLOGG. I yield.

Mr. JOHNSON of California. I wanted to address myself to the matter which has just been adverted to rather than to the pending measure.

Mr. GORE. Mr. President, I merely wish to observe that I am glad the Senator from Oregon [Mr. CHAMBERLAIN] has had this editorial read into the RECORD. I wish to say that such an editorial coming from the New York World, the unrivaled and undoubted champion of this administration, ought to be a source of gratification to every American citizen who loves the liberties which have been transmitted to us by our forefathers and who desires to see them preserved and transmitted to posterity. This editorial has in it the clarion tone of seventy-six; it is a rift in the clouds. I doubt not now that behind the clouds which have been lowering and threatening the sun is still shining. I doubt not that it is shining with undiminished splendor. I have no doubt that the rights and liberties of the American people will be vindicated and will not be destroyed. I have some slight hope also that those of us who have been subjected or who have subjected ourselves to a floodtide of abuse for no other offense than that committed by the editor of the New York World may yet find our vindication.

Mr. JOHNSON of California. I wish, first, Mr. President, to congratulate the chairman of the Military Affairs Committee [Mr. CHAMBERLAIN] upon bringing this matter, most important in the preservation of the liberty of our citizens and in the preservation of our home democracy, to the attention of the Senate. I came here this morning with the description of what transpired in New York, clipped from the same paper, the editorial from which has been read at the desk. I intended to read this description without saying whence it came nor to what

particular part of the world it related. As I read it I wanted to ask the Senate of the United States where it was that such a thing occurred. No Senator, without the earmarks of identification, would for an instant have said that it was in the United States of America, in the foremost democracy of the world.

Mr. President, that the Senate may know just what this particular proceeding portends, that it may understand that finally into our life has come the law of "suspects," translated from the law, indeed, of the little lawyer of Arras, promulgated 125 years ago, during the French Revolution; the law by which every man suspected by an extrajudicial organization or by some voluntary aggregation of individuals was forthwith thrown into prison then, and under its application in our country to-day into what the New York newspapers designate as the "bull pen." That we may understand fully the situation let me read you the account published in the New York World of yesterday. I am sorry that I had to disclose the identity of the article and the particular place of this occurrence, for unless it had been disclosed no man would have said it was possible in our country.

The headlines read:

Seize 30,000 in round-up after Uncle Sam spreads draft net about city. And then this subheadline follows:

But of these only about 1,000 turn out to be probable slackers, and careless but innocent ones are freed. Exciting day at railway stations.

And I may supplement what was said by the junior Senator from New York [Mr. CALDER] by adding that the official under whom these peculiar proceedings were had stated publicly in interviews that a very small percentage of the number of men confined in the "bull pen" were indeed guilty of the offense of which they were "suspected." Now follows the article:

More than 30,000 men were taken into custody yesterday at the inception of the draft round-up—the most gigantic affair of the kind the United States ever has known.

No figures were available which would show the number of actual slackers who were in this big group, but Charles De Woody, chief of the New York division of the Department of Justice and director of the round-up, said last night that the number would be comparatively small and that the first day of the raids had demonstrated that New York is, on the whole, a patriotic city.

12,000 IN ONE ARMORY.

Late last night Mr. De Woody estimated that 12,000 men had been brought to the Sixty-ninth Regiment Armory and passed through the receiving pen. These were men from Manhattan and the Bronx. Of this number 200 were taken to Camp Upton or Governor's Island to be inducted immediately into the Army; 200 more were locked up, with the certainty that they will go to court the first thing this morning; and 400 were sent to the Tombs as United States prisoners, on the assumption that they probably would turn out to be slackers. It was estimated that about 1,000 men will be turned into the Army as a result of yesterday's round-up in Manhattan alone.

The 12,000 who passed through the armory does not include those who were merely taken to police stations, questioned there, and released. Just how many were handled in this way no one knows. One official estimated the number at two-thirds the total arrested. But the general opinion was that this estimate was far too high.

Then follows—

SWEEP IN JERSEY, TOO.

Five thousand were taken into custody in Brooklyn, 1,500 in Queens, 1,500 in Passaic, about 8,000 in Jersey City and Hoboken, 1,500 in Paterson, and scattering hundreds in other New Jersey towns and Westchester County. Except for Manhattan no figures on the approximate number of slackers were available.

Enough was learned, however, to show that in the vast majority of cases the man arrested had merely been careless in leaving home without his draft card—

Follow, Senators, please, the remainder of this sentence— or unfortunate in appearing of draft age when in reality he was older or younger.

Picture to yourself what this raid was. The young-looking old man is taken in instant, although he can not possibly have a card; the young man who might be within the particular ages is taken in as well; but just think of it, it was "unfortunate" that men who, from their facial expression or perhaps their garb, appeared to be within the draft age, when in reality they were not within the draft age, were rounded up and imprisoned.

Now, what happened to these men who were taken into custody?

Late last night the weeding-out process was still continuing in the five armories to which the arrested men have been taken. Cots were being set up for large numbers of them.

Oh, ye beardless boys who look to be within the ages of 21 to 31, ye men well preserved who may appear to be within the draft age, grow ye your gray whiskers and put on the habiliments of superannuated age, or an extrajudicial authority in the city of New York or elsewhere will take you to the "bull pen" until you can demonstrate by a birth certificate, a thousand miles away perhaps, your real age!

I read again:

So greatly did the number of arrests exceed expectations that the facilities were vastly overtaxed. In the Sixty-ninth Armory the commissary supplies were exhausted and hundreds of men went for many hours without food.

Where was it that this occurred? Would you say, if you had not been advised to-day, that this thing were even possible in free America? In terrorized Germany perhaps it might happen; and the very purpose, according to my idea of this sort of proceeding, is the purpose that has ever attended this kind of thing the world over—terrorism, the same sort of terrorism that makes it impossible to-day for any newspaper in this land to print what it desires, the same sort of terrorism that makes it to-day a crime for any man in this Nation loyally, legitimately, and honestly to speak his sentiments upon the rostrum or to his neighbors. Terrorism! That is the design of this kind of proceeding. Terrorism! The terrorism that takes for granted that a great people fighting a righteous and just war are not loyal and are not patriotic. Infinitely better would it be that our Government proceed upon the theory, now demonstrated, that our people are loyal and patriotic and determined to win this war.

Reading further from this article:

An attempt was made to remedy this last night by taking groups of them out to different restaurants under guard.

Men in groups of fifty or a hundred, prodded by bayonets to restaurants—men who committed no crime, were guilty of no sin, but simply because they looked as if they might be of a certain age they were "suspected" by unknown individuals and treated as if they were criminals.

Finally it was necessary to abandon the round-up temporarily in order to give the weary crusaders—

Weary crusaders—

an opportunity to catch up with their work.

HAD TO USE SCHOOL YARD.

So large was the number of men rounded up on the upper west side early in the evening that the police stations could not accommodate them and prisoners were taken to the yard of Public School No. 17 in West Forty-seventh Street and to the First Field Artillery Armory. Another armory in Manhattan probably will be opened for such use to-day. In the West Sixty-eighth Street police station 305 of the 2,000 men admitted they had failed to register.

A great haul—

A great haul—

was made along Broadway shortly before the opening of the theaters. Fifty men were picked up in front of the Knickerbocker Hotel at Forty-second Street and Broadway. In Harlem 500 negroes were taken. In the receiving stations were represented men of widely varying degree of social standing and wealth.

I read now Mr. De Woody's statement. Please listen, my brethren, to this:

"Because of the tremendous influx of men at the armory," Mr. De Woody said finally, "all examiners must begin to make a more careful check of all men taken to police stations and must take to the armories only those who appear to be slackers. The American Protective League operatives must cull their men more thoroughly."

Was ever such a presentation made in any government under the sun that made a pretense of freedom, that a body, unofficial in character, unknown as to its personnel, wholly extrajudicial, could gather up 30,000 or 40,000 citizens, and then after putting them in jail and confining them in various "bull pens," should be naively told by the official in charge that they ought to "cull their men more thoroughly."

"Too many cases which should obviously have been thrown out have been brought to the already overcrowded armory for us to pass on."

Then follow the various headlines of this article:

Business to suffer.

An unfamiliar sight.

Next—

Began early at railways.

Next—

Got taste of discipline.

And under that heading I read:

As fast as groups of 50 or 100 had been collected in rooms set aside in the two stations they were told by a sergeant to fall in. Here they got their first taste of discipline.

Innocent citizens of the Republic, with a bayonet behind them, for no crime, for no wrong, "got their first taste of discipline."

If they had suit cases a porter did not carry them; the prisoners did that work. And they marched with military briskness from the stations to the Sixty-ninth Regiment Armory.

Behind each group was a sergeant, and if one of the captives showed signs of faltering or letting down his bags he heard a sharp "Hold up there! Hold up there! Hip, hip, hip!"

Where is it that forced along with a sergeant behind him the innocent citizen marches and gets his "first taste of discipline," the citizen not arrested upon a writ, not indeed taken into custody because of aught he has done? Why, it is in the most populous city of the great democracy of the world that behind this citizen strides a sergeant with a bayonet and says, "Hold up there! Hip, hip, hip!"

What a spectacle, Senators, is this presented to our view!

Then the headlines proceed:
Drive strolls interrupted.

Again—

Hundreds sent for cards.

Again—

Amazed clothing workers.

And the irony of this paragraph I beg you to observe:

One of the most spectacular raids was made by hundreds of men who were sent into the clothing factory district just at the noon hour. As the workers poured out of the lofts about Twenty-third Street they found questioners waiting for them, and soon there was a long line of prisoners.

Many workers, however, got by and went to Madison and Union Square parks for their usual noon outings. The command went out to surround both parks and then everybody therein was questioned. Even a gray-bearded man who must have been at least 70 was not permitted to leave.

Why, the irony of the pretense that we make, and then of the act that we do!

In the noon hour soldiers and sailors also went through Battery Park. At another period a company of guards took positions in Wall Street and everybody was stopped and questioned. This also produced results. That the guards meant business was evident from a reply that a soldier gave to a reporter when asked what he would do if a prisoner should attempt to run away.

"Shoot him" was the laconic reply.

Then follow these headlines:

Got them at "movies" too.

Then—

Played no favorites.

And then there is the headline:

"Bull pen" grew jammed.

Every slacker or violator of the law should be punished. None subject to military service should be permitted to escape. But to humiliate 40,000 citizens, to shove them along with bayonets, to subject them to prison and summary military force, merely because they are "suspects," is a spectacle never before presented in the Republic. And this has been done when admittedly only 1 per cent might be "slackers."

I speak upon this subject, Mr. President, because, as I said once before in this body some two or three months ago, there is only one place in all this land where there can be now even a measure of free expression. There is just one place in all this Nation where men, perhaps cloaked in the privilege of their office, are given the power to raise their voices in protest or in denunciation. The only place left in all this land where liberty finally may have its fight made for it, and where freedom may be protected, is right here in this body; and our democracy depends not alone upon our sitting here and doing as we ought to do in respect to this war. Our democracy depends not alone upon doing all that may be asked of us for the winning of this war, but our democracy depends, too, upon the courage, the moral courage, of the men who sit here, 96 in number, in this one body. Our democracy, its preservation and its perpetuity, depend upon these men and upon their courage.

It is my purpose, Mr. President, in the future—I care not what may be the consequences; I care not what epithets may be cast, or what may be asserted when any protest is made against any illegal act—I intend hereafter, in the future, to voice at least the protest of one man upon this floor whenever terrorism is attempted or militarism runs rampant.

Mr. SHERMAN. Mr. President, I wish to inquire of the Senator from California if he knows whether or not the writ of habeas corpus has been suspended?

Mr. JOHNSON of California. Mr. President, the writ of habeas corpus and every other writ, when this thing is possible, has been in fact suspended. I want to say further that if the junior Senator from New York would relate what he saw and what he knows, he would tell you a tale of terrorism of good men and good women, patriotic men and patriotic women, that beggars description, and, indeed, is a tale that exceeds in its ugliness any tale that ever was related since we became a Republic.

Mr. SHERMAN. May I inquire further whether the Senator thinks this is one of the ways of making democracy safe for the world or for the United States of America?

Mr. JOHNSON of California. Mr. President, many of my colleagues, and among them the distinguished and very able and cultured Senator from Illinois, have been very much concerned because of our socialistic ventures, and because we have taken various sorts of property under the urge of war or for war purposes or permanently. I am not so much concerned with these material things; but I am concerned—concerned so deeply that I can hardly adequately express myself—for the humanity of this land, and for the preservation of those things that up to this time we have deemed inalienable; the right of every man

to pursue his course legitimately, patriotically in response to the law, and thus living to have his freedom and his liberty.

Mr. SHERMAN. Mr. President, I do not care to take any time. I wish simply to state that some years before this war broke out a Prussian officer on the streets of Berlin ran a shoemaker through the body and killed him. I refer to what was known as the Zabern affair. It was in time of peace. He did this because the shoemaker would not get off the street in accordance with the order of the Prussian officer. The officer was not tried by the laws that relate to criminal offenses. I want to ask the Senate if it thinks there is any material difference between militarism in Berlin, when in time of peace an officer runs a man through the body and is simply tried by a court-martial and reprimanded and given an inconsequential sentence, and bayoneting innocent men around over the streets of New York City when there is no martial law proclaimed, when civil law is in full effect; whether there is any difference between democracy in the United States and militarism and Kaiserism in Berlin?

DRY ZONE AROUND MUNITION PLANTS.

Mr. KELLOGG. Mr. President, as the Senator from Washington has withdrawn his objection to the immediate consideration of the joint resolution. (S. J. Res. 172) which I introduced a short time ago. I ask to have it read, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER (Mr. KENDRICK in the chair). The Senator from Minnesota asks unanimous consent for the present consideration of the joint resolution referred to by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Senate joint resolution 172.

Be it enacted, etc., That the President of the United States be, and hereby is, authorized and empowered, at any time after the passage of this joint resolution, to establish zones of such size as he may deem advisable about coal mines, munition factories, shipbuilding plants, and such other plants for war material as may seem to him to require such action, whenever in his opinion the creation of such zones is necessary to, or advisable in, the proper prosecution of the war, and that he is hereby authorized and empowered to prohibit the sale, manufacture, or distribution of intoxicating liquors in such zones, and that any violation of the President's regulations in this regard shall be punished by imprisonment for not more than one year or by fine of not more than \$1,000, or by both such fine and imprisonment.

Mr. KELLOGG. Mr. President, this joint resolution is in the exact form of a provision in the pending Agricultural bill, and which the Senate has adopted. The object in introducing it and urging its passage at this time is this:

There are shipbuilding yards and factories in the United States situated in dry territory, and near those yards there have been temporarily established townships and villages for the purpose of selling liquor. I have one in mind. The northern part of the State is Minnesota is dry, the city of Duluth, and all the mining district. Situated in Duluth is a large steel plant manufacturing for the Government and two shipbuilding yards. Across the bay in the State of Wisconsin the city of Superior is dry, but under the laws of Wisconsin a village may be organized, and 15 or 20 men have organized a village a few miles out of Superior, a mile and a quarter from the big steel plant, and are running special wagons loaded with liquor into the steel plant, into Duluth, into the mining district, and into the shipyards. The President ought to have power to establish a zone around those plants, and it ought not to await the slow progress of the Agricultural bill. From the discussion within the last few days, I should say it may be 30 days before the bill is finally agreed upon in conference.

I therefore ask that the Senate pass this joint resolution at once, as it is very important.

Mr. POINDEXTER. Mr. President, I might ask the Senator—although now that he has taken his seat I will not do so—in view of his interest in the efficiency of the war industries, as manifested by this joint resolution, to explain to the Senate the somewhat inconsistent proposition of stopping these truck loads of beer that are going into the steel works. A short time ago a member of the Shipping Board appeared before one of the committees of the Senate and testified at considerable length, and his testimony was given a great deal of publicity in the newspapers, that it was absolutely necessary for the efficiency of workers in the shipyards that they should have intoxicating liquors to drink. It seems to me that if the administration is right about that, the carrying of truck loads of intoxicants into the shipyards and into the steel plants ought to be encouraged.

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

Mr. POINDEXTER. Just a moment, and then I will yield to the Senator from Wisconsin. I want to call attention to a

letter, which is somewhat in conflict, however, with the testimony which I refer to, that was given by Mr. Colby, I think, a member of the Shipping Board, to the effect that the drinking of intoxicants increased the efficiency of workers. I have always understood that men advocated the right and privilege of drinking intoxicating liquors as a matter of personal liberty or pleasure or health, but it is the first time that I ever heard it argued from a high and responsible quarter that the drinking of intoxicating liquors increased the efficiency of workmen 25 per cent.

Mr. President, the American Federation of Labor has joined with the Shipping Board in the contention that it is necessary for the efficiency of these employees of shipyards to have all that they want to drink, but I notice that there is some difference of opinion in the ranks of union labor itself on that subject. One of the most intelligent organizations of union labor, in my opinion, is the carpenters' union, and I want to read to the Senate a very brief letter which I have here from one of the local unions of that organization at Hoquiam, Wash. It says:

I am inclosing herewith sheets of a kind of literature that makes me warm, then hot, then boiling, then fighting mad—hence this channel of relief. Perhaps you are as well aware as we are here on the harbor that the absence of intoxicating liquors is of vast benefit in the shipbuilding industry, just now so important to our country. A man who pretends the opposite is as truly playing the German game as though he openly served under the German flag. The inclosed circular—

Referring to a circular attached to the letter, issued by the union label trades department of the American Federation of Labor, signed by John J. Manning, secretary-treasurer of that organization, resolving that the executive board of the union label trades department of the American Federation of Labor declares "its opposition to further prohibitory action, to the President of the United States, the Fuel Administrator, and to the Congress, setting forth the board's reasons therefor," with the reasons attached. Referring to that circular, these carpenters' union of Hoquiam, Wash., says, as I was proceeding to read:

The inclosed circular speaks "bunk" and libels the good name of 3,000 workers in the Aberdeen and Hoquiam yards. Mr. Schwab, who was recently here, should be able to absolutely blast the false statements of this inclosed circular. I know of no worker who claims or intimates he could work better with a beer supply, and most any of the 3,000 would feel like punching the fellow who tried to picture the rank and file of our union men as having a loyalty to country that rests on a taste for beer rather than a loyalty that springs from mind and heart. Senator, you can not do too much against the whole beer push to suit us here. If some of our labor officials wear a "wet collar" with the chain in the brewers' hands, so much the worse for them. Some of our "leaders"—

Referring to leaders of organized labor—

tried the same stunt in our State in 1914 and got a sharp calling down for it. Not everybody appreciates that, in this district at least, enough drinking men voted "dry" in 1914 to more than furnish the majorities won by the prohibition law. The proper title for some of these so-called "labor leaders" is "beer servers."

The mass of laboring men believe in, appreciate, and want national prohibition, with Uncle Sam's efficient fist behind it.

Respectfully, yours,

FRANKLIN H. BASSETT,
Secretary Hoquiam Carpenters and
Aberdeen-Hoquiam Building Trades Council.

Mr. President, we have a resolution that was introduced by the Senator from Colorado [Mr. THOMAS] this morning, and I want to make just a few brief comments upon it.

Mr. LENROOT. Mr. President—

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

Mr. POINDEXTER. I yield.

Mr. LENROOT. Before the Senator refers to that resolution, he intimated that he thought there was something inconsistent with this resolution and the position taken by the chairman of the Shipping Board. I want to call his attention to the fact that the resolution prohibits nothing. It is identical with the amendment adopted in the Senate in the pending Agricultural bill. It merely authorizes the President to establish zones, and in cases where he feels that it is necessary he will exercise the authority given.

Mr. POINDEXTER. The joint resolution introduced by the Senator from Minnesota [Mr. KELLOGG], taken in connection with his remarks in presenting it, undoubtedly indicates that it is the purpose of the Senator from Minnesota that this shipment of beer from a neighboring town into the steel works should be stopped.

Mr. LENROOT. If in the President's judgment the sale of liquor interferes with efficiency in war-working plants, the President will establish these zones, or, if there be cases where he feels it does not interfere, presumably he will not.

Mr. POINDEXTER. Mr. President, the resolution that was introduced by the Senator from Colorado, if I heard correctly the terms of it, inquired of the administration whether or not

there was not some way whereby the President could direct the officers of the various bureaus employing large numbers of people in the District of Columbia to remove their offices and employees to some place outside of the District of Columbia, and the President take this action under the Overman law, that was recently passed by Congress. There was nothing in the Overman law that has anything to do with that; and I only mention it because of the misunderstanding that seemed to exist at the time the Overman law was before Congress and was adopted as to the need of that law as a great war measure. I do not recollect that anything has been done under the Overman law effecting any very radical change in the conduct of the business of the Government, although it was urged at the time as a matter of the utmost immediate importance and great pressing emergency of the Nation.

There is nothing in the law, regardless of the Overman Act, which would require any of these bureaus referred to to keep their employees in the District of Columbia. These are agencies of various kinds. It was not necessary that the Overman law should be passed to enable the President, according to the purport of the resolution of the Senator from Colorado, to direct offices employing large numbers of people to be established at some other place in the United States. The President had that authority before the Overman law was passed. The Overman law has not anything to do with it. There was not any such emergency for the passage of the Overman law as it was claimed to have, and it has had no effect whatever upon the conduct of the war. Nothing has been done since it passed that could not have been done before it was passed.

There is just one other matter, Mr. President, that I want to refer to very briefly, and that is the question that has been discussed with a good deal of heat as to the action of the Government in enforcing the draft law by arresting slackers in the city of New York. The claim is made that a great injustice was done and outrage perpetrated because in the enforcement of the act innocent men were also apprehended.

A short time ago the Senator from Oregon [Mr. CHAMBERLAIN] introduced a bill in Congress for the trial of the violators of the so-called espionage act by court-martial. Under the circumstances existing at that time and the difficulties that there had been in punishing disloyalty and pro-Germanism and treason in the country, I was inclined to favor the bill which was introduced by the Senator from Oregon. But it was opposed by the President, and the Senator from Oregon, although I assume he has not changed his opinion in regard to the merits of the principle represented by his bill, dropped the bill and publicly announced that he would not press it because it was opposed by the President.

Now and then there crops up in the Senate a reference to the President as the Commander in Chief, and from week to week we see Senators abandoning legislation which they had been advocating in bills which they had introduced because of the opposition of the Commander in Chief. We have a Commander in Chief. The President is Commander in Chief, but what is the President the Commander in Chief of? This doctrine that he is Commander in Chief of all the people of the United States, including Congress, is a new doctrine. The Constitution does not provide anything of that kind. The Constitution designates the President as Commander in Chief of the Army and of the Navy. The men who are enlisted in military services are compelled to obey his orders under the Constitution. But whenever this doctrine that he is the Commander in Chief of the Senate of the United States begins to have credence in the country, then will be time to talk about the failure of democracy.

I was very much surprised this morning, Mr. President, in view of this record of the Senator from Oregon, to hear him say that a slacker, a man who is subject to the draft and who is evading it, a man who is concealing his liability to military service in order that his neighbor might take his place, ought not to be arrested except by due process of law. That is quite a different proposition from the one he advocated a very short time ago. The law against espionage did not specify or define a military offense. It provided by statute a civil offense, and it was a departure from custom and ordinary principle for the Senator from Oregon to say that those guilty of that civil offense should be proceeded against by military court-martial. I believe, however, that there was much justification for the provision even in going to that extent, in view of the difficulties that we were confronted with in the beginning of our military efforts in this great war, which involves our national existence. So I was very much surprised to see the reverse attitude taken by the Senator from Oregon when he says that a purely military offense, opposition to the authority and the enforcement of the military law, the conscript act, which puts men under military

order and military control, should not be punished and restrained except by civil process.

There was a statement made this morning which somewhat surprised me in this connection, that habeas corpus had been suspended in New York. There is nothing in the newspapers to that effect. What is habeas corpus? There is nothing in the instance that has been described here which would indicate that the writ of habeas corpus had been interfered with in the slightest degree. Everybody knows what it is; every lawyer at least. If a citizen of the United States wants to avail himself of that great bulwark of liberty he goes into a civil court, appears before a judge of competent jurisdiction, and makes an allegation that he is restrained of his liberty unlawfully by a certain person. Habeas corpus is the writ which the judge issues commanding the person who is alleged to be unlawfully restraining another person of his liberty to bring the prisoner before the court, that the reason for his imprisonment may be inquired into. I venture to say, notwithstanding the assertions this morning, that the writ of habeas corpus still flourishes in all its vigor in the civil courts of New York, and that there is not a man of the thousands who were apprehended by these officers in the performance, in my opinion, of their duty to put into effect the draft act for military service who could not have had the lawfulness of his imprisonment inquired into and a judicial decision rendered at the earliest possible moment by anyone of a dozen civil courts in the city of New York.

Mr. CALDER. Will the Senator allow me?

Mr. POINDEXTER. I yield to the Senator.

Mr. CALDER. I will say to the Senator that armed soldiers went into business offices and took men from behind their desks, went into places of amusement and took them away from ladies whom they were escorting, and took men who were over the draft age and men who were under the draft age and put them in police stations and school yards and armories, and kept them under observation until they could send for some one who could prove that they were not slackers and were in good faith loyal citizens. Is it right for the Government to arrest men without notice under such circumstances?

Mr. POINDEXTER. Yes; but I want to explain my answer by saying I think it is unfortunate in any case that an innocent man should be apprehended. Yet if it is found necessary in the search for slackers and evaders of the draft in the strictest kind of enforcement of the draft act to make inquiry in this way into the status of men about whom there is any doubt as to whether or not they are eligible to the draft, it is a justifiable military proceeding under military law.

There is some talk here about the outrage of a sergeant standing up behind and ordering men to step. A million and a half of the citizens of this country, as loyal, at least, as any of those referred to in this debate, are keeping step to the orders of sergeants in France and are obeying the military orders of their superior officers. In the enforcement of the law, in the inquiry which is necessary to be made as to whether or not a man is eligible, there is nothing which has been disclosed here of the facts in this proceeding that shows that any great hardship about which any lover of liberty need be unnecessarily excited has been visited upon any of these people. There is talk about terrorism and talk of injustice.

Mr. FLETCHER. Mr. President—

Mr. POINDEXTER. In just a second I will yield to the Senator. Yet there is no showing here, either from the newspaper articles that have been read or from the statements of Senators on the floor, that any great hardship has been imposed upon a single individual. There is nothing to show any serious mistreatment of anybody. On the contrary, the showing is that the inquiry in order to separate the cowards and the slackers among those who were arrested from those who had not violated the draft act was carried out as expeditiously as possible and efficiently, without any very great hardship upon anybody who was affected. I yield to the Senator from Florida.

Mr. FLETCHER. I was going to suggest to the Senator also, and ask his judgment as to this point: Of course, New York is a very important portion of the country and the people of New York ought to have their rights respected and observed, but New York is not the whole country and the people there have not, perhaps, a superior right to people in other parts of the country. If we grant that an officer in New York representing the Department of Justice or some other department has exceeded his authority and has done things he ought not to have done, is it fair to hold out to the world the picture of the whole country being unlawfully invaded or the rights of citizens invaded over the country and a state of terrorism existing, threatening the whole country? Is there any sort of justification for that kind of a view?

Mr. POINDEXTER. I think it is an exaggerated view of the matter and, as I said before, nothing to arouse the indignation of anyone who looks at it, it seems to me, in a judicial attitude and takes time to inquire into what actually occurred there before he proceeds to denounce it. Practically, the fact of the case is, we have very little information as to what actually occurred. There is a good deal of misapprehension, I think, about the number of slackers found; and I think the 300 slackers the Senator from New York referred to were not mentioned as 300 out of the entire 45,000, but 300 out of a certain contingent who were gathered in a certain district. That appeared from something that was later read into the RECORD. But if there were but a hundred slackers, men evading the duties of citizenship, in that city while a million and a half of their fellow citizens have responded to the orders of the country, donned the military uniform, obeyed the orders of their Government, and are fighting its battles amid the horrors of German warfare along the front line in France, the steps which were taken to apprehend these men who refused to do their duty, to live up to the obligations of citizenship at a time when the existence of the country is at stake, were justified if they were necessary in the enforcement of the act. I am not prepared to say that it was not necessary that this means should have been taken to identify them and to segregate them from those whom they were with.

Mr. KIRBY. Mr. President—

The PRESIDING OFFICER (Mr. SMITH of South Carolina in the chair). Does the Senator from Washington yield to the Senator from Arkansas?

Mr. POINDEXTER. I yield to the Senator.

Mr. KIRBY. I thought the Senator had finished.

Mr. POINDEXTER. I have not quite finished.

Mr. FRANCE. Mr. President—

Mr. POINDEXTER. I yield to the Senator from Maryland.

Mr. FRANCE. The Senator from Washington is a very able legislator and a very able lawyer. I desire to ask him if he thinks had this law been perfectly drawn and competently administered that such an abuse could have taken place under it? In other words, is any law perfectly drawn or competently administered which makes it necessary for the authorities to draw into a great net both the innocent and the guilty in order to ascertain who may be innocent and who may be guilty?

Mr. POINDEXTER. Mr. President, that is not the fault of the law. If there is any fault there at all, it is the fault of the administration of the law; it is not a question of legislation. It seems to me that we could not put into this statute detailed instructions as to just how it should be carried out; I think that there must be some latitude left to the administrative officers; and I am very glad to say that that discretion in the case of this law has been exercised by the Provost Marshal General and those acting under him very wisely and very efficiently, and that the latitude that was allowed him in the making of the regulations for the administration and enforcement of the law has been justified and vindicated.

Mr. FRANCE. Will the Senator yield while I explain what I have in mind?

Mr. POINDEXTER. Yes; I will yield briefly, but I should not care to have the Senator go on at much length.

Mr. FRANCE. I wish to say that this whole incident has come about owing to the defects which existed in the first draft law. If under that law the suggestions which were made from this side of the Chamber had been adopted, if in April or in May, 1917, the measures which were urged upon this side had been accepted, all the men from 18 to 45 years of age would have been enrolled; each one would have had his card; each one bearing a card would have been wearing an insignia of the service; and such an abuse could not have occurred. The whole thing has come about through an imperfectly and inadequately drawn law and through a law incompetently administered. That is my judgment, and I desire to have that suggestion go into the RECORD.

Mr. POINDEXTER. Mr. President, I am very glad to have yielded to the Senator from Maryland to allow him to make that statement. I do not, however, agree with him either as to the inadequacy of the law or as to the incompetency of its administration. I think the law is adequate and that its administration has been excellent and most efficient.

Mr. FRANCE. I desire to call the attention of the Senator to the fact, if he will yield for a moment, that we have all admitted that the law was inadequate, inasmuch as we have amended it recently so that men are included who are of the ages from 18 to 45. I am referring to the law which was in operation at the time when this general raid took place. We all realize that the law providing for registration only of those

from 21 to 31 was defective; and for that reason we amended it to include those of lesser and greater ages.

Mr. POINDEXTER. The changing of the ages of the draft is quite a different matter from the registration provided for under the law. That has not been changed in any material respect.

Mr. BENET. Will the Senator from Washington allow me to make a statement?

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

Mr. POINDEXTER. I yield to the Senator.

Mr. BENET. Since this discussion came up, I have talked with Provost Marshal General Crowder, and he has authorized me to say that his department had nothing to do with these arrests and did not authorize them. I simply state that for the benefit of the Senator from Washington [Mr. POINDEXTER], who has the floor, as it bears out the position he has taken. The arrests were not made under the authority or with the knowledge of anyone who is connected with the administration of the selective-draft law.

Mr. LODGE. May I ask a question just there?

Mr. POINDEXTER. Yes.

Mr. LODGE. If the War Department did not authorize these arrests, who did order the soldiers and the sailors of the United States to make them? The soldiers and sailors of the United States obey only their superior officers. They never would have been there for any other reason. Somebody in authority called out the United States troops. Who was it?

Mr. POINDEXTER. Whoever it was, I myself am mighty glad that it was done, and I hope they will do it all over the United States.

Mr. LODGE. That is another question.

Mr. POINDEXTER. I hope that every slacker, every man who is subject to the draft and who is evading it, will be apprehended and not through any court proceedings, because it is a military proceeding. They are subject to orders when they are registered and they ought to be apprehended and put into the military camps for training and made to do their duty in accordance with the law. The administration is worthy of commendation instead of denunciation for doing it.

I have criticized the administration in a mild way at different times because of its negligence in enforcing the draft law, because of its refusal to put men to work or to put them to fight when they had been exempted to go into the war industries of the country and then quit work and loafed upon the streets, with the approval and the tacit consent of the administration. I have criticized the administration in times past because of the delay of the administration in enforcing those statutes which have been placed upon the books in order to compel loyalty to and support of the Government in a foreign war; but when the Government acts, when the Government takes drastic measures to enforce these laws down to the last man who is violating them, I want to speak in approval of such action. I do not want to hold the administration up to obloquy, I do not want to have it go out all over the country that the Senate of the United States is unanimous in its objection to any measures whatever that may be necessary on the part of the Government to enforce these war measures. I trust that we can avoid the demoralizing effect that such an idea would create among those who are already too prone to shirk their responsibility or even to aid the enemy.

Mr. FRANCE. Mr. President—

Mr. POINDEXTER. In just a moment. Something has been said in criticism of the American Protective League. I have not any connection with it at all, but I want to say that the men who belong to that organization have rendered an invaluable service to the country. Instead of being denounced as extraconstitutional and extralegal—as it may be they are—they are entitled to the thanks and to the gratitude of the country for aiding the officials of the Government in searching out disloyalty and treason and for upholding the hands of the people in the conduct of this great struggle. Now I yield to the Senator from Maryland.

Mr. FRANCE. Mr. President, the Senator from Washington has been very kind in yielding and I wish merely to make a brief explanation.

When I referred to incompetence in the enforcement of the law I was referring to such incidents as this incident in New York. I was not referring to any incompetence on the part of the Provost Marshal General, for I think that Provost Marshal General Crowder is one of the great figures which have been developed by this war, and I am sure we all recognize the distinguished service he has performed.

Mr. LODGE. If the Senator from Washington will allow me, I desire to say that he misunderstood my question. The Sena-

tor from South Carolina [Mr. BENET] stated by authority that the Provost Marshal General had stated that these arrests were not made by his orders; that he had nothing to do with them. We are all of one opinion about the Provost Marshal General; he has carried out the great and difficult work of the draft most admirably, and he has not ordered the proceeding which has taken place in New York. Now, if we are going to commend that, as the Senator from Washington proposes, who is to be commended? Whether we condemn or commend, we ought at least to know whom we must praise or whom we must condemn. I only wanted to get the information.

Mr. FRANCE. Mr. President, will the Senator yield to me further?

Mr. POINDEXTER. I would rather reply to one Senator at a time; but I will yield to the Senator.

Mr. FRANCE. I simply wish to say to the Senator from Massachusetts that I did not misunderstand his question. I was referring to a statement made somewhat earlier.

Mr. LODGE. I said the Senator from Washington misunderstood my question. I was not discussing the matter of what was done in New York at all.

Mr. POINDEXTER. Mr. President, I did not misunderstand the question of the Senator from Massachusetts. I agree with him in the suggestion implied in his question, that when soldiers and sailors act they act under the authority of the military; they can not act under any other authority; and, regardless of the merits of the question, the military authorities must be responsible for the action of the men under their command. I agree entirely with what the Senator says in that respect.

Mr. LODGE. And yet Gen. Crowder has stated, through the Senator from South Carolina [Mr. BENET], that he had nothing to do with it.

Mr. POINDEXTER. Personally or in his official capacity he may not have had anything to do with it, but that does not make any difference. Because I express a complimentary opinion about Gen. Crowder is no reason why there are not some things which we may discuss even though Gen. Crowder did have nothing to do with them.

Mr. LODGE. I agree with what the Senator has said about Gen. Crowder fully; but he is charged with the enforcement of the draft law, and he has not used the troops for the purpose for which they were used in New York. Who has?

Mr. POINDEXTER. I will let the Senator inquire further into that—undoubtedly their superior officers. The President, of course, is responsible, he being the Commander in Chief of the Army, although he is supposed to act through the Secretary of War.

Mr. NELSON. Mr. President, I might suggest that possibly it was done at the instance of the district boards in New York. They may be anxious to round up these men in order to make easier the next registration, on the same theory as the board in this city has sent with their pay checks circulars to all the department clerks suggesting that they register here, no matter where they come from. This incident may have occurred because of the extraordinary zeal of the district boards.

Mr. POINDEXTER. I am very glad that they have some extraordinary zeal if that be the case.

Some reference has been made here to jabbing citizens around with bayonets. That would be a very serious thing if they were jabbed around with bayonets; but there is nothing whatever in the report of this proceeding to disclose that anybody was jabbed around with a bayonet. I think it would not hurt a slacker very much if he were jabbed around a little with a bayonet, but there is no indication here that that was done.

Mr. FALL. Mr. President, will the Senator from Washington yield to me for a moment?

Mr. POINDEXTER. Yes; I yield to the Senator.

Mr. FALL. Is it the Senator's idea that if a man fails to register or is a slacker in that respect and does not comply with the proclamation of the President and present himself for registration that he is subject to being rounded up by soldiers or sailors or under the military laws to be arrested and taken before the board and registered?

Mr. POINDEXTER. If he is subject to registration under the law, he is subject to military orders.

Mr. FALL. Mr. President, the law does not say so. The law that we enacted provided just exactly what shall be done. The civil courts must be appealed to.

Mr. POINDEXTER. Well, whatever may be provided as a supplementary proceeding in that respect, under the entire act a man subject to the draft who refuses or fails to register, or if registered absents himself from the places where the conscripts are ordered to assemble, is subject to military arrest. By express provision all departments of the Government are subject to the orders of the President for the enforcement of the law,

and the President is required to make any order, rule, or regulation necessary for the enforcement of the act.

There is just one further thing I wish to refer to, Mr. President, and that is the reference which has been made to and the denunciation of an alleged state of terrorism which the country is now in. The Senator from California [Mr. JOHNSON] referred to it. I have the very greatest respect for the opinions of the Senator from California, but we are all expected to act upon our individual judgment about these matters. I myself do not feel, either as a citizen or as a Senator, that there is any state of terrorism in this country. I do not believe that any loyal newspaper really has any fear of publishing what it chooses to publish within the law and the truth. If it has, it is a craven coward and unworthy of the consideration of the Senate. Any man who is really a man, who obeys the law and supports the Government, is perfectly immune and, in my judgment, knows that he will have the protection of the law in exercising his rights as a citizen. I think that we are very far from having a state of terrorism. The very editorial from the New York World read to the Senate by the Senator from Oregon, denouncing in the most unmeasured terms this act of the Government, shows that that paper at least is not terrorized and is not afraid to express its opinion.

There are things for which I would criticize the Government in regard to newspapers, not so much as to present conditions as those which existed for a long time after we went into the war and up to a quite recent date. Newspapers which fawned upon the administration and which yet opposed the Nation in this war, certain disloyal papers—pro-German papers—flattering the administration were published. But that is very largely overcome, and I do not believe that a loyal paper in the United States which supports our cause in this great war is in any state of terrorism or has any reason to be afraid of printing the truth in criticism of public officials. If it is afraid, it mistakes the temper of the American people.

Mr. BRANDEGEE. Mr. President, I can not agree with some of the views expressed by the Senator from Washington [Mr. POINDEXTER]. Of course, I agree with everything that he says so far as he expresses the opinion that everybody should be 100 per cent loyal to the country and to the war in which we have engaged. Of course, I agree with him that the legislation that Congress has passed should be thoroughly and effectively enforced; but, Mr. President, we had better not get excited on either side of this question until we know the facts relating to the whole transaction. We have seen newspaper accounts of what is alleged to have happened in New York yesterday; we have heard the statement of the junior Senator from New York [Mr. CALDER] about what he saw and what he has heard; we have had various denials from several bureaus or departments of the Government as to their connection with the original transaction; but the question in my mind is whether or not what was done in New York was done according to law. If it was done in the legal enforcement of the draft act, I have no criticism to make of it; but I have yet to learn—and I shall be surprised to learn—that the draft act authorized the proceedings which are alleged to have taken place in New York on yesterday.

Mr. President, there is no man in Congress who has a greater contempt for a slacker than I have; there is no man here or elsewhere who will do more to bring to book and to round up, always by legal authority and by due process of law, the civilian who has not yet entered upon the military service of the United States though compelled to register as eligible for that service when called; but, Mr. President, it is not wise, in my opinion, in the naturally inflammable state of public opinion and hostility to slackers, directly or indirectly, to say a word which shall put in jeopardy the rights of peaceful citizens who are not liable to military service.

I do not know that I thoroughly understand all that the Senator from Washington said; but if he means that by the violation of the rights of 39,000 people who are not subject to military service and were not eligible to the draft and were not of draft age and were not compelled by law to register as such, if 100 slackers or 10 slackers were caught, he is satisfied with the proceedings, I entirely disagree with him. Every man in this country is entitled to a government by law, Mr. President. Even the Army and the Navy and the Department of Justice are subject to laws passed by Congress and to the Constitution of the United States. It is not necessary to assert that the writ of habeas corpus has been suspended. Everybody knows that it has not, and it has not been violated in this case. The Senator from Washington, in my opinion, is quite correct when he says that matter does not concern the subject under consideration. If anybody has been illegally arrested, he should have applied to the court for a writ of habeas corpus to be discharged, unless the State could show good reason for holding him; but

that question did not come up in these alleged irregularities that took place in the city of New York yesterday.

Here were 40,000 people, old and young, arrested and herded into armories; arrested, not by a warrant issued by civil authority, but grabbed by people, as the New York World states, under authority assumed and exercised by one De Woody, who is the representative of the Department of Justice, so it is stated, in New York City. Now, either Mr. De Woody and the Department of Justice had authority to conduct this raid and round-up, or they did not. If they had authority, they could only have had authority granted by a United States statute, by an act of Congress. I believe in the enforcement of the draft act radically and thoroughly. Was this raid conducted in accordance with the provisions of the draft act, or of any legislation passed by Congress for its enforcement? I do not know. I have not read the draft act this morning. I do not recall anything in the draft act by which innocent people are subject to restraint of their liberty because the military authority of the United States, acting through its soldiers and sailors, under command of their officers, may suspect that a man is subject to the draft act or is a slacker.

I do not recall that there is anything in the draft act that compels a registrant to continually carry his certificate of registration with him, on his person. Now, there may be such a provision; and if there is, and a duly constituted agent of the Department of Justice, or possibly of the local board, has been authorized by law to accost a stranger and arrest him unless he can show his card of registration, then I am willing to concede that the proceeding may have been legal; but I do not know those facts yet. I have been informed on the floor here this morning that there is no provision in the law which requires a registrant to carry his certificate of registration always with him. But this proceeding, where men who came to New York City and got off of a train are immediately taken into custody upon their personal appearance because they are suspected of being of draft age, and put into an armory and held there, restrained of their liberty, their business appointments canceled, deprived of food, taken out later in the day and given food at a restaurant under the direction of a military sergeant, allowed to eat at his sufferance, is a proceeding for which I should like to have the law shown to me before I approve of it, because I am surprised if that is the law.

As I say, I do not propose to fly into a passion upon this question in either direction. As the Senator from Massachusetts has said, what we ought to do, if we do anything, is to ascertain the facts, for it is a serious question. I am not going to denounce the Department of Justice, who, the junior Senator from New York says, disavow the whole proceeding and say they are utterly ignorant of it, nor the office of the Provost Marshal General, who says that he is equally ignorant of the whole proceeding; nor am I prepared to denounce an organization because it is extraconstitutional or extralegal. It may be a voluntary association, and the American Protective League may have done all the good things and be as patriotic as the Senator from Washington says, and as I say and think. At the same time it is not one of the duly constituted agencies of our Government for the enforcement of justice or of the law. I do not know what part it had in this proceeding; so I hope the Committee on Military Affairs or the Committee on the Judiciary will take pains to request the heads of the various departments of the Government to advise us what instructions were issued.

Of course, if the head of the Department of Justice has a law authorizing the proceeding upon his statement that upon knowledge and belief and information a lot of men subject to the draft who were trying to evade it, known as slackers, would be in New York on a certain day—if he has authority of law to arrest them, I can well understand that upon his request to either the War Department or the Navy Department, the heads of those departments would put at the service of the Department of Justice, if in the opinion of the Department of Justice it was necessary, such military force as, acting under the civilian authority, would arrest these men. But that men can be indiscriminately arrested and deprived of their liberty without a charge being made against them, or a writ or a warrant in the hands of a properly accredited official of this Government, upon suspicion, of course violates every constitutional right in this country as to a man's not being liable to be deprived of his life or of his liberty or of his property without due process of law. Because this country is at war, the Constitution is not suspended, nor are the constitutional guarantees suspended, and we have not yet been turned over to the military authority in this country, Mr. President.

Mr. LODGE. Mr. President—

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

Mr. BRANDEGEE. I yield to the Senator.

Mr. LODGE. I just want to ask the Senator a question. I agree with him entirely that we want to know the facts and the law before we either praise or condemn; but it seems to me it is very important that we should know who ordered the troops of the United States and the sailors of the United States to take part in a proceeding of this magnitude, because the control of the Army and the Navy is a very serious matter. Provost Marshal General Crowder denies any association with it. The Department of Justice had nothing to do with it. Who is ordering our soldiers and sailors to do this particular work?

I am not denying the right; I only want to find out who is responsible, and who gave the order. Does it not seem to the Senator that that is a good point to reach?

Mr. BRANDEGEE. Oh, yes, Mr. President. In a matter that may develop as a very grave matter, such as this may, it would be a very uninspiring example to set before the country of the competence of the United States Senate if we should go off half-cocked and take action upon a subject merely on the basis of a newspaper report and the statement of a Senator as to what he saw, without knowing anything about whether it is authorized in the law or not. Therefore the Senator from Massachusetts and I are in entire accord that we should find out who ordered these soldiers and sailors to participate in this transaction that occurred in New York, and who ordered Mr. De Woody to do what he did in connection with the matter. I have no doubt that to-morrow we will be in possession of information from the various departments of the Government which will give us the facts in this matter.

Mr. FALL. Mr. President—

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

Mr. BRANDEGEE. Certainly.

Mr. FALL. The Senator has said that he had not the draft act before him at this time. Section 5 of the draft act provides:

Every such person—

That is, those between 21 and 31—

shall be deemed to have notice of the requirements of this act upon the publication of said proclamation or other notice as aforesaid given by the President or by his direction; and any person who shall willfully fail or refuse to present himself for registration or to submit thereto as herein provided shall be guilty of a misdemeanor, and shall, upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than one year, and shall thereupon be duly registered.

Mr. BRANDEGEE. Yes. That, of course, contemplates the registration of these draftees, or eligible draftees, and their punishment for not registering, and that is all conducted under the civil authority.

Mr. FALL. Mr. President, after they are registered they are subject to call, and then become liable to military duty; but they are classified into different classes, so that of the total of something like 9,600,000 who registered under the first draft there were something like 3,000,000 who became subject to military law. The others, unless they were called, classified in class 1, and notified to report at a certain time, were not under military law and subject to military authority. Up to that time, of course, they were subject to the civil authority and civil tribunals.

Mr. BRANDEGEE. Yes; I understand perfectly. Now, I am not criticizing any department of the Government for arresting a man who was subject to the military authority of the Government without any action of the Department of Justice or any participation whatever of the civil authorities. If he is subject to military discipline and is slacking, he should be treated almost like a deserter. He should be arrested by the military arm of the Government, to whose orders he is subject. I am talking about the military arm of the Government or the civil arm of the Government, either, conducting an indiscriminate dragnet and arresting 40,000 people, without knowing whether they are subject to the military authority of the Government or not, on suspicion, and then picking out and releasing those that it could not prove are slackers and retaining those that it can prove are slackers.

Mr. FALL. I am in thorough agreement with the Senator, except that I go further. In my judgment the secret-service officers of any department—the Department of Justice, for example—would have no right to round up 20,000 or 30,000 or 10,000 or 5,000 men upon the supposition that there might be among that number two or three or a dozen or a thousand men who were liable to military service and who were slackers or who were seeking to evade such military service. Of course I am not there making a technical distinction between liability to military service and being within the military service. When a man is in the military service he is subject to arrest by the

provost guard; but when a man is liable to military service he is yet protected by the Constitution of the United States and the civil laws and the courts.

Mr. KIRBY obtained the floor.

Mr. KELLOGG. Mr. President, will the Senator permit a vote on the joint resolution before he begins his remarks?

Mr. KIRBY. I yield for that purpose.

Mr. BRANDEGEE. Mr. President, I desire to ask the Senator from Minnesota a question. As I remember, in the previous joint resolution upon a kindred subject, the zones which the President was authorized to establish in the proximity of military posts both of the Army and of the Navy were limited in extent to a distance of 5 miles from the military post.

Mr. KELLOGG. I am not sure about that.

Mr. BRANDEGEE. I am not sure about it, but I say it is my impression. At any rate, whatever the fact may be as to that, I notice that the joint resolution as offered by the Senator authorizes the President to establish such zones around coal mines, shipbuilding plants, and other plants engaged in war-supply activity as in his discretion may be necessary. Now, I simply suggest to the Senator that while, of course, I do not assume that the Executive would do it, under that joint resolution the President of the United States, if he wanted to, could establish zones of such size as to put the whole country, by Executive order, on a bone-dry basis.

Mr. KELLOGG. I will say to the Senator that I have simply followed the exact language which the Senate considered and adopted at a previous time.

Mr. BRANDEGEE. It is not law now, is it?

Mr. KELLOGG. No; it is not law, but it has passed the Senate.

Mr. BRANDEGEE. I am willing and anxious to give the President authority to establish a dry zone in the neighborhood of any industry that is producing war materials or in any way aiding the war—I do not care if it is 10 miles or 15 miles—but to say that the President can make it of such extent as he thinks necessary might include the whole State, and I do not think that is called for. I wondered if the Senator could not modify his joint resolution so as to say that “the boundaries of said zone shall not be more than 10 miles distant from the industry to be protected,” or some such clause as that, which would not give the President absolute authority.

Mr. KELLOGG. It is very difficult to say how much of a zone there should be. Take Fort Snelling, which is a little more than 10 miles from some parts of two large cities near it. Take Fort Sheridan, in Chicago. It is more than 10 miles from the south part of the city of Chicago. I do not think the President is liable to abuse this power by placing large zones, like whole States, in the prohibited district; and it is very difficult to draw a line exactly where that zone ought to end. The 5-mile zone has proven to be ineffective, because it is not large enough to prevent the sale of liquor in the camps.

Mr. BRANDEGEE. Of course, I do not know how large such a zone ought to be, Mr. President. I do not know how far a man would travel to get a drink if he was thirsty enough; but it can not be that it is difficult to name some distance in excess of which the President is not authorized to go.

For instance, if there is a city within 20 miles of some place engaged in shipbuilding, and the city is not a prohibition city, or if it is 25 or 30 miles away, does the Senator want the whole city, irrespective of the action of its own people, if it has the local license system, to be subject to the possibility that the President may at any time establish prohibition in that city?

Mr. KELLOGG. No; I do not; and I do not think there is any danger of that being done.

Mr. BRANDEGEE. Ah! There we come again to putting in the executive branch of the Government all authority, on the theory that they will exercise only a part of it. Mr. President, I do not like this kind of legislation that continually turns over to the executive branch of the Government these powers, subject to their unrestricted discretion, while we afterwards say among ourselves that we have given the power to the executive branch of the Government.

Mr. JONES of Washington. Will the Senator permit me?

Mr. BRANDEGEE. I yield.

Mr. JONES of Washington. I have the draft act under which the President has authority to make zones around military camps. It reads:

That the President of the United States, as Commander in Chief of the Army, is authorized to make such regulations governing the prohibition of alcoholic liquors in or near military camps, and to the officers and enlisted men of the Army, as he may from time to time deem necessary or advisable.

We passed, I think, a provision in the Senate for a 5-mile limit, but in conference the language came out, and what I have

just read was agreed upon. Then in section 13, in reference to vice zones, and so forth, we leave it entirely to the discretion of the President. This language follows very much the language of those sections.

Mr. BRANDEGEE. No, if the Senator will pardon me, not in my opinion. The statute the Senator reads succeeded a proposition already passed the Senate to limit the zone to 5 miles. The statute the Senator quotes from still has some words of partial limitation at least, because it says about or near the place; but the language used by the Senator from Minnesota is only such zone as the President may in his discretion establish.

Mr. JONES of Washington. That is true with reference to the liquor proposition, but here is a sentence from section 13:

That the Secretary of War is hereby authorized, empowered, and directed during the present war to do everything by him deemed necessary to suppress and prevent the keeping or setting up of houses of ill fame, etc., within such distance as he may deem needful of any military camp, station, etc.

Mr. BRANDEGEE. I do not doubt the Senator could find an analogy for this sort of legislation, but if it is unwise legislation subject to the criticism I make upon it it is no answer to that criticism to say that we have been unwise in the past.

Mr. JONES of Washington. The Senator suggested that it should be made to conform along the lines of previous legislation, and it does conform to the law we passed.

Mr. BRANDEGEE. Not quite.

Mr. LENROOT. I call attention to the fact that the language of the pending resolution is that zones may be established about these places. The language is the same as the language in the previous act.

Mr. BRANDEGEE. What importance does the Senator attach to the word "about."

Mr. LENROOT. It means that it must be beyond the shipyards or plants. It would be impossible for the President to make a State dry under the authority to establish a zone about a certain place.

Mr. BRANDEGEE. "About" means all around, in my opinion, and does not circumscribe the length of the diameter at all. I may be mistaken, however.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendments of the Senate to the concurrent resolution of the House (H. Con. Res. 51) providing for the printing of a certain number of copies of H. R. 12863, entitled "A bill to provide revenue, and for other purposes."

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

S. 534. An act authorizing the State of Montana to select other lands in lieu of lands in section 16, township 2 north, range 30 east, within the limits of the Huntley irrigation project and the ceded portion of Crow Indian Reservation in said State;

S. 936. An act to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes;

S. 4597. An act extending the time for the construction of a bridge across the Monongahela River at or near the city of Fairmont, W. Va.; and

H. J. Res. 325. Joint resolution amending section 8 of the amendment to the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917.

WOMAN SUFFRAGE.

Mr. BORAH. Mr. President, I ask leave, out of order, to introduce a petition to be referred to the Committee on Woman Suffrage, the petition of a committee signed by Mrs. H. R. Allen, chairman, and Ethel A. Wragg, secretary. It is addressed to the President of the United States, the Vice President, and Senator MARTIN, and Senator GALLINGER—it was adopted before Senator GALLINGER's death—and to the two Senators from Idaho, my colleague and myself, praying for the immediate voting upon and passage of the amendment to the National Constitution providing for woman suffrage. I move that it be referred to the Committee on Woman Suffrage, of which the Senator from New Mexico [Mr. JONES] is chairman. The motion was agreed to.

MINERALS AND METALS FOR WAR PURPOSES.

Mr. HENDERSON, from the Committee on Mines and Mining, to which was referred the bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply, reported it with an amendment and submitted a report (No. 558) thereon.

BILL INTRODUCED.

Mr. HALE introduced a bill (S. 4913) granting an increase of pension to Ellen L. Goodwin, which was read twice by its title and, with accompanying papers, referred to the Committee on Pensions.

ARREST OF ALLEGED SLACKERS.

Mr. KIRBY. Mr. President, I have listened to the discussion this morning about a matter not really before the Senate with great interest. The arbitrary use of power and its abuse is always to be deprecated. But, Mr. President, the enforcement of the draft law and the organization of an army necessarily must be done with dispatch and in a more or less summary way, and the discovery and apprehension of those who would violate the draft law and evade it and escape military duty must be proceeded with in that way, in my opinion.

I do not think there is any need for the United States Senate to become unduly excited because the editor of the New York World has thrown a fit about the particular manner of the enforcement of the draft law for apprehending slackers in New York. The editor of the New York World represents probably the policy of a great paper, but the New York World does not control the destinies of the world, nor of the United States, nor of the State of New York, nor even of the city of New York, and until a Senator comes upon this floor and complains with a resolution introduced for an investigation of the conduct it seems to me that it is beyond our province to consider the matter at all or waste the time of the Senate about it. I did not expect to take any time upon it and would not do so except for the observations that have been made by some other Senators.

The New York World and other newspapers of the country have frequently furnished more flagrant examples of the unwarranted exercise of power and abuse of privilege, in a more harsh and unjust manner in many instances, against public officials in vilification and abuse of them because their official conduct did not square with the correspondents' or editors' idea of what their conduct should have been than is shown in the action of the authorities in New York in the apprehension of slackers and violators of the draft law.

So far as I am concerned, we have determined on the military policy of this country. We have determined the method of raising an army, and all the power of the Nation is behind that determination to organize the Army as it ought to be organized, summarily when necessary, and without especial regard to the wishes of those who would violate the law, who are slackers and who have been trying to evade service.

If in the necessary enforcement of this law in a summary way some individuals are inconvenienced or individual rights are infringed or invaded more or less, they must put up with that rather than that the law shall not be enforced.

It must be remembered that we have quite recently changed the law to take two out of three boys of all between 18 and 21 years of age in the draft for Army service, notwithstanding 1,000,000 below the age of 21 had already volunteered, and every time the one man of the hundreds of thousands of slackers in the first draft age escapes it requires one more man from below the first draft age of the boys who were unable to convince Congress of the reason or necessity for their exclusion from the last draft to take his place.

I do not know whether Gen. Crowder's department is responsible for the action complained of or not, and I do not care. I do not care whether the Department of Justice is responsible for it or not; but there must be a procedure to determine this matter, to discover the people who are slackers, and to put them into the Army where they belong. There evidently is authority behind this movement to do it. I do not think it should be exercised in an arbitrary way; I do not think authority ought to be abused; but I say to the Senate there is no need to worry about the condition that is said to exist yonder in the State of New York at this time. Let the slackers be rounded up, and if other people must suffer some slight inconvenience let it be remembered that it is for the general good. Let the Army be organized and the slackers apprehended effectively, with whatever haste and dispatch is necessary to accomplish the desired result.

Mr. SMOOT. Mr. President, there seems to be very little information upon this matter of a definite character. Therefore I offer the following resolution and ask for its immediate consideration, with the hope that we can get information upon which we can rely.

The PRESIDING OFFICER. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 297), as follows:

Whereas the daily papers have reported the seizure for examination or arrest and temporary incarceration of many thousand citizens, particularly in the State of New York; and
Whereas such reports indicate that in the so-called "round-up" sailors and soldiers in the uniform of the United States participated: Therefore be it

Resolved, That the Committee on Military Affairs be directed immediately to investigate and report upon such alleged occurrences and as to who was or is responsible, if anyone, for the presence of such sailors and soldiers, or either, in such so-called "round-up," or arrest, and who, if anyone, issued orders, if any, resulting in the presence of such soldiers and sailors and their participation in the said occurrences, if they were so present and did so participate.

Mr. KIRBY. Mr. President, I suggest that the matter go to the proper committee.

Mr. SMOOT. Does the Senator object to having this information?

Mr. KIRBY. No; but let the resolution go to the committee.

Mr. SMOOT. If the Senator objects to its present consideration, it can go over until the next day, and then let the Senate decide what it wants to do with the resolution under the rule.

The PRESIDING OFFICER. Is there objection?

Mr. KIRBY. I object.

Mr. SMOOT. The Senator has that right.

The PRESIDING OFFICER. The resolution goes over.

STIMULATION OF AGRICULTURE.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 11945) to enable the Secretary of Agriculture to carry out, during the fiscal year ending June 30, 1919, the purposes of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products."

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Utah [Mr. KING].

Mr. FALL. I should like to have the amendment reported, so that we may know upon what we are to vote.

Mr. KING. It is to strike out paragraph 3.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. It is proposed to strike out beginning at line 4, line 23, paragraph 3, "for the prevention, control, and eradication of insects and plant diseases injurious to agriculture."

Mr. KING. It was read yesterday. It is paragraph 3.

Mr. FALL. One item of that section I know has already been stricken out.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Gulon	McKellar	Sherman
Bankhead	Hale	McNary	Smith, Ariz.
Benet	Henderson	Martin	Smith, S. C.
Borah	Johnson, Cal.	Nelson	Smoot
Brandeggee	Jones, N. Mex.	New	Sterling
Calder	Jones, Wash.	Norris	Sutherland
Chamberlain	Kendrick	Nugent	Thomas
Cummins	Kenyon	Overman	Townsend
Curtis	King	Penrose	Trammell
Dillingham	Kirby	Phelan	Watson
Fall	Knox	Polindexter	Wildely
Fletcher	Lenroot	Pomerene	
France	Lodge	Shafroth	
Gore	McCumber	Sheppard	

Mr. McKELLAR. I wish to announce the unavoidable absence of my colleague [Mr. SHIELDS] on important business, and to let this announcement stand for the day.

Mr. TOWNSEND. I announce the absence of my colleague [Mr. SMITH of Michigan]. He is paired with the senior Senator from Missouri [Mr. REED]. I wish this announcement to stand for the day.

Mr. BANKHEAD. My colleague [Mr. UNDERWOOD] is necessarily absent from the Chamber.

Mr. OVERMAN. I desire to state that my colleague [Mr. SIMMONS] is absent on official business.

Mr. KIRBY. I desire to announce that the senior Senator from Louisiana [Mr. RANSDELL], the junior Senator from Louisiana [Mr. GULON], and the Senator from Mississippi [Mr. VARDAMAN] are detained on official business.

The PRESIDING OFFICER. Fifty-three Senators having answered to their names, there is a quorum present. The question is on the adoption of the amendment of the Senator from Utah to strike out a certain portion of the bill, beginning on page 4, line 23.

Mr. POMERENE. I ask that the amendment be stated.

The SECRETARY. Beginning on page 4, line 23, it is proposed to strike out the third paragraph, in the following words:

Third, for the prevention, control, and eradication of insects and plant diseases injurious to agriculture, and the conservation and utilization of plant products, for the following-stated purposes and in amounts as follows: Cereal-smut eradication, \$50,000; peanut conservation and utilization, \$15,000; control of cotton, truck, and forage-crop diseases, \$117,550; farm storage of sweet potatoes, \$30,000; location of Irish-potato seed stock, \$7,500; plant-disease survey, \$23,000; castor-bean production and utilization, \$20,000; maintenance of field-bean seed supply, \$10,000; production of cereals and grain sorghums, \$53,250; sugar-beet nematode work, \$10,000; pathological inspection of fruits during processes of marketing, \$18,000; control of a new sugar-cane disease, \$20,000; production of rice, \$5,000; control of cereal and forage insects, \$55,000; control of stored-product insects, \$22,000; control of vegetable and truck-crop insects, \$35,000; control of sweet-potato weevil, \$30,000; control of deciduous-fruit insects, \$45,000; control of citrus-fruit insects, \$10,000; control of insects injurious to live stock, \$20,000; control of rice insects, \$3,000; control of sugar-cane insects, \$9,000; general supervision of emergency insect-control work, \$3,000; prevention of plant-dust explosions and fires, \$75,000; fruit and vegetable utilization, \$35,000; in all, \$721,300.

Mr. FLETCHER. Mr. President, I am ready to vote on the amendment and not take up any further time in discussing it. I think if there is anything in the bill that is worth while at all it is this matter that is proposed to be stricken out. It looks to me as though it covers some of the most important subjects that we can deal with in a bill of this kind. The items have been recommended by the Department of Agriculture; they are not merely suggested by chiefs of bureaus or clerks or anything of that sort, as some Senators would seem to think. They come here recommended by the Department of Agriculture in furtherance of this matter of taking care of the whole subject of the production of food. I think they are items that ought to stay in the bill if any are to be retained.

Mr. KING. There are only about \$10,000,000 in the bill to cover the same items. I simply ask for a vote.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Utah [Mr. KING].

On a division, the amendment was agreed to.

Mr. JONES of Washington. I give notice that I shall ask for a separate vote upon this amendment when the bill reaches the Senate.

Mr. GORE. Mr. President, I send to the desk an amendment which I desire to have read and offer to the pending bill.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Insert a new section in the bill as follows:

Sec. —. That it shall be unlawful, except as herein otherwise provided, for any person, firm, or corporation knowingly to ship, offer for shipment, or transport in commerce among the several States or for commerce with foreign countries any concentrated commercial feeding stuffs containing any damaged feed, mill, elevator, or other sweepings or dust, buckwheat hulls, cottonseed hulls, peanut hulls, peanut shells, rice hulls, oat hulls, corn-cobs ground, cocoa shells, clipped oat by-product, ground or unground hulls, screenings, chaff, or other cleanings derived from the preparation, cleaning, or milling of any seed or grain when separated from the standard product as an offal or by-product, or such preparation, cleaning, or milling, humus, peat, sphagnum moss, ivory-nut turnings, ground cornstalks, flax-plant refuse, sorghum pulp, ground or shredded straw or hay, sawdust, cellulose, or dirt, or any other foreign material.

The Secretary of Agriculture is authorized to issue a written permit for the shipment of concentrated commercial feeding stuffs containing a mixture of foreign material which in his judgment is inseparable from such prepared feeds, or which does not detract materially from its feeding value: *Provided*, That such feeding stuffs in packages be so labeled as to show to purchasers and users thereof specifically the percentage of each ingredient entering into the composition of same; or if such feed stuffs are shipped in bulk in carload lots, then the bill of lading and the bill from manufacturer to purchaser of same shall both show such analysis. The agency distributing to users of such feeds in less than carload lots shall deliver to the purchaser of each lot regardless of quantity sold a bill showing cost and a correct analysis of such feeding stuffs.

Any person or corporation who shall be convicted for violating the provisions of this section shall be liable to pay a fine of not less than \$500 and not more than \$5,000; or, in case of a natural person, to be imprisoned for a period not exceeding one year, in the discretion of the court, or by both such fine and imprisonment.

The Secretary of Agriculture, with the approval of the Director General of Transportation, is authorized to prescribe suitable rules and regulations for carrying into effect the provisions of this section.

Mr. SMOOT. Mr. President, I am fearful that if this amendment is adopted the requirements will be such that it will enhance the price of all cattle food that may be purchased in the United States. The requirements, if the amendment is enforced, upon the low-grade products that are fed usually by cattlemen will be such that they will almost double the price.

Mr. GORE. Has the Senator a printed copy of the amendment?

Mr. SMOOT. No; I have not seen a printed copy, I will say to the Senator, but I have it merely as the amendment was read from the desk.

Mr. GORE. I was going to suggest that the proviso in the second paragraph is designed to meet the objection which the Senator urges, and I think it does meet it.

Mr. SMOOT. I should like to have that part of the amendment read.

Mr. POMERENE. Before that is done may I ask the Senator in charge of the bill, who has offered the amendment, a question? Does not the Secretary of Agriculture now, under the pure-food law, have full power to adopt these regulations? I have not examined that statute for a long time, but—

Mr. GORE. I think probably the Senator is correct about that; but this abuse is going on in the country. It is unchecked. It has grown greatly in extent and in seriousness during the last year and a half, particularly since the mills have been placed under rules and regulations. I am informed that now the mills do not sell, as a rule, their by-products to farmers for feeding purposes, but that they pass through these concentration processes, which are dominated by a very small interest in the country, dominated by the packing-house people, and the farmers are subjected to great inconvenience. I have here a letter, which I will have read with the consent of the Senator from Utah.

Mr. SMOOT. Certainly.

Mr. GORE. It is a letter from the Bureau of Farms and Markets of the State of New York, and I may say that the enumeration contained in this amendment of these foreign substances was a resolution recommended by that organization.

The PRESIDING OFFICER. Without objection, the Secretary will read.

Mr. POMERENE. Before that is done, so that we may have the full benefit of it, I recognize the fact that this may be referring to a prevalent evil; but it does seem to me that before we frame up a criminal statute we ought to know whether it is going to conflict with any legitimate industry properly conducted.

Mr. GORE. If the Senator will scrutinize the amendment, I do not think that is possible. It makes it unlawful, except as herein otherwise provided, to ship in interstate or foreign commerce concentrated feeding stuffs that contain certain admixtures that have no concentrated feeding value. It then provides that the Secretary of Agriculture may issue a written permit for the interstate shipment of feedstuffs which contain foreign matter that is inseparable, as some of it would be, or which contain foreign matter that does not detract materially from the feeding value of the stuffs.

Mr. POMERENE. But assuming that that is so, if the Agricultural Department have plenary power to deal with this subject, and they have there the benefit of expert knowledge upon the subject, I believe at the present time we ought to leave it to rest where it is.

Mr. McCUMBER. Mr. President, if the Senator will allow me, I think both Senators will agree that the Agricultural Department now has authority to prevent any adulteration in anything that is sent out for food for man or beast; and if there is as a part of the ingredient of any food entering into interstate commerce which has no food value, of course, it is an adulterant and can be dealt with under the present law.

But there is another matter in this amendment, and that is that this must be, I will not say absolutely, but free from dust.

Mr. SMOOT. And dirt.

Mr. McCUMBER. Cattle and hogs eat a great deal of dirt in a year. I do not know to what extent that would be enforced. Then there is a lot of foreign stuff, such as in wild buckwheat, that might not have any great value, and yet it might not be detrimental, and it might be impossible to get it out of this compound.

Mr. GORE. The Senator is evidently looking at the printed copy. There is a proviso in the amendment which I have just offered which meets that situation. Of course, it would not be possible to separate all foreign substances from feeding stuffs.

Mr. SMOOT. Does the Senator mean that in the amendment he has just offered the proviso in the second paragraph obviates the objections raised by the Senator from Ohio [Mr. POMERENE] and the Senator from North Dakota [Mr. McCUMBER]?

Mr. GORE. In the first part of the paragraph down to the proviso.

Mr. SMOOT. I will read it to the Senator.

Mr. GORE. Very well.

Mr. SMOOT. It reads as follows:

The Secretary of Agriculture is authorized to issue a written permit for the shipment of concentrated commercial feeding stuffs containing a mixture of foreign material which, in his judgment, is inseparable from such prepared feeds, or which does not detract materially from its feeding value.

Then the proviso reads:

Provided, That such feeding stuffs in packages be so labeled as to show to purchasers and users thereof specifically the percentage of each ingredient entering into the composition of same; or if such feedstuffs are shipped in bulk in carload lots, then the bill of lading and the bill from manufacturer to purchaser of same shall both show such analysis.

I desire to call attention to one thing which comes to my mind at this instant. There is an alfalfa mixture compounded with beet molasses, which is not put up in packages, and is mostly sold in less than carload lots. There is no provision in this proviso that takes care of a case like that, though it does provide for packages and for feeds in carload lots.

Mr. GORE. Of course, that omission ought to be remedied.

Mr. POMERENE. Mr. President, it does seem to me that we ought not to pass a measure of this kind unless we find, in the first place, that it is really necessary in order to meet an evil; and, in the second place, we can be assured that it is not going to conflict with regulations which the Agricultural Department, after a very careful study, may have adopted. If the evil prevails that seems to be indicated by these resolutions, I think we should address the matter to the Agricultural Department and let them adopt additional regulations, if any be necessary.

Mr. GORE. Mr. President, I rather agree with the Senator from Ohio that the existing law confers sufficient authority to meet the objects proposed by this amendment. Notwithstanding, however, that authority exists, this evil prevails; the existing law as it is administered has not eradicated the evil. The truth is the evil has been running rampant for the last year and a half, and it is becoming universal. It is becoming a most serious menace to the farmers and a burden upon them.

The proposal of this amendment is to prohibit the interstate shipment of feed containing these various adulterants. I may say that the enumeration of the adulterants which have actually been found by the director of the experiment station in New York in feedstuffs offered for sale and which are sold to the farmers of that State is an amazing one. I have here an analysis of these various ingredients. I shall not cumber the Record or tax the Senate's patience with it, because I can not understand it and I assume the Senate could not.

Mr. McCUMBER. I desire to ask the Senator from Oklahoma what would be gained in effectiveness by duplicating the authority to deal with this subject?

Mr. GORE. Mr. President, the existing law seems to require affirmative action upon the part of the Agricultural Department to interdict and to stop this evil. This proposed law takes affirmative action and penalizes the act, and requires affirmative action by the Secretary of Agriculture to except out of the operation of the law the transmission of feed stuffs containing foreign matter that is inseparable or that is not seriously deleterious.

Mr. POMERENE. Is the Senator from Oklahoma prepared to say that the present regulations of the Agricultural Department, which may have been adopted in pursuance of delegated authority, are not sufficient to meet this evil?

Mr. GORE. I do say that complaints have come to me that the evil not only exists but that the evil is growing. I have here an abundance of testimony upon the subject. The famous wheat report of the New York State Legislature goes into the matter in detail. I have here extracts from the testimony, and I should like to have the letter at the desk read at this juncture. This is not a new thing; it not only exists, but is increasing in aggravation and seriousness.

The PRESIDING OFFICER (Mr. McKellar in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

ALBANY, August 31, 1918.

Hon. THOMAS P. GORE,
United States Senate, Washington, D. C.

DEAR SIR: I understand you offered an amendment to the Agricultural bill, now pending, which is practically the same as the order of the New York State Food Commission, in relation to the adulteration of compounded stock feeds.

I want to thank you for having taken this course, as I believe it is right and just. I thought perhaps it would be possible to have a delegation in Washington at the hearing next Tuesday. However, it being primary day, it will not be possible to get the men I hoped to have appear.

I am sending you herewith the list of samples which were taken by the food commission of this State, showing the ingredients found by the chemist. There were also samples found which had not yet been mixed,

which consisted of fanningmill tailings, composed principally of thistle heads, straw joints, light oats and barley, and chaff. This material was ground into fine state and mixed into feeds.

I certainly hope you will be able to procure the passage of the amendment.

Very truly, yours,

C. R. WHITE.

Director Bureau of Cooperative Associations.

Approved:

EUGENE H. PORTER.

Commissioner of Foods and Markets.

Mr. GORE. Mr. President, I ask to have printed in the RECORD, without reading, the resolutions of the New York Food Commission, upon which this amendment was passed.

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

The resolutions referred to are as follows:

Whereas the field of concentrated commercial feeding stuffs has been invaded with compounded and sugar-coated molasses feeds containing a large percentage of fiber, foreign and inner matter containing no food value, and the disappearance from the market of the United States of straight grain feeds known to the dairymen, we would recommend for your consideration the following rules and regulations concerning the material and ingredients contained in these feeds and would recommend that a copy of this resolution be mailed the Commissioner of Agriculture of the United States, the Hon. Herbert Hoover, Food Administrator of the United States, and the chairmen of the Senate and House Committees on Agriculture of the United States for their earnest consideration.

1. The use of any one or more of the following materials or ingredients in concentrated commercial feeding stuffs is declared to be an adulteration and the following materials or ingredients are declared to be adulterants:

Damaged feed.
Mill, elevator, or other sweepings or dust.
Buckwheat hulls.
Cottonseed hulls.
Peanut hulls.
Peanut shells.
Rice hulls.
Oat hulls.
Corn cobs, ground.
Cocoa shells.
Clipped oat by-product.
Ground or unground hulls, screenings, chaff, or other cleanings derived from the preparation, cleaning, or milling of any seed or grain, when separated from the standard product, as an offal or by-product of such preparation, cleaning, or milling.
Humus.
Peat.
Spagnum moss.
Ivory nut turnings.
Ground cornstalks.
Flax-plant refuse.
Sorghum pulp.
Ground or shredded straw or hay.
Sawdust, cellulose, or dirt.

2. Concentrated commercial feeding stuffs adulterated by the addition of one or more of the materials enumerated in Rule 1, or any ingredient other than grain or a grain product, or any other adulterant, shall, when offered for sale in packages or containers in any State, be tagged or labeled, each package or container to have printed on it or attached to it a label or tag on which is plainly printed in addition to and in like form to the statement now required by law, the list of ingredients of such concentrated commercial feeding stuff, the number of pounds of each ingredient per unit; provided that the statement may be in terms of maximum and minimum content of each ingredient, the variation between such maximum and minimum to be not to exceed 15 per cent of the minimum as stated. If one or more of the ingredients of a concentrated commercial feeding stuff is a concentrated commercial feeding stuff, such ingredient or ingredients shall be subject to the same provisions and shall be separately stated.

3. In each and every case of a bulk sale in any State of a concentrated commercial feeding stuff adulterated by the addition of one or more of the ingredients enumerated in rule 1, or by any ingredient other than grain or a grain product, or by any other adulterant, there shall be delivered to the purchaser at the time of the sale a printed paper containing the information relative to the formula of such feed as specified in Rule 2.

4. In each and every case of a sale in any State in a package or container of a concentrated commercial feeding stuff adulterated by the use of any one of the ingredients enumerated in rule 1, or by any ingredient other than a grain or grain product, or by any other adulterant, so that the maximum crude fiber content of such concentrated commercial feeding stuff is 10 per cent or more or the minimum crude protein content of such concentrated commercial feeding stuff is 9 per cent or less, the statement provided for in rule 2 shall be printed on a black tag in white letters; and in each and every case of such a sale in bulk the statement provided for in rule 2 shall be printed on black paper in white letters; in all cases such letters to be in plain readable type of a size not less than 10 point, printer's measure.

5. Any retailer in any State who shall mix a concentrated commercial feeding stuff to a customer's order shall, when selling or offering the same for sale either in packages, containers, or in bulk, furnish the purchaser at the time of delivery of the same with a tag or printed or written statement of the ingredients used and the amount of each.

Mr. GORE. The resolution contains the enumeration referred to, including many foreign materials of which I had never previously heard mention made. I say it is a growing evil, because during the last year and a half, or since the mills have been under governmental control, they are not selling feedstuff, such as brans and shorts, to the farmer, but these commodities go through manufacturing concerns and are then sold to the farmers. The farmer can not buy them and mix his feed as he formerly did. This information has been brought to me; I can not vouch for it otherwise. The farmers can do it as well as can these manufacturing concerns, but they can not get the ingredients

and so are obliged to buy this stuff. It is adulterated with various crude fibers and foreign materials that have absolutely no value whatever. The farmers are obliged to pay the freight, and they are obliged to pay the concentrated prices for this worthless trash.

I can see no reason why the interstate shipment of fraudulent feedstuff should not be interdicted by law. I realize that the Secretary of Agriculture must be vested with authority, that somebody must be given discretion to permit of the shipment of stuff containing admixtures that do not measurably detract from the feeding value of the substances; but there is no reason why this process should go forward without arrest and without hindrance. I ask to have printed, without reading, an analysis of various samples by the New York experiment station; I repeat that I can not myself understand it, and I doubt if anybody else can who has no technical knowledge on the subject. It seems to me with the provision that the Secretary of Agriculture can give written authority for the interstate shipment of these materials no injury can result.

The PRESIDING OFFICER. Without objection, the matter referred to by the Senator from Oklahoma will be printed in the RECORD.

The matter referred to is as follows:

INFERIOR INGREDIENTS PRESENT.

- P 112. Clipped-oat by-product, ground grain screenings.
- P 113. Oat hulls, corn screenings.
- P 115. Clipped-oat by-product, ground grain screenings.
- P 136. Cottonseed hulls (cottonseed feed).
- P 143. Clipped-oat by-product, ground grain screenings, cocoa shells.
- P 298. Clipped-oat by-products, grain screenings.
- P 299. Palmo meal (principally peanut hulls and palm oil).
- P 300. Grain screenings, oat hulls.
- P 301. Oat hulls, grain screenings.
- P 302. Peanut-shell meal, corn and oat screenings, and blowings.
- P 313. Clipped-oat by-product.
- P 315. Palmo meal (principally peanut hulls and palm oil).
- P 321. Oat hulls, grain screenings.
- P 332. Grain screenings.
- P 343. Cocoa-shell meal (small amount).
- P 345. Ground grain screenings.
- P 346. Palmo meal (principally peanut hulls and palm oil).
- P 626. Oat hulls.
- P 776. Oat hulls.
- P 814. Peat or humus (small amount).
- P 818. Oat hulls.
- P 823. Oat hulls.
- P 826. Oat hulls.
- P 855. Oat hulls.
- P 859. Oat hulls.
- P 863. Oat hulls, cottonseed hulls.
- P 887. Clipped-oat by-products, cocoa-shell meal, ground grain screenings.
- P 888. Clipped-oat by-product, ground grain screenings.
- P 895. Cottonseed hulls (cottonseed feed).
- P 969. Cottonseed hulls (cottonseed feed).
- P 972. Oat hulls.
- P 992. Oat hulls.
- P 997. Oat hulls, clipped-oat by-products, ground grain screenings.
- P 999. Clipped-oat by-product, ground grain screenings.
- O 1085. Oat hulls.
- O 1089. Corn screenings, oat hulls.
- O 1094. Clipped-oat by-product.
- O 1095. Oat hulls.
- O 1097. Oat hulls.
- O 1098. Oat hulls.
- O 1100. Oat hulls.
- P 1006. Oat hulls.
- P 1130. Clipped-oat by-product, ground grain screenings.
- P 1137. Barley hulls (barley feed).
- P 1149. Cottonseed hulls (cottonseed meal).
- P 1354. Oat hulls.
- O 1354. Cocoa-shell meal, charcoal, calcium carbonate.
- O 1358. Oat hulls.
- O 1365. Oat hulls.
- O 1366. Oat hulls.
- O 1370. Barley hulls and screenings (sold as barley bran).
- O 1372. Ground and bolted grain screenings, 23 per cent peat.
- O 1373. Clipped-oat by-product, ground grain screenings, cocoa-shell meal.
- O 1374. Clipped-oat by-product, ground and bolted grains (cocoa shell not guaranteed).
- P 1605. Peat or humus (small amount).
- P 1606. Peat or humus (small amount).
- P 1611. Cottonseed hulls (cottonseed feed).
- P 1619. Peat or humus (small amount).
- P 1627. Barley hulls (barley feed).
- P 1638. Clipped-oat by-product, ground grain screenings (peanut meal and hulls not guaranteed).
- P 1643. Barley hulls (barley by-products from manufacture of pearl barley).
- P 1644. Clipped-oat by-product, ground grain screenings (cocoa shells not guaranteed).
- P 1645. Clipped-oat by-product, ground grain screenings (cocoa shells not guaranteed).
- P 1659. Clipped-oat by-product.
- P 1702. Oat hulls.
- P 1707. Clipped-oat by-product, ground grain screenings.
- P 1723. Clipped-oat by-product, ground and bolted grain screenings (cocoa shells not guaranteed).
- O 2054. Buckwheat hulls (buckwheat feed).
- O 2057. Oat hulls.
- O 2058. Barley hulls, barley feed.
- O 2059. Clipped-oat by-product, ground grain screenings.
- O 2062. Clipped-oat by-product, ground grain screenings, cocoa-shell meal.

Mr. GORE. Mr. President, upon the suggestion of the Senator from Utah [Mr. Smoot] I will perfect my amendment by adding the words "or bales" after the word "packages."

The PRESIDING OFFICER. The Senator from Oklahoma has a right to perfect his own amendment, and it will be perfected in the manner he suggests.

Mr. McCUMBER. Mr. President, I desire to say just one word on this matter before voting upon it. I think I shall vote in favor of the amendment, although under the present law an adulteration of any food article entering into interstate commerce is penalized and the Secretary of Agriculture not only has the authority to compel every manufacturer to file with him a statement of the ingredients constituting anything he may manufacture, but he also has authority, acting in conjunction with the Department of Justice, to have any carload lot or any packaged seized, condemned, and confiscated if it is adulterated in any manner.

I am a little afraid that possibly the restrictions proposed in this amendment go so far that it will be dangerous; but I shall not vote against the amendment, hoping and expecting that the Senator will be able to derive some benefit that is not already derivable through the present pure-food act.

Mr. TOWNSEND. Mr. President, I do not know whether or not this amendment will accomplish any good, but I have a great deal of sympathy with the idea which the Senator from Oklahoma [Mr. Gore] has in calling the attention of Congress to the great evil of adulteration which already exists. It is a notorious fact that everything which we buy in the shape of food for man or beast is very expensive. Such articles are expensive largely on the theory that there is a demand for all foodstuffs and that the supply is short. The ingenious dealer or manufacturer makes up the shortage by increasing the bulk through the use of weeds, sawdust, and other rubbish. We know that under the food regulations the by-products of grain which the farmer has been in the habit of receiving from the mill where he has taken his grain are no longer permitted to be obtained by him, because the mill no longer grinds as it did of old, but central manufacturing food-product concerns have been established. The ordinary farmer, therefore, who has heretofore obtained his animal feed stuffs from his own grain is denied that opportunity. He is compelled to buy this concentrated stuff and a large percentage of it is absolutely worthless. He is selling his wheat and at the same time he is buying in the feed stuffs he must purchase weed seeds and dirt at a robber's price.

If the amendment offered by the Senator from Oklahoma does no more good than to call the attention of the Department of Agriculture, having in charge the administration of the pure-food law, to its duty in analyzing and passing upon the fraudulent stuff which is being sold to the people of the United States, it will have been worth while.

I agree with the Senator from Ohio [Mr. POMERENE] and the Senator from North Dakota [Mr. McCUMBER] that the present law is perhaps sufficient if it were enforced. The fact of the matter, however, is that it is not enforced. Possibly enacting another law will not bring relief, but at least this debate and the passage of the amendment will call the attention of the department to the fact that Congress expects action.

In these days, when anything seems to go because of war times, all kinds of frauds are perpetrated upon the people. Foods and feeds are adulterated. Most things are cheapened in quality and increased in price. The very taxes which are placed upon manufacturers become in many cases a source of revenue to those upon whom they are levied and an added burden to the consumer, who not only pays the tax but the additional profit. I wish, sir, that some of the just epithets that are used in condemning alien enemies would be applied to those of our own countrymen who are taking advantage of the situation to rob their fellow men. Indeed, more than epithets should be applied. They should be outlawed by decent society and classed with the Nation's foreign enemies. I know that this adulteration practice is being indulged in. My attention has been called to it by farmers themselves, who have shown me that the stuff they have been obliged to buy to feed their hogs and cattle is practically worthless. Some one is obtaining vast sums of money for these adulterants, which ought to be eliminated from the market. I do not know, I repeat, whether this provision will afford a remedy, but I think it is high time that Congress expresses itself upon this evil. Therefore I shall vote for the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oklahoma as modified.

The amendment as modified was agreed to.

The PRESIDING OFFICER. If there be no further amendment, the bill will be reported to the Senate.

Mr. THOMAS. Mr. President, I think the Senator from Alabama [Mr. BANKHEAD] has an amendment which he desires to offer. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Henderson	McKellar	Shafroth
Bankhead	Johnson, Cal.	McNary	Sheppard
Brandegee	Jones, N. Mex.	Martin	Smith, Ariz.
Calder	Jones, Wash.	Nelson	Smith, S. C.
Culberson	Kellogg	New	Smoot
Cummins	Kendrick	Nugent	Sterling
Curtis	Kenyon	Overman	Sutherland
Dillingham	King	Penrose	Thomas
Fletcher	Kirby	Phelan	Townsend
France	Knox	Pittman	Trammell
Gore	Lenroot	Poindexter	Watson
Gulon	Lodge	Pomerene	Willey
Hale	McCumber	Ransdell	

Mr. McNARY. I desire to announce that my colleague, the senior Senator from Oregon [Mr. CHAMBERLAIN], is necessarily detained on official business of the Senate.

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

Mr. BANKHEAD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BANKHEAD. On yesterday I offered an amendment which I sent to the desk to be printed and lie on the table. The parliamentary inquiry I wish to make is whether that amendment will be considered as pending when the bill goes into the Senate without reoffering it now?

The PRESIDING OFFICER. The amendment will have to be offered in the Senate.

Mr. BANKHEAD. Then I give notice to that effect.

Mr. KING. Mr. President, on page 6, at the beginning of line 4, I move to strike out the words "General administration of extension work, \$35,000."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. KING. On the same page, line 5, I move to strike out the item:

Extension work in the Northern and Western States, \$134,200.

I desire to state in this connection that I find the items immediately following include—

County-agent work, \$1,893,000; boys' and girls' club work, \$382,900; home-demonstration work, \$1,327,400.

And then in the general Agricultural appropriation bill which was passed only a few weeks ago there is an appropriation of more than a million dollars for similar work.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah.

Mr. POINDEXTER. Mr. President, there does not seem to be anyone looking after the bill; but no reason has been given by the Senator from Utah why his motion should be adopted. These items of appropriation are similar to the ordinary appropriations made for carrying on the normal work of the Department of Agriculture, and for the Senate to vote to strike out an item merely because a Senator rises and says he moves to strike out an item, without giving any reason why it should be stricken out and without anyone appearing to take charge of the bill or to explain why it should not be stricken out, seems to me to be a pretty reckless way of legislating.

Because the Senator is opposed, apparently, to appropriating a million dollars or so for boys' and girls' club work, at least if I can follow his argument, he moves to strike out an item of \$134,000 for the extension work of the agricultural colleges. I fail to see the logic of that sort of a proposition. There is an agricultural college in the State of Washington which is doing a splendid service in its extension work. This character of service is a very important feature of the development of the agricultural interests of the State.

I am not called on to defend this bill, but some one ought to be here to explain the items in the bill. I assume that this appropriation has been estimated for and requested by the Department of Agriculture, and I say that the burden is on the Senator from Utah, if he moves to strike out an item, to show to the Senate that that item is not needed in the great work of extending the instruction carried on under the direction of the agricultural colleges of the country. It is an entirely different proposition from the county agents' work and the boys' and girls' clubs; it has nothing whatever to do with those items.

Mr. KING. Mr. President, the rule just announced by the Senator from Washington, if not new, is dangerously unique. Under such rule an appropriation bill, prepared by some clerk or

bureau or interested department, bears the seal of verity if not sanctity, and must be accepted and approved. If a Senator has the audacity to question any item in the bill it is a sufficient reply to say that it has been recommended by some agency of the Government. In other words, the bill or item itself exhibits its own genuineness and validity and constitutes proof that the amount it calls for should be taken from the Treasury of the United States. The burden of proof rests upon the Senator challenging any appropriation to show that it ought not to be passed.

I do not accept the rule so announced. In my opinion, it is safer for the Government and for the taxpayers to proceed upon the theory that no money should be taken from the public Treasury without there is a strong and satisfactory reason therefor, and that the individual or committee seeking an appropriation must make clear the grounds upon which it can be based.

I insist that any Senator has the right to challenge any item in an appropriation bill, and that the duty then rests upon the proponents of the measure to justify the taking of the people's money.

It would seem, in view of the manner in which this bill was prepared, that the course for which I am contending should be adopted. The burden ought to be placed upon the clerks or bureaus who prepared this bill to justify some of the provisions which I think indefensible before it secures the approval of this body.

Mr. POINDEXTER. Mr. President, that is quite a severe characterization of the committee of the Senate which has reported this bill favorably. I think that I am announcing a pretty safe principle of legislation in saying that when the Senate, under an approved system of legislation, refers a bill to one of its great standing committees, and that committee reports out the bill, the Senate can assume, *prima facie* at least, that the appropriations contained in it are wise appropriations. I repeat—of course, I announce no rule in the matter, for there is no rule—that it is my opinion that the burden is on the Senator who moves to strike out an appropriation which has been favorably reported by a committee to give some reasons why it should be stricken out.

Mr. SMITH of South Carolina. Mr. President—

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

Mr. KING. I yield.

Mr. SMITH of South Carolina. I see the chairman of the committee is now present, but I wish to say a word. The various items which are proposed to be stricken out by the Senator from Utah [Mr. KING] were more or less carefully considered by a standing committee of the Senate. We went into their merits and demerits, and I do not think that there is one of these items that has not been recommended by the department and reasons given why it should be incorporated in the bill at this time and become a law.

Mr. KING. Will the Senator from South Carolina permit an inquiry?

Mr. SMITH of South Carolina. I will.

Mr. KING. Is there a single item in this bill that did not emanate from some bureau or clerk or some employee of the Agricultural Department?

Mr. SMITH of South Carolina. I can not answer "yes" to that question, because it is rather too sweeping; but I will say that the major portion of the bill came from those whose intimate association with the matters involved justified them in recommending to us what was essential for the welfare of the country. We as a committee could not go abroad in all the different sections of the country and know what was needed. We have appointed a certain department to do that, to make recommendations to us and to give the reasons for their recommendations that certain legislation should be passed. The committee, in view of the recommendations and investigations by the department to which the bill will go for administration and execution, have left these items in the bill. As the Senator from Washington [Mr. POINDEXTER] has said, for a Senator to rise and object simply because an item carries an appropriation is not sufficient reason in my mind for the Senate to reject it, unless he can show that it involves an absolute waste of money without adequate return for the expenditure.

Mr. McCUMBER. Mr. President—

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

Mr. KING. I yield.

Mr. McCUMBER. Mr. President, let me suggest to the Senator that every one of the items that are contained in the third subdivision, which the Senator from Utah moves to strike out—

Mr. KING. If the Senator will pardon me, we have passed that, and I am directing attention now to an item on page 6.

Mr. McCUMBER. I thought we were still dealing with the suggestion of the Senator that this would be taken up again in the Senate.

Mr. KING. If the Senator will pardon me, that motion prevailed, and we had passed to the consideration of another section of the bill.

Mr. McCUMBER. All right.

Mr. KING. Mr. President, my friend from South Carolina supports the procedure, which I regard as unsound, and, indeed, dangerous, namely, that any measure taking money from the people, no matter how stupendous the amount, is presumed to be just and proper, and can not be questioned or attacked unless the objector can affirmatively show that the appropriation is improper.

I again insist this view is dangerous. Senators not members of the committee are not always in a position to know the facts regarding an appropriation. There may be a multitude of reasons why it should not be approved, but without opportunity for investigation, no matter how vulnerable the claim urged for the appropriation, it would be difficult to prove a negative and show that the appropriation is a theft or is improper. It would seem that where money is to be taken from the Treasury of the United States the facts justifying the appropriation should be established by those who are demanding the warrant for the money.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, the department that recommends this appropriation did give to the committee the reasons for it; and after we discussed those reasons it seemed wise to the committee to allow it to remain in the bill at the suggestion of the department. The reasons that they gave seemed to us to be adequate.

Now the Senator from Utah asks that it be stricken out. If he gives the Senate convincing reasons why it should be stricken out, then of course the Senate should take his advice; but I maintain that the burden rests upon him to show why it should be stricken out when the files of the committee room will show the reasons which the department gave for asking that such parts of the bill as the department did ask to be incorporated in the bill should be made a part of it.

Mr. KING. Mr. President, the net result of the defense offered by the Senator from South Carolina is that whenever any executive department or any clerk in a department suggests that an appropriation is proper then, if it is challenged in the Senate, it is a perfect defense to say that some clerk or some bureau recommended it. I deny that that is a correct principle to adopt in legislation.

Mr. SMITH of South Carolina. Oh, Mr. President, the Senator from Utah can not fasten any such position as that on the Senator from South Carolina. When the department suggested the passage of this bill they gave the reasons, and we as a committee discussed the reasons. We went over them. Some we rejected; some we accepted. We rejected quite a good number, in spite of the question mark on the face of my good friend from Colorado [Mr. THOMAS]. Those that we accepted we accepted because it seemed to us that the argument they gave justified their acceptance.

As I say, the reasons they gave are on file in the committee room. It does not make any difference whether the person recommending them is a subordinate or whether he is a chief. If he, in the execution of the duties devolving upon him as an appointee of the Secretary of Agriculture, gives us a good reason why a thing should be done, and it meets our judgment that it is a good reason, then we incorporate the item in the bill; but it should not be rejected simply because it may perchance come from a clerk or a subordinate. I do not know who originated this item, but all of them bore the sanction of the Secretary of Agriculture, so that he must have passed upon them.

Mr. TOWNSEND. Mr. President, may I interrupt the Senator a moment, with the permission of the Senator from Utah?

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

Mr. KING. I shall be glad to yield to the Senator.

Mr. TOWNSEND. I am interested in the argument of the Senator from South Carolina; but let us suppose that the committee is satisfied that the item ought to go in and reports it to the Senate, and no reason is given to the Senate why it was put in. We understand, of course, that the committee passed upon it; but does that relieve the committee from the burden of responsibility of showing why it is in there, if a Senator challenges it and moves to strike it out?

Mr. SMITH of South Carolina. Oh, no; Mr. President, I made no such claim. I am going upon the assumption that the Sen-

ator having the bill in charge, the chairman of the committee, would, upon the suggestion of anyone, give the reasons; and I think the reasons for nearly every paragraph or every section of this bill have been given. I understand from the chairman of the committee that the Senator from Texas [Mr. SHEPPARD] has the estimates here, and that he can give the reasons for the estimates. I am not arguing that simply because the committee has gone into the matter the chairman or the Senator having charge of the bill should not give the Senate the benefit of every reason that led the committee to adopt the present bill, section by section.

Mr. McCUMBER. Mr. President—

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

Mr. KING. I yield to the Senator.

Mr. McCUMBER. I should like to ask the Senator from South Carolina a question. This whole fourth subdivision provides for these expenses:

General administration of extension work, \$35,000; home-economics work, \$25,000—

Then, passing this:

County-agent work, \$1,893,000; boys' and girls' club work, \$382,900; home-demonstration work, \$1,327,400; extension work in the Southern States, \$90,000; county-agent work, \$1,335,815; boys' club work, \$75,300; home-demonstration work, \$803,385; in all, \$6,100,000.

Now, my question is this: At a period when we are not only engaged in a desperate war, but also will be engaged in producing a bill which will inaugurate desperate measures to raise funds to carry on that war, it seems to me we might well hold these educational matters in abeyance during the continuance of the war. During the time when we are at our wits' ends to find money to finance our operations upon the battle front, it seems to me that many things that would be very valuable during peace periods could be well laid aside; and the Senator must remember that not only in this third subdivision but also in the fourth subdivision nearly all of the items are educational items. We have been appropriating for the last 20 to 25 years for education along that line. Could we not cease our educational work just for a few months, at least, when we are straining in every possible way to secure money to carry on this war, and save millions upon millions of dollars?

Mr. KING. Mr. President, will the Senator permit me to suggest that within a few weeks we appropriated approximately \$28,000,000 for the Agricultural Department to meet its expenses for the fiscal year 1919? By far the greater portion of this amount will be utilized in paying employees in the department just mentioned. This bill carries nearly \$20,000,000 more for the purpose of doing practically the same character of work that is provided for in the other bill, so that we now propose to give to the Agricultural Department nearly \$50,000,000 to be expended principally for "administrative work" and to pay salaries and expenses of thousands of persons now employed and to be employed by the Agricultural Department. In the general appropriation bill this department receives nearly \$3,000,000 more than was appropriated for the year 1917. But the department is not satisfied with that; so this bill is thrust before us by the employees of the department, those whose power and authority would be increased if the bill becomes law.

Mr. McCUMBER. Instead of economizing, then, we are doubly as extravagant as we were prior to the war period.

Mr. KING. Absolutely; and the extravagance results in taking from other employment, useful and necessary, thousands of young men, some of whom should be upon the battle fields of France. It is this extravagance that I am protesting against, this multiplication of employees of the Government, until one gets sick at heart when he sees the tens of thousands, a veritable army, thronging Washington and filling the entire land. I am willing to vote for every dollar that is needed to stimulate agricultural production. I am ready to support any measure required by the farmers to enable them to meet the demands which the war places upon their shoulders. But I am not willing, when we need billions and must have billions to save our country and civilization, to vote money by the millions when the benefit is doubtful and when it is principally to enable a department to employ thousands of persons who are needed in various activities and in rendering military and naval service. I feel sanguine that the patriotic farmers of this land would not approve of this bill and are not asking for its passage. As I have said, they want help on the farm; this bill will result in diminishing the number available for work on the farm. It will make clerks and Government employees of thousands; it will keep out of the draft a large number, whose places will be filled by the boys of the farmers, and, indeed, in some cases the farmers themselves.

Mr. GORE. Mr. President—

Mr. KING. I yield to the Senator from Oklahoma, but I do not yield the floor.

Mr. GORE. There is not quite so much weight in the criticisms either of the Senator from Utah or of the Senator from North Dakota, when they are analyzed, as there seems to be at first blush.

Looking at the surface of this bill, it seems to duplicate a great deal of the service provided for in the regular appropriation bill. I think I can make that clear to the Senate. As just observed by the Senator from North Dakota, we have been expending money for a quarter of a century for the purpose of carrying on educational work. It has undoubtedly borne fruit. In the Southern States it originated in an effort to combat the spread and the ravages of the boll weevil. The particular crusade to which I now refer was instituted by former Secretary of Agriculture Wilson. He was a public benefactor—not only a special benefactor to the South, the section immediately concerned, but a benefactor to the United States and to the consumers of cotton everywhere.

During these 15 or 20 years an organization had been built up in the Department of Agriculture to carry on the work. It was, indeed, a process of slow growth. It was a sort of evolution. When we entered the war we had a peace establishment to carry on this service, as we had a peace Military Establishment. It was suited to the requirements of peace, because it was gradually expanding, with a view ultimately to meeting the entire situation. That organization was all that we had when we entered the war. The battle cry was raised that "Food will win the war." No one can doubt that bread is just as essential as bayonets; and cotton is hardly less essential, both for clothing and for munitions. Munitions are as vital as men.

It was thought advisable to expand this peace establishment to meet the exactions and requirements of war. The regular Agricultural appropriation bill which passed both Houses several months ago carried an appropriation sufficient to meet the needs of the ordinary peace establishment, and to provide for the slow and normal growth. The predecessor of the pending bill was approved only August 10 of last year. It was intended to authorize the creation of a military establishment, the erection of a new organization. An organization has been, if not perfected, at least greatly advanced to carry forward the service provided for in this bill.

It is true that this bill carries an appropriation to expand the ordinary peace establishment where it is already in existence, where it is already in operation. It not only provides for the expansion of this organization where it already exists, it provides for the projection of the same system and the same organization into parts of the country where the peace organization had not yet penetrated. The service in the South bore one name, originating out of a boll-weevil crisis. The same service in the Northern and Western States bore a different name. The clubs in the South bore a different name from those in the North and West. That accounts for what is almost a duplication of names and an apparent duplication of service.

There have been county demonstrators appointed in some 2,100 counties in the United States. There are about 2,860 counties, taking the country as a whole. This bill proposes to expand the work and the activities of the demonstrators already provided for in the regular peace establishment. It intends to increase and expand their work, which calls for an increased appropriation. Not only that; it proposes to carry this work forward in counties where these demonstrators have not previously been appointed, and contains a provision apparently for the same purpose, but really for the projection of the work into new and unimproved fields.

I repeat that a great organization has been established throughout this country, the two principal objects of which are to emphasize the necessity of food conservation and the necessity of food production. Those are the two objects which this measure proposes to promote. The importance of neither one will be denied by any Member of the Senate.

I repeat, the predecessor of this bill was approved only August 10 of last year. It was desirable to keep the extraordinary organization, or the war organization, separate from the peace organization, to keep the war establishment segregated from the peace establishment, so that when the emergency passes we can discontinue this appropriation and can dismantle this extraordinary organization, so far as practicable and so far as desirable, without pulling to pieces the whole machinery or the whole system. That is the reason, that is the justification, for a special appropriation bill to meet the requirements of the Department of Agriculture, as distinguished from the regular appropriation bill. I think every Senator will appreciate the importance of keeping these two organizations, as far as possible, separated, so that in so far as it is purely an emer-

gency organization it can be disestablished when the emergency passes.

The fact that this measure has been in operation and this organization in progress only one year places the committee under this disadvantage—a disadvantage which no Senator will underestimate: You must judge appropriations and policies requiring appropriations by their fruits, as you must judge a tree. This work has not been in progress long enough for it to have borne abundant fruit, either good or evil, or for the committee to place itself in a situation to report in detail as to the exact work carried forward under these different appropriations, and as to how far that work justifies the expenditure of money; but the whole object and the whole purpose of this bill is an effort to equip the country to meet the food crisis precipitated by this war.

The department has estimated for these various items. Not only the whole committee sitting in banc, but a subcommittee, scrutinized the provisions in connection with the estimates. As a rule, the estimates seemed to us to justify the expenditure of the money. There were some exceptions. There were instances where the committee disagreed with the department. We did not hesitate to advise the Senate to eliminate those appropriations. Some of those appropriations have been eliminated by the Senate. As a matter of course, the estimates came to us from the department. From the fact that the service is new, we are obliged to accept a great deal of it upon trust. There is no way for us, having no inspiration, to check and to countercheck the work as against the expenditure, and to reach a conclusion, as we might ordinarily reach a conclusion, as to the justified value of an appropriation.

Mr. SHEPPARD. Mr. President—

Mr. GORE. For my own part, however—and I have no doubt that the same feeling existed an influence upon the other members of the committee—this being designed to meet an emergency the existence of which no member of the committee doubted and no Member of the Senate will deny, and the lack of experience placing us in a position where we could not verify the appropriations in accordance with the experience and facts, as we can do in many instances, it was my disposition and I think the disposition of other members of the committee to resolve the doubt in favor of meeting the exigency, so that it could not be said hereafter, if we refused the appropriation, that the emergency could have been met had not the committee and the Senate dealt niggardly with this department; that the emergency could have been met, that the conservation and production of food could both have been stimulated, if the department had had the requisite funds for that object. The committee was not willing, lacking experience as it did, to assume the responsibility of resolving the doubt against providing the department with the necessary funds to stimulate conservation. We were not willing to resolve the doubt against equipping the department with funds to stimulate production. We thought it the part of prudence to place the department in a situation to carry forward this work which it had deemed essential, which it had deemed of sufficient importance to recommend to the Congress, and, as we conceived it, in the discharge of our public duty, in order to make assurance doubly sure.

I do not minimize the importance of economy; I do not encourage extravagance; but the committee thought it the part of prudence to make these appropriations, and to equip the department charged with this responsibility with sufficient funds to carry forward the work, not being willing hereafter to be charged with any dereliction of duty upon our own part. Economy which would deny us a sufficient food supply, or which would minimize the assurance of such a supply, is not to be recommended in a time when food is essential to our national existence.

I yield to the Senator from Texas. I think he addressed the Chair a moment ago.

Mr. SHEPPARD. Mr. President, I think perhaps it should also be stated that the House Committee on Agriculture held hearings on this bill and approved the items that came to the Senate from the House after the House had approved them.

Mr. FALL. Mr. President, will the Senator from Texas yield to me for just a moment, because he is peculiarly, I think, in possession of the knowledge which would enable him to answer my question?

Mr. SHEPPARD. I yield, certainly.

Mr. FALL. A few moments ago, if I am correctly informed, the third paragraph of this bill was stricken out. Included in the items specified in the third paragraph there was an item for castor-bean culture which was stricken out without any question at all. Now, my impression is generally that the War Department has found it necessary to secure the cooperation of the Department of Agriculture in inducing the farmers

throughout the different States of the Union to engage in the culture of the castor bean, because, as shown by a report of the Military Affairs Committee itself, the oil derived from the castor bean is absolutely necessary for use in all our airplanes; and I think the Senator will bear me out in the statement that in his State of Texas the department was successful in persuading the farmers to plant 100,000 acres in castor beans for the purpose of affording the United States Government a partial supply, at any rate, of the oil necessary for use in airplanes.

Mr. THOMAS. Mr. President—

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

Mr. FALL. I yield. Of course this is informal. I am trying to ask the Senator a question.

Mr. THOMAS. I was attracted by the statement made by the Senator regarding the indispensable nature of castor oil in aviation. I think that impression was the outgrowth of a very optimistic article published in the Saturday Evening Post some time ago, where the same statement was made. The facts are that of the 20,000,000 gallons of lubricating oil demanded by the existing aviation program, it has been and will be impossible to secure more than 2,000,000 gallons of castor oil, the balance of it being made up of mineral lubricant, tests of which have shown it to be infinitely superior to castor oil. Castor oil is, however, indispensable to the lubrication of certain types of engines, known as rotary motors, of which the Le Rhone and the Gnome are, perhaps, the best illustrations. The Government is, of course, encouraging the cultivation of the castor-oil bean and the production of castor oil, and can utilize all that can be secured.

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

Mr. THOMAS. My impression is that the Government demand for castor oil is about the only incentive that the farmer needs to produce as much of it as he can; and the Government has used its facilities for the purpose of securing as much of the castor-oil bean as possible, and I think has induced the farmers of Texas, whose soil and climate are propitious for its cultivation, to go into the production of the castor-oil bean and castor oil on a very large scale.

Mr. FALL. Mr. President, I thank the Senator from Colorado very much. He is much more familiar with this matter than I am; but I was not basing the foundation for my question to the Senator from Texas upon the article in the Saturday Evening Post or any other magazine.

Mr. THOMAS. I did not mean to convey that impression. I meant to say, and thought I said, that the popular impression was doubtless derived from articles like that. I have no doubt the Senator's sources of information are more authentic.

Mr. FALL. One of the sources of my information I referred to in the question which the Senator did not catch; that is, that the matter of the necessity for the use of castor oil was referred to in this body through the report of a certain number, at least, of the members of the Committee on Military Affairs.

Pursuing this subject, however, undoubtedly there has been a very large acreage in castor beans planted through the request, the suggestion—I might say the urgent suggestion—of the Government of the United States. The point I am making, and upon which I want to draw out the answer of the Senator from Texas, is that in this third paragraph an item of \$20,000, I think, for instruction in castor-bean culture was stricken out without any question, without any discussion, without any hesitation, I might say, by a majority of the Senate, when the department itself gives the facts which I have just narrated—for instance, that it has secured the planting of a large acreage, and that those who planted it insisted that the department itself should furnish them with instructors, and that the amount asked is for the purpose of complying with these requests, and furnishing instructors.

Am I not correct in the statement I have made of the matter?

Mr. SHEPPARD. The Senator is correct; and I shall be glad at this time, if the Senator from Utah will permit me, to read what the Department of Agriculture says upon this subject.

Mr. KING. On the subject of castor beans?

Mr. SHEPPARD. Yes, sir.

Mr. FALL. I simply mention that as one item. I will state later the point I am undertaking to make.

Mr. KING. That is so unimportant, and perhaps it may be defended, that if the Senator from Texas desires to put it in the RECORD I have no objection.

Mr. SHEPPARD. I think the Senate would like to know what the Department of Agriculture has to say on this subject.

Mr. FALL. I think we are entitled to the information, because—if the Senator will allow me again—I have seen this debate go on to this length, the items that have been voted upon have been explained by members of the committee to the Sena-

tors present and the vote of the Senate taken upon them, and then other Senators who were not here, who listened to none of the debate and none of the explanation, come in and renew the debate, and then insist that no information at all has been given them.

Mr. SHEPPARD. That is undoubtedly true. I want to say to the Senator from Michigan [Mr. TOWNSEND] and the Senator from Washington [Mr. POINDEXTER] that it has been stated repeatedly during the pendency of this bill that the Department of Agriculture, through the Secretary, has carefully explained every item in this bill. I have here in the document before me these explanations. I have heretofore presented a number of the explanations, and am ready to give an explanation at any time of any item about which any question is asked. But it seems useless to repeat assurances. As the Senator from New Mexico says, assurances will be given by members of the committee one day that all the estimates have been presented and explained in the regular way and the next day the whole debate is reopened as if no statement of that kind had been made by a member of the committee.

Now, I desire to read to the Senate what the department says:

The oil of the castor bean has been found to be particularly desirable in the lubrication of airplane motors. It happens to be one of the few oils not soluble in gasoline and is affected but little by changes in temperature. It is therefore particularly useful in these motors. To meet the war needs in this direction the War Department has found it necessary to contract for the growing of about 100,000 acres of castor beans, and the assistance of this department has been requested in supervising the agricultural work incidental to the production of the crop.

While formerly an important crop in certain sections of Oklahoma, Kansas, Missouri, and Illinois, the culture of castor beans has been practically abandoned in this country in recent years. The large planting required will have to be undertaken by growers who have little or no knowledge of the special features of the cultivation and handling of the crop. The work will be distributed over a wide area in the States of Virginia, North Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Texas, and California.

The Senate will see that not only in Texas but in a number of other States arrangements have been made for the production of the castor bean. Now, the department proceeds:

In order to give effective assistance, this large field should be divided into not less than five districts, in each of which the services of a skilled agronomist should be provided to follow up closely the plantings of castor beans which are being made under Government contracts and supply the necessary advice and instructions to farmers and farm demonstrators, contractors, county agents, and others concerned. It is planned (1) to insure, so far as possible, the proper handling of the crop, in order to give the highest degree of certainty of obtaining the needed product, and (2) to acquire practical detailed data regarding the best varieties to plant, the most suitable regions for planting, and the most desirable methods of handling the crop, in order to protect the interests of the Government should it become necessary to produce another crop of castor beans.

Mr. President, this item ought to be reinstated. It bears a vital and significant relation to the national defense.

Let me say right here that this entire bill is intended to provide especially for the national security and defense by stimulating agriculture. It is itself a war measure, and these appropriations are to carry out authorizations that were established by the Senate in August, 1917. These appropriations are not duplicates of others; they are made in addition to those carried in the annual Agriculture appropriation bill.

Mr. KIRBY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Arkansas?

Mr. SHEPPARD. I yield.

Mr. KIRBY. Does this appropriation as proposed look to the future or to the past? As I understand it, the present castor bean crop is already made. I saw about 100 acres of beans in July that were 5 or 6 feet high. The people who had planted the crop seemed to understand how to cultivate it, and it is to be gathered, I understand, this month. All the provision has already been made for the production of the crop that is now produced and is being gathered.

Mr. SHEPPARD. So far as the present crop is concerned, that is true.

Mr. KIRBY. Then why should not the people who have produced the present crop know how to produce the next one? This is a very large expenditure of money.

Mr. SHEPPARD. It is not a large expenditure. It is only \$15,000 or \$20,000. This work should be continued. I move to reconsider the vote by which that item was stricken out.

The PRESIDING OFFICER. The motion is not in order now.

Mr. KING. Mr. President, I did not yield the floor, but permitted the Senator from Oklahoma and other Senators to propound certain questions.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. KING. The Senator from Texas [Mr. SHEPPARD] has just stated that the purpose of this bill is to stimulate agriculture. We do not need to stimulate agriculture now. It is being stimulated. What the farmer wants now is man power. He is more interested in getting men to aid him in harvesting his crop than in getting clerks from the departments in Washington to pay periodic visits to his habitat. The farmers are working not 8 hours a day, but 16 and 18 hours each day. They are bearing heavy burdens in this crucial hour. The high prices which they are compelled to pay for clothing, agricultural implements, and labor absorb the amounts received from the sale of their products. They are suffering from a shortage of labor, and when the new draft law is put into effect their distress will be greatly increased. This bill hurts and does not help the farmer.

It will increase their taxes, but will not decrease their burdens. If the farmers of a single State in this Union will say, after they have examined this bill and know its provisions, as well as the provisions of the general appropriation bill, carrying \$28,000,000, that this bill is needed and will aid them and the country in winning the war, I will support it.

I might say in passing, Mr. President, that there have been exempted under existing law a large number of men who are employed in the Agricultural Department. I have been informed by some that the number already exempted aggregates several thousand. Other gentlemen have told me that the number is about 2,000.

It is also asserted by some that if this bill should pass approximately 11,000 more young men who ought to be in the Army will be exempted from military service. We take the boys from the farm, and under the new law we will take the fathers from the farm who are under 45 years of age and send them to the trenches, but we propose by this bill to provide that thousands of additional young men, who, it will be claimed, have such superior qualifications along agricultural lines that they should not be drafted, will be put in such a class that they will be exempt from the military duty which they owe to their country at this hour.

Mr. THOMAS and Mr. SHEPPARD addressed the Chair.

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

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

Mr. THOMAS. The morning paper announced, I think not only this morning but two or three days ago, the daily arrival in Washington of 500 people to take places in Government employ, and the Senator's criticism reminded me of that circumstance. Assuming that to be true, I should like to ask the Senator if he can imagine what so many extra employees are needed for in the city of Washington at this time?

Mr. KING. The same question has been propounded to me a number of times, and I have been utterly unable to furnish a satisfactory reply.

Mr. THOMAS. I understand they are coming so fast or employed in such numbers that frequently those in a building have to go out in order to make places for those who are coming in. I do not know whether that is true or not.

Mr. KING. I think it is a matter that ought to receive attention at the hands of Congress. I have been told by some in the Government service that they will need 30,000 more clerks and employees in the departments in Washington. I can not understand the necessity of swelling the already mighty tide by adding to it a list of 30,000 more.

Mr. THOMAS. Mr. President—

Mr. KING. I yield to the Senator.

Mr. THOMAS. I was told to-day that it required the services of six clerks for 30 hours to telegraph to relatives and friends the names of the 300 victims of the San Diego disaster. That is very rapid work.

Mr. KING. Those of us who visit the departments, I think, are justified in stating that many of those in the employment of the Government utterly fail to give a proper return for the money they are taking from the Treasury of the United States.

The Senator from Texas, I understand from a sotto voce remark which he made, is inclined to controvert the position I have just taken with respect to the number of those who will be exempted from military service under the operation of this bill if it should become a law. If my information is wrong, I should be very glad to be corrected.

Mr. SHEPPARD. This bill does not exempt anyone. It could not exempt anyone. Men are exempted under the draft law, and no employee in the Agricultural Department or any other department of the Government has been exempted except by the application of that law by the local board to his case.

Mr. KING. The Senator from Texas has not answered the statement I made a moment ago.

Mr. SHEPPARD. The bill does not exempt anybody from military service and can not.

Mr. KING. What I said was, if this bill shall become a law it will lead to the exemption of 11,000, who will be withdrawn from military service and sent out under the operation of this bill to perform the work therein provided.

Mr. SHEPPARD. The Senator is mistaken.

Mr. KING. I hope I am mistaken, but I have the authority of the Member of the House who has made a very full investigation respecting this bill, a member of the Agricultural Committee, a man in whose judgment I have very great confidence and upon whose word I would rely.

Mr. SHEPPARD. Will the Senator allow me?

Mr. KING. Yes.

Mr. SHEPPARD. This bill does not change the draft law in any particular.

Mr. KING. Of course it does not change the draft law, but the Senator knows that under the interpretation placed upon the draft law there have been hundreds and thousands of men employed in the Agricultural Department who have been exempted from military service.

Mr. SHEPPARD. If they have been exempted, it has been because the men in charge of the local board exempted them. The Department of Agriculture has not exempted them, and no law that we have enacted outside the draft law has exempted them.

Mr. KING. The claim has been made that their services were indispensable and they have been exempted from military service.

Mr. SHEPPARD. The local board had to find that to be true.

Mr. POMERENE. Mr. President—

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

Mr. KING. In just a moment it matters not the modus operandi by which they secure their exemption. The fact is that they have been exempted, and the fact will be that if this bill shall become a law thousands more of employees will be exempted from military service under the same interpretation which is placed on the draft law. I yield to the Senator from Ohio.

Mr. POMERENE. I think I can say that these exemptions depend very largely upon the position which may be taken by the head of the department. In some of the departments they have been rather free in asking for exemptions. In others they absolutely refuse to grant them. Just this morning I was told that one of the collectors in my own State up to date had refused to ask to have any one of his men exempted, because he felt that though they were doing good service, if the country needed them at the front he could get some one else to take their places.

Mr. KING. I assert now upon the information to which I have referred, which was conveyed to me, that there are thousands of young men within the military age who are qualified physically and otherwise to be doing service upon the battlefield who have been exempted from military service because they were employed in the Agricultural Department. This bill calls for the employment not of hundreds but of thousands of young men, and under the general Agricultural bill there are many thousands of persons employed. Where are we to obtain the young men to fill the demands of this bill? Nearly \$20,000,000 are called for by the bill. The greater part of that sum is to be expended in paying salaries and compensation of employees and clerks and agencies of the Government. I do not think that 25 per cent, indeed I do not think that 10 per cent, of this vast sum will be devoted to any service other than paying the compensation of those who will be employed under the bill.

Mr. KENYON. Mr. President—

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

Mr. KENYON. I wish to suggest to the Senator that there was testimony before us of an expert chemist—and chemists are very much needed by the department—who was in camp peeling potatoes. I think the Senator must realize that under the selective-draft law that chemist instead of peeling potatoes should have been in the Department of Agriculture doing the work of a chemist. I think the Senator will find that all those exemptions are requested first by the Secretary of Agriculture. In fact, he goes over every one of them personally, and the principle we are following is that of exempting from the service men who will do more good making gases to kill Germans than they could possibly do in the trenches. I think the Senator is wrong as to the number of exemptions. The testimony will show that there have been very few exemptions in the Department of Agriculture.

Mr. KING. Mr. President, as I said a moment ago I say to my friend, I hope I am wrong, but I feel persuaded that the figures I stated are well within the realm of accuracy. It has been a matter of surprise to me, if I may be permitted to further say to my friend from Iowa, to see the number of men who feel that they are better fitted for some particular work that does not put them in the trenches at this time.

Mr. KENYON. I wish to say to the Senator further that the testimony was that no man who requested any exemption was granted one. The Secretary refuses to indorse the application of any man in the Department of Agriculture who asks for an exemption. In fact, most of them want to go and it is hard to keep them for the necessary work of the department. I think in fairness that ought to be said at this time.

Mr. KING. I would not do any injustice to any of our splendid young men, but it is a fact that there are some who are very anxious to obtain commissions in the Quartermaster's Department or in some branch of the military service where they will not be required to come into active contact with our foes upon the battle front.

Mr. McCUMBER. Mr. President—

Mr. KING. I yield to the Senator.

Mr. McCUMBER. The fact still remains if we pass a bill which requires the Secretary of Agriculture to employ 10,000 more men, and if those 10,000 are within the draft age, he will necessarily, in order to carry out the law, have to call for the exemption of that number of persons.

Mr. KING. That, of course, is the important point under consideration.

Mr. FALL. Mr. President—

Mr. KING. Let me continue for a moment and then I shall be very glad to yield to my friend from New Mexico.

The bill does call for a large number of additional employees. They must be obtained somewhere. Judging from the character of those in the service of the department it is apparent that they will be young men within the draft age, because as a rule that is the class of men now employed in the Agricultural Department. If the thousands of men required under the provisions of this bill are procured, they must come from other lines of employment and other fields of activity, and to that extent this bill will prove injurious rather than advantageous. It will take them from other needed service or will keep them from the Army, and their places will have to be filled in the Army by farmers' sons or other citizens. I now yield to the Senator from New Mexico.

Mr. FALL. Probably it would be better to wait until the Senator has concluded, but I may call his attention, if he will allow me, to the fact that this bill does not provide for the employment of additional men, and that it is not a bill standing by itself at all. The bill which provides for the employment of these men was a direct authorization by the Congress of the United States which became a law on August 10, 1917, and for which I think the Senator voted along with the balance of us to increase food production. The bill here is a bill following it, providing the appropriation for carrying it out; nothing more nor less, as is shown in the title. The bill that we are now discussing is "to enable the Secretary of Agriculture to carry out, during the fiscal year ending June 30, 1919, the purposes of the act entitled 'An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products.'" That act, as I said, became a law August 10, 1917. It authorizes distinctly the employment of a certain number of additional men. It authorizes the employment of two additional Assistant Secretaries of Agriculture, for example, fixing their salaries, and all that. It authorizes certain work to be done, and it is specifically provided what is the law now with reference to exemptions. I will read from page 275 of the Fortieth Statutes from the act to which this is an amendment in the nature of providing appropriations for carrying it out:

Provided, That the employment of any person under the provisions of this act shall not exempt any such person from military service under the provisions of the selective-draft law approved May 18, 1917.

Mr. KING. Mr. President, the Senator from Oklahoma [Mr. GORE], justifying this bill, says that it provides for new machinery, that the general machinery of the Agricultural Department was not adequate to meet the exigencies of the war, and that a new machine had to be set up and manned and lubricated and put into operation. It seems to me that that is a very unwise method of dealing with the situation, assuming that additional machinery is required. It would be better to expand the organization authorized by law rather than create a parasitic organization.

Mr. FALL rose.

Mr. KING. Does the Senator wish to ask me a question?

Mr. FALL. I simply wish to call the attention of the Senator again to the fact that we provided this machinery in addition to the regular machinery of the Agricultural Department in the act to which I referred.

Mr. KING. I understand.

Mr. FALL. We did not make any appropriation in that act to carry it out. These are appropriations for carrying out the act, for which I think the Senator voted, as I did.

Mr. KING. The point I was trying to make was that the Senator from Oklahoma justifies this bill and its predecessor upon the ground that the exigencies of the war required additional machinery. I submit, Mr. President, that if more employees were required by the department growing out of the war it would have been better to have added to the list of employees and to enlarge the authority of the department already in existence, rather than to create a new machine.

But, in reply to the suggestion of the Senator from New Mexico, I want to state that even if under the bill of 1917, of which it is claimed this bill is supplementary, the thousands of employees are already in service, it is manifest that if this bill is not passed they will go back to private life, to the duties and labors for which they are fitted, and many of them will enter the military and naval service of the United States. Whether the Government has the thousands of employees now in the Agricultural Department or will be compelled under this bill to procure others, the principle is the same. It means if this bill becomes a law that thousands of men will be spending the greater part of this appropriation, instead of being in some productive and needed work or in the Army or the Navy.

But the point I rose more particularly to animadvert upon was this: My contention is that the general appropriation bill, and I have adverted to this once or twice before, carries adequate appropriations to deal with all the items that are provided for in the pending bill. For instance, as I have said before, the appropriation carries nearly \$28,000,000. I will say in passing that to find sufficient competent men to efficiently administer that bill will be a Herculean task upon the part of the Agricultural Department. If the Agricultural Department can find sufficient competent and skilled men to properly spend this \$28,000,000 during the fiscal year of 1919 it will have discharged a very important duty and will deserve the thanks of the people of this country.

I am not criticizing legitimate and proper appropriations for the Agricultural Department. I have sometimes felt that we have neglected the agricultural interests of our country and have been too solicitous for the welfare of the manufacturing and other interests. Agriculture needs the fostering care of the Republic, and it needs fair and proper treatment at the hands of Congress and at the hands of the State governments. But I am protesting in this hour of war, when we are experiencing difficulty in obtaining sufficient revenues to meet the appropriations imperatively demanded by the war, against saddling upon the people unnecessary burdens and appropriating money that is not absolutely necessary.

As I indicated a moment ago, the farmers to-day are chiefly concerned in securing labor to harvest and save their crops. They are not demanding \$20,000,000 to pay the salaries of a class of clerks and peripatetic scientists with a Government seal upon them. We provided liberally in the general appropriation bill, and the items there are sufficient to meet all the provisions of the bill which is now under consideration. We have already provided millions of dollars for legitimate and necessary aid to be rendered the farmers by the Department of Agriculture.

For instance, I find on the sixth page of the general Agricultural bill, carrying nearly \$25,000,000, \$221,660 appropriated "to investigate and encourage the adoption of improved methods of farm management and of farm practice."

For the general administration of the office of the Secretary we appropriated \$462,000.

For salaries, office of Farm Management, we appropriated \$83,430.

The total for the office of the Secretary of Agriculture was \$767,090, and practically every cent of that is for salaries.

Then for the Weather Bureau we appropriated for salaries and traveling expenses \$1,912,930.

For the Bureau of Animal Industry, and this amount is substantially, or practically all of it, consumed by the salaries of the employees of the department, we appropriated \$4,079,588.

Under the heading of "Bureau of Plant Industry" we find appropriations aggregating \$3,137,038. The greater portion of that amount is for the compensation of employees.

For the Bureau of Plant Industry, for investigating fruits, fruit trees, grain, cotton, tobacco, vegetables, and all sorts of agricultural products, \$441,000.

For the investigation of plant diseases and pathological collections, \$62,020.

For the investigation of diseases of orchards and other fruits we appropriated nearly \$76,000, \$8,000 of which amount "shall be available for the investigation of diseases of the pecan."

Mr. FALL. Mr. President—

Mr. KING. I yield to the Senator.

Mr. FALL. I simply want to call the attention of the Senator to the fact that for the item of \$441,000 we have already appropriated. It has been used largely and the \$62,000 is additional.

Mr. KING. If the Senator will pardon me, we have not used it. The testimony upon which the appropriation was predicated was given before we made the appropriation for the item to which I just called the Senator's attention.

Mr. FALL. I will call the Senator's attention to it later.

Mr. KING. Then for investigation of citrus trees, \$250,000.

For the investigation of diseases of forest and ornamental trees and shrubs, and so forth, \$83,000.

For applying methods of eradication or control of the white-pine blister rust, and so forth, \$230,448.

For the investigation of diseases of cotton, potatoes, truck crops, forage crops, drug and related plants, \$87,800, and under that heading will be found appropriations for the investigation of plant life, the diseases of plants, trees, grasses, and so forth, for which an enormous appropriation was made. The very items that are covered in the pending bill are provided for in the appropriation bill which we passed a few weeks ago.

Mr. FALL. Will the Senator yield to me?

Mr. KING. I yield.

Mr. FALL. If the Senator will yield one moment I will attempt to make myself clear. The bill as introduced is entitled, designated, and intended to carry out the provisions of the act of August 10, 1917. In the act of August 10, 1917, there were certain appropriations made for certain specific purposes—lump appropriations. Under the provisions of that act those appropriations expire on a certain date, and I will read it to the Senator if he desires me to do so. They have no application to the appropriations made in the regular annual Agricultural appropriation bill. For instance, the item which the Senator just read, in which he undertook to show that I was in error in calling his attention to it, for the prevention, control, and eradication of insects and plant diseases injurious to agriculture, and the conservation and utilization of plant products, \$441,000, the following sums are hereby appropriated out of any money in the Treasury not otherwise appropriated to be available immediately and until June 30, 1918. These are supplemental appropriations which are asked for to make good, as I understand it, the \$62,000 to prevent a deficiency.

Mr. KING. I do not understand that there is any deficiency. If there is a deficiency, then obviously the Department of Agriculture did something that it ought not to have done under the law.

Mr. FALL. I made an error possibly in using the word; I am not even a member of the committee, but every item in the bill is estimated for, and there is some justification for it. To say there is none is simply to say that is the legal conclusion, I suppose, or else that the Senator making the statement has not read the justifications as they are printed and laid upon the desk of Senators, a copy of which I have, showing the data for this bill.

Mr. President, I am one of those who believed when we passed the original bill, which was passed on the same day as the food-conservation bill, under which Mr. Hoover holds authority, that the first was just as necessary as the latter bill, and that agriculture is just as necessary to carry on this war as are our munition plants and as are our war supply factories or as is any other possible industry, including debates in the United States Senate.

Mr. KING. Oh, Mr. President, there can not be any controversy in respect to the proposition last announced by the Senator from New Mexico. A Senator would convict himself of idiocy if he were to stand here and assert that the interests of agriculture are not important. I have frequently said that the interests of agriculture are paramount. It has been said, and no one has contradicted it, that we can not win the war unless we have an adequate food supply. I stated yesterday that we have not only to provide food for ourselves and for our soldiers, but, in part, that we have to supply food for the allies. The point I am making—

Mr. SHEPPARD. Mr. President—

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

Mr. KING. If the Senator from Texas will pardon me just a moment, the point I am trying to emphasize is that we have appropriated liberally, we have appropriated nearly \$28,000,000, for the coming year for the Agricultural Department, and if it spends that amount economically and efficiently, if it employs the right character of men, and if it does all that it ought to do to carry out the letter and the spirit of the appropriation, it will have performed a gigantic task, and it will have exhausted all of the man power that it ought to take from the various other field of activity for the purpose of utilizing it in its field of operation.

Now I yield to the Senator from Texas.

Mr. SHEPPARD. I wish to ask the Senator from Utah if he did not vote for the act which was approved August 10, 1917?

Mr. KING. I do not recall whether I voted for it or not; probably I did. I remember that there was an insistent demand at that time that we had to do something to stimulate agriculture; the statement was made that the appropriations which had been made for the Agricultural Department did not take into account some of the requirements of the country; and I have no doubt that the appropriation bill which was then pressed through was deemed by Senators to be wise. I am not attacking or defending the appropriation at that time, although I believe that it was wholly unnecessary.

However, let me say in passing that, in addition to the appropriation there made, we gave to the agency of the Government with which Mr. Hoover is identified a very large sum. That agency has spent millions of dollars for the food-conservation propaganda, and it has been very effective in many instances throughout our land. In addition to the millions spent by Mr. Hoover's organization and the millions spent under the general Agricultural appropriation act of last year, we have given \$28,000,000 for the fiscal year 1919; and I am protesting against duplicating the appropriation therein contained and withdrawing from the field of endeavor and activity a large number—probably thousands—of persons who ought to be employed in industrial pursuits or they should be serving our country upon the battle field.

I want to call attention briefly to some of these other items carried in the general appropriation bill. We appropriated \$2,454,698 for the Bureau of Plant Industry. Senators will remember that neither this sum nor the \$28,000,000 has been expended; these amounts are now available and the Department of Agriculture can utilize them for the stimulation of agriculture and for the promotion of the interests of the agriculturists of this country.

For the Forest Service we appropriated \$5,731,555. For the Bureau of Chemistry there was appropriated \$1,243,391. Let me say that the greater part of that appropriation is for the payment of employees of the Government. I want to call attention to one or two other items.

For collaboration with other departments of the Government desiring chemical investigations and whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work, \$14,000;

For investigating the character of the chemical and physical tests which are applied to American food products in foreign countries, and for inspecting the same before shipment when desired by the shippers or owners of these products intended for countries where chemical and physical tests are required before the said products are allowed to be sold therein; and for all necessary expenses in connection with such inspection and studies of methods of analysis in foreign countries, \$4,280;

For investigating the preparation for market, handling, grading, packing, freezing, drying, storing, transportation, and preservation of poultry and eggs, and for experimental shipments of poultry and eggs within the United States, in cooperation with the Bureau of Markets and the Bureau of Animal Industry, \$40,000;

For investigating the handling, grading, packing, canning, freezing, storing, and transportation of fish, and for experimental shipments of fish, for the utilization of waste products, and the development of new sources of food, \$14,000;

For investigating the packing, handling, storing, and shipping of oysters and other shellfish in the United States and the waters bordering on the United States, \$5,000;

For the biological investigation of food and drug products and substances used in the manufacture thereof, including investigations of the physiological effects of such products on the human organism, \$15,000;

For the study and improvement of methods of utilizing by-products of citrus fruits; and the investigation and development of methods for determining maturity in fruits and vegetables, in cooperation with the Bureau of Plant Industry and the Bureau of Markets, \$13,000;

For investigation and experiment in the utilization for coloring purposes of raw materials grown or produced in the United States, in cooperation with such persons, associations, or corporations as may be found necessary, including repairs, alterations, improvements, or additions to a building on the Arlington Experimental Farm, \$70,720;

For the investigation and development of methods for the manufacture of table sirup, \$7,000—

The amount of \$589,081 was appropriated—

For enabling the Secretary of Agriculture to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded,

or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere.

And so forth.

"For investigating the grading, weighing, handling, transportation," and so forth, of naval stores \$10,000 was appropriated.

For the Bureau of Soils we appropriated \$491,235; and the greater part of that is for salaries. The appropriation provides for the investigation of soils and their classification.

The bill carries an appropriation for the Bureau of Entomology of \$986,680. I might say, in passing, that substantially all of that is devoted to the payment of the salaries of the employees who will spend their time in investigating insects in connection with cereals, forage crops, tobacco, rice, and so forth. For preventing the spread of moths \$304,050 was appropriated. For the Bureau of Biological Survey the bill carried an appropriation of \$586,350. It also carries large appropriations for the Bureau of Crop Estimates; and I see, by the way, in the bill under consideration a large appropriation for the same purpose.

In the general appropriation bill, under the head of Bureau of Markets, there is an appropriation of \$2,023,255, and I find in the bill now under consideration an appropriation for the same purpose.

For the enforcement of the insecticide act in the general appropriation there is provided \$121,240.

For demonstrations on reclamation projects there is an appropriation of \$48,600. For experiments in dairying and in live stock there is an appropriation of \$40,000. For the eradication of pink bollworm there is a large appropriation. To make surveys in regard to the distribution of the pink bollworm \$25,000 has been appropriated. To investigate in Mexico and elsewhere the pink bollworm there is an appropriation of \$25,000.

To enable the Secretary of Agriculture to cooperate with individuals or corporations with regard to the dehydration of vegetables, and so forth, and disseminating information concerning the same, \$250,000 is appropriated.

And so on, Mr. President, until, as I have said, we have an appropriation bill enormous in amount—\$3,000,000 more than for the preceding year—which covers all that the agriculturists of the country will require at this time, and more, in my opinion, than the Department of Agriculture will be enabled to spend in a wise and judicious way.

The pending bill, as I said yesterday, in my opinion, contains many provisions that are improper—duplications of appropriations which have already been made. It is time that we should practice economy; that our voices should be raised in defense of the Treasury and the taxpayers. It is an ungracious task to attack appropriations, and defeat is the usual result. But I feel that every effort should be made to protect the Treasury and to provide for the demands—which must be met—made under the military necessities of the hour. Even if misunderstood, I shall oppose appropriations not imperative, but will cheerfully vote whatever is needed for our soldiers and sailors and to enable our country to carry to a successful issue the titanic struggle in which it and the allied nations are engaged.

Mr. President, I ask that the amendment be stated and that a vote be taken.

Mr. FALL. Mr. President, I desire to say just two or three words, and then I shall have nothing more to say upon this bill or upon any provision of it. It is useless to explain one moment what an item is and what the justification for it is, and then have some Senator who has been out of the Chamber and who has not heard the explanation return to the Chamber and renew a motion to strike it out and then say he has had no information as to why he should vote for it. So, as it is not incumbent upon me to defend this bill in any way, as it is not of one cent's interest to the people in New Mexico whom I represent in part, if I took a selfish point of view, I should simply retire to the smoking room and console myself with a cigar while motions to strike out are being made because some other Senator does not give the particular Senator who is then upon his feet certain information that he wants as to why items should not be stricken out.

So far as I am concerned, I have no responsibility in connection with the bill. I am not a member of the committee. I am, however, a Member of the Senate. I assisted in doing what I thought was best for the country in voting for the passage of both the food-production bill and the food-and-fuel bill, which became laws, I think, on the same day exactly—on August 10, 1917, I believe. I believed then, and I now believe, that one was more necessary than the other; that is, that the first bill approved—the food-production bill—was much more necessary than the other, necessary as it was and as well as it has been administered.

Agriculture has been recognized by the President and by the Senate by an overwhelming majority to be a great war necessity. It has been recognized by every one, and, I may say, by the Senator from Utah [Mr. KING], I think, that it is necessary to increase the expenditures of the Department of Agriculture if we desire to increase production, just exactly as it was necessary to increase the expenditures of the War Department over the peace expenditures if we desired properly to equip our men and win this war.

The Senator from Utah has referred upon several occasions to the fact that the great regular agricultural appropriation bill—the peace agricultural bill, the bill providing the necessary funds for carrying along the Agricultural Department and its general development under peace conditions—was \$3,000,000 more than it had been before. I defy the Senator to show that any regular appropriation bill for any other department of this Government during the war time has not been many times more than \$3,000,000 above the peace appropriation.

Yet the Senator agrees with me in announcing that he firmly believes that agriculture is a war necessity and that the production of agricultural products should be stimulated in every way possible.

That was the purpose of the legislation adopted a year ago. In that legislation, which was of a general character, it not being an appropriation bill but a general bill to stimulate production, there were certain specific appropriations made, one of which I have referred to. There was a specific provision with reference to the specific appropriations that they should expire on June 30, 1918. It is to supplement those appropriations and to carry them out, and also to carry out the other purposes for which the Senate provided and the duties which Congress directed the Secretary to perform, that further appropriations are asked.

I am going to read into the RECORD now, for the purpose of clearing up this muddled condition, the first two sections of the bill, to which I have referred. They are as follows:

That, for the purpose of more effectually providing for the national security and defense and carrying on the war with Germany by gathering authoritative information concerning the food supply, by increasing production, by preventing waste of the food supply, by regulating the distribution thereof, and by such other means and methods as are hereinafter provided, the powers, authorities, duties, obligations, and prohibitions hereinafter set forth are conferred and prescribed.

SEC. 2. That the Secretary of Agriculture, with the approval of the President, is authorized to investigate and ascertain the demand for, the supply, consumption, costs, and prices of, and the basic facts relating to the ownership, production, transportation, manufacture, storage, and distribution of foods, food materials, feeds, seeds, fertilizers, agricultural implements and machinery, and any article required in connection with the production, distribution, or utilization of food. It shall be the duty of any person, when requested by the Secretary of Agriculture, or any agent acting under his instructions, to answer correctly, to the best of his knowledge, under oath or otherwise, all questions touching his knowledge of any matter authorized to be investigated under this section.

Then there are fines provided for the punishment of anyone failing to act under the instructions of the Secretary, failing to answer questions, or failing to give information which he is entitled to demand.

SEC. 3. That whenever the Secretary of Agriculture shall find that there is or may be a special need in any restricted area for seeds suitable for the production of food or feed crops, he is authorized to purchase, or contract with persons to grow such seeds, to store them, and to furnish them to farmers for cash, at cost, including the expense of packing and transportation.

He did contract under the authority vested in him with farmers, for instance, to raise castor beans, yet cheerfully the Senator comes in here and, without investigation of any kind or character and without giving the Senate any reason for the amendment, moves to strike out an item to authorize the Secretary to pay the necessary expenses in carrying out the power vested in him by the Senator's own vote. That is the manner in which this bill has been treated from its very inception. No consideration of any kind or character of a proper nature has been given to the items, but the great Department of Agriculture has been held up to ridicule and to abuse by Senators upon the theory that they, forsooth, are the watchdogs of the Treasury.

Mr. JONES of Washington. Mr. President—

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

Mr. FALL. I yield.

Mr. JONES of Washington. I merely desire to bring out the point that in the bill from which the Senator has just read we appropriate several million dollars in lump sums.

Mr. FALL. Exactly.

Mr. JONES of Washington. And there was not any question raised about the appropriations at all.

Mr. FALL. None at all.

Mr. JONES of Washington. This bill is to carry out the purposes of that act, as the Senator has stated, but instead of

appropriating lump sums to do the work, we specify what each item shall be used for.

Mr. FALL. Precisely.

Mr. JONES of Washington. Probably if we had put these items in a lump sum they would have gone through without anyone raising objection.

Mr. FALL. Exactly. Millions of dollars, as the Senator has said, were voted in lump sums; \$441,000 for a certain purpose was voted by those who voted for that bill in one lump sum, while the Senator from Utah is now objecting to an item of \$62,000 for the same purpose.

Mr. JONES of Washington. I will call attention, with the Senator's permission, to one lump-sum item in the act to which he has referred, as follows:

For increasing food production and eliminating waste and promoting conservation of food by educational and demonstrational methods, through county, district, and urban agents and others, \$4,348,400.

Mr. FALL. Precisely; and the Senator from Utah is now moving to strike out an item of \$134,000 for an exactly similar purpose after having voted last year for over \$4,000,000. The estimate and the justification show that the amount of the immediate item under consideration is \$33,000 more than the estimate of last year; but it is for another war year and for additional war work and to aid in the production of food for our soldiers.

Mr. President, I shall have nothing more to say upon the subject. I shall simply vote against what I regard as—well, I will not characterize as I had intended, but will vote against the motions to strike out the different items embraced in this bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah to strike out the provision which the Secretary will read.

The SECRETARY. On page 6, line 5, it is proposed to strike out "extension work in the Northern and Western States, \$134,200."

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah to strike out.

The amendment was rejected.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. GORE. Mr. President, I send to the desk an amendment and ask for its adoption.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to add a new section, as follows:

SEC. —. That the Director General of Railroads is authorized and directed to supervise or to take possession and assume control of any stockyards, stock cars, refrigerator cars, or any cold-storage establishment through which packing or other food products are distributed, and to operate the same in such manner as may be needful or desirable for the duration of the war and for a period of 21 months thereafter.

That just compensation shall be made for such supervision, possession, control, or operation, to be determined by said Director General of Railroads with the approval of the President; and if the amount thereof so determined is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code: *Provided*, That nothing in this act shall be construed to amend, repeal, impair, or affect existing laws or powers of the States in relation to taxation or the lawful police regulations of the several States.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

Mr. KENYON and Mr. SHERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. KENYON. I should like to ask the Senator who offers the amendment if the President does not have all this authority now?

Mr. GORE. I rather think so.

Mr. KENYON. Does this amendment confer any additional power than the power the President now has?

Mr. GORE. It authorizes the Director General of Railroads to take over the utilities.

Mr. KENYON. Does it direct or authorize him to do so?

Mr. GORE. Both.

Mr. KENYON. It authorizes and directs?

Mr. GORE. Yes, sir.

Mr. KENYON. Then it does go further than the power which was conferred on the President in the food bill?

Mr. LODGE. Mr. President, I simply wish to say that this is rather too important an amendment to be run through without some consideration and discussion. I had no idea that such an amendment was to be offered. I have had no opportunity to examine it, and I believe that there ought to be some opportunity afforded us to look at an amendment of this magnitude. It has not been recommended by the committee.

Mr. WATSON. Mr. President, I wish to inquire who moves this amendment?

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. GORE].

Mr. WATSON. I should like to ask the Senator from Oklahoma what reason there is for this proposed amendment at this particular time?

Mr. GORE. Mr. President, I will say that the amendment is based to some extent on the report of the Federal Trade Commission, although it does not go as far as the recommendations of the Federal Trade Commission. That commission, as the Senator is aware, recommended that these utilities be taken over by the Government, title to them acquired, and that they should be operated permanently as a Government monopoly. That raises a question which has not been raised in connection either with the telegraph or telephone lines or the railroads, a question which has been adjourned to the future, but which will undoubtedly come up in a separate bill at an early date.

There are a great many reasons set forth by the Federal Trade Commission, and a great many reasons which will suggest themselves to Senators apart from that report in favor of the Government operation of stockyards, cattle cars, and refrigerator cars, particularly while the railroads are under Government supervision and control.

The primary and paramount object of this amendment is to some extent to bring under effective control the packing-house concerns.

The provision is temporary; it is limited to the period during which the railroads shall be under governmental control. It does not propose to acquire these properties, to take title, or to adopt this policy as a permanent one. Such provision will undoubtedly be made in the bill which is to come up at an early date; but the early adjournment of the present session of Congress will render, I think, the passage of a bill of that sort impossible at this session, and, as this session is to be followed by a short session, it will probably be impossible to pass it at the short session; but a limited measure of this sort, it seemed to me, might secure a considerable measure of relief and still adjourn those other questions to future consideration.

Mr. WATSON. Mr. President, I should like to ask the Senator from Oklahoma what power the President now has in this respect?

Mr. GORE. Mr. President, I rather think that under the Army bill passed in 1916, and also under the food-control bill, the President could probably—I do not wish to express a final opinion on the subject—take over these utilities. He has not done that. There are complaints of a great many grievances resulting from the private ownership of refrigerator cars, from the private ownership of certain cattle cars, although, of course, a great many cattle cars are owned by the railroads now and are under governmental control, and from the private ownership and operation of stockyards. It is claimed that there is a grievance both on the part of the producer of live stock and on the part of the consumers of live-stock products. It was my impression that the limited power conferred by this amendment would enable the Director General to relieve the producers of a great many of these grievances and perhaps relieve the consumers of a great many of the grievances which they are alleged to have, and that that could be done without resorting to so radical a measure as will undoubtedly be forthcoming at an early date.

Mr. SMOOT. Mr. President, I am not going to take the time of the Senate to discuss the merits of this amendment at this time, but I understand that it has not been considered by the committee; that it is offered and is being read from the desk without any consideration at all upon the part of any committee and is based upon a report of the Federal Trade Commission that nearly every paper in the United States has condemned as unjust and a wrong against the five principal packers of this country.

Mr. President, I hold in my hand the report of the Federal trade committee of the Chamber of Commerce of the United States, submitted to the board of directors of the chamber, analyzing the report of the Federal Trade Commission; and if it be true—and I was going to say that I know in many respects it is—we ought to offer an amendment to this bill, if any amendment is offered, abolishing the commission.

Mr. KENYON. Mr. President—

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

Mr. SMOOT. I yield.

Mr. KENYON. I should like to inquire of the Senator who the directors making this report are.

Mr. SMOOT. The Federal trade committee of the board of directors of the Chamber of Commerce of the United States.

Mr. KENYON. Who are they? Are the names there?

Mr. SMOOT. The chairman of the committee is Rush C. Butler.

Mr. KENYON. He is their counsel, is he not?

Mr. SMOOT. He is also the chairman of this particular subcommittee of the chamber, and I understand he is the attorney for the Chamber of Commerce of the United States.

Mr. KENYON. I think it would be interesting to know just who the directors are, what their connections are, and whether they are connected with the packers in any way, in order to know what credence to give to their report.

Mr. LODGE. I do not think the Senator from Iowa will claim that the Chamber of Commerce of the United States is a corrupt body.

Mr. KENYON. I do not think it is, but I do not think the Federal Trade Commission is a corrupt body, either; and if the Senator condemns it, let us have the evidence as to the standing of the men who are condemning it. I am not in favor of this amendment. I do not think it is fair.

Mr. SMOOT. Mr. President, as far as the members or officers of the Chamber of Commerce of the United States are concerned, they are among the very best and most reputable business men in the United States; and as compared with Victor Murdock as a business man, or knowing what the business interests of this country require or are doing, there is as much difference as there is between the darkest night and the lightest day in favor of the former.

I ask, as a part of my remarks, permission to print this report in the RECORD, together with an editorial from the New York Times—no Senator can charge that with being a corporation or Republican paper—also an article from the Baltimore Sun.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah to publish certain articles in the RECORD? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

To the board of directors of the Chamber of Commerce of the United States:

The Federal Trade Commission came into existence under excellent auspices. Taking office in the spring of 1915, the first commissioners had the benefit of much antecedent discussion. The purposes for which the commission was created were well stated by President Wilson when he addressed Congress on the proposal to create it. The keynote of his address was in the following words:

"The business men of the country desire something more than that the menace of legal process in these matters be made explicit and intelligible. They desire the advice, the definite guidance, and information which can be supplied by an administrative body, an interstate trade commission. The opinion of the country would instantly approve of such a commission."

In newspapers, magazines, and legal journals the purposes and functions of the commission were described until the commission, the objects of its creation, and its general place in the governmental organization were known and accepted in all parts of the country.

The commission early began a study of such subjects as unfair methods in competition, adverse conditions affecting our exporters in foreign markets, and the underlying causes of depression in the manufacture of lumber. It established a procedure which contemplated action on its part only after impartial hearings for all parties in interest. It received testimony upon questions of policy as well as regarding issues of fact. The manner of its independent inquiries through its own agents was indicative of a desire to develop the truth of situations. In other words, it gave promise of becoming a constructive body, expert in analysis and in information, able to suggest sound national policies for preventing abuses, and for encouraging proper development in the great field of American business enterprise outside the restricted jurisdictions which had been confided to such bodies as the Interstate Commerce Commission and the Federal Reserve Board.

The expectations that were thus supported are now being disappointed. During the past year or 18 months the commission's attitude and procedure have changed, and its altered position has become well developed. The terms of office of the commissioners are fixed by the law creating the commission to continue for seven years and to expire in rotation, in order that there may be constantly in office a majority with experience and knowledge. In this manner continuity of purpose and method in the commission's work were sought. In the discussion of the bill it was stated in Congress that this continuity of experienced service was one of the essentials, and there can be no doubt that such was the desire of the administration and the public. Instead of being a body with permanency in its personnel the commission, in fact, has in its membership after but three years none of the first appointees. With every change in personnel there has been a substitution of the subjects which interest and occupy the commission. That various exigencies might arise which would justify resignation and retirement, of course, must be expected, but no less than two commissioners and a prominent member of its staff have been simultaneously candidates for political preferment. Conditions such as these inevitably lead to impressions that the commission is no longer a responsible body approaching its duties with a serious purpose to promote the public interest alone; that it seeks aggrandizement for itself and its members; and that it lacks the impartiality essential to any public agency which is to speak with authority and to promote the common cause of the Nation rather than to create discord, confusion, and disorganization.

It becomes our duty, therefore, to call your attention to some of the activities of the commission in which its present attitude is made manifest. If for no other reason, this committee would necessarily be impartial because in the membership of the chamber there are represented both producers and consumers, and most of the important industries. In direct interests many of these members are adverse, but they all join in subscribing to the purposes of the chamber, which include promotion of sound economic conditions in every branch of American industry and commerce and elimination of all business prac-

ties and situations that are incompatible with the public interest. For like reasons, the committee concerns itself with questions of the policy of the commission and its procedure, and not with the merits of particular cases. Finally, in its desire to avoid ex-parte statement, the committee has endeavored to refer only to matters which are of record, either in the commission's own publications or in the sworn testimony of its members and its staff before committees of Congress.

I. The commission has undertaken the exercise of functions beyond its own jurisdiction to the detriment of its proper usefulness.

The commission's interest in the situation regarding news-print paper was undoubtedly proper, but in seeking to have producers and consumers agree to establish it as an "arbitrator" of their differences the commission went beyond the law of its creation, and possessing no power to enforce its findings, was placed in the awkward position of having its award ignored. It even went so far eventually as to propose that it undertake the distribution of all news-print paper. That Congress did not intend the commission to assume such duties was apparent from the action of the Senate on January 15, 1918, in voting down a bill containing this proposal. The commission has admitted some of its efforts were without express authority of law.

Before the Fuel Administration was established the commission undertook to influence distribution of anthracite coal, with the acquiescence of the operators. Even if the commission's belief that there were beneficial results is accepted, it remains true that this was not a proper function for the commission to exercise and that it did not have facilities essential for the task. It is common knowledge that distribution was so imperfect that proper supplies were not accumulated for the following winter, and that widespread hardship ensued.

The commission later perceived a similar function for itself in controlling the distribution of bituminous coal. It undertook to advise Congress that all bituminous coal should be sold through a common agency at one price for each quality and that the operators should receive individually their cost with an added profit. The commission itself was to be the agency. This recommendation it made in a report which showed scant data regarding bituminous coal. Legislation under which the Fuel Administration was created authorized the President to utilize the commission as a distribution agency, but this authority was not exercised, and by proclamation of July 3, 1918, most of the remaining activities of the commission with regard to coal were transferred from the commission to the Fuel Administration.

In August, 1917, the commission gave advice to the President which resulted in the prices fixed by him on August 21. The commission's prices were constructed upon a new computation of costs, which excluded, among other things, interest and depletion. The commission stigmatized reserves as coal held out of use and allowed no interest for investment in reserves. Part of the data before the commission was an anonymous estimate of costs in important fields. The correctness of the commission's method of computing costs is not here in question. The objections on the score of public interest are not here in question. The method was new, that it was applied at a critical moment when customary and honest bases of costs should not have been questioned; that it was arbitrary in that it had not been subjected to scrutiny at such hearings of the persons affected and the public as any responsible public body should accord, and that it placed below the cost of production the prices of at least 40,000,000 tons of bituminous coal in the annual supply. In other words, the commission was not prepared to undertake the highly important rôle it essayed and dealt recklessly alike with national interests and personal rights.

The commission's attitude toward trade associations furnishes another illustration of its desire to acquire new activities before adequately developing its statutory duties. There is a real and proper task for the commission in examining trade associations and pointing out ways in which they can be improved in the public interest as well as for the advantage of the industries. This constructive task the commission is apparently neglecting, and at the same time it seeks to usurp the functions of trade associations, in effect making itself a trade association for all industries. In support of this desire incorrect statements have been made. For example, on April 1, 1918, the House Committee on Appropriations was told that the fees for membership in the associations that collect statistics for production of newsprint and book paper were so high as to be prohibitive of membership for smaller manufacturers. The fact is that the fees for membership in the newsprint association are \$25 a year and 4 cents a ton of paper produced (i. e., 4 cents on a value of \$50 or more) and for the book-paper association, which is no longer in existence, they were 6 cents a ton.

II. The commission has begun the study of important situations, but because of vacillating interest or for other reasons, not apparent, has left its work incomplete.

The lumber industry has been studied for upward of 10 years by the commission and its predecessor, the Bureau of Corporations. No final conclusions and recommendations about fundamental economic conditions have been published, although repeatedly promised to congressional committees. Upward of \$400,000 have been spent upon these studies and the printing of partial reports.

Since 1913 the commission and its predecessor have been engaged upon a "comprehensive inquiry" into the economic advantage and disadvantage of Federal legislation which might be enacted to permit maintenance of resale prices. This subject has been continuously before the public. Bills have been before committees of Congress. Nevertheless, the commission has failed to complete its study and present analyses of the fundamental economic questions that are involved in making any legislative decision. Last autumn the commission held hearings of a general nature and has instituted formal complaints against business houses which have endeavored to maintain resale prices. These complaints, however, can scarcely lead to more than an application of the law as it now stands in the light of decisions of the courts and can scarcely result in such conclusions of economic principle as obviously are needed.

Two years ago the House of Representatives directed a basic economic study into the bituminous-coal industry. In April, 1918, the chief economist of the commission testified that "the fundamental problem has never been touched yet."

These are a few of the important undertakings upon which the commission has entered but which it has not consistently pursued. The public interest suffers in consequence, not only because authoritative determinations are lacking regarding important matters but because there is a waste of public money, since material which is gathered, but laid aside, has to be reexamined when attention is again turned to the subject.

III. The commission's procedure, originally orderly and appropriate, has been changed without public notice or notice to Congress.

Unfair methods of competition afford a very important field for the commission's activity. The commission's province is to consider practices and when it decides they are unfair to order their termina-

tion. Most practices are brought into question before the commission by a business house which alleges unfairness on the part of a competitor. This circumstance indicates a need for perspicacity in the commission, that its action may not result in unfair advantage for the complainant and irreparable detriment to an innocent defendant. Apparently recognizing these possibilities the commission through its annual reports and testimony before congressional committees has given the public and Congress to understand that before it issues a formal complaint it notifies the party complained of regarding the nature of the charges and affords him an opportunity to state his side of the matter, or to desist, if he acknowledges impropriety. Members of the commission have testified to the benefits of this procedure, referring to instances in which unfair acts had been committed by subordinates without knowledge of their higher officials, who promptly made all reparation asked and took precautions for the future. The commission has also testified to its success in having a whole industry, such as the fertilizer industry, revise its methods.

The procedure has now been so changed that the commission itself has become an instrumentality for unfairness. There seem to be indisputable instances in which a defendant has had his first intimation through service of a formal complaint that any of his business methods were in question. The allegations of unfairness on his part, founded upon an ex parte presentation by a competitor or disgruntled customer whom he will not be able to face before the commission (since the commission becomes the formal complainant), supplemented by the commission's investigations to an extent that are unknown to him, are given to the newspapers by the commission with a release date placed as much as five days in advance, in order that widest possible publicity may be obtained for the allegations. In these statements to the newspapers the commission has disclosed concrete information as to the particulars of the alleged offense, whereas it has placed in the formal complaint served upon the defendant only general statements which did not advise the defendant of the charges he had to meet. As a consequence, defendants have had to consult the newspapers to identify the circumstances alleged to constitute the unfair method of competition in question. Accordingly, when the defendant comes before the commission for a hearing, he feels that his case has been prejudged. Such procedure is a form of harassment, is vexatious, and indicates a lack of the spirit of helpful cooperation which it was believed the commission would in abundant degree possess. Furthermore, it inevitably has its influence upon members of the commission's staff, leading them to consider persons against whom complaint is made as guilty until they are proved innocent. From the commission's present course there results an impression that the commission is proceeding in contradiction of the theory that ours is a government of laws and not of men.

IV. The commission has abused its powers of publicity.

The commission has power to make public from time to time such portions of the information it obtains in the exercise of its statutory functions as it deems expedient in the public interest. The value of the exercise of this power lies in the authoritative nature of the information which is placed before the public. The commission has exceeded its power in that it has sought publicity for matters which can not reasonably be designated as information. Its practices in obtaining publicity concerning its filing of formal complaints have already been described. The injustice of its course in this connection becomes apparent when it is observed that the commission has filed in all some 180 formal complaints, whereas it has disposed of only about 30. Some of these 30 complaints have been dismissed. Although the commission gives to the press a statement that a certain complaint has been dismissed, the commission must know that news regarding such action on its part never overtakes or corrects the publicity it causes to appear at the time the complaint is filed. Moreover, numerous complaints have been pending for many months without decision. Under such circumstances the commission's efforts for initial publicity clearly cause injustice.

At the same time there is carelessness, which causes unnecessary injury and confusion. When the commission gave to the press its statement about the first order it issued regarding resale prices, which was entered by "consent" on the part of the defendant, it said a manufacturer could not indicate prices to a retailer. This apparently prohibited the use of price lists and the printing of prices on packages. It was accordingly important. Nevertheless the commission, although letting it be informally understood in answer to individual inquiries that it did not prohibit price lists or prices on packages, gave no official explanation. It waited two months before presenting the true situation, through the medium of another decision. Another example of the carelessness of the commission may be cited. In the early part of this year it announced that for gasoline the margin between refiners' costs and wholesalers' prices had ranged from \$5 to \$15 a barrel. The commission subsequently issued a correction placing the margin at 50 cents to \$1.50, but no correction could repair the damage that had been done through widespread publication of the first announcement.

The commission has used publicity to influence directly the course of legislation. For example, on August 1, 1917, when legislation was pending and a majority of the commission desired to have Congress give it power to fix prices on coal and act as pooling agent, it gave to the press a letter in which a coal operator strongly urged this course.

Although the question of Government operation of the meat-packing industry was in April committed to a special commission, on which the Federal Trade Commission had representation, and in May the special commission decided against Government operation unless it was subsequently found impossible to enforce the regulations of the Food Administration, the Federal Trade Commission on June 28 informed the Senate and the press that the meat packers "are soon to come under further Governmental regulation approved by Executive order."

V. Prominent features of the commission's recent food investigation were subversive of common justice.

On February 7, 1917, the President informed the commission it was "of the highest public concern to ascertain the truth or falsity" of allegations that "the course of trade in important food products is not free but is restricted and controlled by artificial means," and directed the commission to investigate. Hiring a special counsel at a rate of \$30,000 a year and expenses, although it had stated to a committee of Congress the salary would be at the rate of \$5,000, it proceeded, not in the spirit of the President's letter but with the apparent purpose of creating in advance a public impression that the allegations were true. It selected documents already in its possession and had them presented to it at public sessions by its special counsel, refusing to permit concerns that were mentioned in the documents to offer any testimony or produce other documents. It held public sessions at Boston, Philadelphia, St. Paul, and other cities, examined witnesses of its own choosing, and prevented cross-examination by the concerns at which it was made clear the proceedings were directed.

At each city the special counsel or other members of the staff let it be known that the Government contemplated taking over and operating the industry. The strange spectacle ended at Chicago in February, 1918, when application was made on behalf of the commission for a search warrant under a section of the espionage act and the circuit court of appeals quashed the warrant. The result of the commission's course was not to give information to the public but to place the commission in the position of seeking to create prejudice which would support an apparently preconceived purpose to inaugurate Government operation of the business. In other words, before completing the investigation which the President directed, the commission appeared in the guise of attempting to force adoption of a legislative policy in a matter as to which it had not reported the facts. Another result was to prevent such a determination as the President requested and which he declared was of the highest public concern.

The seriousness of the consequences of the commission's course is apparent from the circumstance that the commission's representative took oath that crimes had been committed. If there was crime on the part of any person the public welfare demands its immediate prosecution by the properly constituted authorities. It equally demands that the commission, which has no criminal jurisdiction, should sedulously refrain from alleging the perpetration of felonies which have not been proved in accordance with established legal procedure.

Although the commission stated in February, 1917, that its report of this investigation would be completed and published within eight months, and the services of its special counsel terminated on March 31, 1918, so much as a summary of a report regarding meat packing, which the commission said would be the first food industry it would investigate, was not published until August 8 of this year. This summary of 47 pages, the commission states, is to be followed by seven reports in support of its conclusions and recommendations. In other words, the commission follows a method of publicity which causes its allegations to obtain wide circulation without opportunity for the public to know the grounds on which these allegations are made. Regarding the facts of the industry in question, this committee, of course, is without information. It is in no sense in a position to express an opinion as to the merits of the commission's charges.

VI. In presenting information to Congress and the public the commission has been heedless of the accuracy and frankness which its position and the circumstances require.

Instances have already been cited. On June 28, 1918, however, the commission again showed its lack of responsibility by giving such form and content to a report made to the Senate regarding "profiteering" as to make general charges of a calumnious nature against business enterprise without supporting its charges with adequate facts. The commission couched its statements in sensational terms unwarranted by the facts set out. For example, it spoke of "bare-faced fraud," "monopolistic control," "manipulation of the markets by illegal devices," and "preying with shameful avarice upon consumers." It quoted memoranda from one official of a leather company to another which show figures of considerable size but which indicate nothing as to the reasonableness of profits. Some of its statements defy interpretation, such as a declaration that flour mills in the year ended June 30, 1917, made an average of 52 cents on each barrel and nearly 36 per cent on their investment, "profits that are indefensible, considering that an average of the profit of one mill for six months of the year shows as high as \$2 a barrel." It even resorts to hearsay in reciting it is understood that producers of aeroplane spruce in the Northwest have taken advantage of allied Governments.

Intrinsic faults in this report are even more serious. The commission criticized the principles of fixed prices which every other agency of the Government has approved as a means of at once regulating the market and obtaining the increased production the Nation requires. It stigmatized the efficiency of low-cost concerns. It palliated the earnings of one corporation because it "possesses a natural monopoly of a certain high-grade ore," thus necessarily implying that good fortune is ethical, whereas low costs attained through struggle for efficiency in operation are immoral. The commission, to an extent it did not disclose, made its computations upon new bases. According to its computation, which raises controverted questions such as the proper measure of value for stumpage and may even deny a distinction between capital and income recently made by the Supreme Court, it finds the profits of producers of southern pine "unusually and unnecessarily large." Yet the price-fixing committee of the Government, having before it the commission's own figures of costs, has recently increased the price for southern pine to the Government by approximately 15 per cent. As might be expected in view of these fundamental defects, the report contains no standards for an intelligent discrimination between the profits which are essential to the integrity of business enterprises and those which are extortionate.

Faults which go to the soundness of the profiteering report can be multiplied. Enough have been suggested to illustrate the lack of responsibility the commission felt in speaking about a subject which affects the morale of the Nation in time of war. That there are individuals in the community who for private gain will seek advantage from war conditions arises from the frailty of human nature. That these individuals should be found through an orderly procedure that accords with the spirit of our laws and institutions, and should be visited with condign penalties, is of the highest public importance; but the existence of individual error and crime is no reason for condemnation of the whole community, or any part of it, by broad accusation and innuendo.

VII. The commission has departed from the fundamental purpose for which it was established.

As the President said on January 20, 1914, provision for something more than the menace of legal process was desired in the bill for the creation of the commission. After the bill had become law the President, on September 6, 1916, reiterated this idea, declaring:

"A Federal Trade Commission has been created with powers of guidance and accommodation which have relieved business men of unfounded fears and set them upon the road of hopeful and confident enterprise."

The commission has in the last year or more apparently come to consider itself a governmental body for the gathering of evidence of the commission of crimes rather than an independent agency possessing powers of guidance and accommodation. This statement of your committee is not founded upon legal interpretation nor is it made with the idea of minimizing the necessity for criminal prosecution in merited cases. It finds its justification in numerous declarations of the commission itself. One example will suffice. When called upon by resolution of the Senate under date of April 24, 1916, to ascertain whether or not newspapers had been subjected to unfair practices in the sale of paper, the commission formally reported it had used its full powers to examine even private correspondence and it had transmitted the facts

so gathered to the Department of Justice. In connection with the same investigation the commission had earlier assured the public that it was a body for scientific and economic adjustment rather than prosecution.

There is no inclination to minimize the tasks before the commission or its possibilities of usefulness. The energies and abilities of all the 700 persons it now has in its employ may well be engaged in proper activities. Recognition of the importance of the commission points the way to the action for which the situation calls. The committee recommends that the board of directors call the attention of the President to the outstanding defects of the commission's administration and of the interpretation it now gives to the law under which it acts, and at the same time urge that the President appoint to the commission, in whose membership two vacancies now exist, men whose training, temperament, experience, and reputation for sound judgment qualify them for the position, and whose interests will be single to the commission's work. In no other manner can confidence in the commission be restored.

FEDERAL TRADE COMMISSION,
RUSH P. BUTLER, Chairman.

AUGUST 14, 1918.

[Editorial from the New York Times of Tuesday, Sept. 3, 1918.]

THE TRADE COMMISSION.

Either the Federal Trade Commission or the act creating it stands in need of amendment. That is made plain by the communication sent to President Wilson by the Chamber of Commerce of the United States, which arraigns the commission as unfair in its processes, inaccurate in its reports, abusive of its powers, hostile to the business of the country, and a fomentor of strife.

If the commission, with the approval of the Executive, is to continue its efforts to create prejudice against the great industries of the country, if it is to carry on the propaganda of a class struggle and engage in the agitation for Government ownership, then the act which established it should forthwith be amended to make its charter conform to its practices. It was believed when the commission was created that it was to inquire into practices alleged to be in restraint of trade, to give warning that unfair methods in competition must cease, and to use its influence to secure their abandonment. It was hoped that through voluntary compliance with its recommendations a great deal of costly litigation would be avoided and corporate good behavior generally established.

The commission's report on profiteering made it evident that the commissioners did not take that view of their duties. The communication to the President instances that report and other acts and utterances of the commission as evidence that it seeks to create prejudice "which would support an apparently preconceived purpose to inaugurate Government operation" of the packing business. Its methods of inquiry are declared to be "subversive of common justice," and in its report it employs "sensational terms unwarranted by the facts set out" and better suited to the compositions of an irresponsible muckraker than to the pages of an official document.

The observant public lost confidence in the commission when the profiteering report was published. If it is worth while to maintain the commission, if it is to serve any useful purpose, it should be cured of its present bolshevist and propagandist tendencies. The suggestion of the Chamber of Commerce of the United States that "men of a different type from those now in control be appointed to fill vacancies" is reasonable and sound.

[From the Baltimore Sun of Monday, Sept. 2, 1918.]

TRADE COMMISSION BITTERLY SCORED—CHAMBER OF COMMERCE OF UNITED STATES FILES GRAVE CHARGES WITH PRESIDENT—ABUSE OF BUSINESS ALLEGED—USURPATION OF POWER AND INEFFICIENCY ALSO MENTIONED—PETITION ASKS WILSON TO REMEDY CONDITION BY NAMING TWO ABLE MEN.

WASHINGTON, September 1.

Usurpation of power, inefficiency, and unjust abuse of business interests are among grave charges against the Federal Trade Commission which have been laid before President Wilson by the Chamber of Commerce of the United States.

In a letter sent to the President several days ago and made public to-night by the chamber, the directors of the organization approve and submit a report denouncing the Trade Commission as an irresponsible body that has lost the confidence of the public and asking the President to remedy this condition by filling two existing vacancies in the membership with able men "whose interests will be single to the commission's."

This report was prepared by the chamber's Federal trade commission, of which Rush C. Butler, a Chicago lawyer, is chairman. It presents the following seven specific charges, with detailed criticism in support:

SEVEN SPECIFIC CHARGES.

"The commission has undertaken the exercise of functions beyond its own jurisdiction, to the detriment of its proper usefulness.

"The commission has begun the study of important situations, but because of vacillating interest or for other reasons not apparent has left its work incomplete.

"The commission's procedure, originally orderly and appropriate, has been changed without public notice or notice to Congress.

"The commission has abused its powers of publicity.

"Prominent features of the commission's recent food investigation were subversive of common justice.

"In presenting information to Congress and the public the commission has been heedless of the accuracy and frankness which its position and the circumstances require.

"The commission has departed from the fundamental purposes for which it was established."

PRINCIPLES OF CONDUCT WRONG.

The report sets forth that it does not undertake to criticize in detail specific acts of the commission, but rather to point out mistakes in principles of conduct. The President is assured that the chamber and its committee, which has followed the work of the commission since its organization three years ago, does not represent special business interests.

After quoting from the President's address to Congress in 1915 on the proposal to create the Federal Trade Commission and the general sentiment of approval created by the commission's establishment, the report says:

"It gave promise of becoming a constructive body, expert in analysis and in information, able to suggest sound national policies for preventing abuses and for encouraging proper development in the great field of American business enterprises.

EXPECTATIONS DISAPPOINTED.

"The expectations are now being disappointed. . . . Instead of being a body with permanency in its personnel the commission, in fact, has in its membership, after but three years, none of the first appointees."

Referring to the fact that "two commissioners and a prominent member of its staff have been simultaneously candidates for political preferment," the report continues:

"Conditions such as these inevitably lead to impressions that the commission is no longer a responsible body approaching its duties with serious purpose to promote the public interests alone; that it seeks aggrandizement for itself and its members; and that it lacks the impartiality essential to any public agency which is to speak with authority and to promote the common cause of the Nation rather than to create discord, confusion, and disorganization."

In support of the charge that the commission has taken on improper functions to the detriment of its intended duties the report cites the commission's news-print report and its efforts to supervise distribution of coal before the creation of the Fuel Administration.

INQUIRIES NEVER FINISHED.

Investigations of the lumber inquiry, of the resale-price practices, and of bituminous-coal production were started but never completed, the report says, and these are cited as outstanding examples of permitting public interest to suffer and at the same time wasting public money.

Charges of unfairness, often initiated by a jealous competitor, the report declares, are preferred by the commission and made public without giving the accused firm advance notice of the charges or sufficiently definite information on the charges to enable it to make proper answer, while by filing about 180 normal complaints and disposing of only about 30, giving full publicity to the original complaints with meager announcement of dismissal, the commission has caused great injustice, injury, and confusion.

In criticism of methods adopted during the recent investigation of the packing industry the report says a special counsel (Francis J. Heney) was employed at \$30,000 a year and expenses, "although it had been stated to a committee of Congress that the salary would be at the rate of \$5,000."

"The result of the commission's course was not to give information to the public, but to place the commission in the position of seeking to create prejudice, which would support an apparently preconceived purpose to inaugurate Government operation of the business," the report says.

PROFITEERING REPORT DENOUNCED.

Referring to the commission's recent report to Congress on profiteering, the report says:

"The commission again showed its lack of responsibility by giving such form and content to a report as to make general charges of a calumnious nature against business enterprises without supporting its charges with adequate facts. The commission couched its statements in sensational terms unwarranted by the facts set out. For example, it spoke of 'barefaced fraud,' 'monopolistic control,' 'manipulation of the markets by illegal devices,' and 'preying with shameful avarice upon consumers.'"

Members of the Federal Trade Commission are William B. Colver (chairman), John F. Fort, and Victor Murdock. Joseph E. Davies and William J. Harris recently resigned membership to seek senatorial nominations in Wisconsin and Georgia, respectively.

Besides Mr. Butler, the chairman, members of the Federal Trade Commission of the chamber of commerce are: William K. Dean, St. Paul, member of a hardware firm; Alfred B. Koch, Toledo, department-store proprietor; W. L. Saunders, New York, president of a machinery manufacturing company; Henry R. Seager, professor of economics at Columbia University; Alexander W. Smith, Atlanta, lawyer; Dr. I. C. White, West Virginia State geologist; Silas P. Adams, Portland, Me.; and William C. Coffin, Pittsburgh, consulting engineer.

Mr. GORE. Mr. President, I should like to accompany that request with the request that a portion of the report of the Federal Trade Commission be printed.

Mr. SMOOT. Mr. President, the whole report has been printed in full in the RECORD, and there is no earthly need of spending any more money in that way.

Mr. GORE. I was not aware that it had been printed in the RECORD.

Mr. SMOOT. I will say to the Senator that it has been printed in the RECORD in full.

Mr. GORE. I should like to say that I have no disposition to precipitate the consideration of this amendment without giving Senators an opportunity to investigate it. I will say, also, that Senators have spoken to me who are very much concerned in the early passage of this bill, and who do not wish to see the prohibition amendment, I may say, encumbered with other amendments that might jeopardize the measure. Out of deference to their requests, I will ask permission to withdraw this amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. GORE. I will say to the Senators that they probably have gotten out of the frying pan, but I do not know just where they have landed.

Mr. SMOOT. I do not care where we land when the Senate has time to consider a matter of this importance. We can consider it later; but I want to say to the Senator now that if I wanted to defeat such a proposition as this, I would want every man in the United States to read the report of the Federal Trade Commission; and no one can read the report without knowing that it is conceived in hatred and sensational, unjust, and untrue in character.

Mr. GORE. Mr. President, I should like to say in that connection that I have heard a good deal of criticism of this report,

and it rather strikes me that there is a good deal of it that is ad captandum criticism. I have not heard an analysis of the facts presented by the commission and I have not heard any refutation of those facts.

For my own part I believe, so far as I have been able to investigate it, that the report is largely justified. I think that the ramifications of the packing houses of this country pass even the imagination of those who have not investigated the matter. I may say that on yesterday I had an informal hearing with respect to this subject, and the revelations to me were amazing as to where they have extended their tentacles and the various kinds of business that they are drawing unto themselves. The domination that they are establishing over various lines of endeavor, I think, is a public menace, not to use a much stronger term.

Of course, I am perfectly willing to hear the facts and the evidence presented by this commission refuted. So far the criticism has been rather ill-tempered and not based upon very substantial evidence.

Mr. SHERMAN. Mr. President, I understand that the Senator from Utah [Mr. Smoot] has inserted at length in his remarks the report of the Federal Trade Committee of the United States Chamber of Commerce to its board of directors. I want to state, in addition, that while this is a report of the Federal Trade Committee of the United States Chamber of Commerce to the board of directors of the chamber, it will have practically the unanimous approval of every member of the United States Chamber of Commerce, which is made up of the different chambers of commerce, boards of trade, and business associations of the various States of the Union. It will be practically unanimous.

Mr. KENYON. Mr. President—

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

Mr. SHERMAN. Yes, sir.

Mr. KENYON. I should like to make the same inquiry of the Senator from Illinois that I addressed to the Senator from Utah. Who are the directors of the chamber of commerce to whom this report was made?

Mr. SHERMAN. I can not give their names—Mr. Peak, of Moline, Waddell Catchings, of New York, and I do not know who else. Let me state, however, that all of them are men of standing in their different occupations. All of them are actually engaged in business. It is not an ornamental board of directors.

Mr. KENYON. I do not doubt that; but what I am anxious to know is, what connection they have, if any, with the packers, or with the various institutions in the country which the packers control.

Mr. SHERMAN. They have none that I know of.

Mr. KENYON. Is the Senator sure about that?

Mr. SHERMAN. I am as sure as I am of any business men, some of whom I have known for 30 years.

Mr. KENYON. I do not know that they do have, but I do know that the packers have such connections all over the country that gentlemen are very apt to have some connection with them.

Mr. SHERMAN. There is no stock owned, so far as I know, by any of the directors in any of the packing companies or any of the affiliated companies—the leather or fertilizer or stock-food companies, or anything of that sort.

Mr. McCUMBER. Mr. President, do they refute in any way the findings of the Federal Trade Commission as to the operations and the profits of these packing companies?

Mr. SHERMAN. Yes, sir. That is not the purpose of their report. I can go into that, if necessary.

Mr. McCUMBER. They might explain them and justify them; but what I wanted to know was whether they denied the truth of the statements made by the Trade Commission as to the profits of the packers.

Mr. SHERMAN. Yes, sir. The report criticizes the acts and methods of the commission; and upon the figures of the packers' business it does not require an expert accountant. In the report of the Federal Trade Commission, widely heralded to the public and given out, there are at least two material statements that are not based upon facts. This, however, is a matter that is not connected with the packing plants, except indirectly, or with the agencies which they employ for the distribution of their products. This is merely a general criticism by the Federal trade committee of the United States Chamber of Commerce of the methods employed by the Federal Trade Commission, not merely in the packers' case but the methods they have employed generally. Instead of being a help to the business men, as originally was supposed to be the

purpose of the Trade Commission, it has turned out to be quite the contrary.

The President said:

The business men of the country desire . . . the advice, the definite guidance and information which can be supplied by an administrative body, an interstate trade commission. The opinion of the country would instantly approve of such a commission.

That means an investigating committee which would discharge functions similar to those of the Interstate Commerce Commission, which is semijudicial, so that all persons are given a hearing. Both sides of a controverted question of fact are permitted to be heard. The Federal Trade Commission have converted themselves into a prosecuting agency and sit in various parts of the country as a grand jury, indicting upon ex parte hearings; such is the nature of their investigation made in the case of the packing plants. There are material parts of the packing-plant report that are absolutely without foundation.

Mr. THOMAS. Mr. President—

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

Mr. SHERMAN. Yes, sir; I yield.

Mr. THOMAS. The Senator's last statement surprises me somewhat. I had supposed that the Trade Commission had heard from both sides before making their report. Am I mistaken in that?

Mr. SHERMAN. I think the Senator is. I think it was an ex parte hearing.

Mr. THOMAS. I had supposed that it was a full hearing, in which both sides appeared.

Mr. SHERMAN. The packers, as a matter of fact, were denied an opportunity to place in the record of such hearings as were had testimony which would give the whole of the conditions on which the commission ought to base a report. There was no investigation of the comparative profits. There is no more reason for stating that in the prewar period \$140,000,000 was an excessive profit than there would be for taking the prewar profits of at least 100 other corporations whose business conditions have been tabulated and are accessible. As a matter of fact, there are any number of industrial plants whose profits have exceeded three to five times the dividends paid by the packing plants, not only on their capital stock but upon the actual money invested.

It is not merely the capital stock, because the packers have not watered their stock. They have merely put in dollar for dollar for all of the money they are using in their business. Their inventory values have increased. Their borrowings at the banks have increased. A single packing plant, that of Swift & Co., for instance, that used to have \$75,000,000 of borrowed money, sometimes running as low as \$50,000,000, have now a borrowed capital of \$150,000,000. Their inventory values have increased correspondingly. They have gone up as fast as the price of live stock. The report that was made on the different items by the Federal Trade Commission was not based upon an investigation of the actual amount of capital involved in the transaction. The report was based upon the profits for three years, the \$140,000,000 profit for 1915, 1916, and 1917. That would be an average, say, of \$46,000,000 per year for the five packers. It was not based upon the actual investment. It was put out in a way that would create the impression that they were making abnormal profits. As a matter of fact, during the three-year period of 1915, 1916, and 1917, in which the \$140,000,000 were earned, it was earned on an actual volume of business of more than four and a half billions of dollars, involving a profit of only 3.11 cents on every dollar's worth of business.

I called attention the other day, Mr. President, to the fact that the Ford Motor Co. is making 30 per cent, or was in 1916, the last year of the litigation. I have had no opportunity of collecting information on its dividends since that time, but they have not decreased any, to say the least of it. Then, there are industrial plants of various kinds, and especially a series of them that were tabulated by Mr. Pinchot in a printed table here showing large profits. The profits of others ran all the way from 25 to 500 per cent on the investment.

Nothing is said about those. No attempt is made to pillory them before the public as taking unjust gains or as profiteering upon the private consumer. None of those things are given to the public in this report, and no opportunity was given to the men who are in charge of these large enterprises to present the evidence of the entire transactions.

I understand that the amendment has been withdrawn, anyhow; but as a matter of justice, and especially in view of this report of the Federal trade committee of the Chamber of Commerce, learning that the Senator from Utah has embodied that in his remarks, I wanted to add what I did originally—that the

report will receive the practically unanimous approval of the United States Chamber of Commerce, which represents every State in the Union.

Mr. KENYON. Mr. President, I only want to add that I believe the report of the commission will receive practically the unanimous indorsement of the people of the United States, who have been robbed on meats by the packers all of these years.

Mr. SHERMAN. I wish the members of the commission would run for office, every one of them. I will undertake to say that if they ran for office in my own State every member of the commission would be beaten by a quarter of a million. Besides being arrant demagogues, they never were elected to any office in their lives since this question has come up. The Senator is in error on the robbery. The packers make 3 cents on each dollar of meat handled. It is the lowest margin or among the lowest of profits found in any line of business in the country. Every retail dealer exceeds it many times. If 3 cents profit on a dollar is robbery, then other lines of business ought to be exterminated. There is not a retail meat dealer in the country who does not make from ten to fifteen times as much.

Mr. KENYON. Mr. President, I concede that the packers might have the power in Illinois to defeat them. The people of the country would not defeat them.

Mr. SHERMAN. I undertake to say that if any of them want to run for office anywhere in the United States they will have a good opportunity if they will ever go into a primary. We have universal direct primaries in most of the States now, where the people have a chance to rule; and I should like to see some of these self-appointed business men, who have done nothing in their lifetimes except to destroy and criticize others who are doing things, submit their claims to the people.

One has been a newspaper man in Minnesota—the most vociferous and blatant one of the lot—who never did a large business of any kind in his life. Another is a gentleman who was once in the House of Representatives, and who a long time ago was beaten, since the State of Kansas learned what he is and what he represents. Possibly it might have a radical spell. It gets them about once every 20 years, I understand, like my own State does, when everybody else goes about his own business. It always comes in peace times, after a long and prosperous period, when people forget about the affairs that they stir up. Outside of those conditions, when those revulsions come, about once in every 20 years, when nobody but the vociferous portion of the community can be heard, when the destroyers are much in evidence, these men never can be elected, and universally when they have been elected they have been accidents, and have been repudiated the next time they ran for office, when their record was known.

If there is any popularity about the members of the Federal Trade Commission I wish them to go back to their States and submit their claims and be nominated and run and see what the dear people think of them. I am weary of hearing criticisms of business men and of the Senate and of the House by men who could not be elected town clerk in a brush township anywhere in the United States. They are the type of people that are running about over the country condemning every business concern that has made a success of its affairs. The domestic civilian affairs of the Government are largely run by life's distinguished failures. This is one reason it is costing so much. There is not a solitary one of these gentlemen who has had the hardihood or the constitutional nerve to submit himself on the ticket of either party or any party anywhere in any State.

Mr. KENYON. Mr. President—

Mr. SHERMAN. I invite them to a test of their popularity in any State where they live, including my own.

Mr. WATSON. Mr. President—

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

Mr. SHERMAN. Yes, sir.

Mr. WATSON. Did not one of them run for Senator up in Wisconsin?

Mr. SHERMAN. Yes.

Mr. WATSON. And is not one of them running for Senator down in Georgia now?

Mr. SHERMAN. Yes. Their efforts are confined to running.

Mr. KENYON. That is what I wanted to suggest—that there was one now running. I merely wanted to suggest, in the interest of accuracy, that one of them is running for the Senate in Georgia.

Mr. SHERMAN. That is true. There was one running in Wisconsin with presidential indorsement who was defeated, as he ought to have been.

Mr. SMOOT. There was one running for Senator in Kansas. There was one running for Senator up in Wisconsin.

In fact, the whole Federal Trade Commission, since it was first organized, has been a political organization, a stepping-stone to run for some office in the United States.

Mr. SHERMAN. That is true. And, Mr. President, instead of being a fair-minded instrumentality of Government, as the Interstate Commerce Commission has been, to settle questions between shippers and carriers, the Federal Trade Commission has been just the reverse of it. I will take it two years back, at least. This commission has been merely an addled egg, perfectly rotten, in the nest for the incubation of still more addled candidates. That is its history. There is not one of its members that is not a radical, a bolshevist in this country, a fire-brand, an economic incendiary; and all or the most of them were in private life business failures of the most pronounced type. They have succeeded in no profession. They have built up no business. They have accomplished nothing but ceaseless agitation.

Mr. ASHURST. Mr. President, will the Senator kindly give us the names of these gentlemen to whom he pays such high compliments?

Mr. SHERMAN. One of them is Victor Murdock.

Mr. ASHURST. Who are the others?

Mr. SHERMAN. Another is Mr. Colver. Those two are the types.

Mr. ASHURST. Who are the others?

Mr. SHERMAN. Mr. Davies was another one. They have accomplished nothing. Go to their own States and find out what they have been doing. None of them have become distinguished in their professions or in any industrial line. I would be glad if one of them would settle in some State and stay there long enough to acquire a fixed residence, some kind of a permanent abode that would qualify him sufficiently to run for office, and then let him run, and see how rapidly he would arrive anywhere. I know that type. I see them on the curbstone out on Jackson Boulevard in Chicago every night I am there. They are valorous gentlemen on a platform or treading a soap box. They are the younger brothers of the I. W. W.'s, all of them. They all bear a strong family resemblance to Haywood. They are poor excuses for public officers. They are a disgrace to this administration; they are a menace to business; they are a discredit to the country; and I only yearn for the day when some of this ill-flavored gentry will get on the ticket and submit their claims to the people. I know how to meet them. If you will tell the truth about them and nail them down to Mother Earth, they will melt away like snow in a summer sun. There is no substance to them.

If I wanted to criticize this administration—and I do not, save on its domestic affairs, when it is necessary—I could offer no more potent criticism than the fact that it collects about it such instrumentalities to administer government among a free people, to destroy, to break down, and weaken every line of business. Anything that is successful is necessarily the object of their attacks. The only successful concerns, according to their definition, are the ones that have landed in a bankruptcy court. If a concern accomplishes the purposes of its organization or is industrially strong on its ability or its merits, then it becomes the target for their attacks, an object for the perversion and the abuse of the powers of government wielded in their hands.

I want at some time to take up this matter and discuss it at length when I expect to be somewhat unhampered and without restraints or limits upon my comments upon these gentlemen.

Mr. ASHURST. Mr. President, will the Senator yield to me? I just want a moment.

Mr. SHERMAN. Certainly.

Mr. ASHURST. Mr. President, it would be offensively presumptuous in me to rise here in the guise of attempting to read a lecture to my esteemed friend the Senator from Illinois. I think we all more or less grow into the habit in the Senate here—I know I am guilty of that—of allowing our feelings to come to the surface in a very vehement manner. Now, we ought not to forget that the men whom we assail so vehemently are taken at a disadvantage. We take advantage of them. They can not reply here. What we say here we can not be sued for or arrested for libel. The Constitution gives us—and it should—the right to say whatever we please, to make any argument we see fit. I submit to my learned friend, for whom I have an affection, that when he reflects on it he will see that it is rather unfair to characterize men as he has.

The Federal Trade Commission is composed of the following men:

William J. Harris, chairman. I am told, sotto voce, that he is off the commission now.

Joseph E. Davies. I am told that he is off. Very well. I am glad that it is disclosed here that I do not even know who they are. I am very glad to know that.

The other members, reading from the Congressional Directory, are William B. Colver, John F. Fort, and Victor Murdock.

I would know Victor Murdock when I saw him if I should meet him on the street. I saw Mr. Fort last night and happened to know him. I am not a friend of these men; but I do say that there is nothing in their records in a public way, and nothing in a private way, that in good conscience and in good faith ought to require a Senator to get up here and traduce them in such a violent way. They can make no reply. It is unfair to make an assault on them in this fashion.

These men may be pilloried here in the Senate, but when the thoughtful people of the country make up their judgment as to what these men have done or failed to do, I do not believe they need fear the judgment of the American people; and I do not know anything about them, either.

Mr. SHERMAN. Mr. President, I have been sued five times individually in the last 20 years. I regret that I am restrained by parliamentary limitations here. I can not say what I should like to say, but I can say it out on the platform when I am outside of the Senate Chamber in a campaign or at the rare intervals when I get inside the Chautauqua grounds, where I meet these gentlemen in their native lair. I can say what I please there, and I have said it. I hold myself responsible for what I say. If I say anything that I can not prove, the courts are open. I will not ask for any slackers' round-up. There will be no 65,000 or 70,000 people taken into custody when they go after me. There will be just one. It will be the defendant in the case. I can employ lawyers and fight my cases just as well as they can, unless they do it in the name of the Government. If you employ the whole power of the Republic against a single defendant, as you do in a criminal case, I understand that that puts the defendant at some disadvantage; but when it is said that these gentlemen are taken unawares, that they are working under great handicaps and at a disadvantage, and can not reply or defend themselves, in fact, because we can say what we please here in the Senate, and that these gentlemen have no redress, the Senator is mistaken.

Mr. ASHURST. Mr. President, if the Senator will yield to me—

Mr. SHERMAN. In just a moment. First of all, two of them are newspaper men. They have access to the columns of certain newspapers. Both of them are trained newspaper men of many years' standing, somewhat given to sensationalism in their columns. Would it be said that these harmless, inoffensive innocents that come in can not take care of themselves? Why, they wield a pen of their own. They can always take care of themselves. For 20 years their forte has been attacking other people.

Mr. ASHURST. Will the Senator yield?

Mr. SHERMAN. In a minute. They have spent their time all these years in assaulting other people, and nine times out of ten the ones they criticized were without blame. I attack them without scruple, and I will keep it up with pleasure until such time as I see fit to desist.

Nobody can invoke for them the shield of injured innocence. We have known them in the West and Northwest for a long time, and if any forbearance is to be shown let it be shown to somebody else.

Mr. ASHURST. Will the Senator yield?

Mr. SHERMAN. I now yield to the Senator.

Mr. ASHURST. I should not have risen a moment ago, because these men have committed the greatest offense we know in politics. They were orthodox, and they have committed a heresy. They need no defense. There is no defense for them. They belonged to the Senator's party, and committed the great crime of heresy by going to another party. To him murder and all other things of that sort are as nothing compared to political heresy. I should not have attempted it.

Mr. SHERMAN. The idea that those lambs will be brought to sacrifice on the altar equally with the victims of plutocracy is a statement which carries its own refutation with it. In the days past, and I will say not very long past, they went forth to battle fearlessly, and would fight anybody who attacked them or said a word about them, or gave them excuses to do so. There never was a time since I have known them that they have been meek virtue on a pedestal. I care nothing for the political heresy to which the Senator alludes. That difference has long ago been composed between those responsible for the division. The type to which allusion is made is a remnant rescued from the political junk yard to fill Democratic offices. They must adorn and gratify the appointing power. It is high time

for plain speaking here and in the country. Silence longer is becoming a crime.

If any defense were necessary, they would have made it themselves. What I am complaining about is that such persons are put upon a highly responsible commission with such duties as are mentioned in the President's message at the time these men were appointed and confirmed or the agency itself created.

Mr. ASHURST. If the Senator will allow me, of course, as he has told us two or three times, he has known of these men for many years. They were appointed and required to be confirmed by the Senate of the United States. The Senator was singularly silent when these appointments came in. I wonder he did not, in his ringing and vociferous way, tell us something about these men, so that we would not have confirmed such characters. Why did he not give this information when their names were sent in? The Senator voted to confirm some of them?

Mr. SHERMAN. Certainly. If the Senator is yearning for that information, I will so state it to him. Does he know of any attempt to prevent a confirmation here that has been successful when it was conducted by a minority man?

Mr. ASHURST. I have seen confirmations rejected.

Mr. SHERMAN. What one?

Mr. ASHURST. I do not know that I am at liberty to speak of that.

Mr. SHERMAN. None from my State, unless asked by my colleague and he wanted it done.

Mr. ASHURST. But I do know that a Republican Senator—God bless his memory; may the sod rest lightly on his bosom—objected to a nomination and asserted that the nomination was objectionable to him, and that nominee was not confirmed. I do not want to mention the name, but it was an appointment to the Trade Commission. Now, if this majority would extend such a courtesy to one Senator, it would surely act that way toward the Senator from Illinois. If the Senator from Illinois, when the confirmations came in, had risen and declared himself in the language which he has used to-day, I doubt very much if these men would have been confirmed.

Mr. SHERMAN. I might have convinced the Senator from Arizona, as impossible as it seems now at this late day.

Mr. ASHURST. The Senator from Illinois evidently did not convince me.

Mr. SHERMAN. The only one I remember who has been successfully attacked was in the case of the late Senator Gallinger, the lamented predecessor of the senior Senator from Massachusetts [Mr. Lodge], now the minority leader. He objected to the confirmation of Raymond Stevens on this board. There was a somewhat long-drawn-out contest. That is the only one that I know of, and that was very largely, if not entirely, on the ground that he was personally objectionable to the Senator.

I could not say that these men are personally objectionable to me. Unless that board can be framed up in a way that it will comply with the spirit of Congress when the act was passed as a quasi judicial body, I would just as lief have this horrible example go on as representative of this administration as not, unless more sound business sense can be shown in appointments than has been done heretofore. It has been used for political purposes, not only just what these men want to give them prominence, but it has been used after they were put there by these men for the purpose of attacking large concerns with a view of winning popularity for the assailants. What avail for me to say anything? I can not even beat the confirmation of a postmaster that requires the action of the Senate in my own State. How could I attack a member of this commission? How can I do anything? When they are unsatisfactory to my colleague and both of us join, then ordinarily it is a fixed rule of the Senate that the rejection shall be made, and that is put upon the ground that they are personally objectionable. There are not many Democrats who are objectionable to me personally. It very seldom happens. They have always waged honorable warfare on me. They never put it in a form that I would make objection to on personal grounds.

I remember in the case of Senator Gallinger the nomination was objectionable personally because of a variety of attacks made upon him when he was a candidate in 1914.

Mr. ASHURST. Will the Senator yield?

Mr. SHERMAN. Certainly.

Mr. ASHURST. There was a nomination of a gentleman by the name of Thomas E. Jones. I do not know whether the Senator remembers that or not or opposed him or not.

Mr. SHERMAN. No, sir; I did not. I was for him, and I wired the President that Thomas E. Jones was, in my judgment, a competent and fit man.

Mr. ASHURST. I am glad that is in the CONGRESSIONAL RECORD, and I simply say right here and now the Senator was right for once in his life. I did not know he was for Mr. Jones. I thought he might have been opposed to him.

I will also say, if the Senator would rise in his place when a nomination is sent in here—I am not going to tell anything about the record, but I have seen it happen half a dozen times when a Senator on either side would rise in his place—and simply say that a certain nominee was objectionable to him and he was opposed to his confirmation, the nominee would not be confirmed. I like that rule. I think it is a good rule.

Mr. SHERMAN. That is because the nominee is personally obnoxious. I never have beaten a confirmation since I have been here. I only had one objection, and I finally yielded that. But it is useless to talk about the rights of the minority in this administration. It is love's labor lost. What rights do we have? Simply a right to our seats. What right does Congress have itself? Take both sides. It is extremely limited. It is largely a Congress that is instructed what to do. It has become a superfluous branch of the Government. It has delegated the major part of its powers to the Executive. I have a volume here at my desk, which I will forbear to read, entitled "The State." Its author is the present President, and in it he declares that the interference by the Executive in legislative affairs is an abuse of his prerogative and power. Even the majority Senators are compelled to change front sometimes on questions, sometimes so rapidly that they are dizzy before they are able to get to their seats and explain their change in affairs. "Stand by the President." How can you stand by him when he will not stand still on any question long enough for anybody to find out what it is? What are the rights of the minority? I will have occasion on some other question to take up that subject when I can give it sufficient time.

I go back to the members of this commission. They ought to resign. Let them resign and run for an elective office. There is scarcely an appointee in this entire list of responsible agencies conducting these examinations of the industrial concerns of the country who could be elected in any State of the Union on either ticket if he were nominated. I have seen that tried, and I want it to be tried again. That is the reason why I am opening the door for them to do as they like about it.

There are some limitations here. I realize that it would be improper at this late hour, after 5 o'clock, to pursue the subject further, but I have a good deal that I want to say. This is all of an extemporaneous character, and I wish to take time to condense it and put it within proper compass in future discussions.

Mr. KELLOGG. Mr. President, I do not wish to break into the Senator's discussion or to criticize the Senator for personal reflections upon gentlemen. Of his actions he must be the judge himself. I am not going to discuss the merits or demerits of the report the Senator refers to, because I have not read it. I know Mr. Colver. He was not appointed at my suggestion. I did not know of his appointment until after it was made. He was the business manager of a St. Paul paper, a good business man, and I believe an honest man and an honorable gentleman. I do not say that I agree with Mr. Colver in all his ideas. That I will not stop to discuss; but he is not a dishonest man.

Mr. THOMAS. Mr. President, within the limitations of the rules of this body, and they are very liberal, every Senator has the right to determine his own line of conduct, and of that I have no criticism. I sympathize, however, very deeply with the suggestions made by the junior Senator from Arizona [Mr. ASHURST] when he called attention to the fact that we are here a privileged body. For what we say we can not be held accountable either civilly or criminally. Hence those whom we attack can only reply upon the outside.

I am aware, Mr. President, that the Senator from Illinois is a man of great personal and moral courage. Both have been tested, and we must here pay tribute to his possession of those two genuine and rare virtues. There is no question but that he will say outside of this Chamber and perhaps emphasize anything that he may say within the Chamber. I hope that is true of all of us.

In what I shall say, and I shall be very brief, I shall not reflect upon the judgment or the sentiments of any Member of this body. We may pursue such a course here within the rules as I have said as addresses itself to our better judgment.

During my somewhat brief occupancy of a seat in this body I have had occasion to criticize a great many men and a great many measures. I have, however, abstained, because I think I ought to do it, except where absolutely necessary, from reflections which might be construed as affecting the character or the integrity of the individuals.

Mr. President, I am slightly acquainted with one of the members of the Trade Commission. I know them all by reputation.

Whatever may be said of their business capacity, upon which I do not pass judgment, I want before this body adjourns to offer my testimony to their integrity, their uprightness, and their morality.

I have known Mr. Victor Murdock for a number of years, not intimately. I have known of him for a very considerable number of years. He has been a strong, forceful, useful, and purifying element in the political life of this Nation. He is a man of strong convictions, fearless in their expression, and courageous in their defense. I consider him one of the best characters in public life, and personally I will say nothing more of him.

I know Gov. Fort, former chief executive of the great State of New Jersey, whose record there is a splendid one, who carried out the pledges of his party as far as it was possible and wrote a creditable chapter not only in the history of his State but in the record of the party which elected him.

I have not the honor of a personal acquaintance with Mr. Colver. All I know of him is to his credit.

Mr. President, these men may have made mistakes in the execution of their duties. I believe they have attempted faithfully, earnestly, and conscientiously to discharge them.

The junior Senator from Wyoming [Mr. KENDRICK] informs me that the finding and report of this commission was made after a full hearing, and the witnesses and parties representing both sides of the controversy were given ample opportunity to present their cases and their facts to the consideration of the commission. I recall distinctly that an attempt was made to secure some documentary testimony in the possession of the packers. They appealed to the courts for protection and received it. That indicates, Mr. President, that this was not only not an ex-parte proceeding but one in which the facts were sought to be elicited and in which both sides were given a hearing.

I do not criticize the packers for appealing to the courts if they thought that by so appealing they were exercising a right given them by the Constitution, nor the courts themselves for granting the relief which was asked for and excluding these documents from the scrutiny and the possession of the commission.

I think, Mr. President, in its last analysis the offense which these men have committed has been their audacity in attacking the most exclusive, the most merciless, and the most unscrupulous monopoly of all the monopolies that have overshadowed the prosperity of the people of the United States.

I have read the report of the committee of the chamber of commerce. It is a very intelligent and intelligible report. I shall cast no reflections upon it. The other report may be entirely wrong; I do not know; but I am inclined to think that when we stop to consider that the shareholders and directors of these great packing concerns are unquestionably members of the boards of trade and chambers of commerce—among the members, at least—which make up the constituents of the National Chamber of Commerce, I would be as fully justified in attacking that report as emanating from interested sources as to violently attack, not the report, but the personal character and position of the men who had the temerity to make it and submit it to the American people.

I do not believe, Mr. President, that this Government will, in time of war, take over any industry not absolutely essential to the prosecution and the successful termination of this great conflict. I have been in favor of the municipal ownership of many utilities, but to change the policy of a people in time of war, if the change is to be permanent, is always fraught with difficulty if not with danger.

Hence, in saying what I have I must not be taken as in any manner approving the recommendation of this commission that the business of the packers be taken over by the Government. I do not want to see it done in time of war unless it becomes absolutely indispensable to our success. If that is the case, then, report or no report, the President and ourselves have but one duty to perform, and that is to act accordingly.

Mr. SHERMAN. Mr. President—

Mr. MARTIN. I move that the Senate proceed to the consideration of executive business.

Mr. JOHNSON of California. Will the Senator yield to me for just one second in this regard?

Mr. MARTIN. I will yield.

Mr. JOHNSON of California. I shall take but a moment.

Mr. President, as a Member of this body on this side of the Chamber, I desire to indorse what has been said by the Senator from Colorado [Mr. THOMAS]. I simply wish to add my testimony—of little value, doubtless—to the character, the integrity, the honesty, and the indefatigable industry of the members of the Federal Trade Commission. At some time in the future,

with the permission of the Senator from Illinois [Mr. SHERMAN], I trust to accept his challenge and to discuss with him the report of that commission.

Mr. SHERMAN. Mr. President, will the Senator from Virginia yield to me for just a moment?

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

Mr. MARTIN. I yield to the Senator.

Mr. SHERMAN. I want to direct myself especially to the Senator from Colorado [Mr. THOMAS] and to the Senator from California [Mr. JOHNSON]. If these distinguished gentlemen, these highly capable men, possess such resourceful ability and capacity of the kind that would be in keeping with the glowing recommendations offered in their behalf, Mr. President, I am unable to understand the reprehensible character of their work. I judge men by what they do, by the effects, and not by the men themselves. If I judge them harshly, it is because their work calls for that harsh judgment. I hope I shall be present when the matter is gone into at length.

EXECUTIVE SESSION.

Mr. MARTIN. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, September 6, 1918, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 5 (legislative day, September 4), 1918.

SURVEYOR OF CUSTOMS.

John Marks to be surveyor of customs at New Orleans, La.

UNITED STATES COAST GUARD.

To be captains.

William E. Reynolds.
Daniel P. Foley.
Edward Darlington Jones.
Stanley Vincent Parker.
Russell Randolph Waesche.
Thomas Andrew Shanley.
Philip Francis Roach.
Wales Alfred Benham.
Raymond Lockwood Jack.
Charles Augustus Wheeler.
John Irvin Bryan.
Samuel Moorehead Rock.
Edwin Williams Davis.
Charles Stevens Root.
Michael Nelligan Usina.
Robert Bradford Adams.
Quincy Bogardus Newman.
Lorenzo Chase Farwell.
California Charles McMillan.
Jesse Wilbur Glover.
George Warren David.
Lucien Joseph Ker.
Frederick Harvey Young.
Eugene Blake, jr.
Philip Henshaw Scott.
James Freeman Hottel.
Henry William Pope.
Harold Dale Hinckley.
Benjamin Little Brockway.
John Boedeker.
William Henry Munter.
John Lovejoy Maher.
Eben Barker.
Philip Wales Lauriat.
Leon Claude Covell.
Thomas Marcus Molloy.
Edward Shanley Addison.
William Henry Shea.
Cecil Maunsell Gabbett.
Thaddeus Greaves Crapster.
Joseph Henry Crozier.
Hiram Rex Searles.
George Clayton Alexander.
Charles Frederick Howell.
William Thomas Stromberg.
George Ellender Wilcox.
James Albert Alger.

Muller Stuntz Hay.
 Frank Lynn Austin.
 Howard Eugene Rideout.
 Ralph Waldo Dempwolf.
 Roger Chew Weightman.
 Le Roy Reinburg.
 Archibald Howard Scally.
 James Louis Ahern.
 Lloyd Toulmin Chalker.
 John Edward Dorry.
 William Ellicott Maccoun.
 Carl Melville Green.
 Horatio Nelson Wood.
 Hermann Kotzschmar.
 Henry Francis Schoenborn.
 Robert Edward Wright.
 Urban Harvey.
 Albert Clift Norman.
 Theodore Graham Lawton.
 Christopher Gadsden Porcher.
 John Booth Turner.

To be temporary senior captains.

James H. Brown.
 James M. Moore.
 William V. E. Jacobs.
 Preston H. Uberroth.
 Andrew J. Henderson.
 Richard O. Crisp.
 Frederick G. Dodge.
 George C. Carmine.
 Frederick J. Haake.
 James G. Ballinger.
 Charles E. Johnston.
 Aaron L. Gamble.
 James H. Chalker.
 Charles F. Nash.

To be temporary captains.

Charles W. Cairnes.
 John Mel.

To be temporary captains, Engineers.

Fred R. Falkenstein.
 Charles W. Zastrow.
 William L. Maxwell.
 Henry O. Slayton.

To be temporary first lieutenant, Engineers.

Byron A. Minor.

To be first lieutenants.

Russell Lord Lucas.
 Stephen Safford Yeandle.
 Frederick August Zscheuschler.
 Thomas Sylvester Klinger.
 Charles Eaton Anstett.
 Henry George Hemingway.
 Jeremiah Allen Starr.
 Joseph Edward Stika.
 Frank Joseph Gorman.
 James Alexander Frost, jr.
 Gordon Whiting MacLane.
 Robert Donohue.
 Loyd Vineyard Kielhorn.
 Elmer Fowler Stone.
 Carl Christian von Paulsen.
 Fletcher Webster Brown.
 John Elliot Whitbeck.
 Earl Griffith Rose.
 Edward Hanson Smith.
 Rae Bartley Hall.
 Henry Coyle.
 George Ricker Crosby.
 John Farrell McGourty.
 John Jenkins Hutson.
 Fred Arthur Nichols.
 Charles Frederick Seiter.
 Chester Hardy Jones.
 William Francis Towle.
 Michael John Ryan.
 James Pine.
 Warner Kieth Thompson.
 Joseph Raoul Besse.
 John Patrick Gray.
 Paul Henry Harrison.
 William Williams.

John H. Cornell.
 William Pitts Wishaar.
 Gordon Thomas Finlay.
 Louis Leon Bennett.
 Roy Percival Munroe.
 William James Keester.
 Eugene Auguste Coffin.
 John Stansbury Baylis.
 Charles George Roemer.
 Wilfred Neville Derby.
 Leo Charles Mueller.
 Clarence Henry Dench.
 William Kirk Scammell.
 Roy Ackerman Bothwell.
 Wilmer Hake Eberly.
 Webb Cudworth Maglathlin.
 Whitney Matthews Prall.
 George Wilson Cairnes.
 John Frederick Hahn.
 Harvey Fletcher Johnson.
 Martin Augustus Doyle.
 Norman Brierey Hall.
 Sidney Baxter Orne.
 Frank Everett Bagger.
 Phillip Bently Eaton.
 Thomas Homer Yenger.
 Alvan Hovey Bixby.
 Charles Edward Sugden.
 Francis Ellery Fitch.
 Charles Joseph Oden'hal.
 Henry Charles Roach.
 Clinton Philo Kendall.
 Kurt Wolfgang Krafft.
 Charles Herman Johnson.
 Herbert Norton Perham.
 Francis Clair Allen.
 Benjamin Cribby Thorn.
 Milton Rockwood Daniels.
 Ellis Reed-Hill.
 Mayson White Torbet.
 Gustavus Richard O'Connor.
 Paul Revere Smith.
 Walter Melchior Troll.
 Chester Arthur Beckley.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders:

Fred F. Rogers,
 Wilfred E. Clarke,
 Joe R. Morrison,
 Harold Jones, and
 Garrett K. Davis.

The following-named lieutenants (junior grade) to be lieutenants:

Walter D. Seed, jr.,
 Lyal A. Davidson,
 William M. Corry, jr.,
 Lewis Hancock, jr.,
 Henry B. Cecil,
 Godfred deC. Chevalier,
 Frederick G. Reinicke,
 Francis S. Craven,
 Thomas Baxter,
 John H. Magruder, jr.,
 John C. Thom,
 Robert P. Heinrichs,
 John W. McClaran,
 Ralph C. Lawder,
 Robert P. Molten, jr.,
 George J. McMillin,
 Conrad Ridgely,
 Richard H. Booth,
 Ralph S. Parr,
 Donald Boyden,
 Robertson J. Weeks,
 Frederick Baltzly,
 Eugene P. A. Simpson,
 James C. Clark,
 Carl G. Gilliland,
 Whitley Perkins,
 James L. King,
 Homer C. Wick,
 Philip Van H. Weems, and
 Clarence Gulbranson.
 Ensign Jesse H. Smith to be a lieutenant (junior grade).

The following-named ensigns to be lieutenants (junior grade):

Lynde D. McCormick,
Mark L. Sperry, jr.,
Walter A. Hicks,
Frederick W. Pennoyer, jr.,
Louis R. Moore,
Gerard H. Wood,
Melville C. Partello,
Kendall Preston,
Robert O. Glover,
John H. Rockwell,
Norwood G. Calvert,
Leon B. Scott,
William H. Bowman,
Finney B. Smith,
William J. Lorenz,
Ivan M. Graham,
Samuel R. Shumaker,
Thomas G. Peyton,
Samuel P. Jenkins,
Nelson J. Leonard,
Homer W. Graf,
Romeo J. Jondreau,
George C. Hill,
Francis S. Low,
Francis M. Mail, jr.,
William J. Nunnally, jr.,
Alexander S. Wotherspoon,
John L. McCrea,
Tully Shelley,
Horace D. Clarke,
Thomas G. Brown,
Allan E. Smith,
John M. Field, jr.,
Harold O'D. Hunter,
Forrest K. Libenow,
Clifford G. Richardson,
William M. Snelling, and
Elmer B. Hough.

Ensign John D. Edwards to be a lieutenant (junior grade).

The following-named midshipmen to be ensigns:

Charles R. Smith, and
Gordon M. Jackson.

The following-named assistant surgeons to be passed assistant surgeons with the rank of lieutenant:

Walter W. Cress,
Henry M. Stenhouse, and
Summerfield M. Taylor.

Dental Surg. Eugene LeR. Walter to be an assistant dental surgeon with the rank of lieutenant (junior grade).

The following-named citizens to be assistant dental surgeons, with the rank of lieutenant (junior grade):

Edwin R. Tilley,
Herbert A. White,
Frederick D. Clancy,
Eric G. Hoylman,
Harrison B. Duncan,
Joseph A. Flynn,
Elmer H. Brown,
Earl H. Zimmer,
Andrew L. Burleigh,
Percy B. Maskrey,
Arthur W. Blum,
Arthur H. Yando,
Conrad H. Nelson,
Robert E. Dickson,
Joseph A. Kelly,
Charles C. Jones,
John E. Morgan,
Ralph Schumucker,
Joseph F. Quinn, and
Alwyn Smith.

Pay Clerk John Flynn to be assistant paymaster, with the rank of ensign.

Acting Chaplain Irene J. Bouffard to be a chaplain, with the rank of lieutenant (junior grade).

Acting Chaplain Robert D. Workman to be a chaplain, with the rank of lieutenant (junior grade).

The following-named boatswains to be chief boatswains:

Lafayette P. Guy, and
Horace DeB. Dougherty.

The following-named machinists to be chief machinists:

Malcolm C. Davis,
LeRoy Nell, and
John C. Hines.

Pay Clerk Eugene K. Brooks, jr., to be a chief pay clerk.

The following-named chief boatswains to be ensigns for temporary service:

William L. Hill,
Stephen McCarthy,
John J. Holden,
Phillip Mullen,
Harry R. Brayton,
Patrick Deery,
Patrick J. Kane,
Peter E. Radcliffe,
August Rettig,
Arthur R. Nickerson,
John Mahoney,
Ernest V. Sandstrom,
Frederick Muller,
John McCarthy,
Frederick R. Hazard,
William Juraschka,
Joseph Clancy,
Harry G. Jacklin,
Herman P. Rahbusch, and
Gustav Sabelstrom.

The following-named chief gunners to be ensigns for temporary service:

Thomas M. Johnston,
Frank C. Messenger,
Joel C. Evans,
Frank H. Whitney,
Hugh Sinclair,
James Shannon,
George Charrette,
Hans Johnsen,
James Donald, and
Mons Monssen.

The following-named chief machinists to be ensigns for temporary service:

Edward A. Manck,
William R. Scofield,
George O. Littlefield,
Otto Johnson,
Richard Jeffares,
Henry Smith,
Robert T. Scott,
Martin J. Clancy,
John T. Pennycook,
James A. Hickey,
John T. Riley,
William W. Booth,
Charles G. Nelson,
Kellum D. Grant,
Charles H. Gilhuley,
John H. Busch,
Daniel C. Beach,
James M. Ober,
Thomas D. Healy,
George Growney, and
George W. Byrne.

The following-named ensigns to be lieutenants (junior grade), for temporary service:

William L. Hill,
Stephen McCarthy,
Thomas M. Johnston,
Frank C. Messenger,
Joel C. Evans,
Frank H. Whitney,
Hugh Sinclair,
James Shannon,
John J. Holden,
Phillip Mullen,
Harry R. Brayton,
Patrick Deery,
Patrick J. Kane,
George Charrette,
Hans Johnsen,
Peter E. Radcliffe,
August Rettig,
Arthur R. Nickerson,
John Mahoney,
Ernest V. Sandstrom,
James Donald,
Frederick Muller,
John McCarthy,
Frederick R. Hazard,
William Juraschka,

Joseph Clancy,
Harry G. Jacklin,
Edward A. Manck,
William R. Scofield,
George O. Littlefield,
Otto Johnson,
Richard Jeffares,
Henry Smith,
Robert T. Scott,
Martin J. Clancy,
John T. Pennycook,
James A. Hickey,
John T. Riley,
William W. Booth,
Charles G. Nelson,
Kellum D. Grant,
Charles H. Gilhuley,
John H. Busch,
Daniel C. Beach,
James M. Ober, and
Herman P. Rahbusch.

The following-named ensigns to be lieutenants (junior grade), for temporary service:

Mons Monssen,
Thomas D. Healy,
George Growney,
George W. Byrne, and
Gustav Sabelstrom.

Lieut. (Junior Grade) John D. Edwards to be a lieutenant, for temporary service.

Lieut. (Junior Grade) Andrew I. McKee to be a lieutenant, for temporary service.

The following-named warrant officers for temporary service to be ensigns, for temporary service:

Charles M. Johnson,
John E. Vollmer,
Clarence E. Wardell,
Miles Brazil,
Joseph L. Marshall,
George Harris,
Franklin P. Early,
Adolphus M. Dryden,
Peter Talbot,
John O. Crom, and
Henry L. Pitts.

Matthew F. Tracey to be an ensign, for temporary service.

The following-named enlisted men to be ensigns, for temporary service:

Ernest N. Joly,
Charles F. Waters,
Glenn R. Rinquist,
Sylvester T. Moriarty,
William L. Wagner,
Charles W. Van Horn,
Algy R. Macartney,
Glenn F. Degraives,
Anthony Feher,
Percy C. Reed,
Clarence A. Suber, and
Julius A. Egenhoff.

The following-named ensigns of the United States Naval Reserve Force to be ensigns, for temporary service:

Arthur W. Albertson,
Felix H. Chisholm,
Frederic P. Humphreys,
Stearns Poor,
John N. Stearns, and
Henry J. Toombs.

The following-named acting pay clerks to be assistant paymasters, for temporary service:

Stanley C. King, and
Neal A. Smith.

Edmund H. Carhart, jr., to be an acting chaplain, with the rank of lieutenant (junior grade), for temporary service.

Edgar W. Davis to be an acting chaplain, with the rank of lieutenant (junior grade), for temporary service.

The following-named citizens to be acting chaplains, with the rank of lieutenant (junior grade), for temporary service:

William Y. Durrett,
Robert M. Russell, jr.,
Edward P. Costello,
Claude H. Leyfield,
Douglas Horton,
Arthur J. Dandeneau,
Joseph V. Earnest, jr.,

John F. Fedders, and
Henry J. Fry.

Chief Boatswain Emory F. Hosmer to be an ensign, for temporary service.

The following-named temporary warrant officers to be ensigns, for temporary service:

Gurney E. Patton,
Edward J. Lysaught,
Isidor Steger,
Anthony F. Threm,
Richard Monks,
Henry F. Mulloy,
Percy A. Decker,
Edward J. Spuhler,
Frederick Keil, and
Warren A. Sprout.

The following-named enlisted men to be ensigns, for temporary service:

Harry E. Rairden,
John E. Landers,
John H. Wolters,
Frank L. Lanham,
Claude M. Rice,
Donald V. McClary,
Lewis V. Hubbel,
Chickering Nelson,
Harvey A. Harrison,
Thomas V. H. Askin,
Charles R. Dunne, and
Benjamin R. Evans.

The following-named ensigns of the United States Naval Reserve Force to be ensigns for temporary service:

Edward V. Condon,
Frederick C. Church,
Winslow V. Felton, and
Franklin J. Lane.

Capt. George R. Clark to be a rear admiral for temporary service.

The following-named captains to be rear admirals for temporary service:

William A. Gill,
Harold P. Norton,
Gustav Kaemmerling,
Alexander S. Halstead,
Roger Welles,
Charles P. Plunkett,
William H. G. Bullard,
Joseph W. Oman,
Philip Andrews,
Josiah S. McKean,
Benton C. Decker, and
Mark L. Bristol.

Commander Frederick A. Traut to be a captain for temporary service.

Commander Francis L. Chadwick to be a captain for temporary service.

The following-named commanders to be captains for temporary service:

Roscoe C. Bulmer,
Harlan P. Perrill,
Leonard R. Sargent,
David F. Boyd,
Louis C. Richardson,
Walton R. Sexton,
William D. Leahy,
Andrew T. Graham,
Arthur St. Cl. Smith,
Willis McDowell,

Austin Kautz,
Charles T. Owens,
William C. Asserson,
Clarence S. Kempff,
John Halligan, jr.,
William C. Watts,
Lyman A. Cotten,
Frank L. Pinney,
Zeno E. Briggs,
William T. Tarrant,
Clarence A. Abele,
Thomas L. Johnson,
Yancey S. Williams,
Edward T. Constien,
George T. Pettengill,
David C. Hanrahan,
Charles P. Nelson,

Herbert G. Sparrow,
Edward B. Fenner,
Victor A. Kimberly,
Joseph K. Taussig,
Claude Charles Bloch,
Henry Ellis Lackey,
Edward C. Kalbfus,
Clark H. Woodward,
William S. Miller,
Cyrus W. Cole,
John W. Greenslade,
Charles E. Courtney,
Adolphus E. Watson,
Harry L. Brinser,
James H. Tomb,
Edgar B. Larimer,
Alfred W. Johnson,
Walter M. Hunt,
Chauncey Shackford,
Ralph E. Pope,
Zachariah H. Madison,
Charles P. Snyder, and
Joseph R. Defrees.

Lieut. Commander Henry N. Jenson to be a commander, for temporary service.

Lieut. Commander James B. Gilmer to be a commander, for temporary service.

Lieut. Commander Roe W. Vincent to be a commander, for temporary service.

The following-named lieutenant commanders to be commanders, for temporary service:

Robert A. Abernathy,
Adolphus Staton,
Julius C. Townsend,
Earl P. Finney,
Ernest Friedrich,
Charles S. Kerrick,
Robert W. Kessler,
William H. Toaz,
Arthur H. Rice,
Herbert H. Michael,
Bradford Barnette,
Harry A. Stuart,
Turner F. Caldwell,
William R. Furlong,
Edmund S. Root,
Earl R. Shipp,
Arthur B. Cook,
Herbert E. Kays,
Louis P. Davis,
Arthur W. Sears,
George C. Pegram,
Harold G. Bowen,
Edgar G. Oberlin,
George M. Baum,
Isaac C. Johnson, jr.,
Richard P. McCullough,
George V. Stewart,
Arthur K. Atkins,
Jonathan S. Dowell, jr.,
Nelson H. Goss,
Stanford C. Hooper,
William O. Spears,
Walter H. Lassing,
Harry E. Shoemaker,
John H. Newton,
Andrew F. Carter,
Albert Norris,
Anthony J. James,
John M. Poole, 3d,
William E. Eberle,
William L. Culbertson,
Theodore G. Ellyson,
Hugh Brown,
Wilhelm L. Friedell,
Burton H. Green,
Isaac F. Dortch,
John J. London,
Gordon W. Haines,
Ross S. Culp,
John W. Wilcox, jr.,
Laurance N. McNair,
William Baggaley,
Benjamin Dutton, jr.,
Halford R. Greenlee,

Vaughn K. Coman,
Reed M. Fawell,
Henry A. Orr,
James S. Woods,
Lloyd W. Townsend,
John M. Smeallie,
Charles M. Austin,
John E. Pond,
William P. Gaddis,
Kenneth Whiting,
George B. Wright,
George S. Bryan,
Robert L. Ghormley,
William L. Calhoun,
Russell Willson,
Leigh Noyes,
Walter W. Lorschbough,
Eldred B. Armstrong,
William A. Glassford, jr.,
Conant Taylor,
William A. Hall,
Douglas L. Howard,
Arthur Le R. Bristol, jr.,
Frank J. Fletcher,
Walter B. Decker,
John H. Towers,
Julian H. Collins,
Milo F. Draemel,
Thomas Withers, jr.,
Isaac C. Bcgart,
Pierre L. Wilson,
Owen Bartlett,
Walter F. Jacobs,
Leo. F. Welch,
Carroll S. Graves,
Harry L. Pence,
Ferdinand L. Reichmuth,
Harvey Delano,
Wolcott E. Hall,
Isaac C. Kidd,
Fred M. Perkins,
Robert A. White,
Frank H. Roberts,
Lewis D. Causey,
Andrew S. Hickey,
Francis M. Robinson,
Randolph P. Schudder,
Charles C. Hartigan,
George A. Alexander,
Edwin B. Woodworth,
James P. Olding,
Roland M. Brainard,
Sherwoode A. Taffinder,
Charles S. McWhorter,
Archibald G. Stirling,
John T. G. Stapler,
John S. McCain,
Matthias E. Manly,
Ronan C. Grady,
Reuben L. Walker,
Albert S. Rees,
Alexander Sharp, jr., and
Hollis M. Cooley.

Lieut. Commander Aubrey W. Fitch to be a commander, for temporary service.

The following-named lieutenant commanders to be commanders, for temporary service:

Edward D. Washburn, jr.,
Fred F. Rogers,
Wilfred E. Clark,
Robert V. Lowe, and
Harold Jones.

Lieut. John H. S. Dessez to be a lieutenant commander, for temporary service.

Lieut. Stuart S. Brown to be a lieutenant commander, for temporary service.

Lieut. Comfort B. Platt to be a lieutenant commander, for temporary service.

The following-named lieutenants to be lieutenant commanders, for temporary service:

Sherman S. Kennedy,
Richard W. Wuest,
Chauncey A. Lucas,
Charles H. Morrison,
Paul H. Rice,

Robert G. Coman,
 Holbrook Gibson,
 Charles E. Reordan,
 Hugo W. Koehler,
 George N. Reeves, jr.,
 Virgil J. Dixon,
 Ralph E. Sampson,
 Joseph M. Deem,
 Howard H. J. Benson,
 Robert H. Bennett,
 James B. Glennon,
 Franklin Van Valkenburg,
 Vance D. Chapline,
 Deupree J. Freidell,
 Frank A. Braisted,
 George B. Keester,
 Lemuel E. Lindsay,
 John Borland,
 Oscar C. Greene,
 Raleigh C. Williams,
 Thalbert N. Alford,
 Henry G. Cooper, jr.,
 Eugene M. Woodson,
 James S. Spore,
 Wilbur J. Carver,
 Charles H. Maddox,
 George A. Trever,
 Edgar A. Logan,
 George W. Hewlett,
 Frank E. Johnson,
 Benjamin F. Tilley, jr.,
 Mark C. Bowman,
 Percy T. Wright,
 Frank S. Carter,
 Harold A. Waddington,
 Percy W. Northcroft,
 Zachary Lansdowne,
 Jesse B. Oldendorf,
 David H. Stuart,
 Herbert R. A. Borchardt,
 Ernest L. Gunther,
 Augustine W. Rieger,
 James B. Rutter,
 Alger H. Dresel,
 Frank Slingluff, jr.,
 John M. Ashley,
 Theodore H. Winters,
 Clifford E. Van Hook,
 Archibald McGlasson,
 Solomon Endel,
 Robert P. Guiler, jr.,
 Ralph G. Haxton,
 Joseph A. Murphy,
 James R. Barry,
 William N. Richardson, jr.,
 Stewart A. Manahan,
 Lucius C. Dunn,
 Charles M. Elder,
 James M. Doyle,
 Creed H. Boucher,
 Rush S. Fay,
 Henry T. Settle,
 Ewart G. Haas,
 Dennis E. Kemp,
 Joseph E. Austin,
 Charles M. Cooke, jr.,
 Mervyn S. Bennion,
 Augustine H. Gray,
 Walter E. Brown,
 Chester C. Jersey,
 Holloway H. Frost,
 Howard K. Lewis,
 Robert T. Merrill, 2d,
 Warren L. Moore,
 Walter D. Seed, jr.,
 James B. Will,
 Alfred T. Clay,
 Harry W. Hosford,
 Franklin S. Steinwachs,
 Francis G. Marsh,
 Earle C. Metz,
 Herbert W. Underwood,
 Frederick C. Sherman,
 Percy K. Robottom,
 Wadleigh Capehart,

Lyal A. Davidson,
 Hugh M. Branham,
 Alston R. Simpson,
 Robert C. Lee,
 Josiah O. Hoffman, jr.,
 Edwin J. Gillam,
 Millington B. McComb,
 Frank H. Luckel,
 William M. Corry, jr.,
 Francis L. Shea,
 Melville S. Brown,
 George M. Cook,
 Stanley R. Canine,
 Donald B. Beary,
 Joseph P. Norfleet,
 Elmer D. Langworthy,
 Robert E. Bell,
 Bernard O. Wills,
 Charles J. Moore,
 Walter V. Combs,
 Thomas Moran,
 Frank H. Kelley, jr.,
 James A. Logan,
 Leslie L. Jordan,
 James T. Alexander,
 Francis A. LaRoche,
 John L. Riheldaffer,
 Francis P. Traynor,
 Howard B. Berry,
 John H. Wellbrock,
 Dorsey O. Thomas,
 Lewis Hancock, jr.,
 Alfred Y. Lanphier,
 Henry B. Cecil,
 Spencer S. Lewis,
 William S. Nicholas,
 Walden L. Ainsworth,
 Edward K. Lang,
 Edwards B. Gibson,
 William A. Richardson,
 Charles A. Pownall,
 Lorain Anderson,
 Murphy H. Foster,
 Roy C. Smith, jr.,
 James G. Ware,
 Lawrence F. Reifsnider,
 Godfred deC. Chevalier,
 Robert Gatewood,
 Walter A. Edwards,
 Frederick G. Reinicke,
 Valentine N. Bieg,
 Bolivar V. Meade,
 Miles P. Refo, jr.,
 Samuel W. King,
 Edgar M. Williams,
 Walter D. LaMont,
 Earl A. McIntyre,
 Howard A. Flanigan,
 Robert T. Young,
 George L. Dickson,
 Marc A. Mitscher,
 Elmer K. Niles,
 Scott B. Macfarlane,
 George L. Weyler,
 Roman B. Hammes,
 Jefferson D. Smith,
 Earl W. Spencer, jr.,
 Clarkson J. Bright,
 William D. Kilduff,
 Herbert O. Roesch,
 Romuald P. P. Meclewski,
 John F. Donelson,
 Joseph F. Crowell, jr.,
 Webb Trammell,
 Charlton E. Battle, jr.,
 Herbert A. Ellis,
 Herbert R. Hein,
 Frederick S. Hatch,
 Herbert H. Bouson,
 Ole O. Hagen,
 Robert M. Griffin,
 Robert H. Skelton,
 Alfred G. Zimmermann,
 Roger W. Paine,
 Milton H. Anderson,

Delevan B. Downer,
 Oliver L. Wolfard,
 Ellis S. Stone,
 Harry L. Merring,
 Francis S. Craven,
 Morris D. Gilmore,
 Lybrand P. Smith,
 George M. Lowry,
 William D. Chandler, jr.,
 William E. Baughman,
 Harry W. Hill,
 John A. Fletcher,
 Bernhard H. Bieri,
 Oscar C. Badger,
 James C. Byrnes, jr.,
 Thomas S. King, 2d,
 Robert K. Awtrey,
 Howard S. Jeans,
 Scott D. McCaughey,
 Edward B. Lapham,
 Edward W. Hanson,
 Daniel J. Callaghan,
 Frank J. Lowry,
 Cecil Y. Johnston,
 Thomas Baxter,
 Walter A. Riedel,
 Aylmer L. Morgan, jr.,
 Edgar R. McClung,
 John R. Peterson, jr.,
 John H. Magruder, jr.,
 James McDowell Cresap,
 Paul F. Foster,
 Everett D. Capelhart,
 Frank Loftin,
 Lewis W. Comstock,
 Thomas S. McCloy,
 Lyell S. Pamperin,
 George B. Ashe,
 Joseph L. Nielson,
 Harold R. Keller,
 Frank C. McCord,
 Eric L. Barr,
 John C. Thom,
 Ralph F. Wood,
 Ames Loder,
 Paul M. Bates,
 Walter S. Davidson,
 John W. Reeves, jr.,
 Henry J. Shields,
 Urey W. Conway,
 Guysbert B. Vroom,
 Robert P. Hinrichs,
 Elliott B. Nixon,
 Lucien B. Green, 2d,
 Joseph M. Blackwell,
 Frank E. P. Uberroth,
 Jenifer Garnett,
 Glenn F. Howell,
 Sherwood Pickling,
 Norman L. Kirk,
 Francis M. Collier,
 James H. Taylor,
 Merritt Hodson,
 George A. Rood,
 Ralph G. Risley,
 Fred Welden,
 Pat Buchanan,
 John W. McClaran,
 Alexander Maconub,
 Carlos A. Bailey,
 William F. Callaway,
 Wells E. Goodhue, and
 Wallace B. Phillips.

Lieut. Solon E. Rose to be a lieutenant commander, for temporary service.

The following-named lieutenants to be lieutenant commanders, for temporary service:

Franz B. Melendy,
 Frederick L. Reifkohl,
 Joseph R. Mann, jr.,
 John F. Meigs, jr.,
 John W. Gates, and
 William C. Barnes.

Lieut. Van Leer Kirkman, jr., to be a lieutenant commander, for temporary service.

Lieut. (Junior Grade) George C. Hawkins to be a lieutenant, for temporary service.

Lieut. (Junior Grade) Albert M. Bledsoe to be a lieutenant, for temporary service.

Lieut. (Junior Grade) Bronson V. Vosbury to be a lieutenant, for temporary service.

The following-named lieutenants (junior grade) to be lieutenants, for temporary service:

Harold Biesemeier,
 Miles R. Browning,
 William C. Wade,
 Herman E. Halland,
 Roy T. Gallenmore,
 Stanley D. Jupp,
 Albert F. France, jr.,
 Perry R. Taylor,
 Robert T. Whitten,
 John S. McReynolds,
 Walter S. McCaulay,
 Staley H. Gambrill,
 George G. Breed,
 James L. Fisher,
 David E. Cummins,
 Robert B. Parker,
 Julian DuB. Wilson,
 Samuel H. Hurt,
 Wilbur M. Lockhart,
 Henry Y. McCown,
 William Busk,
 George W. Johnson,
 Henry E. Thornhill,
 Jacob H. Jacobson,
 Ion Pursell,
 J. Warren Quackenbush,
 Phillip L. Emrich,
 Gordon Rowe,
 William H. Hartt, jr.,
 Junius L. Cotton,
 Christopher C. Miller,
 James E. Waddell,
 Donald W. Loomis,
 John G. Farrell,
 Martin C. Wade, jr.,
 John S. Phillips,
 Elbert C. Rogers,
 Jerauld Wright,
 Harry W. Need,
 Charles D. Leffler, jr.,
 William S. Garrett,
 Lloyd G. Scheck,
 Earle W. Mills,
 Fred M. Byers,
 Harry D. Hoffman,
 Francis S. Gibson,
 Harold G. Eberhart,
 Thomas G. Fisher,
 Berwick B. Lanier,
 Victor C. Barringer, jr.,
 Martin R. Derr,
 Graeme Bannerman,
 Louis L. Habrylewicz,
 Ernest A. Foote,
 Henry D. Stalley,
 Robert Poole,
 Henry S. Kendall,
 James D. Murray, jr.,
 Stanley M. Haight,
 William E. G. Erskine,
 Edward W. Wunch,
 Garry DeM. Custer,
 John D. H. Kane,
 Stanley C. Norton,
 James W. Whitfield,
 George O. Etheredge,
 Bernard V. Eekhout,
 Harold E. MacLellan,
 Albert S. Marley, jr.,
 Peter K. Fischler,
 Frank J. Courtney,
 Jay G. Huntoon,
 Harry W. Von Hasseln,
 Guy D. Townsend,
 Olton R. Bennehoff,
 Arthur T. Moen,
 Arthur B. Craig,

Ross P. Whitmarsh,
 Ralph H. Henkle,
 Leonidas M. Mintzer,
 Francis B. Connell,
 Gordon B. Woolley,
 Vaughn Bailey,
 Elmer E. Duvall, jr.,
 Albert L. Hutson,
 Walter L. Taylor,
 Alphonsus I. Flynn,
 Edmund J. A. Murphy,
 Ellis H. Geiselman,
 Ernest H. Krueger,
 Herbert R. Sobel,
 George E. Ross, jr.,
 Jack H. Duncan,
 Watson O. Bailey,
 Andrew P. Haynes,
 Proctor M. Thornton,
 Roger F. Armstrong,
 Leland P. Lovette,
 Wallace M. Dillon,
 Edmund J. Kidder,
 Edward D. Walbridge,
 Leroy W. Busby, jr.,
 Smith D. A. Cobb,
 Malcom A. Deans,
 Ralph S. Riggs,
 Carlos W. Wieber,
 Harry K. Leventen,
 Edwin D. Gibb,
 John M. Haines,
 William A. S. Macklin,
 Thomas F. Remington,
 John W. Rogers,
 Cleemann Withers,
 Lloyd E. Clifford,
 Charles G. Moore, jr.,
 John K. Jayne,
 Joseph H. Brady,
 William O. Baldwin,
 Robert L. Mitten,
 Mays L. Lewis,
 Elmer V. Iverson,
 Peyton Harrison,
 Thomas J. Haffey,
 John O. Plonk,
 Chauncey R. Crutcher,
 George R. Kalbfus,
 Lisle Henifin,
 Frank B. Hillhouse,
 Clement B. White,
 Allan P. Flagg,
 William K. Phillips,
 Robert M. Eaches,
 Gordon B. Sherwood,
 Ralph C. Alexander,
 Alexander C. Kidd,
 Willis M. Percifield,
 Frank C. Fechteler,
 Robert R. Ferguson,
 Joseph H. Currier,
 Isaac J. Van Kammen,
 Ernest V. David,
 William L. Hill,
 Stephen McCarthy,
 Thomas M. Johnston,
 Frank C. Messenger,
 Joel C. Evans,
 Henry Hudson,
 Frank H. Whitney,
 Michael W. Gilmartin,
 Hugh Sinclair,
 James Shannon,
 William G. Moore,
 James Dowling,
 John F. Brooks,
 John J. Holden,
 Philip Mullen,
 Harry R. Breyton,
 Patrick Deery,
 Patrick J. Kane,
 Hugh J. Duffy,
 Edward J. Norcott,
 William A. Cable,

Charles B. Babson,
 Franklin T. Applegate,
 Herbert Campbell,
 Otto Fries,
 Clifford H. Sheldon,
 Theodore B. Watson,
 John H. Lohman,
 George Charrette,
 Simon Jacobs,
 Hans Johnsen,
 William Zeitler,
 Albert F. Benzon,
 Samuel Chiles,
 Peter E. Radcliffe,
 August Rettig,
 Patrick Hill,
 James T. Roach,
 David F. Diggins,
 Edwin N. Fisher,
 Arthur R. Nickerson,
 John Mahoney,
 Ernest V. Sandstrom,
 Christian Crone,
 William J. Foley,
 James C. McDermott,
 Charles Hierhahl,
 Joseph Hill,
 James Donald,
 Frederick Muller,
 Thomas S. Aveson,
 Adolph Hasler,
 John W. Stoakley,
 John D. Walsh,
 John McCarthy,
 Martin Fritman,
 Dennis J. O'Connell,
 Frederick R. Hazard,
 William Johnson,
 Arthur Smith,
 Stephen Donely,
 Conrad W. Ljungquist,
 Otto E. Reh,
 Wilhelm H. F. Schluter,
 August C. Steinbrenner,
 William Juraschka,
 Belmar H. Shepley,
 Thomas P. Clark,
 Harry A. Davis,
 William G. Smith,
 John J. Murray,
 Gustav Freudendorf,
 Joseph Clancy,
 John T. Swift,
 Herbert A. Nevins,
 Robert Rohange,
 Benjamin P. Middleton,
 Patrick Shanahan,
 John Eberwine,
 August Wohltman,
 John A. Riley,
 David White,
 Edward J. Damon,
 Oscar Borgeson,
 Leonard Roll,
 Thomas J. Hurd,
 David B. Vassie,
 George A. Messing,
 Joseph Mitchell,
 Harry G. Jacklin,
 Thomas M. Cassidy,
 Edwin Murphy,
 James Harry Morrison,
 Edward A. Manck,
 Thomas O'Donnell,
 William R. Scofield,
 George O. Littlefield,
 John E. Cleary,
 Otto Johnson,
 Richard Jeffares,
 Charles Hammond,
 Harold I. Lutken,
 Henry Smith,
 Robert T. Scott,
 Charles H. Hosung,
 Martin J. Clancy,

John T. Pennycook,
Samuel L. Wartman,
James A. Hickey,
John T. Riley,
Robert J. Vickery,
Lemuel T. Cooper,
William W. Booth,
Charles G. Nelson,
Kellum D. Grant,
Ralph F. Nourse,
Francis P. Mugan,
David Purdon,
George C. Ellerton,
Charles H. Gilhuley,
Clarence M. Wingate,
Murray S. Holloway,
Charles A. Rowe,
John H. Busch,
Ernest Evans,
William Boteler Stork,
Clarence R. Johnson,
William James,
Jannis V. Jacobsen,
Patrick Fernan,
George W. Johnson,
Frank Risser,
John Bryce,
Llewellyn H. Wentworth,
Rasmus Iverson,
Henry E. White,
Charles C. Holland,
Ellwood W. Andrews,
Cornelius J. Collins,
Adolph A. Gathemann,
Daniel C. Beach,
James M. Ober,
William C. Gray,
William A. Macdonald,
Karl Rundquist,
Allen T. Webb,
Albion O. Larsen,
Thomas W. Healey,
Joseph Heil,
Herman P. Rahbusch,
Frank Bresnan,
Peter Emery,
Claus K. R. Clausen,
Henry A. Stanley,
John McCloy,
Joseph E. Cartwright,
Harold S. Olsen,
John C. Rickertts,
Bernard P. Donnelly,
John G. Nicklas,
Daniel Duncan,
Arthur S. Pearson,
Edward T. Austin,
Harold V. Barr,
Henry Ernest,
Anthony McHugh,
Stanley Danielak,
Jamen P. Dempsey,
Gotthilf C. Leyer,
Edward G. Affleck,
John A. Oliver,
James J. Cotter,
Arthur A. Smith,
Edward G. Higgins,
John L. Barnswell,
Matthias A. Thormahlen,
Louis C. Higgins,
John I. Ballinger,
Augustine Daniel Devine,
Carl Johanson,
Fred W. Cobb,
William T. Robinson,
James L. McCormack,
Fred F. Ingram,
Frederick Meyer,
James Glass,
Nels Drake,
John Davis,
Gerald Ollif,
Owen T. Hurdle,
John Law,

Henry H. Richards,
Frederick W. Metters,
George E. McHugh,
Arthur D. Warwick,
William T. Baxter,
Emil Swanson,
William H. Leitch,
Franklin Heins,
Augustus Anderson,
Ulysses G. Chipman,
Charles J. Miller,
Michael Higginis,
Mons Monssen,
George Crofton,
William J. Creelman,
Thomas D. Healy,
Herbert E. Fish,
George Gowney,
Walter S. Falk,
Barnett B. Bowie,
James J. Cullen,
John P. Richter,
John R. Burkhart,
John R. Likens,
Charles Franz,
Frank O. Wells,
Thomas W. Smith,
Bernard Christensen,
Raymond L. Drake,
George W. Byrne,
Henry Lobitz,
John Danner,
James F. Hopkins,
Charles Schonborg,
Walter J. Wortman,
Alexander Stuart,
William Derrington,
James F. McCarthy,
Frederick T. Montgomery,
Harry Adams,
Henry Rieck,
John Sperle, jr.,
Roderick M. O'Conner,
William Herzberg,
Jarrard E. Jones,
Zenas A. Sherwin,
Paul R. Fox,
Otto Boldt,
John B. Martin,
Arthur H. Hawley,
David W. Harry,
Charles Sebastian Wolf,
George R. C. Thompson,
Olav Johnson,
Ole P. Oraker,
Byron C. Howard,
William S. White,
Francis G. Randall,
Franz J. M. Parduhn,
Henry I. Edwards,
Christopher Murray,
John P. Judge,
Gustav Sabelstrom,
John C. Lindberg,
Birney O. Halliwill,
Albert Seeckts,
William C. Bean,
James A. Martin,
William H. Dayton,
Edward W. Furey,
Arthur W. Bird,
Willis Dixon,
Charles Allen,
Constantine Clay,
Adolph Peterson,
William E. O'Connell,
Harry T. Johnson,
Harry N. Huxford,
Thomas James,
William Fremgen,
Daniel W. Nelson,
Joseph H. Aigner,
Clarence D. Holland,
Frederick T. Lense,
Axel V. Kettels,

John W. Merget,
 Albert A. Hooper,
 Harry Champeno,
 George R. Veed,
 Niels A. Johnsen,
 Isidor Nordstrom,
 Charles H. Foster,
 James H. Bell,
 John J. Clausey,
 Charles H. Anderson,
 Edward S. Tucker,
 Charles Dunne,
 George J. Lovett,
 Walter Collins,
 Frederick W. Teepe,
 Edwin W. Abel,
 Albert C. Byrne,
 George L. Russell,
 Orrin R. Hewitt,
 Otto T. Purcell,
 William R. Gardner,
 Joseph R. Bradshaw,
 George W. Fairfield,
 William M. Miller,
 Joseph C. Stein,
 Louis F. Miller,
 Robert M. Huggard,
 Paul B. Cozine,
 Earl F. Holmes,
 John Atley,
 John Evans,
 Gregory Cullen,
 Bertram David,
 Michael J. Wilkinson,
 George Knott,
 Thomas Macklin,
 Richard O. Williams,
 Michael Macdonald,
 Charles S. Schepke,
 George D. Samonski,
 William O. King,
 James E. Orton,
 William Cronan,
 Charles L. Bridges,
 Arthur Langfield,
 Albert Klingler,
 John Ronan,
 William Seach,
 William T. McNiff,
 Meade H. Eldridge,
 Ernest R. Peircey,
 William R. Buechner,
 Bernard Schumacher,
 Benjamin F. Singles,
 Ernest Heilmann,
 Otto J. W. Haltnorth,
 Percy H. Bierce,
 Franklin Earl Chester,
 Frank G. Mehling,
 James J. O'Brien,
 William De Fries,
 John B. Hupp,
 Daniel Dowling,
 Edward Clifton Wurster,
 Arthur B. Dorsey,
 Arthur D. Freshman,
 Gustav C. Tanske,
 Leroy Rodd,
 Charles W. A. Campbell,
 Edward Wenk,
 Frank C. Wisker,
 Louis M. Wegat,
 Harry E. Stevens,
 David P. Henderson,
 Harry A. Pinkerton,
 Herman Kossler,
 Oscar E. Anderson,
 Henry McEvoy,
 Lawrence Wittmann,
 Alvin E. Skinner,
 Joseph Chamberlain,
 Newton R. George,
 Ralph G. Moody,
 John McN. D. Knowles,
 Robert G. Greenleaf,

Charles F. Beecher,
 William H. Hubbard,
 James MacIntyre,
 Ernest W. Dobie,
 Stephen H. Badgett,
 Jonathan H. Warman,
 Walter M. Shipley,
 John C. Parker,
 Charles O. Hathaway,
 James M. Berlin,
 Walter Lau,
 Robert B. Sanford, jr.,
 Charles D. Welker,
 Rufus H. Bush,
 John E. Burger,
 Patrick J. Solon,
 Francis A. Pippo,
 Joseph W. Bettens,
 Frank Bruce,
 Michael J. Conlon, and
 Henry W. Stratton.
 Lieut. (Junior Grade) Clyde Keene to be a lieutenant, for temporary service.
 Lieut. (Junior Grade) George C. Smith to be a lieutenant, for temporary service.
 The following-named ensigns to be lieutenants (junior grade), for temporary service:
 Fleet W. Corwin,
 Howard W. Kitchin,
 Leland D. Webb,
 William Knox,
 Clyde C. Laws,
 Henry E. Rung,
 Edward J. Carr,
 Benjamin F. Strawbridge,
 Roy M. Cottrell,
 Thomas E. Flaherty,
 Charles W. Classen,
 John B. Cooke,
 Allen R. Chandler,
 Maurice M. Rodgers,
 Frank Hannon,
 Harry F. Gray,
 Walter C. Theimer,
 Jay Smith,
 Arthur R. Pontow,
 Charles E. Weickhardt,
 Hervey Z. Throop,
 Marvin G. Fox,
 William Klaus,
 Walter S. Gallagher,
 John F. Kennedy,
 Learned L. Dean,
 Frank I. Hart,
 Henry E. Keller,
 Harry R. Hayes,
 Walter B. Buchanan,
 Merwin W. Arps,
 Alvin Henderson,
 William W. Cole,
 John F. P. Miller,
 John Kneubuehler,
 Jerome L. Allen,
 Harold F. MacHugh,
 Albert R. Colwell,
 Ralph Lane,
 Carl J. Nerdahl,
 Joseph W. Storm,
 Glen R. Ogg,
 Karl E. F. Sorensen,
 Eugene L. Richardson,
 Thomas F. Fahy,
 Edward C. McDonald,
 Jeremiah K. Cronin,
 Clarence M. Maloney,
 Thomas F. Morris,
 Albert R. Myers,
 Philip A. Wilson,
 Harry D. Bolin,
 James A. Maloney,
 Willis M. Young,
 Kenneth F. Horne,
 Bennie C. Phillips,
 Leonard W. Johason,
 John J. Arnaud,

Walter C. Haight,
 Charles E. S. Lines,
 John Sharpe,
 James D. Rorabaugh,
 Charles P. Porter,
 Raymond S. Kaiser,
 Loar Mansbach,
 Milton E. Robison,
 Samuel A. Wilson,
 Steve V. Edwards,
 Max P. Schaffer,
 Karl Hart,
 Julius Holbin,
 Casper H. Husted,
 Frederick A. Mack,
 Allen J. Gahagan,
 William Pollock,
 George F. Fredenburg,
 Frank Schlapp,
 John A. Lemanski,
 Bruce M. Parmenter,
 Arthur A. Travis,
 Benjamin F. Schmidt,
 William C. Procknow,
 Robert E. Simon,
 Frank S. Miller,
 Bea L. Jarvis,
 Harry F. Quandt,
 Felix M. Kelley,
 Harry M. Dickerson,
 Fred J. Pope,
 Arthur Boileau,
 Frank W. Dunning,
 Frederick Seefeldt,
 Lewis H. Rassler,
 Ferdinand H. Ehlbeck,
 Glenn O. Twiss,
 Edwin Brown,
 William P. Bachman,
 Hal W. Barnes,
 Conrad F. Holzermer,
 Albert L. Payne,
 Charles W. Pearles,
 William A. Tattersall,
 Walter M. Blumenkranz,
 William J. Russell,
 Henry E. Cressman,
 Arthur C. Leonard,
 Benjamin F. Blume,
 Emil F. Linstrom,
 Robert Anderson,
 Edwin V. Wilder,
 Roscoe C. Bright,
 Ola F. Heslar,
 Simeon L. Owen,
 Louis M. Palmer,
 Edo S. Carfolite,
 Henry Plander,
 George H. Wheeler,
 Daniel Campbell,
 Herman R. Newby,
 Alfred L. Johnson,
 Stanley M. Cox,
 J. Walker Eaton,
 James Fenimore Cooper,
 Milton M. Fisher,
 Joseph C. M. Small,
 Albert L. King,
 Frank J. McManamon,
 Alexander S. Nellson,
 Henry K. McHarg,
 Ray P. Helm,
 Walter F. Marriner,
 William P. Turner,
 Oliver P. Kilmer,
 Laurie C. Parfitt,
 Clarence A. Hawkins,
 Augustus A. Bressman,
 Leo Mead,
 Walter J. Fanger,
 Ray H. Watkins,
 Richard L. Reuling,
 Alfred R. Boileau,
 Eldred Z. Richards,
 Herbert Wycherley,

Jacob M. Gibson,
 Manuel J. Cayton,
 Martin J. Werner,
 Warren A. Northrup,
 Arthur G. Somers,
 Grover A. Miller,
 George A. Gast,
 George Stone,
 Marion C. Erwin,
 James E. Drever,
 Arthur P. Spencer,
 William I. Denny,
 Robert T. Bamford,
 Frank Dobie,
 Robert J. Ford,
 William J. Poland,
 Haden H. Phares,
 Thomas Fertner,
 James Moran,
 Ellis H. Roach,
 Emil H. Petri,
 Olaf J. Dahl,
 Ralph F. Stretiz,
 Warren W. Wesley,
 Stephen J. Drellishak,
 August Skolasky,
 Edwin F. Bilson,
 Werner E. Follin,
 James J. Morgan,
 Frederick Bense,
 Carl E. Nelson,
 Carter E. Parker,
 Charles M. May,
 Walter H. Thomas,
 Frederick G. Lemke,
 Lester M. Harvey,
 Edmund F. Sale,
 Adolph J. Hofman,
 Edward L. Moyer,
 Edward Eger,
 Thomas C. Ryan,
 William Johnson,
 Otto H. H. Strack,
 John Erickson, jr.,
 Dellworth Ballard,
 Harlie H. Brown,
 Garrison Payne,
 Emmett M. Wanner,
 Walter H. Stuart,
 Leo E. Orvis,
 Harold Bye,
 Harold E. Fosdick,
 Nels E. Smith,
 Archie O. Mundale,
 Mauritz M. Nelson,
 John C. Hicks,
 Orie H. Small,
 Charles W. Henckler,
 William B. Anderson,
 Henry Quinton,
 William P. Crowley,
 Harvey C. Brown,
 Louis M. Biller,
 Joe S. Wierzbowski,
 Robin Southern,
 George W. Allen,
 Elmer A. Posey,
 Edmond T. Coon,
 John F. McConalogue,
 George H. Turner,
 Joseph K. Konieczny,
 Frederick A. Ruf,
 Christian V. Pedersen,
 Thomas M. Arrowsmith,
 Henry Eismann,
 William R. Giddens,
 Walter E. Sharon,
 Ernest C. Marheineke,
 Herman G. Mecklenberg,
 John D. Cornell,
 Earle S. Nason,
 Lawrence Crilley,
 Carl I. Ostrom,
 Robert De Bellefeuille,
 James Williams,

John H. Burke,
William H. Newman,
George E. Comstock,
George Enos,
Ralph M. Jeffries,
Fred P. Brown,
Frank L. McClellan,
Thomas E. Orr,
Frederick L. Rose,
Harry L. Thompson,
William A. Blazo,
Harry E. Adams,
John D. Lennon,
Herbert G. Haynes,
Edward V. Brown,
Harry L. Richtie,
William A. Reynolds,
Roy E. Hall,
Leslie K. Orr,
Leon W. Thomas,
Horatio S. Ford,
Frank Mogridge,
George W. Haynes,
Chub J. Smith,
Charles Braun, jr.,
John A. Rayhart,
John J. Dabbs,
Clyde Morrison,
Ira A. White,
Joseph A. Curzon,
John E. Warris,
Elmer B. Robinson,
Emil Roeller,
Emerson Binney Manley,
Albert L. Bishop,
Edward D. Berry,
Walker P. Rodman,
Stephen W. Burton,
William Kuskey,
James S. Cuff,
John Lester Wilson,
Paul Elbert Current,
Luther Foust,
Theodore R. Raderick,
Edgard J. Thonnesen,
Alfred G. Lewis,
John E. Shaw,
George W. Pounder,
Willie L. De Camp,
Thomas O. Kirby,
Abe Toretsky,
Elijah E. Tompkins,
Walter J. Thomas,
Svend J. Skou,
Harry B. Lough,
Loring McCormick,
Thomas C. Macklin,
William A. Gordon,
Oswald T. Schubert,
John W. Scanlin,
Carlton C. Tipping,
Cullie C. Manning,
Jacob Schnell,
Leonard E. Bray,
James D. Rodgers,
James B. O'Reilly,
Emil G. B. Wendt,
Anthony P. Sauerwein,
Ray W. Marsh,
Warren C. Carr,
Harold L. Arnold,
Clarence E. Owens,
John J. Audett,
Harold J. Gordon,
Stanley Kazmarek,
George H. Cooley,
David A. Smith,
Elias Q. Horton,
Jesse E. Walter,
Harry Waterhouse,
Oscar E. Harris,
Percy S. Hogarth,
Doile Greenwell,
Earl H. Knee,
Thomas F. Cullen,
Thomas Sheldon Beard,

Henry A. Beaman,
Arthur L. Karns,
George J. Wolf,
Jesse M. Acuff,
Lincoln B. Walker,
George Hurst,
William E. Smith,
Caleb A. Holbrook,
John M. Morrison,
George M. Donovan,
James F. Mullin,
Edward Van Pelt,
George T. Rolfes,
Ernest A. Broms,
Edward G. Evans,
John H. Rider,
Carlisle J. Christman,
William T. Murray,
Christian Bauer,
Charles A. Pilant,
John W. Cunningham,
Michael F. Minihan,
Charles Keenan,
James T. Brien,
Robert J. Denny,
Thomas A. Patterson,
Walter E. Holden,
Howard Keane,
John Black, jr.,
Thomas H. Laine,
Ludwig G. Hocking,
Alexis O. Kustel,
Frank Jurgensen,
Joseph M. Quinlan,
Grover C. Watkins,
Frederick Strohte,
Harry F. Lake,
Walter W. Hedges,
James J. Hickey,
Robert E. Hunter,
Howard Webb,
Emory E. Church,
Thomas Gilmore,
Arthur P. Paradis,
Harry H. Mochon,
James M. Williams,
Frank H. Lemon,
Olaf J. Gullickson,
Robert P. Pitchford,
Harry A. Nalle,
Louis F. Brodie,
Harry L. Wilcox,
Oscar A. Stewart,
Parker C. Hatch,
Harold E. Herrick,
Leslie Soule,
Thomas J. Bryce,
William M. Fester,
Clarence E. Miller,
Homer E. Curlee,
Stuart L. Johnson,
Joe B. Cadenbach,
John L. Kershaw,
Patrick H. Foley,
Harold D. Kent,
William J. Lowe,
Thomas F. Egan,
Carl H. Forth,
William W. Funk,
Ivan E. Pitman,
Henry C. Vogt,
Vern W. McGrew,
Frank A. Jahn,
Gustave O. Kolle,
Robert N. Lockart,
Conrad L. Bayer,
Edward J. Sherry,
Richard E. Miegel,
William T. Crone,
Albert F. Holst,
Gilbert R. Whitworth,
Conrad E. Nordhus,
Arthur E. Redding,
Richard Higgins,
David R. Knape,
Marcus L. Kurtz,

John F. W. Gray,
Gysbert V. S. Harvey,
Michael Spring,
James L. Lohrke,
Fred P. Ritchie,
John G. Kenlon,
Hancock Banning, jr.,
Enoch S. Farson, jr.,
Joseph F. Carmody,
John R. Baker,
Richard G. Curtis,
Newton P. Darling,
William Rand, jr.,
Charles T. White,
Laurence M. Lombard,
Bartlett Harwood,
Herman H. Phleger,
Henry P. Lamarche,
Walter W. Weld,
Frederick W. Gardner,
Charles D. Dickey, jr.,
Russell S. Bartlett,
Harold M. Terrill,
Oliver Iselin,
Allan Cunningham,
Charles P. Curtis, jr.,
George F. Noyes,
Albert B. Crawford,
Thomas B. Price,
Oliver C. Harriman,
Bryan P. Leeb,
Bruce D. Bromley,
Francis M. Knight,
Louis F. Dahling,
Louis F. Eaton,
Melville D. Truesdale,
Ratcliffe C. Welles,
Leland M. Marshall,
Herbert C. Sneath,
Frank H. Brownell, jr.,
Roland I. Stringham,
Marcus B. Butler,
Vaughan C. Chambers,
Willey C. Rickerson,
Edward C. Riley,
Homer B. Davis,
James L. Rodgers, jr., and
Thomas G. Hunter.

The following-named chief pharmacists to be assistant surgeons, with the rank of lieutenant (junior grade), for temporary service:

Charles E. Reynolds,
Alrik Hammar, and
Stephen W. Douglass.

The following-named assistant surgeons of the United States Naval Reserve Force to be assistant surgeons, for temporary service:

William E. Henderson,
Gerald A. Sullivan,
Edward L. Merritt, and
Edward K. Hanson.

The following-named pay clerks to be assistant paymasters with the rank of ensign, for temporary service:

Fred M. Conrad,
Frank R. Hill, and
Max Baum.

Chief Pay Clerk William Craig to be an assistant paymaster with the rank of ensign, for temporary service.

The following-named acting pay clerks to be assistant paymasters with the rank of ensign, for temporary service:

William J. Dean,
Roy W. Clark,
Isaac W. Thompson,
Frederick Schwab,
Clyde E. Williams, and
Edwin R. Applegate.

Ensign William H. Walsh, retired, to be a lieutenant on the retired list, for temporary service.

The following-named chief boatswains on the retired list to be lieutenants on the retired list, for temporary service:

John McLaughlin,
Michael Wogan,
Charles F. Pierce,
Frank Carregher,

Samuel W. Gardner,
Timothy Sullivan,
George B. Moncrief,
Christopher J. Cooper,
William Martin,
Allen Whipkey,
John J. Rochfort,
John H. O'Neill, and
Daniel Moriarty.

The following-named chief gunners on the retired list to be lieutenants on the retired list, for temporary service:

Charles H. Venable,
John J. Walsh,
Arthur A. Phelps,
Charles B. Magruder,
William Halford,
William Walsh,
Joseph R. Ward,
Charles Morgan,
Charles E. Daffe,
David Hepburn, and
Lewis E. Bruce.

Gunner Henry J. Tresselt on the retired list to be lieutenant on the retired list.

The following-named chief machinists on the retired list to be lieutenants on the retired list for temporary service:

Gustav Auberlin,
Fred J. Korte,
Francis J. McAllister,
Martin M. Schreiber, and
Frederick G. Sprengel.

The following-named chief sailmakers on the retired list to be lieutenants on the retired list for temporary service:

Frank Watson and
Milton M. Watkins.

Sailmaker Herman Hansen on the retired list to be a lieutenant on the retired list for temporary service.

The following-named chief carpenters on the retired list to be assistant naval constructors on the retired list, for temporary service, with the rank of lieutenant:

Edward H. Hay,
Luther L. Martin,
William A. Barry,
John S. Waltemeyer,
Alonzo Burke,
John W. Burnham,
Clayton P. Hand,
John H. Gill, and
Charles E. Richardson.

Machinist James L. Baart on the retired list to be a lieutenant on the retired list for temporary service.

Chief Yeoman Clyde Knight to be an ensign for temporary service.

Lieut. Chauncey E. Pugh (retired) to be a lieutenant commander on the retired list for temporary service.

The following-named lieutenants on the retired list to be lieutenant commanders on the retired list:

Samuel L. Graham,
Alfred W. Pressey, and
Edward W. McIntyre.

Lieut. (Junior Grade) Chauncey E. Pugh (retired) to be a lieutenant on the retired list.

The following-named lieutenants on the retired list to be lieutenant commanders on the retired list:

Jeremiah C. Burnett,
John C. Soley,
William H. Faust,
Charles S. Ripley,
Claude Bailey,
William R. Cushman,
William J. Moses,
Carlton F. Snow,
Oscar F. Cooper,
Emory Winship,
Luman E. Morgan,
Franklin W. Osburn, jr.,
Gerald Howze,
James A. Campbell,
Clarence S. Vanderbeck, and
John E. Lewis.

The following-named ensigns on the retired list to be lieutenant commanders on the retired list:

Walter G. Richardson and
Frank W. Toppan.

The following-named lieutenants (junior grade) on the retired list to be lieutenants on the retired list:

Alfred A. McKethan,
Fred C. Beisel,
John W. DuBose,
Carleton M. Dolan,
Henry H. Porter,
Paul L. Holland,
Frank H. Weaver,
Hugh Allen,
Boyce K. Muir, and
William P. Brown.

Ensign Francis G. Blasdel (retired) to be a lieutenant on the retired list.

The following-named ensigns on the retired list to be lieutenants (junior grade) on the retired list:

Ernest C. Keenan,
Harry C. Ridgely,
Coburn S. Marston,
Ignatius T. Cooper,
Thomas M. Dick,
Frank O. Branch,
Earl W. Jukes,
Omenzo C. F. Dodge,
John P. Hart,
Renwick J. Hartung,
Charles A. Harris,
Horace C. Laird,
Thomas W. McQuire,
Philip F. Hambsch,
Charles McK. Lynch,
Herbert J. French, and
John H. Conditt.

The following-named lieutenants on the retired list to be lieutenant commanders on the retired list, for temporary service:

Frederick W. Milner,
Charles K. Mallory,
Virgil Baker,
Ernest A. Swanson,
Francis S. Whitten,
Wilfred Van N. Powelson,
Gilford Darst,
Alfred A. McKethan,
Fred C. Beisel,
John W. DuBose,
Carleton M. Dolan,
Henry H. Porter,
Paul L. Holland,
Frank H. Weaver,
Hugh Allen,
Boyce K. Muir,
William P. Brown, and
Francis G. Blasdel.

The following-named lieutenants (junior grade) on the retired list to be lieutenant commanders on the retired list, for temporary service:

Robert S. Robertson, jr.,
Michael A. Leahy,
John E. Meredith,
Eugene D. McCormick,
Carl C. Clark,
Jefferson B. Goldman,
Wilson E. Madden,
John F. Atkinson,
Ernest C. Keenan,
Harry C. Ridgely,
Coburn S. Marston, and
Ignatius T. Cooper.

The following-named lieutenants (junior grade) on the retired list to be lieutenants on the retired list, for temporary service:

Richard E. Byrd, jr.,
Stanley P. Tracht,
Homer B. Gilbert,
George S. Dale,
Robert W. Spofford,
Thomas M. Dick,
Frank O. Branch,
Earle W. Jukes,
Omenzo C. F. Dodge,
John P. Hart,
Renwick J. Hartung,
Charles A. Harris,
Horace C. Laird,
Thomas W. McQuire,

Philip F. Hambsch,
Charles McK. Lynch,
Herbert J. French,
John H. Conditt.

The following-named ensigns on the retired list to be lieutenants on the retired list, for temporary service:

Arnold H. Vanderhoof,
Henry C. Longnecker,
Harold D. Childs,
John M. Blankenship, and
William P. Sedgwick, jr.

The following-named captains to be majors in the Marine Corps, for temporary service:

Harry Schmidt,
George C. DeNeale,
Albert R. Sutherland,
Roland E. Brumbaugh,,
Earl C. Long,
Harry L. Smith,
William M. McIlvain,
Roy D. Lowell,
Selden B. Kennedy,
Miles R. Thacher,
Marion B. Humphrey,
William B. Sullivan,
George W. Martin,
George K. Shuler,
David S. Barry, jr.,
David L. S. Brewster,
Tracy G. Hunter, jr.,
Bernard F. Hickey,
John L. Doxey,
John A. Gray,
William C. MacCrone,
Charles A. E. King,
Paul C. Marmion,
Lowry B. Stephenson,
John L. Mayer,
Benjamin A. Moeller,
Archibald Young,
Clyde H. Metcalf,
Harold C. Pierce,
Norman C. Bates,
Douglas B. Roben,
Harry K. Pickett,
Maurice S. Berry,
Harold D. MacLachlar,
John B. Seabee,
Vincent E. Stack,
Theodore A. Secor,
Thomas M. Luby,
Henry P. Torrey,
George A. Stowell,
Henry L. Larsen,
William H. Rupertus,
James L. Underhill,
Louis E. Fagan, jr.,
Keller E. Rockey,
Bryan C. Murchison,
Egbert T. Lloyd,
Allen H. Turnage,
George W. Hamilton,
Louis M. Bourne, jr.,
David H. Miller,
Matthew H. Kingman,
Alphonse DeCarre,
Cecil S. Baker,
John F. S. Norris,
Arthur Kingston,
Samuel L. Howard,
Lyle H. Miller,
Anderson C. Dearing,
Ralph J. Mitchell, and
Robert O. B. Burwell.

The following-named first lieutenants to be captains in the Marine Corps, for temporary service:

William A. Worton,
William E. Campbell, jr.,
Jonas H. Platt,
James F. Rorke,
Charles McK. Krausse,
Alan V. Parker,
John F. Horn,
Ross W. Davidson,
Glenn E. Hayes,

Stanford W. Hoffman,
 Stewart B. O'Neill,
 Lynn B. Covert,
 Robert A. Kennedy,
 John F. Talbot,
 Stanley A. Beard,
 John L. Garner, jr.,
 John W. Thomason, jr.,
 Robert L. Duane,
 Clarence Ball,
 George F. Hill,
 Kenneth E. Schwinn,
 Dan E. Root,
 Merritt B. Curtis,
 Charles T. Brooks,
 James L. Denham,
 Herbert Hardy,
 Walter T. H. Galliford,
 Richard B. Buchanan,
 Benjamin R. Avent,
 William H. McCormick,
 David R. Kilduff,
 James A. Connor,
 Charles N. Muldrow,
 Einar W. Jacobsen,
 Hugh McFarland,
 Walter D. Shelly,
 John T. Walker,
 Bert A. Bone,
 Frank W. Wilson,
 Carl F. Dietz,
 Oliver P. Smith,
 Hugh Shippey,
 Joseph G. Ward,
 Robert C. Anthony,
 Baptiste Barthe,
 Sidney R. Vandenberg,
 Robert C. Thaxton,
 James D. McLean,
 Thomas S. Whiting,
 Robert Blake,
 Henry D. Linscott,
 John G. E. Kipp,
 William T. Clement,
 Ralph L. Schiesswohl,
 Ralph E. West,
 Euvelle D. Howard,
 Alfred H. Noble,
 Keith E. Kinyon,
 William A. Duckham,
 Harten Pefley,
 Frank D. Strong,
 Benjamin Goodman,
 Harold D. Campbell,
 Lyman Passmore,
 Louis W. Bartol,
 Donald Kenyon,
 James A. Nelms,
 Clifford O. Henry,
 John Sellon,
 Joseph T. Smith,
 Raymond E. Knapp,
 Hiram R. Mason,
 Horatio P. Mason,
 Carleton S. Wallace,
 Samuel C. Cumming,
 George B. Lockhart,
 John D. Macklin,
 Edward L. Burwell, jr.,
 Jack S. Hart,
 Omar T. Pfeiffer,
 Robert S. Pendleton,
 Lemuel C. Shepherd, jr.,
 John F. Blanton,
 Drinkard B. Milner,
 Roscoe A. Parcel,
 James F. Moriarty,
 Davis A. Holladay,
 Frank P. Snow,
 Samuel W. Freeny,
 Julius C. Cogswell,
 William H. Harrison,
 Campbell H. Brown,
 Edward B. Hope,
 Fred W. Clarke, jr.,

Edmund P. Norwood,
 Edwin R. Brecher,
 Charles P. Nash,
 Durant S. Buchanan,
 Fielding S. Robinson,
 Thomas T. McEvoy,
 William H. Price,
 Lewie G. Merritt,
 Harry C. Savage, jr.,
 John Frost,
 George F. Smithson,
 John P. Adams,
 Henry E. Chandler,
 Otto E. Bartoe,
 Ernest E. Eiler,
 Harold D. Shannon,
 Robert M. Johnson,
 Louis R. Jones,
 Ramond J. Bartholomew,
 Bruce B. MacArthur,
 Claude A. Larkin,
 Macon C. Overton,
 Erwin Mehlinger,
 William B. Croka,
 Lothar R. Long,
 Gilbert D. Hatfield,
 Amos R. Shinkle,
 Bruce Gootee, jr.,
 George H. Morse, jr.,
 Marc M. Ducote,
 Wesley W. Walker,
 Lewis B. Freeman,
 William H. Taylor, jr.,
 Lucian W. Burnham,
 William K. Snyder,
 Shaler Ladd,
 Robert M. Montague,
 Alfred C. Cramp,
 James T. Yarborough,
 John A. Willis, jr.,
 Charles Z. Leshner,
 John C. Wood,
 Thomas R. Jewett,
 James R. Henderson,
 William T. Evans,
 George D. Hamilton,
 Benjamin W. Gally,
 Lloyd B. Dysart,
 Joseph F. Gargan,
 Charles I. Emery,
 Clyde P. Matteson,
 Rolla R. Hinkle,
 William R. Mathews,
 Charles T. Lawson,
 David I. Garrett,
 Nathaniel H. Massie,
 Richard H. Jeschke,
 Sidney W. Wentworth,
 Frank L. Shannon,
 Samuel M. Noblitt,
 Francis P. Mulcahy,
 Frederic C. Wheeler,
 Benjamin H. Brown,
 Thomas E. Kendrick,
 Benjamin L. Harper,
 Alfred A. LeBoeuf,
 Will H. Walter,
 Alfred W. Ogle,
 William van D. Jewett,
 Robert S. Lytle,
 Paul E. McDermott,
 Albert P. Baston,
 Donald J. Kendall,
 Harold St. C. Wright,
 Horace B. Derrick,
 Leonard Stone,
 Alton A. Gladden,
 Lewis B. Reagan,
 Dudley S. Brown,
 Robert H. Pepper,
 Robert L. Nelson,
 John B. Wilson,
 James McB. Sellers,
 James D. Colomy,
 Lathrop B. Flinton,

Clive E. Murray,
Joseph A. Hagan,
Ivan Langford,
Galen M. Sturgis,
Mordecai C. Chambers,
Carl W. Meigs,
Joseph W. Knighton,
Charles I. Murray,
James A. Poulter,
Karl S. Day,
George L. Maxwell, jr.,
Joseph C. Bennet,
James A. Mixson,
Cecil B. Raleigh,
George L. Maynard, jr.,
William H. Hollingsworth,
Lades R. Warriner,
John O. Hyatt,
Oakley K. Brown,
Charles D. Roberts,
Gus L. Gloeckner,
Graves B. Erskine,
Frederick I. Hicks,
Phillips B. Robinson,
Thomas W. Scott,
Leo F. S. Horan,
Felix Beauchamp,
Maurice Brulay,
James B. McCormick,
Walter R. Macatee,
Philip A. Murray, jr.,
John H. Craige,
Kortright Church,
John N. Popham, jr.,
Reginald C. M. Peirce,
Theodore C. Johnson,
Claude M. Bain,
Thomas A. Tighe,
Thomas W. Bowers,
John R. Foster,
Russell W. Duck,
David Bellamy, and
Robert W. Claiborne.

The following named second lieutenants to be first lieutenants
in the Marine Corps for temporary service:

Hans H. Harders,
Paul E. Corriveau,
Milton W. Vedder,
Harold R. Ballin,
Darius T. Wool,
William W. Ashurst,
Frank C. Young,
Willard P. Leutze,
George C. Dickey,
Herbert S. Summers,
Allan MacRossie, jr.,
John W. McIver,
Walter V. Allen,
James R. Stockton,
James J. Bettes,
Philip G. Stiles,
Richard F. Boyd,
Edward J. Winters,
Hal N. Potter,
Ralph McN. Wilcox,
Clement A. Berghoff,
Bernard W. Bierman,
Walter S. Hallenberg,
Max D. Gilfillan,
Charles A. Etheridge,
Carlton Hill,
Cecil L. Eaton,
Herman A. Zishchke,
William O. Lowe,
Samuel E. Lawrence,
Thomas R. Brailsford,
Wallace A. Bell,
Kenneth D. Ransom,
George W. Renwick,
Willis Brodhead,
James B. Riley,
Harry W. Le Gore,
John I. Conroy,
Morgan R. Mills, jr.,
Harold Moore,

James M. Garvey,
John W. Overton,
Donald T. Winder,
Victor A. Barraco,
Thomas O. Tate,
James G. Somerville,
Jack H. Tandy,
Augustine Healy,
Eric A. Johnston,
William N. Wallace,
Fred W. Maack,
Kenneth O. Cuttle,
William P. T. Hill,
Robert A. Bowen, jr.,
Henry T. Dunn,
William E. Embry,
Philbrick W. Jackson,
John D. Bowling, jr.,
Walter S. Weeks,
William W. Carson,
Carl G. James,
Norman R. Jensen,
Albert V. Williams,
Holcomb York,
George A. Percy,
William B. Moore,
Harold B. Hoskins,
Benjamin T. Reidy,
Paul S. Taylor,
Marshall P. Madison,
Lucian H. Vandoren,
Stanley W. Burke,
Carroll J. Single,
John L. Gregson, jr.,
Donald B. Cowles,
Thornton Wilson,
Daniel W. Bender,
Clyde N. Bates,
Richard V. Hood,
Frederick M. Bock, jr.,
Samuel W. Meek, jr.,
George H. Whisenhunt, jr.,
Carl D. Brorein,
John McHenry, jr.,
Vincent J. Fitzgerald,
Anthony W. Durell, jr.,
William R. Brown,
Moore M. Peregrine,
Dunlevy C. Downs,
James M. Wallace,
John G. Vowell,
Lewis R. Stickle,
William A. Eddy,
Lucius L. Moore,
Oliver T. Francis,
Carlos H. McCullough,
Francis J. Campbell, jr.,
Cornelius H. Reece,
John A. West,
Robert R. Dickey, jr.,
Lemuel A. Haslup,
James P. Adams,
Edward A. Fellowes,
William A. Morrison,
Haskin U. Deeley,
Frederick B. Davy,
Sparling B. Anderson,
Henry W. Paret, jr.,
Louis F. Timmerman, jr.,
Gordon M. F. Chance,
George K. Campbell,
Maco Stewart, jr.,
Harry H. Barber,
Henry R. Heebner,
Fred C. Eastin, jr.,
Robert C. Kilmartin, jr.,
Edward A. Craig,
Cameron Winslow,
Joseph Wickes,
James E. Hunter, jr.,
William O. Rogers, 3d,
Julian P. Brown,
William E. Riley,
John R. Hardin, jr.,
Albert G. Skelton,

Walter S. Fant, jr.,
 Andrew L. W. Gordon,
 Percival L. Wilson,
 Victor Romaine,
 Bernard Dubel,
 John G. Schneider, jr.,
 George C. Medary,
 Charles C. Simmons, jr.,
 Maurice P. King,
 James H. B. Brashears,
 Thomas G. Letchworth,
 Edwin C. McDonald,
 Earle M. Randall,
 Leland S. Swindler,
 John P. Manton,
 Ernest H. Lowenthal,
 Ray A. Robinson,
 Howard N. Stent,
 Gillis A. Johnson,
 Kenneth B. Collings,
 Basil Gordon,
 Donald Spicer,
 Ford O. Rogers,
 Creswell M. Micou,
 Walter G. Farrell,
 Raymond T. Presnell,
 Lloyd A. Houchin,
 Roy M. Simpson,
 William L. Harding, jr.,
 John B. Neill, jr.,
 David Duncan,
 Lyle C. De Veaux,
 Charles G. Thoma,
 Greenough Townsend,
 Henley M. Goode,
 Ralph R. Robinson,
 Floyd W. Bennett,
 Norman E. True,
 Thurston J. Davies,
 Walter E. Billisoly,
 John K. Martenstein,
 Francis J. Kelly, jr.,
 Daniel B. Brewster,
 Douglass P. Wingo,
 Conrad S. Grove, 3d,
 Dale S. Young,
 Charles M. Portis,
 St. Julien R. Childs,
 Clifford C. Cowin,
 Hamilton M. H. Fleming,
 Walter I. Greth,
 Frederick E. Stack,
 George C. Collar,
 John F. Roy,
 Edward S. Shaw,
 Stanford H. Moses,
 Edward L. Pollock, jr.,
 William J. Parrish, jr.,
 Gardiner Hawkins,
 Campbell R. Cox,
 Leland D. Breckinridge,
 Merritt A. Edson,
 Laurence T. Stallings, jr.,
 Edgar A. Poe, jr.,
 Edward O. Bogert,
 Randolph A. Christie,
 George Wale, jr.,
 John A. Tebbs,
 John C. Wemple,
 Curtis W. Le Gette,
 Cleghorn Foote,
 Thomas B. McMartin,
 Thomas H. Raymond,
 David C. Levy,
 Joseph H. Fellows,
 Louis G. De Haven,
 John S. Tyler,
 Luther W. Jones,
 Harry E. Stovall,
 Chester R. Milham,
 David P. Cowan,
 Robert L. Montague,
 Lester A. Dessez,
 John R. Minter,
 Robert B. Stuart,

James Wood,
 Andrew R. Holderby, 3d,
 Charles S. Willcox,
 Fillmore W. Elker,
 Timon J. Torkelson,
 Ross S. Wilson,
 Merton A. Richal,
 William B. Shealy,
 Robert A. Barnett, jr.,
 Francis B. Reed,
 Frank B. Wilbur,
 Lester D. Johnson,
 Edgar B. Pendleton,
 John Kaluf,
 Judson H. Fitzgerald,
 Samuel A. Milliken,
 Henry D. F. Long,
 James Diskin,
 Ross L. Iams,
 Lee Carter,
 George Nielsen,
 Wyle J. Moore,
 Charles D. Baylis,
 Richard B. Dwyer,
 William G. Kilgore,
 Harry E. Leland,
 Winfield S. Cranmer,
 John F. Leslie,
 David R. Nimmer,
 William J. Platten,
 Allen G. Williams,
 Georges F. Krenn,
 Jesse F. Dunlap,
 Melchoir B. Trelfall,
 Walter H. Batts,
 Trevor G. Williams,
 Horace Talbot,
 Edward B. Moore,
 Frank W. Hemsoth,
 Emil M. Northenscald,
 David Kipness,
 Robert K. Ryland,
 William D. Wray,
 Uley O. Stokes,
 Earl W. Garvin,
 Charles P. Phelps,
 Eugene B. Hanson,
 Sherman L. Zea,
 Harold W. Whitney,
 Claude A. Phillips,
 Harry G. Fortune,
 Charles E. Lighter,
 Fred Thomas,
 James Gandee,
 William S. Cowles, jr.,
 Anthony G. Armstrong,
 Victor F. Bleasdale,
 Bruce E. Tow,
 John W. Beckett,
 Russell A. Hicks,
 Harold F. Swindler,
 William C. Parker,
 Robert L. Jarnagin,
 Nathan D. McClure,
 Harold T. Palmer,
 John Halla,
 Guy L. Ferguson,
 Edward E. Mann,
 Merwin H. Silverthorn,
 George L. Ball,
 Kenneth A. Inman,
 Charles N. Briggs,
 Aaron J. Ferch,
 Robert S. Benepe,
 James McI. Adam,
 Robert L. Bard,
 Russell C. Bayne,
 Alphonse H. Wambsgans,
 Charles T. Langan,
 Arthur F. Lamey,
 Jacob H. Heckman,
 Charles F. Conahan,
 Edward W. Staunton,
 Charles E. Huntting,
 Kyle C. Hash,

Norman McA. Moss,
 Phillips Eastman,
 Ray Sunderland,
 Arthur J. Pelander,
 Jesse C. Scroggins,
 Charles P. Flood,
 Lester N. Medaris,
 Tolbert W. Wagoner,
 Fred R. Sparger,
 Charles C. Cameron,
 Albert W. Paul,
 Herbert G. Joerger,
 Irving B. Purdy,
 John Ayrault, jr.,
 John A. Tracy,
 Claggett Wilson,
 Howard E. Rothrock,
 Raymond F. Murphy,
 Robert E. Towey,
 Charles R. Francis,
 Morton B. Houston,
 Frank X. Bleicher,
 Hubert B. McPeak,
 Oscar A. Swan,
 Frank B. Geottge,
 Ralf C. Paddock,
 Norman H. Wilson,
 Joseph C. Grayson,
 John A. Scanlon,
 Richard L. Byrd,
 Charles J. Reilly,
 Walter S. Gaspar,
 Donald G. Oglesby,
 Edward B. Orr,
 Orlando A. MacKinnon,
 Henry McClintock,
 Kenneth B. Stiles,
 Donald G. Stookey,
 Byron F. Johnson,
 John H. Parker,
 Robert P. Moyer,
 James D. Desmond,
 Harry P. Strong,
 Nicholas E. Clauson,
 John F. Ellis,
 Alfred C. Cottrell,
 Stewart W. Purdy,
 Carl P. Hedberg,
 Carl D. Wingstrand,
 Edwin U. Hakala,
 Louis J. Davis,
 Roger B. Kirkbride,
 Leigh A. Poole,
 Richard Boydston,
 Earl K. Smith,
 Sydney Thayer, jr.,
 Wallace G. Gibson,
 Hubert J. Davis,
 Earl F. Johnson,
 Arnold D. Godbey, and
 John A. McShane.

Second Lieut. Henry L. Hulbert to be a first lieutenant in the Marine Corps for temporary service.

The following-named officers on the retired list of the Marine Corps to be majors in the Marine Corps, on the retired list, for temporary service:

Capt. Daniel W. B. Blake,
 Capt. Alfred McC. Robbins,
 Capt. Harold C. Daniels,
 Capt. Frederic Kense,
 Capt. Frank L. Martin,
 Capt. Daniel M. Gardner, jr.,
 Capt. Cleyburn McCauley,
 Capt. Harold Colvocoresses,
 Capt. Ralph E. Walker, and
 Capt. Alexander B. Mickell.

POSTMASTERS.

ALABAMA.

Alta L. King, Adamsville.
 Yancy E. Adams, Alabama City.
 Martha H. Rigell, Ashford.
 Cleon M. Sumner, Corona.
 Charles E. Niven, Columbiana.
 George Cotton, Dothan.

Laura E. Wolbrink, Foley.
 Henry G. Williams, Gordo.
 Robert E. Burnett, Greenville.
 John C. Routon, Luverne.
 J. Blocker Thornton, Mobile.
 Charles E. Hoskin, Montevallo.
 Zere E. Bellah, Oneonta.
 Walter T. Cowan, Orrville.
 William M. Head, Ozark.
 John T. Farmer, Samson.
 John B. Tally, jr., Scottsboro.
 Randolph Saint John, Sylacauga.
 Robert M. Jemison, Talladega.
 Thomas E. Hill, Troy.
 Benjamin L. Perry, Union Springs.
 Ella M. Harris, York.

ALASKA.

John F. Henson, Douglas.
 Thomas H. Deal, Fairbanks.
 Laurie M. Stevenson, Thane.

ARIZONA.

Winchester Dickerson, Ashfork.
 Lon R. Bailey, Bisbee.
 R. Monroe Miller, Chandler.
 Josiah W. Hawks, Glendale.
 Wilson T. Wright, Globe.
 William L. Leonard, Jerome.
 David H. Weech, Pima.
 Andrew J. Herndon, Prescott.
 Ellen M. Dial, Safford.
 Carmen R. Rule, Sonora.
 Joseph M. Ronstadt, Tucson.
 James M. Byrns, Warren.
 Bertha M. Rees, Wickenburg.

ARKANSAS.

Lowell B. White, Benton.
 Hugh J. Floyd, Bentonville.
 Jefferson D. Hailey, Berryville.
 Levi B. Sharp, Black Rock.
 Alonzo T. Barlow, Booneville.
 James H. Stack, Brinkley.
 James F. Hurst, Clarendon.
 William A. Ragon, Clarksville.
 William D. Jacoway, Dardanelle.
 Willard W. Ward, Eudora.
 Harry L. Kelley, Holly Grove.
 Claude D. Brown, Huntington.
 Henry R. Bowers, Imboden.
 Herman Carlton, Lake Village.
 George M. Matthews, Manila.
 Ethel Leeper, Lockesburg.
 George H. Rule, jr., Lonoke.
 Overton D. Boreing, Magnolia.
 Robert S. Allen, Mena.
 William P. Williams, Nashville.
 Herbert A. Jones, Plumerville.
 Joel M. Harrison, Prairie Grove.
 William T. Stahl, Siloam Springs.
 Albert P. Massey, Stamps.

CALIFORNIA.

Walter S. Sullivan, Agnew.
 J. Frederick Ahlborn, Anaheim.
 Edwin L. Story, Anderson.
 George Marken, Arcata.
 Cleon Kyte, Arroyo Grande.
 Alfred A. True, Atolia.
 Charles A. Osborn, Atwater.
 Mattie F. Shepard, Auburn.
 James F. Trout, Avalon.
 Thomas E. Klipstein, Bakersfield.
 George M. Russell, Beverly Hills.
 Lottie L. Miracle, Campbell.
 James A. Lewis, Carpinteria.
 Roy H. Summers, Colton.
 Lillie May Peery, Corcoran.
 Ray C. Hannan, Corning.
 David C. Simpson, Courtland.
 Gilbert M. Aylesworth, Cupertino.
 Henry W. Montague, Covelo.
 George T. Fissell, Davis.
 Robert W. Lockridge, Delano.
 John H. Dodson, El Cajon.
 Charles Collins, Elsinore.

Charles W. Corey, Escondido.
 Thomas E. Awbrey, Exeter.
 William H. Comstock, Folsom City.
 Frank C. Thompson, Garden Grove.
 May A. Miller, Glendora.
 Francis R. Evans, Grafton.
 James C. Tyrrell, Grass Valley.
 Josephine M. Costar, Greenville.
 Frederick V. Devey, Hanford.
 John H. Garner, Hollister.
 Samuel H. Hawkins, Ione.
 Hugh L. Bishop, Kingsburg.
 Myrtle A. Craig, Lakeport.
 Willie M. Redman, Lancaster.
 Andrew G. Smith, Laton.
 Frank L. Powell, Lemoore.
 Kathleen M. Fleming, Lincoln.
 Frank S. Farquhar, Livingston.
 John M. McMahon, Lodi.
 Alice E. Tate, Lone Pine.
 Edwin A. McDaniel, Los Molinos.
 Alpheus G. Sawin, Loyalton.
 Mary A. Freeman, McCloud.
 Flora B. Reynolds, Mill Valley.
 Wade H. Howell, Modesto.
 Wright S. Boddy, Oakdale.
 John N. Tibessart, Orland.
 Mary I. Walker, Orcutt.
 George R. Bellah, Oxnard.
 Ernest E. Drees, Petaluma.
 John W. Townes, Pinole.
 Joseph Scherrer, Placerville.
 Charles W. Reinking, Point Arena.
 Josephine Montgomery, Randsburg.
 R. Warner Thomas, Redlands.
 Audley McCausland, Ripon.
 Thomas Fox, Sacramento.
 Ernest Martin, San Bernardino.
 Thomas M. Storke, Santa Barbara.
 Charles D. South, Santa Clara.
 Charles O. Dunbar, Santa Rosa.
 William A. Rice, Saratoga.
 Charles S. Martin, Sawtelle.
 John D. Wagon, Sonoma.
 Ivor B. Clark, Susanville.
 William T. Tschierschky, Tracy.
 Clarence M. Burnett, Tulare.
 John A. Phiney, Tustin.
 Charles B. McDonell, Ventura.
 Margaret Messick, Victorville.
 Edward I. Leake, Woodland.

COLORADO.

Robert L. Newton, Arvada.
 Charles F. McMullen, Brush.
 Oliver W. Ward, Colorado Springs.
 Robert W. Tandy, Del Norte.
 Michael A. McGrath, Eaton.
 Charles E. Spicer, Edgewater.
 Emmet C. McAnelly, Fort Collins.
 Hiram W. Smith, Glenwood Springs.
 Christopher C. Wilson, Goldfield.
 Robert C. Walker, Grand Junction.
 Oscar N. Marilugh, Idaho Springs.
 James V. Troxler, Lamar.
 Thomas J. Sandford, Manitou.
 Edward O. Russell, Manzanola.
 Louis D. Conant, Monte Vista.
 Aylmer F. Reeves, Montrose.
 Lydia J. McGee, Pagosa Springs.
 Homer F. Bedford, Platteville.
 Mae C. Cates, Seibert.
 Adam Baxter, Wellington.
 Merrill D. Harshman, Wiggins.

CONNECTICUT.

Stephen Charters, Ansonia.
 Willis B. Judd, Bethel.
 Edward L. Roberts, Canaan.
 George B. Moroney, Collinsville.
 William H. Buggie, Cromwell.
 William B. Johnson, Elmwood.
 Howard F. Spencer, Higganum.
 Judson B. Griswold, Ivoryton.
 Daniel J. McCarthy, Middletown.
 Patrick H. Walsh, New Hartford.

Philip Troup, New Haven.
 Robert T. Bradley, Newtown.
 Camilla A. Bonin, North Grosvenor Dale.
 Edward F. Daly, Portland.
 E. Franklin Byron, Sharon.
 Daniel J. Teevan, Shelton.
 Andrew Leary, South Norwalk.
 Edward C. Cox, Wallingford.
 Abigail B. Lathrop, Warehouse Point.
 Edward P. McGowan, Watertown.

DELAWARE.

James D. Wright, Clayton.
 Albert I. Swan, Delaware City.
 John T. Mullins, Marshallton.

FLORIDA.

William M. Platt, Arcadia.
 William A. Davis, Clearwater.
 James L. Love, Delray.
 Robert J. Dunnam, Fellsmere.
 Mae O. Wheat, Fort Barrancas.
 Corinne T. Summerlin, Fort Myers.
 Luther E. McCall, High Springs.
 Willie C. Caldwell, Jasper.
 Sarah E. Douglas, Lake Butler.
 Robert O. Cresap, Lakeland.
 Parramore S. Coggins, Madison.
 Alma P. Carmichael, Melbourne.
 Laura Laird, Millville.
 Robert F. Rogers, Ocala.
 Thomas H. Milton, Trenton.
 Owen K. Paxton, jr., White Springs.
 Lester Windsor, Winterhaven.
 Edward B. Langford, Zolfo Springs (late Zolfo).

HAWAII.

William L. Hardy, Schofield Barracks.

IDAHO.

Gregory Jones, Blackfoot.
 Peter M. Davis, Boise.
 John R. Viley, Bonners Ferry.
 Edna W. Keyes, Challis.
 James V. Hawkins, Coeur d'Alene.
 Jesse A. Edlefsen, Driggs.
 Thomas Jaycox, Jerome.
 William A. Criswell, Mackay.
 Edward W. Colton, Malad City.
 Joseph J. Caldwell, Meridian.
 Joseph S. Robison, Montpelier.
 James W. Anderson, Nezperce.
 Leonidas A. Mecham, Preston.
 Honora M. Murray, Priest River.
 Lorenzo Y. Rigby, Rexburg.
 Thomas H. Holbert, Salmon.
 Anna McMahon, Spirit Lake.
 Joseph F. Whelan, Wallace.
 Manderville A. Roos, White Bird.

INDIANA.

Anderson B. Lee, Alexandria.
 Frederick A. Emerson, Angola.
 Francis W. Macoughtry, Attica.
 Charles A. Durrenberger, Bedford.
 Jacob Elfler, Boonville.
 Jacob N. Wolf, Bourbon.
 Austin E. Menges, Bristol.
 Charles F. Gerber, jr., Cannelton.
 Tilghman Ogle, Carlisle.
 John R. Paine, Clinton.
 Andrew V. McKamey, Cloverdale.
 Simon Doenges, Connersville.
 Sylvester Rennaker, Converse.
 Francis E. Watson, Corydon.
 George P. Schwin, Covington.
 William A. King, Danville.
 Vincent E. Craig, Darlington.
 John W. Bosse, Decatur.
 Sell S. Doty, Delphi.
 Albert R. Mulkins, Edinburg.
 Francis A. McMullen, Elmore.
 John J. Nolan, Evansville.
 James H. Collins, Farmersburg.
 Walter S. Hoffman, Fort Branch.
 Harvey H. Flora, Frankfort.
 A. Bert Weyl, Franklin.

William E. Liveness, French Lick.
 William W. Briggs, Geneva.
 Frank J. Retterath, Goodland.
 Joseph A. Beane, Goshen.
 Julius C. Fishel, Hope.
 Burtney W. Shafer, Jonesboro.
 Charles H. Havens, Kokomo.
 Arthur C. Ronk, Ladoga.
 James A. Terry, Laporte.
 Harry C. Jones, Laurel.
 Albert Spanagel, Lawrenceburg.
 Thomas O. Beck, Lebanon.
 Albert T. Sering, Liberty.
 George D. Gaby, Ligonier.
 George B. Davis, Logansport.
 Cecil T. Hoover, Lynn.
 John B. Lawler, Madison.
 Oscar C. Bradford, Marion.
 Clinton Rogers, Markle.
 Lewis Sartor, Martinsville.
 Henry F. Schaal, Michigan City.
 William H. Shultz, Middlebury.
 Joseph P. Cummins, Middletown.
 John A. Herzog, Mishawaka.
 Joseph T. Dilley, Mitchell.
 William H. Bennett, Monon.
 Emsley Roberts, Mooresville.
 William O. Wilson, Mount Vernon.
 Ray C. Fickle, Mulberry.
 Gordon N. Murray, Mappanee.
 Edward Smith, Newcastle.
 Clarence P. Wolfe, New Harmony.
 R. Philip Carpenter, Noblesville.
 Frank J. Vessely, North Judson.
 Curtis Butler, Oakland City.
 Orlando R. Jenkins, Osgood.
 William G. Moulton, Parker.
 Albert S. Mingel, Pendleton.
 William H. Augur, Peru.
 Frank W. Dalton, Plainfield.
 Oren A. Rawlins, Portland.
 John C. Gorman, Princeton.
 Dennis O'Riley, Remington.
 Charles B. Beck, Richmond.
 Charles A. Steele, Rising Sun.
 Otto McMahon, Rochester.
 Charles H. Salm, Rockport.
 Lorenzo B. Humphries, Rockville.
 Charles R. Morris, Salem.
 Bert C. Lind, Sandborn.
 Clarence E. Garriott, Scottsburg.
 Allen P. Green, Shelbyville.
 George W. Zinky, South Bend.
 William E. Cartwright, Summitville.
 Benjamin F. Hoopingarner, Syracuse.
 Louis Zoercher, Tell City.
 John J. Cleary, Terre Haute.
 Leonard L. Graves, Thorntown.
 Frank S. Vawter, Tipton.
 Ernest F. Griffith, Vevay.
 Richard M. Robinson, Vincennes.
 Cornelius Lumaree, Wabash.
 James H. Meloy, Waldron.
 Levi L. Simons, Warren.
 Lucius C. Wann, Warsaw.
 Robert D. Bible, Waynetown.
 Burton Cassady, West Terre Haute.
 William H. Beatty, Worthington.
 Thomas J. Shelburn, Zionsville.

IOWA.

John McC. Gass, Albia.
 Anna Reardon, Auburn.
 Cora A. Hidlebaugh, Bagley.
 Harvey Slack, Belle Plaine.
 Clarence E. Brooks, Brooklyn.
 Richard C. Smith, Burt.
 Frank Thompson, Cambridge.
 James S. Webster, Carlisle.
 Lawrence H. Flood, Carson.
 William E. Leshner, Clarion.
 Elizabeth Crowe, Clermont.
 Josiah S. Blair, Columbus Junction.
 Samuel A. Sumner, Dallas Center.
 Kate C. Warner, Dayton.
 George A. Crane, Dexter.

Edmund Ahart, Dow City.
 Pearl L. Noetting, Dumont.
 Lee S. Edwards, Dunlap.
 Ernst F. Jockheck, jr., Durant.
 Edward F. Douglass, Dysart.
 John W. Cannon, Elma.
 Axel T. Johnson, Essex.
 Wallace M. Higbee, Fairbank.
 Jay Sullivan, Fontanelle.
 Maggie D. Hazzard, Fort Des Moines.
 Nelson C. Roberts, Fort Madison.
 Harvey A. Sweigard, Garner.
 John S. Darrah, Gilman.
 Peter H. W. Schippmann, Holstein.
 George H. Hellscher, Keota.
 Albert Lille, Lake View.
 John J. Dunlevy, Lansing.
 Thaddeus D. Bellinger, Laurens.
 Glasgow E. Patton, Lenox.
 Edna W. Bowes, Livermore.
 Thomas A. Massie, Logan.
 Royal G. Mitchell, Manly.
 Laura H. Figert, Marathon.
 Leonard M. Bond, Menlo.
 Florence Lucey, Merrill.
 Cyrus L. Henney, Mitchellville.
 Harry J. Perrin, Monroe.
 Robert B. Lamb, Montrose.
 Daniel Fitzpatrick, Moville.
 Heinrich F. A. Hilmer, New Hampton.
 James J. Stansell, New Virginia.
 Henry S. Rosecrans, Oskaloosa.
 John W. Floerchinger, Oxford.
 John R. Strickland, Parkersburg.
 Leslie H. Bell, Paulina.
 William S. Clark, Pocahontas.
 Albert H. Brous, Prairie City.
 George W. Jones, Radcliffe.
 Patrick H. McCarty, Rock Rapids.
 Catherine A. N. Dixon, Rock Valley.
 Henry R. Hurlbut, St. Charles.
 Henry H. Stevenson, Shellrock.
 Martin C. Nelson, Spirit Lake.
 Samuel C. Bute, Stanhope.
 Katherine E. Morcombe, Storm Lake.
 Albert E. Jackson, Tama.
 Fred W. Buls, Tripoli.
 Alexander R. Miller, Washington.
 Charles E. Lynch, Waucoma.
 Henry J. Hoeger, Waverly.
 Ora L. Mitchell, Weldon.
 Newton C. Butler, West Branch.
 Elmer A. McIlree, West Union.
 Carl Wulkan, Williams.
 Sterling H. Brainard, Wyoming.

LOUISIANA.

Pierre O. Broussard, Abbeville.
 John B. Sewell, Baldwin.
 Alexander C. Lormand, Crowley.
 Cora Sharpless, De Ridder.
 Washington J. P. Prescott, Garyville.
 Lillian D. Gayle, Independence.
 John H. Womack, Kentwood.
 Hazel L. Rhorer, Longville.
 Mary E. Vandegaer, Many.
 Julius P. Hebert, Morgan City.
 Silvio Broussard, New Iberia.
 James M. Cook, Oakdale.
 Paul J. Gardere, Slidell.
 Albert Hanson, Verwick.
 Samuel J. Gandy, Westlake.
 Louis Hebert, White Castle.

MARYLAND.

Thomas J. Linthicum, Annapolis.
 Thomas Y. Franklin, Berlin.
 Webster Wade, Boonsboro.
 Andrew Veaston, Chesapeake City.
 Arthur V. Cochrane, Crisfield.
 Oliver C. Giles, Elkton.
 Edward A. Rodey, Ellicott City.
 Wesley Jarrell, Greensboro.
 John O. Murray, Hempstead.
 Anna Blanche Bowie, Kensington.
 Emory P. Haslup, Laurel.

George W. Kefauver, Middletown.
Robert L. Runkles, Mount Airy.
William D. Lovell, New Windsor.
Robert E. Smith, Ridgely.
Clarence T. Dare, Rising Sun.
David O. Pound, Smithsburg.
James S. Price, Snow Hill.
Victor F. Cullen, State Sanatorium.
Ezekiel J. Merrick, Sudlersville.
Millard H. Weer, Sykesville.
William E. Burke, Taneytown.

MISSOURI.

John F. Kincannon, Anderson.
M. Gertrude Brown, Auxvasse.
George W. Bedford, Bolckow.
William H. Ward, Bonne Terre.
James E. Williams, Butler.
Hardy V. Merritt, Campbell.
William Arterburn, Carrollton.
Benjamin F. Hackney, Carthage.
James C. Wylie, Chaffee.
Marion L. Edwards, Charleston.
Clay Adair, Clinton.
William H. Hambaugh, Craig.
W. T. Newman, Desloge.
Alfred T. Lacey, Fredericktown.
Aaron A. Attebery, Gideon.
Dudley A. Reid, Gilman City.
John K. Scott, Golden City.
John T. Haley, Harris.
Alexander C. Monroe, Hopkins.
Henry S. Hook, Jamesport.
John J. A. Hilgert, Kimmswick.
Oscar L. Meek, Koshkonong.
John T. Summers, Lathrop.
Phil Donnelly, Lebanon.
Beatty C. Drummond, Lexington.
Lafayette Dawson, Maitland.
Wyatt Cannady, Marionville.
Charles C. Hamilton, Marshfield.
James Todd, Maryville.
William R. Jackson, Mexico.
Robert E. Hodges, Mokane.
James E. Sater, Monett.
John L. Walker, Mountain View.
John M. Marlin, Naylor.
Herbert H. Davault, New Florence.
Will T. Runyan, Norborne.
John J. Hall, Novinger.
Andrew E. Doerr, Perryville.
James K. Saunders, Pierce City.
Henry Macom, Poplar Bluff.
Benjamin E. Flynn, Potosi.
Henry C. Murphy, Richland.
Adolph B. Bertram, Rockport.
Casper Ehrhard, St. Charles.
Patrick Birmingham, St. James.
Frank Freytag, St. Joseph.
Samuel T. Jeffries, Salem.
Charles L. Wilson, Sarcoxie.
Elijah E. Johnston, Sedalia.
Arrel H. Davis, Seymour.
Lawrence S. Worman, Sheldon.
Francis H. Smith, Sikeston.
Collins C. Kindred, Smithville.
Hugh J. Bowen, South St. Joseph.
Alfred T. Cornwell, Spickard.
Samuel W. Hatheway, Stanberry.
Frank L. Church, Stockton.
Henry W. Singleton, Stoutland.
Edgar J. Geisinger, Unionville.
Uriah A. McBride, Warrensburg.
Oliver Davis, Warsaw.

NEVADA.

Charles C. Corkhill, Las Vegas.
Guy L. Eckley, Mina.
Catherine Marsh, Minden.
Fred L. White, Reno.
John P. Reynolds, Sparks.
Lotta S. Howe, Yerington.

NEW MEXICO.

Henry C. Roehl, Albuquerque.
Ella B. Taylor, Aztec.

Elisha V. Long, East Las Vegas.
Frank R. Frankenburger, Espanola.
Pierce J. Reynolds, Fort Bayard.
William S. Gilliam, Mesilla Park.
Jesse L. Turner, Santa Rita.
Leopoldo Sanchez, Santa Rosa.
Ernest M. Brumback, Silver City.

NORTH CAROLINA.

Romulus R. Ross, Ashboro.
James A. Harrington, Ayden.
Horace McR. Gudger, Biltmore.
Amsey A. Hilburn, Blandenboro.
Thomas H. Coffey, Blowing Rock.
Ogden F. Crowson, Burlington.
George W. Collins, Burgaw.
James E. Muse, Carthage.
G. H. G. Blackwelder, China Grove.
Nathan R. Pool, Clayton.
Robert G. Morisey, Clinton.
Addison J. M. Perry, Colerain.
Edwin S. Yarbrough, Duke.
J. Otho Lunsford, Durham.
William C. Blanton, Forest City.
John R. Rankin, Gastonia.
Watson Winslow, Hertford.
George C. Lynch, Hillsboro.
B. Rufus Avent, Jonesboro.
Festus C. Gillam, Knapolis.
Arthur H. Patterson, Kings Mountain.
Walter D. La Roque, Kinston.
Redding M. Harper, La Grange.
Gilbert H. Russell, Laurinburg.
John K. Cline, Lincolnton.
Robert H. Davis, Louisburg.
Luther E. Huggins, Marshville.
Edwin C. Winchester, Monroe.
William D. Templeton, Mooresville.
William L. Arendell, Morehead City.
Hamilton Erwin, Morganton.
James D. Babb, Murfreesboro.
Thomas L. Grant, Old Fort.
Oscar A. Snipes, Rocky Mount.
William C. Bass, Rosemary.
Vernon G. Pleasants, Rowland.
Kate S. Dunn, Scotland Neck.
Wilson D. Leggett, Tarboro.
Luther B. Carr, Wallace.
P. Hanes Linville, Walnut Cove.
Emma L. Vaughan, Whitakers.
A. Elmo Powell, Whiteville.
Leroy L. Massey, Zebulon.

NORTH DAKOTA.

Jessie L. Kinsey, Beach.
Zora Svendsgaard, Bowdon.
Patrick J. Kavanagh, Carpio.
John W. Stambaugh, Carrington.
William Strehlow, Casselton.
Frank Lish, Dickinson.
Joseph G. Senger, Harvey.
Paul Keller, Hebron.
Lorenzo A. Holmes, Kenmare.
Andrew I. Koehmstedt, Langdon.
Henry W. Willis, Lansford.
Thomas Regan, Larimore.
John Foran, Mandan.
Frederick D. Cannon, McHenry.
James R. Manley, Minnewaukan.
Orren T. House, Napoleon.
J. Francis Tibbs, Rugby.
Martin O. Hagenson, Scranton.
Henry C. Loy, Stanton.
Floyd S. Putman, Streeter.
Frank Renning, Velva.
Harry E. Stoskoff, Wildrose.
Samuel Fairman, Wilton.
Arthur J. Swartwout, Wimbeldon.
Karl R. Knowles, Wing.

OREGON.

Charles H. Morris, Arlington.
Charles N. Walt, Canby.
Ethel B. Mather, Clackamas.
Victor P. Moses, Corvallis.
Vivian P. Fiske, Dallas.

Irwin D. Pike, Grass Valley.
John H. Young, Hermiston.
Willis E. Young, Linnton.
Archie Parker, Monmouth.
Rodrick A. Chisholm, Monroe.
Thomas J. Tweedy, Pendleton.
George W. Starr, Powers.
Russell H. Sullens, Prairie City.
Matthew M. Fitch, Sherwood.
William J. Hayner, Sutherlin.

PORTO RICO.

Juan F. Rivera, Coamo.
Manuel S. Pacheco, Fajardo.
Paul Vilella, jr., Lares.
Fernando Callejo, Manati.
Rodulfo Blanco, Rio Piedras.

TENNESSEE.

Fred G. Curtis, Butler.
Thomas J. Addington, Ducktown.
Samuel E. Johnson, Kimberlin Heights.
Philip D. Harris, Greenfield.
James W. McGlathery, Humboldt.
Frank K. Mountcastle, Johnson City.
Rufus R. Doak, Lebanon.
William A. Ghormley, Madisonville.
Charles W. Metcalf, Memphis.
John E. Helms, Morristown.
Winfield B. Hale, Rogersville.

TEXAS.

John C. Arnett, Abernathy.
Frank K. Sterrett, Albany.
John D. Blizzard, Alba.
Harry C. Word, Alice.
Amelia Martin, Anderson.
Edward Kennedy, Anson.
Horton L. Robertson, Archer City.
Benjamin M. Richardson, Athens.
Buna Mae Coffey, Aubrey.
Gustavus A. Lindemann, Bartlett.
Thomas W. Cain, Bastrop.
Arthur S. Collins, Bay City.
John W. Sharp, Beckville.
Ellis M. Quinn, Beeville.
Emma L. Willke, Boerne.
Elberta H. Prichard, Bogata.
Henry A. B. Muller, Brenham.
Frances J. Wheeler, Brownsville.
William D. McChristy, Brownwood.
James B. Rector, Buckholts.
Chester A. Purcell, Burkburnett.
Louis S. Chamberlain, jr., Burnet.
Maxey McCrary, Calvert.
Edward F. English, Cameron.
Fred R. Ridley, Campbell.
Elmer T. Gilbert, Carbon.
William E. Thompson, Celeste.
John D. Redditt, Center.
Alfred A. Thomas, Chandler.
James F. Kunkel, Clarksville.
Julian R. Ransone, jr., Cleburne.
Jasper N. Fallis, Clifton.
A. Johnson Page, Como.
Archie N. Justiss, Corsicana.
James W. Hall, Crockett.
John H. Cates, Decatur.
Frances M. Brady, Del Rio.
Edward S. Dougherty, Edinburg.
Franklin P. Henry, Floydada.
Robert E. Speer, Fort Worth.
L. Loring Bradbury, Franklin.
Daniel B. Shrader, Frisco.
Andrew W. Howell, Frost.
Edmund R. Cheesborough, Galveston.
Robert N. Eastus, Gordon.
Charles V. Gates, Gorman.
Walter F. Juliff, Granbury.
Thomas H. Haynie, Grand View.
William E. Thies, Granger.
Frank W. Leaverton, Grapeland.
Robert C. Dial, Greenville.
Floyd W. Easterwood, Hearne.
Delphia N. Cox, Hereford.
John P. Rodgers, Hico.
Conrad M. Newton, Hubbard.

Thomas S. Hamilton, Italy.
William Clark, Jefferson.
Exie B. McDougald, Kemp.
Richard D. Tankersley, Killeen.
Evy Kennedy, Kirbyville.
Albert L. Melton, Leonard.
Edward W. Sharman, Liberty.
William H. Reaves, Lometa.
William R. McAdams, Lorena.
Sam R. Brown, McGregor.
E. Otho Driskell, Mansfield.
Benjamin F. Shepherd, Memphis.
Henry C. Williams, Merkel.
William H. Mercer, Mineral Wells.
William H. McCurdy, Moody.
Louis A. Meiners, Moulton.
John M. Diggs, Munday.
William H. Brown, Navasota.
Forrest M. Mattox, Newton.
Joe Wren, Normangee.
George T. Wood, Olney.
Robert C. Matthews, Palestine.
Claudine Barnes, Pampa.
Earl M. Duvall, Petrolia.
Joe R. Hooton, Pittsburg.
James A. Crow, Plano.
Joseph H. Washburne, Port Arthur.
James B. Goodlett, Quanah.
William T. Edgar, Remlig.
Verna K. Harper, Rice.
Fannie Stieber, Rocksprings.
Lorena C. W. Holder, Rockwall.
Penrose N. Ions, San Angelo.
George D. Armistead, San Antonio.
William H. Miller, Seymour.
William J. Davis, Silsbee.
James D. Williams, Sinton.
Jabez J. Jenkins, Skidmore.
Colonel J. Russell, Slaton.
James J. Sutton, Stockdale.
William H. Rand, Sulphur Springs.
James E. Nix, Sunset.
James B. Walker, Tahoka.
Henry M. Coats, Texas City.
James P. Sharp, Tioga.
James D. Wilson, jr., Trenton.
Edna Overshiner, Valley View.
James S. Spradley, Van Alstyne.
Edward R. Fleming, Victoria.
Mary Foster, Waelder.
Thomas J. Abell, Wharton.
Reuben J. Kennedy, Whitesboro.
Henry L. Webster, Whitewright.
George C. Williams, Wills Point.
Lode Miller, Winfield.

UTAH.

James H. Clarke, American Fork.
George W. Young, Coalville.
James A. Faust, Delta.
William W. Le Cheminant, Garfield.
Lake E. Young, Helper.
Nathaniel H. Felt, Mant.
Niels Lind, Midvale.
Walter W. Morrison, Richfield.
Samuel W. Hendricks, Richmond.
Noble Warrum, Salt Lake City.
James Gowans, Tooele.

WISCONSIN.

Joseph A. Paustenbach, Abbotsford.
Hiram J. Kinne, Amery.
Angus D. McDonald, Ashland.
Lyle I. Daigneau, Boyceville.
William A. Koch, Brillou.
William A. Hume, Chilton.
Joseph H. Smith, Elroy.
Nicholas H. Berigan, Foxlake.
Charles Howard, Frederic.
Edward Schroeder, Granton.
William L. Evans, Green Bay.
Harley B. Wiley, Hancock.
Thomas D. Pluck, Horicon.
James H. Walker, Hudson.
Ollo F. Illing, Juneau.
Louis T. Kempler, Kiel.
Anton Schiesl, Laona.

Albert Lieble, Luxembourg.
 John D. Laughlin, Marion.
 Adolph G. Pankow, Marshfield.
 Melvin G. Elstad, Matton.
 Frank H. Denison, Mellen.
 David A. Holmes, Milton.
 Frank B. Schultz, Milwaukee.
 William W. Lauson, New Holstein.
 Harry P. Walker, Plainfield.
 James C. Thomas, Poynette.
 Arvid T. Swedborg, Prentice.
 John J. Voemastek, Rib Lake.
 Frank Hall, Rio.
 Frederick N. Lochemes, St. Francis.
 Loren L. Henthorn, Viola.
 John O'Sullivan, Washburn.
 James W. Moore, Watertown.
 Samuel P. Godfrey, Waupaca.
 Thomas H. Ryan, Wausau.
 Fay M. Patterson, Wild Rose.

WYOMING.

Walter L. Larsh, Cheyenne.
 Roger J. McGinnis, Cody.
 John H. Cameron, Evanston.
 Norvin D. Morgan, Gillette.
 Edith S. Morgan, Glenrock.
 George C. Forsythe, Lusk.
 George H. Greedy, Newcastle.
 Nellie Gilbert, Riverton.
 Charles P. Wassung, Rock Springs.
 James B. Delaney, Saratoga.
 Guy J. Gay, Thermopolis.

HOUSE OF REPRESENTATIVES.

THURSDAY, September 5, 1918.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, give us this day our daily bread, a healthy body, a clear mind, a pure heart, an earnest desire to leave in its wake a worthy record and thus be the possessors of a clear conscience. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. RUBEY, by unanimous consent, at the request of Mr. DICKINSON, was granted leave of absence for 10 days, on account of illness in his family.

WATER-POWER BILL.

Mr. SIMS rose.

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. SIMS. To move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the water-power bill.

Mr. LEVER. Mr. Speaker, I wonder if the gentleman from Tennessee would not permit me to submit a unanimous-consent request.

Mr. SIMS. Certainly.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I ask unanimous consent for the present consideration of a bill which is at the Speaker's desk, the regular Agricultural appropriation bill, which was vetoed by the President. But all the items in this bill have been agreed to in conference, and the conference report has been agreed to by both Houses, and if I can have unanimous consent to take it up now I do not think it ought to take over 10 or 15 minutes.

Mr. SIMS. Mr. Speaker, reserving the right to object, I want to say to the gentleman from South Carolina that I think we will get through with the water-power bill early enough to enable the gentleman to take that up before the end of the day; and if not, then before we go into the Committee of the Whole House on the state of the Union for the consideration of the revenue bill he will have time.

Mr. LEVER. I would rather the gentleman would not object. I will withdraw the request, because the objection automatically would send this bill to committee. I withdraw the request, Mr. Speaker, temporarily.

The SPEAKER. The gentleman from South Carolina withdraws his request.

WATER-POWER LEGISLATION.

Mr. SIMS. 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 water-power bill.

The motion was agreed to.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill S. 1419, known as the water-power bill, with Mr. WEBB in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill S. 1419. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 1419) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

Page 44, line 6, section 17—

Mr. ANDERSON. Mr. Chairman, I find on reading the RECORD that section 15 has never been read. The gentleman from Wisconsin [Mr. ESCH] suggested that the section be read, but the RECORD shows that, instead, section 16 was read.

The CHAIRMAN. The Chair is informed that both sections were read.

Mr. ANDERSON. Very well.

The CHAIRMAN. The Clerk will read, beginning with section 17.

The Clerk read as follows:

SEC. 17. That the charges arising from licenses hereunder shall be paid into the Treasury of the United States. Fifty per cent of the charges arising from licenses hereunder for the occupancy and use of national forests is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of Agriculture in the survey, construction, and maintenance of roads and trails within such national forests. Fifty per cent of the charges arising from licenses hereunder for the occupancy and use of national parks is hereby reserved and appropriated as a special fund in the Treasury, to be expended under the direction of the Secretary of the Interior in the improvement and development of such parks. Fifty per cent of the charges arising from licenses hereunder for the occupancy and use of public lands, and of national monuments, and power site or other reserves outside of national forest, shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act. All proceeds from any Indian reservation shall be placed to the credit of the Indians on such reservation. Fifty per cent of the charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater improvements of navigable waters of the United States.

Mr. SIMS and Mr. ESCH rose.

Mr. SIMS. Mr. Chairman, I move to strike out all of this section except the last four words of line 25, page 44, and all of line 1, on page 45, and the first three words of line 2.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SIMS: Pages 44 and 45, strike out, in section 17, the last four words on line 25, page 44, and line 1 and the first three words on line 2, page 45, as follows: "All proceeds from any Indian reservation shall be placed to the credit of the Indians on such reservation."

Mr. SIMS. Mr. Chairman, I do not know just how much thought the Members of the House in Committee of the Whole have given to this section, but this provides for the appropriation of all funds arising from charges made under this bill to specific purposes; all revenues arising from projects constructed on the public lands in forest reserves go to the improvement of public roads and trails on forest reserves, and as to all those on public lands not in forest reserves are to be localized and spent upon the public lands and all charges collected from navigable rivers in the States are to be used for certain improvements upon the particular rivers.

Now, Mr. Chairman, this clearly would prevent any recapture of the property out of any amortization fund under the provisions of this bill, because it specifically appropriates everything that arises under the bill as it now stands, under the theory, I suppose, that it would be very little, except what the cost of administration would require; and this provision, of course, would be a very sweet morsel to gentlemen who are interested in the forest reservations or the projects improved thereon, and the same with reference to public lands, and the same with reference to the improvement of projects on navigable rivers not embraced within the limits of forest reserves.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. JOHNSON of Washington. In regard to the forest reserves and certain returns being "a sweet morsel," who could the returns be for, provided they are given to the forest reserves, but the forest reserves? Why change existing laws? And how are these great tracts which are forest reserves ever to become anything if a fair part of the returns from the resources within their boundaries do not return to them? Before the gentleman answers that, I suggest some other things to think about. The gentleman proposes to strike out everything in the paragraph except the lines relating to the proceeds of Indian reservations, which are to be given to the Indians on the reservations. What does the gentleman mean?

Mr. SIMS. I understand the Indians own that land, and they have the right to the revenues as to their lands.

Mr. JOHNSON of Washington. Do you mean the allottees to the lands that are held in abeyance? I happen to know of one place where 600 allotments have been prepared, but the land can not be or is not given. Do you deny to certain Indians the proceeds of the allotments given under treaty, to be held forever as long as grass grows and water runs?

Mr. SIMS. My idea about striking out everything was—

Mr. JOHNSON of Washington. Even if you are going to strike out everything, do not divide the rights of the Indians.

Mr. SIMS. My idea was to preserve their rights, whatever they are.

Mr. JOHNSON of Washington. This is a sample of a few of the proposals in connection with this bill, which, if passed into law, will come back to make trouble for future Congresses and the western people.

Mr. SIMS. I will say to the gentleman that I am not familiar with these public-land questions, and inasmuch as the chairman of the Public Lands Committee and several other members of the Public Lands Committee were members of this committee I want that part of the bill, in so far as it may affect the public lands and forest reservations, to be considered and discussed and information concerning it given by the members of the Committee on the Public Lands and the members of the Committee on Agriculture, because I confess that I have not given it as much consideration as they have.

Mr. JOHNSON of Washington. The gentleman would do well to include the chairman of the Committee on Indian Affairs, because the Committee on the Public Lands does not pretend to know the rights of Indians on certain Indian reservations when it comes to so-called "conserved" things.

Mr. SIMS. Whether it is accomplished by the motion I have made or not, it is not intended to interfere with whatever is reserved to the Indians in this section.

Mr. JOHNSON of Washington. From 30 per cent up of the land in these great Western States is yet public domain, with all the resources thereon; and as we step into a process by which they are to be leased and again leased and leased again, leaving the people living on the outside to pay the great burden of the taxes, with a loss to them of the revenue from those natural resources which in other communities bear their share of the public expenses of the community, if the gentleman will consider these facts he will come sooner or later to the conclusion that the people who live in these new States and who support the schools and build the roads ought not to be entirely deprived or anywhere near deprived of the returns from those natural resources.

Mr. SIMS. That is a good argument to inject into my speech—perhaps better than I myself can make in the same line—but the gentleman must concede that he is taking up all my time. I have no motive at all in making this motion except that which I have expressed, which is that the revenue respecting all these things, except so far as they affect the Indians, shall not be disposed of as provided in this bill, because it so localizes those revenues that it might be very inequitable and unjust to the taxpayers of the country, who may have to pay for improvements in navigation that are not provided for under this.

Mr. JOHNSON of Washington. The gentleman understands that Secretary Lane is in charge of the public lands and Secretary Houston is in charge of the forest reserves which are public lands, and if those two gentlemen have come to any conclusion as to where the proceeds shall go, why should this Congress on short notice and with no debate change the plan that is in the bill drafted by the Secretaries? Here apparently is a mere detail, but it is a very important one.

Mr. SIMS. The gentleman will remember that in the bill drafted by Mr. Merrill it was provided that there should be a minimum charge of 10 cents, which was to be applied to the

cost of administration. Of course that is not the bill now, for there is no minimum or maximum charge provided in the bill. It is provided that there shall be a charge. Suppose they should make a charge of three or four dollars a horsepower. In some cases that might be a very just charge. Then, does the gentleman think these great developments in the West on public lands should all go as provided in section 17?

Mr. JOHNSON of Washington. I do; just as the resources of a State go to make the revenues of the State. And take the forest reserves which have been created since the gentleman has been in Congress. The gentleman knows that as a part of the Agricultural bill at each session of Congress there is carried an appropriation of \$5,000,000, or more, out of the pockets of the people for the forest reserves. The returns from the forest reserves have never got above \$3,000,000. Now, why not do a part toward making the forest reserves self-sustaining, even if the Government does own them?

Mr. SIMS. I wish the gentleman would speak in his own time. He is taking up all my time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. I am willing that the gentleman should have all the time he wants, just so that I get some time.

Mr. ANDERSON. Mr. Chairman, this is a very strange proceeding. The gentleman from Tennessee [Mr. SIMS], chairman of the committee, moves to strike out a portion of this bill about which he says he has no information whatever. His statement at least has the virtue of frankness, even if it does not furnish the House with any information. There were six members of the Water Power Committee who were also members of the Committee on the Public Lands. There were six members of that committee who were also members of the Committee on Agriculture. Those two committees have charge of all the legislation which relates to the public lands and the forest reserves, to which this particular section relates. The section has been very carefully worked out. Every effort was made to make it conform as far as it was possible to do it, to do substantial justice between the Government and the public and the States. No amendment to this section was proposed in the committee, and so far as those members of the Committee are concerned who are also members of the Committee on the Public Lands and members of the Committee on Agriculture, they seem to be entirely satisfied with it, and I do not know now why an effort should be made to abrogate entirely the theory upon which it was adopted, the theory which has obtained in both the forest reserves and the public lands for many years.

Mr. ESCH. There is a lot of other legislation framed on the same theory.

Mr. ANDERSON. And, as the gentleman from Wisconsin suggests, it is carried in a great deal of other legislation. The charges referred to in this amendment are rental charges arising out of the licenses. They have no relation whatever to the creation of amortization reserves, so that there is not anything in the suggestion that if this section is adopted in the form in which it now appears there can be no provision for the amortization of plants licensed under it. It seems to me we would do well, in this case, at least, to adhere to the well-considered judgment of the committee upon this section.

Mr. MONDELL. Mr. Chairman, I hope the amendment offered by the gentleman from Tennessee [Mr. SIMS] will not be adopted. Not that I am entirely satisfied with the provisions of the section; far from it. But I am endeavoring to help the committee pass their bill as they reported it, with as few changes as possible. Therefore I am willing to forego my own views and opinions with regard to certain details and accept the judgment of the committee. Several gentlemen well versed in public land and forest reserve matters were on the committee. The decision they reached with other members of the committee does not reflect my views of the matter altogether, but I have no doubt that they did the best they could.

Mr. SIMS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. SIMS. I myself have never been on any committee that handled water-power legislation for public lands. I am not well acquainted with it. The gentleman from Oklahoma [Mr. FERRIS] was not here, and I did not see anybody present to whose attention I could call the matter, and I made the motion to bring up the question for discussion rather than with the idea that it must be adopted. I intended to leave it to the members of the Public Lands Committee and those versed in that question. If they are opposed to it, I would withdraw the amendment.

Mr. MONDELL. Mr. Chairman, I would like to discuss it so long as it has been raised, because it will undoubtedly be discussed in conference. Let me make this suggestion: This

does not change existing law nearly as much as it appears to. My notion is that if the section were out, that all of the proceeds from these sources, obtained from the use of public lands, would go into the reclamation fund, for the law specifically provides that the receipts from public lands shall constitute the reclamation fund. Taking that view of it, I do not think the reclamation fund secures as much under this provision as it would without the section. There is, of course, ground for difference of opinion in regard to that matter. Now, with regard to the forest reserves, under existing law of the revenue from forest reserves 25 per cent goes to the State, to be paid to the county in which the revenues were obtained; 10 per cent is used for building roads in cooperation with the State. Under the good-roads law a still further 10 per cent is held for the purpose of reimbursing the Treasury for the expenditures under section 8 of the good-roads act.

All objection to the legislation lies in the fact that it constitutes a new and an additional fund on the forest reserves, when, in my opinion, it would have been better to have the money distributed as now provided by law.

There is this objectionable feature in the section, from my standpoint, and on that I pray the careful attention of all gentlemen who represent public-land States. There is no provision in the law now, no provision in this section, under which the communities where these plants may operate are to be reimbursed for withholding from taxation indefinitely the land used for power purposes. If these areas were very considerable, in course of time the loss of revenue to the State, which this section does not compensate for, would be considerable, and in some localities it might cripple the local authorities in carrying on the activities of local government.

I am very much in hopes that in the conference this section will be boiled down to about four lines, to wit, that the proceeds from the public lands shall be disposed of as the proceeds of public lands are now disposed of, adding to that a provision that a part of the proceeds shall go to the localities and that the proceeds from the forest reserves shall be disposed of as the proceeds from the forest reserves are now disposed of.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask for two minutes more.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate at the expiration of five minutes, the gentleman from Wyoming to have two minutes. The chairman is going to withdraw his amendment, I understand.

Mr. WALSH. What is the use of discussing an amendment that is going to be withdrawn?

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, as I said, the law now provides for the distribution of funds received from the forest reserves. All that is necessary to do is to provide that these funds shall be disposed of as other funds are disposed of. That is a simple and satisfactory way to dispose of it. When we come to the public lands they should be disposed of as other receipts have been disposed of, with the additional provision, which I think is important, although the land used will not be great in area—that a part of the proceeds should go to the localities for the purpose of maintaining schools and building roads.

Some such provision is important, but the paragraph is so long and involved there is no hope of amending it now. The committee did the best it could under the circumstances, I have no doubt, in the midst of conflicting opinions. Before the bill becomes a law I hope there will be some modification of it, and I feel confident that the gentlemen representing the Western States, who are familiar with these questions, who have drawn the provision, will, in their ability, work out of it something more simple and satisfactory.

Mr. FERRIS. Mr. Chairman, I shall not use all of the three minutes in making the short statement I desire to make, as I have conferred with the chairman a little about it, and I am told that he expects to withdraw the amendment. It was, no doubt, very proper for the chairman to raise this question and move to strike it out so that the matter might be debated. It is also true that there is a well-defined element in the House who think it ought to be stricken out. The gentleman from New York, Mr. Fitzgerald, always moved to strike it out, and the gentleman from Kentucky, Mr. SHERLEY, has several times moved to strike it out. For myself, I have always thought it ought not to be stricken out. Under the reclamation law of 1902 the proceeds of all Government land go into the reclamation fund to irrigate the West. It is a rolling, revolving fund, and this is only carrying out that same principle. The House

voted on this a number of times and has always stood by a provision similar to this. I am in hopes that the chairman will conclude that it is the part of wisdom to withdraw it.

Mr. SIMS. Mr. Chairman, I withdraw the proposed amendment.

Mr. ESCH. Mr. Chairman, I offer the following amendment, which is a verbal amendment. Page 44, line 22, add the letter "s" to the word "forest."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 44, line 22, add the letter "s" to the word "forest."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ESCH. Mr. Chairman, I desire further recognition for the purpose of inquiring of the gentleman from Oklahoma [Mr. FERRIS] with reference to the language on line 2, page 45. We state in the bill that all proceeds from any Indian reservation shall be applied to the credit of the Indians "on such reservations." Is it the case in Oklahoma, for instance, that many times Indians of a tribe are not on the reservation but have an interest in it?

Mr. FERRIS. I think that should be "of the reservation." This provision has no application to our State, because we have no public lands within the State of any kind to be leased or sold or other disposition made of them. It is true we have some Indian lands.

Mr. ESCH. The gentleman's knowledge of Indian affairs would advise the House as to whether that should be as it is in the bill.

Mr. FERRIS. I think the word "on" should be changed to the word "of." That was put in there at the suggestion of the Commissioner of Indian Affairs, and worked out by the Interior Department. I care nothing about it. It has nothing to do with the Indians of my State, but it has to do with scattering Indian tribes throughout the country, and the Commissioner of Indian Affairs wanted their lands developed and the proceeds to go into the Indian funds.

Mr. ESCH. It occurred to me that it may work an injustice to any Indians not actually on the reservation.

Mr. FERRIS. I think the gentleman is right about that.

Mr. ESCH. Mr. Chairman, I move to substitute the word "of" for the word "on," in line 2, page 45.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 45, line 2, strike out the word "on" and insert in lieu thereof the word "of."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Sec. 18. That the operation of any navigation facilities which may be constructed as a part of or in connection with any dam or diversion structure built under the provisions of this act, whether at the expense of a licensee hereunder or of the United States, shall at all times be controlled by such reasonable rules and regulations in the interest of navigation, including the control of the level of the pool caused by such dam or diversion structure, may be made from time to time by the Secretary of War. Such rules and regulations may include the maintenance and operation by such licensee at its own expense of such lights and signals as may be directed by the Secretary of War, and such fishways as may be prescribed by the Secretary of Commerce; and for willful failure to comply with any such rule or regulation such licensee shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 25 hereof.

Mr. ESCH. Mr. Chairman, I desire to offer another verbal amendment, on page 45, line 17, after the word "structure," to insert the word "as." I think that was an oversight.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 45, line 17, after the word "structure," insert the word "as."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUMPHREYS. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. In line 22, page 45, I find the language—

and for willful failure to comply with any such rule or regulation.

Suppose there is a mere failure to comply with the regulations that the Secretary of War has prescribed respecting the level of the pool, or the Secretary of Commerce has prescribed respecting the construction and maintenance of fishways, would that be considered willful?

Mr. SIMS. It would not, and I do not think "willful" ought to be in there, and I did all I could to keep the committee from putting it in. That is all I have to say about that.

Mr. HUMPHREYS. Then I shall ask the gentleman from Wisconsin: Suppose the company failed to comply with the rules prescribed by the Secretary of War touching the maintenance of the level of the pools, or by the Secretary of Commerce touching the maintenance and construction of fishways. Suppose there was just a mere failure, would that be willful?

Mr. ESCH. It would have reference to section 25 of the bill, which provides:

SEC. 25. That any licensee, or any person, who shall willfully fail or who shall refuse to comply with any of the provisions of this act, or with any of the conditions made in part of any license issued hereunder, or with any subpoena of the commission, or with any regulation or lawful order of the commission, or of the Secretary of War issued or made in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall, in the discretion of the court, be punished by a fine of not exceeding \$1,000, in addition to other penalties herein prescribed or provided by law.

Mr. HUMPHREYS. The use of the word "willful" is rather unusual. The usual language is that if a person fails or refuses to do such a thing he shall be punished. What was the purpose of the use of the word "willful"?

Mr. ESCH. That had not been brought to my attention, but it occurred to me, in view of the fact that all of these conditions are practically specified in the license, the licensee can no longer plead ignorance, and therefore if he fails to comply it would be a willful failure.

Mr. TAYLOR of Colorado. Will the gentleman permit a suggestion? If he had ever lived under a carpetbag rule or bureaucratic control the gentleman would realize that it is very dangerous to have merely a failure to comply with some petty rule or regulation a ground for forfeiting all his rights or putting him in jail. It is very important that the word "willful" should remain in there. We certainly should give these people some "show for their white alley" before cutting them off. We discussed this matter at some length, and, while it is true the chairman did not want it in there, I felt it was only fair and just to the people who spend their money and try to comply with the law at least to have them knowingly do something wrong before they are penalized. That is a principle of the criminal law, that a man is not ordinarily a criminal without intentionally doing something wrong. In other words, he might omit to do something by reason of something entirely beyond his control. There is no provision of that kind in the bill. If we put in a clause relieving him from things beyond his control, that would not be so bad; but there is nothing of that kind in it, and therefore I feel that this word ought to be left in.

Mr. HUMPHREYS. Mr. Chairman, personally I think it is just as strong without the word "willful" as with it in, but I do not make any suggestion or offer any amendment to strike it out and withdraw the pro forma amendment.

The Clerk read as follows:

SEC. 20. That when said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such licensee, or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such licensee, or by any person, corporation, or association purchasing power from such licensee for sale and distribution or use in public service shall be reasonable, nondiscriminatory, and just to the consumer, and all unreasonable, discriminatory, and unjust rates or services are hereby prohibited and declared to be unlawful; and whenever any of the States directly concerned has not provided a commission or other authority to enforce the requirements of this section within such State, or to regulate and control the amount and character of securities to be issued by any of such parties or such States are unable to agree through their properly constituted authorities on the services to be rendered or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, jurisdiction is hereby conferred upon the commission, upon complaint of any person aggrieved, upon the request of any State concerned, or upon its own initiative to enforce the provisions of this section, to regulate and control so much of the services rendered, and of the rates and charges of payment therefor as constitute interstate or foreign commerce and to regulate the issuance of securities by the parties included within this section.

The administration of the provisions of this section, so far as applicable, shall be according to the procedure and practice in fixing and regulating the rates, charges, and practices of railroad companies as provided in the act to regulate commerce, approved February 4, 1887, as amended, and that the parties subject to such regulation shall have the same rights of hearing, defense, and review as said companies in such cases.

In any valuation of the property of any licensee hereunder for purposes of rate making, no value shall be claimed by the licensee or allowed by the commission, for any project or projects under license in excess of the value or values prescribed in section 14 hereof for the purposes of purchase by the United States.

Mr. HUMPHREYS. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee, Is there any provision in this bill to enable the commission or any authority to regulate the issuance of stock of these companies? The commission has the power to control and regulate the water that passes through the turbines. Is there any authority given to any governmental agency to regulate the water that enters into the stock of these companies?

Mr. SIMS. I think that would be a most important regulation, and I think it is embraced in the bill because applications have

to be made to the commission for the purpose of issuing stocks and bonds, and they must have the approval of the commission, and I think that kind of water, referred to by the gentleman from Mississippi, who has had so much to do with other sorts of water, ought to be carefully kept out, and I hope it will be.

Mr. HUMPHREYS. Undoubtedly I agree with the gentleman, but I just wondered if there was provision made in the bill to prevent the watering of this stock?

Mr. SIMS. The power is given to prevent that, and that is all we can do.

Mr. HUMPHREYS. I withdraw the pro forma amendment.

Mr. STEELE. Mr. Chairman, I desire to offer an amendment to section 21.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk began the reading of the amendment.

Mr. SIMS. Mr. Chairman, just a moment; I do not think section 21 has been read.

Mr. STEELE. No, sir.

Mr. SIMS. This is to be offered to that section?

Mr. STEELE. Yes.

Mr. SIMS. The section ought to be read.

The CHAIRMAN. Temporarily the gentleman withdraws his amendment until the section can be read.

The Clerk read as follows:

SEC. 21. That when the grantee is a municipal corporation, or a political subdivision of a State, or a public-service agent of a State, or a public utility or service corporation, and can not acquire by contract or pledges the right to use or damage the lands or property of others necessary to the construction, maintenance, or operation of any dam, reservoir, diversion structure, or the works appurtenant or accessory thereto, it may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such land or other property may be located, or in the State courts.

Mr. RAKER. Mr. Chairman, I have an amendment. I move to strike out the word "grantee" and substitute "licensee" therefor, in line 21, page 48. It is a clerical error.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 48, line 21, strike out the word "grantee" and insert in lieu thereof the word "licensee."

The question was taken, and the amendment was agreed to.

Mr. STEELE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. STEELE: On page 49, line 3, section 21, strike out all after the word "by" and the remaining lines in said section and insert the following: "causing to be made an accurate map of such lands or property, showing the location, quantity and character of each parcel of such lands or property to be taken for such purpose, with the names of the respective owners inscribed thereon, which shall be filed, recorded, and duly indexed in the public records of the office where the title of such lands is or may be recorded, and from and after the date of filing and recording such map, the several tracts or parcels of land or property mentioned or described thereon to be so taken shall be held as condemned for public uses, and when the grantee is a municipal corporation or a political subdivision of a State, or a public-service agent of a State, the right to use or damage such lands or property shall vest in such grantee; but when such grantee is other than a State or municipal or quasi-municipal corporation or agency, just compensation for such right to use or damage such lands or property shall be first paid or secured before such right shall vest in such grantee. If the grantee shall be unable, within 30 days after the filing of such map and notice of the same to the respective owners of such lands or property, to agree upon just compensation for the right to use or damage such lands or property, either the grantee or owner or owners of such lands or property may proceed by judicial process in the courts of the State wherein such lands or property is located for the ascertainment of such compensation, in accordance with the practice, pleadings, forms, and procedure existing at the time in like causes in the courts of record of such State."

Mr. STEELE. Mr. Chairman, one amendment has already been adopted to this bill recognizing that the banks of a navigable stream and the bed of a stream are within State jurisdiction. Now, the purpose of this amendment is in further recognition of that right and to do three things. First, to protect the rights of the local landowner, so that he shall not be compelled in order that his damages may be ascertained to proceed several hundred miles to a Federal court with his witnesses and be placed to that expense in order that his damages may be properly ascertained by a judicial judgment. The purpose of this amendment is to vest jurisdiction in the local State tribunal for the purpose of the ascertainment of the damages of the local landowner. In the next place the purpose is to retain efficiency in land titles in the local State record, so as to give notice that if any land of a local landowner is condemned for public purposes and taken from him, that any purchaser of the land title should have notice of the fact that the land actually condemned has been removed from the ownership and title of the local landowner. As it is now there will be no such notice whatever.

Now, in the third place, it is intended to facilitate the progress which may be made in furtherance of the exercise of the powers vested under this act. As it is now, there is simply the exercise of the right of eminent domain vested in the licensee, and in order to exercise that power, if the power is resisted by the local landowner, it will be necessary for the licensee to go into court and have a judicial judgment—the verdict of a jury, possibly—before he can use the land he desires to have condemned. This might delay his proceeding for possibly months or years. As it is proposed under this amendment you have the right given to a subdivision of a State or a municipality to condemn at once, and the taxing power of that municipality is ordinarily sufficient security for the payment of the damages. But where it is a local public-service corporation, why, manifestly, they should give security before the land is actually taken. And therefore it is intended to facilitate the progress under this act by, in the first place, giving the local landowner adequate remedy in the State courts for the recovery or ascertainment of his damages. In the second place, there should be placed of record in the local office where land titles are held in the States notice of the fact that this land has been condemned and drawn from the ownership of the local landowner. And, in the next place, it is intended to facilitate the progress referred to.

Mr. DEMPSEY. Will the gentleman yield?

Mr. STEELE. I will.

Mr. DEMPSEY. I am in entire sympathy with the gentleman's amendment, and I think it is well conceived. I call the gentleman's attention to one detail of it. The provision is that one who is to undertake the project shall not take the land until the purchase price is paid or secured. Does not the gentleman think the term "secured" should be a little bit more elaborately expressed, that security for the payment, by bond or any form satisfactory to a local court, shall be given?

Mr. STEELE. The gentleman will see, if he will read the amendment carefully, that the security to be given only applies to a public-service corporation. It does not apply to municipal corporations or quasi-municipal corporations. There is a distinction between the two. The taxing authority in the one case is sufficient. In the other it is intended that the damages should be paid or secured, and my idea was that the word "secured" should cover the condition the gentleman has suggested.

Mr. SIMS. Will the gentleman yield?

Mr. STEELE. I will.

Mr. SIMS. I notice the gentleman used the term "grantee" in several places. Does the gentleman use it in lieu of "licensee"?

Mr. STEELE. Yes; it was so intended, because the word "grantee" was used in the act when I framed the amendment. But the gentleman from California [Mr. RAKER] has offered an amendment, and I ask that where the word "grantee" is used that the word "licensee" shall be substituted.

Mr. SIMS. Of course, there is no objection to that.

Mr. STEELE. I ask unanimous consent that wherever the word "grantee" is used in the amendment, the word "licensee" shall be substituted for it.

The CHAIRMAN. Without objection, the change will be made accordingly.

There was no objection.

Mr. SIMS. Does the gentleman's amendment require the money to be paid in advance, before condemnation?

Mr. STEELE. No, sir. It goes to this extent: Section 21 only applies to two classes of corporations, public corporations, like municipalities or agencies, of a State or quasi-municipal corporation in the one class, and in the other are public-service corporations, which have a private side to them. So far as the public corporations are concerned, they can proceed without any security whatever. The taxing power there is sufficient to secure it. But in the case of a public-service corporation, which may have its property all mortgaged, it is provided that the damages be first secured.

Mr. SIMS. I had the pleasure of reading the gentleman's amendment, and so far as I could see I thought it was a good one, and I have not changed my mind.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. STEELE].

Mr. ANDERSON. Mr. Chairman, I desire to be recognized in opposition to the amendment. The bill as now drawn follows the well-understood principle in this House, and that is to provide that wherever proceedings are brought in the courts of the country for any purpose those proceedings shall be in conformity with the general laws of the State relating to the particular procedure adopted.

Now, the gentleman proposes to substitute for this general and well-accepted practice, which is found in a number of the

statutes of the United States, and which is in accordance with the rules of the Supreme Court of the United States, a method of acquiring property under eminent domain which he himself has drawn. There is perhaps no objection to the method which he proposes, except that it is not in conformity with the accepted practice in many States. And wherever any action is sought to be brought under the provisions of this section it would be necessary to follow the particular line of procedure which he has laid down, which might be and probably would be inconsistent with the practice and the procedure which obtains in many of the States. It does not seem to me to be wise, however well this amendment has been drawn and however well it may seem to suit the purposes of this section, to deviate from the well-accepted principles upon which legislation of this character has always proceeded in the past. I trust the amendment will not be adopted, because nobody knows, if it is adopted, what its effect will be upon the practice as to condemnation proceedings in the various State and Federal courts throughout the Union.

Mr. STEELE. Will the gentleman yield right there?

Mr. ANDERSON. Yes.

Mr. STEELE. Does not the original section as now phrased provide for jurisdiction of the State courts?

Mr. ANDERSON. I understood the gentleman struck out that part and provides a method of procedure of his own.

Mr. STEELE. Oh, no. It provides for the procedure of the State courts, whatever that may be, the idea being to simply localize this remedy, so that local landowners shall not be compelled to go several hundred miles distant to a Federal court to have their rights determined, but that they shall be determined under the laws of the respective States.

Mr. ANDERSON. That is what the section provides now. The condemnation proceedings, of course, would be in accordance with the general rules in the respective States.

Mr. STEELE. It provides for Federal jurisdiction also.

Mr. ANDERSON. Both State and Federal jurisdiction, which is necessary under the circumstances of this case. For instance, in the case of a boundary water between two States, obviously the Federal jurisdiction ought to attach there, and it would not be proper in such a case to confine the jurisdiction to the States. It seems to me we will follow the wise course here if we follow the procedure and the practice which is known to lawyers and to the people of the country everywhere, and with which they are familiar, and according to which they can practice, without inserting in here a new provision, which must be subject to entirely new construction by the courts before anybody will know how to proceed under it.

Mr. SIMS. Mr. Chairman, may I have an agreement, if I can, as to further debate on this amendment? I ask unanimous consent that all debate on this amendment and all amendments thereto close in five minutes.

Mr. STEELE. I may want three minutes, possibly.

Mr. SIMS. Then make it eight minutes. I ask unanimous consent, Mr. Chairman, that all debate on this amendment and all amendments thereto close in eight minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, the purpose of the amendment is no doubt a good one, but I want to call the attention of the committee to the fact—and I know that the gentleman from Pennsylvania [Mr. STEELE] will agree—that this bill simply gives the right of eminent domain, nothing more and nothing less. It extends to a municipality or a corporation and an individual—

Mr. STEELE. Not to an individual.

Mr. RAKER. Yes; under this act.

Mr. STEELE. No.

Mr. RAKER. Oh, yes. All those that have the right to secure under the State; that when the licensee is a municipal corporation or a political subdivision of a State or a public service of a State or a public utility or service corporation.

Mr. STEELE. It does not apply to individuals here.

Mr. RAKER. There is extended the right of eminent domain. This does not lay down the procedure in the Federal courts or in the State courts.

Now, the only trouble I see in the amendment of the gentleman is that he lays down a practice or procedure which will supersede the practice in the State courts, wherein it differs from the amendment proposed. You will have to go to this bill and find out and follow this particular change wherein it is different from the present law as to procedure only in eminent domain. The rules and regulations are well established in the Federal courts as to eminent domain, where the right is granted in various State courts, and many of them differ. The

rules of practice and procedure, and so forth, are different in the various State courts as to eminent domain. But the gentleman here tries to fix under this particular bill various rules and conditions that are not applicable to any but a few of the States, if any of them, at the present time.

Mr. STEELE. Is it not generally applicable to condemnations by railroad corporations?

Mr. RAKER. No.

Mr. STEELE. It absolutely is.

Mr. RAKER. No; and for this reason: If a railroad is given the right of eminent domain—and practically in all of the States it is—the railroad company must comply with the procedure and the court practice in the State wherein it proceeds to use its right of eminent domain granted by the State, and must follow that procedure. Now, the procedure in the courts of California is different in some respects from the procedure in the courts of Pennsylvania, but each lawyer knows—each one practicing in those various courts knows exactly—what his pleading must contain, what the evidence must be, what his bond must be, and exactly what he must do to reap the benefit of the statute giving him the right of eminent domain.

I am afraid the gentleman's amendment is a confusion instead of a clarification of what is wanted, because practically all of the States have in their view a sufficient and ample law as to the practice and the procedure when the right is given in eminent domain. If they have not, they can change them. And, further, wherever one in the Federal court proceeds to obtain and enforce his right to eminent domain, it being a civil case, he follows the law of that State. Is not that right, I will ask the gentleman from Pennsylvania?

Mr. STEELE. So far as it does not conflict with Federal procedure.

Mr. RAKER. Exactly. Therefore we have now a uniform procedure that each State, and the practitioners and those desiring to apply the procedure can exercise the right of eminent domain in full force and effect, and it is well understood, and there is no provision here that is in any wise more beneficial than in most of the States to-day. I am just thinking that the gentleman's amendment will confuse rather than clarify the entire situation, and that we had better leave the law as it stands to-day.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. STEELE] is recognized for three minutes.

Mr. STEELE. Mr. Chairman, the gentleman from California [Mr. RAKER], it seems to me, has a very confused thought of the purpose of the amendment. This amendment, instead of confusing the situation is going to clarify it, and particularly for the benefit of the local landowner. The local landowner whose land is about to be taken is entitled to have notice of the fact that his land is about to be taken, and the quantity of land that is to be taken, so that he can go to the proper office and ascertain that it is about to be taken.

Mr. RAKER. Right there, will the gentleman yield for a question?

Mr. STEELE. If it does not occupy my time unnecessarily.

Mr. RAKER. In every condemnation proceeding in the complaint must not the plaintiff allege and describe the land by metes and bounds, and in addition attach a plat to his complaint?

Mr. STEELE. That only applies when you get into court, and your proceeding simply means that every case would have to go to the Federal court, and the local landowner would probably have to go several hundred miles with his witnesses in order that his amount of damages might be ascertained in the Federal court. It would be a bad thing also for the promotion of the purposes of this act, because against the objection of the local landowner the licensee could not use this land or condemn until there was a judgment rendered by a jury in a Federal court and it was actually condemned and damages determined. He would be injured to that extent.

Now, when the gentleman talked about it being different from the procedure in the several States he failed to observe the last provision in this amendment, which is that "the proceedings in the State courts shall be in accordance with the practice, pleading, forms, and procedure existing at the time in like causes in the courts of record of such State." It preserves the procedure absolutely in the courts of the different States. It is for the betterment of the act. It will facilitate the purposes of the act, and it will protect the local landowner in his rights, and the purchasers can ascertain in the local land office what land is actually owned by the landowner. Without this amendment there will be no public record from which this information can be ascertained.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. ANDERSON. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 10, noes 13. So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 23. That the provisions of this act shall not be construed as revoking any permit or valid existing right of way heretofore granted, or as revoking any authority heretofore given pursuant to law, but any person, association, corporation, State, or municipality, holding or possessing such permit, right of way, or authority may retain the same subject to the conditions set forth in the grant thereof and subject to any and all rules and regulations applicable thereto and existing at the date of the approval of this act, or may apply for a license hereunder and upon such application the commission may issue to any such applicant a license in accordance with the provisions of this act, and in such case the provisions of this act shall apply to such applicant as a licensee hereunder.

Mr. FRENCH. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN (Mr. SAUNDERS of Virginia.) The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: Page 49, line 25, strike out the words "retain the same," and lines 1, 2, and 3 on page 50.

Mr. FRENCH. Mr. Chairman, I would like the attention of the members of the committee touching the amendment that I have proposed. The purpose of this section is to provide that any municipalities, persons, associations, and so forth, that have already received permits may retain them, so far as this law is concerned, but that the concern shall have the opportunity to apply for a license under the provisions of the present law. It occurs to me that the language I have suggested to be stricken out is unfortunate. I believe we may be doing a good deal more—in fact, vastly more—than we have had in mind to do, and I suggest that if we strike out these words it will leave the situation as it ought to be, reading—

That the provisions of this act shall not be construed as revoking any permit or valid existing right of way heretofore granted, or as revoking any authority heretofore given pursuant to law, but any person, association, corporation, State, or municipality, holding or possessing such permit, right of way, or authority may apply for a license hereunder, and upon such application the commission may issue to any such applicant a license in accordance with the provisions of this act, and in such case the provisions of this act shall apply to such applicant as a licensee hereunder.

Now, that leaves the situation just as it ought to be left. We do not confirm anything. We leave it subject to the discretion of the Secretary of the Interior, the Secretary of Agriculture, or the Secretary of War, as the case may be, to do or not to do, under the permit that has been issued, that which the respective Secretaries have the power now to do.

Mr. ESCH. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. ESCH. Is it the gentleman's idea that by leaving the language as we have it in the bill there may be danger of confirming by this act of Congress some act of prior grantees beyond the jurisdiction granted under their licenses?

Mr. FRENCH. That is precisely the question I raise. We do not know, and I suppose it would take each department a week or more, possibly, to find out precisely the terms of each particular permit that has been issued, and to know that the grants of the permit were not in excess of law. Of course, we must assume that all permits heretofore granted have been granted in good faith, but we do not know that a permit may have been issued and in perfect good faith in excess of the authority conferred upon the department that issued the same. Now, the lines that I suggest be stricken out leave the bill so that the grantees may retain their grants, subject to the conditions set forth in the grants and subject to any and all rules and regulations applicable thereto and existing at the date of the approval of this act. It seems to me we are confirming en bloc a lot of permits that may have been issued in accordance with existing law or may have been issued in excess of authority assumed by those having the authority to issue permits under the law under which they were acting.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. TAYLOR of Colorado. Where people have spent large amounts of money and have clearly recognized legal and equitable rights now, and have initiated a tentative title, would it not be right for them to be permitted to go ahead under the existing law and regulations rather than force them to surrender their rights and to come in under this new law?

Mr. FRENCH. My amendment leaves the situation so that the particular officer can handle that question.

Mr. TAYLOR of Colorado. But ought not the men who are in possession now to have the right to go ahead? In other words, ought we to rip up vested rights? I understand there are thousands of rights of various kinds that may be affected by this bill. Should we not allow them to go ahead if they can and want to under the existing law? We do not want to confiscate them and make them trespassers in case they do not immediately surrender everything and come in under this bill. If they prefer to do so they should have the alternative of coming in under this law. The way the section is written it gives them two chances rather than one.

Mr. FRENCH. Yes; and so does my amendment. I do not believe that we rip up existing rights, so far as that is concerned, but I do believe that if the language of the bill is permitted to go into the law we will confirm en bloc a lot of permits and conditions that we do not know anything about. We do not know what we may be confirming. We may be confirming permits that impose conditions in excess of existing law. If so, the fact that we pass a law confirming them will grant them absolutely to the grantees.

Mr. TAYLOR of Colorado. This section does not confirm them at all. It allows them to go ahead if they can and perfect their title and continue business under the existing laws, rules, and regulations. I do not think we should make this provision either retroactive or confiscatory.

Mr. FRENCH. No; I think the gentleman does not read the section accurately. The language I propose to strike out is the language which says that these grantees may retain the same subject to the conditions set forth in the grant thereof, and so forth.

Mr. DEMPSEY. They may retain what they have; that is all. They do not get any more.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRENCH. Mr. Chairman, I should like to have five minutes more.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FRENCH. This is a very important question. I hope there may be no reason for concern, but it seems to me here is a place where we ought to stop and look and listen and not simply confirm a lot of rights that may have been granted that we do not know anything about.

Mr. SIMS. Has the time of the gentleman from Idaho been extended five minutes?

The CHAIRMAN. It has.

Mr. SIMS. I want to ask that all debate upon this amendment and amendments to the same close in five minutes after the expiration of the time of the gentleman from Idaho.

Mr. TAYLOR of Colorado. I would like to have two minutes.

Mr. SIMS. The other five minutes to be divided between the gentleman from Colorado [Mr. TAYLOR] and the gentleman from California [Mr. RAKER].

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that at the expiration of the five minutes to be consumed by the gentleman from Idaho the next five minutes be divided between the gentleman from California [Mr. RAKER] and the gentleman from Colorado [Mr. TAYLOR], and that at the end of that time debate on this amendment and all amendments thereto shall be closed. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. I want to say that I am in entire accord with what I think is the purpose of the gentleman from Idaho; but the members of the committee discussed this matter rather fully, as I recollect it, and believed if we did not put that clause in all the people on the public domain who had vested rights might be down and out, or they would have to at once come in under this law. We felt that it was not treating them fair and might be legislating them out of existing rights. What has the gentleman to say about that?

Mr. FRENCH. I think that question is met in the first lines of the bill, and under these lines we do not disturb existing conditions. If we keep the language in which I propose to strike out, we will confirm existing conditions without knowing what we are confirming.

Mr. RAKER. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. RAKER. If that is true, at the end of the bill you repeal the law he is acting under and do not permit it to remain, and he must quit there and his plant must stop.

Mr. FRENCH. We do not repeal it.

Mr. RAKER. Yes; at the end of the act is the repealing clause. Here is a million-dollar plant and the man can not

move and you deprive him of all the property that he has invested in it.

Mr. FRENCH. In the first part of the bill there is a provision that the act shall not be construed to revoke any permit, and so forth, and the repealing section to which Judge RAKER refers specifically exempts anything that may not be inconsistent with the pending bill.

Mr. DEMPSEY. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. DEMPSEY. While I am in entire sympathy with what the gentleman has in mind, the language of the section, I think, is adequate for his purpose. It provides that he may retain the same subject to the conditions set forth in the grant. He may retain what? He may retain the same, and that is to permit of the existing rights and the authority that he has—that and nothing more. It does not extend it; it does not make it any better; it does not give him any more, but gives him authority to retain what he has, good or bad or indifferent, and that is all the effect of this section.

Mr. FRENCH. I hope the gentleman is correct; and if so, there will be no trouble. But I fear that the language that I propose be stricken out permits powers in excess of the law under which the permit was issued to be ratified and confirmed. It seems to me that under the gentleman's interpretation it is a duplication of language, and if it is not that, then it is granting and confirming conditions that the House does not know anything about.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. TAYLOR of Colorado. I may say that these provisions have been examined by the Interior and Agricultural Departments and this language is virtually their language. This special water-power committee feel that where people now have legally recognized rights of various kinds, we did not want to rip them up. We wanted them to be allowed to go ahead, if they can and want to, and also give them the opportunity, if they prefer to do so, to come in under the law.

Mr. FRENCH. If you strike out the language I propose you leave all rights protected under existing law. The language of the section specifically says that the existing rights heretofore granted shall not be considered as being revoked; and on the other hand, following up the line, under the language I propose to strike out we give them the alternative of coming in under the conditions of this measure.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, section 29 reads as follows:

That all acts or parts of acts inconsistent with this act are hereby repealed.

Now, this provision intends that the present existing licenses granted to these parties which are revocable shall not be revoked by this law, but that they may under the conditions of the law now in existence proceed with their work. If you strike out the language and repeal the law relating to the permits you will find perhaps a man that has expended \$500,000 or \$1,000,000 can not move one way or the other. He must come in under the provisions of this act or his property is confiscated.

Mr. FRENCH. The language in the act is "not inconsistent with the language of this act," and in the very first part of section 23 you provide a specific exception.

Mr. RAKER. No; you repeal all the law relating to these matters, and a man who has a permit now in existence can not proceed unless under the provisions of this act. The man who has a permit which is not revoked can proceed under the rules and regulations of the law now in existence—

Rules and regulations applicable thereto and existing at the date of the approval of this act.

That is the law in force to-day under which he has made his application, and the amendment of the gentleman from Idaho [Mr. FRENCH] simply knocks out all of the foundation of the man's project and leaves his property practically confiscated, instead of allowing him to proceed under the law as it exists, or, if he wants to, he can come under provisions of this act by complying with its terms.

Mr. TAYLOR of Colorado. Mr. Chairman, my idea about the matter is that the intention of the gentleman from Idaho [Mr. FRENCH] is the same as ours, but the gentleman from California [Mr. RAKER] and myself are on this Water Power Committee, and we have gone over this matter quite fully. I think it would be dangerous for us to adopt the amendment offered by the gentleman from Idaho. We have tried to jealously guard the existing rights of the people, especially upon the public domain, people who have had licenses or obtained permits or special acts of Congress, and I either do not understand the gentleman's amendment or else it takes away, or may take away, the rights

under the existing law and virtually forces them to come in and proceed under this new law or become trespassers and be thrown out.

Mr. FRENCH. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. In a moment. Our thought was that if a man can go ahead and perfect his title under the existing law, he ought to be given the right to do so, if he so desires, and if he does not want to, then we should give him the option of coming in under this law. That is one of the things that all of the western Members have earnestly and jealously guarded against—not to legislate a man out of his existing rights, either in agricultural claims or water rights or coal or oil or in other claims, but let him, if he can, go ahead and perfect his title under the existing law, or give him the option, if he finds he can not get by, if he can not run the gauntlet of red tape and get title, then to have a preference to come in under this law. I do not understand that the gentleman's amendment even gives him a preference right to come in.

Mr. FRENCH. Yes, indeed, it does.

Mr. TAYLOR of Colorado. I feel the gentleman has not had the matter sufficiently worked out. Ordinarily his amendments are very good, but I seriously doubt the wisdom of accepting this one.

The CHAIRMAN. The time of the gentleman from Colorado has expired. All time has expired.

Mr. FRENCH. Mr. Chairman, I am wondering if upon a matter of this kind, which I believe to be of tremendous importance, we ought not to have a little more time. I would like to ask unanimous consent that we have 20 minutes more.

Mr. TAYLOR of Colorado. Oh, this is a matter that can be worked out in conference.

Mr. SIMS. This bill has got to be passed to-day or it goes into limbo. I hope the gentleman will not insist upon that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Idaho.

The question was taken, and on a division (demanded by Mr. FRENCH) there were—ayes 10, noes 16.

So the amendment was rejected.

The Clerk read as follows:

SEC. 24. That any lands of the United States included in any proposed project under the provisions of this act shall from the date of filing of application therefor be reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the commission or by Congress. Notice that such application has been made, together with the date of filing thereof and a description of the lands of the United States affected thereby, shall be filed in the local land office for the district in which such lands are located. Whenever the commission shall determine that the value of any lands of the United States so applied for, or heretofore or hereafter reserved or classified as power sites, will not be injured or destroyed for the purposes of power development by location, entry, or selection under the public-land laws, the Secretary of the Interior, upon notice of such determination, shall declare such lands open to location, entry, or selection, subject to and with a reservation of the right of the United States or its permittees or licensees to enter upon, occupy, and use any part or all of said lands necessary, in the judgment of the commission, for the purposes of this act, which right shall be expressly reserved in every patent issued for such lands; and no claim or right to compensation shall accrue from the occupation or use of any of said lands for said purposes. The United States or any licensee for any such lands hereunder may enter thereupon for the purposes of this act, upon payment of any damages to crops, buildings, or other improvements caused thereby to the owner thereof, or upon giving a good and sufficient bond to the United States for the use and benefit of the owner to secure the payment of such damages as may be determined and fixed in an action brought upon the bond in a court of competent jurisdiction, said bond to be in the form prescribed by the commission: *Provided*, That locations, entries, selections, or filings heretofore made for lands reserved as water-power sites or in connection with water-power development or electrical transmission may proceed to approval or patent under and subject to the limitations and conditions in this section contained.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. This is one of these great big subjects involved in this bill, and while it does not contain such restrictions and limitations as is ought to, yet I was unable to secure a modification of it in the committee. I will be in like position, I believe, before the House, and all I desire to say to my friends from the West who have been in season and out of season talking about reservations is this, that while I do not agree with them in all their views, I believe in reservation when it is reserved for conservation and actually used now or prepared for use instead of tying it up for the long distant future. In other words, reservation or conservation is use, use to the utmost by the present generation and on and on as it can be properly used without any detriment to the public; but at the same time not turning it over to private concerns or corporations in perpetuity. I feel that I ought to call the attention of these gentlemen to the first six and a half lines of this section. I suppose it may be necessary, but as a matter of fact this will in the future practically reserve all of our public lands in the West. That is just about what it means. Whether it is good faith or bad faith, it will have to be determined; but whenever a corporation, indi-

vidual, or association makes this application and says it wants the waters of a certain stream and all its tributaries and includes in that 100 or 5,000 acres, every acre of that land then within that application is reserved from public use until set aside or released from withdrawal by act of the commission or act of Congress. Just how that could be eliminated I do not know. The provision reads:

That any lands of the United States included in any proposed project under the provisions of this act shall from the date of filing of application therefor be reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the commission or by Congress.

I am wondering just how I will be able to analyze this act. It prevents all mining entries within the area of the selection lands for reservoir sites. It prohibits all desert-land entries that may be made within the land in the application. It prohibits all homestead entries within the boundaries of the lands included in this application, so while it is not intended and undoubtedly was not the purpose of those who presented the bill or of the committee, because they did not see this, yet I feel that there ought to have been some limitation. But, as a matter of fact, it is one general reservation of all the public lands in the United States wherein anybody may file an application for a power site, and the only way to get it reviewed—

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. Whereby the application may be set aside is by order of the commission changing or relieving certain tracts of land for homestead or desert or mining purposes.

Mr. TAYLOR of Colorado. Will the gentleman permit a question?

Mr. RAKER. I do.

Mr. TAYLOR of Colorado. Would it not very greatly help this matter if we would add after the word "Congress," in line 14, page 50, the words "or the Secretary of the Interior"?

Now, I will call the attention of the committee to the fact that there are a number of places in this bill where matters are purely within the purview of the Secretary of War, or entirely within the authority of the Secretary of the Interior, or the Secretary of Agriculture, and no one else has anything really to do with them, and we have given them some individual discretion as I recall now. And I feel that these lands belonging to the United States entirely, where a man has got a homestead or other claim, or where there might be mining claims developed, that the Secretary of the Interior ought to have the sole authority, without going through the cumbersome regulation of the commission, or an act of Congress, to segregate or open it up to that extent. And I want to ask the gentleman if he does not think that ought to be amended that way?

Mr. RAKER. Mr. Chairman, I ask that my time be extended for five minutes.

Mr. SIMS. Mr. Chairman, there is no amendment before the House; there is nothing pending.

Mr. TAYLOR of Colorado. I am going to offer one.

Mr. SIMS. I shall have to object. Gentlemen are speaking to no amendment at all. There is no amendment pending.

Mr. MADDEN. I am glad the chairman of the committee has characterized this kind of discussion.

Mr. RAKER. I am proceeding to discuss the amendment.

Mr. SIMS. But there is no amendment whatever.

Mr. RAKER. This is not coming out of my time, is it?

The CHAIRMAN. The gentleman has no time, it has expired.

Mr. RAKER. Mr. Chairman, I ask that I may proceed for three minutes.

Mr. SIMS. Mr. Chairman, I shall object unless some amendment is offered. That is the only way I know of of getting through with this bill at all.

Mr. JOHNSON of Washington. Does the gentleman mean to object?

Mr. SIMS. Unless an amendment is offered, and then, of course, they can discuss it, but this discussion is going on without anything pending.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from California asks for five additional minutes.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that all debate upon this section close in five minutes, three to be yielded to the gentleman from California and two to the gentleman from Washington, and, Mr. Chairman, I hope they will talk to the amendment.

The CHAIRMAN. How is the time to be divided?

Mr. SIMS. Three minutes to the gentleman from California and two to the gentleman from Washington.

Mr. MADDEN. Mr. Chairman, reserving the right to object, I understand these gentlemen are going to talk to the amendment?

Mr. SIMS. They are going to talk to the amendment.

Mr. RAKER. We have had the time of five minutes.

Mr. MADDEN. I hope the gentleman will confine himself to that.

Mr. SIMS. They will do it.

Mr. RAKER. The gentleman's fears will not be—

Mr. MADDEN. I realize the gentleman has no other motive than to talk to this, but I have not heard him talking to it yet.

Mr. RAKER. The gentleman has not been in the room listening.

Mr. MADDEN. I have been right here listening.

Mr. RAKER. I am afraid my voice is so low the gentleman did not hear me.

Mr. MADDEN. The gentleman will take up his five minutes talking about the five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that at the expiration of five minutes, three to be consumed by the gentleman from California and two by the gentleman from Washington, that all debate on this section and all amendments thereto shall terminate. Is there objection?

Mr. MADDEN. Mr. Chairman, I offer the amendment to be added that debate shall be confined to the amendment.

Mr. RAKER. Mr. Chairman, a point of order.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Chairman, a point of order. These five minutes are extended under the rule—

The CHAIRMAN. Five minutes has been agreed upon, three to be consumed by the gentleman from California and two by the gentleman from Washington.

Mr. RAKER. If I gather the full purport of the question of the gentleman from Colorado [Mr. TAYLOR], my view is the same as that of that gentleman on that question, but sometimes we can not get the amendments through we would desire. I am talking to this amendment.

Mr. MADDEN. Yes.

Mr. RAKER. I am talking of what it means. I can see a man filing an application in my district covering a million acres under this law whereby every improvement on that land in the way of future homesteading, future desert-land entries, future mining entries, would be absolutely blocked until the land was released by the commission or by Congress. I can see myself working here for the next 40 years in getting homestead and desert-land claims and mining claims released from this kind of application for the good, honest citizens of this country who want to go there and live and develop it as they ought to. I want to call it to the attention of the House now, so when this gets in conference we will have this amendment as it ought to be.

Mr. MADDEN. I congratulate the gentleman in his assurance that he is going to be here for the next 40 years.

Mr. RAKER. I have not the assurance of anything. The only assurance I have in this matter is that you should do your duty fearlessly and well, and when you have done that you will get recognition.

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, attention has been called to this paragraph and to the fact that under it we will still further tie up much of the available public land, and therefore I have offered the motion to strike out the paragraph. I think nothing can be lost to the bill by striking this whole paragraph out. All the public lands are now so fettered with reservations withholding them from entry that there is very little of any value left that can be taken without more effort than it is worth.

The gentleman from California [Mr. RAKER] is quite right. We have tied up too much. The suggestion made by the gentleman from Colorado [Mr. TAYLOR] that the proposed withdrawal might be with the approval of the Secretary of the Interior, whose department, he says, takes care of the public lands, will not help, because a great part of the public land—all the forest reserves—is in the control of the Secretary of Agriculture. To strike out the whole paragraph would leave public lands to be held and handled as they are now handled and to be released as they are released now by the Secretary of the Interior or the Secretary of Agriculture, as occasion requires.

Mr. RAKER. I hope the gentleman's motion will not carry, but that we will have this thing gone over in conference.

Mr. MADDEN. The gentleman from California did not mean what he said when he asked to have this release. He was simply talking for the Record.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Washington [Mr. JOHNSON].

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: "Strike out all of section 24."

Mr. TAYLOR of Colorado. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. TAYLOR of Colorado. Would it be in order to amend that amendment by confining it to the first six lines, beginning with line 9 and ending with the word "Congress" in line 14?

Mr. JOHNSON of Washington. I would be glad to withdraw my amendment and let that amendment be offered.

Mr. SIMS. Modify your own amendment, so that there will be no more debate.

Mr. TAYLOR of Colorado. I ask to modify the amendment by striking out the first six lines, as indicated.

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment as indicated. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

The Clerk will report the modified amendment.

Modified amendment: Page 50, beginning with the word "that," in line 9, strike out all down to and including the word "Congress," in line 14.

Mr. MADDEN. How will it read, then?

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. I think the gentleman from Colorado [Mr. TAYLOR] meant down to and including the word "located" in line 18.

Mr. TAYLOR of Colorado. I guess that would make the grammatical construction better. I would ask that the amendment extend down to the word "located" in line 18.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to further modify the amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the modified amendment as modified.

The Clerk read as follows:

Modified amendment: Page 50, line 9, after the word "that," strike out all down to and including the word "located," in line 18.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Washington [Mr. JOHNSON].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 25. That any licensee, or any persons, who shall willfully fail or who shall refuse to comply with any of the provisions of this act, or with any of the conditions made a part of any license issued hereunder, or with any subpoena of the commission, or with any regulation or lawful order of the commission, or of the Secretary of War, issued or made in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall, in the discretion of the court, be punished by a fine of not exceeding \$1,000, in addition to other penalties herein prescribed or provided by law; and every month any such licensee, or any such person, shall remain in default after written notice from the commission, or from the Secretary of War, shall be deemed a new and separate offense punishable as aforesaid.

Mr. ESCH. Mr. Chairman, I offer an amendment on page 52, line 2, after the word "War," insert "or of the Secretary of Commerce as to fishways."

The CHAIRMAN. The gentleman from Wisconsin [Mr. ESCH] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 52, line 2, after the word "War," insert "or of the Secretary of Commerce as to fishways."

Mr. SIMS. There is no objection to the amendment that I know of.

Mr. RAKER. I do not see why you want to modify this bill and legislate in favor of the Secretary of Commerce and take it away from the commission, and legislate in favor of the Secretary of War and take it away from the commission. I can not understand the provision.

Mr. ESCH. On page 45, in section 18, we already provide—

Such rules and regulations may include the maintenance and operation by such licensee at its own expense of such lights and signals as may be directed by the Secretary of War, and such fishways as may be prescribed by the Secretary of Commerce.

In the pending section we provide the penalty for failure to obey the rules and regulations specified in the license or made by the commission or made by the Secretary of War, but we omitted to put in the Secretary of Commerce, so that you can have some compelling force if the licensee did not put in fishways upon order of the Secretary of Commerce. If you do not put that in, you can build these great structures, especially in the West, where fishing is a large industry, and refuse to put them in, and to the injury of the fishing industry.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ESCH].

The question was taken, and the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment:

Line 7, page 52, strike out the word "month" and insert "week."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 52, line 7, strike out the word "month" and insert the word "week."

Mr. RAKER. The only difference between the gentleman from Wisconsin [Mr. Esch] and myself in regard to the fishways was that the commission could handle it; but now, with the very thing he has inserted here, a man may violate the law for a month and destroy all the fish in a stream. I think, if it is a made a week, he can not do it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken, and the amendment was rejected.

Mr. ESCH. Mr. Chairman, I think we should also insert, in line 10, page 52, after the word "War," the words "or from the Secretary of Commerce."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 52, line 10, after the word "War," insert the words "or from the Secretary of Commerce."

Mr. SIMS. There is no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. Esch].

Mr. WALSH. Mr. Chairman, I would like to ask the gentleman from Wisconsin what authority the Secretary of Commerce has under the provisions of this act?

Mr. ESCH. As to what?

Mr. WALSH. You are inserting here a written notice from the Secretary of War and the Secretary of Commerce. Now, what authority has the Secretary of Commerce under this act which would make it necessary for him to give a written notice?

Mr. ESCH. I offered an amendment before to line 2, page 52, which the House has already inserted. Having already inserted it there, it is necessary also to insert it in line 10.

The Bureau of Fisheries is under the jurisdiction of the Department of Commerce, and in section 18 we give the Secretary of Commerce the right to prescribe fishways in these dams. But we do not prescribe any penalty if they are not put in on the order of the Secretary of Commerce. Hence we thought it best to insert it in section 25, so as to give him the necessary power.

Mr. WALSH. Will the gentleman also state whether, in addition to giving these three Cabinet officers control of the water powers in navigable streams of the country, we have imposed on the Secretary of Commerce authority to say where fishways shall be placed in navigable streams, irrespective of what the State commission may think about it?

Mr. ESCH. I think that a Federal agency should be given this power, so that it could be exercised at the same time that the dam itself is constructed and not keep its construction dependent upon the uncertain authority exercised by a State, some of the States not having any authority under existing law for the creation of fishways.

Mr. WALSH. But the States have the authority to prescribe fishing regulations within all waters within their own boundaries, provided that the regulations they prescribe shall not interfere with the right of navigation. Now, you come in and say, no matter what the State fish commission may decide with regard to regulations, the Secretary of Commerce may come in and supersede him.

Mr. KNUTSON. Mr. Chairman, will the gentleman from Wisconsin yield?

Mr. ESCH. If I have the floor, I will.

Mr. WALSH. I have the floor, I believe.

Mr. KNUTSON. I would like to ask the gentleman a question, if I may.

Mr. WALSH. I want first to ask the gentleman from Wisconsin if my interpretation of section 18 is correct, that notwithstanding what the State fish commission may prescribe in the nature of regulations, the Secretary of Commerce may come in and supersede those regulations, even if they do not interfere with the right of navigation or with the construction of a dam or other structure to promote the development of water power?

Mr. SIMS. Mr. Chairman, I want to ask unanimous consent to close debate.

Mr. WALSH. Well, I have asked the gentleman from Wisconsin a question. I trust the gentleman from Tennessee will not interfere.

Mr. SIMS. I do not want to interfere now. I just want to know how much time he will devote to this amendment. How much time does the gentleman desire?

Mr. WALSH. I was asking the gentleman from Wisconsin a question, and I trust the distinguished chairman will not interrupt the question which I have asked and the pending reply of the gentleman's colleague on the committee.

Mr. SIMS. Let me explain. I am trying to find out how much time was desired on this amendment.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MADDEN. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes more.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that this debate close in five minutes.

Mr. BANKHEAD. Reserving the right to object, Mr. Chairman, I want to ask the gentleman a question.

Mr. SIMS. Then I ask that all debate on this amendment close in 10 minutes.

Mr. GRAHAM of Illinois. Reserving the right to object, Mr. Chairman, I would like to have three minutes on this.

Mr. MADDEN. Make it 15 minutes.

Mr. SIMS. I make it 12 minutes, and the gentleman from Illinois shall have 3. I know he will make good use of it.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on this amendment close in 12 minutes. Is there objection?

There was no objection.

Mr. WALSH. Now, Mr. Chairman, I would like to repeat the interrogatory for the gentleman from Wisconsin to answer, if he will, whether or not under the provisions of section 18 and section 25, as already amended, the Secretary of Commerce is given authority, in addition to the powers imposed on the other three Cabinet officers who constitute this commission, to prescribe regulation with reference to fishways in navigable streams in States which will supersede the regulations prescribed by the State fish commissions or by the State authorities, even though the regulations prescribed by the State authorities in no way interfere with the construction or location of dams or other structures for the production of water power?

Mr. ESCH. Mr. Chairman, I think it has been decided by the Supreme Court of the United States that Congress has no jurisdiction over fishing rights and so on in the inland navigable waters of the United States, and that that is a subject matter for the State legislatures to supervise. But the purpose of the amendment and of the bill is to give to the Secretary of Commerce at the time that the dam is constructed on these navigable waters the right to say that the licensee should put in a fishway.

Now, if we gave that power to the Secretary of Commerce—and there is no other Federal official to whom it could be given—to be exercised at the time the dam is constructed, when it could be installed more cheaply than it could be at any time thereafter, we would avoid the delay that would necessarily result if we left it for the State officials to authorize, and in many cases it would not be authorized by the State officials, and in some States they have no laws covering the subject matter. I do not think that if the Secretary of Commerce exercised his power he would do it in contravention of or without some conference with the State authorities, and I think all could be amicably arranged. I do not anticipate any of the dangers or difficulties such as the gentleman from Massachusetts seems to suggest by his interrogatory.

Mr. WALSH. We may not always have an amiable and efficient Secretary of Commerce. Suppose we had one that gets into conflicts with the State authorities over this fishway business? Which regulation is going to predominate? The Federal one prescribed by the Secretary of Commerce or the one prescribed by the State authority?

Mr. ESCH. I feel that where the Government gives to a licensee the right to construct a dam over a navigable water, it can affix such conditions as to it seems best, and among those conditions would be one to give the Secretary of Commerce the right to say that a fishway should be put in a dam at the time of construction. So on that theory I believe we could justify the provisions of the bill, the putting in of the fishway being one of the conditions which the Government exacts for the issuance of the grant.

Mr. WALSH. Yes; and yet the putting in of the fishway has got no more to do with the construction of the dam or the efficient operation of it or the increase of water power than giving them permission to erect the statue of Hendrik Hudson in the middle of the stream; and it seems to me that where

you insert an extraneous matter like this and impose additional authority on the Secretary of Commerce you are going to meet with grave conflicts of authority and jurisdiction when this power imposed upon the Secretary of Commerce comes to be exercised.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM of Illinois. Mr. Chairman, I think anyone who is conversant with the situation will agree with the gentleman from Wisconsin that this amendment is very proper and necessary. When the Keokuk dam was built across the Mississippi River there was no such safety provision as this in the act. The consequence was that when the great structure was completed there was no fishway in it, and there is to-day no fishway through that dam. Fish can not pass back and forth, up and down the Mississippi River. The upper Mississippi River formerly contributed thousands of tons of edible fish to the country. To-day those fish are rapidly disappearing from the upper Mississippi River. The larger fish, such as carp and buffalo and the larger catfish, migrate up and down the river. In the spring of the year people come to the Keokuk dam, and below it they take out tons of fish, where they have come up to the foot of the dam trying to go up the great river. Now, that important food should be conserved, and if this action is not taken the State authorities can not act. They have not sufficient authority, so it is necessary that some central Federal authority be given the right to make regulations relative to this necessary matter.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Esch].

The amendment was agreed to.

Mr. HUMPHREYS. Mr. Chairman, I want to ask a question as to why it was thought necessary in line 25, page 51, to insert the words "or with any subpoena"? We have already provided on page 31 that the commission or any member of the commission has a right to issue subpoenas, either an ordinary subpoena or a subpoena duces tecum; and this is added:

And in case of disobedience to a subpoena the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

I was wondering why, in addition to that, it is here provided that if they fail to respond to the subpoena they shall be guilty of a misdemeanor and punished by a fine of \$1,000, and so forth.

Mr. SIMS. I do not recall now just what was said about that in the committee.

Mr. HUMPHREYS. It strikes me that it is a very unusual thing to subject the licensee to this additional penalty if he fails to respond to a subpoena. I was wondering what is the reason for that.

Mr. SIMS. Do you mean the amount of the penalty, or any penalty?

Mr. HUMPHREYS. He is subpoenaed, and if he fails to respond, you have a right to subject him to any penalty that the court may think proper as for a contempt; and in addition to that, you have this provision here for a fine of a thousand dollars.

Mr. SIMS. Mr. Chairman, I do not recall just everything that was said about it when we were dealing with it. This was in both the original and the amended bill. We must remember that very large corporations may be licensees, and I think \$1,000 is not an excessive amount. I can not furnish the gentleman any information other than what has already been disclosed. It was thought by the drafters of the bill originally that this penalty should be put in there on account of the very great influence that some of these licensees might have and how little they would care, perhaps, for a smaller penalty.

Mr. HUMPHREYS. It occurs to me that the chairman of the committee has certainly guessed the wrong reason.

Mr. SIMS. I may have, as I did not draw the bill and did not put that in it; but unless the gentleman from Mississippi is going to offer an amendment, I wish he would let us proceed and get through.

Mr. HUMPHREYS. I do not intend to offer any amendment. It is not because the corporation is great that they want to provide the penalty, because under the provisions that we have already enacted the licensee is subject to whatever punishment the court may see fit to put on him. That would fit the big corporation. But now you say that the punishment shall be by fine not exceeding \$1,000. It is a very curious provision. I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

Mr. SIMS. The last word of the present section?

Mr. MONDELL. Yes. I do that for the purpose of discussing, if I may, section 24 very briefly. I want to call attention to the last paragraph of that section, which provides—

That locations, entries, selections, or filings heretofore made for lands reserved as water-power sites or in connection with water-power development or electrical transmission may proceed to approval or patent under and subject to the limitations and conditions in this section contained.

That is an entirely proper provision so far as it goes. The difficulty is, I fear, that the commission or the Secretary of the Interior may assume that it forecloses the right and authority of the Secretary to clear list any lands now reserved and covered with filings, so that a patent without reservation may be made. There is no doubt but what the Secretary now has authority to make these examinations and to recommend to the President the clear listing of any of these lands which he finds have been erroneously or unnecessarily reserved. But at this time the Land Office are taking no action in these matters, they say, pending the passage of the act.

If the act passes in this form, I trust that the Secretary will feel that he is foreclosed so far as the land actually covered with these filings are concerned and that under the law he can only do one thing, and that is to issue them a limited patent, and a very limited patent it is under this act.

I shall not ask to return to the section for the purpose of offering an amendment now, but suggest an amendment in case, as the consideration of the bill progresses, it may develop that the Interior Department officials have any doubt of their authority to clear list lands after the bill becomes a law. The amendment might provide that the commission shall, as soon as practicable after the passage of the act, cause an examination to be made of lands that have been heretofore withdrawn for power sites and recommend to the Secretary of the Interior the restoration of such lands as in their opinion are not necessary for power-site purposes.

I think everyone familiar with the situation in the Western States knows that the power-site withdrawals were hurriedly made and that considerable areas were included that were not needed and never will be needed for power-site purposes. Some have been covered with filings; such lands should be clear listed, because the provisions of this act should no longer apply to land not actually needed for power-site purposes.

It is altogether possible that the department will hold in any event, without regard to the proviso, they have full authority to recommend the clear listing and withdrawal from classification of lands not needed for these purposes. If so, well and good. If there should be any doubt in regard to that when the bill is in conference, then some slight modification should be made to make it clear that the lands that have been withdrawn which are found after examination not needed for power development may be restored, the withdrawal revoked, so the entryman may proceed to secure his patent in fee without limitation.

The Clerk read as follows:

SEC. 28. That the right to alter, amend, or repeal this act is hereby expressly reserved; but no such alteration, amendment, or repeal shall affect any license theretofore issued under the provisions of this act, or the rights of any licensee thereunder.

Mr. RAKER. Mr. Chairman, I move to strike out of section 28 all of line 25, page 53, after the word "reserved," and all of lines 1, 2, and 3, on page 54.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Beginning on page 53, line 25, after the word "reserve," strike out the following language: "but no such alteration, amendment, or repeal shall affect any license theretofore issued under the provisions of this act, or the rights of any licensee thereunder."

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 29. That all acts or parts of acts inconsistent with this act are hereby repealed: *Provided*, That nothing herein contained shall be held or construed to modify or repeal any of the provisions of the act of Congress approved December 19, 1913, granting certain rights of way to the city and county of San Francisco.

Mr. HARRISON of Mississippi. Mr. Chairman, I offer the following amendment.

Mr. WATSON of Pennsylvania. Mr. Chairman, I ask unanimous consent to go back to section 26 for the purpose of offering an amendment.

Mr. HARRISON of Mississippi. Mr. Chairman, I do not want to lose my right to offer an amendment.

Mr. SIMS. I shall object to returning to the section.

Mr. WATSON of Pennsylvania. We ought to go back and adopt an amendment, so that it will be in harmony with the amendment that was offered to section 25.

Mr. SIMS. I shall object to returning to the section.

Mr. HARRISON of Mississippi. I offer my amendment.

The Clerk read as follows:

Page 54, line 9, after the word "San Francisco," insert:
"Provided further, That the provisions of this act shall not apply to the waters of the Niagara River, Niagara Falls, or to any other boundary waters which are the subject of treaty between the United States and a foreign country."

Mr. DEMPSEY. Mr. Chairman, I raise the point of order that this amendment was offered heretofore, fully discussed, and that an adverse vote was had upon it, and I call attention to page 9768 of the Record.

Mr. HARRISON of Mississippi. Mr. Chairman, it was my impression the other day, when I came into the House and the matter was being discussed, that the gentleman from Tennessee asked that it be passed over and be considered after the bill had been read. The amendment of the gentleman from Mississippi [Mr. HUMPHREYS] was pending, and it was suggested that any other amendment might be offered at that time.

Mr. DEMPSEY. I agree with the gentleman from Mississippi that the gentleman from Tennessee did make such an agreement, but I say that that is in conflict with the fact that the matter had been debated and voted upon. This amendment was offered heretofore and voted upon.

The CHAIRMAN. Will the gentleman read that amendment and give the citation in the Record?

Mr. DEMPSEY. It is on page 9768, at the top of second column. The amendment was to insert "except boundary streams." And this amendment of the gentleman from Mississippi is simply an enumeration of certain boundary streams which are excluded by the term "boundary streams" in general. It is the same amendment in effect. It would not change the effect of this amendment at all if you struck out the words that precede "boundary streams." The effect would remain exactly the same.

Mr. HARRISON of Mississippi. Mr. Chairman, the amendment the gentleman calls attention to applied only to a certain section of the bill and was very limited in its scope. This amendment I offer applies to every provision and section of the bill.

Mr. DEMPSEY. The amendment, if adopted, offered at the point where it was, would have excluded boundary streams from the effect of this act and every part of it.

The CHAIRMAN. The Chair is ready to rule.

Mr. ANDERSON. Mr. Chairman, I desire to make a further point of order, that the amendment offered by the gentleman from Mississippi is not germane to this paragraph. Is it offered as a new section?

Mr. HARRISON of Mississippi. It is offered as a proviso to that particular section.

Mr. ANDERSON. The section to which this is offered as a proviso makes a specific exception. The gentleman from Mississippi seeks to add to that another specific exception. The rule is well settled, I think, that where a bill or section deals with a specific matter, it is not in order to attach to that section another specific proposition of the same nature. For instance, where you have a bill authorizing the construction of a post-office building at a certain place, it is not in order to offer an amendment authorizing the construction of the building in some other place. What the gentleman seeks to do here is to attach one specific exception to another specific exception to the bill.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard upon the point of order?

Mr. HARRISON of Mississippi. Mr. Chairman, I submit this amendment that I offer is by way of a limitation upon the whole bill and this is the proper part of the bill to place it.

Mr. DEMPSEY. May I ask the gentleman from Mississippi a question?

Mr. HARRISON of Mississippi. Yes.

Mr. DEMPSEY. As I understand the gentleman's argument, it is that we can vote a second time upon this because the amendment as offered in the first instance applied only to certain specified provisions in the bill and not to the whole of it.

Mr. HARRISON of Mississippi. If the gentleman wants my opinion, I do not think there is a thing in his contention. I did think there might be something in the contention of the gentleman from Minnesota [Mr. ANDERSON]. The amendment that was voted on to which the gentleman calls the attention of the House is quite different from the one that I offered here.

Mr. DEMPSEY. I do not think it is at all.

Mr. HARRISON of Mississippi. That amendment pertained to a certain section of the bill. This pertains to every provision in the bill and is broader in its scope than the amendment offered by the gentleman from Mississippi [Mr. HUMPHREYS].

The CHAIRMAN. The Chair is ready to rule.

Mr. MILLER of Minnesota. Mr. Chairman—

The CHAIRMAN. Does the gentleman desire to be heard?

Mr. MILLER of Minnesota. I do not care to be heard unless the Chair thinks the point of order is well taken. If the Chair thinks the point of order is well taken, I would like to be heard for a moment.

The CHAIRMAN. The Chair does not care to say; but if the gentleman desires to be heard, he will hear him briefly.

Mr. MILLER of Minnesota. Mr. Chairman, I submit that the point of order should be overruled from both standpoints. First, it is not the same amendment that was offered before and voted upon. That distinctly referred exclusively to boundary streams. This specifies, it is true, Niagara Falls, but it limits boundary streams to those that are the subject of treaties with a foreign power, and that differentiates it clearly and distinctly. There can be no question about that.

As to the point of order raised by the gentleman from Minnesota [Mr. ANDERSON], if it is germane anywhere, its proper place is exactly where it is offered. It relates to the bill and all the paragraphs of the bill. This is a bill dealing with water power, prescribing the conditions under which water powers can be developed throughout the country. There are many sections which contain a part of the general plan. Here is a limitation upon the general plan and upon the details of that plan contained in the various sections. It should, therefore, with propriety be offered at the end, where it has been offered.

The CHAIRMAN. The Chair is ready to rule. The Chair thinks that the amendment offered by the gentleman from Mississippi is materially different from the one voted on a day or two ago, and therefore overrules the point of order.

As to the location of the proviso, the Chair thinks it may be offered either as a proviso or as a separate section of the bill. The Chair therefore overrules the point of order made by the gentleman from Minnesota.

Mr. HARRISON of Mississippi. Mr. Chairman, I have offered this amendment in order to clear up a situation that might exist here. Some think that the provisions of this bill, which was drafted and is proposed to be passed for the purpose of developing water power upon the public lands of the country and in the navigable streams of the United States, might affect the development of water power at Niagara Falls. It is in order to clear up that idea that we propose this amendment. Clearly the committee had no thought of embracing the Niagara Falls development in the general provisions of this bill. It was never suggested to the House, it was never suggested to the committee that reported the rule to create this committee, that they should ever give consideration to the development of water power at Niagara Falls or deal with that question at all. On the contrary, the letter that the President wrote to Congress, to the chairman of the Committee on Rules, was to ask us to get together and form a new committee that might legislate touching the building of dams and the development of water power in the public domain and on the navigable streams of the United States.

And in passing the rule creating the committee this provision was inserted in the rule that took away from this special committee the jurisdiction over any boundary stream. I want to read it to the committee:

Resolved, That the Speaker of the House be, and he is hereby, authorized and directed to appoint a special committee of 18 Members, to whom all bills and resolutions hereafter introduced during the Sixty-fifth Congress pertaining to the development and utilization of water power shall be referred, except, however, bills and resolutions of which the Committee on Foreign Affairs has jurisdiction under the general rules of the House.

Now, that was incorporated in there, and the gentleman from Kansas recalls quite distinctly why it was put in there. I called the attention of the Committee on Rules to the fact that the Committee on Foreign Affairs had jurisdiction of this Niagara Falls proposition; it was complicated; that they had given much attention and tedious consideration to that question; and that they were about ready to report a bill, and the special committee ought not to obtain jurisdiction of this question. All agreed to that. The select Committee on Water Power so understood the matter, and it really did not come to the attention of that committee until the other day, and then they did not know for sure whether or not it embraced Niagara Falls. It is really to remove all ambiguity or any doubt about the question that I have offered this amendment. Now, some one may say, What is the difference in the provisions of this bill and those that pertain to Niagara Falls? There are many. In the development of hydroelectric power at Niagara Falls whatever rights we have are under a treaty with Canada. That gave us the right to develop 20,000 cubic feet per second. Canada has the right to divert 36,000 cubic feet per second. The question of the scenic beauty of the Falls, the question of affecting established

power companies that have been in operation for a long time are there, and which, I might say, have robbed the people for a number of years in extortionate and unreasonable charges.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. HARRISON of Mississippi. Yes.

Mr. MADDEN. Is there any possibility of the Committee on Foreign Affairs reporting a bill that will have in contemplation the development of additional water power at Niagara Falls so it can be utilized in the conduct of the war?

Mr. HARRISON of Mississippi. I will say to the gentleman that the Committee on Foreign Affairs has passed through this House on two separate occasions general legislation touching water-power development at Niagara. We passed a bill last Congress. We are ready now to report a bill which I think will meet all these questions and solve them justly and fairly in the public interest. The committee has given very careful consideration to this question, because we realize the situation up there, and every other Member of this House must, that legislation ought to be passed, and passed speedily, that will provide additional power and at the same time protect the rights of the public.

Mr. MADDEN. The question I asked the gentleman from Mississippi is whether the legislation they propose to report will authorize additional development of water power?

Mr. HARRISON of Mississippi. Absolutely, under our treaty. We can not authorize over 20,000 cubic feet per second, but that we propose to do and to go to the limit; so I submit, with these treaty rights involved, with the scenic beauty involved, with the established power companies, that ought to be compelled to remodel the plants so that the highest efficiency might be reached and we might get some benefits from the diversion of the water there, ought to be considered in this matter. These questions have not been considered by the committee having this matter in charge, and if we should pass this bill under the circumstances and let the provisions of this bill apply to Niagara Falls it does seem to me it would be very unwise. Does the gentleman from New York desire to ask a question?

Mr. DEMPSEY. I simply want to ask the gentleman this: How many hearings have there been since the Secretary of War sent this bill to the committee in May?

Mr. HARRISON of Mississippi. I have been on this committee eight years—

Mr. DEMPSEY. Since May.

Mr. HARRISON of Mississippi. I do not know of other hearings, but the gentleman's clients up there were all heard. We have given ample time to everybody—

Mr. DEMPSEY. I have not any clients; I am not representing a power company.

Mr. HARRISON of Mississippi. I take that statement back. I meant the gentleman's constituents. Of course, I did not mean that at all. Everybody has been invited and we have given them all the time that was desired.

Mr. SIMS. Mr. Chairman, I desire to see if we can get an agreement in regard to debate on this amendment. I am not going to make a motion, but I want to get an agreement as to the length of debate on this amendment.

Mr. DEMPSEY. I think I ought to have 20 minutes.

Mr. SIMS. How much time will the members of the Committee on Foreign Affairs desire to use in support of your amendment?

Mr. HARRISON of Mississippi. I did not think there was any opposition to it. If there is opposition, of course, we want to be heard.

Mr. SIMS. The gentleman from New York has asked for 20 minutes.

Mr. DEMPSEY. I do not know who else—

Mr. COOPER of Wisconsin. I desire to have five minutes.

Mr. SIMS. The gentleman from Wisconsin is on the Foreign Affairs Committee?

Mr. COOPER of Wisconsin. Yes.

Mr. SIMS. I understand the gentleman from Pennsylvania [Mr. TEMPLE] and the gentleman from Minnesota [Mr. MILLER] want to be heard.

Mr. HUMPHREYS. I want five minutes.

Mr. SIMS. Mr. Chairman, I will see if this will accommodate the gentleman and all of them. I ask that debate on this amendment of the gentleman from Mississippi and all amendments thereto close in one hour, one-half of the time to be controlled by the gentleman from Mississippi [Mr. HARRISON] in support of the amendment and whoever the gentlemen on the other side may select—

Mr. ESCH. Mr. DEMPSEY.

Mr. SIMS. And one-half the time be controlled by the gentleman from New York [Mr. DEMPSEY].

The CHAIRMAN. Is there objection?

Mr. RAKER. Out of that I would like to have five minutes, because this amendment as it is worded includes the Colorado River and affects all our irrigation there.

Mr. SIMS. Let us not discuss the merits; I am trying to get an agreement.

Mr. RAKER. If the gentleman will allow me to have five minutes of that time.

Mr. SIMS. Which side is the gentleman on?

Mr. RAKER. I am against the amendment.

Mr. SIMS. Mr. Chairman, I ask unanimous consent—

Mr. RAKER. Will the gentleman from New York yield me five minutes?

Mr. DEMPSEY. Yes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that on this amendment and any amendment thereto that all debate be closed in one hour, one-half the time to be controlled by the gentleman from Mississippi [Mr. HARRISON] and the other half by the gentleman from New York [Mr. DEMPSEY]. Is there objection?

Mr. KETTNER. Mr. Chairman, reserving the right to object, if this includes the Colorado River I want 10 minutes.

The CHAIRMAN. Is there objection?

Mr. KETTNER. Can I have any time on this?

Mr. SIMS. Is the gentleman opposed to the amendment?

Mr. KETTNER. I am.

Mr. SIMS. Then the gentleman should consult the gentleman over there.

Mr. DEMPSEY. I can not give you over five minutes.

Mr. HARRISON of Mississippi. We can agree on that.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DEMPSEY. Mr. Chairman—

Mr. HARRISON of Mississippi. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. WINGO. Mr. Chairman, I object to the unanimous-consent agreement, unless we can have further time.

The CHAIRMAN. The gentleman from Arkansas [Mr. Wingo] objects to the request made for unanimous consent.

Mr. CHARLES B. SMITH. The chairman stated that the time had been allotted.

Mr. WINGO. The Chair asked if there was objection, and I rose and objected.

The CHAIRMAN. The gentleman from Arkansas claims that he was asking recognition when the Chair made his statement.

Mr. WINGO. There was much confusion here, with half a dozen gentlemen talking about different things.

Mr. SIMS. Mr. Chairman, I ask that the request be again submitted.

Mr. CHARLES B. SMITH. Can not the gentleman revise his request so as to accommodate the gentleman from Arkansas [Mr. Wingo]?

Mr. WINGO. There were at least 40 or 45 minutes asked for against the amendment, and the gentleman from New York [Mr. DEMPSEY] was allowed only 30 minutes, which will necessitate an extension of time. I think it will expedite matters to find out how many want time now and cover all of it.

Mr. SIMS. I asked for an hour. Those who want time in favor of it could get it from the gentleman from Mississippi [Mr. HARRISON], and those against it could get it from the gentleman from New York [Mr. DEMPSEY].

Mr. WINGO. The gentleman's request covered in all 30 minutes for the gentleman from New York [Mr. DEMPSEY] when there were gentlemen asking for 45 minutes against it.

Mr. SIMS. If the gentleman from New York was satisfied why is not the gentleman from Arkansas satisfied?

Mr. WINGO. The gentleman does not control my emotions.

Mr. DEMPSEY. I want to yield the gentleman from Arkansas some time.

Mr. SIMS. Then yield it.

Mr. WALSH. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The regular order is, Is there objection to the unanimous-consent request preferred by the gentleman from Tennessee [Mr. Sims]?

Mr. WINGO. I object, unless a reasonable time is allowed.

Mr. SIMS. Mr. Chairman, I move that all debate on this amendment and amendments thereto close in one hour.

Mr. WINGO. Mr. Chairman, if the chairman of the committee, who has wasted so much time, insists on that, I will make the point of no quorum.

The CHAIRMAN. The question is not debatable.

Mr. WINGO. I am glad there is something not debatable that the gentleman has in charge.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. WINGO. I certainly insist on it.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and ten Members are present, a quorum. The question is on the motion of the gentleman from Tennessee [Mr. SIMS] that all debate on the pending amendment and amendments thereto close in one hour.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WINGO. I ask for a division.

The committee divided; and there were—ayes 86, noes 7.

Mr. WINGO. Mr. Chairman, I make the point of no quorum.

Mr. GILLET. I make the point of order that that is not in order.

The CHAIRMAN. The Chair is of the opinion that as the Chair counted a quorum but a minute ago, the motion is dilatory.

So the motion was agreed to.

Mr. SIMS. Mr. Chairman, I want to submit a unanimous-consent request that one-half of this time be controlled by the gentleman from Mississippi [Mr. HARRISON] and one-half by the gentleman from New York [Mr. DEMPSEY].

Mr. WINGO. I object, after the gentleman has consumed as much time as he and his colleagues have, to his shutting out anybody that wants to be heard. I shall object to any unanimous consents for the rest of the day.

The CHAIRMAN. Objection is made by the gentleman from Arkansas [Mr. WINGO]. The gentleman from Wisconsin [Mr. COOPER] is recognized.

Mr. COOPER of Wisconsin. Mr. Chairman, I desire to direct attention to some facts disclosed in the RECORD. On the 29th of June last, the chairman of the Committee on Foreign Affairs, the gentleman from Virginia [Mr. FLOOD], secured unanimous consent for the immediate consideration of Senate resolution 158, to extend the provisions of the Burton Act to July 1, 1919. That resolution provided for the diversion of 20,000 cubic feet of water per second at Niagara Falls. During that debate the gentleman from Wisconsin [Mr. STAFFORD] moved the following amendment to the bill:

Unless the Congress shall before that date enact legislation regulating and controlling the diversions of water from the Niagara River, or from boundary streams generally, in which event this resolution shall cease to be of any further force or effect.

I read from the RECORD:

Mr. COOPER of Wisconsin. Mr. Speaker, I suggest to the gentleman that the words "or from boundary streams generally" ought to be omitted. I do not think we want the waters of the cataract of Niagara in any way taken away from the jurisdiction of the Committee on Foreign Affairs, acting in pursuance of a treaty with a foreign country.

Mr. FLOOD. I will say to the gentleman that in the formation of the Water-Power Committee and the rule that provided for it there was taken from it jurisdiction—or there never was given to it jurisdiction—of the waters of the Niagara River and other boundary streams, so that the Niagara River and other boundary streams are left to the Committee on Foreign Affairs.

Thereupon my colleague [Mr. STAFFORD] amended his amendment, as I had suggested, by striking out the words "or other boundary streams," and so on. It thus appears that it was the understanding of the House on the 29th of June that jurisdiction over the diversion of the waters of the Niagara River was exclusively in the Committee on Foreign Affairs, as it ought to be, because of the fact that the amount of water which may be diverted there is fixed by a treaty between this country and Great Britain. The House took a recess only two weeks later. Members left this Chamber on that day, June 29, and went to their respective districts on the 15th of July supposing that the special committee which has in its charge the bill now before the House would not assume jurisdiction over the waters of the Niagara River. Nobody thought anything to the contrary. I went to Wisconsin and did not know until I received word from here that a provision to cover Niagara River had been incorporated in this bill.

This vastly important legislation is important enough without inserting in it something that never belonged rightfully to the committee which reported this bill. The pending measure is one of the most supremely important of all the bills relating to civil affairs which have been considered by Congress during the last half century, and yet we have only half a House here. Consideration of the bill was delayed until the hottest weather of the summer, when half of the House had gone home for the campaign, and then there was lugged into the bill something which, according to the distinct understanding on the 29th of June, should not be in it. And so we should adopt the amendment offered by the gentleman from Mississippi [Mr. HARRISON]—soon, by the way, to be a Senator from that State—and retain in the Committee on Foreign Affairs, where, under the rules of the House, it properly belongs, jurisdiction over the diversion of the water at Niagara Falls under the treaty with Great Britain.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. WINGO. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Arkansas makes the point of no quorum. The Chair will count. [After counting.] Ninety-nine gentlemen of the committee are present, and, counting myself, makes 100—a quorum.

Mr. DEMPSEY. Mr. Chairman, I am not going to controvert—

Mr. FOSTER. Mr. Chairman, may I make a parliamentary inquiry, whether this time is controlled by anyone except the Chair?

The CHAIRMAN. It is not.

Mr. DEMPSEY. I understood I had 20 minutes of time.

The CHAIRMAN. Objection was made to the unanimous-consent request. The Chair will divide the time between those who favor and those who oppose it.

Mr. DEMPSEY. I ask unanimous consent that I be recognized for 10 minutes.

Mr. FOSTER. Does that mean that 10 minutes will be controlled by the other side also?

Mr. GILLET. No.

Mr. MILLER of Minnesota. It would simply mean that two gentlemen would be recognized on the opposite side for Mr. DEMPSEY. I think that is fair. The gentleman is interested in this matter beyond any other Member.

The CHAIRMAN. The gentleman from New York [Mr. DEMPSEY] asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Chairman, I am not going to controvert at all the point made by the gentleman from Wisconsin [Mr. COOPER]. I am willing to admit that there is a question of jurisdiction involved here, and I want to go further and to say that, under the rule as reported, the Foreign Affairs Committee has jurisdiction. I am going to say, though, that, with that conceded state of facts, this House ought to include Niagara in this bill, and I am going to say why.

Last spring the Secretary of War made a survey of the industries at Niagara Falls with reference to their use for war purposes, and he discovered that there was a shortage of 135,000 horsepower. He estimated that there would be a shortage for war purposes by the 1st day of January, 1919, of 200,000 horsepower. All of the industry and all of the power at Niagara Falls is used for war purposes. They make all the electrical products that go into war munitions. They make all the abrasives, for instance, that are used in aeroplanes. They make all the ferrosilicon, without which 70 per cent of the steel that we have could not be made at all.

The Secretary of War, finding that situation—finding that the power at Niagara Falls was absolutely essential for the conduct of the war—sent a special message to the Committee on Foreign Affairs urging that committee to pass a bill. He sent that in May last. Two such messages have been sent, and the Committee on Foreign Affairs has not acted. I do not believe that the Committee on Foreign Affairs has even concluded its hearings. I understand that they have not printed their last hearing, much less have they reached the point where they are ready to go into executive session and consider any bill. They are far from reaching the point where they are able to say to this House that they can ever agree upon a bill.

Mr. HARRISON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. HARRISON of Mississippi. Is it not true that the Committee on Foreign Affairs had hearings practically up to the recess of Congress, when everybody went home?

Mr. DEMPSEY. It is a fact that the Committee on Foreign Affairs had a few hearings, very sparsely attended. I do not think at any given time there were over 4 members out of the 21 present. I was present at all the hearings. The gentleman from Mississippi was present at parts of two hearings. I am not criticizing him. We are all glad that the gentleman had something else to do. We all love him and admire him, and we are glad that he is to be promoted. But I do say this, that the Committee on Foreign Affairs was unable to recognize the seriousness of the situation which confronted them. It was unable to attend the hearings in adequate numbers. It was unable to have enough hearings. It was unable to conclude its hearings. It was unable to reach any conclusion, and it has not yet reached the point where it is even ready to undertake to debate the question whether or not—

Mr. HARRISON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I do not yield yet. It has not yet reached the point where it has been able to debate and to ascertain whether or not it is ever likely to agree upon a bill.

Now, let us see what the situation is.

Mr. HARRISON of Mississippi. Mr. Chairman, will the gentleman yield for a moment?

Mr. DEMPSEY. Yes.

Mr. HARRISON of Mississippi. The gentleman says that I was not at the meetings.

Mr. DEMPSEY. No. I said you were at two meetings.

Mr. HARRISON of Mississippi. The gentleman realizes, however, that we have had this same question up and have considered it for six years.

Mr. DEMPSEY. For seven or eight years.

Mr. HARRISON of Mississippi. I went with the committee to Niagara Falls and Buffalo, and we personally looked into the matter there.

Mr. DEMPSEY. You did not have war then, and did not have a message from the Secretary of War saying that he needed these munitions for the use of the boys at the front, and not a man on the committee has awakened to the fact that you received that message. You have not responded to it. You are not at all alive to the situation. You think that it is the same as it was in the six or seven or eight years past, and you think it will do no harm to wait six or seven or eight years more in the future because you have waited six or seven or eight years in the past. That is the situation that confronts us. Now let us take the needs of the country into consideration.

The Secretary of War, realizing that there was this shortage of power, realizing the necessity of obtaining additional power, sent for the power companies there and asked them what could be done. He had an investigation made by the Chief of Engineers of the United States Army, and I call attention to the report of the Chief of Engineers. It was made in April and was presented to the Foreign Affairs Committee. In that report the Chief of Engineers said that if the work at Niagara Falls was undertaken at once it would result in there being produced 30,000 additional horsepower within 12 months, and 170,000 horsepower in consecutive periods of three months after that. The first additional horsepower would be produced in May, 1919, and units of 30,000 horsepower each three months thereafter. The War Office needs that 60,000 additional horsepower on which they have figured for next spring. They have actually made an order allotting it, and besides that they went to the power companies at Niagara Falls and said to them, "Gentlemen, we have not been able as yet to get legislation, but we believe that we will get legislation, and we want you to go ahead with increasing your power there, and spend your money and take the risk as patriotic citizens." The power companies responding have expended \$800,000 of their money and are to-day proceeding as rapidly as they can; and according to the program laid down by the Secretary of War they will produce the power within the time named, and so aid in the carrying on of this war.

Mr. HASTINGS. How much additional money does the gentleman say has been expended?

Mr. DEMPSEY. They have expended \$800,000, without any license, without anything except the request on the part of the Secretary of War that they expend it, and that they take the risk; and the power company which is doing that work has reached the end of its ability to expend. It is selling its bonds, but this is a difficult time to sell bonds in competition with liberty bonds. It finds it impossible to raise money, because it has no license, and this work must stop. So, realizing that situation and seeing that this bill was broad enough in its terms to include Niagara, I wrote the Secretary of War Sunday asking him whether Niagara should remain in the bill. He wrote back to me a letter, which you will find at page 10751 of the RECORD, in which he said that it would be so great a mistake that it would be almost a disaster for the work up there to stop, and that the work would cease unless we were able to pass a bill and unless it was included in this bill so that it could go into effect and become a law at once.

Mr. HUSTED. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. HUSTED. Can this additional power which the gentleman refers to be developed under the provisions of the bill as reported from the committee without in any way violating any of our treaty rights with Canada?

Mr. DEMPSEY. It can, and I answer the gentleman to that effect, and I would like the close attention of the House upon this question.

The treaty with Great Britain is an executed treaty. Under its terms Canada has the right to divert 36,000 cubic feet per second and the United States has the right to divert 20,000 cubic feet per second. Canada and Great Britain have not the slightest interest in any way in what we divert. That is purely and wholly a domestic, an internal question. So that there is not the slightest reason, as the Secretary of War points out, why we should not go on and treat this particular diversion exactly as we treat all other diversions. Niagara is not here asking special privileges. Niagara is here, having proved patriotic, having spent nearly \$1,000,000 of its own money, asking the right to go on in the same way that other power companies and other power sites are permitted to go on, under the same restrictions and under the same conditions, subject to the same law, with no additional privileges of any kind whatever, and asking that right to go on in order that the boys at the front may be supplied with gas, because all our gas is made up there, and so that we may supply them with munitions of war of all kinds.

Mr. HUSTED. Will the gentleman yield for another question?

Mr. DEMPSEY. Yes.

Mr. HUSTED. Is there any shortage now in this country of these essential war materials which are exclusively produced by the power at Niagara Falls?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEMPSEY. I ask unanimous consent to continue for two minutes, to answer the gentleman's question.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. DEMPSEY. I will answer that the Secretary of War in his letter says that there is a shortage of such supplies, and that there will be a shortage of such supplies unless we are able to pass a bill which will enable the power there to be made thoroughly efficient. Now, gentlemen, the question is simply this: I would be glad to see the Foreign Affairs Committee have jurisdiction of anything of which it properly has jurisdiction. I have respect for all the members of that committee; but the question is, Which is the more important? Is it more important to produce 170,000 additional horsepower—and really more than that, because we will continue the operation during the war of the old plant—or is it more important that the jurisdiction of this committee should be recognized?

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. TEMPLE], a member of the Foreign Affairs Committee.

Mr. TEMPLE. Mr. Chairman, I am rather surprised at some of the statements that have been made by the gentleman who has just preceded me, in view of the fact that the Committee on Foreign Affairs some time ago reported a resolution which passed the House and the Senate, and is now in effect, which permits the power companies at Niagara Falls to use all of the 20,000 cubic feet of water available under the treaty. Nothing is being held up.

Mr. DEMPSEY. Will the gentleman yield for a question?

Mr. TEMPLE. Yes.

Mr. DEMPSEY. Does not the gentleman know enough of the situation to know that that does not go at all to the question of Niagara's efficiency, that it develops at the low efficiency which prevails now, and that the two questions are as far apart as the poles? Or do the gentlemen of the Foreign Affairs Committee indulge in a very erroneous impression?

Mr. TEMPLE. I will answer that question. The whole of the water available is in use, and is being used now by the companies that are in control. Long before a plant could be built farther down the stream that would get more fall, and consequently develop more power with the same water, the bill that is under contemplation, on which hearings have been had, will be reported out of the Committee on Foreign Affairs. The provisions of that bill will be, it seems to me, much more in harmony with the treaty that has been negotiated and is now in force than a general bill covering the whole country.

There is a good reason why the treaty which applies to the waters of Niagara River ought not to be applied to streams elsewhere in the United States. If this bill does conform in its provisions to all the requirements of the treaty, it is going to interfere with the development of streams not bound by that treaty. My own impression of the bill, from a somewhat careful reading, is that the treaty was not taken into consideration at all by the committee that reported the bill. The legislation concerning the development of Niagara should be prepared with a view to the treaty.

Mr. WINGO. Mr. Chairman, I make the point that there is no quorum present.

Mr. TEMPLE. The gentleman can not take me off my feet.

Mr. WINGO. I can make the point of no quorum at any time, and I insist on the point; there are only 57 Members in the Hall.

Mr. TEMPLE. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has two minutes more. The gentleman from Arkansas makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and three Members present, a quorum, and the gentleman from Pennsylvania will proceed.

Mr. TEMPLE. Mr. Chairman, I had about concluded what I wanted to say. The waters of Niagara River are subject to treaty and the interior waters of the country are not. Legislation providing for the use of interior waters ought not to be bound by the restrictions of that treaty, and this bill does not take into consideration the restrictions of the treaty. But the waters of Niagara are bound, and we are bound in dealing with the waters by the treaty in force. I submit to the Members of this House that this is no time for us to make laws that if applied to the development of water power at Niagara might affect matters dealt with in our treaty. Treaty rights ought to be respected. [Applause.]

Mr. MILLER of Minnesota. Mr. Chairman, I wish to be recognized in favor of the amendment.

The CHAIRMAN. The gentleman from California was to be recognized next.

Mr. RAKER. Mr. Chairman, I understand that the gentleman from Mississippi is going to ask unanimous consent to present a modified amendment. Is that correct?

Mr. HARRISON of Mississippi. I expect to do so.

Mr. RAKER. With that understanding, Mr. Chairman, I do not care to use any time.

Mr. MILLER of Minnesota. Mr. Chairman, I appreciate the deep interest my good friend from New York, Mr. DEMPSEY, feels in this matter. However, I can not share with him the view he takes of the effect of this amendment. It has always been recognized by Congress that Niagara Falls constituted a water power that should receive separate and distinct treatment for certain technical reasons. Some things under that treaty we can do, and there are many things we can not do in respect to the Falls of Niagara and the waters of Niagara River, and yet all these things we can do in respect to streams of the entire United States. That view was in the minds of this House when the special committee was appointed to take up water-power legislation. The rule was framed with that in view.

Mr. HUSTED. Will the gentleman yield?

Mr. MILLER of Minnesota. I will.

Mr. HUSTED. Is there anything as a matter of fact in the provisions of this act which would interfere or conflict in any way with our treaty with Canada?

Mr. MILLER of Minnesota. I am not sure that it would interfere or conflict with the treaty with Canada unless we undertook to do some things which might be undertaken, and if I have time I will state what I mean by that. When the special committee was considering this bill I am advised they were distinctly informed—and I wish to be corrected by the gentleman from Tennessee if I am not right—the committee was distinctly informed that they had no jurisdiction over Niagara Falls or the water power there, and for that reason they naturally and properly declined to give any consideration to the special conditions affecting the water power at that place.

Mr. SIMS. Will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. SIMS. Mr. Chairman, I wish to state that my information was that the language used in the special rule excluded consideration of all bills of which the Foreign Affairs Committee had jurisdiction; that we were excluded from considering the boundary waters, and especially Niagara. When gentlemen came before the committee, witnesses, and began to make statements concerning it, I said every time, that I understood from the rule, from my construction of it, that the special Water Power Committee had no jurisdiction of any question arising with reference to legislation touching boundary waters, because I understood boundary waters were all of them more or less affected by general or special treaty stipulations of which the Committee on Foreign Affairs had special jurisdiction.

Mr. MILLER of Minnesota. Mr. Chairman, I thank the gentleman for his frank and complete statement. The gentleman from New York [Mr. DEMPSEY], if I understand his viewpoint correctly, has just one reason why he wants Niagara Falls included within the purview of this bill, and that is to get speedy action for the further development of the Falls. But if the gentleman will give a moment's calm thought to the parliamentary and practical situation, I do not believe he will retain that for

very long. We have been trying in Congress for four years to pass a general water-power bill, and we have not yet done it.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield? How long have we been trying to pass a bill for Niagara Falls?

Mr. MILLER of Minnesota. The same length of time.

Mr. DEMPSEY. No; twice as long.

Mr. MILLER of Minnesota. That may be, but we have passed it twice in the House.

Mr. DEMPSEY. And we have passed the general water bill twice in the House.

Mr. MILLER of Minnesota. We have been trying for four years to pass a general bill and have not yet done it. When this bill is passed it will go to conference, and it certainly will never be reported from the conference before the new year, and I doubt that the conference report will be adopted in many, many months of time, so that the gentleman will not gain at all any time by having Niagara Falls included in the bill, and as a matter of fact the situation there is not quite so bad as it has been painted. In the first place, our committee has reported a resolution, which has passed and is now a law, authorizing the full development of all of the 20,000 cubic feet that we can develop upon our side of Niagara Falls. The gentleman from New York a moment ago called attention to the fact that that resolution did not provide for the complete efficiency in the development, and in that he is correct; but I want to call his attention to the fact that there is nothing in this bill either which makes those power companies develop those 20,000 cubic feet to their full efficiency.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, may I have three minutes more? I do not believe many gentlemen care to discuss this.

The CHAIRMAN. The Chair has promised 30 minutes, including 5 the gentleman has used, to gentlemen in favor of the amendment. However, if no one desires to use more time in opposition to the amendment, the Chair will put the gentleman's request.

Mr. DEMPSEY. Mr. Chairman, all I ask is that we be given our full half hour.

Mr. MILLER of Minnesota. The gentleman from New York had additional time.

Mr. DEMPSEY. I do not object to your having the full half hour.

Mr. HASTINGS. Mr. Chairman, I am not going to object to the three minutes extension, but was not the time fixed by motion of the House at one hour?

The CHAIRMAN. That is very true.

Mr. HASTINGS. Are the three minutes to be taken out of the other side?

Mr. MILLER of Minnesota. We gave additional time to the gentleman from New York.

Mr. DEMPSEY. But I expect that that will be taken out of our half hour.

Mr. MILLER of Minnesota. Oh, I would understand that the three minutes should be taken out of the half hour of those in favor of the amendment.

Mr. TEMPLE. Is there any half hour assigned to that side or this side? There was just a motion that the time be limited to one hour.

Mr. HASTINGS. Then the time is not to be extended any longer than the hour.

The CHAIRMAN. No.

Mr. WINGO. Mr. Chairman, a parliamentary inquiry. Notwithstanding the fact that by motion we provided that all debate on this amendment and all amendments thereto should close in one hour, that does not abrogate the general rule limiting debate to 10 minutes on each particular amendment that is offered. I make the point of order that all debate upon this amendment is exhausted.

Mr. HARRISON of Mississippi. Mr. Chairman, I submit that the motion was made that debate upon this amendment was to close in one hour.

Mr. WINGO. This amendment and all amendments thereto.

Mr. GILLET. Mr. Chairman, it is easy to get around that. The gentleman can move to strike out the last word.

Mr. HARRISON of Mississippi. He has asked unanimous consent, and there is no objection to it.

The CHAIRMAN. It has not yet been put. The gentleman from Minnesota asks unanimous consent to proceed for three minutes. Is there objection?

Mr. WINGO. Mr. Chairman, I object. There is a parliamentary inquiry pending.

Mr. MILLER of Minnesota. Then I move to strike out the last word.

Mr. WINGO. I make the point of order that the gentleman can not do that.

The CHAIRMAN. The Chair will recognize the gentleman for three minutes, inasmuch as it is allotted to the Chair to divide the time among the members of the committee.

Mr. WINGO. Mr. Chairman, I make the point of order that the Chair can not do that without unanimous consent, and that was objected to.

The CHAIRMAN. The Chair can recognize any member of the committee.

Mr. WINGO. But, Mr. Chairman, the Chair certainly does not wish to set a precedent that the Chair can arbitrarily extend the time of any Member when the committee objects to it. I do not object to the chairman's count, but I do object to any such rule as that.

The CHAIRMAN. The gentleman no doubt does not object to the Chairman's count because it has been correct.

Mr. MILLER of Minnesota. I submit that debate has been fixed at one hour, and in that hour I assume the Chairman can recognize anyone he sees fit.

Mr. WINGO. Does the Chair rule that he can be heard for three minutes more?

The CHAIRMAN. The Chair will recognize the gentleman if he has the power.

Mr. WINGO. Did the Chair overrule my point of order that the Chair can not arbitrarily recognize a man for any amount of time he desires after objection is made to a request for unanimous consent that his time be extended?

The CHAIRMAN. The Chair is of the opinion, where the committee passes an order that an hour of debate shall be used on a certain amendment and all amendments thereto, leaving it to the Chair to designate whom he shall recognize, that he possibly would have the right to recognize the gentleman from Minnesota for five minutes.

Mr. WINGO. Or for the whole hour? That is a new ruling. There never has been anything like that suggested in this or any other intelligent legislative body.

The CHAIRMAN. The Chair is trying to divide the time equally among the Members, 5 minutes at a time, 30 minutes of debate against and 30 minutes for the amendment.

Mr. WINGO. But that right was not granted. I objected to such unanimous-consent request.

Mr. DEMPSEY. Will the gentleman yield?

Mr. WINGO. Under the rules of the House we are operating under the five-minute rule. No decision of the Chair can abrogate the rules of the House. The committee has not undertaken to abrogate the rules of the House.

The CHAIRMAN. The committee fixed the time.

Mr. WINGO. The committee limited the time of debate under the rules of the House. The committee certainly can not abrogate the rules of the House.

Mr. HARRISON of Mississippi. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The gentleman from Mississippi demands the regular order. The gentleman from Minnesota is recognized for three additional minutes.

Mr. MILLER of Minnesota. Mr. Chairman, in further reference to the proposition of time, I wish to call the attention of the House to this important fact I deem material. Our hearings developed the fact that these power companies are not waiting for the passage of this general law or any other law, but ever since the beginning of March have been developing to the fullest extent of their power the water power at Niagara Falls in violation of the law, believing a law will some time be passed to legalize that which they have done. There is nobody controverting that well-established fact. The power companies at Niagara Falls at this minute are developing with all the speed that money and men can bring the power to the full capacity of those falls, and it matters not whether this or any other amendment shall be adopted they are going to continue that work, and they are doing it knowing that the Government will, no doubt, in the end legalize that which they are doing. It could not be possible to bring full relief. The gentleman has rightly stated that we want 170,000 horsepower, with one hundred and twenty-odd thousand now, but if wishes were horses how fast we would ride. You can not produce that power by the passage of this bill or any other bill affecting Niagara Falls. It takes time to secure that which the gentleman asks for and that which we would like to see, and it will take not 10 months but four years, and every man knows it; but now for the immediate present they are developing the power there with all the speed that they can to furnish power for these munition plants. The Foreign Affairs Committee of the House, I think, have been exceedingly earnest in their serious investigation of this particular and peculiar proposition. Do not ever let it pass from

your minds that we must, before we have finished with Niagara Falls, compel one of the power companies that is there to change its plant, and change it so that it will have an increased efficiency, much greater than it now has.

Mr. DEMPSEY. Will the gentleman yield?

Mr. MILLER of Minnesota. That is in the minds of the Committee on Foreign Affairs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEMPSEY. Will the gentleman yield for a question?

Mr. MILLER of Minnesota. If I had the time, but I have not.

Mr. HUDDLESTON. Mr. Chairman, to endeavor to put this general dam bill on the Niagara situation is like trying to fit a hand-me-down coat on a man with a hump on his back. This bill is designed to fit a certain situation. It has general application. It is intended to promote development, to apply to cases remote from industrial centers where there are no works at this time, where new works will be installed, and where a great outlay will be necessary in order to harness the water. It does not fit Niagara. The works are already there. The great bulk of the money has already been expended. It is close to great industrial centers, so that the demand for power is there. Niagara affords the cheapest power in the United States; no inducements need be offered to concerns to locate there. It is an entirely different situation from what a dam site would be out somewhere in the Rocky Mountains or over on the Columbia River or some other place to which this general dam act is designed to apply.

Now, another point. We have at Niagara to deal with a treaty situation. Perhaps the Committee on Foreign Affairs does not know all about such situations; but at least it seems to me that its members ought to be assumed to know more than somebody who knows nothing at all. For years they have been studying this Niagara situation. For years they have been holding hearings and trying to work out a solution consistent with the public interest. We have reported two bills. We have got a bill very similar to this one before us now being considered. We have held hearings day after day and have had come before us the highest experts in the land, people who know all about the Niagara situation and who have told us all they know, whereas the Special Water Power Committee has held no hearings on the Niagara situation, has not considered it for a moment, does not know whether this bill fits that situation or not, and necessarily could not have the understanding and the knowledge of the situation that we have. Now, the Committee on Foreign Affairs have studied this situation, and it seems to me that the public welfare requires that we should consider some bill that comes from that committee in order to get a fit and suitable bill.

Now, there is another point connected with Niagara. The State of New York claims certain rights in the Niagara water power, and under charters from the State of New York certain concerns have been there for years availing themselves of these waters, and they have taken for their own use, for their own selfish benefit and profit, all of the benefit derived from water power at Niagara.

These corporations claim to have vested rights. They have their works there and their dams, and they have spent a lot of money. They say that the Federal Government has no right to come in there and deal with the situation as a new situation. This general dam bill deals with all situations as new situations. Therefore it is necessarily inapplicable to the situation at Niagara.

Speaking for myself as a member of the Committee on Foreign Affairs, I would be glad to see that committee relieved of the consideration of this question forever. We have labored long on it. We have sweated a lot trying to work out that proposition, and I am satisfied that no bill will ever be reported by that committee that will meet my full approval, and I doubt very much if any bill will come out of it that I can vote for at all.

The whole truth about the situation is that the concerns at Niagara, being in possession of the water and drawing the entire benefit from it, have been themselves an obstacle to legislation by Congress. They themselves held back the arm of Congress and kept it from writing a law that would protect the rights of the American people. They, more than anybody else, are responsible for the delay. And it is only now, when this war is on, when they can make the excuse of war necessity, that these selfish concerns seek to step in and get for the next 50 years the benefit of Niagara which they have already enjoyed for so long. For the next 50 years they expect to enjoy the monopoly of Niagara as they have in the past. For the next 50 years they expect to sweat the people of Buffalo and of the whole country under these rights they now seek under the guise

of a war necessity. They have contracts with our Government which are exceedingly unfair and oppressive. They have gotten them because they were in a situation to demand them. And I, for one, would rather suffer some of the things we need now than to perpetuate at Niagara these grasping and avaricious concerns that have wrung the blood out of the people during all these years.

Mr. DEMPSEY. Mr. Chairman, I have consulted with the gentleman from Mississippi [Mr. HARRISON] and the gentleman from Arkansas [Mr. WINGO], and the gentleman from Arkansas is willing to withdraw his objection to the time being divided as was originally suggested between Mr. HARRISON for the amendment and myself against the amendment.

Here is the difficulty, if the Chair pleases, that I think we are going to meet: The Committee on Foreign Affairs is here, and they will speak individually as to this matter. I am practically single-handed. I represent this district, and I will have to speak longer than the five minutes allowed under the rule as I understand it.

The CHAIRMAN. What time does the gentleman desire?

Mr. DEMPSEY. I ask unanimous consent that the remaining part of the 30 minutes on my side be at my disposal, either for myself or such gentlemen as I wish to have recognized.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. HUMPHREYS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUMPHREYS. What time remains now for either side?

Mr. DEMPSEY. How much time have we of the 30 minutes?

The CHAIRMAN. Twenty minutes have been devoted to the debate by those in favor of the amendment and 12 minutes have been used by the gentleman from New York [Mr. DEMPSEY] in opposition to the amendment.

Mr. DEMPSEY. The gentleman from New Jersey [Mr. PARKER] wishes to be recognized against the amendment.

The CHAIRMAN. The Chair will recognize the gentleman from New Jersey [Mr. PARKER] for five minutes.

Mr. PARKER of New Jersey. Mr. Chairman, I want to say only a word.

This is a practical question. Of course, Niagara is governed by treaty. Of course, if we pass the bill as it is, it will not touch the water powers that are there now or change the present treaty, but if we have any new treaty, say, during the recess of Congress there ought to be somebody that could take care of the matter. And I really think everybody in this House, as a practical matter, would say that we should not have two commissions to regulate water powers throughout the United States. The questions are the same. The questions of rates, of accounting, of the managing of the net investment—all the questions at Niagara—will be just the same, because the United States wants to take a great deal more water and to get a great deal more fall, whether they get more or not, and to see that the best thing is done.

I do not know anything about the technicalities of this matter, but I do regret very much that the Committee on Foreign Affairs should insist that if a new treaty is made it should wait upon their being able to pass a new bill, which is very questionable, and which would provoke a great deal of debate. The practical way to dispose of this matter is to say nothing about Niagara, but give the whole practical management of water power to the commission now created by this bill, for this bill is going through. And when that is done the question as to how much jurisdiction shall be given under new treaties will belong to the President, where it now belongs, and to the new treaties when ratified by the Senate. This is the practical way of disposing of the whole matter. If the Committee on Foreign Affairs want to change this, let them pass a bill. They can do it afterwards as well as before this bill passes.

Mr. Chairman, I yield back the balance of my time.

Mr. DEMPSEY. Mr. Chairman—

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. DEMPSEY. Mr. Chairman, I shall not take 10 minutes, so do not be discouraged by the Chair's allowing me that much time. I wish simply to answer what has been advanced by the gentleman from Minnesota [Mr. MILLER], who seems to be the only gentleman who has spoken to anything except jurisdiction and who has spoken very fairly and very considerately and for whose manner of presenting the subject I have nothing but praise. But I want to answer his argument and say something about the argument advanced by the gentleman from Pennsylvania [Mr. TEMPLE] also. Both of them said that by passing the special resolution which we have passed here from year to year we have provided for full development. They did not mean that. If they had been speaking thoughtfully and had analyzed what they said they would not have made that statement.

All that that means is that the power company, with their present methods of development, with an efficiency on the part of the Niagara Falls Power Co. of only 10 horsepower per cubic foot per second, has the right to use this power. What we insist upon is a new development by which we will develop 21 horsepower per cubic foot per second—more than twice as much.

Now, they can use it for 10 horsepower per cubic foot per second with their present equipment, with their present inefficient methods, but in order to get 21 horsepower per cubic foot per second they will have to spend \$16,000,000. That is the difference. They will have to make an enormous change, a total change, of the method of using the power. One company develops part of its power efficiently—only a part of it—while the other gets only less than half efficiency.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. HARDY. I want to ask the gentleman a question right there.

Mr. DEMPSEY. I yield very gladly.

Mr. HARDY. Is it not possible that the present water-power organizations at Niagara may be very anxious to get the application of this bill, which will give them a 50-year charter, while a fuller study and a bill for Niagara alone can be hedged about by many conditions that are not in this bill?

Mr. DEMPSEY. I am very glad the gentleman asked that question, because it brings to my mind something that I ought to have said, and I am glad to say it now. The gentleman charged by this administration with water-power questions, Mr. Bulkley, was in my office this morning, and he stated that the Niagara companies had said this to him—this provides for a term not to exceed 50 years—he said that the Niagara companies said to him, "We are willing to take such a term as you deem to be a fit and proper term, and upon which we can raise money. We are willing to pay such royalties as you deem fit and proper. We are willing to take it subject to such limitations and conditions as you deem adequate and proper." He said, "I believe that these companies which have been attacked and which in the face of attack have spent nearly a million dollars, without any security for its return, should have this said in their behalf, because it is only fair that it should be said, and it is only fair that Congress should have an adequate idea of their patriotism and loyalty in this matter."

Mr. HARDY. Mr. Chairman, will the gentleman yield again?

Mr. DEMPSEY. Yes.

Mr. HARDY. I do not believe that there is a Member of this Congress that thinks that Congress would not recompense any expense that these companies should go to in preparing for war, but I will say to the gentleman that my greatest objection to this bill is this 50-year license. I do not like a license as long as that.

Mr. DEMPSEY. It is not 50 years. It is not to exceed 50 years. Let me say to the gentleman that these companies have said to the Secretary of War something that is unique. I call the attention of the Members of this House to the fact that they have said something that is unique in the history of this war. Every man who has built a manufacturing plant, every man who has undertaken new work of any kind, has asked the Government to reimburse him for the added cost, because of the fact that it is an increased expense to do these things under war conditions. But the people at Niagara have not asked for any such conditions.

Now, the gentleman from Minnesota [Mr. MILLER] said that the power companies are going on and that they will go on. The gentleman is simply mistaken in his facts. The facts are these: The power companies have had five dredges up there and they have pulled off three. For what reason? Because they have been unable to sell their bonds; because the company doing this work has exhausted its cash. It is unable to sell its bonds because it has not a license, and the work will stop.

Now, the gentleman from Minnesota also says that this general water-power bill does not provide for efficiency. The gentleman has not graced us by his presence during the consideration of the bill, and he simply is not familiar with the provisions of the bill. The bill, of course, provides for efficiency. No general water-power bill would for one moment be passed or even considered by this House which did not provide for efficiency. The gentleman simply is not familiar with the provisions of the bill under consideration. It provides fully, of course, for efficiency. Do you believe that the great House of Representatives would pass a general water-power bill and not provide for efficiency, and would provide for efficiency in one dealing with one water power alone? Such a thought is unthinkable. It is unbelievable, and it is contrary to the facts.

All I have to say in conclusion is that the question is simply this: Is it more important to provide munitions of war or to

respect the jurisdiction of this committee? Is it more important to send the things which would enable the boys at the front to do the things which they did at Chateau-Thierry? Is it more important to enable them to drive the Germans back, or is it more important to wait until sometime in the indefinite future when the Committee on Foreign Affairs may agree upon a bill? The only member of the Committee on Foreign Affairs who has talked on the subject of an agreement is the gentleman from Alabama [Mr. HUDDLESTON], and he says he does not think any bill is going to be reported to which he can agree; and from my observation of that committee I say I think they are as far from an agreement now as they were in May, when they undertook the consideration of their bill. I do not believe they have made any progress, or that they can come before you and promise that there is any likelihood of an agreement.

Mr. CHARLES B. SMITH rose.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. CHARLES B. SMITH. Mr. Chairman and members of the committee, I am anxious to see action taken with reference to further development of power at Niagara Falls, but I do not believe that Niagara Falls and Niagara River should be put into the same category as the other navigable waters of the country.

My friend and colleague, Mr. DEMPSEY, has spoken of the patriotism of these power companies and of their willingness to go forward with development without regard to expense and without reference to their possible reimbursement. Now, what has happened is this situation: Mr. Bulkley and Gen. Keller, representing the War Department, went to Niagara Falls and Buffalo, and after negotiations finally arranged with the two companies there to get together. The securities in the combined companies are to aggregate their book statements of values. Now, the companies, when they made the application for reorganization, instead of going to the Public Service Commission of New York for approval of their securities and the new organization, went to the State legislature and got passed a special act to approve their securities, because the companies were afraid to go to the public service commission to get the approval. They knew that the public service commission probably never would approve the plan of finance which they had.

Mr. DEMPSEY. Will the gentleman yield for a question?

Mr. CHARLES B. SMITH. Yes.

Mr. DEMPSEY. Does not the gentleman think that the State Legislature of New York, made up of 51 senators and a large number of representatives, is as important a body as three appointed officers of the State government?

Mr. GORDON. Their functions are entirely different.

Mr. CHARLES B. SMITH. We have a public service commission, created for the specific purpose of handling subjects of this kind, and it is not necessary for any corporation to go to the legislature to get a special charter for itself unless it wants something that it ought not to have.

Mr. GORDON. Of course.

Mr. CHARLES B. SMITH. When these people came to Washington before the Committee on Foreign Affairs and presented the same kind of a financial plan which had been presented to the State legislature, we on the committee refused to be either intimidated or coerced to force through that measure. If these companies had come forward with the right kind of a proposition, if they had been willing to have their securities properly inspected and the people properly safeguarded, we would have had no objection to their bill or their financial plan.

On the other side of the river the Province of Ontario is arranging to develop, under complete government control, 1,000,000 horsepower, and over in Canada, just across the river, power is being sold for about one-half what it is being sold for on American territory. The Committee on Foreign Affairs is not holding up this matter because it has any grievance against the companies. It is holding it up merely because conditions are such that the committee believes that special provisions and special plans should be made concerning the development and distribution of power at Niagara Falls on the American side. We want as good a deal as our competitors on the Canadian side of the river have, and that is the only reason why I am against having the Niagara River and the Niagara Falls development excluded from the general water-power bill.

Mr. WINGO. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Arkansas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twenty-two Members, a quorum.

Mr. HUMPHREYS. Mr. Chairman, I want to call the attention of the committee to a brief statement in the hearings. Mr. Horton, who represented the Conservation Commission of the

State of New York, came down before this Special Water Power Committee to present his views on the subject, and in the outset the chairman of the committee said:

I will state, Mr. Horton, in order to make it perfectly clear, that we will favor an amendment to the bill which will make it perfectly clear that this bill does not intend to deal with boundary waters. That is the purpose of the committee.

That was the assurance given to the representative of the Conservation Commission of the State of New York when he came down here.

Now, Mr. Chairman, the same rule ought not to apply to the development of water power at Niagara Falls and the rapids below Niagara and the rapids in the St. Lawrence River that applies to all the other streams of the country.

I was a member of the Rivers and Harbors Committee when this matter was first taken up by Congress a great many years ago, and it was taken up by Congress because certain farsighted gentlemen, realizing the possibilities of developing the water power at Niagara and in the rapids below Niagara and in the St. Lawrence River, had acquired all of the rights that could be acquired outside of Congress and had gotten charters in perpetuity and had started to develop the water power at these falls, which, in the opinion of the committee and in the opinion of the people of this country, seriously threatened the destruction or the impairment of the beauties of that wonderful natural spectacle.

Mr. DEMPSEY rose.

Mr. HUMPHREYS. I can not yield. So Congress was called upon by a popular demand all over this country to take hold of the matter in some way to prevent that destruction. So we did. We passed a law which prevented the destruction of Niagara as a wonderful natural spectacle. Then they came and wanted to develop the power in the rapids below Niagara, and Congress extended its protecting arm even to that stretch of the river and forbade those gentlemen to go in there and injure the rapids as a natural spectacle. So these gentlemen went farther down the river and acquired all the rights that could be acquired. The Aluminum Co. of America, which we know is an absolute monopoly, acquired all the rights that can be acquired outside of Congress at the Long Sault, where it is possible to develop anywhere from 800,000 to 1,000,000 horsepower. They acquired that under a charter in perpetuity. As I stated the other day, these are particular water powers, out of the class of others, because they are so wonderfully beautiful that all of the people of this country are interested, and not only the people of this country but the people of Canada and all the world are interested in their preservation. Fifty thousand or perhaps 60,000 people annually go there simply for the pleasure and the profit that they derive from a contemplation of these wonderful works of nature. So Congress has said time and again, at the very outset of water-power legislation, that these particular water powers shall not be so developed as to desecrate these majestic natural spectacles, and for 10 long years or more these gentlemen have been knocking at the door of Congress begging the opportunity, under the exclusive rights that they have already acquired, to come and develop water power there and to injure and seriously impair, if not, as I say their original intention was, to utterly destroy these works of nature which it is the duty of the Representatives of the people of this country to protect.

Now, when this particular committee was created and the representative of the Conservation Commission of the State of New York came down to see what was going to be done with these particular water-power possibilities, the chairman of the committee assured him at the very outset that the committee had no intention of touching them, and that it was the deliberate purpose of the committee to agree to an amendment exempting them from the jurisdiction and authority of this commission.

I hope the amendment will be agreed to.

Mr. HARRISON of Mississippi. I ask unanimous consent that my amendment may be modified. The Clerk has the modification.

Mr. WINGO. I object to any modification.

Mr. HARRISON of Mississippi. I offer as a substitute the amendment which I send to the Clerk's desk.

Mr. WINGO. I should like to know if debate is closed by order of the House?

The CHAIRMAN. There are five minutes undisposed of. Does the gentleman from Arkansas desire to be heard? If so, the Chair will recognize him.

Mr. WINGO. I shall be glad to be heard.

Mr. HARRISON of Mississippi. I ask that my substitute be read now.

Mr. WINGO. I object to the reading of it now.

The CHAIRMAN. The gentleman from Arkansas is recognized.

Mr. WINGO. Mr. Chairman, I think it is unfortunate that those of us who constantly attend the sessions of the House and seldom speak are denied an opportunity to be heard freely on a matter of this importance by the Members who have wasted so much time on this bill. It is also unfortunate that so few Members have been present this afternoon. I have carefully counted, and at no time have I been able to count 100 Members, and the only way a quorum has been counted has been by including the Members fast asleep in the cloakroom. The bill under consideration is a general water-power bill, covering by a general law the control and use of the water power of the country.

The pending amendment seeks to destroy the general nature of the bill by exempting from its provisions Niagara Falls and other power sites of a certain class. The amendment is urged, not because Niagara Falls and the other sites covered by the amendment are not proper subjects for legislation by Congress but simply because Niagara Falls and all matters relating thereto are within the sole jurisdiction of the Committee on Foreign Affairs, and for the further reason, it is alleged, that treaty rights are involved at Niagara Falls, and therefore we should not include it in a general law.

Members of the Foreign Affairs Committee say if you will adopt this amendment they will report a bill controlling the water power at Niagara. The trouble with that promise is that it is worn out, having been too often made to the House during the last seven years, and no serious effort having been made to meet it. To offset this we have the letter of the Secretary of War, urging for war reasons of the most urgent nature that Niagara be included and something definite be done at once. No treaty right is involved. The treaty is executed, we, under its terms, getting so much water; and all that is proposed by this bill is to regulate and control the use of water power that is conceded to us by the treaty. Canada can have no interest in how we allot our portion of the water, the manner in which we regulate its use, and the control and restrictions we exercise over it.

Adopt this amendment and you leave Niagara Falls uncontrolled until such time as the Foreign Affairs Committee sees fit to act, and judging by its former conduct no reasonable hope can exist for early action. Not only will the adoption of this amendment leave Niagara uncontrolled, but you will cripple the efforts of the War Department and also destroy the general character of your proposed legislation. But, you say, Niagara is different. It is true, and it is also true that every water-power site is different from every other water-power site; but that does not make it impracticable to have a general law governing and controlling the use of all of them. Make an exception in favor of Niagara, and then those who desire control and use of sites on the Illinois River will use it as a precedent, claiming that the situation on the Illinois is peculiar, and as a result special legislation will be urged and enacted for each site, and the whole become a farce, so that in a few years the courts will have to decide what particular law is applicable in any given case.

If you are going to enact a general water-power bill I am for it, provided you adopt the Ferris amendment; but whatever is adopted let it be general and include all sites, and thereby avoid the evils and confusion of special legislation. I know very little about Niagara, and care nothing except for the public good, and having confidence in the War Department I shall vote against the amendment.

On the bill as a whole I believe the President is right, and shall vote for the motion of the gentleman from Oklahoma [Mr. FERRIS] to recommit the bill. If that fails, I shall then vote against the bill, as I am opposed to the recapture clause of the bill and am not surprised that it is thought the President will veto it if the Ferris amendment is not adopted. The recapture clause is the vital part of the bill. So let us keep the bill a general one by voting down the Harrison amendment, then adopt the Ferris proposal, and we shall have a law that can be supported and defended and under which our water power can and will be fully and fairly developed.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Mississippi.

The Clerk read as follows:

Page 54, line 9, after the words "San Francisco," insert the following: "Provided further, That the provisions of this act shall not apply to the waters of Niagara River, Niagara Falls, or of any other waters that form a part of the boundary streams of the United States and the Dominion of Canada, and which are subject to treaty provisions."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. Wingo) they were—ayes 51, noes 43.

Mr. DEMPSEY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. DEMPSEY and Mr. HARRISON of Mississippi to act as tellers.

The committee again divided; and the tellers reported—ayes 52, noes 64.

So the amendment in the nature of a substitute was rejected. Mr. HUMPHREYS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After line 9, page 54, add a new section, as follows:

"Nothing in this act shall be construed as conferring any jurisdiction or authority in the commission over any streams or water which forms in part the boundary between the United States and Canada, except over the waters of the Niagara River at the Falls of Niagara and above the rapids."

Mr. WINGO. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. Does not the vote now recur upon the original amendment of the gentleman from Mississippi [Mr. HARRISON], the substitute having been defeated.

Mr. PARKER of New Jersey. As I understand it, we agreed to vote upon the substitute instead of the original amendment; it was modified by unanimous consent.

Mr. WINGO. Oh, no; I objected to that.

Mr. HARRISON of Mississippi. Mr. Chairman, it is my understanding that we were voting upon the substitute. I asked unanimous consent to modify the amendment in accordance with the provisions of the substitute, but it was objected to, and I then offered it as a substitute. The vote first came upon the substitute, and that is what the tellers were called on, and the vote now recurs on the original amendment.

Mr. WINGO. There is no question about it; that is the parliamentary situation.

Mr. DEMPSEY. That is not my understanding.

Mr. SIMS. Mr. Chairman, I withdraw any point of order, just so long as there will be no debate upon it.

Mr. WINGO. But the gentleman can not withdraw my point of order.

Mr. DEMPSEY. Mr. Chairman, my understanding is that the gentleman from Mississippi [Mr. HARRISON] simply modified his amendment, and that the modification was made with the consent of the committee, and that it was voted upon as modified.

The CHAIRMAN. The Chair is informed by the Clerk that the gentleman from Mississippi offered the amendment which was just voted upon as a substitute. That was voted upon and was reported as a substitute by the Clerk. The question now recurs upon the original amendment offered by the gentleman from Mississippi. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. HARRISON of Mississippi) there were—ayes 24, noes 52.

So the amendment was rejected.

Mr. HUMPHREYS. Mr. Chairman, I now offer my amendment, which I sent to the desk and which has been reported.

The CHAIRMAN. The gentleman from Mississippi offers an amendment which the Clerk has reported.

Mr. HUMPHREYS. Mr. Chairman, this amendment provides that the commission created under the bill shall have no jurisdiction over any boundary waters except those in the Niagara River at the Falls and above the rapids. In other words, they would not have any jurisdiction over the rapids below the Falls or over any boundary waters in the St. Lawrence River. I do not care to discuss the matter further. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was rejected.

Mr. SIMS. Mr. Chairman, I understand there is an amendment pending.

The CHAIRMAN. The gentleman from Michigan [Mr. DOREMUS] has an amendment pending, also the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS. Mr. Chairman, I desire to call the attention of the chairman of the committee to a matter at the bottom of page 37, to the words in line 24, beginning "but in no case," and I asked the chairman of the committee yesterday what that meant. He said he was going to confer with some expert in the department.

Mr. SIMS. That is with reference to power.

Mr. HUMPHREYS. Yes. The language is:

But in no case shall a license be issued free of charge for the development and utilization of power created by any navigation dam and that the amount charged therefor in any license shall be as nearly as possible that ascertained by the commission to be the value of such power.

My amendment is to strike out all of that paragraph after the word "dam," in line 2, page 38.

Mr. SIMS. Mr. Chairman, I have had no opportunity to confer with the gentleman who drew the bill, consequently I do not

know what was intended or not intended, so far as having conferred with him is concerned, but on account of the bill having been drawn by a departmental committee and having been considered by engineers and lawyers and the three Secretaries, and I do not know how many others, I do not feel willing to consent to the amendment.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. There is no amendment pending, is there?

The CHAIRMAN. The gentleman from Mississippi has an amendment pending.

Mr. RAKER. He can not offer an amendment without returning to that section.

Mr. SIMS. We agreed to return to it.

Mr. RAKER. Oh, no; not for the purpose of offering an amendment.

Mr. HUMPHREYS. Oh, yes. What else are you going to return to it for?

Mr. RAKER. For nothing.

Mr. HUMPHREYS. Mr. Chairman, I move to strike out all after the word "dam," in line 2, page 38, down to and including line 5. Now, Mr. Chairman, at the beginning of paragraph (e), page 37, line 10, are these words:

(e) That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the commission.

That is all right, of course. Then there is this remarkable language, beginning at the bottom of that page. However, before that it provides that power can be granted free to certain people, and then it says:

But in no case shall a license be issued free of charge for the development and utilization of power created by any navigation dam.

Now, listen:

And that the amount charged therefor in any license shall be as nearly as possible that ascertained by the commission to be the value of such power.

In other words, if a man goes on a navigation dam and constructs the necessary plant and develops the power he is excepted from this general provision here that he pay reasonable rates, but the measure of the tax that he shall pay is whatever the value of the power may be that he produces. That, of course, is ridiculous. No man is going to develop power there at tremendous expense and pay back to the Government the value of the power. The language of (e) is that the licensee shall pay to the United States reasonable annual charges. This provides that at a navigation dam, whatever power is produced, the value of the power that he produces he will have to pay the Federal Government for the privilege of producing it.

Mr. ANDERSON. Is it not a fact that a navigation dam under this bill has been defined to be a dam built by the United States?

Mr. HUMPHREYS. No; that is not the fact. A navigation dam is defined under this bill as a dam built by the United States with or without contribution from other sources, so if an individual or corporation should go in with the United States to construct a navigation dam with the understanding they should have the power, then whatever power they produce, why, the Government taxes them the value of it for the privilege. Take one illustration. As I stated here the other day, down on the Black Warrior River at that dam 63 feet high we took out two dams and made one dam do the work of three in order to have a level of 63 feet deep. We provided at that time that the foundation should be so constructed that it will be possible hereafter to develop water power there. Now, some development company would come along and make a contract with the commission to go to this dam on the Black Warrior River and develop power. This is a navigation dam, and under this language, if I construe it right, the commission would have to say, "Very well; you can go and develop the power, but we will charge you whatever the value of the power happens to be for the privilege of developing it."

Mr. DEMPSEY. If the gentleman will permit a suggestion.

Mr. HUMPHREYS. Certainly.

Mr. DEMPSEY. When the gentleman raised that question, he will remember, I suggested that an amendment of this nature would cure the defect. After the word "power," strike out the period and insert a comma and add this language:

Less a fair return on any amount the licensee may have contributed to the construction of such project.

Mr. HUMPHREYS. It occurs to me what he ought to pay is a reasonable annual charge. The commission have the right to fix a reasonable annual charge.

The CHAIRMAN. The time of the gentleman has expired and the question is on the amendment offered by the gentleman from Mississippi.

The committee divided.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask to have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Page 38, line 2, after the word "dam," strike out the remainder of the paragraph.

The CHAIRMAN. The question is again on the amendment offered by the gentleman from Mississippi.

Mr. ESCH. Mr. Chairman, I would like to offer an amendment to the amendment and possibly the gentleman from Mississippi may accept it, and that is simply to say, after the word "dam," "and that the amount charged therefor in any license shall be such as determined by the commission."

Mr. HUMPHREYS. Of course that is entirely satisfactory. The question was taken, and the amendment was agreed to.

The question was taken, and the amendment as amended was agreed to.

Mr. DOREMUS. Mr. Chairman, I desire consideration of the amendment which I offered yesterday and which is now pending if all amendments to the bill under the five-minute rule have been made. I would like to have the amendment read.

Mr. ANDERSON. Mr. Chairman, I reserved a point of order on the amendment offered by the gentleman from Michigan yesterday.

Mr. FERRIS. Let it be reported.

Mr. ANDERSON. It will take 10 or 15 minutes to read it.

Mr. FERRIS. You can not tell whether it is subject to a point of order unless it is read. It never has been read, and I ask that the amendment be reported.

The CHAIRMAN. The amendment offered by the gentleman from Michigan was offered for information of the committee and has never been reported to the committee properly as an amendment.

Mr. DOREMUS. Mr. Chairman, I offer the amendment.

Mr. ESCH. Mr. Chairman, a suggestion. Will the gentleman from Michigan give the salient points of the difference between the proposed amendment and the existing bill and have the amendment entered in the RECORD as having been read? It will take 20 minutes at least to read it.

Mr. DOREMUS. Yes; but some Members have expressed a desire to have the amendment read.

Mr. WALSH. Mr. Chairman, you can not consider an amendment until it is reported.

Mr. DOREMUS. I think it has to be reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read a portion of the amendment as follows:

Mr. DOREMUS moves to amend by striking out everything in the bill after section 2, on page 24, and inserting in lieu thereof the following: "Sec. 3. That the words defined in this section shall have the following meanings when found in this act, to wit:

"Public lands" means such lands and interest in lands owned by the United States as are subject to private appropriation and disposal under public-land laws. It shall not include 'reservations,' as hereafter defined.

"Reservations" means lands and interest in lands owned by the United States and withdrawn, reserved, or withheld from private appropriation and disposal under the public-land laws, and lands and interest in lands acquired and held for any public purpose.

"State" means a State admitted to the Union, the District of Columbia, and any organized Territory of the United States.

"Municipality" means a city, county, irrigation district, drainage district, or other political subdivision of a State, competent under the laws thereof to carry on the business of developing, transmitting, utilizing, or distributing power.

"Municipal purposes" means and includes all purposes within municipal powers as defined by the constitution or laws of the State or by the charter of the municipality.

"Navigation dam" means a dam or other work, constructed or owned by the United States for the improvement of navigation, with or without contribution from others, from which flows surplus water not needed for navigation that may be disposed of under the provisions of this act.

"Project" means a complete unit of improvement or development, consisting of a power house, all water conduits, all dams and appurtenant works and structures (including navigation structures) which are a part of said unit, and all storage, diverting, or forebay reservoirs directly connected therewith, the primary line or lines transmitting power therefrom to the point of junction with the distribution system or with the interconnected primary transmission system, all miscellaneous structures used and useful in connection with said unit or any part thereof, and all water rights, rights of way, ditches, dams, reservoirs, lands, or interest in lands, the use and occupancy of which are necessary or appropriate in the maintenance and operation of such unit.

"Project work" means the physical structures of a project.

"Sec. 4. That the commission is hereby authorized and empowered—
"(a) To make investigations and to collect and record data concerning the power industry and its relation to other industries and to interstate or foreign commerce, and concerning the location, capacity, development costs, and relation to markets of power sites, and whether the power from navigation dams can be advantageously used by the United States for its public purposes, and what is a fair value of such power, to the extent it may deem necessary or useful for the purposes of this act.
"(b) To cooperate with the executive departments and other agencies of the Government in such investigations; and for such purpose the several departments and agencies are authorized and directed, upon the

request of the commission, to furnish such records, papers, and information in their possession as may be requested by the commission, and temporarily to detail to the commission such officers or experts as may be necessary in such investigations.

"(c) To make public from time to time such portions of the information secured hereunder as it shall deem expedient in the public interest, and to provide for the publication of its reports and investigations in such form and manner as may be best adapted for public information and use.

Mr. ANDERSON. Mr. Chairman, I make a point of order that enough of the amendment has been read to indicate that it is an amendment in form to section 2, and the portion of the amendment that has been read is not germane to section 2.

The CHAIRMAN. The Chair is unable to determine.

Mr. ANDERSON. It is offered as an amendment to section 2, and parts of the amendment that have been read are not germane to section 2.

The CHAIRMAN. A part of the amendment may not be germane, but after reading the remainder it may all be germane. The Chair can not tell until after it is read. The Clerk will proceed.

The Clerk read as follows:

"(d) To prepare a comprehensive plan for the construction, operation, and maintenance by the Government of the United States, in accordance with appropriations to be made and authority to be conferred by Congress, of dams, power houses, and other project works necessary or proper for the development and improvement of navigation upon, along, across, or in any of the navigable waters of the United States, or upon any part of the public lands and reservations of the United States (including Territories) and for the purpose of utilizing in the public interest the surplus water or water power from any navigation dam now or hereafter constructed.

"(e) To issue licenses to any State or municipality for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation, and for the development, transmission, and utilization of power across, along, or in any of the navigable waters of the United States, or upon any part of the public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any navigation dam, except as herein provided: *Provided*, That licenses shall be issued within any reservation only after a finding by the commission that the license will not interfere or be inconsistent with the purpose for which such reservation was created or acquired, and shall be subject to and contain such conditions as the Secretary of the department under whose supervision such reservation falls shall deem necessary for the adequate protection and utilization of such reservation: *Provided further*, That no license affecting the navigable capacity of any navigable waters of the United States shall be issued until the plans of the dam and other navigation structures have been approved by the Chief of Engineers and the Secretary of War. Whenever the contemplated improvement is, in the judgment of the commission, desirable and justified in the public interest for the purpose of improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, and to that effect shall be made by the commission and shall become a part of the records of the commission: *Provided further*, That in case the commission shall find that any navigation dam may be advantageously used by the United States for its public purposes, no license therefor shall be issued until two years after it shall have reported to Congress the facts and conditions relating thereto.

"(f) To issue preliminary permits for the purpose of enabling applicants for a license hereunder to secure the data and to perform the acts required by section 9 hereof.

"(g) To prescribe rules and regulations for the establishment of a system of accounts and for the maintenance thereof by licensees hereunder, and by the Government of the United States; to examine all books and accounts of such licensees at any time; to require them to submit at such time or times as the commission may require statements and reports, including full information as to assets and liabilities, capitalization, cost of project, cost of operation, and the production, transmission, use, and sale of power; and to make adequate provision for currently determining said costs. All such statements and reports shall be made upon oath, unless otherwise specified, and in such form and on such blanks as the commission may require.

"(h) To hold hearings and to order testimony to be taken by deposition at any designated place in connection with the issuance of any permit or license, or the regulation of rates, service, or securities, or the making of any investigation, as provided in this act; and to require by subpoena, signed by any member of the commission, the attendance and testimony of witnesses and the production of documentary evidence from any place in the United States, and in case of disobedience to a subpoena the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any member, expert, or examiner of the commission may, when duly designated by the commission for such purposes, administer oaths and affirmations, examine witnesses, and receive evidence. Depositions may be taken before any person designated by the commission and empowered to administer oaths, shall be reduced to writing by such person or under his direction, and subscribed by the deponent. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"(i) To perform any and all acts, to make such rules and regulations, and to issue such orders not inconsistent with this act as may be necessary and proper for the purpose of carrying out the provisions of this act.

"Sec. 5. That each preliminary permit issued under this act shall be for the sole purpose of maintaining priority of application for a license under the terms of this act for such period or periods, not exceeding a total of three years, as in the discretion of the commission may be necessary for making examinations and surveys, for preparing maps, plans, specifications, and estimates, and for making financial arrangements. Each such permit shall set forth the conditions under

which priority shall be maintained and a license issued. Such permits shall not be transferable, and may be canceled by order of the commission upon failure of permittees to comply with the conditions thereof.

"Sec. 6. That licenses under this act shall be issued for a period not exceeding 50 years. Each such license shall be conditioned upon acceptance by the licensee of all the terms and conditions of this act and such further conditions, if any, as the commission shall prescribe in conformity with this act, which said terms and conditions and the acceptance thereof shall be expressed in said license. Licenses may be revoked only for the reasons and in the manner prescribed under the provisions of this act, and may be altered only upon mutual agreement between the licensee and the commission after public notice given for 90 days.

"Sec. 7. That whenever, in the judgment of the commission, the development of any project should be undertaken by the United States itself, the commission shall not approve any application for such project by any State or municipality, but shall cause to be made such examinations, surveys, reports, plans, and estimates of cost of the project as it may deem necessary, and shall submit its findings to Congress with such recommendations as it may deem appropriate concerning the construction of such project by the United States.

"Sec. 8. That each applicant for a license hereunder shall submit to the commission—

"(a) Such maps, plans, specifications, and estimates of cost as may be required for a full understanding thereof. Such maps, plans, and specifications when approved by the commission shall be made a part of the license; and thereafter no change shall be made in said maps, plans, or specifications until such changes shall have been approved and made a part of such license by the commission.

"(b) Satisfactory evidence that the applicant has complied with the requirements of the laws of the State or States within which the proposed project is to be located with respect to the appropriation, diversion, and use of water for power purposes and with respect to the right to engage in the business of developing, transmitting, and distributing power, and in any other business necessary to effect the purposes of a license under this act.

"(c) Such additional information as the commission may require.

"Sec. 9. That all licenses issued under this act shall be on the following conditions:

"(a) That the project adopted, including the maps, plans, and specifications, shall be such as in the judgment of the commission will be best adapted to a comprehensive scheme of improvement and utilization for the purposes of navigation, of water-power development, irrigation, and of other beneficial public uses; and if necessary in order to secure such scheme, the commission shall have authority to require the modification of any project and of the plans and specifications of the project works before approval.

"(b) That except when emergency shall require for the protection of navigation, life, health, or property, no substantial alteration or addition not in conformity with the approved plans shall be made to any dam or other project works constructed hereunder of a capacity in excess of 100 horsepower without the prior approval of the commission; and any emergency alteration or addition so made shall thereafter be subject to such modification and change as the commission may direct.

"(c) That the licensee shall maintain the project works in a condition of repair adequate for the purposes of navigation and for the efficient operation of said works in the development and transmission of power, shall make all necessary renewals and replacements, shall maintain adequate depreciation reserves for such purposes, shall so maintain and operate said works as not to impair navigation, and shall conform to such rules and regulations as the commission may from time to time prescribe for the protection of life, health, and property. No licensee hereunder shall have the effect of relieving the licensee from liability for any injury or damage occasioned by the construction, maintenance, or operation of said project works; and the United States shall in no event be liable therefor.

Mr. ANDERSON. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ANDERSON. I make the point of order that the amendment being read by the Clerk is not in order. The situation is this: The committee has considered every section of this bill and has adopted each section down to the final section.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. ANDERSON. The gentleman from Michigan [Mr. DOREMUS] now offers an amendment which strikes out certain sections which the committee has already adopted and seeks to amend certain other sections which the committee has adopted. Now, it is perfectly apparent that it is not in order at this stage of the proceedings to offer an amendment which seeks to change a section which the House has adopted, except by unanimous consent.

The CHAIRMAN. Does the gentleman from Michigan [Mr. DOREMUS] desire to be heard on the proposition?

Mr. ANDERSON. I desire to direct the attention of the Chair to the fact that this amendment is not a substitute for the entire bill. It is an amendment to that part of the bill after section 2, and therefore is an amendment to each such separate sections of the bill, all of which have been considered by the House and adopted.

Mr. PARKER of New Jersey. Mr. Chairman, I want to make an explanation. This strikes out the definition of corporation, it strikes out the definition of navigable waters, the definition of net investment, and it goes on then and strikes out a little part of the end of subdivision (d); it strikes out the requirements for subpoena, and it strikes out the first clause of section 7 and the whole of section 8. It is an amendment to certain parts of the bill. I do not see how after you have passed the sections you can say that you will take sections 3 to 26 and amend them in this way.

Mr. DOREMUS. Mr. Chairman, the amendment I have offered is an amendment in the nature of a substitute. It has the same effect as though I had moved to strike out all after the enacting clause and included sections 1 and 2 of the bill we are now considering. I submit to the Chair that under Rule XIX the point of order made by the gentleman from Minnesota [Mr. ANDERSON] ought not to be sustained. That rule provides for the offering of amendments by way of substitutes, but that they shall not be voted on until the original matter is perfected. Now, if the Chair will turn to page 380 of volume 5 of Hinds' Precedents, paragraph 5753—

The CHAIRMAN. If the gentleman from Michigan will permit me to state, the gentleman is right if the amendment was a substitute for the entire bill. But the gentleman amends the bill by adding certain things after sections 1 and 2. The gentleman's amendment is an amendment after section 2, and therefore it is not a substitute for the entire bill, because it leaves in sections 1 and 2 of the original bill. If the gentleman was to incorporate sections 1 and 2 in the amendment and then offer the substitute for the entire bill, the Chair would hold the substitute in order.

Mr. WALSH. If the Chair will permit, if the Chair will look at section 5795 of volume 5 of Hinds' Precedents he will see that when an amendment for the entire bill is sought to be offered it should be offered after the first section has been read, with notice that as the other sections are reached in the reading of the bill the proponent will move to strike out the subsequent sections.

The CHAIRMAN. But that is not the question.

Mr. WALSH. It is in answer to the Chair's suggestion that if the gentleman would incorporate sections 1 and 2 it would be in order.

Mr. DOREMUS. I would be glad to do that.

The CHAIRMAN. At the moment we had finished reading section 1; but the gentleman did not give notice of his amendment until section 2 had been reached.

Mr. DOREMUS. I asked unanimous consent yesterday to offer the amendment and have it pending in the committee, and it was printed in the RECORD for the information of the committee.

Mr. WALSH. The gentleman must remember that when unanimous consent was given, or, rather, before it was given, the gentleman from Minnesota [Mr. ANDERSON] reserved his point of order, and that is also pending.

Mr. DOREMUS. That is true. There is no question about it. I am perfectly willing to ask unanimous consent to modify my amendment to include sections 1 and 2 of this bill, although I do insist the effect will be identically the same as the amendment now before the committee.

The CHAIRMAN. The gentleman would have a perfect right to ask unanimous consent to offer his amendment, as he has offered it already by unanimous consent.

Mr. DOREMUS. All I desire, Mr. Chairman, is to get a vote on it. I ask unanimous consent to modify the amendment by including sections 1 and 2.

Mr. ANDERSON. That does not make it in order. The only thing I object to is the consuming of a whole lot of time in the consideration of this amendment. If it were understood that we could have a vote on the amendment without much debate, I do not know that I care to insist upon the point of order against it, but I do not want to stay here and debate this amendment, which ought to be debated, for a long time at this stage of the proceeding.

Mr. DOREMUS. I only desire 5 or 10 minutes.

Mr. SIMS. I will ask that we have an agreement to expedite matters as to limiting debate.

Mr. ANDERSON. I insist on the point of order.

Mr. DOREMUS. I ask unanimous consent to modify my amendment.

The CHAIRMAN. The gentleman from Minnesota insists upon his point of order, and the gentleman from Michigan [Mr. DOREMUS] asks unanimous consent to modify his amendment, beginning at section 2. Is there objection?

Mr. McARTHUR. I object.

The CHAIRMAN. The gentleman from Oregon objects.

Mr. SIMS. Mr. Chairman, if the point of order is sustained—

The CHAIRMAN. It is.

Mr. SIMS. I move that the committee do now rise and report to the House the amendments to the Senate bill, together with the recommendation that the amendments that have been adopted be agreed to, and that the bill as amended be passed.

The CHAIRMAN. The gentleman from Tennessee moves that the committee do now rise and report the bill to the House with

the recommendation that the amendments be adopted and that the bill as amended be passed. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WEBB, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 1419) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be adopted and that the bill as amended be passed.

Mr. SIMS. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

Mr. RAKER rose.

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. RAKER. I ask that my colleague [Mr. LEA] be excused indefinitely, on account of the death of his son Frederick.

The SPEAKER. The gentleman from California asks unanimous consent that his colleague, Mr. LEA, be excused indefinitely, on account of the death of his little boy. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion for the previous question.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. RAKER. I ask, Mr. Speaker, that a separate vote be taken on the amendment on line 17, page 35, and the amendment on line 23, page 37.

Mr. WINGO. Mr. Speaker, I ask a separate vote on each amendment.

The SPEAKER. On each of them?

Mr. WINGO. Yes.

Mr. GILLET. I was going to suggest that there is only one amendment, as I understand it.

Mr. SIMS. The original motion was to substitute what the House has done for the Senate bill.

Mr. GILLET. That is what I understood.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. It was agreed when the House went into Committee of the Whole for the consideration of this bill to consider the House amendment as an original bill.

The SPEAKER. There is no question about that. The gentleman from Arkansas [Mr. WINGO] demands a separate vote on each amendment. The Clerk will report the first one.

The Clerk read as follows:

Page 24, line 2, strike out the word "respectively" and insert a period for a comma after the word "agriculture."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next one.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Page 26, strike out lines 1 to 5, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

Mr. WALSH. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WALSH. I do not understand that the bill was amended in the committee in any such way as that.

Mr. RAKER. I did not quite catch that.

The SPEAKER. The Clerk will report it again.

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Page 26, strike out lines 1 to 5, inclusive.

Mr. WALSH. I do not think that amendment was adopted.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Is that 1 to 5 in the present Senate bill or the House bill?

The SPEAKER. It is an amendment to the Senate bill. The question is on agreeing to the amendment. Does the gentleman from Arkansas withdraw his point of order?

Mr. WINGO. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WINGO. I wish to call the attention of the Chair to the fact that evidently that amendment did not apply to the printed copy of the Senate bill or the Senate copy.

The SPEAKER. The Senate bill was the only bill that was ever considered in the House.

Mr. WINGO. Very well. That will leave suspended in the air three or four words, according to the Senate bill.

The SPEAKER. The Chair can not help that; neither can the House. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. SINNOTT, Mr. ANDERSON, and Mr. HUMPHREYS demanded a division.

The SPEAKER. The gentleman from Oregon [Mr. SINNOTT] and others demand a division.

The House divided; and there were—ayes 69, noes 17.

Mr. WINGO. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Arkansas makes the point of no quorum present. The Chair will count. [After counting.] One hundred and sixty-two Members present, not a quorum.

Mr. SIMS. I move a call of the House.

Mr. WALSH. It is an automatic call. The House was dividing.

The SPEAKER. The Doorkeeper will lock the doors. The Sergeant at Arms will notify absentees. The Clerk will call the roll. Those in favor of this amendment will, when their names are called answer yea; those opposed will answer nay.

Mr. QUIN. What is the amendment, Mr. Speaker?

The SPEAKER. The Clerk will report it again.

The Clerk read as follows:

Page 26, strike out lines 1 to 5, inclusive.

Mr. WALSH. I ask that the language proposed to be stricken out be read.

The SPEAKER. Without objection, the language proposed to be stricken out will be reported.

The Clerk read as follows:

"Navigable waters" means all streams or parts of streams, and other bodies of water or parts thereof, over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States.

The SPEAKER. The question is on the amendment to strike out the language. The Clerk will call the roll.

The question was taken; and there were—yeas 214, nays 46, answered "present" 2, not voting 168, as follows:

YEAS—214.

Alexander	Elston	Kincheloe	Saunders, Va.
Ashbrook	Evans	Kinkaid	Scott, Iowa
Austin	Fairchild, B. L.	Knutson	Scott, Mich.
Ayres	Fairfield	Kraus	Scully
Bacharach	Ferris	La Follette	Sears
Baer	Fisher	Larsen	Sells
Bankhead	Focht	Leshner	Shallenberger
Barnhart	Fordney	Little	Sinnott
Beshlin	Foster	Littlepage	Sisson
Black	Freeman	Lobeck	Slayden
Blackmon	French	London	Slomp
Bland, Ind.	Fuller, Ill.	Loneragan	Sloan
Bland, Va.	Gandy	Longworth	Smith, Idaho
Blanton	Gard	McAndrews	Smith, Mich.
Bowers	Garland	McArthur	Snook
Brodbeck	Garner	McClintic	Steagall
Buchanan	Gillett	McCulloch	Steele
Burroughs	Glass	McFadden	Steenerson
Butler	Godwin, N. C.	McKeown	Stephens, Nebr.
Caldwell	Good	Madden	Sterling, Ill.
Campbell, Kans.	Goodall	Mansfield	Sterling, Pa.
Campbell, Pa.	Gould	Martin	Stevenson
Caraway	Graham, Ill.	Merritt	Stiness
Carter, Okla.	Green, Iowa	Miller, Minn.	Strong
Chandler, N. Y.	Greene, Vt.	Miller, Wash.	Sweet
Chandler, Okla.	Hadley	Montague	Taylor, Ark.
Clark, Pa.	Hamilton, Mich.	Moon	Taylor, Colo.
Classon	Hamlin	Moore, Pa.	Temple
Claypool	Hardy	Moores, Ind.	Thomas
Cleary	Harrison, Va.	Morgan	Thompson
Coady	Haskell	Morin	Tilman
Collier	Hastings	Neely	Tilson
Cooper, Ohio	Haugen	Nichols, Mich.	Timberlake
Cooper, W. Va.	Hawley	Nolan	Tinkham
Cox	Hayden	Norton	Treadway
Crago	Helm	Osborne	Vestal
Crisp	Helvering	Overmyer	Volstead
Currie, Mich.	Hersey	Park	Walsh
Curry, Cal.	Holland	Parker, N. J.	Walton
Dale, Vt.	Hollingsworth	Pratt	Watson, Pa.
Dallinger	Hull, Iowa	Purnell	Watson, Va.
Darrow	Humphreys	Husted	Weaver
Davis	Husted	Ramseyer	Webb
Decker	Igoe	Rayburn	Welty
Delaney	Ireland	Reavis	Wheeler
Dempsey	Jacoway	Reed	Williams
Denison	James	Robbins	Wilson, La.
Dewalt	Johnson, Wash.	Rodenberg	Wood, Ind.
Dill	Kahn	Rogers	Young, N. Dak.
Dixon	Kearns	Romjue	Young, Tex.
Dupré	Kelley, Mich.	Rose	Zihlman
Dyer	Kennedy, Iowa	Rowe	
Elliott	Kettner	Sanders, Ind.	
Ellsworth	Key, Ohio		

NAYS—46.

Almon	Dent	Hilliard	Raker
Anderson	Dickinson	Houston	Rucker
Beakes	Dominick	Huddleston	Sherwood
Boehrer	Doremus	Hull, Tenn.	Sims
Borland	Eagle	Kehoe	Small
Burnett	Esch	Lazaro	Smith, C. B.
Byrns, Tenn.	Garrett, Tenn.	Lever	Stedman
Candler, Miss.	Garrett, Tex.	Lunn	Stephens, Miss.
Carlin	Gordon	McLaughlin, Mich.	Waldow
Church	Gray, Ala.	Mapes	Wingo
Cooper, Wis.	Harrison, Miss.	Oldfield	
Crosser	Hefflin	Quinn	

ANSWERED "PRESENT"—2.

Rouse

Whaley

NOT VOTING—168.

Anthony	Flynn	Lufkin	Rubey
Aswell	Foss	Lundeen	Russell
Barkley	Francis	McCormick	Sabath
Bell	Frear	McKinley	Sanders, La.
Brand	Fuller, Mass.	McLaughlin, Pa.	Sanders, N. Y.
Britten	Gallagher	McLemore	Sanford
Browne	Gallivan	Magee	Schall
Browning	Glynn	Maher	Scott, Pa.
Brumbaugh	Goodwin, Ark.	Mann	Shackelford
Byrnes, S. C.	Graham, Pa.	Mason	Sherley
Cannon	Gray, N. J.	Mays	Shouse
Cantrill	Greene, Mass.	Meeker	Siegel
Carew	Gregg	Mondell	Smith, T. F.
Carter, Mass.	Griest	Mott	Snell
Cary	Griffin	Mudd	Snyder
Clark, Fla.	Hamill	Nelson	Stafford
Connally, Tex.	Hamilton, N. Y.	Nicholls, S. C.	Sullivan
Connelly, Kans.	Hayes	Oliver, Ala.	Summers
Copley	Heaton	Oliver, N. Y.	Swift
Costello	Heintz	Olney	Switzer
Cramton	Hensley	O'Shaunessy	Tague
Dale, N. Y.	Hicks	Overstreet	Talbot
Denton	Hood	Padgett	Templeton
Dies	Howard	Paige	Towner
Dillon	Hutchinson	Parker, N. Y.	Van Dyke
Donovan	Johnson, Ky.	Peters	Vare
Dooling	Johnson, S. Dak.	Phelan	Venable
Doolittle	Jones	Platt	Vinson
Doughton	Juul	Polk	Walker
Dowell	Keating	Porter	Ward
Drane	Kelly, Pa.	Pou	Wason
Drukker	Kennedy, R. I.	Powers	Watkins
Dunn	Kless, Pa.	Price	Welling
Eagan	King	Ragsdale	White, Me.
Edmonds	Kitchin	Ralney, J. W.	White, Ohio
Emerson	Kreider	Ramsey	Wilson, Ill.
Estopinal	La Guardia	Randall	Wilson, Tex.
Fairchild, G. W.	Langley	Rankin	Winslow
Farr	Lee, Cal.	Riordan	Wise
Fess	Lee, Ga.	Roberts	Woods, Iowa
Fields	Lehlbach	Robinson	Woodyard
Flood	Linthicum	Rowland	Wright

So the amendment was agreed to.

The following pairs were announced.

Until further notice:

Mr. OLNEY with Mr. GREENE of Massachusetts.

Mr. O'SHAUNESSY with Mr. SWITZER.

Mr. JOHN W. RAINY with Miss RANKIN.

Mr. ROBINSON with Mr. DUNN.

Mr. BELL with Mr. WARD.

Mr. EAGAN with Mr. PARKER of New York.

Mr. GALLIVAN with Mr. KIESS.

Mr. NICHOLLS of South Carolina with Mr. BRITTEN.

Mr. WILSON of Texas with Mr. FARR.

Mr. OLIVER of Alabama with Mr. PETERS.

Mr. TALBOTT with Mr. BROWNING.

Mr. HENSLEY with Mr. MUDD.

Mr. PADGETT with Mr. HICKS.

Mr. DALE of New York with Mr. MCKINLEY.

Mr. RANDALL with Mr. FOSS.

Mr. VINSON with Mr. MOTT.

Mr. DOOLITTLE with Mr. FULLER of Massachusetts.

Mr. DOUGHTON with Mr. WILSON of Illinois.

Mr. MAYER with Mr. GRAY of New Jersey.

Mr. HAMILL with Mr. WINSLOW.

Mr. HOWARD with Mr. MAGEE.

Mr. RIORDAN with Mr. COPLEY.

Mr. ROUSE with Mr. LANGLEY.

Mr. GALLAGHER with Mr. LUFKIN.

Mr. POLK with Mr. DOWELL.

Mr. SABATH with Mr. LEHLBACH.

Mr. ROUSE. Mr. Speaker, I am paired with my colleague from Kentucky [Mr. LANGLEY]. I voted "aye." I wish to withdraw that vote and answer "present."

The result of the vote was then announced as above recorded.

A quorum being present the doors were opened.

Mr. WINGO. Mr. Speaker, I ask unanimous consent that the rest of the amendments, except the ones on which a separate vote is demanded, be agreed to en bloc.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the rest of the amendments, except the ones

on which a separate vote is demanded, be agreed to en bloc. Is there objection?

There was no objection.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment upon which a separate vote is demanded.

The Clerk read as follows:

Amendment by Mr. TAYLOR of Colorado: "Amend, page 35, line 17, after the word 'development,' strike out the word 'irrigation.'"

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 37, line 23, after the word "or," strike out the word "irrigation" and insert in lieu thereof "other beneficial."

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The bill was ordered to be read a third time and was read the third time.

Mr. FERRIS and Mr. WALSH rose.

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. FERRIS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FERRIS. I am.

Mr. WALSH. Mr. Speaker, I also am opposed to the bill, and I desire to offer a motion to recommit. Under the rulings heretofore made by the Speaker, as I understand it, I am entitled to preference.

Mr. FERRIS. The gentleman is not a member of the committee.

Mr. WALSH. The Chair has held heretofore that a member of the minority, opposed to the bill, is entitled to recognition in preference to a member of the majority, even though the member of the majority be a member of the committee.

Mr. HAUGEN. Mr. Speaker, I believe under the rule that I am entitled to recognition to move to recommit the bill.

The SPEAKER. Why?

Mr. HAUGEN. I am a member of the committee and of the minority, and I am opposed to the bill.

Mr. FERRIS. Mr. Speaker, I rose and gained recognition first.

Mr. WALSH. But the gentleman was asked for what purpose.

Mr. FERRIS. I am the ranking member of this committee, and I am opposed to this bill. I think I bring myself within the rule. I think I am entitled to have this motion put. I filed a minority report upon this bill also.

The SPEAKER. The Chair laid down the rules covering a motion to recommit in the first Congress that he was Speaker. It is a triple condition. The first one is, if anyone is opposed to the bill, if one man is and no one else is, the one who is out and out opposed to it is entitled to recognition. That is condition No. 1. The second one is the mandate in the rule that a member of the minority shall be recognized in preference to a member of the majority. The Chair has ruled half a dozen times that that does not mean a political majority and minority, that it means a majority and minority on the bill. The third condition is that a member of the committee has preference over the other Members of the House equally qualified. The gentleman from Oklahoma [Mr. FERRIS], a member of the committee, the second member upon it, makes a motion to recommit. Of course, the contention of the gentleman from Oklahoma that he received recognition has nothing to do with the matter. He has every qualification, however. In the first place, he is a member of the committee. In the second place, he is opposed to the bill out and out, and in the third place, so far as the Chair can ascertain at the present time, he is a member of the minority—that is, in a minority touching this bill. The Chair does not know how it is going to turn out on the roll call, but from the beginning, since the time the bill was first considered, the gentleman from Oklahoma has been in opposition. If the gentleman from Iowa [Mr. HAUGEN] had arisen before the gentleman from Oklahoma, the Chair would have been delighted to recognize him, but the question of majority and minority has nothing to do with the political complexion of the House on a motion to recommit. The gentleman from Oklahoma is recognized, and the Clerk will report his motion.

The Clerk read as follows:

Motion to recommit by Mr. FERRIS: I move to recommit Senate bill 1419 to the Committee on Water Power, with instructions to report the same back to the House forthwith with the following amendment: Strike out section 14 of the bill and insert in lieu thereof the following:

"SEC. 14. That upon not less than two years' notice in writing from the commission the United States shall have the right, upon or after the expiration of any license, to take over and thereafter maintain and operate any project or projects, as defined in section 3 hereof, and covered in whole or in part by the license, or the right to take over upon mutual agreement with the licensee all property owned and held by the licensee then valuable and serviceable in the development, transmission, or distribution of power and which is then dependent for its usefulness upon the continuance of the license, together with any lock or locks or other aids to navigation constructed at the expense of the licensee, upon the condition that before taking possession it shall pay the fair value not to exceed actual cost of property taken, plus such reasonable severance damages, if any, as may be caused by the separation of said property from property valuable, serviceable, and dependent as above set forth, but not taken, and shall assume all contracts entered into by the licensee with the approval of the commission.

"The value of such property so taken shall be determined by agreement between the commission and the licensee, and in case they can not agree, by proceedings in equity instituted by the United States in the district court of the United States in the district within which any of such property may be located: *Provided*, That such fair value shall not include or be affected by the value of any lands, rights of way, or other property of the United States licensed by the commission under this act, by the license, or by good will, going value, or prospective revenues: *Provided further*, That the values allowed for water rights, rights of way, land, or interest in lands shall not be in excess of the actual reasonable cost thereof at the time of acquisition by the lessee."

Mr. WALSH. Mr. Speaker, I make the point of order that the gentleman from Oklahoma [Mr. FERRIS] is not entitled to make his motion upon the record as disclosed during the debate yesterday, and I submit for the consideration of the Chair in contradistinction to the gentleman's representation at the present time—

Mr. FERRIS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. FERRIS. I demand the previous question on the motion to recommit.

The SPEAKER. But the gentleman from Massachusetts raises a point of order.

Mr. WALSH. During the debate yesterday the gentleman from Kentucky [Mr. THOMAS], while the gentleman from Oklahoma [Mr. FERRIS] had the floor, asked him if he did not think the best thing to do with the bill was to defeat it. The gentleman from Oklahoma said:

I do not; I have tried here for years; and I want to try a little longer to help get this bill through.

If the gentleman is opposed to this measure in the face of that statement I submit that he does not come within the rule respecting the minority as set down by the Speaker, dividing between those who are in favor of the bill and those who are against it.

The SPEAKER. The gentleman from Oklahoma rose and offered his motion, and the Chair asked him, as he would have asked anyone else, as he has always done, except one day when he forgot, if he was opposed to the bill, and the gentleman from Oklahoma answered without any equivocation or hesitation that he was.

Mr. COOPER of Wisconsin. Mr. Speaker, the language which the gentleman from Massachusetts [Mr. WALSH] read could well be interpreted to mean that the gentleman from Oklahoma wanted the bill perfected. He could not tell what the bill would be when it came to a final vote, but as it is now up to the House he is opposed to it.

Mr. WALSH. The gentleman from Wisconsin [Mr. COOPER], if the Chair will indulge me, evidently has not read the RECORD, because the statement of the gentleman from Oklahoma just before he replied to that query in response to the gentleman from Kentucky was this:

Mr. THOMAS. Does the gentleman not think, to be plain about this matter, that this bill is purely a socialistic bill?

Mr. FERRIS. Mr. Chairman, of course I think this is a good bill.

Mr. Speaker, permit me to point out to the Speaker that was before the vote upon the amendment of the gentleman from Oklahoma, which he now makes a basis of his motion to recommit.

Mr. FERRIS. Mr. Speaker, I scarcely think it is necessary to be heard on the proposition. [Laughter.] Gentlemen may laugh on that side and pick up a colloquy in debate and say that is not my position if they like, but that would not deter me from doing my duty or presenting my views here. When this bill was reported—

The SPEAKER. The Chair does not care to hear the gentleman. The gentleman from Wisconsin [Mr. COOPER], in the judgment of the Chair, stated this case exactly as it is and stated it in the fewest possible words.

Mr. FERRIS. I move the previous question, Mr. Speaker.

Mr. HARRISON of Mississippi. Will the gentleman withhold his motion?

Mr. FERRIS. No, sir; I will not.

The SPEAKER. The Chair wants to finish his decision. What the gentleman from Oklahoma thought yesterday the Chair does not know. [Laughter.] The bill may have changed

for all he knows in a dozen different directions. All that the Chair knows about a bill that has been in the Committee of the Whole House or the Committee of the Whole House on the state of the Union is what the chairman reports to him. The Chair does know this, that the gentleman from Oklahoma filed a minority report, and just judging from what the Chair heard when he came in here once in a while he thought that he was leading the fight against the bill. But, however that may be, what he said yesterday or the day before or the day before that has nothing in the world to do with the answer that he gave the Speaker when the Speaker propounded the acid test. [Laughter and applause.] So the point of order of the gentleman from Massachusetts is overruled.

Mr. FERRIS. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced the yeas seemed to have it.

Mr. FERRIS. Division, Mr. Speaker. The yeas and nays, Mr. Speaker, to save time.

The SPEAKER. The gentleman demands the yeas and nays; evidently there is a sufficient number, and the Clerk will call the roll.

The question was taken; and there were—yeas 128, nays 133, answered "present" 2, not voting 167, as follows:

YEAS—128.

Alexander	Dewalt	Houston	Norton
Ashbrook	Dickinson	Huddleston	Oldfield
Ayres	Dill	Hull, Tenn.	Overmyer
Baer	Dixon	Igoe	Park
Barnhart	Dominick	Jacoway	Quin
Beakes	Doremus	James	Rainey, H. T.
Beshlin	Eagle	Kehoe	Raker
Blackmon	Evans	Kettner	Romjue
Bland, Va.	Ferris	Key, Ohio	Rucker
Blanton	Fisher	Kincheloe	Scully
Booher	Poster	Larsen	Scars
Borland	French	Lazaro	Shallenberger
Brodbeck	Gandy	Leshner	Sherwood
Buchanan	Gard	Lever	Sims
Byrns, Tenn.	Garner	Little	Sisson
Caldwell	Garrett, Tenn.	Littlepage	Stegall
Candler, Miss.	Garrett, Tex.	Lobeck	Stedman
Cantrill	Glass	London	Steele
Caraway	Goodwin, N. C.	Lunn	Stephens, Miss.
Carlin	Gordon	McAndrews	Stevenson
Carter, Okla.	Gray, Ala.	McClintic	Taylor, Ark.
Chandler, Okla.	Hamlin	McKeown	Thomas
Claypool	Hardy	Mansfield	Thompson
Cleary	Harrison, Miss.	Mapes	Tillman
Coady	Harrison, Va.	Martin	Walton
Collier	Hastings	Miller, Wash.	Weaver
Cooper, Wis.	Hayden	Montague	Webb
Cox	Hedlin	Moon	Welty
Crisp	Helm	Morgan	Whaley
Crosser	Helvering	Neely	Wilson, La.
Decker	Hilliard	Nichols, Mich.	Wingo
Dent	Holland	Nolan	Young, Tex.

NAYS—133.

Almon	Fairfield	Loneragan	Small
Anderson	Focht	Longworth	Smith, Idaho
Austin	Fordney	McArthur	Smith, Mich.
Bacharach	Freeman	McCulloch	Smith, C. B.
Bankhead	Fuller, Ill.	McFadden	Snook
Black	Garland	McKenzie	Steenerson
Bland, Ind.	Gillett	McLaughlin, Mich.	Stephens, Nebr.
Bowers	Glynn	Madden	Sterling, Ill.
Burnett	Good	Merritt	Sterling, Pa.
Burroughs	Goodall	Miller, Minn.	Stiness
Butler	Gould	Moore, Pa.	Strong
Campbell, Kans.	Graham, Ill.	Moore, Ind.	Sweet
Campbell, Pa.	Green, Iowa	Morin	Taylor, Colo.
Cannon	Greene, Vt.	Osborne	Temple
Church	Hadley	Parker, N. J.	Tilson
Clark, Pa.	Hamilton, Mich.	Pratt	Timberlake
Classon	Haskell	Purnell	Tinkham
Cooper, Ohio	Haugen	Ramseyer	Treadway
Cooper, W. Va.	Hawley	Reavis	Vestal
Crago	Hersey	Reed	Voigt
Currie, Mich.	Hollingsworth	Robbins	Volstead
Curry, Cal.	Hull, Iowa	Roberts	Waldow
Dale, Vt.	Humphreys	Rodenberg	Walsh
Dallinger	Husted	Rogers	Watson, Pa.
Darrow	Ireland	Rose	Watson, Va.
Davis	Johnson, Wash.	Rowe	Wheeler
Dempsey	Kahn	Sanders, Ind.	Williams
Denison	Kearns	Saunders, Va.	Wood, Ind.
Dyer	Kelley, Mich.	Scott, Iowa	Woods, Iowa
Elliott	Kennedy, Iowa	Scott, Mich.	Young, N. Dak.
Ellsworth	Kinkaid	Sells	Zihlman
Elston	Knutson	Sinnott	
Esch	Kraus	Slayden	
Fairchild, B. L.	La Follette	Sloan	

ANSWERED "PRESENT"—2.

Dupré Rouse

NOT VOTING—167.

Anthony	Brumbaugh	Connolly, Kans.	Dillon
Aswell	Byrnes, S. C.	Copiey	Donovan
Barkley	Carew	Costello	Dooling
Bell	Carter, Mass.	Cramton	Doolittle
Brand	Cary	Dale, N. Y.	Doughton
Britten	Chandler, N. Y.	Delaney	Dowell
Browne	Clark, Fla.	Denton	Drane
Brown	Connally, Tex.	Dies	Drukker

Dunn	Johnson, Ky.	Oliver, Ala.	Sherley
Eagan	Johnson, S. Dak.	Oliver, N. Y.	Shouse
Edmonds	Jones	Olney	Siegel
Emerson	Juhl	O'Shaunessy	Siemp
Estopinal	Keating	Overstreet	Smith, T. F.
Fairchild, G. W.	Kelly, Pa.	Padgett	Snell
Farr	Kennedy, R. I.	Faige	Snyder
Fess	Kless, Pa.	Parker, N. Y.	Stafford
Fields	King	Peters	Sullivan
Flood	Kitchin	Phelan	Summers
Flynn	Kreider	Platt	Swift
Foss	LaGuardia	Polk	Switzer
Francis	Langley	Porter	Tague
Frear	Lea, Cal.	Pou	Talbot
Fuller, Mass.	Lee, Ga.	Powers	Templeton
Gallagher	Lehlbach	Price	Towner
Gallivan	Linthicum	Ragsdale	Van Dyke
Goodwin, Ark.	Lufkin	Rainey, J. W.	Vare
Graham, Pa.	Lundeen	Ramsey	Venable
Gray, N. J.	McCormick	Randall	Vinson
Greene, Mass.	McKinley	Rankin	Walker
Gregg	McLaughlin, Pa.	Rayburn	Ward
Griest	McLemore	Riordan	Wason
Griffin	Magee	Robinson	Watkins
Hammill	Maher	Rowland	Welling
Hamilton, N. Y.	Mann	Ruby	White, Me.
Hayes	Mason	Russell	White, Ohio
Heaton	Mays	Sabath	Wilson, Ill.
Heintz	Mecker	Sanders, La.	Wilson, Tex.
Hensley	Mondell	Sanders, N. Y.	Winslow
Hicks	Mott	Sanford	Wise
Hood	Mudd	Schall	Woodyard
Howard	Nelson	Scott, Pa.	Wright
Hutchinson	Nicholls, S. C.	Shackelford	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. DUPRÉ (for) with Mr. KENNEDY of Rhode Island (against).

Mr. SHOUSE (for) with Mr. LEHLBACH (against).

Mr. GOODWIN of Arkansas (for) with Mr. WINSLOW (against).

Mr. COPLEY (for) with Mr. GREENE of Massachusetts (against).

Until further notice:

Mr. LEE of Georgia with Mr. FULLER of Massachusetts.

Mr. DOOLITTLE with Mr. SIEGEL.

Mr. SABATH with Mr. SANFORD.

Mr. DUPRÉ. Mr. Speaker, I wish to vote "yea."

The SPEAKER. Was the gentleman in the Hall and listening when his name was called?

Mr. DUPRÉ. I was not, sir. I answered "present." I am paired against the motion to recommit.

Mr. ROUSE. Mr. Speaker, I voted "yea." I am paired with my colleague, Mr. LANGLEY, and I desire to withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

LEAVE OF ABSENCE.

Mr. GOODWIN of Arkansas (at the request of Mr. WINGO), by unanimous consent, was granted leave of absence for the day on account of illness.

WATER POWER.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. MCARTHUR. I demand the yeas and nays, Mr. Speaker, I want to put some of these fellows on record that were against the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 231, nays 23, answered "present" 2, not voting 174, as follows:

YEAS—231.

Alexander	Carter, Okla.	Drane	Gould
Almon	Chandler, Okla.	Dupré	Graham, Ill.
Anderson	Clark, Pa.	Dyer	Gray, Ala.
Ashbrook	Classon	Eagle	Green, Iowa
Bacharach	Claypool	Elliott	Greene, Vt.
Bankhead	Cleary	Ellsworth	Hadley
Barnhart	Coady	Elston	Hamilton, Mich.
Beakes	Collier	Esch	Hardy
Beshlin	Cooper, Ohio	Evans	Harrison, Miss.
Black	Cooper, W. Va.	Fairchild, B. L.	Harrison, Va.
Bland, Ind.	Cox	Fairfield	Haskell
Bland, Va.	Crago	Fisher	Hastings
Blanton	Crisp	Focht	Hawley
Borland	Crosser	Foster	Hayden
Bowers	Currie, Mich.	Freeman	Hedlin
Brodbeck	Curry, Cal.	Fuller, Ill.	Helm
Burroughs	Dale, Vt.	Gandy	Helvering
Buchanan	Dallinger	Gard	Hersey
Butler	Darlow	Garland	Hilliard
Byrns, Tenn.	Davis	Garner	Holland
Caldwell	Delaney	Garrett, Tenn.	Hollingsworth
Campbell, Kans.	Dempsey	Garrett, Tex.	Houston
Campbell, Pa.	Denison	Gillett	Huddleston
Candler, Miss.	Denton	Glass	Hull, Iowa
Cannon	Dewalt	Glynn	Hull, T. C.
Cantrill	Dickinson	Godwin, N. C.	Husted
Caraway	Dill	Good	Igoe
	Dixon	Goodall	Ireland
		Gordon	Jacoway

Johnson, Wash.	Miller, Minn.	Rose	Strong
Kahn	Miller, Wash.	Rowe	Sweet
Kearns	Mondell	Sanders, Ind.	Taylor, Ark.
Kehoe	Montague	Saunders, Va.	Taylor, Colo.
Kelley, Mich.	Moon	Scott, Iowa	Temple
Kennedy, Iowa	Moore, Pa.	Scott, Mich.	Tillman
Kettner	Moores, Ind.	Scully	Tilson
Key, Ohio	Morgan	Sells	Timberlake
Kincheloe	Morin	Shallenberger	Tinkham
Kinkaid	Neely	Sherwood	Treadway
Knutson	Nolan	Sims	Vestal
Kraus	Oldfield	Sinnott	Volgt
La Follette	Osborne	Slayden	Volstead
Larsen	Overmyer	Slemp	Waldow
Lazaro	Park	Sloan	Walton
Leshner	Parker, N. J.	Small	Watson, Pa.
Littlepage	Pratt	Smith, Idaho	Watson, Va.
Lobeck	Purnell	Smith, Mich.	Weaver
Loneragan	Quin	Smith, C. B.	Welty
McAndrews	Rainey, H. T.	Snook	Whaley
McArthur	Raker	Stegall	Wheeler
McCulloch	Ramseyer	Stedman	Williams
McFadden	Reavis	Steele	Wilson, La.
McKenzie	Reed	Steenerson	Wood, Ind.
McLaughlin, Mich.	Robbins	Stephens, Miss.	Woods, Iowa
Mansfield	Roberts	Sterling, Ill.	Young, N. Dak.
Mapes	Rodenberg	Sterling, Pa.	Young, Tex.
Martin	Rogers	Stevenson	Zihlman
Merritt	Romjue	Stiness	

NAYS—23.

Ayres	Ferris	London	Thomas
Baer	French	McKeown	Thompson
Booher	Hamlin	Nichols, Mich.	Walsh
Cooper, Wis.	Haugen	Norton	Webb
Decker	Humphreys	Sears	Wingo
Doremus	James	Sisson	

ANSWERED "PRESENT"—2.

McClintic Rouse

NOT VOTING—174.

Anthony	Fordney	Lufkin	Rucker
Aswell	Foss	Lundeen	Russell
Austin	Francis	Lunn	Sabath
Barkley	Frear	McCormick	Sanders, La.
Bell	Fuller, Mass.	McKinley	Sanders, N. Y.
Blackmon	Gallagher	McLaughlin, Pa.	Sanford
Brand	Gallivan	McLemore	Schall
Britten	Goodwin, Ark.	Madden	Scott, Pa.
Browne	Graham, Pa.	Magee	Shackelford
Browning	Gray, N. J.	Maher	Sherley
Byrnes, S. C.	Greene, Mass.	Mann	Shouse
Carew	Gregg	Mason	Siegel
Carlin	Griest	Mays	Smith, T. F.
Carter, Mass.	Griffin	Meeker	Snell
Cary	Hamill	Mott	Snyder
Chandler, N. Y.	Hamilton, N. Y.	Mudd	Stafford
Church	Hayes	Nelson	Stephens, Nebr.
Clark, Fla.	Heaton	Nicholls, S. C.	Sullivan
Connally, Tex.	Heintz	Oliver, Ala.	Summers
Connolly, Kans.	Hensley	Oliver, N. Y.	Swift
Copley	Hicks	Olney	Switzer
Costello	Hood	O'Shaunessy	Tagne
Cramton	Howard	Overstreet	Talbot
Dale, N. Y.	Hutchinson	Padgett	Templeton
Dies	Johnson, Ky.	Palge	Towner
Dillon	Johnson, S. Dak.	Parker, N. Y.	Van Dyke
Domlnick	Jones	Peters	Vare
Donovan	Juul	Phelan	Venable
Dooling	Keating	Platt	Vinson
Doolittle	Kelly, Pa.	Polk	Walker
Doughton	Kennedy, R. I.	Porter	Ward
Dowell	Kiess, Pa.	Pou	Wason
Drukker	King	Powers	Watkins
Dunn	Kitchin	Price	Welling
Eagan	Kreider	Ragsdale	White, Me.
Edmonds	LaGuardia	Rainey, J. W.	White, Ohio
Emerson	Langley	Ramsey	Wilson, Ill.
Estopinal	Lea, Cal.	Randall	Wilson, Tex.
Fairchild, G. W.	Lee, Ga.	Rankin	Winslow
Farr	Lehibach	Rayburn	Wise
Fess	Lever	Riordan	Woodyard
Fields	Linthicum	Robinson	Wright
Flood	Little	Rowland	
Flynn	Longworth	Rubey	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SHOUSE with Mr. LEHLBACH.

Mr. GOODWIN of Arkansas with Mr. WINSLOW.

Mr. LEE of Georgia with Mr. FULLER of Massachusetts.

Mr. HAMILL with Mr. GREENE of Massachusetts.

The result of the vote was announced as above recorded.

On motion of Mr. SIMS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PROHIBITION IN ESTABLISHED WAR-PLANT ZONES.

Mr. MILLER of Minnesota. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk Senate joint resolution 172, that has just been placed there, and put it on its passage; and I would like three minutes in which to state to the House my reasons for it.

The SPEAKER. The gentleman from Minnesota asks three minutes in which to state the merits of the resolution. Is there objection?

Mr. FERRIS. Reserving the right to object, let us have it reported.

Mr. MILLER of Minnesota. I would be glad to have it reported first.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Joint resolution (S. J. Res. 172) authorizing the President to establish zones in which intoxicating liquors may not be sold, manufactured, or distributed.

Resolved, etc., That the President of the United States be, and hereby is, authorized and empowered, at any time after the passage of this joint resolution, to establish zones of such size as he may deem advisable about coal mines, munition factories, shipbuilding plants, and such other plants for war material as may seem to him to require such action, whenever in his opinion the creation of such zones is necessary to, or advisable in, the proper prosecution of the war, and that he is hereby authorized and empowered to prohibit the sale, manufacture, or distribution of intoxicating liquors in such zones, and that any violation of the President's regulations in this regard shall be punished by imprisonment for not more than one year or by fine of not more than \$1,000, or by both such fine and imprisonment.

Mr. DENT. Mr. Speaker, reserving the right to object, I have spoken with the gentleman from Minnesota about this resolution, but I have not had a chance to examine it. I knew not what its provisions were until it had been read, and I do not know whether the Speaker would refer it to the Committee on Military Affairs or to the Committee on the Judiciary; but this is a measure of such importance that I should think it ought to go to some committee for consideration before action is taken by the House. If it goes to the Committee on Military Affairs, I promise the gentleman that the Committee on Military Affairs will take early action one way or the other on it. If it goes to the Committee on the Judiciary, that, of course, is another question.

The SPEAKER. The Chair would refer it to the Judiciary Committee; that is to say, he would if he had to refer it at all.

Mr. MILLER of Minnesota. This matter is of immediate importance; as I said to the gentleman, of critical importance, and I really would like three minutes.

The SPEAKER. The gentleman from Minnesota asks for three minutes in which to explain this resolution before the Chair puts the question of consideration. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Mr. Speaker and gentlemen of the House, this Senate joint resolution, which passed the Senate this afternoon, contains in exact phraseology a proviso that has been adopted by the Senate to the Agricultural bill. It is not the general prohibition amendment, but a proviso to it.

A condition has arisen at the head of Lake Superior in which Government works are seriously menaced. Ten thousand men engaged in shipbuilding and in the production of munitions are to-day being debauched by artificially created conditions that are beyond the power of either Minnesota or Wisconsin to control. The cities of Duluth and Superior are both "dry." The entire head-of-the-Lakes region is "dry," but a group of about 30 men have organized a village in the State of Wisconsin for booze purposes alone. They have one saloon and eight wholesale houses that constitute the entire village.

This has come to be a hell hole of iniquity. The War Department and the Department of Justice have tried in vain under the law as it stands to control it. We presented the matter to the Secretary of War and the Acting Secretary this morning, and I will say that the Senator from Wisconsin [Mr. LENROTH], the two Senators from Minnesota, a member of the Public Safety Commission of Wisconsin, the mayor of the city of Duluth, and the commissioner of public safety of Duluth, all here, united in a request for immediate action.

It is a serious situation. It was the view of the Secretary that only by the passage of additional legislation could he control the situation. Therefore we agreed upon this resolution. I will ask the gentleman from Alabama if he has not in his possession a letter from the Acting Secretary, Mr. Cole, asking that this be passed at once. That is the only reason for it. I ask you for the protection of these industries that you pass the resolution. So I sincerely trust that no objection will be had. There was no objection on the part of any Senator. I submitted it to gentlemen of the House that I thought might be immediately interested in it and there was no objection.

Mr. GARD. Will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. GARD. May I ask if the gentleman submitted it to the chairman of the Committee on the Judiciary?

Mr. MILLER of Minnesota. I did, and he said he had no objection. The gentleman from Alabama submitted it to him in my presence, and he said he had no objection to it.

Mr. GARD. I wanted to be assured whether the chairman was willing to have it considered.

Mr. MILLER of Minnesota. Mr. Speaker, that is all I care to say. I have made the request for unanimous consent for immediate consideration. My reason for that is that we are to take up the revenue bill to-morrow, and I did not want to ask

the House to interrupt that bill, for I am sure my request would be refused. This is something that the immediate minute asks for, and I trust that no one will object.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota for the immediate consideration of the resolution?

Mr. DENT. Mr. Speaker, I object. It is the first time in my life that I have ever done a thing of that kind. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House for 10 minutes to-morrow immediately after the reading of the Journal on the subject of draft legislation and newspaper comments on the same.

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, he be permitted to address the House for 10 minutes on the draft and newspaper comments. Is there objection?

Mr. GILLETTE. Mr. Speaker, to-morrow the House is expected to take up the revenue bill. I do not think we ought to have other subjects brought up, and I object.

FUNDS OF OSAGE TRIBE OF INDIANS IN NATIONAL AND STATE BANKS (H. DOC. NO. 1270).

The Speaker laid before the House the following communication from the Secretary of the Interior, which was ordered printed and referred to the Committee on Indian Affairs, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, September 5, 1918.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Sir: Pursuant to House resolution 322, calling for information as to the amount of money on deposit in State and national banks on April 1, 1918, belonging to the Five Civilized Tribes and the Osage Tribe of Indians and to individual members of said tribes, I am inclosing herewith an alphabetical list giving the name and address of each bank, the amount of deposit in each, and the rate or rates of interest paid by each bank.

In this connection I wish to point out that the tribal funds of the Five Civilized Tribes have been deposited in the State and national banks of Oklahoma in accordance with the act approved March 3, 1911 (36 Stat. L., 1070). Banks of Oklahoma were also used for the individual Indian moneys until the amount of funds available for deposit became so large that the Oklahoma banks which qualified as depositaries under the regulations were not able to handle it. The records of the Indian Office show that all the State and national banks in Oklahoma were notified that funds were available for deposit and were invited to apply therefor, but even after all the applicant Oklahoma banks which qualified had been given deposits there still remained the sum of \$2,000,000 or more, and in order to get this money on an interest-bearing basis and to provide also for additional sums then rapidly accruing bids on individual Indian funds were invited from banks outside the State by the Superintendent for the Five Civilized Tribes, with the result that interest amounting to thousands of dollars was thereby saved to the Indians. The superintendent of the Osage Agency also invited outside banks to bid on funds under his jurisdiction as occasion arose.

It was the practice to accept any bank of sound financial standing which offered not less than 3 per cent on open accounts, 4 per cent on a time deposit of 6 months, or 4½ per cent on a time deposit of one year. At no time was any qualified bank in Oklahoma denied a deposit. Indeed, despite the effort to place all available funds in banks there was for two years approximately \$2,000,000 of tribal funds lying idle because of the failure of Oklahoma banks to qualify therefor. In this connection I quote from a letter addressed to Hon. William H. Murray on January 14, 1916, by the Commissioner of Indian Affairs:

"For the last two or three years we have not had a sufficient number of banks in Oklahoma to care for all the funds available, and if any other (Oklahoma) banks can qualify I shall be glad to give them deposits at once."

It was often difficult to get Oklahoma banks even for such deposits as it was desirable from an administrative standpoint to keep near an agency. In many instances where this could consistently be done requests of Oklahoma banks for a reduction in their interest rates were allowed in order that the banks might be retained as depositaries.

Respectfully,

FRANKLIN K. LANE,
Secretary.

List of depositaries for moneys belonging to the Five Civilized Tribes and the Osage Tribe of Indians, Apr. 1, 1918.

I. DEPOSITARIES FOR TRIBAL FUNDS OF FIVE TRIBES.

Name and address of bank.	Amount on deposit Apr. 1, 1918.	Interest paid, time deposit.		
		Open account.	Six months.	One year.
Oklahoma State Bank, Ada, Okla.	\$10,405.37	Per ct.	Per ct.	Per ct.
First State Bank, Allen, Okla.	13,071.53			4½
Farmers State Bank, Alva, Okla.	5,202.92			4
Bank of Ashland, Ashland, Okla.	5,202.65			4
Oklahoma State Bank, Atoka, Okla.	26,014.48			4
First State Bank, Atwood, Okla.	5,228.96			4½
State Exchange Bank, Bokeshe, Okla.	5,228.62			4½
Bank of Buffalo, Buffalo, Okla.	7,842.44			4½
Byars State Bank, Byars, Okla.	5,203.01			4
Cheyenne State Bank, Cheyenne, Okla.	10,509.05			5
Farmers State Bank, Chickasha, Okla.	15,885.66			4½
Farmers & Merchants Bank, Choteau, Okla.	2,613.80			4½

List of depositaries for moneys belonging to the Five Civilized Tribes and the Osage Tribe of Indians, Apr. 1, 1918—Continued.

I. DEPOSITARIES FOR TRIBAL FUNDS OF FIVE TRIBES—continued.

Name and address of bank.	Amount on deposit April 1, 1918.	Interest paid, time deposit.		
		Open account.	Six months.	One year.
Coalgate State Bank, Coalgate, Okla.	\$10,000.00	Per ct.	Per ct.	Per ct.
Farmers State Bank, Comanche, Okla.	10,000.00			4
Farmers & Merchants Bank, Crescent, Okla.	20,812.05			4
Bank of Crowder, Crowder, Okla.	5,202.80			4
Farmers State Bank, Devol, Okla.	6,274.58			4½
Farmers State Bank, Elk City, Okla.	11,464.59			5
Oklahoma State Bank, Enfield, Okla.	20,000.00			4
Osage Bank, Fairfax, Okla.	20,046.67			4
Fay State Bank, Fay, Okla.	5,228.58			4½
Bank of Foss, Foss, Okla.	10,458.16			4½
Bank of Gage, Gage, Okla.	10,000.00			4½
American State Bank, Geary, Okla.	10,405.97			4
Bank of Gotebo, Gotebo, Okla.	10,509.29			5
First State Bank, Gowen, Okla.	10,115.53			4
Home State Bank, Grandfield, Okla.	10,152.22			4
Bank of Grant, Grant, Okla.	5,413.21			4
Oklahoma State Bank, Hammon, Okla.	10,499.69			4
Bank of Hanna, Hanna, Okla.	5,228.70			4½
First State Bank, Hartshorne, Okla.	10,933.63			4½
Citizens Bank, Henryetta, Okla.	13,071.75			4½
Peoples Bank, Hickory, Okla.	9,999.37			4
Farmers & Merchants Bank, Hooker, Okla.	10,405.82			4
State Bank & Trust Co., Howe, Okla.	5,203.21			4
First State Bank, Hugo, Okla.	5,201.95			4
First State Bank, Indianola, Okla.	5,202.65			4
Delaware County Bank, Jay, Okla.	5,465.77			4½
The Bank of Kellyville, Okla.	5,228.62			4½
Cimarron County Bank, Kenton, Okla.	15,686.35			4½
Keystone State Bank, Keystone, Okla.	5,228.81			4½
Oklahoma State Bank, Konawa, Okla.	10,826.43			4
Farmers State Bank, Lahoma, Okla.	7,842.53			4½
Laverne State Bank, Laverne, Okla.	10,183.33			4
Cherokee State Bank, Lenapah, Okla.	7,500.00			4
Farmers State Guaranty Bank, Lexington, Okla.	10,405.93			4
Security State Bank, Lexington, Okla.	4,999.91			4
State Bank, Loco, Okla.	10,112.69			4½
Bank of Longdale, Longdale, Okla.	5,228.76			4½
The Bank of McAlester, Okla.	7,320.33			4½
Guaranty State Bank, Madill, Okla.	10,509.00			5
The Guaranty State Bank, Marlow, Okla.	10,457.11			4½
Bank of Millerton, Millerton, Okla.	2,706.33			4
First State Bank, Morris, Okla.	10,933.54			4½
Bank of Mounds, Mounds, Okla.	5,228.79			4½
Planters State Bank, Mountain Park, Okla.	10,125.56			4
Central State Bank, Muskogee, Okla.	15,183.33			4½
Bank of Navina, Navina, Okla.	3,500.04			5
Farmers State Bank, Newkirk, Okla.	5,000.00			4½
Citizens State Bank, Nienekah, Okla.	7,320.33			4½
State Guaranty Bank, Okeene, Okla.	10,233.64			4
Citizens State Bank, Okemah, Okla.	10,000.04			4
Southwest Reserve Bank, Oklahoma City, Okla.	30,000.00			4
First State Bank, Orr, Okla.	7,686.96			4½
Bank of Commerce, Pawhuska, Okla.	10,000.00			4
Deposit Guaranty State Bank, Ponca City, Okla.	20,000.00			4
Oklahoma State Bank, Ponca City, Okla.	25,000.00			4
Security State Bank, Ponca City, Okla.	25,000.00			4½
First State Bank, Pond Creek, Okla.	16,121.94			4½
Citizens Bank & Trust Co. of Pryor Creek, Pryor, Okla.	12,500.00			5
First State Bank, Putnam, Okla.	5,202.94			4
Bank of Commerce, Ralston, Okla.	5,228.79			4½
State Bank of Rocky, Rocky, Okla.	5,228.58			4½
American State Bank, Rosedale, Okla.	5,000.31			4
Security State Bank, Shawnee, Okla.	10,000.00			4
Kiowa State Bank, Snyder, Okla.	5,203.03			4
Farmers & Merchants Bank, Sterling, Okla.	5,202.06			4
First State Bank, Stonewall, Okla.	4,682.65			4
The State Bank, Stratford, Okla.	10,544.11			4 and 4½
Stuart State Bank, Stuart, Okla.	20,914.18			4½
First State Bank, Tahlequah, Okla.	9,411.66			4
First State Bank, Talala, Okla.	5,169.91			4
First State Bank, Terral, Okla.	7,500.00			4½
Security State Bank, Tribbey, Okla.	5,228.55			4½
Bank of Tuttle, Tuttle, Okla.	10,456.73			4½
Farmers State Bank, Tuttle, Okla.	5,202.64			4
Bank of Vici, Oklahoma.	6,133.60			4
First State Bank, Warner, Okla.	7,637.50			4
The First State Bank, Wayne, Okla.	5,228.55			4½
The First Guaranty Bank, Wewoka, Okla.	8,069.23			4½
The Citizens Bank, Wilburton, Okla.	10,405.74			4
The First State Bank, Willow, Okla.	5,000.00			4
Gerlach Bank, Woodward, Okla.	20,046.67			4
Farmers & Merchants National Bank, Achille, Okla.	15,606.18			4
First National Bank, Ada, Okla.	25,294.44			4
First National Bank, Alex, Okla.	26,142.77			4½
First National Bank, Allen, Okla.	26,013.81			4
First National Bank, Altus, Okla.	15,609.17			4
The Antlers National Bank, Antlers, Okla.	25,000.00			4 and 4½
Citizens National Bank, Antlers, Okla.	15,331.10			4
Bartlesville National Bank, Bartlesville, Okla.	52,284.37			4½
Farmers National Bank, Beggs, Okla.	15,607.33			4
First National Bank, Bixby, Okla.	7,834.20			4
First National Bank, Blackwell, Okla.	20,812.04			4
First National Bank, Blanchard, Okla.	26,013.79			4

List of depositaries for moneys belonging to the Five Civilized Tribes and the Osage Tribe of Indians, Apr. 1, 1918—Continued.

I. DEPOSITARIES FOR TRIBAL FUNDS OF FIVE TRIBES—continued.

Name and address of bank.	Amount on deposit April 1, 1918.	Interest paid, time deposit.		
		Open ac-count.	Six months.	One year.
First National Bank, Bluejacket, Okla.	\$10,000.00			4
First National Bank, Boswell, Okla.	8,925.98			4
First National Bank, Braggs, Okla.	5,228.68			4
Bristow National Bank, Bristow, Okla.	15,685.66			4
The Citizens National Bank, Broken Arrow, Okla.	15,000.00			4
First National Bank, Broken Arrow, Okla.	25,514.26			4
First National Bank, Broken Bow, Okla.	15,672.79			4
Carmen National Bank, Carmen, Okla.	20,915.28			4
First National Bank, Cashion, Okla.	26,146.63			4
First National Bank, Centralia, Okla.	26,013.92			4
Commercial National Bank, Checotah, Okla.	36,613.58		4 and 4	4
Alfalfa County National Bank, Cherokee, Okla.	15,685.31			4
Farmers National Bank, Cherokee, Okla.	15,000.00			4
Chickasha National Bank, Chickasha, Okla.	57,514.73			4
First National Bank, Chickasha, Okla.	21,807.48			4
National Bank of Claremore, Okla.	36,584.99			4
Cleveland National Bank, Cleveland, Okla.	20,915.04			4
First National Bank, Cleveland, Okla.	23,636.00			4
Oklahoma State National, Clinton, Okla.	16,228.38			4
First National Bank, Coalgate, Okla.	15,000.00			4
Cordell National Bank, Cordell, Okla.	30,730.08		4 and 4	4
National Bank of Commerce, Coweta, Okla.	7,842.83			4
The Peoples State National Bank, Custer City, Okla.	20,914.34			4
First National Bank, Davis, Okla.	36,420.50			4
First National Bank, Dewey, Okla.	15,608.69			4
Security National Bank, Dewey, Okla.	10,457.34			4
First National Bank, Drumright, Okla.	15,647.93			4
First National Bank, Durant, Okla.	68,047.92		4 and 5	4
Citizens National Bank, El Reno, Okla.	50,000.00			4
First National Bank, Eufaula, Okla.	26,271.23			5
Farmers and Merchants National Bank, Fairview, Okla.	15,337.84		4 and 4	4
First National Bank, Foraker, Okla.	10,457.40			4
Citizens National Bank, Fort Gibson, Okla.	13,071.68			4
Farmers National Bank, Fort Gibson, Okla.	15,608.14			4
First National Bank, Geary, Okla.	21,017.57			5
First National Bank, Gotebo, Okla.	9,994.63			4
First National Bank, Grandfield, Okla.	15,760.68			5
City National Bank, Guymon, Okla.	26,015.98			4
Farmers National Bank, Hammon, Okla.	15,608.92			4
First National Bank, Hartshorne, Okla.	31,216.27			4
Haskell National Bank, Haskell, Okla.	15,609.87			4
National Bank of Hastings, Okla.	20,914.22			4
First National Bank, Heavener, Okla.	15,609.11			4
Farmers and Merchants National Bank, Hennessey, Okla.	15,608.69			4
First National Bank, Hennessey, Okla.	15,608.42			4
First National Bank, Henryetta, Okla.	41,726.70			4
Miners National Bank, Henryetta, Okla.	17,500.00			4
City National Bank, Hobart, Okla.	25,000.21			5
American National Bank, Holdenville, Okla.	15,625.23			5
Farmers National Bank, Holdenville, Okla.	10,405.19			4
First National Bank, Holdenville, Okla.	31,370.62			4
First National Bank, Hominy, Okla.	10,444.60			4
National Bank of Commerce, Hominy, Okla.	5,267.18			5
First National Bank, Hooker, Okla.	15,608.51			4
First National Bank, Hugo, Okla.	25,097.06			4
First National Bank, Hydro, Okla.	10,457.70			4
First National Bank, Idabel, Okla.	15,608.14			4
National Bank of Kaw City, Okla.	5,000.00			4
First National Bank, Kingston, Okla.	27,332.80			4
First National Bank, Konawa, Okla.	26,142.18			4
First National Bank, Lahoma, Okla.	15,647.24			4
First National Bank, Lone Wolf, Okla.	26,272.12			5
First National Bank, Luther, Okla.	7,500.10			4
First National Bank, McAlester, Okla.	12,486.51			4
First National Bank, McLoud, Okla.	20,000.00			5
National Bank of Marlow, Okla.	20,000.00			4
First National Bank, Maud, Okla.	10,405.85			4
Farmers National Bank, Maysville, Okla.	20,914.22			4
First National Bank, Miami, Okla.	10,457.28			4
First National Bank, Mill Creek, Okla.	26,142.78			4
First National Bank, Mounds, Okla.	15,686.63			4
Exchange National Bank, Muskogee, Okla.	31,754.81			4
First National Bank, New Wilson, Okla.	15,608.25			4
First National Bank, Noble, Okla.	15,000.00			4
First National Bank, Nowata, Okla.	10,000.00			4
Nowata National Bank, Nowata, Okla.	10,000.00			4
Okemah National Bank, Okemah, Okla.	20,748.65			4
Security National Bank, Oklahoma City, Okla.	78,079.23			4
Citizens National Bank, Okmulgee, Okla.	47,061.70			4
First National Bank, Okmulgee, Okla.	20,913.74			4
First National Bank, Oktaha, Okla.	15,686.46			4
Pauls Valley National Bank, Pauls Valley, Okla.	5,228.38			4
American National Bank, Pawhuska, Okla.	12,500.00			4
Farmers National Bank, Pond Creek, Okla.	15,000.20			4
Prague National Bank, Prague, Okla.	10,435.88			4
First National Bank, Rosston, Okla.	20,182.22			4
First National Bank, Rush Springs, Okla.	20,810.93			4
Citizens National Bank, Sallisaw, Okla.	7,824.00			4
Beekham County National Bank, Sayre, Okla.	15,539.25			4
First National Bank, Sayre, Okla.	15,647.01			4

List of depositaries for moneys belonging to the Five Civilized Tribes and the Osage Tribe of Indians, Apr. 1, 1918—Continued.

I. DEPOSITARIES FOR TRIBAL FUNDS OF FIVE TRIBES—continued.

Name and address of bank.	Amount on deposit April 1, 1918.	Interest paid, time deposit.		
		Open ac-count.	Six months.	One year.
First National Bank, Seminole, Okla.	\$20,932.67			4
First National Bank, Sentinel, Okla.	15,763.29			4 and 5
Shattuck National Bank, Shattuck, Okla.	30,000.00			4
First National Bank, Skiatook, Okla.	15,090.00			4
First National Bank, Snyder, Okla.	18,311.37			4
First National Bank, Soper, Okla.	5,000.08			4
American National Bank, Stigler, Okla.	14,994.79			4
First National Bank, Stillwell, Okla.	15,855.40			4
Park National Bank, Sulphur, Okla.	15,635.31			4
First National Bank, Tahlequah, Okla.	20,012.52			4
Farmers National Bank, Tecumseh, Okla.	15,689.58			4
Tecumseh National Bank, Tecumseh, Okla.	17,570.00			4
Farmers National Bank, Tishomingo, Okla.	5,228.67			4
American National Bank, Tulsa, Okla.	10,405.74			4
Farmers National Bank, Tupelo, Okla.	20,808.73			4
First National Bank, Tyrone, Okla.	15,698.55			4
National Bank, Verden, Okla.	5,000.00			5
First National Bank, Vian, Okla.	15,696.02			4
First National Bank, Wagoner, Okla.	25,000.00			4
First National Bank, Wanette, Okla.	20,710.65			4
The State National Bank, Wanette, Okla.	10,641.44			5
First National Bank, Wapanucka, Okla.	10,000.00			4
First National Bank, Washington, Okla.	15,000.00			4
The Waukomis National Bank, Waukomis, Okla.	20,000.00			4 and 4
First National Bank, Waurika, Okla.	15,608.97			4
First National Bank, Wellston, Okla.	10,000.00			4
First National Bank, Westville, Okla.	5,228.87			4
American National Bank, Wetumka, Okla.	25,062.54			4
First National Bank, Wetumka, Okla.	31,194.98			4
Farmers National Bank, Wewoka, Okla.	10,690.69			4
The Latimer National Bank, Wilburton, Okla.	10,457.41			4
First National Bank, Woodward, Okla.	50,000.85			4
First National Bank, Yukon, Okla.	26,014.03			4
The Yukon National Bank, Yukon, Okla.	10,431.59			4
	3,574,816.57			

II. DEPOSITARIES FOR FUNDS BELONGING TO INDIVIDUAL MEMBERS OF FIVE TRIBES.

Ablene National Bank, Abilene, Kans.	\$30,055.93	3		
First National Bank, Ada, Okla.	8,188.63	3	4	4
Merchants & Planters National Bank, Ada, Okla.	15,509.86	3	4	4
First National Bank, Anthony, Kans.	8,558.62	3	4	4
Citizens National Bank, Antlers, Okla.	9,140.26	3	4	4
First National Bank, Ardmore, Okla.	68,299.98	3	4	4
State National Bank, Ardmore, Okla.	43,452.20	3	4	4
First National Bank, Atkinson, Nebr.	20,000.00	3	4	4
American National Bank, Atoka, Okla.	18,411.70	3	4	4
Bartlesville National Bank, Bartlesville, Okla.	58,525.90	3	4	4
First National Bank, Bartlesville, Okla.	20,012.69	3	4	4
Union National Bank, Bartlesville, Okla.	48,215.04	3	4	4
First National Bank, Beatrice, Nebr.	39,750.00	3	4	4
First National Bank, Beggs, Okla.	7,614.57	3	4	4
First National Bank, Bonham, Tex.	15,874.30	3	4	4
Boone National Bank, Boone, Iowa.	49,317.58	3	4	4
First National Bank, Boone, Iowa.	49,980.00	3	4	4
First National Bank, Boswell, Okla.	19,392.12	3	4	4
Commercial National Bank, Brady, Tex.	23,486.92	3	4	4
Bristow National Bank, Bristow, Okla.	7,482.76	3	4	4
First National Bank, Bristow, Okla.	22,646.20	3	4	4
Calvin National Bank, Calvin, Okla.	19,332.76	3	4	4
First National Bank, Calvin, Okla.	16,447.63	3	4	4
Cedar Rapids National Bank, Cedar Rapids, Iowa.	150,247.27	3		
Merchants' National Bank, Cedar Rapids, Iowa.	120,000.00	3		
First National Bank, Chappell, Nebr.	24,500.00	3	4	5
First National Bank, Checotah, Okla.	10,200.86	3	4	4
Peoples' National Bank, Checotah, Okla.	21,884.98	3	4	4
Security National Bank, Cherokee, Iowa.	19,890.00	3	4	4
Chickasha National Bank, Chickasha, Okla.	14,170.25	3	4	4
First National Bank, Chickasha, Okla.	68,000.00	3	4	4
Oklahoma National Bank, Chickasha, Okla.	61,880.80	3	4	4
First National Bank, Claremore, Okla.	20,244.07	3	4	4
Home National Bank, Cleburne, Tex.	(1)	3		
City National Bank, Clinton, Iowa.	29,985.35	4		
Oklahoma State National Bank, Clinton, Okla.	7,000.00	3		
Collinsville National Bank, Collinsville, Okla.	10,137.78	3	4	4
German National Bank, Columbus, Nebr.	9,750.00	3	4	
Farmers National Bank, Cordell, Okla.	9,690.00	3	4	
National Bank of Commerce, Coweta, Okla.	5,000.00	3	4	4
American Exchange National Bank, Dallas, Tex.	63,282.43	3	4	
City National Bank, Dallas, Tex.	58,598.29	3	4	
Security National Bank, Dallas, Tex.	133,977.55	3	4	4
State National Bank, Denison, Tex.	13,963.53	3	4	
Des Moines National Bank, Des Moines, Iowa.	149,940.00	3	4	
First National Bank, Dewey, Okla.	7,118.70	3	4	4
Security National Bank, Dewey, Okla.	7,225.13	3	4	4
Durant National Bank, Durant, Okla.	16,276.42	3	4	4

¹ No balance reported.

List of depositaries for moneys belonging to the Five Civilized Tribes and the Osage Tribe of Indians, Apr. 1, 1918—Continued.

II. DEPOSITARIES FOR FUNDS BELONGING TO INDIVIDUAL MEMBERS OF FIVE TRIBES—continued.

Name and address of bank.	Amount on deposit April 1, 1918.	Interest paid, time deposit.		
		Open ac-count.	Six months.	One year.
First National Bank, Durant, Okla.	\$33,071.95	3	4	4½
First National Bank, El Paso, Tex.	37,940.08	3	4	4½
Citizens National Bank, Emporia, Kans.	99,435.16	3	4	4½
Enid National Bank, Enid, Okla.	22,178.78	3	4	4½
Eufala National Bank, Eufala, Okla.	21,209.16	3	4	4½
First National Bank, Eufala, Okla.	16,786.25	3	4	4½
State National Bank, Eufala, Okla.	9,117.45	3	4	4½
First National Bank, Fairbury, Nebr.	49,637.28	3	4	4½
Farmers & Merchants National Bank, Fairview, Okla.	9,680.79	3	4	4½
Arkansas National Bank, Fayetteville, Ark.	27,021.47	3	4	4½
Farmers National Bank, Fort Gibson, Okla.	3,755.31	3	4	4½
City National Bank, Fort Smith, Ark.	39,951.63	3	4	4½
First National Bank, Fort Smith, Ark.	75,813.71	3	4	4½
American National Bank, Fort Worth, Tex.	(1)	3	4	4½
Farmers and Mechanics National Bank, Fort Worth, Tex.	65,210.31	3	4	4½
Fort Worth National Bank, Fort Worth, Tex.	60,000.00	3	4	4½
First National Bank, Frederick, Okla.	7,000.00	3	4	4½
National Bank of Commerce, Frederick, Okla.	57,819.03	3	4	4½
Commercial National Bank, Greenville, Tex.	30,918.12	3	4	4½
First National Bank, Grove, Okla.	5,137.85	3	4	4½
First National Bank, Guthrie, Okla.	8,640.74	3	4	4½
Citizens National Bank, Hampton, Iowa.	99,044.80	3	4	4½
First National Bank, Hartshorne, Okla.	15,892.35	3	4	4½
First National Bank, Haskell, Okla.	17,644.42	3	4	4½
Haskell National Bank, Haskell, Okla.	9,533.61	3	4	4½
First National Bank, Heavener, Okla.	9,508.96	3	4	4½
American National Bank, Holdenville, Okla.	6,274.61	3	4	4½
Farmers National Bank, Holdenville, Okla.	7,472.12	3	4	4½
First National Bank, Holdenville, Okla.	13,602.53	3	4	4½
First National Bank, Hominy, Okla.	8,598.77	3	4	4½
Citizens National Bank, Hope, Ark.	50,000.00	3	4	4½
Hope National Bank, Hope, Ark.	39,465.06	3	4	4½
First National Bank, Hugo, Okla.	21,611.21	3	4	4½
Hugo National Bank, Hugo, Okla.	36,292.85	3	4	4½
First National Bank, Hulbert, Okla.	14,455.90	3	4	4½
First National Bank, Idabel, Okla.	8,438.91	3	4	4½
First National Bank, Independence, Iowa.	30,639.77	3	4	4½
Peoples National Bank, Independence, Iowa.	42,071.37	3	4	4½
First National Bank, Iowa City, Iowa.	98,000.00	3	4	4½
Central National Bank, Junction City, Kans.	26,422.37	3	4	4½
City National Bank, Kearney, Nebr.	24,888.00	3	4	4½
Peoples National Bank, Kingfisher, Okla.	31,711.91	3	4	4½
First National Bank, Kiowa, Okla.	18,706.52	3	4	4½
Central National Bank, Lincoln, Nebr.	20,000.00	3	4	4½
City National Bank, Lincoln, Nebr.	80,000.00	3	4	4½
Exchange National Bank, Little Rock, Ark.	72,117.91	3	4	4½
American National Bank, McAlester, Okla.	62,697.10	3	4	4½
First National Bank, McAlester, Okla.	77,982.54	3	4	4½
First National Bank, Madill, Okla.	35,957.99	3	4	4½
Madill National Bank, Madill, Okla.	16,613.76	3	4	4½
Marietta National Bank, Marietta, Okla.	19,012.87	3	4	4½
Security National Bank, Mason City, Iowa.	48,000.00	3	4	4½
First National Bank, Mena, Ark.	29,630.08	3	4	4½
First National Bank, Miami, Okla.	8,701.03	3	4	4½
Ottawa County National Bank, Miami, Okla.	24,500.00	3	4	4½
First National Bank, Mounds, Okla.	8,372.19	3	4	4½
State National Bank, Mount Pleasant, Tex.	40,000.00	3	4	4½
First National Bank, Muldrow, Okla.	19,467.31	3	4	4½
Commercial National Bank, Muskogee, Okla.	204,228.33	3	4	4½
Exchange National Bank, Muskogee, Okla.	92,485.03	3	4	4½
First National Bank, Muskogee, Okla.	225,785.39	3	4	4½
Muskogee National Bank, Muskogee, Okla.	62,755.67	3	4	4½
First National Bank, Nevada, Iowa.	24,785.13	3	4	4½
First National Bank, New Hampton, Iowa.	47,500.00	3	4	4½
Farmers National Bank, Norman, Okla.	(1)	3	4	4½
First National Bank, Norman, Okla.	6,331.56	3	4	4½
Commercial National Bank, Nowata, Okla.	24,623.39	3	4	4½
First National Bank, Nowata, Okla.	12,682.14	3	4	4½
Nowata National Bank, Nowata, Okla.	8,531.60	3	4	4½
First National Bank, Okemah, Okla.	6,392.15	3	4	4½
Okemah National Bank, Okemah, Okla.	40,000.00	3	4	4½
American National Bank, Oklahoma City, Okla.	40,000.00	3	4	4½
Farmers National Bank, Oklahoma City, Okla.	40,000.00	3	4	4½
Oklahoma Stock Yards National Bank, Oklahoma City, Okla.	80,000.00	3	4	4½
Security National Bank, Oklahoma City, Okla.	24,500.00	3	4	4½
Citizens National Bank, Okmulgee, Okla.	14,197.22	3	4	4½
First National Bank, Okmulgee, Okla.	17,244.32	3	4	4½
First National Bank, Oktaha, Okla.	5,020.00	3	4	4½
First National Bank, Okustee, Okla.	24,000.00	3	4	4½
First National Bank, O'Neill, Nebr.	(1)	3	4	4½
The Ottumwa National Bank, Ottumwa, Iowa.	40,000.00	3	4	4½
First National Bank, Pauls Valley, Okla.	45,156.57	3	4	4½
National Bank of Commerce, Pauls Valley, Okla.	10,280.82	3	4	4½
Pauls Valley National Bank, Pauls Valley, Okla.	13,613.24	3	4	4½

¹ No balance reported.

List of depositaries for moneys belonging to the Five Civilized Tribes and the Osage Tribe of Indians, Apr. 1, 1918—Continued.

II. DEPOSITARIES FOR FUNDS BELONGING TO INDIVIDUAL MEMBERS OF FIVE TRIBES—continued.

Name and address of bank.	Amount on deposit April 1, 1918.	Interest paid, time deposit.		
		Open ac-count.	Six months.	One year.
National Bank of Commerce, Pittsburg, Kans.	\$27,115.51	3	4	4½
First National Bank, Porter, Okla.	18,064.60	3	4	4½
First National Bank, Poteau, Okla.	9,196.71	3	4	4½
First National Bank, Quinton, Okla.	19,388.68	3	4	4½
Farmers & Merchants National Bank, Roff, Okla.	10,124.21	3	4	4½
First National Bank, Roff, Okla.	22,849.25	3	4	4½
First National Bank, Sac City, Iowa.	7,000.00	3	4	4½
Merchants National Bank, Sallisaw, Okla.	6,418.81	3	4	4½
American National Bank, Sapulpa, Okla.	29,998.96	3	4	4½
Scottsbluff National Bank, Scottsbluff, Nebr.	24,495.00	3½	4½	4½
First National Bank, Seiling, Okla.	23,025.76	3	4	4½
National Bank of Commerce, Shawnee, Okla.	(1)	3	4	4½
Shawnee National Bank, Shawnee, Okla.	20,233.06	3	4	4½
State National Bank, Shawnee, Okla.	46,642.25	3	4	4½
First National Bank, Sheldon, Iowa.	80,000.00	3	4	4½
Shenandoah National Bank, Shenandoah, Iowa.	49,000.00	3	4	4½
First National Bank, Siloam Springs, Ark.	17,278.93	3	4	4½
First National Bank, Soper, Okla.	11,223.53	3	4	4½
First National Bank, Sterling, Kans.	15,000.00	3	4	4½
American National Bank, Stigler, Okla.	7,322.55	3	4	4½
First National Bank, Stigler, Okla.	31,489.09	3	4	4½
First National Bank, Stonewall, Okla.	32,993.75	3	4	4½
First National Bank, Stratford, Okla.	20,603.17	3	4	4½
Park National Bank, Sulphur, Okla.	9,493.85	3	4	4½
First National Bank, Sumner, Iowa.	32,966.39	3	4	4½
Central National Bank, Tahlequah, Okla.	8,152.79	3	4	4½
First National Bank, Tahlequah, Okla.	21,600.17	3	4	4½
American National Bank, Tulsa, Okla.	69,612.52	3	4	4½
Exchange National Bank, Tulsa, Okla.	42,836.60	3	4	4½
Liberty National Bank, Tulsa, Okla.	40,000.00	3	4	4½
Farmers National Bank, Tupelo, Okla.	4,938.07	3	4	4½
First National Bank, Van Buren, Ark.	1,580.25	3	4	4½
First National Bank, Verden, Okla.	14,500.00	3	4	4½
First National Bank, Vinita, Okla.	52,478.46	3	4	4½
Vinita National Bank, Vinita, Okla.	23,973.64	3	4	4½
First National Bank, Wagoner, Okla.	20,591.55	3	4	4½
Washington National Bank, Washington, Iowa.	89,874.01	3	4	4½
Black Hawk National Bank, Waterloo, Iowa.	78,441.44	3	4	4½
Commercial National Bank, Waterloo, Iowa.	182,977.42	3	4	4½
First National Bank, Waterloo, Iowa.	149,000.00	3	4	4½
Leavitt & Johnson National Bank, Waterloo, Iowa.	80,000.00	3	4	4½
First National Bank, Waurika, Okla.	4,579.12	3	4	4½
First National Bank, Waverly, Iowa.	98,424.72	3	4	4½
First National Bank, Waynoka, Okla.	20,377.50	3	4	4½
First National Bank, Webster City, Iowa.	2,988.01	3	4	4½
First National Bank, Weleetka, Okla.	14,403.13	3	4	4½
First National Bank, Westville, Okla.	10,832.56	3	4	4½
Farmers National Bank, Wewoka, Okla.	13,922.50	3	4	4½
	6,267,665.03			

¹ No balance reported.

III. DEPOSITARIES FOR MONEYS BELONGING TO INDIVIDUAL INDIANS OF THE OSAGE TRIBE.

[The tribe has no tribal money on deposit.]

Name and address of bank.	Amount on deposit April 1, 1918.	Interest paid, time deposit.		
		Open ac-count.	Six months.	One year.
Home National Bank, Arkansas City, Kans.	\$15,121.84	3	4	4½
Bartlesville National Bank, Bartlesville, Okla.	25,888.66	3	4	4½
First National Bank, Beggs, Okla.	7,614.57	3	4	4½
First National Bank, Bentonville, Ark.	49,187.85	3	4	4½
First National Bank, Cleveland, Okla.	15,236.29	3	4	4½
The Collinsville National Bank, Collinsville, Okla.	6,526.65	3	4	4½
First National Bank, Hominy, Okla.	14,321.41	3	4	4½
National Bank of Commerce, Hominy, Okla.	20,625.76	3½	4½	5
Farmers National Bank, Kaw City, Okla.	17,341.92	4	4	4½
First National Bank, Okmulgee, Okla.	31,045.69	3	4	4½
Citizens National Bank, Pawhuska, Okla.	91,771.47	3	4	4½
First National Bank, Pawhuska, Okla.	31,009.09	3½	4	4½
First National Bank, Tulsa, Okla.	96,490.66	3	4	4½
The Cowley County National Bank, Winfield, Kans.	40,576.47	3½	4	4½
First National Bank, Winfield, Kans.	70,111.80	3	4	4½
The Winfield National Bank, Winfield, Kans.	48,853.34	3	4	4½
	581,726.47			
Grand total.	10,424,208.07			

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2180. An act to approve mutual cessions of territory by the States of Wisconsin and Minnesota and the consequent changes in the boundary line between said States.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 172. Joint resolution authorizing the President to establish zones in which intoxicating liquors may not be sold, manufactured, or distributed.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 172. Joint resolution authorizing the President to establish zones in which intoxicating liquors may not be sold, manufactured, or distributed; to the Committee on the Judiciary.

ORDER OF BUSINESS TO-MORROW.

Mr. GILLET. Mr. Speaker, if those who are responsible for the business of the House to-morrow have no objection to the request of the gentleman from Alabama [Mr. DENT], to which I objected a moment ago, I will withdraw my objection and make no further objection.

The SPEAKER. The gentleman from Alabama asks unanimous consent to address the House to-morrow immediately after the reading of the Journal and the disposition of the business on the Speaker's table for 10 minutes on the draft and newspaper comments. Is there objection?

There was no objection.

AGRICULTURAL BILL.

Mr. LEVER. Mr. Speaker, without having consulted the majority leader, but having consulted other members of his committee, I desire to announce that I will undertake to bring up the Agricultural bill to-morrow before the revenue bill is taken up. My view is that it will not take more than the time to read the bill.

The SPEAKER. Is it a conference report?

Mr. LEVER. No; it is a reintroduction of the bill which has been vetoed by the President.

The SPEAKER. The gentleman announces that he will undertake to bring up the Agricultural bill to-morrow before the House.

Mr. STEENERSON. I would like to ask the gentleman a question. Will there be an opportunity to discuss some of the provisions of the bill?

Mr. LEVER. It will have to come up by unanimous consent if we consider the bill at all. I hope that we can arrange and give the gentleman an opportunity to discuss the provisions.

EXTENSION OF REMARKS.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of my work in Congress.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the subject of his work in Congress. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, that is not necessary; the gentleman's work has been very full, and I object.

ADJOURNMENT.

Mr. SIMS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 31 minutes p. m.) the House adjourned until to-morrow, Friday, September 6, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WATSON of Virginia, from the Committee on the Territories, to which was referred the bill (H. R. 5115) to authorize the governor of the Territory of Hawaii to ratify the agreements of certain persons made with the commissioner of public lands of the Territory of Hawaii and to issue land patents to those eligible under the terms of said agreements, reported the same without amendment, accompanied by a report (No. 770), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII,

Mr. AYRES introduced a bill (H. R. 12881) to increase the cost of the public building at El Dorado, Kans.; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. FESS: A bill (H. R. 12882) granting a pension to William Wibright; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 12883) granting a pension to Nancy A. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12884) granting an increase of pension to Lucy V. Duane; to the Committee on Pensions.

By Mr. HASKELL: A bill (H. R. 12885) granting a pension to Jacob Johnson; to the Committee on Pensions.

By Mr. IGOE: A bill (H. R. 12886) granting a pension to Joseph Roddy; to the Committee on Pensions.

By Mr. JUUL: A bill (H. R. 12887) for the relief of Grace Omundsen; to the Committee on Claims.

By Mr. LEA of California: A bill (H. R. 12888) for the relief of Martin C. Rucker; to the Committee on Military Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 12889) granting an increase of pension to Charles Pickett; 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. BOOHER: Petition of citizens of Maryville, Mo., protesting against the use of foodstuffs in the manufacture of beer or other intoxicating liquors; to the Committee on Agriculture.

Also, petitions of citizens of Hopkins, Mo., and vicinity and of citizens of Rockport, Mo., for immediate prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of S. K. Pierce & Son, of Brooklyn, N. Y., protesting against the proposed tax on denatured alcohol; to the Committee on Ways and Means.

Also, letter from Henry B. Smith, president New York State Pharmaceutical Association, against the passage of House bill 12787 and urging the passage of the Edmonds bill, House bill 5531; to the Committee on Military Affairs.

By Mr. ELSTON: Petitions of various citizens, churches, and other organizations of Alameda County, Cal., favoring wartime prohibition; to the Committee on the Judiciary.

By Mr. IGOE: Memorial of members of the St. Louis Stock Exchange, protesting against tax on brokers as worded in the revenue bill; to the Committee on Ways and Means.

By Mr. STINESS: Petition of the Victor Cleansing Co., of Providence, R. I., protesting against the proposed tax on naphtha; to the Committee on Ways and Means.

Also, petition of the Providence (R. I.) Stock Exchange, protesting against the proposed tax on stock brokers; to the Committee on Ways and Means.

Also, a petition of S. J. Foster, president Providence (R. I.) Stock Exchange, favoring a tax on stock brokers commensurate with the value of membership involved; to the Committee on Ways and Means.

SENATE.

FRIDAY, September 6, 1918.

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

Almighty God, we have committed our way to Thee. Our resources are consecrated to Thy service. What we have and what we are we are ready to lay upon Thy altar, for Thou dost lead us on amid the conflict of the present time. Give us to-day a renewed sense of our divine obligation, that we with the utmost care may move forward with unity of purpose, with high ideals, with a deeper consecration than ever in the great cause to which we have committed ourselves. Grant, we pray, that the day's record of our service may tell for the advancement of human civilization and for the glory of Thy name. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Wednesday, September 4, 1918, when, on request of Mr. Smoor and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House:

S. 934. An act authorizing the State of Montana to select other lands in lieu of lands in section 16, township 2 north, range 30 east, within the limits of the Huntley irrigation project and the ceded portion of Crow Indian Reservation in said State: