REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ASHBROOK, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (H. R. 12998) to amend section 3528 of the Revised Statutes, reported the same without amendment, accompanied by a report (No. 811), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEELE, from the Committee on the Judiciary, to which was referred the bill (H. R. 12801) to amend section 1 of Title VII of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, reported the same with amendment, accompanied by a report (No. 813), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. JAMES: A bill (H. R. 13003) to prevent the wearing of ribbon, badge of membership, or button signifying membership of the United Spanish War Veterans by those not entitled to same in the United States; to the Committee on the Judiciary.

By Mr. GANDY: A bill (H. R. 13004) extending the time for commencing construction of bridge and for maintenance of pontoon and pile bridge by the Chicago, Milwaukee & St. Paul Railway Co. across the Missouri River at or near Chamberlain, S. Dak., and providing additional requirements for bridge to be constructed; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER: Resolution (H. Res. 439) providing for the consideration of H. R. 12404; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. GANDY: A bill (H. R. 13005) granting a pension to Fred E. Savage; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 13006) granting an increase of pension to Tillie Wester; 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. CRAGO: Resolutions adopted at a mass meeting of the Lithuanian people of Philadelphia pledging loyalty and support to the United States in this war for justice; to the Committee on Military Affairs.

By Mr. DALE of New York: Letter of William C. Tenjost, president of the Retail Liquor Dealers' Association of the State of New York, protesting against the passage of the prohibition bills before Congress; to the Committee on the Judiciary.

By Mr. OSBORNE: Petitions of Charles A. Carroll and other citizens and of Samuel Lindenbaum and other citizens, all of Los Angeles, Cal., in favor of the bill (H. R. 5531) to provide a pharmaceutical corps for the United States Army; to the Committee on Military Affairs.

SENATE.

THURSDAY, *September 26, 1918.*

(Legislative day of Tuesday, September 24, 1918.)

The Senate met at 12 o'clock noon.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Chamberlain	Fernald	Hale
Baird	Colt	Fletcher	Harding
Bankhead	Culberson	France	Hardwick
Beckham	Cummins	Frelinghuysen	Henderson
Benet	Curtis	Gerry	Johnson, S. Dak.
Borah	Dillingham	Goff	Jones, N. Mex.
Brandegee	Drew	Gronna	Jones, Wash.
Calder	Fall	Guion	Kellogg
Kendrick	Nelson	Robinson	Trammell
Kenyon	New	Saulsbury	Underwood
King	Norris	Shafroth	Vardaman
Kirby	Nugent	Sheppard	Wadsworth
Knox	Overman	Sherman	Walsh
Lenroot	Owen	Shields	Warren
Lewis	Page	Simmons	Watson
Lodge	Penrose	Smith, Ariz.	Weeks
McCumber	Phelan	Smith, Md.	Wilfley
McKellar	Pittman	Smith, Mich.	Williams
McNary	Poindexter	Smith, S. C.	Wolcott
Martin, Ky.	Pomerene	Smoot	
Martin, Va.	Ransdell	Sterling	
Myers	Reed	Thompson	

Mr. SMITH of Michigan. I desire to announce the unavoidable absence of my colleague [Mr. TOWNSEND] on important business.

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

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 report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 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.

The message also announced that the House agrees to the amendment of the Senate numbered 13 to 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," disagrees to the residue of the amendments of the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LEVER, Mr. LEE of Georgia, Mr. CANDLER of Mississippi, Mr. HAUGEN, and Mr. MCLAUGHLIN of Michigan managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 152) to fix the compensation of certain employees of the United States, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 4194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4543. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 4722. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

SUPPLY OF MINERAL OILS (S. DOC. NO. 280).

Mr. LODGE. Mr. President, there are two reports on the table which have come in from the Director of the Bureau of Mines in response to requests for information concerning the production of oil. One request was made by the Senator from Montana [Mr. WALSH] and the other by myself. I thought they had been ordered printed, and I ask now that they be printed and lie on the table.

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

INTRACOASTAL CANALS (S. DOC. NO. 279).

Mr. SAULSBURY. Mr. President, there is a report on the desk of the Vice President, made by the Secretary of Commerce, in answer to a resolution which I introduced regarding the acquisition by the Government of certain canals. I ask that the report may be printed. I understand that there are certain illustrations in it, which under the rule will cause the matter to be referred to the Committee on Printing. I am not sure that that is correct. The report should undoubtedly be printed. I do not see the chairman of the Committee on Printing present.

Mr. SMOOT. I will say to the Senator that I was going to ask the unanimous consent of the Senate that the illustrations be printed with the report. I will do so now if the Senator has no objection.

Mr. SAULSBURY. I am very anxious that the report, which is a very important one, shall be printed, and I ask unanimous consent that it be printed, together with the illustrations.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS.

Mr. BORAH. Mr. President, what is the order of business?

The VICE PRESIDENT. There is no order of business. This is a recess.

Mr. BORAH. Out of order, and by unanimous consent, I ask leave to submit certain petitions upon the suffrage amendment.

The VICE PRESIDENT. The petitions will be received and noted.

Mr. BORAH presented petitions of sundry citizens of Ashton, Moscow, Kellogg, Idaho Falls, Almira, Gray, Lund, Wayan, Pocatello, Twin Falls, Lewiston, Blackfoot, Mackay, Shoshone, and Boise, all in the State of Idaho, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. WADSWORTH presented a memorial of the Anti-Suffrage Party of New York, and a memorial of the Women Voters' Anti-Suffrage Party of New York City, N. Y., remonstrating against the adoption of the proposed suffrage amendment to the Constitution, which were ordered to lie on the table.

Mr. FLETCHER presented petitions of sundry citizens of Palm Beach County; of the Florida Equal Suffrage Association of Fort Lauderdale; of sundry citizens of Pensacola, Miami, Tallahassee, Orange Park, Summer School, Orlando, Palmetto, and Jacksonville, all in the State of Florida, and the petition of Catharine Waugh McCulloch, of Chicago, Ill., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented memorials of the Anti-Suffrage Party of New York City and of sundry citizens of New Haven, Conn.; Hartford, Conn.; Jaffrey, N. H.; Westfield, N. J.; Canton, N. Y.; New York City, N. Y.; Philadelphia, Pa.; Pittsburgh, Pa.; and Cincinnati, Ohio, remonstrating against the adoption of the proposed suffrage amendment to the Constitution, which were ordered to lie on the table.

Mr. GERRY. I ask unanimous consent to have the telegram which I send to the desk inserted in the RECORD.

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

PROVIDENCE, R. I., *September 23, 1918.*

Hon. PETER G. GERRY,
United States Senate, Washington, D. C.:

Following resolution unanimously adopted by the Democratic Party in convention assembled at Providence the 23d day of September, 1918:

"Urge upon the Senate of the United States the immediate passage of the Federal amendment for woman suffrage and recommend that the Senators from this State support said amendment, and further ask that this resolution be forwarded to Washington to be read into the CONGRESSIONAL RECORD."

JOHN I. DEVLIN,
Chairman of Convention.
PATRICK S. QUINN,
Democratic National Committeeman.
JOSEPH CUNNINGHAM,
Secretary of Convention.

Mr. SMITH of Michigan presented a petition of sundry women students of the Michigan State Normal College, and a petition of sundry women students of the Western State Normal School, of Kalamazoo, Mich., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. LODGE presented petitions of sundry citizens of Pittsfield; of the Central Labor Union of Lynn; and of the Massachusetts State Branch, American Federation of Labor, of Boston, all in the State of Massachusetts, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. COLT presented resolutions adopted by the Republican State convention of Rhode Island in session September 24 at Providence, R. I., favoring the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

STATISTICS OF COMMERCE AND NAVIGATION.

Mr. FLETCHER. From the Committee on Commerce I report back favorably without amendment the bill (S. 4924) to amend section 336 of the Revised Statutes of the United States relating to the annual report on the statistics of commerce and navigation of the United States with foreign countries, and I submit a report (No. 575) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

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

By Mr. PENROSE:

A bill (S. 4959) to increase the rates of pay of officers of certain grades; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 4960) providing for the promotion of certain officers in the United States Army; to the Committee on Military Affairs.

By Mr. CALDER:

A bill (S. 4961) to grant railroad rates at 1 cent a mile to men in the military or naval service; to the Committee on Military Affairs.

MINERAL PRODUCTS—CONFERENCE REPORT (S. DOC. NO. 281).

Mr. HENDERSON submitted the following report, which was read and ordered to lie on the table and be printed:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate insert the following:

"That by reason of the existence of a state of war, it is essential to the national security and defense, and to the successful prosecution of the war, and for the support and maintenance of the Army and Navy, to provide for an adequate and increased supply, to facilitate the production, and to provide for an equitable, economical, and better distribution of the following-named mineral substances and ores, minerals, intermediate metallurgical products, metals, alloys, and chemical compounds thereof, to wit: Antimony, arsenic, ball clay, bismuth, bromine, cerium, chalk, chromium, cobalt, corundum emery, fluorspar, ferrosilicon, fuller's earth, graphite, grinding pebbles, iridium, kaolin, magnesite, manganese, mercury, mica, molybdenum, osmium, sodium, platinum, palladium, paper clay, phosphorus, potassium, pyrites, radium, sulphur, thorium, tin, titanium, tungsten, uranium, vanadium, and zirconium, as the President may, from time to time, determine to be necessary for the purposes aforesaid, and as to which there is at the time of such determination, a present or prospective inadequacy of supply. The aforesaid substances mentioned in any such determination are hereinafter referred to as necessaries.

"SEC. 2. That the President is authorized from time to time to purchase such necessaries and to enter into, to accept, to transfer, and to assign contracts for the production or purchase of same, to provide storage facilities for and store the same, to provide or improve transportation facilities, and to use, distribute, or allocate said necessaries, or to sell the same at reasonable prices, but such sales made during the war shall not be at a price less than the purchase or cost of production thereof: *Provided*, That no such contract of purchase shall cover a period longer than two years after the termination of the war.

"The President is further authorized, upon finding that importation into the United States of any of the necessaries covered by this act is likely to result in a loss to the United States on any necessaries which it may have acquired hereunder, to ascertain, fix, and proclaim such rate of duty upon such imported necessaries as shall be sufficient to adequately protect the United States from any such loss.

"The funds provided by section 6 hereof shall be used in carrying out the powers granted by this section, and all moneys received by the United States from or in connection with the disposal of such necessaries, shall be used as a revolving fund for further carrying out the purposes of this act. Any balance of such moneys remaining when the object of this act has been accomplished shall, as collected, received, and on hand and available, be covered into the Treasury as miscellaneous receipts.

"SEC. 3. That the President is authorized to requisition and take over any of said necessaries and to use, distribute, allocate, or sell the same; and also to requisition and take over any undeveloped or insufficiently developed or operated idle land, deposit, or mine, and any idle or partially operated smelter, or plant, or part thereof, producing or, in his judgment, capable of producing said necessaries, or either of them, and to develop and operate such mine or deposit or such smelter or plant, either through the agencies hereinafter mentioned, or under lease or royalty agreement, or in any other manner, and to store, use, distribute, allocate, or sell the products thereof: *Provided*, That no ores or metals, the principal money value of which consists in metals or minerals other than those specifically enumerated in

section 1 hereof, shall be subject to requisition under the provisions of this act. Whenever the President shall determine that the further use or operation by the Government of any such land, deposit, mine, smelter, or plant, or part thereof, so acquired, is no longer essential for the objects aforesaid, the same shall be returned to the person, firm, or corporation entitled thereto. The United States shall make just compensation, determined by the President, for the taking over, use, occupation, or operation by the Government of any such necessaries, or any such land, deposit, mine, smelter, or plant, or part thereof. If the compensation so determined be unsatisfactory to the person, firm, or corporation entitled thereto, such person, firm, or corporation 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, in the manner provided by section 24, paragraph 20, and section 145, of the Judicial Code.

"The President is authorized to require statements and reports, to examine books and papers, and to prescribe such rules and regulations as he may deem appropriate for carrying out the purposes of this act. The fund provided by section 6 hereof may be used in carrying out the purposes of this act, and all moneys received by the United States from or in connection with the use, operation, or disposal of any such necessaries, land, deposit, mine, smelter, or plant, or part thereof, shall be used as a revolving fund for further carrying out the purposes of this act. Any balance of such moneys remaining when the objects of this act have been accomplished shall, as collected, received, and on hand and available, be covered into the Treasury as miscellaneous receipts.

"SEC. 4. That any person who shall neglect or refuse to comply with any order or requisition made by the President pursuant to the provisions of this act, or who shall obstruct or attempt to obstruct the enforcement of or the compliance with any such requisition or order, or who shall violate any of the provisions of this act, or any rule or regulation adopted hereunder, shall, upon conviction, be fined not exceeding $5,000 or be imprisoned for not more than two years, or both.

"SEC. 5. That the sum of $500,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available until June 30, 1919, for the payment of all administrative expenses under this act, including personal services, traveling and subsistence expenses, the payment of rent, the purchase of equipment, supplies, postage, printing, publications, and such other articles, both in the District of Columbia and elsewhere, as the President may deem essential and proper.

"SEC. 6. That the sum of $50,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, which, together with all moneys received from time to time under the provisions of this act, all of which shall be credited to said appropriation, shall be used as a revolving fund for carrying out the objects of this act, and for the purpose of making all payments and disbursements, including just compensation under section 3, by this act authorized: *Provided*, That no part of this appropriation shall be expended for the purposes described in the last preceding section: *Provided further*, That a detailed report of all operations under this act, including all receipts and disbursements, shall be filed with the Secretary of the Senate and Clerk of the House of Representatives on or before the 25th day of each month, covering the preceding month's operation. Any balance of said revolving fund remaining when the objects of this act have been accomplished, shall, as collected, received, and on hand and available, be covered into the Treasury as miscellaneous receipts.

"SEC. 7. That the President is authorized to exercise each, every, or any power and authority hereby vested in him, and to expend the moneys herein appropriated or provided for, or any part or parts thereof, by and through such officer or officers, department or departments, board or boards, agent, agents, or agencies as he shall create or designate from time to time for this purpose. He may fix the reasonsable compensation for the performance of such services, but no official or employee of the United States shall receive any additional compensation for such services except as now permitted by law: *Provided*, That no person employed under the provisions of this act shall be paid any salary or compensation in excess of that paid for similar or like services rendered in executive departments of the Government.

"SEC. 8. No person having a pecuniary interest in any transaction in pursuance of this act shall have any official connection under this act with such transaction. Any person violating this provision shall forfeit to the Government all proceeds which he shall have received from such transaction, and upon due conviction of such violation shall be fined not exceeding $10,000 or imprisoned not exceeding 10 years.

"SEC. 9. That the President is authorized, if in his judgment such action be necessary or useful for the objects of this act, to form one or more corporations under the laws of any State, Territory, District, or possession of the United States, for the purpose of carrying out the powers or any of the powers hereby authorized. The capital stock of any such corporation shall be such as the President may determine, but the total capital stock for all corporations so formed shall not exceed in the aggregate the appropriation of $50,000,000, made by section 6 hereof. Said appropriation, or any part thereof, may be used by the President in subscribing on behalf of the United States, through such person or persons as he may designate, to the capital stock of such corporation or corporations, and the capital and assets of any such corporation or corporations, together with all additions thereto under sections 2 and 3 hereof, may be used in carrying out the objects of this act. The directorate and organization of such corporation or corporations shall be such as the President may prescribe, and such corporation or corporations shall have all such charter powers as may be deemed necessary or desirable by the President to enable it or them to accomplish the objects of this act. The capital stock of any such corporation or corporations shall be held and voted for the exclusive benefit of the United States, through such person or persons as the President may designate.

"SEC. 10. Upon the proclamation of peace the President shall proceed as rapidly as possible to wind up and terminate all transactions under this act, and to dispose as fast as practicable of all property acquired thereunder, and after said proclamation of peace no contracts shall be made, property acquired, or other transaction performed under this act except such as shall be necessary for the purpose of this section and incidental thereto, and two years after such proclamation of peace this act shall cease to have effect and all powers conferred thereby shall end: *Provided*, That the termination of this act shall not prevent the subsequent collection of any moneys due the United States, nor shall it affect any act done or any right or obligation acquired or accruing or any suit or proceeding had or commenced before such termination, but all such collections, rights, obligations, suits, and proceedings shall continue as if this act had not terminated, and any offense committed or liability incurred prior thereto shall be prosecuted in the same manner and with the same punishment and effect as if this act had not terminated.

"SEC. 11. That employment under the provisions of this act shall not exempt any person from military service under the provisions of the selective-draft law approved May 18, 1917, or any act amendatory thereto.

"SEC. 12. That if any action or provision of this act shall be declared invalid for any reason whatsoever such invalidity shall not be construed to affect the validity of any other section or provision hereof."

And the Senate agree to the same.

CHARLES B. HENDERSON,
T. J. WALSH,
MILES POINDEXTER,
Managers on the part of the Senate.

M. D. FOSTER,
EDWARD T. TAYLOR,
M. M. GARLAND,
Managers on the part of the House.

HOUSE BILL REFERRED.

H. R. 152. An act to fix the compensation of certain employees of the United States was read twice by its title and referred to the Committee on Education and Labor.

WOMAN SUFFRAGE.

Mr. JONES of New Mexico. I should like to inquire of the Chair whether the regular order of morning business is to be proceeded with?

The VICE PRESIDENT. This is a recess. There is no regular order of morning business.

Mr. JONES of New Mexico. Then I ask unanimous consent to take up for consideration House joint resolution 200, Order of Business 123.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 200) proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Mississippi [MR. WILLIAMS].

Mr. BORAH. May we have the amendment read?

The VICE PRESIDENT. The Secretary will read the pending amendment.

The SECRETARY. The amendment pending is that offered by the senior Senator from Mississippi [Mr. WILLIAMS], in line 9, before the word "citizens," to insert the word "white," so as to read:

SECTION 1. The right of white citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Mr. VARDAMAN. Mr. President, the world is passing through a period of change. Things that were new yesterday are to-day old and to-morrow will doubtless become obsolete. New principles and untried policies are passing through the processes of experimentation, and the mutations coming with lightning rapidity challenge our attention and present the world in the perspective as a cosmic phenomenon, kaleidoscopic in character. It reminds one of the cyclone that rushes through the country razing to the ground houses and forests, mingling the débris with the boiling, onrushing clouds, scattering woe and want, and leaving in its wake misery on every hand. After a while it will run its course. The twisting winds shall cease to twirl; they will assume their normal velocity; and the force which wrought widespread destruction but a few moments before will be changed to the gentle zephyr passing over the landscape, drinking in the perfume from the fragrant flower, or fanning the dimpled cheeks of joyous, innocent childhood. The frowning front of the cloud of war will pass away, and the rainbow of peace shall shine forth to quiet the troubled soul.

In the midst of this desolation and devastation, the deadly work of the typhoon of war, it is well—aye more, wisely prudent—that the American people, in the quiet of their homes, should take an inventory of their national assets and liabilities, indulge in serious thought, and make ready, in so far as possible at this time, for the great work of reconstruction and rehabilitation, which must engage our attention after the war is over.

In time of war let us prepare for peace, for in the performance of that great work we shall have need of all of the moral forces and mental strength which the wisest of men and women who make up the composite citizenry of this Republic can contribute. This we must do if we would perform properly our part in saving the world from a lapse into the barbarism of the Dark Ages. America must continue to lead the world in civic righteousness and democratic reform.

Offensive warfare universally brings about a recrudescence of brute force in government, and its general effect is to stifle the nobler impulses of the human soul. There was never a war in all the ages of the world that could not have been averted if the leaders on either side had been sufficiently wise, brave, patriotic, unselfish, and true to the highest ideals. I am quite sure, however, that there are instances in the world's history where wars were forced upon people, and self-preservation and the preservation of governmental existence made it necessary to engage in war. In such cases, which we will call defensive warfare, for a righteous cause, in individual cases the dross is separated from the gold and it also works for national exaltation and individual excellency. But at best war is a brutal business, "only splendid murder, the mad game the world so loves to play," if I may be permitted to quote Dean Swift; it is contrary to the teachings of the Prince of Peace, an impeachment of the world's Christianity, and violative of all the principles of altruism.

One of the unfortunate, very unfortunate, incidents to all wars is the disposition of even so-called righteous men and women to condone the violations of the moral law to a degree which almost amounts to suspension of the moral law. Constitutions are also set aside and Necessity becomes the final arbiter. To win is the goal to which and for which men fight; and particularly is that true in the desperate conflict now being waged upon the broad theater of the world. The unconquerable spirit which bids us fight until victory for the allied cause is achieved fires the heart and animates the soul of every patriotic American to-day. America entered this war, we were told by the President of the United States, to uphold the rights of her citizens upon the high seas and in defense of an ideal; and having entered, every citizen of the Republic will willingly lay his all as a fitting sacrifice upon the altar of his country's cause.

We must, however, not fall below or go beyond the first high purpose. We can not afford to lose sight of the real motives that moved us as a Nation in the beginning.

President Wilson's famous address to the Senate on the 22d day of January, 1917, contains the definition of the aim and end of America to which in after years posterity can point with pride. The brutality and wickedness of our adversary must not be permitted to betray us into doing the things which we condemn in others and to demand more at the hands of the vanquished than we started out to achieve.

Justice is not measured by the weakness of our adversary, and righteousness must not be determined by the superior strength of our arms. In the prosecution of this war courage and heroic devotion to duty must characterize our conduct if we would win the war, and the spirit of generosity, love, and charity for our fellow man must crown and glorify our acts in the hour of victory. God grant that out of this desperate conflict the principles of liberty and justice, of righteousness and Caucasian equality may emerge, reinvigorated and purified, to bless and lead the world to higher and better things.

But, Mr. President, after all of this sacrifice and suffering, blood letting, and money wasting, what will it profit the United States if we gain democracy for the whole world and still deny the application of its beneficent principles to the best part of our own citizenry? In reality, there can be no world-wide democracy in the true sense of the term as long as liberty has her favorites and justice is dispensed by the hand of partiality.

I have entertained for many years a very sincere desire to see the white women of America invested with the right of suffrage. I have not shared, and do not at this time share, the apprehension of many of my fellow countrymen, who, overwhelmed, unconsciously perhaps, with the vanity of their own sex superiority, that woman's possession of the ballot would lower the standard of feminine excellency, rob her of those refinements of manner and gentleness of soul which are the flowering of good breeding, the perfume of loving hearts, and the crowning virtue of her sex—qualities which all men reverence and worship in the perfect woman. I have not believed at any time that giving to woman the privilege of the ballot would be hurtful to her personally or result detrimentally to my country. The truth about the matter is, Mr. President, I believe, that the inherent virtues and superior moral and mental qualities of woman will rather purify the ballot, elevate the standard of citizenship, and, therefore, contribute largely to the sum total of virtue in government. All of which will necessarily elevate the standard of statesmanship in the Republic, which is so much needed at this time. I believe the responsibility which the adoption of this amendment by the American people shall put upon woman, the character of the work which she will be called upon to perform, will strengthen the moral fiber, develop the latent qualities of her heart and mind, and add to her personal charms, rather than detract from them.

Although woman has lived in a circumscribed sphere, with no power to reach out and do things—"do the things that others pray," as Edwin Markham expressed it—nevertheless, it is my judgment that we are indebted to her in a larger measure for what America has accomplished in the art of government and in the elevation of mankind generally than we are to man himself.

I would rather rely upon the intuition of woman to lead me in the right path, I would rather trust the promptings of her unselfish heart, than the boasted ratiocinations or the painful, logical processes of man. Woman usually thinks in straight lines, because her mind follows the promptings of her loving heart. In matters involving the welfare of humanity—the protection of the home, the God-given maternal instinct, the mother heart seldom deviates from the right course.

She understands instinctively that a right beginning is necessary to a successful ending. She knows that as the "twig is bent the tree's inclined." She understands well that—

You may talk of reformations, of the economic plan,
That shall stem the social evil in its course;
But the ancient sin of nations must be got at in the man.
If you want to cleanse a river, seek the source.
Ever since his first beginning, man has had his way in lust,
He has never learned the law of self-control;
And the world condones his sinning, and the doctors say he must,
And the churches shut their eyes, and take his toll.
* * * * * * *
It can never end through preaching; it can never end through laws;
This social sore no punishment can heal;
It must be the mother's teaching of the purpose, and the cause,
And God's glory, lying under sex appeal.

Her head and heart working in conjunction can more nearly approximate the real value of the human being to the State and to God. She understands that the most valuable thing beneath the stars in the sight of the Ruler of the Universe is a human being, and that all else, all governments, are made for man rather than man for government. She lives in an atmosphere of idealism, "and in spite of the stare of the wise and

the world's derision she dares to travel the star-blazed road—to follow the vision."

She never permits herself to be tied by precedent or proscribed by custom; she hates an ancient lie as she despises a new error. She realizes that—

To sin by silence, when we should protest,
Makes cowards out of men. The human race
Has climbed on protest. Had no voice been raised
Against injustice, ignorance, and lust,
The Inquisition yet would serve the law,
And guillotines decide our least disputes.
The few who dare must speak and speak again
To right the wrongs of many. Speech, thank God,
No vested power in this great day and land
Can gag or throttle. Press and voice may cry
Loud disapproval of existing ills;
May criticize oppression and condemn
The lawlessness of wealth-protecting laws
That let the children and childbearers toil
To purchase ease for idle millionaires.

The best citizen is not necessarily the one who has the biggest bones or the strongest thews. The strength that counts does not always consist in bodily vigor. Napoleon was a stronger man than Jack Johnson, and Jefferson Davis and Abraham Lincoln were more powerful than John L. Sullivan and Jim Jeffries.

The characterization of woman by man as "the weaker vessel" has never found approval in my mind, and it is not justified by history. Aspasia was not inferior mentally to Pericles, and Queen Victoria surpassed all of her successors in the art of statecraft to a degree which amounts to a contrast rather than a comparison. Naturally woman is as strong mentally as man. She is superior in the matter of physical endurance, and in spiritual exaltation she towers above her brother as high as the sun hangs above the earth. She is the custodian of the morality of the race and the preserver and savior of racial purity of Caucasian manhood of America. In brute force, I admit, as a matter, of course, she is man's inferior; and wherever or whenever brute force predominates and superiority is arrogated by man to himself for his own selfish purposes man has universally denied woman equality of privilege and rights under the law. It has been but a few years since man denied to woman the right to use, even without his consent, the products of her own toil and to own and control property which belonged of right to her. But the world has grown bigger, better, and wiser, thank God, and tyranny has given place to justice.

The self-assumed obligation which women have so splendidly absolved by the great service they have rendered to humanity and to our Government in this desperate conflict, which fills the world with woe, has compelled American public sentiment at last to grant her political status. No; she is not "the weaker vessel"—

For I tell you at this hour the worth of this world's future depends upon her power.
And down the stream of ages as life's flood tides are told,
The record of its excellency is marked by the place that woman holds.

And she has made her place in the political world by force of will, pertinacity of purpose, and the inherent justice of her cause. Man has never done anything, he has never invented an engine, written a poem, painted a picture—in a word, achieved anything worthy of being remembered—but that there was behind him, sustaining him with her prayers, inspiring him with her love, and guiding him with her unerring intuition, some true, noble woman.

The influence of woman is needed at the ballot box to-day more urgently than ever before; and while I would very much prefer, because it is more in keeping with the original plan upon which our Government was established, that the privilege of voting should be given her by the respective States, I know the tardiness of State action, caused in many instances by local prejudices, has already too long delayed the consummation of this great desideratum, and it will delay it further. There is no reason or excuse for postponing the issue another day. The whole civilized world has suddenly become aroused to the injustice which humanity has suffered as the result of man's stupidity in withholding the right of suffrage from woman.

The sentiment has grown. It is sweeping over the world to-day with the irresistible force of the moving tide. It has in it the potency of truth and the certainty of eternal justice. You might as well undertake to exhaust the circumambient air with a hand pump or fight back the all-pervasive rays of the rising sun as to attempt to defeat this world-wide movement for cleaner politics, purer government, and a more enlightened civilization. It is as reasonable, certain, and sure as the law of gravitation. I have infinite reverence for antiquity, and for the wisdom of our forefathers I have great respect, but—

New conditions teach new duties;
Time makes ancient good uncouth;
They must upward, still and onward,
Who would be abreast of truth.
Lo, before us gleams the campfire,
We ourselves must pilgrims be;
Launch our *Mayflower* and steer boldly
Through the desperate winter sea,
Nor attempt the future's portals
With the past's blood-rusted key.

I, along with other southern statesmen, have been deterred from rendering this great service to humanity and to my country and at the same time doing tardy justice to woman because of the presence of the overshadowing race problem which exists in its most acute form in the Southern States—a problem which falls like a blight, a poisonous dew, upon the fair section of this Republic which I have the honor in part to represent in this Chamber. And if I may be permitted to diverge at this point, I wish to say, Mr. President, conditions that will grow out of this war will enhance a thousandfold the difficulties incident to that problem. I was in hopes that the white men of the South would appreciate the necessity for prompt, effective action in treating the race problem and unite in an effort to eliminate the negro as a race from politics by law before woman should be invited to take part actually in the government of the Republic. But in that hope I have been disappointed. The white men of the South, especially the mentally myopic, selfish, soulless little politicians have been so dilatory and in some instances so indifferent to the gravity of the question that I have almost despaired of any immediate action on their part. There is, however, one thing certain. I shall not wait longer.

Mr. President, I am convinced that the enfranchisement of woman will bring verve and vigor, intelligence and sound judgment to the support of such measures as may be necessary for the solution of the great race problem, a problem which I would impress upon the Senate, although more acute in the Southern States, is as national in its nature and scope as ever emanated from the pregnant womb of time. I believe that the enfranchisement of woman, I repeat, will accelerate the processes which will lead to a proper settlement of this great issue.

I understand, Mr. President, that to give woman the ballot by the adoption of the pending amendment will involve to a certain extent a change in the machinery of our Government. But this amendment to the Constitution will be made in the regular constitutional way; and whatever changes are made will be made by the people themselves. There is nothing revolutionary or radical about the proposition at all. It is true that it involves the delegation of certain powers which heretofore have been exercised by the States, though in part only, and I would now prefer that the States should continue to exercise those powers. But I do not apprehend that any serious harm will result from the adoption of this amendment; and if any harm should possibly result, I think the known good will so much overbalance any possible evil that may grow out of the change—I am so certain of that that I shall, with great pleasure, resolve the doubt in favor of the pending amendment and vote for the resolution, inspired, I trust, by the highest sense of duty to my State, the Nation, and the world.

Mr. President, I should be uncandid if I failed to state in this presence that I realize also when I cast my vote for this amendment the force of the objection urged by some of my colleagues from the South that it is going to bring to the ballot box, along with the negro men, a few negro women. I also understand that the negro woman will be more offensive, more difficult to handle at the polls than the negro man, for "verily the female of that species is more deadly than the male." But when I realize that five white women will be added to the electorate where only two or three negro women can possibly be brought to the ballot box, the difficulties are minimized—the antidote will neutralize the poison.

There is another phase of this question which has not been overlooked by me; and the gravity of it calls for close and careful attention on the part of the southern white people. The military negro out of harness is a menace to the peace and prosperity of any country governed by the white man. As stated before, this war is going to intensify the difficulties which must be met at first by the southern white people. The arrogance and impudence of the ex-negro soldier will greatly enhance the white man's burden. The discussion of this matter, Mr. President, should not excite the ire of the northern statesman or offend the pretended patriotism of the average private citizen. It is an issue that must be met, and the sooner the American people realize that fact the better for the country. But the women of the South and of the North will help to bear this increased burden. Every thoughtful white man living beneath the

folds of the Stars and Stripes, whether his place of residence be north, east, west, or south, knows that the white man and the negro can not live peaceably together in the same country on terms of political and social equality; and they also know that political equality where the races are nearly equally divided in the States means, ultimately, social equality; and social equality means race amalgamation; and race amalgamation means race deterioration, which is followed in turn by the disintegration and death of the white man's civilization.

Thomas Jefferson, the wisest political philosopher the world has ever known, in my judgment, saw the dangers involved in such an experiment a century ago; and Abraham Lincoln—that patriot with the soul of a seer and the eye of the prophet, who possessed the unusual capacity of correctly estimating the times in which he lived—verified and confirmed the apprehensions of Jefferson. God Almighty never intended that the negro should share with the white man sovereignty and dominion in this country; and it is wicked—a crime against the white race and an injustice to the negro—to attempt it. It never has been done successfully in any country, and never will be done. The Southern States of America present the only instance in the world's history where two races, equal in number, differing radically in racial traits and qualifications, have lived in the same country side by side for a half century, invested with equal political rights, without amalgamating, or one race expelling or exterminating the other. That has been accomplished in the South by the white men of the South by force of superior mentality and taking the matter in hand, often in violation of the letter and spirit of the Federal Constitution, and keeping up racial barriers and guarding with drawn sword the portals of the homes wherein dwells the purity of the Caucasian race.

It involved another thing which we might as well admit here—the setting at naught by mere State legislative expedients of the fifteenth amendment to the Constitution of the United States. The fight in the future on this question must be made along racial lines; and the fight must be made, and will be made. Do not forget that. This problem must be solved upon scientific *principles*, and I believe the white women of America, whose intuition and high sense of preservation is so much keener than man's, will see the necessity for prompt and radical action upon this issue and therefore hasten the proper settlement of the problem.

There is not a normal white woman in the South who does not feel the dangers involved in physical proximity with the negro as a race. She knows it is a menace to the peace and purity of the white man's home, and therefore a menace to the white man's civilization, and as woman always instinctively looks out for the best interests of the home, the preservation, the education, and the development of the child, we can rely upon her to take the proper interest in this question of paramount importance when it becomes a political issue; and I think we can rely upon woman to do this without regard to the geography of her residence.

Mr. President, if the resolution proposed by the senior Senator from Mississippi, providing for the insertion of the word "white," shall be agreed to it will be a long step in the right direction and simplify very greatly the problem which the Nation must ultimately be called upon to solve. In a government deriving all of its just powers from the consent of the governed, just laws, responsive to the demands of the people, will require as a condition precedent homogeneity of race, consentaneity of judgment, and a common goal for all effort.

I do not think in this Republic any man or woman, other than the members of the Caucasian race, should be permitted to vote or perform the supreme function of citizenship; and I feel that way about it, not only for the protection of the Caucasian race and the preservation of the white man's civilization, but for the protection and promotion of the better interests of the negro and yellow races as well. It is an historical fact that the negro has never shown any sustained power of self-development. He has never created a language or a civilization. As a matter of fact, the only civilization that he has ever enjoyed has been engrafted upon him by a superior race; and that civilization, thus engrafted, universally lasts only so long as the negro is under the control and domination of the race that trained him.

Of course I have no hope that the amendment proposed by the senior Senator from Mississippi will be adopted. It ought to be adopted, and I am glad the Senator has proposed it. I wish he had proposed it 10 years ago, and had supported it with all the force of his great mentality and his usual enthusiasm, but I do not think it is going to be agreed to now. Whether agreed to or not, however, I expect to vote for it, and, in the event it shall be defeated, to vote for the original amendment also.

To say that woman is the mental inferior of man is only to proclaim the ignorance of the person making the statement. I repeat, woman has risen to equality mentally with man in every emergency in the world's history. It is a singular fact, worthy of the consideration of this honorable body, that those nations that have accomplished most in art, in literature, in science, and have risen to the highest plane of civilization have shown the greatest respect and adoration for woman. That is true alike in ancient and modern times. The late erudite and eloquent Senator from Mississippi, the Hon. H. D. Money, a few years ago in this Chamber said:

"I have noted the struggle those people made in that the highest form of civilization with which we are acquainted in ancient history—the Greek. The Greeks were not only physically the most beautiful people who ever lived but by far the most acute and subtly intellectual. They have furnished to the world the greatest epic poem that was ever written, the greatest tragedy, the highest principles of human philosophy, the greatest specimens of oratory that were ever uttered, and the wittiest comedies that ever have been written. They have given us forms of government and examples of individual devotion to the State; they have given us the greatest examples of self-abnegation and public spirit. * * *

"The struggle of those people to maintain their liberties, considering their extreme advancement, especially in the golden age, the age of Pericles, the classic age of the Greeks, is one that fills the inquiring mind of the student with melancholy. Here was a nation of people, as proud of their history and personally of themselves, as has ever been known. They had achieved progress in sculpture, in painting, in architecture, in poetry, in philosophy, in eloquence, and oratory, and in rhetoric, which, as some English critic once said, 'Was not only the admiration but the despair of succeeding peoples.' They made every effort that men could make to keep in their grip the loosening bands of their political freedom. Their orators thundered their eloquence in the agora, their philosophers taught in the sacred grove of the academy. Socrates gave his disciples those profound lessons that reach to the immortality of the soul and the first vital principles of human action and human life, the copy of other philosophers since his day. * * * Their women were so wise that no Spartan warrior ever thought of taking any action without consulting with his wife; and we are told that when Cleomenes received the Persian ambassador, the ambassador laid before him first the request that everybody should leave the chamber, and they were ordered out.

"The ambassador said, 'Send away the child,' referring to Gorgo, the 9-year-old daughter of Cleomenes. The king responded, 'She is only 9 years old; let her play.' The ambassador began his speech—a very seductive speech. It tempted the Spartan king with splendors he had never dreamed of—magnificent presents and honors from him whom the Greeks were pleased to call 'the great king.' After a while the girl stopped from her play and said to her father, 'Get up, father, and leave the room or this stranger will corrupt thee,' and the king told the ambassador to leave the hall. The daughter was afterwards the wife of Leonidas, who fell at Thermopylæ, and the sister-in-law of Pausanias, who won the greatest battle the Greeks ever fought—the battle of Platæa, where the Lacedæmonians, Athenians, and a few Legæans destroyed 300,000 Persians under Mardonius and their Theban and other allies.

"The influence of the Spartan women over the Spartan men is illustrated by the answer of this same Gorgo to one who said to her, 'Sparta is the only country in the world where the women rule the men.' She replied, 'And the Spartan women are the only ones who give birth to men.'"

Mr. President, Spartan women were no greater, more learned, more beautiful or refined than the women of America. The wisdom of woman has been demonstrated in every emergency in the world's history. The penetrating intuition of Pontius Pilate's wife, who had probably but once looked upon the pure, sad, majestic face of the Galilean Carpenter, caused her to warn her husband not to do Him wrong. How many a man has had his life utterly ruined and finished with failure when, if he had followed the advice of a wise, good woman, he would have had it crowned with glorious success? The inspiring, beneficial influence of woman in the home will be felt alike at the ballot box.

We must not forget the self-sacrificing conduct of woman, her willingness to immolate her precious self on the altar of her country's cause, in order to serve her race in the great emergency which overshadows the world to-day. We have but to look around us to see what woman is doing in this day of trial. In all the industrial walks of life she is taking the place of her husband, her father, and her brother, and she is doing the work well. When we consider further the fact that she is wholly in-

experienced in such work which the exigency of the hour calls her to perform the success which crowns her every effort appears almost marvelous.

When we shall have won this war and our stainless flag comes back flaunting triumphantly in the air we shall be as much indebted to the women for the victory as to the men. There is no argument that can be advanced against giving woman the ballot. Prejudice and ignorance may loudly inveigh against it and the assertion of superiority may fall from the lips of bigotry, but to the serious student of public questions history is teeming with the examples of woman's wisdom and heroism too numerous to be mentioned in this discussion, which amply answer every objection.

They talk to me of woman's sphere
As though it had a limit;
There is not a place in earth or heaven,
There is not a task of mankind given,
There is not a blessing or a woe,
There is not a whispered yes or no,
There is not a life or death or birth,
That has a feather's weight of worth
Without a woman in it.

My estimate of woman is well expressed in the words employed by a distinguished author who dedicated his book to a "Little mountain, a great meadow, and a woman." "To the mountain for the sense of time, to the meadow for the sense of space, and to the woman for the sense of everything."

Mr. President, I deem myself fortunate to be a Member of the Senate which will, I trust, pass the joint resolution which will give the people of America an opportunity to vote woman the privilege of the ballot—a privilege so splendidly deserved, and yet so long delayed and withheld from her. I hope that her brave fight for political liberty and equality of opportunity is to be crowned at this session with the splendid success which will be achieved by the passage of this joint resolution by the Senate. It is the fulfillment of the dream that has glorified the brain and stimulated the efforts of the great forward-looking men and women who have stood out among their fellows—Apennine in character, intellectual Pikes Peaks above the shrub-covered hills of mediocrity. I am reminded that woman is about to enter the promised land of equality which the dreamers of her sex have described vividly for more than a half century. Mr. President, the dream has always been the pillar of cloud by day and the pillar of fire by night to lead peoples out of the wilderness of oppression and over the highways of difficulties. The dreamer stands within the shadow of the night, and looks beyond it toward the coming light, and sees far off, with trance-prophetic eyes, the consummation of the centuries.

May great good grow out of this reform; may justice and truth mark the way of our Nation's future; may the wise and humane ideas which spring indigenous to the mind of woman help to save our Republic from the pitfalls into which other republics of the past have fallen. I believe that the influence of woman alone is capable of saving the world from the blood lust and greed for gain which seems now to poison the soul and dim the mental vision of mankind. If the women of the world had been consulted, there would have been no war, and if the women of the future are permitted to participate in the governments of the earth, peace and prosperity, equality of opportunity, enlightened justice, and good government will bless the world. The parliament of man and the federation of the world will come only through an understanding, mutual respect, and confidence of the people of the different countries of the earth. There can be no permanent world peace except that which shall be based upon human love, and the principles taught and bodied forth in the life of the Man of Galilee.

There is a destiny that makes us brothers,
None goes his way alone,
All that we send into the lives of others
Comes back into our own,

Mr. President, I think to confer upon woman the right of suffrage is the highest form of moral conservation. It is the one bright star that twinkles above the horizon of our Nation's future. It is a covenant with the future, a guaranty that the criminal blunders of the past shall not be repeated, and that this Republic shall henceforth be dedicated to the service of mankind, which is the most acceptable service to God, rather than to the service of Mammon. And that will answer the question—

When wilt Thou save the people?
Oh, God of Mercy, when?
Not kings and lords, but nations;
Not thrones and crowns—but men:
Flowers of Thy heart, O God! are they.
Let them not pass like weeds away!
Their heritage a sunless day.
God save the people!

Mr. McCUMBER. Mr. President, the question of how I should record my vote on this joint resolution has given me great concern. I am compelled to admit an unrelenting conflict between my own conviction as to the merits of extended suffrage and what I regard as my duty as a representative of a State. My own judgment is against the joint resolution. But since 1914 by legislative action the State of North Dakota has become a general suffrage State. The political platform of each and every party has declared for this Federal amendment. The State legislature, by an almost unanimous vote, has requested its congressional delegation to vote for it. Here is the State record on the subject of woman suffrage, and I give it that it may throw light on the position I shall be impelled to take in the matter:

The question of extending the right of equal suffrage to women was submitted to the people of the State of North Dakota in the fall election of 1914. The proposition was then defeated by a good, fair majority.

At the very next term of the Legislature of the State of North Dakota, beginning in January, 1917, that body passed—and, as I am informed, by a large majority—an act which extended the right of suffrage to women to include the election of presidential electors and county, city, and township officers.

On what theory or process of reasoning these legislators acted in granting to women the right to vote to fill the highest and most important official positions in the United States, and also the lower official positions, and withheld the right to vote for the intermediate positions—extended the right to vote for President of the United States and withheld the right to vote for the governor of their own State—would require one more skilled in psychological phenomena than myself to decipher. I can only account for it on the grounds that there was, way back in the masculine consciousness, a reluctance to disrupt and shatter the social structure builded through centuries of human progress and so admirably conforming to the different powers and functions of each sex, and so, under the pressure of feminine solicitation, always a most potent power, they sought to salve the sense of repugnance by yielding just a little at a time. This law of four-fifths suffrage is a most grotesque one. During the same term of the State legislature in 1917 a concurrent resolution to the Federal Congress and the Senators and Representatives therein was passed, I am informed, by a nearly unanimous vote of both houses of the Legislature of North Dakota. This resolution reads as follows:

Be it resolved by the Senate of North Dakota (the House of Representative concurring therein) as follows:

Whereas there is now pending before the National Congress of the United States an amendment to the Federal Constitution known as the Susan B. Anthony national suffrage amendment; and
Whereas the Legislative Assembly of the State of North Dakota believes that the same should be submitted to the States of this Union as an amendment to our Federal Constitution: Now, therefore, be it
Resolved, That the State of North Dakota through its legislative assembly does herewith respectfully petition and urge the National Congress of the United States to favorably consider and early approve the said Susan B. Anthony national suffrage amendment; and be it
Resolved, That the secretary of state be instructed to send a copy of these resolutions to the Senators and Representatives of the State of North Dakota in Congress.

At the next ensuing term of the legislature and on the 29th day of January, 1918, the following resolution was passed by the North Dakota Legislature:

Whereas the House of Representatives of the United States has passed a proposed amendment to the Constitution of the United States extending equal suffrage to the women of our Nation; and
Whereas the proposed amendment is now before the Senate of the United States for consideration; and
Whereas all the political parties in the State of North Dakota have declared in their platforms for equal suffrage; and
Whereas equal suffrage has been indorsed by the President of the United States: Therefore be it
Resolved by the House of Representatives of the State of North Dakota (the Senate concurring therein), That our Senators in Congress be urged to vote for the equal-suffrage amendment; and be it further
Resolved, That copies of this resolution be sent to our Senators and Representatives in Congress, to the President of the United States, and to the Secretary of State for the United States of America.

This resolution passed the house by a unanimous vote and passed the senate by a vote of 34 to 6. I especially note in this resolution what seems to be a growing sentiment in favor of extended suffrage. And this is emphasized in the third paragraph of the preamble which reads: "Whereas all the political parties in the State of North Dakota have declared in their platforms for equal suffrage." Conceding the right of the State to have its sentiment expressed through the legislature to the United States, when it is certain that the sentiment has had due and proper deliberation in the State, I have attempted through other sources to ascertain the sentiment of the public irrespective of that of the legislature. Since our entrance into this war, I am convinced that many sections of the State where the vote was strongest against the extended suffrage have, because of some influence which I shall not attempt to analyze,

changed their viewpoint on the subject. I had hoped that before this matter should come up in the Senate again I might have had another expression from the people of the State themselves.

This, however, is the record of the State as it stands to-day, and while the question of public sentiment is not free from doubt, I can not remove from my mind the conviction that the people of the State to-day are as a whole in accord with their legislators whose actions, so far as I can learn, have never been criticized, but whose course in most cases has received the stamp of approval by reelection.

And, Mr. President, I feel that as a representative of the State I should vote their views rather than my own on the subject. However, I should do myself an injustice and should be guilty of a lack of candor and frankness if I did not freely admit that in casting a vote in the affirmative on this resolution I am registering what I believe to be the conviction of my State rather than my own judgment as to its wisdom and propriety.

To my mind this is not a political but a sex question, pure and simple. It is not a question involving a superior or inferior mental endowment, but rather a question of the division of labor, duties, and responsibilities between the two sexes. I dare say that the average girl of 21 understands the principles of this Government as well as the average boy of 21, and that if the privilege and duty of exercising the right of suffrage were imposed upon all alike, it is probable, other things being equal, that the girl of 60 will keep pace with the boy of 60.

If it be alleged that the bent of the girl's mind is naturally toward society or adornment to the exclusion of the more serious side of national life, I fear she can truthfully retort that our young men, as a rule, have far more accurate information on the baseball scores than on the drift of political affairs. That the one sex might be influenced more by the emotions and less by calmer reflection than the other is probably just as true as that the mind of the one is more emotional and the other more reflective. But to my mind the real question lies far more deeply embedded in the stratum of human nature.

Mr. President, from the time the cave man by skill or daring competed with the beast of the forests in the battle for food and brought to his cave the product of his strength and valor, from the time he stood at the mouth of his cavernous abode with club and ax of stone to guard against robber tribes or carniverous beast, from the time the cave woman fed her little brood safe behind his sheltering arm, up to the present crest of human enlightenment these two beings, man and woman, have been developing distinct and separate characters, harmonizing their lives, and deepening and intensifying their sentiments of admiration and love toward one another, man with the greater physical strength, firmness, courage, and endurance, the provider and defender; woman, frail of form and more tender of sentiment, the beautifier of the home, maintaining and blessing the world at the shrine of motherhood.

Mr. President, our characters are not builded in our schools but in our homes, and perfected in all the avenues of active life with all their duties and responsibilities. And talk as much as you will, preach to the limit of endurance, there is one truth that deep down in our hearts will ever remain unshaken. That unassailable truth is this: Each sex finds in the divergent nature, character, and mental traits of the other that which quickens admiration, enhances esteem, deepens the sympathies, better secures the sanctity of home, and assures the happiness of humanity.

And while, Mr. President, I have no fear that womanly character or manly character, which the Lord has been millions of years in developing, can be changed in any brief period by changes of laws or conditions of life; while I regard as worse than childish the fear that mothers will lose the sentiment of motherhood, the strongest, deepest, holiest tie on earth, will lose that natural instinct which has made it possible for the human family to survive and on which it must ever depend, and will thereby neglect their children or household duties by widening their sphere of activity or increasing their responsibilities; while I believe the real masculine nature will still regard it a privilege as well as a proud duty to provide for and protect, and real feminine nature will still realize its deepest joy as the recipient of that masculine sentiment, my own observation has taught me that common vocations converging and leading the masculine and feminine minds into and along channels of common thought and sentiment, and even common earning capacity, relieving the one from any dependence and the other from the consequential duty which such dependence imposes, the disarrangement of the old plan of provider on the one hand and home maker on the other, dulls these sentiments and weakens that magnetic attraction which is the soul of home.

So, too, Mr. President, I have little patience with the argument that women need the ballot to protect them against their masculine kin. I know, as every man must know, that no woman has ever found or ever will find in her own sex a kindlier consideration, a truer friendship, or a more sympathetic deference than that which she ever receives from men. The records of our courts, with their men jurors, with their almost universal acquittals of women charged with offense, even though their hands be encarmined, speak such volumes against this assertion that I can not understand how in candor it could ever be made. In our courts she ever finds in masculine nature an asylum of protection, even though she may have committed great wrong. While the mind may be convinced beyond any doubt, the masculine heart finds it almost impossible to pronounce the word "guilty" against a woman.

And, Mr. President, fathers, sons, and brothers guarding the lifeboats until every woman, from the highest to the lowest, has been made safe, waving adieu with a smile of cheer on their lips, while the wounded vessel slowly bears them to a strangling death and a watery tomb, belie the charge.

To-day, on the fields of France, our soldiers are battling, suffering, dying for the sacred cause of all humanity. And he who declares that these fathers, brothers, sons are incapable of defending, or can not be trusted to defend and protect every interest of wife, mother, and sister slanders our American manhood.

I repeat, Mr. President, the question is not one of comparative abilities of the two sexes or of the necessity of the one to defend herself against the other. It is a question of division of labor in the scheme of human advancement. Her eye may be as true, her aim may be as sure, but the soldier's sword could never be fashioned to fit her hands, and the fact that she bears her part in every war, nursing the wounded, rearing the young, the fact that she shares in common with the fighting men in all the sufferings and agonies of war and must suffer in common the results of defeat, carries no argument that she should, therefore, in common with men shoulder the musket or charge over the trenches. Her work and her duties, while none the less important, are and must forever be of a different character.

Closely associated with this feature is another, to my mind even more important. The political field always has been and probably always will be an arena of more or less bitter contest. The political battles leave scars as ugly and lacerating as the physical battles, and the more sensitive the nature the deeper and more lasting the wound. And as no man can enter this contest or be a party to it and assume its responsibilities without feeling its blows and suffering its wounds, much less can woman with her more emotional and more sensitive nature.

But, Mr. President, you may ask why should she be relieved from the scars and wounds of political contest? Because they do not affect her alone but are transmitted through her to generations yet to come. And whether the child's heart pulsates beneath her own or throbs against her breast, motherhood demands above everything else tranquility, freedom from contest, from excitement, from the heart burnings of strife. The welfare, mental and physical, of the human race rests to a more or less degree upon that tranquillity. To so shield and guard her is a husband's and father's most sacred duty, and to so relieve her, in my opinion, is the obligation of human society.

While, Mr. President, I do not think that extending the suffrage to women will as a rule do more than increase the total vote, provided the same proportionate number of all classes of women avail themselves of the ballot, their abhorrence of war may throw the weight of public sentiment against a very just and necessary war. The masculine mind will look further ahead and give greater weight to remote consequences to country than will the feminine mind. The greatest danger to any country is that it should yield to unjust encroachment upon its rights by another and so yielding become gradually weaker and weaker until in the end it is subverted by the other. I confess, Mr. President, some fear that in this extended suffrage we may weaken that firm, national policy upon which the progressive welfare of the Nation depends

When the seas are calm and the winds but play it might not matter what hands guided the ship of state. But when the black and ominous clouds of war are gathering, when the sound of the tempest is heard afar, or the storm comes rushing on I feel—yes, I know—we need the masculine hand and the masculine heart, with all its unyielding firmness—yes, with all its belligerency—at the helm. And I can not but feel that it would be a real danger to a nation if, at such a time of stress, out of the darkness should come a voice equal in control, "I want to stand by my country, but I can not vote for war."

Mr. President, these are my personal convictions. But my State has spoken through its legislative enactment, granting the

right of women to vote for the highest office in the land. It has spoken through its resolutions, which have twice passed its legislature by an almost unanimous vote, requesting its Members of Congress to support this amendment and submit the question to the judgment of three-fourths of the States of the Union. It has so spoken through the declarations of the platforms of every political party in the State; and I can not but feel that, with this record and as one of the sovereign States of the Union, it has a right to insist that its wish rather than the judgment of a single representative be recorded on this proposed amendment. And, therefore, yielding my own convictions to what would appear to be the almost universal sentiment of my State, I shall cast the vote of the State rather than my own conviction on this resolution.

Mr. RANSDELL. Mr. President, I believe firmly in giving to women the right of suffrage on perfect equality with men and shall vote for the pending amendment to the Constitution, which provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of sex.

My views on this subject were formed several years ago, and have been matured and strengthened by the most careful study and deliberation. On July 31, 1913, I said in the Senate that "I was in favor of the joint resolution giving the right of suffrage to women and would do what I could to secure its adoption." (See CONGRESSIONAL RECORD, 63d Cong., 1st sess., p. 2947.)

Since then I have been a member of the Committee on Woman Suffrage and have joined in several reports favoring the pending amendment. My position as a strong advocate of woman suffrage has been frequently stated publicly and privately during the last five years and was well known in this city and throughout my State.

It is a source of deep regret that my views on suffrage differ from those of many friends in Louisiana and elsewhere, for whose opinions I have the highest respect. In particular do I regret that the Legislature of Louisiana recently memorialized Congress in opposition to this measure. Members of that legislature were inspired by the loftiest motives, and I have no criticism of their action. They performed their duty as they saw it, and I shall do mine as I see it.

It gratifies me extremely to know that in voting for woman suffrage I am in company with those loyal southern Senators, CULBERSON and SHEPPARD, of Texas; JONES and FALL, of New Mexico; ASHURST and SMITH, of Arizona; GORE and OWEN, of Oklahoma; ROBINSON and KIRBY, of Arkansas; MCKELLAR, of Tennessee; and VARDAMAN, of Mississippi, not to mention CHAMBERLAIN, of Oregon, and PITTMAN, of Nevada, who are sons of Mississippi by birth and rearing.

Two other southerners whose names are highest on the roll of fame are also ardent suffragists; CHAMP CLARK, of Kentucky and Missouri, one of the wisest and most patriotic men in America; and that great son of Virginia and New Jersey, Woodrow Wilson, whose heart is as loyal to the South as to every other portion of the Republic, who embraces the whole world in his grasp of subjects affecting the welfare of the human race—by long odds the ablest statesman on earth. Mr. CLARK recently introduced a resolution at a meeting of the national Democratic congressional committee indorsing the pending amendment, and it was adopted unanimously. President Wilson has repeatedly announced his approval of this amendment, and only a short while ago gave out a public statement earnestly appealing to the Senate to vote in favor of it. I have several times discussed the question with him and know personally there is no stronger supporter of suffrage for women by amendment to the Federal Constitution than our President. He is a safe leader and no harm will come to the South or to any part of the Union from following him.

Some of our southern friends insist that there is grave danger in giving negro women the right to vote, and for that reason they oppose the Federal amendment, while willing for women to vote under State laws. I can not believe there is such a menace from this source as warrants the whole Nation in refusing to adopt the suffrage amendment to the Federal Constitution. In my judgment the situation as to negro women can be handled as has been done with negro men for the past 25 years. Negroes in the South are prosperous, happy, and contented. They are acquiring homes, are rapidly becoming educated, are mastering all of the trades and some of the professions, are good, law-abiding citizens, and are working out the salvation of their race in peace and amity with their white neighbors and friends. As a rule they do not attempt to vote in States where there are a great many negroes, like South Carolina, Mississippi, Alabama, and Louisiana, but are satisfied with their lot and are as well cared for as any laboring people on earth—infinitely better than those of Mexico, South America, Europe, and Asia. It is inconceivable that these conditions will be destroyed or even interfered with by permitting women to vote.

The whole Nation is united now as never before. There is no longer any South, North, East, or West, but we are one great, patriotic, loyal people bound together by ties which can never be broken, and there is not the slightest danger that Congress will ever attempt to pass sectional election laws that would ruin any part of the Republic. This particular phase of the subject has given me the greatest solicitude, because so many of my friends take a different view; but I have worked it out to the very best of my ability with the same earnestness and sincerity of purpose which influences them, and I trust they know me well enough to feel that if I were in doubt I would not insist upon following my own opinion, which is that the passage of this amendment will prove very helpful to the South and to the Nation.

The Creator never intended man to be superior to woman and to enjoy rights and privileges denied to her. Man established for himself by brute force in the early dawn of civilization the higher place he has occupied in the political and business world, but his action in so doing was not founded on justice, and should be righted, like all other wrongs.

To refuse suffrage to women because of their sex while giving it to men is legislative unfairness which no one can justify. Suffrage is not a natural right. Neither man nor woman has an inherent right to vote because he or she is 21 years of age, but votes because the law permits it. Minors, insane persons, and those convicted of felony are not permitted to vote anywhere in the Union; and the right to vote is denied in 35 of our sovereign States to women who are college presidents, lawyers, doctors, bankers, heads of business firms, ministers of the gospel, college graduates, and leaders in every movement for human betterment, while most of these same States give suffrage to illiterate men who can not read the ballots they are voting nor speak the English language, and many of whom at this crucial moment, when the liberty of mankind is at stake, are avoiding military service because of sympathy with our enemies. Surely this is not giving women the "square deal" of which good Americans boast so proudly.

Males and females are equal before the law in their responsibility for crime, payment of taxes, and most of the obligations of citizenship, and they should be equals in lawmaking. Certain duties, such as military and jury service, have not been imposed upon women, as a rule, but there is no reason why they should not be as good jurors as men; and the function laid by nature on women, of bearing, rearing, and training patriotic citizens and soldiers is more onerous and important to the Nation's welfare than mere military service. Moreover, soldiers can not fight well unless properly clothed, fed, munitioned, and nursed, and all these essentials to war fall very heavily upon women. They are doing a noble part in the present world war, and their services are just as necessary to success as are those of our heroic soldiers.

Suffragists have the best of the argument on all sides. The opposition is due to sentiment rather than to sound reason. Practically I see no valid objection to woman suffrage, and feel certain that none of the womanly qualities of the gentler sex will be lost by voting. Women in several of our States and in many countries of the world have voted for years, and there is no evidence that they are less womanly than before or have been changed in any way; they are just the same.

Women are permitted to vote in Louisiana's sister States—Arkansas and Texas. They vote in 13 States of the Union and in every English-speaking country on the globe, with the single exception of the United States. Is it possible that this great, free country, which is spending countless billions of wealth and giving many thousands of its best young lives to "make the world safe for democracy" is going to longer deny this plain, simple act of justice to the better half of its citizens? I can not believe it, and am firmly convinced the Senate will demonstrate by its vote to-day that we are practicing at home the democracy we preach for mankind.

Mr. FLETCHER. Mr. President, I do not rise to discuss the particular amendment which is now before the Senate, but to offer as briefly as possible and in as condensed a way as possible the reasons which prompt me to oppose this joint resolution.

I am opposed to the joint resolution for the following reasons:

First. If and when woman suffrage is desired, it may be obtained through the States. There is no question about that, and my convictions of a lifetime compel me to insist that is the only safe or wise method to pursue.

Second. The joint resolution proposes the most impracticable, if not impossible, way to get woman suffrage, because involved in this procedure are dangerous precedents. Federal control of elections, race problems, and the necessity for conducting campaigns for ratification in at least 36 States, while in some States,

if not in all, campaigns for submission of the proposition to the people of those States must be considered.

Third. The proposal to enfranchise 2,000,000 additional voters of the same class as provided under the fifteenth amendment, and at the same time and thereby accentuate and add to the strength of Federal control of elections in the States, does not commend itself to my judgment and conscience.

Fourth. I am not willing to have States outside the South vote upon the States in the South laws that will tax and complicate problems and burdens which the States so voting do not understand or have to contend with. I take the same position with regard to States in the South putting upon other States laws which may be oppressive to them.

Fifth. The fifteenth amendment was a mistake, and it is so recognized by other sections of the country. I do not believe we remedy that by repeating it.

Sixth. The most controlling reason I offer is that which reaches to the foundation principle of the Republic, to wit, each State has, and it is vital that each State preserve, the absolute right to say who shall vote for its State officers.

Without keeping this principle of local self-government inviolate, the Republic, as the fathers saw it, can not endure. That doctrine, sometimes discarded, somewhat worn, the doctrine of State rights, to my mind, is still vital and indispensable.

"The principle of local rule and a representative agency to carry the expression of that local power into national affairs" was settled by the wisdom of the framers of the Constitution. The late Justice Harlan well declared:

> Any serious departure from that principle would bring disaster upon the American system.

If I say to California and Washington what the measure of their electorate, respectively, shall be, what argument shall I present to those States if they undertake to say "You shall pass no law prohibiting the marriage of people of the white and negro races in Florida"?

If Florida assumes to dictate the laws upon which the electorate may exercise the privilege of voting for officers in New York and Massachusetts, what answer have I if those States undertake to say to Florida "We propose to determine who shall own real estate in Florida"?

On the other hand, if Washington and California undertake to dictate the qualifications of voters in Florida or to take away from Florida the right, always recognized and undisputed, to control and determine the question of franchise, what can they say if Florida, New York, and Massachusetts then say, "We insist that by amendment to the Federal Constitution you shall not discriminate against the Japanese and Chinese entering your schools or owning your lands"?

How would these States like to have the thousands of Japanese and Chinese women there given the suffrage? My contention is that is their problem, and we should leave it to them.

It is fundamental that the States are vital parts of our system of government, and as such their powers must be maintained as essential to the preservation of our liberties. They possess, and we must so recognize, all governmental powers not granted to the General Government, expressly or by implication, and that are not inconsistent with their own constitutions or with the Constitution of the United States or with a republican form of government.

Justice Miller, one of our greatest jurists, said:

> In my opinion the first and equal observance of the States and of the General Government as defined by the Constitution is as necessary to the permanent prosperity of our country and to its existence for another century as it has been for the one whose close we are now celebrating.

This joint resolution contains a second section, providing that—

> The Congress shall have power to enforce this article by appropriate legislation.

We had Federal officers in charge of the polls at one time in Florida; do we want them again? I hold that the people of Florida, directly interested, are capable of prescribing the manner of conducting elections and the proper system of holding them in that State, and I am not willing to transfer to other authority the power to fix a different time, to require a different ballot, to provide a different registration system, or to put on us a primary law which our people would find highly objectionable and would be unable to change.

Seventh. The Constitution originally provided and still provides for the House of Representatives to be apportioned according to population. Section 2 of the fourteenth amendment—happily a dead letter—provides that the basis of representation shall be reduced under certain conditions in the proportion which the adult males whose voting privilege is "in any way abridged" bears to the whole number of male citizens. If this joint resolution is adopted and ratified by 36 States, we still have a House of Representatives based upon the total population—men, women, and children—elected by men and women, and subject to reduction in membership with respect to the qualifications of one-half the electors who choose its Members.

Eighth. The platform of the Democratic Party of 1916 declares:

> Women suffrage: We recommend the extension of the franchise to the women of the country BY THE STATES upon the same terms as to men.

That platform is existing party law.

Ninth. The State Democratic executive committee, at its meeting in Jacksonville in February last, voted down overwhelmingly a resolution calling on the Senators and Representatives from Florida in Congress to vote for the joint resolution respecting woman suffrage.

Tenth. The question of woman suffrage is one for the people of each State to settle for themselves.

The sole sovereignty of this Government was intended from its inception to rest in the people. The people of Florida have affirmed a constitution which expressed their view. If they desire to change or modify it on this question, it is for them to determine. No other State helped make that constitution and all other States have no business to change it. Only the people of Florida have that right.

This covers the present issue and the whole of it. There can be no other for consideration until the legislature, if that is done, submits a proposed amendment to the State constitution to the people of Florida.

It will be noted that I am not basing my opposition to the submission of this proposed amendment on the merits or demerits of woman suffrage, but rather on the grounds, for the reasons stated, I believe it proposes an unwise and unjustifiable encroachment of the Federal power, upon the wisely reserved powers of the State.

One thing more. It has been urged, upon the floor of the Senate and elsewhere, that we are not asked to pass upon the merits of this question, but merely to submit the proposed amendment to the legislatures—not the people, but the legislatures, bear in mind—of the several States for their ratification or rejection. I can not agree with this view any more than I could vote for any ordinary matter of legislation before this body on the theory that we were merely "submitting" it to the President for his approval or veto. Every State has a voice in the election of the President; three-fourths of the State legislatures would determine this matter.

The Constitution of the United States provides two ways in which amendments may be submitted—by a vote of two-thirds of the Members of each House, or by a convention called by Congress upon application of the legislatures of two-thirds of the States. In the latter case the duties of Congress are limited to the calling of the convention and providing whether the amendments submitted by them shall be ratified by the State legislatures or by conventions in the several States. We have no discretion whatever as to the wisdom or policy of calling such a convention and no control of the amendments it might propose. We could only obey the plain mandates of the Constitution and call the convention, upon application by the required number of States. But where an amendment is sought, as in this instance, through the initiative of Congress, I hold that each Member of the legislative branch is chargeable with all the responsibility that attaches in matters of ordinary legislation; and more, because the Constitution is the fundamental law of the land and itself limits our right to initiate amendments to those cases which we deem "necessary," not merely cases involving only questions of expediency or temporary policy, and once we pass this resolution, it is beyond our recall. Unless the proposed change is one which this body believes to be a "necessary" one to make to the Federal Constitution, we have no right to adopt or pass it; and when we do so, we send it to the legislatures of the several States with the sanction of the Congress of the United States, whatever the mental reservation of any individual Member.

My objection primarily to the joint resolution as it now stands is, as I have heretofore attempted to make clear, that it proposes a radical change in the fundamental relations of the State and Federal Governments, denying to the several States the right of controlling their own suffrage qualifications, which I regard as essential not only to the preservation of the theory of our Government, but as a very grave practical consideration in my own State and neighboring States with similar domestic problems.

I also object most seriously to the resolution as it now stands for the additional reason, as before stated, that it puts it within the power of the legislatures of three-fourths of the States not

only to work a radical and irrevocable change in the suffrage system provided by their State constitutions, which may be amended only with the concurrence of the people of such States, but also permits this radical change to be foisted upon States where neither the people nor their chosen representatives favor it.

Congress has always possessed absolute power over suffrage qualifications in the Territories and in the District of Columbia, everywhere in fact subject to the jurisdiction of the United States outside of the sovereign States. If a recognition by the Federal Government of the principle of equal participation of the sexes in the voting privilege would be of any benefit to the Nation in the present world situation, such recognition can be given by extending the vote to women on the same basis as men in jurisdictions subject already to the full control of the Federal power, without the necessity of effecting a revolution in the vital, reserved powers of the States composing our Union.

I am willing to go that far to accomplish this and no more. Accordingly, I shall, when it is in order, move, Mr. President, to amend the resolution by striking out in line 11, page 1, the words "or by any State," so that section 1 will read as follows:

SECTION 1. The right of citizens of the United States to vote shall not be abridged by the United States on account of sex.

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Mr. HARDWICK obtained the floor.

Mr. REED. Mr. President——

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

Mr. HARDWICK. I do.

Mr. REED. 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:

Baird	Gulon	Martin, Ky.	Sherman
Bankhead	Hale	Martin, Va.	Shields
Beckham	Harding	Myers	Simmons
Borah	Hardwick	Nelson	Smith, Ariz.
Brandegee	Henderson	New	Smith, Ga.
Calder	Hitchcock	Norris	Smith, Md.
Chamberlain	Johnson, S. Dak.	Nugent	Smith, Mich.
Colt	Jones, N. Mex.	Overman	Smith, S. C.
Culberson	Jones, Wash.	Owen	Smoot
Cummins	Kellogg	Page	Sterling
Curtis	Kendrick	Penrose	Thompson
Dillingham	Kenyon	Phelan	Trammell
Drew	King	Pittman	Underwood
Fall	Kirby	Poindexter	Wadsworth
Fernald	Knox	Pomerene	Walsh
Fletcher	Lenroot	Ransdell	Warren
France	Lewis	Reed	Watson
Frelinghuysen	Lodge	Robinson	Weeks
Gerry	McCumber	Saulsbury	Wilfley
Goff	McKellar	Shafroth	Wolcott
Gronna	McNary	Sheppard	

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

Mr. HARDWICK. Mr. President, I have some observations I wish to submit to the Senate in opposition to this joint resolution. I am opposed to it on three grounds, every one of which is totally disconnected with the proposition as to whether women ought to be allowed to vote, on the merits of that question taken alone, or not.

In the first place, I am opposed to this as a Democrat, and can demonstrate in any forum where reason prevails that no Democratic Senator in good faith can vote for it.

In the second place, I am opposed to it as a Senator from the South, and I think I can demonstrate that the interests of the South are such that this measure ought not possibly to receive serious consideration at the hands of this body.

In the third place, I am opposed to it as an American citizen who believes in the fundamentals of the American system of government, and I think I can demonstrate that any American citizen who believes in the American system of government that our fathers founded and which we have so far maintained can not support this proposition.

Mr. President, in the national platforms of the two parties in 1916 I find these expressions. First, from the Democratic Party:

We recommend the extension of the franchise to the women of the country by the States upon the same terms as to men.

There is not a Democratic Senator present who does not know the history that lies back of the adoption of that plank. There is not a Democratic Senator who does not know that the plank was written here in Washington and sent to the convention and represented the deliberate voice of the administration and of the party on this question, which was to remit this question to the several States for action. And let me say now what I then said, that a more consistent course for Democrats could not possibly have been suggested, one more in accordance with their principles and traditions.

It is true there was a recommendation—I did not approve of it—that the States should be requested one by one to adopt this suffrage amendment, but that was a matter of taste. The recommendation of the convention had no binding effect upon any one of the States, and on matters of taste I did not feel that there was any room for any serious objection, although I was opposed to the recommendation.

Now, that being true, if a party is to live up to its platform after election, if a party is to stand after the election where it promised in its plank asking the people to support it with its suffrages, then I do not see how Democratic Senators can vote to do something absolutely different from what we promised to the people to do in the platform in 1916, from what we then pledged the people we would do if we were given political power in the two Houses of Congress.

It has always seemed to me that parties as well as individuals ought to be governed by principles of honor. If parties or individuals go out before the country promising the people when they are seeking to obtain their suffrage that they will maintain certain positions, and do that before election and at the election, then it seems to me after the election the question is foreclosed and the party is honorably bound until it makes another platform and goes to the people at a time when the people have a right to vote again stating that it is going to change its position, and then give the people a chance to vote for or against the party candidates after full notice that the position of the party has been changed, and exactly how it has been changed.

Mr. SHAFROTH. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. SHAFROTH. Does the Senator contend that there is anything in that platform that binds the Democratic Party to insist that woman suffrage be adopted by State action only? Does it not say "we recommend"?

Mr. HARDWICK. Yes.

Mr. SHAFROTH. It does not preclude by any prohibitory words the proposal of a national amendment.

Mr. HARDWICK. The Senator from Colorado knows full well that this was a recognition by the party of the ancient Democratic principle that in matters of local concern the States were to be supreme and their jurisdiction was to be exclusive. The Senator from Colorado knows full well that the platform was written with the concurrence of the administration, which was then seeking reelection at the hands of the American people.

Mr. SHAFROTH. But the wording of the plank itself is not of a prohibitory nature. It is simply a recommendation for them to do it, which recommendation for years before has been adopted by many States. National amendment has not been regarded as something that should not be permitted. The recommendation, as I understand it, is simply that we recommend to the States to adopt woman suffrage. There is no objection whatever to doing it that way, but there is nothing in the language of the plank that is prohibitory of its being done any other way.

Mr. HARDWICK. Yes; that is quite true. But the Senator from Colorado knows that he and other Senators from the Western States where this franchise has already been granted were begging and demanding and threatening the Democratic Party if the suffrage plank they insisted on was not adopted.

Mr. SHAFROTH. I do not think I was threatening, but I was begging.

Mr. HARDWICK. You were threatening about the election. I do not mean in a personal way, of course.

Mr. SHAFROTH. We did not have that matter up. We were asking the Democratic Party in the national convention assembled to do it, asserting that it was the part of wisdom to do it.

Mr. HARDWICK. And you said we would lose the election if we did not do it.

Mr. SHAFROTH. And that it was a part of the system of our Government that we should do it. That was the theory on which we urged it.

Mr. HARDWICK. I do not mean my remarks to have more than a general application to the Senator—but we were warned that unless we did it and did adopt the recommendation, if the Democratic Party did not insert the proposition to so amend the National Constitution, we would lose the election, that we could not carry the Western States.

Mr. SHAFROTH. Mr. President——

Mr. HARDWICK. This plank was enacted in direct response to and in direct negation of that demand.

Mr. SHAFROTH. Mr. President——

Mr. HARDWICK. The Senator must let me answer, for he has asked a question. I understand what he means.

But the President of the United States then stood against the Senator's views and then stood on the ancient Democratic doc-

trine that each State should settle for itself the qualifications of its own electors, and was reported in the newspapers to have sent this particular plank in the platform from Washington, supposedly by the hands of one of his Cabinet officers. The Senator knows, and everyone in this body knows, and everyone in this country with a memory that is two years old knows, that it was in denial of this very demand that you are making to-day that we said at St. Louis in 1916 that we would remit this question to the States, where it belonged.

Mr. SHAFROTH. The Senator will remember that the Republican Party had held its convention and had adopted a similar provision.

Mr. HARDWICK. If the Senator will not anticipate me, I am going to come to that right now.

Mr. SHAFROTH. Very well.

Mr. HARDWICK. Now I want to address my Republican friends. Let us see what were the promises to the people. You said:

> The Republican Party, reaffirming its faith in government of the people, by the people, for the people, as a measure of justice to one-half the adult people of the country, favors the extension of the suffrage to women, but recognizes the right of each State to settle this question for itself.

In other words, faced by this same demand on the eve of an election, when you were asking the people of America to give you their votes, you replied that you would not do it; that you, too, would stand by the basic American principle of local self-government; that you would stand by this fundamental doctrine, on which our American system itself rests, that each State should settle for itself in its own manner and according to its own will what should be the qualifications of its electorate.

Now, what happened? We had just as well be frank about it. The suffrage movement is gaining strength and force in the country. A great many politicians and a great many Senators—and of course the terms are by no means synonymous—have come to the conclusion that this is going to happen, and they are all trying to get on the band wagon first, so that when the votes are given to women, if they should ever be given to women, they may claim that they did it. And each party is vying with the other in the speed and alacrity with which it can reverse its position and gain the favor of these future electors. That is the situation. There is no need to mince words about it. We know what it is. Both parties think that this movement is going to succeed, and each party is trying to get ahead of the other in proving to the American people that it is more willing than the other to break its plighted word.

Mr. SHAFROTH. Mr. President——

Mr. HARDWICK. I yield.

Mr. SHAFROTH. Does not the Senator recognize the fact that this sentiment has been growing for years, and the statement contained in the Declaration of Independence, that the just powers of government are derived from the consent of the governed, was the power and force which ultimately would bring this result, unless you deny that women are not subject to the jurisdiction of government?

Mr. HARDWICK. I thank the Senator for his interruption, but it is by no means pertinent to the question I have just suggested. I said I thought this movement was gaining strength, and I think both parties are playing politics about it. That is all there is to it. We promised the people we would not do this by the Federal Government. Both parties remitted it to the jurisdiction of the States when they came to write their platforms two years ago on the eve of the last election, and now both are striving to show the American people how easily they can break their promises, each with more alacrity than the other. My remarks are by no means partisan. They cover the whole field, and cover it impartially and truly.

Mr. SHAFROTH. I should like to have the Senator show wherein the Democratic convention promised anything in its platform to the effect that it would not enforce suffrage by a Federal constitutional amendment.

Mr. HARDWICK. The Democratic Party did not promise any more than the Republican Party, but it did not promise any less. The demand was that our party provide for an amendment as a matter of national program, and they replied to it by saying, "We will remit it to the States, where it belongs." That is what your party and mine did, and that is what both of the parties are now trying to get away from, whether we like it or whether we do not. We had just as well be frank about it.

Of course we might say that this was merely another illustration of the truth of that saying that has come almost to be an adage in American politics—that platforms are written only to get elected on and not to stand on after you get elected.

But there is vastly more than that in it. I object to this amendment as one of the Senators from the South. I object to it in behalf of many imperial States in the southern portion of this Republic, whose free institutions may be imperiled by the ease and carelessness and alacrity with which you rush into this sort of business.

Mr. President, in the period that is to follow the war, the South, in my judgment, is going to have a heavier white man's burden to carry than it ever had in that period of reconstruction which followed the Civil War. That may sound like a strong statement to Senators who do not live in the South and who may not understand the situation there; but let me point out to you how true it is and how accurate my words are on this question. Under the State constitutions of the 11 Southern States most of them have attempted to get rid of the awful mistake made during the reconstruction period at the close of our Civil War on this very suffrage question; that most of the wisest men in the Republican Party now admit was a mistake. I say, in the attempt to avoid the ruinous effect of that mistake the States of the South wrote constitutions in which they disfranchised ignorance and in which they put a premium on military service. The conditions were such in the South that it was impossible to impose or to get passed simply a straight educational test for the whole electorate. The South had been impoverished as a result of the Civil War; it had not recovered; it was impossible to pass straight educational tests that were no more than educational tests, because the effect would have been to disfranchise too many white people. That was the actual condition that confronted us when these so-called disfranchisement acts were adopted in the Southern States, and we acted accordingly.

Therefore, in the constitution of most of those Southern States the language was written that military service either in behalf of the United States or the States, in any war in which the United States or any one of the Southern States had engaged, or descent from a person who had rendered such military service should qualify a male person to be a voter and to remain on the voters' list if he was 21 years of age and was otherwise qualified, even if he did not possess the educational or property qualifications required in the constitution.

Now, this war has come on. We have drafted impartially from the male population of the South, and if the war lasts long we will draft hundreds of thousands and it may be a million or more negroes of voting age in the South, who will go into the service of the country under the Stars and Stripes and to France. When they come back, under our own State constitution, the only one we could write under the Constitution of the United States, they come back as fully enfranchised as any white voter in any one of the States, and they come back exempt from the educational tests and the property tests of the States of the South.

Not only that, but—I say this in the utmost of kindness and good feeling toward my friends who sit on the other side of the Chamber—we are liable to be treated to a revival of the race question in this body and throughout this country that will far surpass anything that we ever saw or heard at the close of the Civil War. We are liable to have a new crop of perfectly good-intentioned and well-meaning people, like Harriet Beecher Stowe and William Lloyd Garrison, who were honest enough in their own way. I am not throwing anything on their memory—I know how you revere them—but they were not acquainted with the practical conditions that existed in the South, and whom I think your wiser statesmen now admit did not have sufficient moderation and judgment to deal with the political phases of the great race problem that followed and resulted from the Civil War. This question is going to be revived with redoubled force, because honest but impracticable men in the North and West are going to insist after the war is over that the black men from the South who went to France and who stood under the Stars and Stripes and risked their lives in their country's cause are entitled to the same rights—personal, political, social, and everything else—in the South or anywhere else in this Republic that any white man is entitled to. I can see the force, the tremendous driving force, of that sort of an appeal upon people who have not any considerable number of negroes among them.

The race question is largely a question of numbers. It is the presence of numbers that makes it vital and keeps it alive. It is all right in your States, it may be, not only to contend for that doctrine but to put it in actual force, although I should not like to see it done even there. But when you go to a State that has a population half black and half white, and in some cases more black than white, and undertake to carry that sort

of a policy into effect it would be destruction and ruin and worse.

Gentlemen, I speak from the standpoint of the South, in view of the tremendous problem that we must face and solve, the awful burden that we must carry at the conclusion of this great struggle; I bid you pause before you put your feet into the very footprints of the same mistake that your fathers made just after the Civil War. You have adopted the very language of the fifteenth amendment, and yet you have stood here complacently for many years and submitted, because you thought it was wise statesmanship to submit. I am not criticizing you for it; I honor you for it. I am simply calling your serious attention to the fact that this effort to nullify the control of the States over their own electorates is dangerous to a degree, and is wrong in principle.

I warn you, Senators, when another war comes on and hysteria again reigns in your land that you will not insist immediately on making the same mistake you made in 1869, and on making it at a time when it will do infinitely more harm than it did after the Civil War. I assert, as far as the South is concerned, that this is a grave question, and that our whole civilization is bound up in it; our whole economic, civil, political, industrial life is at stake. I tell you that you had better stand by the doctrine of permitting each State in the Union to regulate its own domestic concerns and internal affairs, and you had better not overturn the fundamental principles of the American system that is almost as important as the existence of the National Government itself.

Mr. SHAFROTH. Will not the Senator recognize that this question is not the product of this war; that it has been growing year by year; that four years ago we took a vote in this Chamber and carried it by a majority of one? It seems to me that it can not be said that this is the product of any hysteria during this war.

Mr. HARDWICK. No; I have listened to that argument, and I expect the Senator is going to make the same argument. I would not be so ungallant as to dispute with the Senator or any Senator present on the abstract subject of woman's worth. Women have done so much for the country in this war, about it and in connection with it, that you contend that they have demonstrated their ability to vote, and you are using the hysteria that inheres in any war time to enhance the strength and power and force of this movement, which I think will be defeated, and I believe it is going to defeat whenever the vote is taken here, to-day or to-morrow.

Mr. President, I have an objection to it not only as an honest Democrat who wants to stand on the pledges that his party made when he went to seek the suffrages of the people two years ago, not only as a southern man who fears to the very depths of his being and to the bottom of his soul the danger to the South if there is any tinkering with this question, but I also want to protest against it for the third and last and, if possible, the very strongest of all reasons, as a believer in the fundamental American principles.

It is true that you propose an amendment to the Constitution of the United States, and in manner and form you comply with the requirements of our organic law. If two-thirds of each House of Congress will submit this proposition and three-fourths of the legislatures of the States should ratify it, of course it would be a part of our Constitution and the Constitution would itself be changed to that extent. But, Mr. President, the question I raise is far different from that. There are certain fundamental and basic principles that underlie the Constitution itself, on which the Constitution itself rests, that can not be violated even in the guise or under the form of an amendment to the Constitution without doing violence to the American system of government, without endangering the success of the system of American Government in the years that are yet to come.

Let me illustrate. I will take an extreme case to make my meaning clear. Suppose it should be suggested in the form of a constitutional amendment that we should abolish the Republic in this country and should set up a limited monarchy in lieu thereof, and provision should be made for the naming of a king under that form of government, what would you say to the proposition, if two-thirds of both Houses of Congress submitted and three-fourths of the States of the Union agreed to it? It would then become a part of the Constitution of the country and a part of the organic law of the country. It is unthinkable, and yet if that were to happen, if three-fourths of our people became believers in monarchy and deserted the principles of democracy and republicanism and undertook to set up over the other one-fourth of this country a monarchy or despotism, I think the right of revolution would be the only remedy on this earth that could save the one-fourth who were loyal to republican institutions.

Mr. REED. It might not be three-fourths of the people.

Mr. HARDWICK. Three-fourths of the legislatures. It might even be done with three-fourths of the people against the proposition. That is possible, under our Constitution.

Senators, there are a good many things like that that could be done in the form and guise and shape of an amendment to the Constitution that can not be done without doing violence to those basic, organic, and fundamental principles that underlie the Constitution and on which the Constitution itself rests and must continue to rest if this is to remain a free country and the people of America are themselves to remain free.

I say that one of those basic and fundamental principles is the right of each local subdivision of our society, of each State, to control and regulate its own domestic and internal concerns, and that most important, most sacred, among those rights is the right of each State to regulate its own electorate, to prescribe its qualifications, and to determine of whom it shall consist.

Senators, your suffrage proposition goes a long way. This proposed amendment not only undertakes to deny to the States the right to abridge the right of women to vote for President and Vice President and Members of the two Houses of Congress, but in the manner and form that it is submitted you propose to take away from the States the right and power to determine, each one for itself, what shall be the qualifications of the electors to elect its own officers. Its governors, its sheriffs, its county clerks, its members of the legislature, every local officer of every State will have to be elected by an electorate the qualifications of which are determined here in Washington, under the terms of this amendment, if we should pass it and it should be ratified by the requisite number of States. Now, I do not think that is wise and I think that is going entirely too far. The proposition violates the fundamentals; it utterly ignores the principles on which this Government rests; and if the Federal Government wants to say who shall vote for Members of Congress, on what principle does it undertake to say who shall be allowed to vote for county sheriffs and county clerks and officers that are purely local and have no connection whatever with Federal administration? Yet that is what this proposition does. It goes to that length.

Mr. President, I have seen during a somewhat brief service in this body and a somewhat longer service at the other end of the Capitol, approaching now the completion of its sixteenth year, Federalism grow by leaps and bounds.

I have seen the rights of the States impaired and denied until the States themselves have become careless and fail to discharge their functions, and until everybody in almost every State says, if the State does not do anything, we will get the Federal Government to attend to it for us. If this continues, we will utterly and completely destroy not only the form but the very substance of the American system of government, and then when that is done, when you set up an imperial power here in Washington, dealing with the most purely local matters in every part of this great country, I want to know how the legislative bodies are to obtain the information and the light and the time that each of them will need in order to know how to deal at all with these local and domestic affairs in every one of the innumerable local communities of this Republic. It is time, I think, to call a halt on this sort of business. It is time we should begin to readjust the balance between Federal power and State authority.

It is absolutely necessary if this Government is to remain what it was when our fathers created it, and if this dual system of government which has been the glory, and the distinguishing glory, of this Government during all its existence is to be preserved, that we should sharply and permanently check this movement in the very near future.

Mr. President, I see before me honest and earnest men who have got to deal with those questions after my own responsibility in connection with them is ended, and happily ended as far as I am concerned personally, and I want to appeal to them here to-day to stop and seriously consider this great question and not continue to subvert and undermine not only the form but the very substance of our Government itself. I can not think that it is any answer to this proposition to say, "Well, this is a proposition to amend the Constitution." It is just as immoral to violate substantial, fundamental, and basic American principles by amendment to the Constitution as it is in any other way; and, in my judgment, it is just as dangerous.

It has always seemed to me that the crowning virtue of our local system of government, and the greatest and chiefest power that can reside in any government, is the power to determine the qualifications of the electorate; that there is the real force that rules and governs and controls the whole system. When we undertake to take that away from the State, in whole or in part, it is the most dangerous tinkering that we could possibly do; and it is one that, if we do not mind, will result in utter ruin if it is kept up long enough. I hope I am not getting into

a despondent frame of mind about things of this sort, but I have seen so much of it done that I must confess I am alarmed.

I can not see why these local matters should not be left to the control and regulation of the States. I can not see how men belonging to two great political parties that two years ago promised to the people of this Republic that they would leave this very specific question to the States, for the determination and regulation of the States, and the States alone, and who expressly denied the suffrage petition made at that time to both party conventions, should favor this proposition of acting on this question by way of amendment to the Federal Constitution and treating it as a Federal and national question. I can not see how Senators and Representatives who belong to two great parties, who have that record, will gain anything in the popular confidence or in the popular esteem by rushing over each other in their efforts to break their plighted words to the American people.

I shall, therefore, Mr. President, for the reasons that I am undertaking to give to the Senate, with some brevity, vote against this proposition; nor is my judgment on it to be controlled or influenced by the fact that any man on earth, wherever he is placed and however high his position is, may have changed his own mind since the election.

Mr. FRELINGHUYSEN. Mr. President, I am in entire sympathy with this joint resolution, and I want to do nothing that will impede its passage at the present time; but as the joint resolution is drawn, I think it is a sinister menace to the electorate of this country. I believe that the joint resolution should be amended. The Constitution of the United States provides that "the Congress shall have power to establish a uniform rule of naturalization." Congress has enacted naturalization laws. To become naturalized there must be a declaration of an intention to become a citizen and, in addition, five years' residence. There are also qualifications as to age, education, and character, renunciation of order of nobility or hereditary title, and then of allegiance and the renunciation of prior allegiance. Under the Revised Statutes it is provided that:

Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.

When this joint resolution is passed and when it shall have become ratified by the States of the Union an alien woman who is married to a naturalized American citizen automatically becomes a voter under the law without the safeguard which is thrown around the male alien. The male alien, it is provided, must have five years' residence; he must declare his intention to become a citizen; and then, after two years, the court of jurisdiction in the locality in which he resides shall examine him as to his allegiance, as to his loyalty, and as to his educational qualifications; but under this joint resolution, without that safeguard, automatically we enfranchise thousands of women who are married to American citizens who may be at heart alien in loyalty to this country.

I want to see every worthy woman in this land have the vote; but I want written in the Constitution the same legal safeguards we throw around the male citizen. I want the only safeguard that can be provided by law to compel her to be worthy to assume that high privilege.

We are living in very strenuous times, very serious times. German propagandists are rife throughout the country. There are Russian societies in this country which believe in the destruction of government. Are we going to increase the powers of that class by giving to the wives of the men who are members of those classes and societies the right to vote without court examination, without safeguarding the honest women who vote from their dangerous policies? Under the resolution as drawn every alien woman who may be a bitter enemy of our country can become a citizen and attain that right by marrying some gullible, easy-going American citizen.

Therefore, Mr. President, I offer the amendment which I send to the desk in order to correct what I believe to be a danger in this joint resolution. I ask that the amendment be stated by the Secretary and that it be considered pending after the present amendment to the joint resolution shall have been disposed of.

The PRESIDING OFFICER (Mr. NUGENT in the chair). The Secretary will state the amendment.

The SECRETARY. After the word "sex," in line 11, change the period to a semicolon and add the following:

But no person, male or female, shall hereafter exercise the right of suffrage hereunder at an election for Senators and Representatives in Congress and electors for President and Vice President of the United States, unless such person shall have acquired citizenship by birth or under the naturalization laws of the United States, and, if a female, otherwise than by marriage. The Congress shall provide by law the requirements for conferring the right to vote for the officers herein named upon those who have acquired citizenship by marriage.

Mr. GUION. Mr. President, I do not believe anything I may say at this time will change, alter, or modify the views of a single Member of the Senate; but that I may not be misunderstood when I vote against the pending amendment, I have concluded to give briefly my reasons for opposing it.

By this I mean that while I am not opposed to extending to women by the States of this Union the privilege of suffrage on equal terms with men, I am unalterably opposed to the granting of such privilege by the Federal Government.

In my State the legislature at its last session submitted an amendment to the constitution of that State by which women will be permitted to vote under the same requirements as that constitution imposes upon men.

That amendment will be submitted to the voters of the State at the congressional election to be held on the 5th of November next, and, if adopted, will give to the women of Louisiana the same political privileges, in respect to the right of suffrage, as are now enjoyed by the male voters of that State.

The same legislature which submitted that amendment has gone on record as being opposed to the pending amendment by adopting House concurrent resolution 9, memorializing the Congress of the United States to reject the pending amendment to the Federal Constitution.

Personally, as I have just said, I am not opposed to granting to women by the several States of the Union the privilege of suffrage, and, in fact, I intend to vote for the proposed amendment to the constitution of my State at the approaching election in November.

My objection to the amendment now pending in the Senate is that under our form of government the right to give or withhold the privilege of suffrage rests with the States and is not given to the General Government.

Suffrage is a matter of local or domestic concern, to be dealt with by each State, acting in its sovereign capacity in the exercise of the power reserved to the States under the Federal Constitution, and as may best subserve and accord with existing local conditions and without interference by the Federal Government.

Under my interpretation of the Constitution of the United States it was never intended that the Federal Government should ever assume the power or authority to establish, regulate, or control the right of suffrage in the several States, but that the States themselves should be given exclusive power and authority in respect to the entire subject-matter.

I am not willing, therefore, to wander away from the well-defined landmarks set up for us and for future generations by the founders of this great Government.

It may be said that it is because of this want of authority in the Federal Government thus to legislate that the amendment now pending is sought to be submitted to the States; but my objection is to such submission, because, in my opinion, it is against the spirit of our Constitution that the Federal Government should interfere with or seek to supplant the States in matters of suffrage or in any other matter where the police powers of the State ought to be exercised.

Feeling, therefore, that the action of the legislature of my State, by submitting to its voters the amendment to the constitution of that State just referred to, by which women may be given the suffrage upon equal terms with men, and by protesting against the submission to the States of the pending amendment, is practically an instruction to me on the subject, and feeling further, as I do, that by voting for this amendment I will be surrendering a distinct right of State sovereignty which the framers of our Constitution intended should be reserved to the States and never surrendered to the Federal Government, I am unwilling by my vote to sanction so radical a departure from what they conceived to be, and which has been proven to be, for the best interests of our common country; and for that reason I shall vote "no."

Mr. THOMPSON. Mr. President, I have addressed the Senate several times upon the question of woman suffrage. I have said at those times about all I know of the subject. It would serve no good purpose to consume time now by repeating what I have already said. Both sides of the question have been very thoroughly presented and completely exhausted. However, on April 20, 1917, I made some remarks before the Woman Suffrage Committee of the Senate giving the experience of my State with woman suffrage for many years—over 60 years—which I should be glad to make a part of my remarks at this time, without reading.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Without objection, the request of the Senator from Kansas will be complied with.

The matter referred to is as follows:

"Senator THOMPSON. Mr. Chairman, ladies, and gentlemen, coming from a suffrage State, I take pleasure in testifying before this handsome assembly of women, and this committee of men who are trying to learn something about equal suffrage, to the wonderful advantage woman suffrage has been to my State. There is no element that has contributed more to the improvement of our political conditions than the participation of the women in suffrage from the time of the adoption of the States constitution, away back in 1859, down to the present time. We have had, perhaps, a longer experience with woman suffrage in one form or another than any other State, for we gave the women, when we wrote the constitution, the right to vote on all educational questions. We attempted to give them full suffrage even in that early day, but it was defeated by a narrow margin. It was preferred, by the men at least, to take three bites at the cherry; and, as sweet as it is, do you not wonder that we would do it? You know, however, that we men are given to doing things the wrong way sometimes.

"We first gave the women suffrage on all educational questions in our constitution, and I challenge anyone anywhere to point to a single objection that can be made after nearly 60 years of experience in their voting on educational matters. We are forced to admit that women have been a wonderful advantage in this respect. We all concede that they make our best county superintendents and our best teachers, and by their cooperation with the men we have gradually reduced the percentage of illiteracy in the State until it now ranks the lowest in the Union—less than 2 per cent. Will anyone say that the influence of women and their participation in the ballot in educational affairs has been in the least detrimental? This is one of the principal objections raised by those who are not familiar with this great question, and it turns out just the opposite to their predictions in acutal practice.

"Next, in 1887 we extended this right to the women to vote on all municipal questions in our city elections. While that matter was being considered I remember an interesting incident that occurred in the State senate. One of the senators was holding out on the question. On the morning the vote was taken a very beautiful bouquet of American Beauty roses appeared upon his desk with a large placard reading, 'Presented by the women of the city of Independence who do not want to vote. History will honor the man who dares to do right.' But nevertheless the effort of the opposition was defeated, and it was later discovered that this bouquet was contributed by the saloon element, who were opposed to woman suffrage, and you will find that class everywhere against it. This fact alone should be one of the strongest arguments in its favor. The women in my State helped with even limited suffrage, and their great power by that right, to make Kansas the leading prohibition State of the Union. At this time there is not a single saloon, and not a single place, drug store or hovel, commonly known to anyone in any locality where you can go and barter for a drink of liquor within that broad territory, 400 miles long, almost the distance from here to Boston, and 200 miles wide. At least that much of the United States is cleared of the saloon, and largely through the influence of the women.

"As early as 1867 the women began the fight for equal suffrage and the question was submitted to the people, but the fight at that time was so intermingled with questions growing out of the result of the war that it was lost sight of and defeated. But you know a little defeat does not seem to affect the women of this country in the least, for they are still on the battle field, and they are going to keep up the fight, and the men might as well make up their minds first as last that, as always, the women are going to conquer, and the men might as well surrender first as last. The question was resubmitted in 1894, and for the third time met defeat.

"But with the third bite of the cherry we gave the women complete suffrage in 1912; and in refutation of the charge that they do not know how to vote, just look over the election returns of the State for the last presidential election."

Mr. THOMPSON. In conclusion, I wish simply to briefly sum up the situation and give a few reasons why this resolution should be adopted:

1. Woman suffrage is absolutely right, and wherever tried it has proved a complete success.

2. The right or privilege, whichever you may choose to call it, was wrongfully taken away from the women by usurpation of the men. Under the National Constitution as originally drawn and as subsequently amended there is no provision whatever against the right of women to vote, and had the women assumed that right in the beginning no one would have ever dreamed of requiring some direct declaration to be written in the Constitution permitting them to do so. Government has wrongfully taken this right away from women by assuming that it was for men only, to the exclusion of the women. We should now be honest, fair, and gracious enough to give it back to them when they want it or without their asking for it. They have earned it by their education, worthy citizenship, work, devotion, and general helpfulness in all the affairs of the Government equal to that of the men.

3. In all the argument and voluminous discussion there has been no good, sound reason assigned by anybody why equal suffrage should not be granted; there has been no demonstration or suggestion by anybody that it has failed in any particular wherever tried.

4. If for any reason, however, technical or otherwise, it was not thought just or advisable to grant women this right, there certainly should be no hesitancy in doing so at this particular time. If there were no other reasons, it should be done as a righteous measure growing out of the prosecution of the war. Women have performed more than their part in this great struggle for democracy, freedom, and liberty. They have borne the men, the boys who are braving the dangers of battle and making the supreme sacrifice for the glorious cause. They have helped make and raise the money to carry on the war and to aid our allies. They have helped raise the food to feed the people at home as well as the soldiers in the field. They have helped make the clothing, the ammunition, the guns, the flying machines, the railroad trains, and the ships. They are even ready, if necessary, to shoulder the gun and march to the front themselves; and indeed they have done so in many instances. They have done practically all of the nursing, and who doubts but what they can do it better than any man? They have performed wonderful feats in surgery, together with the men. No great surgical operation was ever performed without the skillful aid of the women. They are now doing the drudgery work in France and England, as well as in many places in the United States, such as running elevators, handling trucks and baggage at the stations, running street cars, driving hacks, taxies, automobiles, trucks, ambulances, making the gardens, cultivating the fields, and gathering the grain and caring for the stock. This latter work in France and England they are doing practically alone, and they will do it in this country should it become necessary. Who will say that they are not doing it just as well as the men ever did? In all my travels through the war zone I never heard anyone even hint that all this work was not being properly and efficiently performed, but, on the other hand, I heard their work commended by everybody who discussed it. Above all else, the women are the ones who are "keeping the home fires burning." They are feeding, clothing, educating, and otherwise caring for the families while the men are away from home. Can anyone doubt that they can do this better than the men? And they are only asking equality in a very less important matter. We would be more justified in disfranchising the men than we would be to permit the women to remain disfranchised.

So let us, as men, recognize our appreciation of woman's great sacrifice for our common country by granting to them an equal voice in the management of all governmental affairs, where experience demonstrates beyond all question of a doubt that they are just as useful and indispensable as in every other sphere in life.

Mr. McKELLAR. Mr. President, ordinarily I am very much averse to speaking with notes, but down in the section of the country from which I come there is a considerable divergence of opinion among the men voters at any rate on the subject of woman suffrage, and for that reason I am going to beg the indulgence of the Senate for a few moments while I give from prepared notes the reasons which actuate me in casting my vote to-day.

Mr. President, I have long been an advocate of equal suffrage. I would have preferred that equal suffrage should have been brought about by the action of the several States rather than by the action of the National Government, but I have long since come to the conclusion that this is substantially impracticable. I say this because of the object lesson that is now before us, namely, that the women in many of the States are permitted to vote while the women of many other of the States are denied the privilege. It is not right that this sort of a condition should obtain, and certainly it is not right that this kind of a condition should be continued when we are able to remedy it here. It is much easier to obtain the ratification of this amendment in 36 States than it is to get individual action in all 48 States.

In the nature of things it might be that the women of three-fourths or four-fifths or even seven-eighths of the States should secure and enjoy the right of suffrage for 50 years, and yet through some local conditions in the few remaning States the women of those States would be deprived of the right to vote for all time unless this amendment should be passed.

For these reasons, and believing firmly in the principle of woman suffrage, four years ago I voted for the national amendment while I was a Member of the House. Coming from that portion of our country which is commonly understood not to be in favor of equal suffrage, I was given considerable criticism by some in my State for this vote, but believing that I was right I stood the criticism then and am going to stand it again, for I shall vote in favor of this resolution. I am still not willing to say that the intelligent and splendid women of Tennessee are not as worthy of the privilege of suffrage as the women of New York or those of any other suffrage State.

REASONS FOR VOTING FOR IT.

HALF FREE AND HALF NOT FREE.

In the first place, I believe that the question of suffrage is such a question as was intended by the framers of our Constitution might be made the subject of an amendment. They tinkered with it themselves, and then left the qualification of voters to the States and granted to the Federal Government the right to supervise the time, place, and manner of choosing Senators and Representatives. It certainly can not be said that such an amendment as this is not germane to jurisdiction already given, and I believe the present conditions of suffrage in this country warrant the submission of the question. In other words, I believe that, inasmuch as the women of the great West and the women of many of our Northern States, including the great State of New York, already enjoy the privilege of voting, it is only fair that by constitutional amendment all women in this country should have the right to vote, if they have the other necessary legal requirements.

It is wholly unjust to the women of Tennessee, for instance, who may want to vote for President or other Federal officers to be denied the privilege of voting while the women of New York are accorded that privilege. I, of course, have no criticism for the views of any man on this subject. At the same time, I can not conceive how any legislator can believe that the present mixed conditions in this country on the subject of women voting are fair. I do not see how the Representative of any State which denies the privilege of voting to its women can be willing, by his vote, to permit that condition to continue while the women of other States are allowed to vote.

If there was no other reason than this inequality of the present system, it seems to me it would be a full answer to any objection that could be raised to this resolution.

THE NATURAL RIGHT.

I am not going to stress a proposition that I believe in, namely, that women have a natural right to take part in the public affairs of their own country. When a boy I remember reading one of George Eliot's novels, Adam Bede, in which one of the men characters was made to say: "Women are curious creatures"; and Mrs. Poyser, another character, answered, "Yes; God made them so to match the men." These quotations are from memory only. I never took much stock in this doctrine of mental and spiritual and moral and natural and even supernatural superiority of the men. I think well of men, of course, but I have known some very able women in my day, too; and, taking them by and large, there are brainy men and brainy women, and there are dull-minded men and dull-minded women, and that is about all there is to the proposition. The women that I have been associated with the most of my life I have felt were as capable of voting as I have been, and many of them were probably giving it a great deal more attention than I did. Their mentality has not been exercised in this particular line because they have been heretofore denied any participation in public affairs, but give them a chance and they will vote as intelligently as we do.

TEACHERS OF MEN.

For the most part, women are the teachers of men. My recollection is that there are some seven or eight hundred women teachers in the Memphis public schools and perhaps a dozen men. The same is true of all our schools throughout the land. They teach our boys and our girls, and surely if the male students thus taught by women are capable of making good voters, the teachers of these students also are inherently capable of making discriminating voters. Why put the taught over the teachers? Why debase the teachers and exalt those who only learn from them?

TAXATION WITHOUT REPRESENTATION.

The American people are a peculiar people. They threw off the British yoke in 1776, and one of their reasons for rebelling against George III was "for imposing taxes without our consent." They succeeded in winning their freedom in great part on this slogan, and yet ever since they have taxed the women half of their population without giving them any representation in the Government.

At the lowest calculation one-eighth of the women of this country above 21 years of age pay taxes. Surely, these taxpayers should have the right to take part in their Government's affairs. If we are not going to give them that right, we should not tax them. A mere statement of the case is sufficient to show the justice of the contention.

SOME OF THE MEN WHO VOTE IN THIS COUNTRY.

If they are men, we allow idiots and lunatics to vote. In many States criminals are allowed to vote. In many States men who can neither read nor write are permitted to vote, and men who can not speak the English language are allowed to vote. We allow the Malays to vote, Turks to vote, negroes to vote; but women alone are the objects of our undying enmity so far as the privilege of voting is concerned. There is no rhyme nor reason in denying them this privilege. There is naught but justice in giving them the legal right.

WOMEN IN THE WAR.

But if no other reason obtained for the passage of this resolution, the position of women in this war is sufficient to justify us in passing it. From the very beginning of the war no part of our population has been more patriotic than women. They have stood by the Government, with some inconsequential exceptions. They have upheld our country. They have undertaken every employment of which they were at all capable. They are engaged by the hundreds of thousands in war work of every description. They are taking an equal part with the men in Red Cross work, in war savings stamp work, in liberty loan work, in Y. M. C. A. work, and in every other good cause connected with this war. They are going into the fields, into the factories, into the commercial houses, and into every other avenue of business and trade where they can aid in the carrying on of this war. They are giving up their means and their time, and in many cases they are risking their lives as physicians, as nurses, and helpers in the conduct of this great strife. Women workers are taking the place of men workers everywhere. Surely, under these conditions there is no reason why the remaining women of the country whose States have seen fit to deny them the right of suffrage should not be given it by the Federal Government, whose interests they have so splendidly served in the years of this war.

I now come to a subject to which the distinguished Senator from Georgia [Mr. HARDWICK] has referred, and I think what I am going to say on the subject forms, in a feeble way, an answer to the argument of that able Senator in this body.

THE REASONS URGED AGAINST SUFFRAGE.

THE NEGRO WOMEN.

The first reason that is always urged to a southerner against equal suffrage is that that would permit the negro women to vote. Well, this is true. The Government has already set the example by permitting the negro men to vote, and I have known negro men and negro women very well in my part of the country, and I think that the negro women are equally as capable of voting as negro men. Of course, we all know that the very large majority of both classes are incapable of voting intelligently, and that comparatively few negro men now vote at all.

Mr. REED. Mr. President——

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

Mr. McKELLAR. If the Senator will wait until I get to the end of this paragraph, I shall be delighted to yield to him. I will ask the Senator to excuse me for just a moment.

But however that may be that is a question that need not concern us here, or if it should concern us, it is a question that makes it all the more necessary why we should pass this resolution.

The negro population is in the majority in but two Southern States, South Carolina and Mississippi. In South Carolina the negroes constitute a little more than 55 per cent of the population. In Mississippi they constitute a little more than 56 per cent of the population. In all other States the whites are in the majority. The result is that if we adopt woman suffrage the white majority, because of education or other qualifications, will be increased in every single State except South Carolina and Mississippi. In these two States it may be said that the number of negro voters will be increased, and that is true; but in these the majority of the whites will be increased because of various qualifications. In Mississippi they have what is known as the grandfather clause which eliminates most of the negro men——

Mr. WILLIAMS. Mr. President——

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

Mr. McKELLAR. I do.

Mr. WILLIAMS. If the Senator will pardon me, Mississippi has no "grandfather clause," and never did have.

Mr. McKELLAR. If I have misquoted the Mississippi law, I beg the Senator's pardon for it. I believe it is another of the Southern States.

Mr. WILLIAMS. I beg to assure the Senator that he has.

Mr. McKELLAR. But I will say that even if they have not the "grandfather clause" in Mississippi they have educational qualifications, they have registration qualifications, they have tax qualifications, or property qualifications, all of which make it impossible for the negro men in the largest degree to vote in Mississippi. They have similar laws in South Carolina, which practically eliminate the ignorant negro vote. They eliminate the ignorant negro men vote, and they will eliminate the ignorant negro women vote. The passage of this amendment would not preclude the States in any way from putting any restriction upon the right of suffrage that they see fit—the only requirement of the Constitution being that all persons must be treated alike.

The result is that, according to the figures, the white majorities would be largely increased in all of the Southern States except two; and in those two States the situation will be vastly improved, because the educated white women of the States of Mississippi and South Carolina will cast their votes like the educated white men of those States cast them to-day, whereas the ignorant negro women will be just exactly like the ignorant negro men, they will not be able to vote in large numbers in either one of those States, and thereby the majority will be increased.

Mr. REED. Mr. President——

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

Mr. McKELLAR. I yield. I wanted to have the Senator wait until I finished my paragraph, but I will yield now.

Mr. REED. The point of my inquiry is really past, as the Senator is passing to a different subject.

Mr. McKELLAR. Very well; I shall be glad to have the Senator propound his question right now.

Mr. REED. The Senator has stated that he knew negro men who were intelligent enough to vote and that he knew negro women who were intelligent enough to vote.

Mr. McKELLAR. I am sure the Senator misunderstood what I said. I have not said that; but I will say to the Senator now that I know some negro men and some negro women, too, who are intelligent enough to vote.

Mr. REED. What was the Senator's remark about the negro vote in his State?

Mr. McKELLAR. I said that I knew both negro men and negro women in the South, and that, so far as my observation and experience went, the negro women were just about as capable of voting as the negro men. That was the statement I made.

Mr. REED. Very well. That suits me well enough for the purposes of my inquiry. Is it the general opinion of the white Democrats of the Senator's State that either the negro man or the negro woman should vote?

Mr. McKELLAR. I can not say that that is true; but I will say to the Senator, however, that we have no trouble about the matter of negroes voting in Tennessee. I will say to the Senator that we have educational qualifications, we have property qualifications, we have registration qualifications, we have poll-tax qualifications, which cut out the ignorant men of all races; and if this amendment is agreed to they will cut out the ignorant women of all races.

Mr. REED. The Senator states that in Tennessee they have educational qualifications, property qualifications, and poll-tax qualifications. You have shotgun disqualifications, do you not?

Mr. McKELLAR. I know of no such disqualifications as that. The Senator is entirely in error about that. I am happy to say that I have lived in Tennessee for 25 years, and we have never had that kind of disqualifications since I have been there. I do not think they have shotgun disqualifications any more in Tennessee than they do in Missouri or Illinois or any other State.

Mr. REED. Of course, you do not put it in that harsh way; but the colored man and brother is just given generally to understand that a good place for him on election day is out fishing or any other place except the polls. That is about the truth of the situation, is it not?

Mr. McKELLAR. Quite the contrary. The Senator was never more mistaken in his life. For instance, of the comparatively small Republican vote that was cast against me when I was elected, 4,000 negro votes in the city of Memphis alone were cast against me.

Mr. REED. Oh, of course, some of them are allowed to vote as an evidence of good faith, and I am not complaining, but what is there in the argument that the negro woman knows as well how to vote as the negro man, coming from the lips of a Senator from a State where it is generally conceded that the negro population ought not to vote at all? What is there in that argument?

Mr. McKELLAR. The Senator is entirely in error about that. I am not making that argument.

Mr. REED. I do not think I am.

Mr. McKELLAR. The educated negro men in Tennessee vote. All of those who can meet the qualifications fixed by our laws vote. The Senator is misinformed about voting conditions in Tennessee. The educated negro men now vote, and if this amendment passes the educated negro women will vote; but my point is that the white women alone in that State, if this amendment passes, will be greater in number several times over than all of the negro men and all the negro women who will be qualified to vote under our State laws. That is all there is in it.

The result will be that not only in Tennessee but in all the Southern States, even including the two I have mentioned—Mississippi and South Carolina—the white majorities will be increased. Returning to my discussion of the figures, in Tennessee, according to the census of 1910, there were 433,431 white males above 21 years of age and 419,646 white females over 21 years of age. There were 119,142 negro males over 21 years of age and 122,707 negro females over 21 years of age. In other words, if this amendment passes there would be 853,077 white persons eligible to vote and 241,849 negro voters eligible to vote—a majortiy of 611,228 in favor of the white voters. Under our tax, our registration, and other restrictions the white vote would be enormously increased, while the negro vote would be only slightly increased.

With these figures staring us in the face, could anyone say that the passage of this amendment would interfere with white supremacy in Tennessee or in any other State? The truth is that it would add very largely to the white voting majorities in all of the States, even not excluding the two mentioned—Mississippi and South Carolina. Any person who really wants white supremacy in the South can not better guarantee it than by the enactment of this equal-suffrage resolution.

That brings me to leave my notes for a moment to discuss the proposition that was laid down by the distinguished Senator from Georgia [Mr. HARDWICK]. He warns his southern colleagues against the day when the negro soldiers shall return to the South from this war. If he means what he says—and I know he does—it seems to me his logic would lead him to the conclusion that the best way the people of the South can guard against such trouble as that is to grant suffrage to our women, and thereby increase the white majorities in every State in the South. On the face of it, certainly every State except two will have an increased white majority under restrictions that now exist; and when you consider the laws that have been enacted on this subject in the State of Mississippi and in the State of South Carolina you are inevitably driven to the conclusion that the passage of this joint resolution will add an overwhelming majority to the white race in the 11 Southern States.

So much for that. Ah, but the Senator says it is because of his great love for the Constitution that he takes the position he does in opposition to this amendment. Well, I may be mistaken about the Constitution, but, if I remember correctly, the original document gave to the Federal Government some control over elections. The Senator speaks as if the first control over elections ever given by the Constitution was contained in the fifteenth amendment. The Senator is mistaken. The original Constitution, as ratified by the States, has this to say about elections:

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives—

It is true that the President was left out, but the same rules apply to him—

shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

And we have changed that by amendment.

Mr. HARDWICK. Mr. President——

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

Mr. McKELLAR. I yield.

Mr. HARDWICK. Let me refer the Senator to the second section of Article I of the Constitution, which is the section which relates to the qualifications of electors, and also to the

seventeenth amendment. That has nothing whatever to do with the qualifications of electors, but——

Mr. McKELLAR. I am sure the Senator thought it had nothing to do with it; but the Constitution says on its face, in so many words, that it has to do with the election of Senators and Representatives.

Mr. HARDWICK. Will the Senator read the second section of Article I?

Mr. McKELLAR. I am familiar with that section; but the section I quoted is in the Federal Constitution, and, at least in a sense, it modifies the other section.

Mr. HARDWICK. Oh, not at all. The courts have never held that, and nobody has ever contended that to be so.

Mr. WOLCOTT. Mr. President——

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

Mr. McKELLAR. I do.

Mr. WOLCOTT. Do I understand the Senator to contend that Congress can under the Constitution now grant the suffrage to women?

Mr. McKELLAR. Oh, no.

Mr. WOLCOTT. Then what is the point of the Senator's argument now?

Mr. McKELLAR. What it does is that, if Congress sees fit, it can add to those who are entitled to the suffrage; but if it is desired by Congress to change the rules and regulations as provided here, it has the right to do it. My point is that the framers of our Constitution intended that the Congress should have some jurisdiction over elections, and the people of this country have already agreed to one amendment on exactly the same line as the one proposed, and it is nothing out of the ordinary that they should want to amend on the subject of suffrage, because the original convention made an attempt to control voting.

Mr. HARDWICK. Mr. President——

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

Mr. McKELLAR. I yield.

Mr. HARDWICK. I just wanted to interrupt the Senator to say that the Constitution of the United States in two places—section 2 of Article I and the seventeenth amendment, relating to the election of United States Senators—says expressly that the qualifications of electors for Senators and Representatives in Congress shall be the same as those for the most numerous branch of the State legislature in each State. Furthermore, nobody on this earth has ever contended before to-day, if the Senator intends to contend it, that the section he has just read about the time, place, and manner of holding elections has any relation whatever to the qualifications of electors.

Mr. McKELLAR. Oh, no; the Senator misunderstands me. I have not discussed qualifications of voters at all. I am perfectly familiar with the requirement of the Constitution that they shall have the same qualifications as those who vote for members of State legislatures, and I want to call the Senator's attention to the fact that this amendment does not affect in the slightest that provision of the Constitution. The only thing it does is to add to the classes of voters that are now allowed to vote.

Mr. HARDWICK. If the Senator will let me finish my question, there is only one precedent on earth for this proposition, and that is the fifteenth amendment; and if the Senator enjoys that as a precedent, he is perfectly welcome to stand on that ground.

Mr. McKELLAR. I never would have voted for the fifteenth amendment.

Mr. HARDWICK. No; I know the Senator would not.

Mr. McKELLAR. But I will say to the Senator, if he will permit me, that while I would not have voted for the fifteenth amendment, the Congress of the United States and the people of the United States have already adopted that amendment, and it has been in our Constitution now for more than 40 years; and I say that if we could do that, if we could give the ignorant negro men of this country the right to vote, surely we ought to give to the splendid, well-educated white women of the land the right to vote. We ought not to treat negro men better than we do our white women.

Mr. HARDWICK. The fifteenth amendment did not give the negro men the right to vote, of course. The Senator is not accurate about that.

Mr. McKELLAR. Well, we are under that common misbelief down in our country. If it did not give them the right to vote, somebody has been very wrong in the last few years down in the Senator's State. I have been of that opinion and I think nearly everyone else has the opinion that the negroes obtained the right to vote by virtue of the fifteenth amendment.

Mr. HARDWICK. You have been wrong all your lives. The fifteenth amendment merely prohibits discrimination against any citizen of the United States on account of race, color, or previous condition of servitude.

Mr. McKELLAR. That is all we are doing in this amendment. We are inhibiting discrimination against women because they are women.

Mr. HARDWICK. Now, if the Senator will kindly let me have about two minutes of his time I will finish what I have to say.

Mr. McKELLAR. All right.

Mr. HARDWICK. It ought to be impossible to muddy the waters on a question of this kind.

Mr. McKELLAR. I do not think it will be possible.

Mr. HARDWICK. I do not see how the Senator could hope to do that.

Mr. McKELLAR. I am not trying.

Mr. HARDWICK. I am glad to hear that the Senator is not trying. I do not think he could succeed.

Mr. President, the fact is that the only precedent on earth for action of this sort, which I concede is perfectly within the power of Congress, is the fifteenth amendment. That is the only precedent for it. The Senator will find, I think, if he gives the question that careful consideration which he gives to most questions to which he addresses himself, that when the Constitutional Convention framed the Constitution of the United States, a tremendous effort was made to induce the makers of the Constitution to fix a general standard for electors, and to lodge that power in the Federal Government; but that proposition was beaten decisively on the floor of the Constitutional Convention, on the assumption that it was best to let each locality lay down those qualifications; and that is what we have always done in this country, with the single, solitary exception of the fifteenth amendment.

Mr. McKELLAR. May I ask the Senator from Georgia whether or not he voted for the recent act giving the National Government the right to supervise not only national regular elections but also primary elections for national officers?

Mr. HARDWICK. No; "the Senator from Georgia" did not vote for it.

Mr. McKELLAR. The Senator did not vote for it, but this Congress has just passed such laws; and it did so under the authority of the original Constitution, and not any amendment to it.

Mr. HARDWICK. If the Senator wants to bring that in, it was confined entirely to Members of Congress, which is a different proposition.

Mr. McKELLAR. That is a distinction without a difference when it comes to fixing the qualifications of voters in this country, whether they are permitted to vote just for Members of Congress or the Senate, or to vote for the President of the United States.

Mr. HARDWICK. I know; I do not mean that; but what about local elections, where county sheriffs, and so on, are to be elected?

Mr. McKELLAR. I think the same qualifications ought to be prescribed for all voters, white, black, male, and female, and in all classes of elections.

Mr. REED. Mr. President——

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

Mr. McKELLAR. I yield. I did not intend to take all of this time. I am very sorry to have detained the Senate this long. I would not have done so but for these interruptions, to which, of course, I am glad to accede.

Mr. REED. I shall be very brief; but the question now being discussed is one that I think we might settle if we get back to it. Do I understand the Senator to contend that aside from the thirteenth, fourteenth, and fifteenth amendments to the Constitution the Federal Government has defined citizenship or the qualifications of electors in any respect?

Mr. McKELLAR. Oh, no; but I do contend that this language was in the Constitution, found in section 4 of Article I, which is very plain, as it seems to me:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Mr. REED. "The times, places, and manner of holding elections"——

Mr. McKELLAR. Yes; which might have a very serious effect on the question of the manner of voting.

Mr. REED. But not the qualifications of voters. Now, will the Senator pardon me while I read a clause from the somewhat celebrated case of United States against Susan B. Anthony,

a case that is somewhat in point to-day, since Susan still speaks to us in spirit and from the galleries?

Mr. McKELLAR. I will.

Mr. REED (reading)—

> The fourteenth amendment creates and defines citizenship of the United States. It had long been contended, and had been held by many learned authorities, and had never been judicially decided to the contrary, that there was no such thing as a citizen of the United States, except as that condition arose from citizenship of some State. No mode existed, it was said, of obtaining a citizenship of the United States, except by first becoming a citizen of some State. This question is now at rest. The fourteenth amendment defines and declares who shall be citizens of the United States, to wit, "all persons born or naturalized in the United States, and subject to the jurisdiction thereof." The latter qualification was intended to exclude the children of foreign representatives and the like. With this qualification every person born in the United States or naturalized is declared to be a citizen of the United States and of the State wherein he resides.
>
> After thus creating and defining citizenship of the United States, the fourteenth amendment provides that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." This clause is intended to be a protection, not to all our rights but to our rights as citizens of the United States only; that is, to rights existing or belonging to that condition or capacity.
>
> * * * * * * *
>
> The right of voting, or the privilege of voting, is a right or privilege arising under the constitution of the State and not under the Constitution of the United States.

It seems to me that that answers the Senator's contention that Congress had a jurisdiction from the first with reference to the qualifications of voters. That is a right which grew out of the several amendments adopted as a result of the Civil War; but even those amendments did not undertake to go further than to provide that there should be no discrimination on account of race. So I think that authority ought to settle that question.

Mr. McKELLAR. Mr. President, that shows that in off-hand manner of speaking one is sometimes misunderstood or sometimes unfortunately uses language that does not express his intent very clearly. I said nothing in the world about the qualification of voters, but the Senator from Georgia had argued the question as if the question of voting was some inherent right intended by the framers of our Federal Constitution to be left entirely and wholly in the States, and my assertion was that in this he was mistaken, for the original Constitution had a provision giving the Federal Government a supervisory jurisdiction over the time, places, and manner of holding elections for Representatives and Senators.

Mr. HARDWICK. Mr. President——

Mr. McKELLAR. Just a moment, if the Senator will let me state the case, so that there can not be any room for misrepresentation. My reply to that was that he was incorrect about it, because the original Constitution did give to Congress certain rights over elections. It did not leave that all to the States. It certainly gave Congress the right of supervision over the times, the places, and the manner of choosing——

Mr. HARDWICK. Members of Congress.

Mr. McKELLAR. Members of Congress and Senators.

Mr. HARDWICK. We are Members of Congress.

Mr. McKELLAR. Of course we are; but the Constitution says Representatives and Senators. I stated at the very outset that it did not include the President of the United States.

Mr. HARDWICK. The Senator raises the question as to the accuracy of my position. If the Senator will go back to the convention that framed the Constitution, he will find that the words were expressly voted down, presented by those who contended for the power of Congress to prescribe the qualifications of electors.

Mr. McKELLAR. I never made that statement.

Mr. HARDWICK. I thought you said the Senator from Georgia was in error when he contended that that was to be left to the States.

Mr. McKELLAR. I said the Senator from Georgia was in error when he said that power over elections was in the beginning in the States and had remained there up until the fifteenth amendment; and those amendments were adopted, that it had remained there, and that only the States had anything to do with the elections.

Mr. HARDWICK. The Senator wishes to stand on that statement, then, and challenge the accuracy of the position of the Senator from Georgia?

Mr. McKELLAR. I do.

Mr. HARDWICK. All right; we will leave it there.

DOES SUFFRAGE MAKE WOMEN UNWOMANLY?

Mr. McKELLAR. Now, Mr. President, I next come to another feature that I want to discuss very briefly. The next stock argument of those that are opposed to woman suffrage is that suffrage would make women unwomanly. I have often wondered if anyone seriously believed such a proposition as the casting of a ballot made a woman unwomanly. Why should it make a woman unwomanly to cast a ballot for candidates of her choice? Yet you constantly hear the statement that if they are given the ballot it will destroy the home, it will make bad mothers, it will do away with family ties. If I for a moment dreamed that suffrage would bring about any one of these direful consequences, of course I would not vote for it, but my judgment is that these contentions are pure figments of the imagination. I doubt if there is a single Senator in this body, if the fact were inquired into, but what it would be found that his mother was either a well-educated woman or a brainy woman, otherwise the chances are he would not be here. I believe it to be a natural law that in the matter of brains a man gets them more from his mother than from his father. If this be true, then why not give the mothers of men in our country every opportunity to fit not only themselves but their sons for all the duties of citizenship.

Ordinarily in our home life in the United States the mother is the principal teacher. It is absolutely necessary that she should be well informed and well educated. If she takes an interest in politics and is allowed to take part in public affairs, it will but increase her knowledge and education. It will but better fit her to rear and educate her boys, as well as her girls—knowing that the future of the State depends upon her efforts in a larger degree than ever before.

For my part I would a thousand times rather see a woman take an interest in politics and vote, and even stand around the polling places and electioneer for the candidate of her choice, rather than to see her at a fashionable club drinking highballs and gossiping about her neighbors, or in other circles of life at a corner grocery drinking beer. I think it is a thousand times more unwomanly to do any of these things than it is to perform the very high order of public service in casting a ballot in an election.

Mr. SHAFROTH. I will state that we have had experience in Colorado for 25 years, and when the suffrage amendment was up here in 1914 I wrote some letters to each of the district judges of the State of Colorado relative to the influence if any politics had in making disputes or quarrels over candidates or issues in the family. I should like to call attention right here, because it is very apt to some of the letters. I have 19 letters here. This letter was addressed from Washington, D. C., by me February 17, 1914:

> WASHINGTON, D. C., *February 17, 1914.*
>
> Judge GEORGE W. ALLEN,
> *Courthouse, Denver, Colo.*
>
> DEAR JUDGE: There is pending in the Senate a joint resolution for a constitutional amendment granting equal suffrage to women. There has been some contention among those who are opposed to woman suffrage that the passage of such a constitutional amendment would have a tendency to produce quarrels among husbands and wives.
>
> I would thank you very much if you would let me know whether in any divorce case which you have tried it was claimed upon either side that the cause of any dissension or disagreement among the parties to the suit originated from or was caused by differences as to politics or candidates. If there have been any such, I would thank you very much if you would indicate the proportion where such disagreements and difficulties arose as contrasted with the number of divorce cases which you have tried
>
> By giving me this information you will greatly oblige,
> Yours, truly,
>
> JOHN F. SHAFROTH.

Here is the answer of Judge Allen:

> CHAMBERS DISTRICT COURT,
> *Denver, Colo., February 24, 1914.*
>
> Hon. JOHN F. SHAFROTH,
> *Washington, D. C.*
>
> DEAR SENATOR: I take pleasure in answering your inquiry of the 17th instant.
>
> During my experience on the bench, which has covered a period of approximately 20 years, I have never known of a divorce case among the many as such wherein it was claimed or suggested that political differences in any manner had been the cause of troubles between husband and wife. I know of no divorce case brought in the court wherein it was claimed or alleged upon either side that political differences had caused any dissensions to disturb the marital relations between husband and wife.
>
> Universal suffrage has existed by law in our State since 1893.
>
> Sincerely, yours,
>
> GEO. W. ALLEN.
> *Judge, District Court.*

Mr. McKELLAR. I thank the Senator for his contribution to my argument.

Mr. REED. May I ask the Senator from Colorado a question?

Mr. McKELLAR. Just pardon me half a moment. I am nearly through, and I have been detained a great deal longer than I expected. I must be wearying the Senate.

Mr. REED. I should like to ask the Senator a simple question, whether a difference of politics in the family is one of the statutory causes for divorce in Colorado.

Mr. SHAFROTH. Oh, no; it is not, but it is the contention and has been the contention that it would produce that very condition. When we contrast what has been the case in Colorado with the cases in other States we find as a matter of fact that

the number of dissensions or cruelties occurring as a cause for divorce has not been greater in Colorado than in the other States.

Mr. McKELLAR. Mr. President, I thank the Senator for his elucidation of this matter.

Of course, this fallacious argument is conclusively refuted by the women of those States where they have suffrage and have long had it. The women I know from the suffrage States, as well as those I know who believe in the principle from the nonsuffrage States, are just as womanly, just as devoted to the home and family, and make just as good wives and mothers as those who do not have or believe in suffrage. And as far as pure politics is concerned, the suffragists are not any worse, so far as I can see, than the antisuffragists. They are all getting to be good politicians.

STATE RIGHTS.

It is claimed that to submit this amendment to the States is a violation of the doctrine of State rights. I believe in the rights of the State. I have been brought up, politically speaking, on that doctrine all my life. I think it is a good doctrine. I think we ought to uphold it; but that does not mean that we should never enact another amendment to our Constitution.

The Constitution gives the United States jurisdiction over certain questions of suffrage. Already it has exercised that jurisdiction under an amendment by permitting negroes to vote. Surely there is no invasion of the State rights doctrine, per se, by passing a resolution which simply adds to the jurisdiction originally intrusted to the Federal Government under the Constitution. If the doctrine of State rights were carried to this far-fetched conclusion, we could never have an amendment to our Federal Constitution, and the best answer to the proposition is the present unequal, disordered, and diverse conditions of woman suffrage in the various States of the Union. In some of the States they have equal suffrage; in other States they have partial woman suffrage; in other States they have limited woman suffrage; in other States they have woman suffrage only in party primaries. This kind of a condition is intolerable and calls for the exercise of the power of our Federal Constitution, and it is no invasion whatsoever of the doctrine of State rights to amend the Constitution to get rid of these conditions. The States will have the right to fix all the qualifications of suffrage. They can put a property qualification, an educational qualification, a registration qualification, a tax qualification, or any other qualification that will equally apply to all classes of voters. With such vast rights in the State to regulate the vote, it can not be said that an enlargement of the class of voters merely is an invasion of the jurisdiction of the States over this question.

But, above all this, if the amendment invades the principle of State rights and the people of the several States are opposed to this invasion, they are at perfect liberty to vote it down. Thirty-six of them have to vote for it before it becomes the law. This resolution only submits the question to the States. Surely it is not a violation of State rights just to submit to it a law for its approval or its disapproval.

For my part, Mr. President, I do not believe it is the invasion of State rights in any sense. We do not take away any of the rights of the States to fix the qualifications of the voters. We do not interfere with it in the least. It is absurd to say that we do interfere with the qualifications of the voters when we merely enlarge the classes of voters.

ARE WOMEN AT PRESENT REPRESENTED?

The next stock argument is that women are already represented in our Government; that they are represented by the votes of their husbands and fathers and brothers and sons. Such a contention is manifestly unsound. It would be just as reasonable, under this form of argument, to exclude all red-headed men from voting on the grounds that every red-headed man has some relative who is not red-headed who could do his voting for him. It would be just as reasonable to say that the junior Senator from each State should not be allowed to cast a vote in this body because the senior Senator represents him and can vote for him.

How would any junior Senator in this body like that kind of a doctrine to be applied to him, namely, that there is no use for any junior Senator to vote, that the senior Senator represents all the State and therefore represents the junior Senator and can vote for him. Why not restrict it only to the senior Senator? There are a number of junior Senators who would object very seriously to that, and I do not blame these ladies for objecting when a rule of that kind is applied to them.

But admitting that there is a real argument in the matter, what are you going to do about the hundreds of thousands and perhaps millions of women who have no husbands, who have no brothers and who have no fathers, and who have no sons to do their voting for them?

Are you going to exclude them because of their misfortune? These surely should have the right to vote directly, and if they did have the right to vote directly there are many evil conditions in every State in the Union that would be remedied. [A pause.] The Senator from Illinois [Mr. LEWIS], always timely, says in an aside to me, a mistake has been made. He tells me that some one laughed when I spoke of women who had no fathers. Ah, Senators, I was never speaking more accurately, for after this war is over there will be thousands, and it may be millions, of young women in this country who will be without fathers to represent them anywhere. I thank the Senator from Illinois for his kindly mention of the matter, so that I might make my meaning clear to all.

In many of the States they have an eight-hour law for men and no eight-hour law for women. Until a year or two ago, when an eight-hour law was passed for women in the District, there was an eight-hour law for men, and yet you could work women as many hours as they could stand up under, and the men merchants of Washington sent petitions yards long into Congress, urging Congress not to make an eight-hour law for women. There is but one way that women can have representation in this Government, and that is by giving them the right to vote for the officers of the Government.

WOMEN AND WAR.

It used to be contended that they should not have the right to vote because they could not fight for their country. Such a contention could hardly be made in the light of modern warfare and the position of women in respect to it. It is true that there are few women in the ranks of any of the armies. In some few of them I believe they take part. Those who actually fight in any army are inconsequential. In our own Army none of them are made soldiers; but while this is so, look at the wonderful work they are doing in the Ambulance Corps, in the Motor Truck Corps, in the Nurse Corps of the United States Army at home and abroad. They are saving thousands of lives of our boys in France. Look at the army of women war workers here in Washington.

It may be that some Senators will refuse to vote for this just measure, but, Senators, you can rest assured that our boys in France, when they come back, realizing as I know they realize the splendid services of these women who have been sent to our battle fields to minister to them there, to nurse them, to bind up their wounds, to assuage their suffering there—those women who have been angels of mercy to so many of them—you may rest assured that when these boys come back, if we have not already given women the right to vote, that these boys will see to it that the women of America will have the right to take part in this Government.

The women have justly earned the passage of this resolution. They have been weighed in the balance of their country's distress and they have not been found wanting. More and more they are being used to take the place of the men, and if they can not fight at the front, still back at home they are aiding in the great work of producing subsistence and clothing for those who are actually doing the fighting, and at the front they are doing their full part toward rehabilitating and reclaiming and relieving the sick and the wounded.

CONCLUSION.

The President of the United States has declared this to be a war measure. He has earnestly invoked the aid of Democrats and Republicans in passing it. On numerous other questions many Senators who are now opposing this measure have urged all Senators to stand by the President. That argument was good then and it is good now, and I want to urge all Senators to stand by that reasoning. The President has proved himself a great leader. He has definitely committed himself to this cause. He has urged many who have heretofore opposed it to vote for it.

You who have unflinchingly stood by him in the past, I want to urge you not to hesitate now, but to stand by him and his administration on this question in the same loyal way that you have heretofore stood by him.

Some of you believe in suffrage, but you say that the States ought to enact it. Surely, during a crisis like this it seems to me that a mere difference of views as to method should not preclude one from taking that method that will accomplish the result in the quickest way and most effective way.

Mr. President, the women of the United States are capable of voting. They are desirous of voting. They are worthy of voting, and I sincerely trust that the Senate of the United States

will give these women, after the manner declared in our Constitution, the right to have their claims for suffrage submitted to the States.

Just recently England has enfranchised more than 6,000,000 of her women citizens. Canada has also enacted an equal-suffrage law. Twelve States of our Union have enfranchised their women. Five more States allow them to vote for President, and in two more women have the right to vote in primaries. In many others they have lesser voting privileges. We are engaged, with our allies, in the splendid task of making the world safe for democracy. Let us also join England and Canada in making our English-speaking countries safe for our women.

Mr. President, women are the equal means, with men, in the continuation of the race; they are the equal partners in the family relation; they are the equal participants in the benefits of good government and they are equal sharers in the unhappiness of bad government. They breathe, they see, they think, they feel equally as the men do all these things. They share with the men equally all their joys and all their sorrows. The men share with them their homes, their children, their religion, their God, their fear of the devil, and their hope of eternal reward; and yet when it comes to sharing votes with their equal partners in all other things on earth below and in heaven above, some men balk and will not do it. And yet some of us say men are consistent and women are inconsistent.

Mr. President, I sincerely hope the Senate will pass this resolution.

Mr. OWEN. Mr. President, one of the Senators opposing woman suffrage called attention to the Democratic platform of 1916 and insisted that that was a pledge on the part of the Democratic Party against congressional action in favor of the Anthony amendment. The language of that platform is—

> We recommend the extension of the franchise to the women of the country by the States upon the same terms as to men.

The recommendation to the States to act and the belief upon the part of the leaders of the Democratic Party that the States ought to act and ought to grant these rights is no denial of action by Congress. It lays a just premise if the States shall not have acted that Congress should act, but, after all, the action of Congress would be merely referring the question to the States, except that if the Federal Constitution shall be amended by the vote of three-fourths of the States one-fourth of the States which may not agree will be required to agree by the overwhelming majority of the States that do approve this system.

Mr. President, I think the argument has been exhausted in favor of woman suffrage. It has been discussed in this country for years and years, and everybody knows both sides of the question perfectly. The country has come to a point where innumerable evidences of public approval have been given to the proposal that women shall be treated as human beings and given the right to participate in the election of those who write the law and execute the law.

Among others, the Democratic national convention in 1916, the Republican national convention of 1916, the Democratic national committee of February 12, 1918, the Republican national committee of February, 1918, the Democratic congressional committee of June 24, 1918, indorsed woman suffrage. Indorsements of the Federal amendment have been made in Arizona by the legislature. Women were enfranchised there in 1912.

In Arkansas, by constitutional convention, the Democratic State central committee and the Democratic convention; women were given primary suffrage in 1917, and 40,000 women voted in 1918.

In California it was indorsed by the legislature and the women were enfranchised in 1911.

In Colorado the Anthony amendment was indorsed by the legislature, by the Democratic convention, the Republican convention, and women were enfranchised in 1893. The legislature recommended woman suffrage to other States in 1899 and again in 1915.

In Connecticut the Democratic convention and the Democratic State central committee indorsed woman suffrage. The Republicans indorsed suffrage only in Connecticut.

In Florida it was indorsed by the Democratic executive committee of Dade County.

In Idaho, by the legislature of the State and the Republican convention, and women were enfranchised in 1896.

In Indiana, by the Democratic convention, the Republican convention, the Democratic State central committee, and the Republican State central committee.

In Iowa, by the Republican convention and the Democratic convention.

In Kansas, by the legislature, the Republican convention, and the Democratic convention, and the women were enfranchised in 1912.

In Michigan, by the Democratic State central committee, many Democratic and Republican county conventions, and women were given a vote for President in 1917.

In Minnesota, by the Democratic State central committee, the Hennepin County Republican committee, and the Hennepin County Democratic committee.

In Missouri, by the Democratic convention and Republican convention.

In Montana, by the legislature. Women were enfranchised there in 1914.

In Nebraska, by the Democratic convention and Republican convention, and women were granted the vote for President in 1917.

In Nevada women were enfranchised in 1914.

In New York, by the legislature, Republican convention, Democratic convention, and most of the county conventions. Women were enfranchised by over 100,000 majority of the male vote of New York State in 1917.

In North Carolina, indorsed by Republican convention.

In North Dakota, by the legislature, and women were given the vote for President in 1917.

In Ohio, indorsed by the Republican convention.

In Oklahoma, indorsed by the Republican convention; by the Democratic State committee; by the Democratic convention suffrage only was indorsed.

In Oregon, by the legislature. Women were enfranchised in Oregon in 1912.

In Rhode Island, indorsed by the legislature; Democratic convention, September 24, 1918; Republican convention, September 25, 1918; women given the vote for President in 1917.

In South Dakota, by the Democratic convention and Republican convention.

In Texas, by the legislature and the Democratic convention. Women were granted primary suffrage in 1918, and 386,000 women voted in Texas in July, 1918.

Utah, by its legislature, enfranchised women in 1896.

Washington, by its legislature, enfranchised women in 1910.

Wyoming, by its legislature, has commended woman suffrage to other States several times, and was the first State in the world to enfranchise women in 1869.

The King of England signed the bill granting suffrage to wives, mothers, sisters, and daughters of Canadian soldiers as a temporary measure in November, 1917. The King of England signed a bill granting equal suffrage with men to British women, 30 years of age, in February, 1918, and a bill granting equal suffrage to all Canadian women on the same terms as to men in May, 1918.

I ask permission to put into the RECORD quotations from President Wilson, from the Democratic National Committee, and from various other authorities on this question, without reading.

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

The matter referred to is as follows:

DEMOCRATIC PARTY SPEAKS.

1. President Woodrow Wilson:

"The services of women during this supreme crisis of the world's history have been of the most signal usefulness and distinction. The war could not have been fought without them or its sacrifices endured. It is high time that some part of our debt of gratitude to them should be acknowledged and paid, and the only acknowledgment they ask is their admission to the suffrage. Can we justly refuse it? As for America, it is my earnest hope that the Senate of the United States will give an unmistakable answer to this question by passing the suffrage amendment to our Federal Constitution before the end of this session." (Letter to French Union for Woman Suffrage.)

2. Democratic national committee:

"*Resolved*, That the executive committee of the Democratic national committee, after a referendum vote of the members of the national committee representing the 48 States, and in pursuance thereof does hereby indorse the Susan B. Anthony amendment to the Federal Constitution providing for woman suffrage and urges favorable action thereon by the United States Senate." (Feb. 12, 1918.)

3. Democratic congressional committee:

"*Resolved*, That the national Democratic congressional committee hereby place itself on record as being in favor of submitting the Federal woman suffrage amendment for ratification and hopes that the Senate will vote to submit it at the present session." (June 24, 1918.)

4. New York State Democratic platform (State of largest electoral vote):

"*Resolved*, That we welcome women voters to the electorate, and we confidently invite them to join the Democratic Party upon its record. We believe in equal suffrage, without any regard to sex, and we recognize that the present influence, when our Nation is engaged in a great war, for equal rights and individual freedom, is a time peculiarly appropriate for its adoption by the people of the United States.

"We therefore urge the immediate adoption by the United States Senate of the concurrent resolution amending the Constitution so as to confer the right of suffrage upon woman. We demand that the United States Senators from New York represent their constituents by voting for the proposed amendment.

5. Illinois Democratic platform (third largest electoral vote):

"*Resolved*, That the Democratic Party of Illinois demands the immediate enactment of the constitutional amendment now before the United States Senate, and it pledges itself to throw its organized strength behind the adoption of that amendment when it is submitted for ratification to the various States."

6. Wisconsin Democratic platform:

"*Resolved*, To give recognition to the wonderful sacrifice and service of the women of America, we approve President Wilson's recommendations for woman suffrage by Federal amendment through ratification by the States."

7. West Virginia Democratic platform:

"Whereas the result of the coming election must not be one that can be construed by the Nation's enemies as a repudiation of the President and his war policies. Such a result might cost the lives of thousands of American soldiers: Therefore be it

"*Resolved*, That we indorse the policies of President Wilson on woman suffrage and upon all matters pertaining to labor, and our candidates pledge themselves to support these policies both during and after the war and to the ratification of the pending amendment on national prohibition. Pending the adoption of the suffrage amendment, we favor extending to the women of West Virginia the right to participate in primaries and conventions. With full recognition of the loyalty and patriotism of men of every political party, we appeal to the whole people of West Virginia to join us in the election of a Senate and Congress that the world will know we are in active sympathy with the President and the war."

8. Nebraska Democratic platform (not included in above lists):

"*Resolved*, That we place patriotism above politics.

"*Resolved*, That we favor equal suffrage for all citizens, regardless of sex.

"*Resolved*, That it is the supreme task of the civilized world to crush the insolent attempt of German autocracy to substitute a military dictatorship for self-government and the right of independent thought."

REPUBLICAN PARTY SPEAKS.

1. Theodore Roosevelt, ex-President:

"I very earnestly hope that Congress will pass the suffrage amendment at once. Justice demands this action, and no possible good can come from further delay."

2. Mr. Will H. Hays, chairman national committee:

"I believe that when the world is fighting for democracy—'the right of those who submit to authority to have a voice in their own government'—the time has come to take steps insuring political freedom to the women of the entire United States, and I therefore ask the Sixty-fifth Congress to submit the Federal suffrage amendment to be ratified by the legislatures of the several States."

3. SIMON D. FESS, chairman Republican congressional committee:

"I will not, simply because I have the power, withhold from woman a right she can claim with equal force, that I may monopolize it. I will not deny her a privilege which I demand for myself. I will not refuse her entrance to a field of duty in which her abilities peculiarly qualify her to exert an ever-widening influence against prevalent evils and on behalf of the good of humanity. I shall, so far as in me lies, remove every barrier against her right and privilege, and shall open wide the door of opportunity to her performance of public duty by placing in her hands America's most effective weapon, the ballot, democracy's instrument of command."

4. New York State Republican platform:

"*Resolved*, That the Federal suffrage amendment has passed the House of Representatives by a tremendous Republican vote. Practically every Republican county committee in the State has urged its approval. The decisive plurality for suffrage in this great Republican State has so clearly shown the sentiment of the people, that we emphatically call upon the United States Senators from New York to vote for the submission of this amendment to the States." (July 18, 1918.)

5. Ohio Republican platform:

"We favor woman suffrage and the immediate submission by Congress for the action of the several States of the proposed amendment to the Federal Constitution granting them such right." (Aug. 28, 1918.)

6. Indiana Republican platform:

"The Republican Party of Indiana reaffirms its declaration for equal suffrage. It urges the immediate passage of the Federal amendment by the United States Senate and its ratification by the State, and commends our Senators and Representatives in Congress for their support of this measure." (May 29, 1918.)

7. Iowa Republican platform:

"The Republican Party of Iowa reaffirms its declaration for equal suffrage. It urges the immediate passage of the Federal amendment by the United States Senate and its ratification by the State, and commends our Senators and Representatives in Congress for their support of the amendment." (July 10, 1918.)

8. Colorado Republican platform:

"We stanchly support the cause of national woman suffrage now."

9. Wisconsin Republican platform:

"The splendid spirit of the helpfulness and efficient service of the women of the Nation in every activity have been thrown into bolder relief by the war emergencies. They have demonstrated anew their entire fitness for and right to equal opportunity in the conduct of the Government, and we therefore favor the extension of the elective franchise to women."

Mr. OWEN. Mr. President, the argument practically has been presented so fully that it is unnecessary for any man to say anything further about it. Everybody very well knows what the reasons are which justify the passage of this joint resolution. Those reasons are increasing day by day as the war goes on.

Women own half the property in the United States now, and if the war goes on much longer they will own it all by the natural laws of inheritance; but the right of women to vote is not based upon property, it is based upon what is infinitely superior to property. Women bring men into the world, and when they do so they suffer an anguish which is not surpassed by any soldier on the field of battle. No thinking man and no feeling man ought to ever forget the sacrifices that women make for men. The happiness of men is promoted and cared for by women. Women give men their language; they teach it to them as children. They teach them their manners and their morals and their religion. They are fully equal to men in every sense, and are deserving of every tribute of respect which men can pay to women. Moreover, no nation ever rises higher than the level of its women. That of itself justifies men in giving women their right to participate in the conduct of government.

Mr. WILFLEY. Mr. President, I do not desire to attempt to make an argument on this question. I quite agree with the Senator from Oklahoma [Mr. OWEN] that it has been thoroughly discussed, but since I am paired on the question I desire to submit a few observations in reference to the subject.

The question of woman's suffrage is now being given world-wide consideration, and I believe the time has come when the franchise should be given to the women of the United States. As an abstract proposition, woman is as much entitled to vote as man, and this right and privilege should not be longer denied her, unless there is clear and unmistakable reason for it. To say that woman will exercise this right and privilege in a manner detrimental to public good is a reflection upon her intelligence and interest in the welfare of society. I can not believe that woman will exercise the franchise for harmful or evil purposes, for it would be radically inconsistent with the influence she now exerts on all public questions. I believe that she is as much interested in the good of humanity as man. To say that a certain class of women will exercise the franchise for evil purposes, and that those who would exercise it for good purposes will remain indifferent does not appeal to me as consistent with experience. Woman's influence and activity in all public matters, in which she is allowed to participate, do not justify the assumption that there is danger in conferring upon her this important right and privilege. She has demonstrated that she can meet responsibility and perform important duties requiring wisdom, discretion, and courage with as much intelligence and foresight as man. I have no doubt that there are many good women who are indifferent to this question, but I believe that when suffrage is conferred upon them they will respond to its duties and obligations with genuine interest and sincerity. It seems to me that this is a fitting time to give recognition to the wonderful sacrifice and service of the women of America by submitting to the people of the States an opportunity to extend to her the right to vote. If the requisite number of States ratify this amendment, I believe the women of the United States will exercise the franchise with intelligence and interest that will result in benefit and improvement to the public welfare.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The question is on the amendment proposed by the Senator from Mississippi [Mr. WILLIAMS].

Mr. POMERENE. Mr. President, it is not my purpose to discuss the merits or demerits of the pending resolution. I only desire to very briefly state the reasons for the vote I intend to cast.

There are two ways to get woman suffrage, one by an amendment to the Federal Constitution, the other by an amendment to the constitutions of the several States. If the people of each State did not have the power to get woman suffrage within their own States, there might be more reason for urging an amendment to the Federal Constitution. I submit, however, that as fast as the voters of any State become ready and willing to accept woman suffrage, it will be conferred; and as quickly as the women of any State signify a desire for it, my belief is it will be given to them by the men of the State. In my judgment this is a matter which should be decided by the States severally, and not by the Nation as a whole. The country is so large and the views of the people so varied that, in my judgment, the right course is to let each State settle this question for itself.

I say this as one who believes in the principle of woman suffrage, and who upon three several occasions within six years voted for it in my own State. When the question comes up in my own State again in the form of an amendment to our Ohio constitution I shall vote for it. Entertaining the views I do, I am not willing that any other State in the Union shall compel Ohio to have woman suffrage if the State does not want it; and I am not willing that any other State shall deny us this privilege if Ohio wants it.

In 1912 a woman-suffrage amendment to the Ohio constitution was offered, and with a total vote thereon of 586,295 out of a total voting population of probably 1,250,000, the vote was yeas 249,420, nays 336,875, a majority against the amendment of 87,455.

In 1914 a similar amendment was presented to our people, and a total vote cast thereon of 853,685, of which 335,390 voted yea and 518,295 voted nay, making a majority against the amendment of 182,905.

On February 21, 1917, the general assembly of the State of Ohio passed a law conferring upon women the right to vote for presidential electors. Under our constitution this act, upon

petition, was submitted to a referendum vote. The total vote thereon was 990,644, of which 422,262 voted for it and 568,382 voted against it, defeating the statute by 146,120 votes. This is the last pronouncement in Ohio on the subject.

Waiving for the sake of the argument my own personal convictions as to how woman suffrage should be secured, ought I, as a Senator representing a sovereign State, to ignore the sentiment of the people of the State as evidenced by these three several votes within a period of six years? Can mind conceive of any other subject upon which I would be justified in ignoring the voice of the voters at the polls? Would not the very men and women who are now insisting that I defy the voters of my State condemn me if I ignored that vote on any other issue?

My political philosophy teaches me that it is my duty on behalf of the majority voters in Ohio to say to the people of those States who have settled this question for themselves, and who want to impose their views upon our State, "Let us decide this question for ourselves as you decided it for yourselves," and, on the other hand, I owe it to the minority voters in Ohio who want woman suffrage to say to those States who do not want it, "You ought to have no hand in refusing us this right if we do want it. We will settle this question for ourselves, as you wish to settle it in your own State."

After the electors of Ohio have on three successive times in six years defeated woman suffrage, ought I to vote for a joint resolution which will enable the other States to impose woman suffrage upon Ohio whether her people want it or not?

To support the pending resolution means that the legislature of the State of Nevada, with a population according to the last Federal census of 81,875, shall have the same voice in determining this question as the legislature of the State of Ohio, with a population according to the same census—that of 1910—of 4,767,121; and the 13 States of Nevada, Wyoming, Delaware, Arizona, Idaho, New Mexico, Utah, Montana, New Hampshire, Rhode Island, North Dakota, South Dakota, and Oregon, with a population according to the Federal census of 1910 of 23,415 less than the State of Ohio, shall have 13 times the voice in determining this question as the State of Ohio, notwithstanding the fact that her vote has been so decidedly against it.

Mr. WALSH. Mr. President——

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

Mr. POMERENE. I will yield in just a moment.

I speak only for myself. For the reasons very briefly stated I can not, and I will not defy what I construe to be the wish of Ohio as expressed by her people at the polls, and I shall, therefore, vote against the pending resolution.

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

Mr. POMERENE. I yield.

Mr. WALSH. I merely desire to inquire of the Senator from Ohio if what he states would not be the situation of affairs with reference to any amendment of the Constitution?

Mr. POMERENE. Undoubtedly so, sir.

Mr. WALSH. Then, I also inquire of the Senator, whether his criticism is not a criticism of the Constitution?

Mr. POMERENE. It is not, because the States have a right to settle this question each for itself. Many other questions might not be able to be settled in that way.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator a question.

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

Mr. POMERENE. I yield.

Mr. SHAFROTH. Does not the Senator from Ohio recognize that there are various obstructions in the constitutions of many of the States of the Union that practically prevent and oppose the submission of constitutional amendments to their own constitutions; and are not such obstructions of such a nature that all of the States can not have submitted constitutional amendments to their own constitutions?

Mr. POMERENE. Mr. President, I have understood that there is one such State constitution. If the people of that State are not satisfied with their own State constitution, they will change it.

Mr. SHAFROTH. Mr. President——

Mr. POMERENE. Just one moment. But that is no reason why I should be called upon to ignore what my own State has done on the subject.

Mr. SHAFROTH. Mr. President, the Senator from Ohio seems to think that there is only one such State. The State of Vermont can not submit a constitutional amendment to its people except through a convention once in 10 years. New Hampshire is another State where there can be a constitutional amendment submitted only through a convention once every seven years. There are a number of States that provide that a resolution to submit a constitutional amendment must be passed at one session of the legislature and then again at the next succeeding session of the legislature before it may be submitted to the people.

Mr. POMERENE. Mr. President, I quite understand the position of the Senator from Colorado. He insists that the voters of other States shall have their will, but at the same time he says to me that the voters of Ohio shall not be permitted to express their will. I primarily represent the State of Ohio, and, so long as I shall represent the State of Ohio, I shall not ignore the vote of the people of that State on this or on any other question.

Mr. SHAFROTH. Does not the Senator recognize the fact that there could be no amendment submitted to the Constitution of the United States if his logic were to prevail? Can it not be seen that if the Federal Government wanted to enlarge its constitutional powers and an objection of that kind on the part of one State were considered sufficient, it would prevent any amendment of the Constitution of the United States?

Mr. POMERENE. Mr. President, the distinguished Senator from Colorado belongs to that eminent school of thinkers who believe in having their own way and condemning everybody else who wants to exercise the same privilege.

Mr. SHAFROTH. No, Mr. President; I do not believe in that; but I believe that no one State should block an amendment to the Federal Constitution. The Constitution has provided the method for its amendment and affords a safeguard against improper amendments by requiring a three-fourths majority of States to act favorably in order to adopt a proposed amendment. Consequently, I am not one of the persons who want to have another State controlled by his State; I want to say that the provisions of the Federal Constitution must at times be amended, for we have got to have progress, and if we can not, one State practically would be permitted to stand in the way of the Constitution being amended.

Mr. WADSWORTH. Mr. President, before the Senator from Colorado takes his seat I will ask him to reply to an inquiry which I do not mean to be impertinent. The afternoon is fast slipping away. It has been the idea of a good many Senators that a vote should be taken to-day, but during the last hour or so the rumor seems to be to the effect that there will be no vote this afternoon. In view of that rumor, if it be true, I want to ask the Senator from Colorado or the Senator from New Mexico what is the plan of the Senators who are managing the joint resolution?

Mr. JONES of New Mexico. Mr. President, I see no objection to going ahead with the discussion of this question, and I should like very much to see the amendments to the joint resolution disposed of this afternoon.

Mr. WADSWORTH. Is it the intention of the Senator from New Mexico to move that the Senate adjourn or recess until to-morrow?

Mr. JONES of New Mexico. That will be governed quite largely by the disposition which may be manifested here by Senators. I should like to have the consideration of this measure proceed in regular order, at least until the usual hour for adjournment.

Mr. WADSWORTH. The Senator from New York is not aware that there is any usual hour for adjournment. My interest in this matter is to know——

Mr. JONES of New Mexico. I think it is generally understood that at about 5 o'clock we adjourn.

Mr. WADSWORTH. Until when?

Mr. JONES of New Mexico. That matter is not under my dictation; but I should like very much to proceed with the discussion of this matter and, if possible, dispose of the amendments this afternoon.

Mr. WADSWORTH. I am in hearty agreement, Mr. President, with the Senator's desire to dispose of the amendments this afternoon; and I will go further and agree to dispose of the whole matter as soon as possible; but there has been a very distinct rumor going about the Senate Chamber that the managers of the joint resolution at least had under consideration a proposal to adjourn over until Saturday, and that there shall be no vote until Saturday. I think, in all frankness to the Senate, to Senators who have come many, many miles to be here to-day to vote upon this matter, as they have come upon at least two or three other occasions, it should be understood what the program is.

Mr. JONES of New Mexico. Mr. President, if the Senator from New York will inform those of us who are ignorant upon

the subject as to the number of Senators who will probably make speeches upon this measure, that might influence the action which we would suggest to the Senate.

Mr. WADSWORTH. Even if the Senator from New York knew how many were to speak upon the subject and could give an accurate answer to that suggestion, it would have no bearing upon his question as to whether or not the Senate is to meet to-morrow.

Mr. JONES of New Mexico. Then, Mr. President, I might inquire of the Senator from New York the purpose of his inquiry?

Mr. WADSWORTH. So that Senators may know approximately when a vote is to be taken, and upon what day.

Mr. JONES of New Mexico. It is manifestly impossible for any Senator——

Mr. WADSWORTH. Senators had been given to understand that upon Thursday, September 26, this matter was to be pushed to a vote, if possible; but if the Senate adjourns or recesses over Friday and makes no attempt to vote upon Friday it is apparent that there is some change in the program, and I wanted to know whether there was any change contemplated.

Mr. PITTMAN. Mr. President, will the Senator from New Mexico yield to me?

Mr. JONES of New Mexico. I yield.

Mr. PITTMAN. Mr. President, would the Senator from New York like to fix a day certain to vote, which would allow possibly 10 or 12 speeches to be made?

Mr. WADSWORTH. I am not representing the Senators who are opposed to the joint resolution.

Mr. PITTMAN. I thought the Senator was.

Mr. WADSWORTH. I am in favor of a vote upon this matter just as soon as possible.

Mr. PITTMAN. I naturally assumed the Senator was representing some phase of this question; but if he is not, very well.

Mr. WADSWORTH. Is there any objection to having a vote upon the joint resolution to-morrow?

Mr. PITTMAN. I do not see any objection, possibly, except that there are several very able speakers who I have heard express a desire to discuss this question, and I would suggest that we vote as soon as those speakers have an opportunity to express themselves. It might be well if we entered into a unanimous-consent agreement to vote on some day certain, and then the speakers could arrange their time to suit themselves. Would the Senator favor agreeing on some day certain to vote?

Mr. WADSWORTH. I certainly would, and at the earliest possible moment; but if, as the Senator indicates, there are 10 or 12 able speeches yet to be made upon this topic, then I ask why the suggestion that we adjourn over to-morrow?

Mr. PITTMAN. I have not heard that suggestion, except from the Senator from New York.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi [Mr. WILLIAMS].

Mr. ASHURST. On that I ask for the yeas and nays.

Mr. JONES of New Mexico. Mr. President, the amendment offered by the Senator from Mississippi raises a question of very grave magnitude. It is evident that there would be differences of opinion upon that amendment. It involves a question of policy, which, if it were considered that the Senate desired to take it up at this time for the purpose of seriously discussing and disposing of it, would doubtless cause extended debate. If the Senate should deem that it were called upon at this time to pass upon a question of that sort, I have no doubt that there would be almost interminable discussion in this body. But, Mr. President, that would not be a serious matter, for we could afford to discuss these questions, provided, however, that their discussion and action would not jeopardize a question which is of much greater importance.

It is known that the House has passed this proposed constitutional amendment; it is also known that it is practically impossible to get the Members of the House assembled at this session of Congress in adequate numbers to pass another amendment to the Constitution, especially an amendment involving the question of the right of woman suffrage; and to put upon this proposed constitutional amendment any other amendment would be virtually saying that the woman-suffrage amendment should not be passed at this session of Congress. I think it must be apparent to everyone here that the practical effect of putting any amendment upon joint resolution No. 200 would mean the defeat of any action at this session of Congress.

Therefore, Mr. President, without attempting to enter into a discussion of the merits of the pending amendment to the joint resolution, or any other amendment which may be proposed, I want to ask the Senators to vote against putting any amendment upon the proposed woman-suffrage constitutional amendment. I believe it would be unwise to do so at this time. The woman-suffrage amendment has been pending for years; the time is approaching when it should be adopted; the time is at least approaching when upon this single question the Senate of the United States should record itself; and I therefore request in all earnestness that no one seriously consider adding any amendment to the joint resolution which is now under consideration.

Mr. WILLIAMS. Mr. President, the request of the Senator from New Mexico that nobody should "seriously consider" an amendment which involves the very structure of society and the nature of the civilization of some parts of this country is a rather unprecedented request. I did not intend to take the time of the Senate; I do not admit that the question of woman suffrage itself is any more important—in parts of this country at any rate—than this amendment to the proposed constitutional amendment.

Mr. President, I nurse no delusions upon this question. I hug no fallacies to my soul. I take no part whatsoever in the argument that a constitutional amendment can be unconstitutional. I do not feel called upon to pay any tribute to "woman." Thank God, a great majority of women constitute in themselves a tribute to womanhood. It is not necessary to take up the time of the Senate apologizing for a vote that I am about to cast by praising the womanhood of America.

Mr. President, I do not nurse any delusion to the effect that men are superior to women; nor do I nurse any delusion that women are superior to men. One is superior to the other in certain regards; the other to it in certain other respects. That women are superior to men in taste and in delicacy and in purity of sentiment and of conduct few men would deny. That men are superior to them in some respects I imagine few women would deny if they looked at the matter in an impassionate way. There are differences between them. There is no question of superiority at all. My wife could cast as intelligent a vote as I can. My daughters could vote as intelligently as my sons. I have no opposition to woman suffrage per se if it were confined to a homogeneous electorate. If I were a resident of Oregon or of California or of Iowa, and the question were presented to me as a State issue, I think I should vote for it. Being a resident of the State of Mississippi, if it were presented to me as a State issue I should undoubtedly vote against it. Nor do I grant any moral right in California, Iowa, or Oregon to tell Mississippi who shall vote within her limits; nor do I claim any right for Mississippi to prescribe for them the conditions of voting within their borders.

Mr. President, my proposed amendment to the amendment may strike the Senator from New Mexico as an inconsequential matter; he may think that it makes no difference one way or the other what becomes of Mississippi, or South Carolina, or Louisiana in this Union. He is not the man that I expected to take that position, but he has taken it. I expected it from some others.

The amendment which I have offered is a very simple one. It merely inserts the word white before the word person, and thus gives white women the suffrage, leaving any State that chooses to extend it to negro women or not so to extend it, whichever may be to its best and highest interest. If any of you think I am not in earnest about it you are very much mistaken. If you adopt my amendment I shall then, and then only, vote for the constitutional amendment as amended. If so amended it would secure white supremacy and the supremacy of the white man's civilization and his social institutions for all time to come, because the white women could vote under it and the other women could not unless the people of a given State decreed that they could; nor could Chinese women born in America, nor Japanese women upon the Pacific slope, vote under my amendment either, unless voluntarily vested with the privilege by the people of the States on the slope.

Oh, it is very easy to measure up the interests of a majority of the country, and when you have settled your mind about that—you being in the majority section—to say as to the minority: "Oh, they are inconsequential; they are insignificant; let them go."

I had not intended to address myself to the amendment, because I knew that every man with brains enough to rattle in a mustard shell knew why I had offered it, what the motive was, what the reason was, and that it was useless for me to argue it or to do more than state it. Upon its mere statement every Member of this body would know without any aid or suggestion from me how he wanted to vote.

Every man of you knows, and if I talked a whole day you would not know any better than you do right now. So far from delaying the adoption of the proposed constitutional amendment, if my amendment to the amendment be passed it will

hurry up the final adoption, and not only secure its passage through these two bodies of the National Legislature, but it will secure its adoption by three-fourths of the States, because the opposition in the States would come from the very section which I represent if you allow the constitutional amendment to go through as at present framed, unamended.

Mr. President, having said that much I want to add just one word upon another subject. I want to beg Senators to let this whole matter come to a vote just as soon as it possibly can come, and let us be through with it and go on with the carrying on of this war. In the words of William Shakespeare:

> If it were done * * * then 'twere well it were done quickly.

As far as I am concerned, I have made it a rule all my life never to hold myself responsible for results. I do my duty as I understand it, and then when I am through with it, if a result comes about against which I have voted or against which I have worked, that, so far as I am concerned, is a thing resting in the laps of the gods. I have nothing to do with it; "man proposes, God disposes." Let this matter come to a vote, and let it be decided one way or the other for this session. Let us go on with the carrying on of this war; and then, after we have done all that we can do with regard to that, let some of us go home. I for one am homesick, and a whole lot of other people are. I am perfectly willing to take up all the time that is necessary for great and important matters. I do not mean that this is not great and important in one sense, but I do say that its importance has been exaggerated by both sides.

Here comes a man on one extreme and tells us that all the home ties are going to be broken up and woman is going to cease to be gentle and sweet and chaste and pure and become unwomanly if she votes. I do not believe a word of that. It has not had that effect where woman suffrage has operated. Here comes somebody on the other side and seems to think that a moral millennium is going to set in provided the women vote. It has not set in in Colorado; it has not set in anywhere else where women vote. The line of moral demarcation between people is not a sex line at all. It is a line that takes in both sexes. If women in a bad community vote, you will have just a little bit worse government than you had before, because your bad majority will be increased; and if women in a good community vote, you will have a little bit better government than you had before, because your good majority will be increased.

Now you want to put this measure upon Mississippi, not by her own free will, but by your force. I am not arguing that it would be unconstitutional to do it. It is folly to say that a constitutional amendment could be unconstitutional, because the moment it is adopted it becomes a part of the Constitution. I am not saying that it is violative of the spirit of the Constitution, because the right to amend the Constitution was written into the Constitution as well as the other provisions that were written into it. But you are trying to force upon us a measure which will make an ignorant, incompetent, unequipped majority in our midst still larger than it is now, and still harder to handle. I do not think you have the ethical right to do that. It is not comity.

The Senator from Tennessee [Mr. McKELLAR] said to-day that the same provisions that would deprive the negro men of the vote in Mississippi would deprive the negro women. There would be that many more to deprive. Mississippi has not violated a word or a syllable or a dot of the Federal Constitution, and the Supreme Court of the United States has said so. We have kept within the line. We have preserved the white man's civilization and the supremacy of his family life under great difficulties. Now you want to make it more difficult, if not almost impossible, to do it; and the Senator from New Mexico tells us that it is inconsequential—substantially, that it makes no difference! Oh, it depends upon whose ox is gored. It may be inconsequential to him. It is not so to me nor to Mrs. Williams nor to my daughters nor to my neighbors.

If you want to get this amendment through, adopt my amendment to the amendment, and two-thirds of the opposition will cease at once, not only here but in the States when they come to the question of adoption. Not only that, but it will be a good thing for the South, because it will fix the white majority forever. I tell you, Mr. President, you can say what you please academically, but a people with an electorate which is not homogeneous is a people sitting upon a volcano. You can not unwrite the handwriting of God, not merely upon the countenances and the colors of men but upon their inward race traits and tendencies, nor can you wipe out the dislike or distrust which they entertain for one another, nor can you wipe out the fear that every man of a race which he thinks is superior entertains for the social equality which almost necessarily follows a condition of political equality, whenever the inferior race is in sufficient numbers to constitute a balance of power. You can safely trust the crawling politicians on both side to nurse it in order that one set of politicians may defeat another.

I had not intended to say so much, Mr. President, and would not have said it save for the remarks of the Senator from New Mexico.

Mr. SHAFROTH. Mr. President, I want to say with reference to the allusion of the Senator to my State that woman suffrage was adopted in Colorado in 1893, and there never has been even a petition presented to the Legislature of Colorado asking that the question be resubmitted to the people. There never has been a bill introduced in either the senate or the house of representatives of that State for the resubmission of the question to the people of the State. That is the most conclusive evidence that Colorado is entirely satisfied with the laws which it has adopted granting woman suffrage.

Mr. JONES of New Mexico. Mr. President, on a former occasion I presented to the Senate a very extended petition to this body to pass this woman-suffrage amendment. That petition was signed by thousands of the representative people of the United States. It has been filed with this body. I have here, furnished by representatives of the Woman's Party, another petition, which has been signed by not less than 50,000 people of this country. Of course, this does not do more than indicate the sentiment of the people of the United States. It simply shows that the people of this country are deeply interested in this subject.

The attention of the Senate has already been called to the action which various States and organizations have taken in regard to this amendment. The political leaders of the country of all parties have declared in favor of the amendment. The political organizations of the country in large majority have declared in favor of the amendment, and I believe the best thought of the people of the country is that the amendment ought to be adopted. At any rate, Mr. President, I feel that there is such a universal opinion regarding the amendment that it at least ought to be submitted to the States for their decision.

I am one of those who believe that the provision in our Constitution providing for its amendment is just as important a part of it as any other. I believe that the people who framed the Constitution contemplated that the right of change was one of its most important and fundamental features, and when it becomes manifest that a very large percentage of the people of this country desire to express themselves upon the question as to whether or not the Constitution should be amended I do not believe it is right to deny them that privilege.

I am not going to discuss the merits of this amendment particularly at this time, but I do mention these things for the purpose of impressing upon the minds of Senators, if I may, that this question is a live one throughout this country, and, in my humble judgment, we have no right to deprive these States of their constitutional right to decide whether or not the Constitution shall be amended.

Mr. President, I ask permission to present to the Senate these petitions, that they may rest in the archives of the Senate along with the other petitions upon this subject which have been presented.

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

Mr. JONES of New Mexico. Mr. President, I now move that the Senate adjourn until noon to-morrow.

Mr. WILLIAMS. Mr. President, before that motion is put, if the Senator will withhold it for a moment, I want to ask for the yeas and nays upon the pending amendment, so that they may be ordered.

Mr. LODGE. Mr. President, what is the motion?

The PRESIDING OFFICER. The Senator from New Mexico has submitted a motion that the Senate adjourn, but withholds it.

Mr. WILLIAMS. I ask the Senator to withhold it for a moment.

Mr. JONES of New Mexico. Does the Senator seek a vote to-night upon the amendment?

Mr. WILLIAMS. No; I merely seek to order the yeas and nays, so that when we meet to-morrow they will be ordered.

Mr. JONES of New Mexico. I have no objection to that request.

The PRESIDING OFFICER. The Senator from New Mexico withholds his motion. The yeas and nays are demanded upon the amendment of the Senator from Mississippi. Is the demand sustained? [A pause.] Evidently a sufficient number have seconded the request, and the yeas and nays are ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed the following bill and joint resolution:

H. R. 12976. An act providing for the protection of the users of telephone and telegraph service and the properties and funds belonging thereto during Government operation and control; and

H. J. Res. 331. Joint resolution authorizing the readmission to the United States of certain aliens who have been conscripted or have volunteered for service with the military forces of the United States or cobelligerent forces.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 12976. An act providing for the protection of the users of telephone and telegraph service and the properties and funds belonging thereto during Government operation and control was read twice by its title and referred to the Committee on Interstate Commerce.

H. J. Res. 331. Joint resolution authorizing the readmission to the United States of certain aliens who have been conscripted or have volunteered for service with the military forces of the United States or cobelligerent forces was read twice by its title and referred to the Committee on Immigration.

EXECUTIVE SESSION.

Mr. FLETCHER. Mr. President, I ask the Senator from New Mexico to modify his request so that we may have an executive session.

Mr. JONES of New Mexico. I understand that an executive session is desired. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Friday, September 27, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate September 26 (legislative day of September 24), 1918.

REGISTER OF THE LAND OFFICE.

Thomas Jones, of Oregon, to be register of the land office at Vale, Oreg., his present term expiring October 11, 1918. Reappointment.

NAVAL OFFICER OF CUSTOMS.

Lot W. Reiff, of Reading, Pa., to be naval officer of customs in customs collection district No. 11, with headquarters at Philadelphia, Pa., to fill an existing vacancy.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 26 (legislative day of September 24), 1918.

UNITED STATES ATTORNEY.

Hugh R. Robertson to be United States attorney, western district of Texas.

COLLECTOR OF CUSTOMS.

Fred C. Pabst to be collector of customs for customs collection district No. 22, with headquarters at Galveston, Tex.

ASSOCIATE JUSTICE, SUPREME COURT, TERRITORY OF HAWAII.

William S. Edings to be associate justice of the supreme court, Territory of Hawaii.

ASSOCIATE JUDGE OF CIRCUIT COURT OF HAWAII.

John T. De Bolt to be second judge, first circuit, Territory of Hawaii.

POSTMASTERS.

ARKANSAS.

Sam R. Carpenter, Arkadelphia.

GEORGIA.

Nellie B. Brimberry, Albany.
James M. Scott, Bainbridge.
William F. Boone, Baxley.
Joseph B. Rountree, Boston.
John L. Callaway, Covington.
Frank S. Murray, Fort Valley.
James L. Teasley, Hartwell.
Aylesbury S. Sparks, sr., La Fayette.
Susie M. Atkinson, Newnan.
Johnnie B. Roddenbery, Thomasville.
Emmett A. Speir, Wadley.

MINNESOTA.

Frank Gillis, Anoka.
Elsie E. Rathbun, Ashby.
Mary E. Stark, Buffalo.
William T. Nicholson, Crookston.
Frank A. Lindbergh, Crosby.
Andrew W. Johnson, Forest Lake.
Edna M. Price, Fulda.
Hope Mouser, Gilbert.
Levi G. Sanders, Mahnomen.
Gustave A. Krueger, Plummer.
Albert M. Evenson, Ruthton.
Frederick Schilplin, St. Cloud.
Jonas W. Howe, Stewartville.

MISSISSIPPI.

Edward W. Walton, Booneville.
Thomas H. Sharp, Columbus.
Milton A. Candler, Corinth.
Corinne Kendall Dampeer, Crystal Springs.
Sibyl Q. Stratton, Liberty.
Henry H. Sikes, Starkville.
Samuel E. Carruth, Summit.
Walter L. Collins, Union.

PENNSYLVANIA.

Americus Enfield, Bedford.
Charles McBride, Blair Station.
William L. McLaren, Cressona.
William R. Speer, Everett.
Emma M. Schrock, Garrett.
Thomas S. Moreland, Jamestown.
Edwin W. Dye, Lawrenceville.
Paul O. Brosius, Lock Haven.
Cornelius P. Reing, Mahanoy City.
Thomas P. Logan, Midland.
Frank Snyder, Minersville.
Philip W. Miller, New Freedom.
Merle D. Salyards, Pitcairn.
Arthur N. Rose, Rouseville.
John T. Kennedy, Sharon.
Karl Smith, Sharpsville.
Robert M. Foster, State College.
Edward M. Hirsh, Tamaqua.
Oscar W. Kaegel, Thompsontown.
William A. McMahan, West Pittsburgh.
Joe C. Harding, Windber.

UTAH.

Isadore Lessing, Beaver.
Parley P. Willey, Bountiful.
William H. Fitzwater, Duchesne.
Jessie M. French, Greenriver.
Oliver C. Larsen, Monroe.
Randall Christensen, Moroni.
Adelbert K. Huish, Payson.
Daniel L. Argyle, Salina.
James Gowans, Tooele.
Abraham Binkele, Tremonton.

HOUSE OF REPRESENTATIVES.

THURSDAY, *September 26, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, our refuge and our strength, put forth, we beseech Thee, Thy healing hand and restore our soldiers at home to health and strength, that the preparation in which they are engaged for the strenuous work before them may not be hindered.

Let Thy protecting arm be over our soldiers abroad and their allies, that they may go forward with the work in which they are engaged; that the Huns may be driven back and peace restored to a suffering, sorrowing world; that the kingdom of righteousness may have its sway among the peoples of all the earth; for humanity's sake and in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE.

Mr. MEEKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MEEKER. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes.

The SPEAKER. The gentleman asks unanimous consent to address the House for not more than 15 minutes.

Mr. DILLON. Mr. Speaker, before the gentleman does that, I rise to a question of personal privilege.

The SPEAKER. The Chair will recognize the gentleman before the gentleman from Missouri makes his speech, if he gets leave. Is there objection?

Mr. WINGO. Mr. Speaker, I object for the present.

Mr. MEEKER. Mr. Speaker, I make the point of order there is no quorum present.

Mr. CAMPBELL of Kansas. I would ask the gentleman not to do that.

Mr. MEEKER. If I may address——

The SPEAKER. The gentleman can not do that; the gentleman has made a point of no quorum.

Mr. MEEKER. If I can address the House for a minute——

The SPEAKER. But the gentleman has raised the point of a quorum, and he can not address the House.

Mr. MEEKER. I will withdraw that point if I may have a minute.

Mr. WINGO. Mr. Speaker, I have no objection if the gentleman takes 5 minutes; but I do not see the necessity for his taking 15 minutes to put something in the RECORD.

Mr. MEEKER. May I just ask for one minute—I ask that I may address the House for 10 minutes.

The SPEAKER. The gentleman has just asked to address the House for one minute.

Mr. WINGO. If the gentleman will make it five minutes I shall not object.

Mr. MEEKER. I can not get through in five minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent for 10 minutes to address the House. Is there objection? [After a pause.] The Chair hears none. The Chair will recognize him to make a speech after the gentleman from South Dakota [Mr. DILLON], who says he has a question of personal privilege. The gentleman will state it.

QUESTION OF PRIVILEGE.

Mr. DILLON. Mr. Speaker, I rise to a question of personal privilege.

Under date of August 28, 1918, there appeared an article in the Sioux Falls Press, a newspaper published in my district. Similar articles appeared in the press of the country. I quote a portion of the article so published:

[By the Associated Press.]

WITH THE AMERICAN FORCES IN FRANCE, *August 27.*

The British authorities, it has been learned, recently refused their permission for Representative ERNEST LUNDEEN, of Minnesota, and Representative CHARLES H. DILLON, of South Dakota, to visit the British battle front. They arrived in France late in July on board a British vessel and later visited the American front. It is believed they now are touring Italy.

ALLEGE TALK ON SHIP.

The request that the Congressmen be permitted to pay a visit to the British lines is said to have been made in the usual manner by the American Army authorities. When the declination was received an investigation was begun. This, it is asserted, resulted in the explanation that both men had talked freely aboard ship in such a manner about certain subjects affecting the war that both British and American military and civilian passengers brought the subject of their conversation to the attention of the officers commanding the troops aboard the vessel and also the ship's captain.

MILITARY INVESTIGATES.

The exact tenor of the statements the Congressmen are alleged to have made is not known, but the military authorities are pursuing their investigation of the incident.

The Sioux Falls Press, on July 29, in an editorial said:

Friends of Congressman DILLON—and he has friends who could not vote for him because of his misfortunes in matters of national honor—will feel sure that his unhappy experience with the British Government is a consequence not of an intended wrong on his part but of another blunder of utterance. What he said aboard ship which caused him to be reported to the captain and to military officers in command is not yet revealed. It was duly reported to the British Government, which apparently did not care to have men who talk that way mingling among British soldiers at the front. And for this attitude we do not blame the British Government in the slightest degree.

I brand the statements which I have just read as maliciously false and without foundation in fact. The article further states that I voted against the selective draft. This statement is an unmitigated falsehood, and the RECORD will bear out this fact. Again, it is stated that I opposed the armed-neutrality bill. This statement is likewise untrue, and the RECORD will disclose that I voted for this measure.

The article published in the Sioux Falls Press is more than a false statement of my record. In effect its tendency is to call in question my loyalty to my own country and my sympathy for the cause for which she and our allies are fighting.

This, Mr. Speaker, in my judgment, states a question of the highest personal privilege.

The SPEAKER. The Chair thinks the gentleman has stated a question of personal privilege.

Mr. DILLON. Mr. Speaker, I can conceive of but one motive for this unwarranted and scandalous attack upon me. It is certain that nothing in my conduct nor in my work would justify the subject matter of the newspaper article to which I have just called the attention of the House.

It is quite possible that I incurred the enmity of some of the ship's officers while crossing the ocean, but if I did so it was because of my earnest efforts to see that the 3,000 American boys on board the vessel and clothed in the uniform of the Republic should be treated as they would be treated if they had been on board an American vessel.

On the boat were 28 soldiers from my own State, many of whom knew me personally. I was a constant visitor among them. I was, of course, unusually interested in these boys, and was exceedingly anxious to see that their quarters should be made comfortable and that they should be given good and wholesome food.

Here are the names and addresses of the South Dakota boys on board the vessel:

Curtis W. Poole, Loyalton; Russel Lewis, Mina; Frank Lewis, Mina; Hiram J. Wakefield, Faulkton; August Changguth, Vital; Elbridge S. Gerry, St. Francis; Victor A. Malmsten, Redfield; Beruth M. Johnson, Conde; B. W. Lynn, Winner; James Crha, Ipswich; John W. Goehring, Peever; Dwight Hemminger, Wilmot; Larin S. Metcalf, Wilmot; Ole M. Stai, Peever; E. H. Niederbaumer, Wecota; Frank Apple, Martin; Peter Romillard, Martin; Donald G. Loobey, Hamill; Fred Schuelson, Bonesteel; Stanley E. Dotson, Sturgis; James Metal, Fairfax; Gideon Williams, Sisseton; Ernest E. Philips, Wilmot; James A. Chastain, Colome; Vern Shirp, Burke; Samuel Tahoroka, Sisseton; R. D. Linamon, Ipswich; and Edward A. Herman, Faulkton.

I would have made a protest on the food served the soldiers on board if there had been no soldiers from South Dakota, but these boys naturally protested to me. The fact that they were from my own State made me the more eager to see that they were given the treatment that every man on this floor would have demanded under similar circumstances.

I could not take the part of those boys without antagonizing those who were in charge of the vessel. I had no desire to antagonize the ship's officers, but I was willing to incur their enmity if it were necessary in order to see that the American soldiers on board were properly fed. [Applause.] That my efforts on behalf of these soldiers did earn the disapproval of the ship's officers is clearly indicated by these false and unwarranted stories that have been called to the attention of the House.

On Sunday, July 14, 1918, I sailed from New York for Liverpool on the the British steamer *Adriatic*. It has a capacity of 24,500 tons and carries a crew of 450 men. We landed in Liverpool on July 26.

During the voyage I spent a great part of my time visiting with the 3,000 American soldiers on board, quartered in the steerage and on portions of the decks. Most of these soldiers came from Camp Lewis, Wash., which is conceded to be one of the best-managed camps in the United States. About two days out from New York the soldiers commenced grumbling about the food given them. The complaint was practically unanimous that they were not getting sufficient food. I became interested in their appeals and visited freely among them.

I found one soldier who had been operated on at Camp Wadsworth, S. C., on June 4. He was given passage upon the boat, one of his companions carrying his kit. He was assigned to a bunk in the steerage, but was later allowed to lie on deck C. He told me that he was scarcely able to eat anything and had asked for toast, but had been unable to get any. I bought him some oranges and lemons and visited with him on numerous occasions. I was informed that inquiries had been made of him as to what I had said to him.

Many, many of the soldiers informed me that they were not given enough to eat and much of the food given them was not fit to eat. I was told they had been served rabbit in which dung was embedded, soup that contained pieces of bladder, liver that was stale, and bread that was musty. I talked to an American officer who corroborated these statements. Likewise the South Dakota boys confirmed them.

I was invited by one of the South Dakota boys to breakfast with him. I accepted the invitation, and on July 17, at 6.45, I accompanied him. The card inspector was informed that I was taking breakfast with the soldier and he passed me in. The breakfast consisted of a bun, oatmeal, coffee, and stewed liver. I had hardly commenced the breakfast when the ship's steward wanted "to know what I was doing there." I said that I was taking breakfast with one of my South Dakota boys. His reply was that I should get out; that it was against the rules. I replied that I would obey all orders and would retire in a few moments, which I did.

There was a canteen on the *Adriatic* selling chocolate, cake, and other articles. I counted as many as 60 soldiers standing

in line waiting to make purchases. The canteen sold 18 cookies for 20 cents and 12 frosted cookies for 20 cents. They did a thriving business until they were entirely sold out. The soldiers told me they bought eatables because they were hungry.

The servants connected with the cooking department constantly sold roast duck and chicken, charging from $1.50 to $2.50 each. Small boys acting as helpers sometimes sold them as low as 60 cents each. Sandwiches, pie, cake, oranges, and tea were sold by the employees in the cooking department. I was told by a number of soldiers that they could not get an extra bun with their meals, but that they could be purchased from the steward for 10 cents each.

The complaints of the soldiers were brought to the attention of some of the American officers on the boat by me. It was stated that the *Adriatic* was a ship owned by a British corporation, and that the soldiers were being taken over on a contract basis, and that the American officers had no control over the food supplies.

However, they took the matter up with the ship's officers and better food was promised them. An American officer was appointed to inspect the food for each meal, and I was invited to go with him on an inspection tour. After this I heard less complaint about the food served. I am satisfied the American officers on board the vessel did everything in their power to obtain better conditions for the soldiers.

Here are some of the meals served to the soldiers on board:

JULY 16.

Breakfast: Mush, sausage, biscuit, coffee; no sugar, milk, or butter.
Supper: Apple sauce, cheese, biscuit, pickles, butter, coffee.

JULY 18.

Dinner: Cold corn beef and cabbage, potatoes, pudding, small portions; no coffee, tea, or bread.
Supper: Bread, jam, orange, apple, tea.

JULY 19.

Breakfast: Oatmeal, bun, fish, coffee.
Dinner: Soup, potatoes, beans, canned salmon; no coffee, bread, or butter.
Supper: Bun, jam, slice of headcheese, slice of pickle, tea, butter.

JULY 23.

Breakfast: Sausage, mush, bun, coffee.
Dinner: Soup, beans, rabbit, apple sauce, potatoes, bun.
Supper: Small box sardines, orange, marmalade, bun, coffee, butter.

I talked with the highest ranking American officer on board about these conditions and was informed that he would make a report to the War Department as to conditions on the boat. The inspector before mentioned and some officer of the boat invited me to go through the food department, which I did.

We went through the cold-storage and the supply department and found good wholesome food in large quantities. The officers and passengers on the boat were bountifully supplied with the very best food that could be found on the market.

When we landed at Liverpool I was notified to appear before some officer who had come on board. I presented my passport and letters from Secretaries Lansing, Baker, and Daniels. This officer then asked me, "Did you take notes while crossing?" I replied, "Yes." He then said, "May I see them?" I said, "Yes. The notebook is in my stateroom. I will go and get it." He said, "I will go with you." We went to the stateroom, and I then said, "I do not see why you should be interested in my personal notes." I further said that I might conclude to call the attention of the House of Representatives to his demand to read my private notes. I then offered him the notebook. He then replied that it was not necessary. I later met him on the stairway, and he said they were required to make strict rules, and that some information had been reported to him concerning my conduct on the boat, but he had ascertained that the information was unfounded and expressed the hope that I would have an interesting trip. [Applause.]

I did keep a notebook of the complaints that were made to me regarding the food and information with reference thereto that I had gained. This notebook contained the substance of a conversation had with an American officer on board who spoke of his personal knowledge regarding the unfitness of the food.

These notes were kept because I intended to call it to the attention of the War Department immediately upon my return, and because I did not care to trust it to my memory. I am satisfied in my own mind that the ship's officers knew what was in the notebook and knew my purpose in keeping it.

I am exceedingly reluctant to bring these facts to the attention of the Nation. I had intended to lay them quietly before the Secretary of War. The attack, however, made upon me and my loyalty makes it impossible for me to be obedient to my original intention. In view of these unwarranted attacks I would stultify myself if I remained silent. [Applause.]

Since the declaration of war with Germany I have supported every war measure. There is not a drop of German blood in my veins. My ancestors fought in the Revolutionary War, and I am deeply sensitive of these attacks impugning my loyalty to my country.

The applications for visits to the battle fronts were made to the intelligence department of the American headquarters in Paris. I was treated with the utmost courtesy, and arrangements were made for my visit to the battle fronts. I can not speak too highly of the courtesies shown me by Gen. Pershing and the American, French, and Italian officers.

I visited the intelligence office on numerous occasions, but not one word of doubt of being admitted to the British front was ever expressed. On one occasion it was stated that a drive was on and that the highways were congested. I called at the intelligence office on August 16, just before leaving for Italy, and was informed that I probably could get on the British front on my return from Italy.

When I returned from Italy on August 31 I called at the intelligence office again, and was then informed that probably not until after September 17 would anyone be permitted to visit the British front. I then visited at St. Nazain, Nantes, Tours, Dejon, Is Sur Telle, and other places, and returned to Paris and called again at the intelligence office on September 10 and was informed that conditions had not changed since my return from Italy. At no time did anyone disclose to me that I could not visit the British front. I could not wait until September 17 and sailed from Brest on Thursday, September 12, for New York.

Mr. Speaker, I have given this detailed statement in order to show the motive which inspired this scurrilous attack upon me. No one has made a single statement of words coming from my lips affecting my loyalty to my country or our allies in this great war. I resent upon this floor this beastly and baseless attack and court the fullest investigation of my acts and words.

I made no statements abusing or condemning the war aims of the United States or any of the allies. I could not make such statements, because I never entertained such sentiments. I did protest against the treatment of our boys on this boat, and I protest now in the name of our country that we must not send our soldiers across the sea to fight our battles without providing good and wholesome food for them. [Applause.]

The first intimation that I had that I was denied the privilege of visiting the English front was upon my return home on September 19, when these stories were brought to my attention. There was not the slightest indication in the treatment I received from any source while abroad that any of the allied countries objected to my visiting any of the fronts. The courtesies I received from all of these countries were unusual and left with me a sense of deep obligation for their considerate treatment.

Everywhere I went I encouraged the American soldiers and told them of our war aims. I never saw a finer body of men, fully equipped, with one thought and one idea, that they were crossing the sea to win the war. Their spirit has brought to the French, Italian, and English soldiers a morale that is unequaled in the world. [Applause.]

The SPEAKER. The gentleman from Missouri is recognized for 10 minutes.

WAR PROHIBITION.

Mr. MEEKER. Mr. Speaker, the other day, on September 23, when we had discussion on the war prohibition measure, I made some remarks here in regard to an organization that is known as the Anti-Saloon League, and the gentleman from Missouri [Mr. DECKER], who a number of times has taken it upon himself when I have made no personal reference to him at all, to get up here, flap his wings and take a little time on me personally. I have sent for such letters and they are here. Two years ago I staid out of the gentleman's district during the campaign at the request of a very wet Democrat who is a very close friend of Mr. DECKER, and I tried in every way I could to refrain from taking up these personal matters that the gentleman seems to delight in discussing. I shall first ask this morning that these letters, which I send to the Clerk's desk, shall be read. Somebody is mistaken; I will not say further than that, but we have the anti-saloon saints on one side and the gentleman from Missouri on the other. I ask that the letters be read first.

The SPEAKER. Without objection the Clerk will read the letters.

The Clerk read as follows:

MISSOURI ANTI-SALOON LEAGUE,
St. Louis, Mo., July 13, 1914.

Hon. JACOB E. MEEKER,
1397 South Compton Avenue, City.

MY DEAR SIR: In case you are nominated and elected to Congress would you vote for and support the Sheppard-Hobson national prohibition resolution? Our friends throughout the State are pressing us for information on this great issue and we will be especially pleased to have you frankly give us your position.

This information will not be used to embarrass you if your answer is in the affirmative, and will even be held confidential if you request it.

An early reply will be especially appreciated.

Yours truly,

W. C. SHUPP,
State Superintendent.

—

MISSOURI ANTI-SALOON LEAGUE,
St. Louis, Mo., June 25, 1918.

J. E. MEEKER,
House of Representatives, Washington, D. C.

DEAR SIR: As you know, we have pending in Congress the matter of the prohibition of the entire liquor traffic for the period of the war—the Jones amendment in the form of a rider to the Agricultural bill and the Barkley bill coming as a separate measure.

Many of your constituents are extremely anxious that the suicidal waste of food, fuel, man power, and financial resources of the Nation by the liquor traffic shall be brought to an immediate end, and they will be pleased to know the attitude of all the candidates for the United States House of Representatives on these questions.

We will be pleased to receive your direct reply to the following questions:

1. Will you give your unqualified support to either the Jones war-time prohibition amendment or the Barkley bill covering the same subject?

2. Will you support either of those measures in case the President does not make any recommendation bearing upon them?

These questions are being sent to each candidate for the United States House of Representatives on both the Democratic and Republican tickets.

Yours very truly,

MISSOURI ANTI-SALOON LEAGUE,
W. C. SHUPP, *State Superintendent.*
CHRISTIAN BERNET, *President.*
L. W. MCCREARY, *Secretary.*

—

JUNE 29, 1918.

Mr. W. C. SHUPP,
State Superintendent Missouri Anti-Saloon League, St. Louis, Mo.

SIR: In reply to yours of June 25, will say in direct reply to your two questions—positively no.

With such men as Messrs. Hurley and Colby, of the Emergency Fleet Corporation; Samuel Gompers, president American Federation of Labor; and others, giving their very lives to speed production and to keep labor satisfied that we might win this war, it seems to me but little short of treason for paid agitators to constantly stir up labor and keep an everlasting hubbub going on amongst these men upon whom we must depend.

I think the conduct of the representatives of the Anti-Saloon League is contemptible. Your paid representatives were before the Senate committee. At one end of the table stood Gompers, Hurley, and Colby pleading that this matter should not be pushed further. At the other end of the table, Dinwiddie and Wheeler, who draw their salaries for making trouble, nagged the committee and hypocritically declared that they, these agitators, these paid "reformers," represented the will of the American people. Shame on such conduct by such men.

Now, I will ask you some questions publicly, and I shall expect a public reply:

First. Congress voted last year to leave this matter in the hands of the President, who is the Commander in Chief of the Army and Navy. Are you willing to abide his judgment in this matter and will the Anti-Saloon League of the United States stand loyally behind him?

Second. Why has the Anti-Saloon League never yet sent a resolution of support to the President since war was declared?

Third. Is it your candid opinion that the people of the United States should follow the judgment of such men as Hoover, Stream, Hurley, Colby, Gompers, or should they be dictated to by paid lobbyists and agitators?

Trusting that I shall receive from you, through the public press, some sort of reply, indicating that in a small degree, at least, the Anti-Saloon League leaders of this country are willing to abide the wishes of the President, I remain, sir,

Sincerely, ——— ———.

P. S.—I note in your program, printed in red ink at the bottom of your letter, that you have failed to suggest there any interest whatsoever in the winning of the war. Your whole concern is prohibition agitation—local, State, and National. You are using the war as an excuse for stirring up trouble now. I have never seen a "win-the-war" line from the Anti-Saloon League anywhere at any time. Your organization by such conduct has made itself unworthy the respect of loyal Americans.

Mr. MEEKER. Mr. Speaker, the letters there speak for themselves as to whether those letters were ever sent out. I have received a statement not only from Missouri Congressmen, but from men outside, that they have received them.

Mr. DECKER. Will the gentleman yield?

Mr. MEEKER. Yes; if the gentleman will get me more time.

Mr. DECKER. The gentleman means he refuses to yield unless he can get more time?

Mr. MEEKER. If the gentleman will get me more time. I leave it as between the gentleman from Missouri [Mr. DECKER] and the Anti-Saloon League who is in error, as far as that is concerned. The gentleman talks about a road supervisor not being able to be elected in Kansas if he was not for prohibition. If the gentleman will walk right straight through and look on the right as he goes to the Senate he will see in the Hall of Fame a statue to the first Democrat ever elected in Kansas, who was elected on the antiprohibition platform.

Mr. DECKER. Will the gentleman yield?

Mr. MEEKER. If the gentleman will get me more time.

The SPEAKER. The gentleman declines to yield.

Mr. MEEKER. The gentleman stood there and pounded his breast, and said he was known as a leader down in his country on prohibition. I was in four campaigns in 1914—Carthage, Webb City, Carterville, and the county—and he was not there leading, and we carried every one of them and reversed it from prohibition back to regulation territory.

He was not present, and the understanding was that it was because some gentlemen down there who are opposed to prohibition are Democrats and it might be just as well to remain in Washington. The gentleman is in the habit of getting up and beating his breast about these things after it is over. He voted against war, but by the time he gets back to Missouri he will make the people think he is the original war lord.

Mr. DECKER. Will the gentleman yield?

Mr. MEEKER. If you will get me more time.

The SPEAKER. The gentleman declines to yield.

Mr. MEEKER. It was not all the time and during all of this work that has been going on when he bade welcome to the lobbyists who sat in the gallery here last year when protest was made. When a Federal judge was in the gallery sending messages to the floor of this House on a bill, and a protest was made, he once more feels called upon to take it upon himself to talk about lobbyists sitting in the galleries and managing matters on the floor and welcome publicly the gentleman who was there.

I simply put these letters in this RECORD this morning, and I have given you two or three simple statements as to what are facts.

Mr. Bryan is the same kind of a leader as the gentleman from Missouri [Mr. DECKER]. Mr. Bryan had as his first man to carry the electoral vote from Nebraska to the Electoral College a brewer, of his own selection, and he protested against prohibition being an issue as long as he was a candidate. And everybody knows that to be true. Mr. Hobson demanded whisky for his men when leaving the boat after the sinking of the *Merrimac*.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. MEEKER. I will finish this in the district down in Joplin, and I do not want more time.

Mr. POU. Mr. Speaker, by direction of the Committee on Rules——

Mr. DECKER. Mr. Speaker, I rise to a question of personal privilege. I ask unanimous consent that I have 10 minutes in which to answer the gentleman from Missouri [Mr. MEEKER].

The SPEAKER. The gentleman from Missouri asks unanimous consent for 10 minutes. Is there objection?

Mr. POU. Mr. Speaker, reserving the right to object, I will announce that after the gentleman has 10 minutes I shall feel constrained to object if nobody else does. But I think the gentleman ought to have 10 minutes.

The SPEAKER. The Chair hears no objection.

Mr. DECKER. Mr. Speaker and gentlemen of the House, I do not intend to waste my time in any personal controversy with the gentleman from Missouri [Mr. MEEKER]. I never have. I have never said anything unkind about him. I did attempt the other day to answer some of his arguments. He seems to be inclined to take it as a personal matter, for which I am sorry.

In the first place, he says I voted against the war. That is not a new fact, and it does not affect the question as to whether or not whisky is a good thing for the human race. He says I voted against conscription. That is an immaterial fact; but his statement is untrue, and I do not think he stated it so intentionally. I know he did not. He would not yield long enough for me to correct him. I not only voted for conscription, but I spoke in favor of it on the floor of this House. I have voted for every war measure proposed by the administration. I just state those facts for what they are worth.

The people of my district know my record as to Americanism, as to my vote on the war, and everything else that I have done since I have been here. I have held nothing secret. I resented what the gentleman said in his speech the other day. I know his views on this question and I have never quarreled with him because of his views, but the thing which I resented I resent now, and I resent it in behalf of the entire Missouri delegation, is that he was trying to give the Members of this House the impression that we were making secret pledges on prohibition.

I do not wish to be personal, but there sits the gentleman from Missouri, Mr. ALEXANDER, who before I was ever heard of in politics, I think 25 years ago, stood in the Legislature of the State of Missouri and fought for prohibition when it was unpopular and there were few in favor of it. Do you charge him with signing a secret pledge?

There sits Mr. RUCKER, another gentleman from Missouri who was fighting the battle for prohibition before you and I were ever engaged in public life. Do you mean by reading your letters and making your charges here to imply that he signed a secret pledge? There sits my colleague, the gentleman from Missouri, Mr. HAMLIN, who is known throughout the length and

breadth of his district as a man who stands four square to all the world in favor of driving out booze and whisky and beer. Do you mean to insinuate that he has been signing secret pledges on this question in order to get votes? I could go down the whole list. The gentleman from Missouri, Mr. RUBEY's, district adjoins mine, and there is not a man, woman, or child in his district that does not know where Mr. RUBEY stands on this great question. Those are the things I resented in the gentleman's speech. He says that last year I defended a lobbyist in the gallery. That so-called "lobbyist" was a Federal judge who, at the request of President Wilson and Secretary McAdoo, helped to write the bill giving insurance and compensation to soldiers and sailors.

I have no brief for the Anti-Saloon League. They need no defense from me. They never paid me a cent to make a speech. It is true that while I was serving my constituents up here in Congress you went down into my district—from patriotic motives, no doubt—with a desire to uplift mankind——

The SPEAKER. Will the gentleman suspend a moment? There are two evils growing in this House, and they ought to stop. One of them is that the Members have fallen in the habit of saying "you" and "your." It is, besides against the rules. The gentleman who is making this speech is no worse a sinner than a good many others—not half as bad about that. You have got to describe a Member by designating his State. The proper form in this case would be, "the gentleman from Missouri, Mr. MEEKER." Another one is the calling of Members by their names, Tom, Dick, and Harry, Billy, and John, and Joe, Smith, and Jones, and so forth. It all contributes to bad order. I hope the gentleman will quit talking about "you" in making his speech. [Laughter.]

Mr. DECKER. How much more time have I, Mr. Speaker?

The SPEAKER. I will not take it out of your time. [Laughter.] You have five minutes remaining.

Mr. DECKER. I meant in my remarks the gentleman from Missouri, Mr. MEEKER. [Laughter.] He is the gentleman to whom I referred as going down into my district. They do say that he makes a very good speech in behalf of the brewers and *in behalf of* the distillers of this country, and I think in some campaigns he was successful, and the people, I am informed, appreciate his services—I mean the people he represented.

But be that as it may, I have no brief for him. My desire to keep him out of my district is not so great as you might imagine. He is an able gentleman, and I know that his appearance in my district would go far toward contributing to my defeat. Yet at the same time, in the face of the danger of having him come down there and tell the people about my stand on prohibition and other things, which they all know, at the risk of having the gentleman from Missouri [Mr. MEEKER] throwing the great weight of his powerful influence against me in the coming campaign, I did feel called upon the other day to rise here in behalf of my colleagues—not in behalf of the Anti-Saloon League, because I do not represent them—and deny the insinuation that any man among my colleagues signed any secret pledge.

The letter you received in 1914—the letter you received—no; the letter which the gentleman from Missouri [Mr. MEEKER] received [laughter] in 1914—said, at the bottom of it, "If you request it, this will not be published." Well, have you [laughter] ever told the people of Webb City—I mean has the gentleman from Missouri [Mr. MEEKER] ever told the people of Webb City, whom he represented? Has he ever told the people of Carthage how much he was paid in that campaign which he waged in my district?

Mr. MEEKER. Yes.

Mr. DECKER. Has he ever told the people of the country just whom he counted upon to vote with him when they came to Congress or to the State legislature?

Mr. MEEKER. Yes, sir.

Mr. DECKER. The gentleman from Missouri [laughter]——

The SPEAKER. The gentleman will suspend a moment. The gentleman from Missouri [Mr. MEEKER] is violating another rule of the House right now by sitting in his seat and interjecting remarks in the remarks of the other gentleman from Missouri.

Mr. DECKER. The gentleman from Missouri [Mr. MEEKER] may rail against the Anti-Saloon League and he may wrap the mantle of patriotism around himself in behalf of the brewers and distillers; but I have this to say to the gentleman, and this only, that he is out of harmony not only with the people of Missouri, not only with the people of this country, but the gentleman is out of harmony with the great majority of the Members of the House of Representatives, and if he by his speeches means to cast insinuations upon the patriotism of this House and if he means to insinuate that the action which we took on national prohibition, upon war-time prohibition, upon putting prohibition in the District of Columbia, upon putting prohibition around the camps to protect the soldier boys of this country—if he means to have it inferred that that is due to the Anti-Saloon League and to unpatriotic and unworthy efforts on the part of the Anti-Saloon League, then let him make the best of it.

Every man within the hearing of my voice knows that it is a foul slander upon the patriotism of the people of this country and upon the patriotism of the membership of this House. [Applause.] I do not mean to charge as to the men opposed to prohibition that they are unpatriotic and un-American. Men in this House who have voted against prohibition are just as good patriots as I am, or any other Member of this House, including the gentleman from Missouri [Mr. MEEKER]. But in behalf of my country, in behalf of the voters of my district and of Missouri, in behalf of the Anti-Saloon League, the Woman's Christian Temperance Union, and other organizations, which for many long years have worked for prohibition, I simply say that now, at this good hour when prohibition is in sight, if the distinguished gentleman from Missouri wishes to come upon the floor of this great legislative body and try to cast insinuations upon their patriotism and upon their Americanism and considers that worthy of his training, worthy of his traditions, and worthy of Missouri, then let him make the best of it. [Applause.]

The SPEAKER. The time of the gentleman from Missouri has expired. The gentleman from North Carolina is recognized.

Mr. POU. Mr. Speaker, by direction of the Committee on Rules I offer a privileged report.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GARD, indefinitely, on account of death in his family;

To Mr. CHANDLER of Oklahoma, indefinitely, on account of important business and to assist in liberty-loan drive; and

To Mr. CRISP, for two weeks, on account of important business.

UTILIZATION OF ELECTRICAL POWER (H. REPT. NO. 814).

The SPEAKER. The Clerk will report the resolution presented by the gentleman from North Carolina [Mr. POU].

The Clerk read as follows:

House resolution 433.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 12776, entitled "A bill to provide further for the national security and defense and for the more effective prosecution of the war by furnishing means for the better utilization of the existing sources of electrical and mechanical power and for the development of new sources of such power, and for other purposes"; that there shall be not to exceed four hours of general debate. At the conclusion of such general debate the bill shall be considered for amendment under the five-minute rule. After the bill shall have been perfected in the Committee of the Whole House on the state of the Union the same shall be reported to the House with such recommendation as the committee may make, whereupon the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. POU. Mr. Speaker, I ask unanimous consent that there may be 40 minutes of debate—20 minutes to be controlled by myself and 20 minutes by the gentleman from Kansas [Mr. CAMPBELL], at the end of which time the previous question shall be considered as ordered.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that debate on the rule be limited to 40 minutes; that one half of the time be controlled by the gentleman from Kansas [Mr. CAMPBELL] and the other half by himself, and at the end of the 40 minutes the previous question shall be considered as ordered. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, I do not expect to use the 20 minutes that I have allotted to me. The resolution provides for the consideration of the bill which has been reported to the Committee on Interstate and Foreign Commerce, known as the electric supplement emergency power bill, as I understand it.

I have availed myself of this opportunity to say this: That there are several important measures which ought to be considered by the House before there is any gentleman's agreement entered into as to three-day recesses. These measures are emergency measures, rendered necessary by the stupendous preparations that are being made for the final drive to Berlin. For instance, there is urgent necessity for an additional laboratory for the manufacture and testing of pure serum, to be used in treating the boys who are unfortunately wounded.

There are at this time 14,000 tubercular patients, most of them in the incipient stage, for whom adequate preparations have not been made. It is estimated by the Surgeon General of the Army that by the time the American Army is completed,

by the time it reaches its maximum, there will be approximately 30,000 of these tubercular patients. Mose of these boys can be cured if they have proper treatment. The Committee on Rules has a resolution which will be presented to the House in the next day or so providing for the erection of the first of these great hospitals, which are to be built in various sections of the country, having regard to the convenience of the population. I mention these two measures, but there may be others.

One thing is certain, the best service we can render the country is to stay on the job and pass all measures that are necessary. [Applause.]

So far as this measure is concerned, it has the approval of the President of the United States, and it has the approval of the Secretary of War. There is a shortage in this electric power which can be partially remedied by the passage of this bill. I do not undertake to say that I am acquainted with all the provisions of the bill, but I do know that those who are charged with the administration of this great question say that the bill is needed and needed now.

Mr. SLOAN. Will the gentleman yield?

Mr. POU. Yes.

Mr. SLOAN. To whom did the President say that he was in favor of this measure? Has the President sent any message to the House?

Mr. POU. I think, I am indeed, sure, that the President has written to the chairman of the Committee on Interstate and Foreign Commerce saying that this measure is one of capital importance.

Mr. SLOAN. Has he sent a message to the House? A letter to a Member is not regarded of the importance as a message to the House.

Mr. POU. Somebody said on one occasion that there was no discussing a matter of taste. It does not seem to me at all necessary that the President should send a message every time there is a measure which has his approval. I am willing to act upon the letter which the gentleman from Tennessee has. Those who ought to know consider the bill necessary to speed up the great program of winning the war. So far as I am concerned that is sufficient.

Mr. Speaker, I reserve the balance of my time.

Mr. CAMPBELL of Kansas. Mr. Speaker, I want first of all to concur in what the chairman of the Committee on Rules has stated about the importance of certain legislation that has been called to the attention of that committee. While it may be important to many that they should be in their district to look after their campaigns, it is of more importance to the country that all should remain here and pass this important legislation. It is especially important to provide for the production of pure serum, and for hospitals and sanitary facilities for those of our soldiers who are in the incipient stage of tuberculosis. Many soldiers, probably 20,000, at an early day will require treatment for this particular disease. We must make provision for their treatment and cure.

Now, as to the bill provided for by this rule. I have assented to this bill, as has every member of the Committee on Rules. We have done so because the Commander in Chief of the Army and Navy has said that it is necessary for the proper conduct of the war.

While I yield to the President I do not concur entirely in his judgment as to the necessity of this measure. For 50 years Germany has commandeered her industries. The Kaiser has used every resource in the Empire. The schools, the churches, the philosophy, the science, the agriculture, the mining, the manufactures, every resource of the Empire has been under the command of the greatest outlaw that the world has ever known, with a view of enabling him to become the conquerer of the world.

He undertook after thorough preparation, after commandeering every resource of his Empire, to conquer the world. The rest of the world permitted initiative on the part of individuals. This initiative developed manhood and womanhood in France, in England, in Belgium, in Italy, and in the United States. The man power developed by individual effort, individual initiative, and the property and accumulated wealth acquired by these countries are used to-day to thwart the purposes of the man who has commandeered all the resources of his Empire. To-day we are driving the Kaiser's armies back to the Rhine, and in a few months the soldiers developed by individual enterprise will accomplish a great work for civilization by defeating the purposes of the man who scrambled Germany for the purpose of conquering the world. [Applause.]

The President, I am sure, has the best intentions; but I fear that in commandeering so many of the enterprises of this country he is leading us into a dense forest out of which we shall have difficulty in finding the way. The manhood and womanhood we have developed by individual effort, the property we have accumulated by individual industry and economy, are terminating the war—are driving the Germans back to Berlin, and will fly the flags of the allies over the Kaiser's capitol. [Applause.]

It is not necessary to scramble all industries and enterprises of the country in order to accomplish the purpose of the allies to save civilization from the autocratic Germans. Agencies of Garfield scrambled the coal interests of the country, and the people for the first time suffered as few people have suffered for the want of fuel last winter. It is now proposed to scramble the power plants of the United States by taking their control from individuals and putting them in charge of men appointed by the President. I do not believe that the agents to be appointed by the President will be more able, more economical, or more patriotic than the individuals who have organized and established these enterprises and are to-day conducting them, and yet in order that we may have no discord I assent to the President's demands and shall support that bill, still reserving the judgment I have here expressed as to the wisdom of doing this thing, and I say this with the utmost respect for gentlemen here or elsewhere who may disagree with the opinion that I have expressed.

I entertain this opinion because of my high esteem of the men and women of the United States who have developed the great manhood and the great womanhood and the enormous properties that are to-day rendering such signal service to civilization and mankind. Mr. Speaker, I reserve the remainder of my time. [Applause.] If the gentleman from North Carolina does not intend to use any more time, I desire to yield time to the gentleman from New York [Mr. SNELL].

Mr. POU. I do not think there will be any more time consumed on this side.

Mr. CAMPBELL of Kansas. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 11 minutes left.

Mr. CAMPBELL of Kansas. I yield 10 minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Speaker, I am one of the great majority of men in this House who do not need to apologize for the support that he has given the President in all his war-emergency legislation and in providing men, money, and material to successfully carry on this war. I do not intend to be less loyal in the future than I have been in the past, but I believe I have the right to think for myself in regard to the subject matter that comes in here under the much overworked caption of war-emergency legislation. I think that is about the situation in regard to the present bill. We have an order from the Commander in Chief that it must go through; skids are put under it and it will go through and I will vote for it the same as the rest of you do; but in my personal opinion the bill as it is presented to the House at the present time goes much further than there is any necessity for in order to meet or accomplish the desired results. I believe this bill goes further toward committing the policy of this Government to a Federal ownership of all utilities than any other bill that we have passed during the present session of the Congress, and I am not in favor of adopting that policy at the present time. The proponents of the bill say this bill is for the purpose of furnishing power in congested districts of the country where they are short of power for the manufacture of war materials; that is what they maintain is the actual object of the bill.

If that was the only object of the bill and that was all that is contained in the bill, I do not believe there is a Member of this House who would oppose it in any way for a single moment. Certainly a membership voting $8,000,000,000 to raise and equip an army would never stop to consider one or two hundred million dollars for power to furnish materials to supply that army. According to the hearings, it has been shown that the Government engineers have known that this shortage existed from 6 to 10 months. If that is so and this emergency has existed for all of that time, why has it not been presented to the House before this, just at a time when people are thinking of going away; and if it is considered, every man knows it will be considered hastily and not given the consideration and attention that a measure of this kind is entitled to? The Government engineers have made this survey; they know where this shortage exists, and we all admit it does exist. This shortage exists in the Pittsburgh district, the Philadelphia district, the Norfolk district, the New Jersey district, the Charleston district, and some others.

I would like to have some one tell me why they could not prepare a bill and bring it in here and specifically state we need so many millions for this and this and that, and in addition we want $50,000,000 for emergency power purposes which the President can use at his own will as he sees the emergency exists. A

bill of that kind, it seems to me, would carry the entire proposition and not be so wide in its scope as the present bill that is presented to us. I can not understand why that can not be done. Heretofore we have clothed the President with most unusual powers—more power than has ever been given to any one man in any civilized country—but this bill goes even further than anything we have passed before. And as proof of that I want to call attention of the Members of the House to some of the provisions of this bill, and then you gentlemen can decide for yourselves. This bill provides for the commandeering of all the hydroelectric and steam power plants in every part of the country, and in the definition of power plants it says that it includes all machinery and appliances therein contained, together with all lines transmitting or distributing power in connection therewith, and all other property the ownership, use, or occupancy of which shall be appropriate to or useful in connection with the maintenance and operation thereof.

This bill gives power to the President to commandeer every public utility within the boundaries of the United States. It does not limit him. It does not specify that those utilities must be in connection or even near the places that have need of power for additional manufacture of war materials, and it gives carte blanche the power to commandeer them all in every part of the United States. Now, they do not want anything more in this bill that what the proponents state; it does not seem to me that it is necessary to confer such broad powers on the President of the United States at this time.

Mr. PARKER of New Jersey. Will the gentleman yield for a question?

Mr. SNELL. I will.

Mr. PARKER of New Jersey. Has not the President that power already under section 12 of the food act?

Mr. SNELL. I was coming to that later; but I should say I think the President has the power to commandeer any plant at any time for war purposes, and I understand that he has already taken over some plants under the authority granted under that act.

Mr. PARKER of New Jersey. They are not big enough; that is the trouble.

Mr. SNELL. It seems to me to be going entirely too far as the bill now stands. The bill also carries a provision, or it is intended by the bill, to construct hydroelectric plants. The hearings say that they do not intend to construct any such plants, because the probabilities are that they could not get them done in time for use during the period of the war. If they do not intend to do that, what is the use of conferring authority on them to do such things? Paragraph 4, section 2, grants power to acquire private power plants anywhere within the boundaries of the United States. I see no limitation there.

In paragraph 11 of section 2, I believe it is, it gives the President power to establish corporations to take over plants, build new ones and merge small ones, and many other things that will make it difficult to ever return these plants to the individual owners. All this does not seem to me to be necessary, if we are simply going to increase power for manufacture of war munitions. In paragraph 13 it provides for the making of and fixing compensation for engineers, draftsmen, clerks, and other employees as he may deem necessary. No limit whatever. It provides for the establishment of another board in Washington, which means additional buildings, office space, and housing facilities, and I believe the majority of the Members will agree we have enough of them here at present.

Section 8 of the bill provides that the President may retain any of this property and operate these plants or transmission lines, structures, and so forth, for as long a time as he may deem necessary. I see no limitation here. To me that is directly opposed to the other provision of the bill which says it must be terminated in five years, and should be stricken out of the bill and the other time even shortened. My only contention is that the bill goes much further and does much more than the proponents of the bill would have you understand it does or claim is necessary at this time to do in order to furnish power to manufacture war materials. And I hope in the consideration of the bill that it may be limited in some of these respects, and that we will not go too far toward committing this Government to the policy of Federal ownership of all the public utilities of the country. [Applause.]

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12776, with Mr. HOUSTON in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12776) to provide further for the national security and defense and for the more effective prosecution of the war by furnishing means for the better utilization of the existing sources of electrical and mechanical power and for the development of new sources of such power, and for other purposes.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be omitted.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Mr. Chairman, I want to use as little time as I can, and therefore I ask unanimous consent to extend my remarks in the RECORD by printing matters that I otherwise would have to read, but all of it applicable solely to this bill.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks by printing the matter he has indicated. Is there objection?

Mr. SNELL. Reserving the right to object, I understand you are going to explain the provisions of the bill, however?

Mr. SIMS. Certainly. But there are some authorities I want to quote from that I do not want to stop to read.

Mr. Chairman, the object and purpose of this bill is to provide for an existing power shortage, electric power shortage, and to provide as far as possible against an increasing electric power shortage which will be much larger in 8, 10, or 12 months from now than it will be between now and that time.

Do not get confused about this being a water-power bill. I know the newspapers have referred to it continuously as a water-power bill, and because we have talked water-power matters on the floor of the House so long, many Members who know what the bill means, its object and purpose, have inadvertently called it a water-power bill. But it is not confined to any particular source of electric power. If there is an existing water-power plant, so situated that it can be used for the purpose of manufacturing war material, or other material not directly war material, but necessary and incident to it, which may add to or increase its output to meet these demands, and it can be done within reasonable time—that is, within time that it will appear reasonable that we may need it, why then, under this bill it may be done.

Mr. McFADDEN. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. McFADDEN. I am interested in Pennsylvania. I understand there is a great deficiency of power in certain districts in that State. I notice that at Milton the other day a power plant was authorized by the Government, to cost $375,000, and the Government enters into a contract with the industries there to take these plants off their hands after the emergency has passed. Can the gentleman explain how that is done, and also how the Government is to aid, for instance, in Pittsburgh and Philadelphia and in the other sections of the State, through this bill? Can he specifically state the aid that is to be rendered to the industries in my State?

Mr. SIMS. That will be a part of my attempt in explaining the bill, but I wanted to clear up the water power part of it first.

If an existing plant, as I have just stated, may be aided by the Government under the provisions of this bill in increasing its output, which output can be utilized for war purposes, there is nothing in the bill to prevent it being aided, but, on the other hand, it authorizes it.

But on account of the practicable impossibility of building large water-power dams and manufacturing the machinery and other things necessary, especially dams on navigable rivers, within time to be used, as far as it can be seen now, for the manufacture of necessary war materials, aid to such projects will not be extended, because it would be impracticable to do so. In other words, it would do no good if it took two or three years to build a war power plant, beginning with the construction of the hydraulic part of it; and if it could not be furnished before that time, of course, it would not be undertaken under this bill.

Mr. SNELL. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. SNELL. If they do not intend to build any hydraulic plants, why is it necessary to give them the power to do so?

Mr. SIMS. I say, in that character of cases it would not be done. But if there is, as I said, a hydraulic plant, where it could be built from the ground up, dam and all, and be done within such time as to make it reasonably certain that it could be utilized for the manufacture of war material, then it can be aided or constructed under this bill, first, by assisting the existing company, if there is one, and second, by the Government itself constructing the plant.

The hearings developed the fact that the Government has had a preliminary survey made of those sections of the country

where there is sufficient or insufficient power at the present time—and that survey covers all sections of the country—and a report has been made to the War Department showing where there is a normal supply of power and where there is an excess supply of power and where there is a shortage of power.

Now, it is where a shortage exists that there will be authority under this bill for the Government to do what is provided for in this bill. The gentleman from New York [Mr. SNELL] in his remarks a moment ago on the rule, as I understood him, said that there would be power under this bill to commandeer every power plant in the United States, wherever situated, and further, to build and construct power plants in the United States wherever situated.

Mr. SNELL. That is as I understand the bill. I would like to have the gentleman explain it to me and show the restriction. In the gentleman's bill it is provided "within the boundaries of the United States."

Mr. SIMS. Certainly.

Mr. SNELL. That, as defined here, means all lands and waters subject to any purposes subject to the jurisdiction of the United States of America.

Mr. SIMS. When I come to the discussion of the bill under the five-minute rule on those points I will be glad to give explanations as contained in the hearings.

The reason I say it will be confined to the sections where there is a shortage of power is that there is no other reason for the proposed legislation. If there was no shortage of power anywhere in the United States, then this bill would not be before the House. Therefore the only purpose of the bill is to decrease shortage or to prevent shortage in sections of the United States where additional power is or may be needed for war purposes.

Mr. WALDOW. Mr. Chairman, will the gentleman yield right there?

Mr. SIMS. Yes.

Mr. WALDOW. I agree with the gentleman that there is a great shortage of electrical power in various sections of the country. However, the gentleman from Pennsylvania [Mr. McFADDEN] has just informed us that the Government is spending between three and four hundred thousand dollars in his State to finance a power company. The Government is doing practically the same thing at Niagara Falls. Now, then, if they have the power to do those things as a war emergency, what is the necessity of passing a bill of this kind?

Mr. SIMS. There is a War Finance Corporation, as the gentleman knows, and it is possible that some plants may be financed by that corporation, as, for instance, a municipal plant in Oregon. But it can not be made practicable in many cases because they can not comply with the provisions of the war finance law.

Mr. SNOOK. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. SNOOK. My colleague will remember the testimony of Secretary of War Baker, found on page 4 of the hearings, where he went into the question of our advancing money on these plants, especially the plants in the Pittsburgh district, in which he says that is the reason which led to the framing of this bill, because they did not have the power to continue this work or advance the money.

Mr. SIMS. Yes. The gentleman asked about certain places where they were already doing it.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. SIMS. I want to make a general statement first. I do not refuse to answer questions where I can. I will try to answer the question of the gentleman from Iowa.

Mr. WALDOW. This is considered an emergency power act?

Mr. SIMS. Yes.

Mr. WALDOW. I fail to find any provision here except that it is permanent law.

Mr. SIMS. It is like every other law—permanent until by the limitation in the law it expires or until it is repealed. It can not last more than five years, even as applying to the sale and disposition of the property in which the United States has an interest.

Mr. HAUGEN. Can the gentleman state in regard to his views as to the number of projects that are to be developed, as based upon the evidence of the Secretaries who appeared before the committee? And are we to have an assurance that there will be no abuses?

Mr. SIMS. Yes; and there is a detailed statement of Lieut. Stanley, who made the surveys. That is in the hearings.

Mr. HAUGEN. And it will not be done unless it is necessary?

Mr. SIMS. Absolutely not.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. HAMLIN. I appreciate the fact that everyone here acknowledges the necessity of such legislation as this; but to my mind this question has arisen, and I would like to have the gentleman discuss it in his remarks: I notice the bill provides that the Government shall furnish the money and step in and enlarge existing plants.

Mr. SIMS. Yes.

Mr. HAMLIN. Does the gentleman think that he has sufficiently safeguarded the interests of the Government so that the private plants can not force the Government to come in and put in additional machinery at large expense, and then after this law shall cease to be enforced and after the war is over they will be the beneficiaries and keep this additional machinery and equipment and the Government get nothing out of it?

Mr. SIMS. No. We think we have the Government safeguarded and protected in the bill as reported. I am afraid some of our other friends here feel that perhaps we may have overdone it, because one gentleman from New York [Mr. SNELL], in addressing the House on the rule, said this was the most drastic piece of legislation in the direction of Government ownership that had ever come before the House.

Mr. SNELL. I said it reached that far.

Mr. SIMS. Now, I would like to give an explanation of the purposes of the bill. Let me read to the House and to the Members of the committee who hear me a list of the places where the survey made by the War Department shows that there is an existing power shortage and where it will become greater as time goes on:

DISTRICTS WHERE PRELIMINARY SURVEYS SHOW A POWER SHORTAGE.

Alexandria, Va.; Altoona, Pa.; Baltimore, Md.; Bucyrus, Ohio; Charleston, S. C.; Cleveland, Ohio; Columbus, Ohio; Erie, Pa.; Easton, Pa.; Erie County, Pa.; Hammond, Ind.; Harrisburg, Pa.; Huntington, W. Va.; Johnstown, Pa.; Kansas City, Mo.

Lehigh district (Pennsylvania): Allentown, Bethlehem, Hazelton, Milton, Sunbury.

Lima, Ohio; Little Rock, Ark.; Lorain, Ohio.

Lowell, Mass.; Michigan City, Ind.; Milwaukee, Wis.; Minneapolis and St. Paul, Minn.; Newport News, Va.

New Jersey: Bayonne, Bound Brook, Camden, Elizabeth, Hoboken, Jersey City, Montclair, Newark, New Brunswick, Orange, Passaic, Paterson, Perth Amboy, Rahway, Somerville, Trenton.

Niles, Mich.; Philadelphia, Pa.

Pittsburgh district (Pennsylvania): Akron, Alliance, Canton, Massillon, Warren, and Youngstown, Ohio; West Penn system; Wheeling, W. Va.

Portland, Oreg.; Reading, Pa.; Richmond, Ind.; Richmond and Norfolk, Va.

Scranton, Pa.; South Bend, Ind.; Trenton, Mass.; Terre Haute, Ind.

Texas (northeastern): Denison, Fort Worth, Gainesville, Paris, Taylor, Waco.

Three Rivers, Mich.; Watertown, N. Y.; Wilkes-Barre, Pa.; Wilmington, Del.; York, Pa.; York Haven, Pa.

Now, while the bill in general terms covers the whole United States, the power conferred under the bill can not be used by the Government in the development of electric power anywhere except where there is a power shortage and where it is shown by the engineers of the War Department that a power shortage exists or where it will soon exist; where it is necessary to have more power for war purposes, if not for ordinary civic utilities.

Mr. McFADDEN. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. McFADDEN. Is there a well-defined policy for relief in each one of these places mapped out by the War Department?

Mr. SIMS. The survey shows in detail in every case just how much it will be necessary to increase the power in these places. The well-defined policy is that the Government will assist in increasing the power up to the point it is necessary, as shown in the survey.

Mr. McFADDEN. Has the War Department made any contract for that purpose?

Mr. SIMS. No; only one contract that I know of, and that is at Pittsburgh, and I am not well acquainted enough with its provisions to explain it.

Now, I want to refer to a proposition for development of a project in Pennsylvania where the company is ready to go ahead and build a water-power plant. It is not on a navigable river and not upon public lands, and therefore the law of the State of Pennsylvania only applies, and the only way the War Department would have anything to do with it would be to minimize the amount of flow into the Allegheny and Ohio, which has been done.

Referring to the map I have before you, here is the Clarion River; one dam can be built at the lower end of project 250 feet high, and another one can be built about 50 miles above at another place 250 feet high. Each one will develop 150,000 horsepower, making a total of 300,000 horsepower. The upper dam will create an immense storage basin, storing a vast amount of water which can be kept and used during the low-water period.

Not only can it be used for power purposes in these places, but it will go into the Ohio River through the Allegheny at such times as to materially aid navigation in both streams, although that is not the immediate purpose of its construction.

Mr. McFADDEN. Will the gentleman state what is the shortage of horsepower in Pittsburgh?

Mr. SIMS. Over 400,000 horsepower. Now, I am doing this to show you why it might be a sensible thing and a wise thing to develop a water power. The Clarion River in Pennsylvania, 50 miles north of Pittsburgh, has a total development of 300,000 horsepower. At the lower plant 60,000 horsepower can be developed, as I am informed, in 16 months, and with Government assistance the time can be shortened 2 or 3 months. The second plant would develop 150,000 horsepower. The time of construction would be 20 to 24 months, which could also be shortened by Government assistance. A tremendous water power would result from it, and it would be less expensive to complete it than a great dam crossing a wide spread of river and covering much area. This is in a gulch, with mountains on each side. The company is ready and wants it done. By increasing the height of the dam in the first plant at a later date the remaining 90,000 horsepower can be obtained. The total development would save 2,000,000 tons of coal per annum and the labor of 4,000 to 5,000 men producing and handling the same. Also it would free for other uses thousands of railroad cars and hundreds of locomotives.

It also would be of vast assistance to the navigation stage of the Allegheny and Ohio Rivers, and would create a water highway of nearly a hundred miles. It would also be of vast assistance to the flood stage of the Allegheny and Ohio Rivers.

All dam-construction material except cement is available at construction sites; cement plants are located within 25 miles.

There are three great railroads within 1 mile from the dams—Pennsylvania Railroad, New York Central, and Baltimore & Ohio—that serve this district.

There is not a hydraulic-electric plant anywhere in reach of Pittsburgh.

Mr. McFADDEN. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. McFADDEN. Now, right there, what would be the policy of the gentleman in relation to that?

Mr. SIMS. The practical policy is to enlarge steam powers, but I want to show why the law ought to be broad enough in its provisions to cover a case like the one I have referred to, because it comes within the object and purpose of the law, increasing power, and increasing it quickly where it is needed most. That is why I refer to it. It does look strange for neither Pennsylvania nor the Government to aid in the construction of a plant I have referred to so near Pittsburgh, the greatest manufacturing city in the world.

Mr. BESHLIN. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. BESHLIN. Was there any testimony before the committee as to the opposition to that project on the Clarion River?

Mr. SIMS. No; no testimony before the committee of any kind as to that particular project.

Mr. BESHLIN. The question of constructing dams on the Clarion River has been before the Water-Supply Commission of Pennsylvania for years and seriously resisted. I wondered if it had been developed before the committee that any of that opposition had been withdrawn or what there would be in the way of condemnation proceedings.

Mr. SIMS. The present company, as I understand, has all they need in the way of flowage rights and everything of that sort. I never heard of the project until this bill was reported.

Mr. FOCHT. Will the gentleman from Tennessee yield?

Mr. SIMS. Yes.

Mr. FOCHT. I want to say that for two or three years I was a member of the water-supply commission of Pennsylvania, consisting of three members. That whole matter was brought before us and gone over thoroughly by the engineers and some financiers who proposed to finance the proposition. That is to say, if it is the same proposition, the Clarion River of Pennsylvania, three dams, 300 feet high.

Mr. SIMS. No; two dams each to be 250 feet high.

Mr. FOCHT. We favored that proposition but we waited for the sanction of the United States Government, the War Department, and also the assurance of a guaranty that these gentlemen would be able to finance it. There was no objection whatever in my recollection to the construction of the dams, but it was merely a question of the guarantee that it would be completed and not spoil the situation and interfere with the possible development by some one else.

Mr. SIMS. I can not take in all these because——

Mr. BESHLIN. If the gentleman will permit me, does the gentleman recall whether or not some parties from Forest County did not object to the construction of the dam because it would throw the water back on them?

Mr. FOCHT. One place there was to be a bridge and they had a plan by which that could be overcome and full recompense allowed for flooded land. All of that was to be taken into consideration. That was one objection that was made.

Mr. SIMS. Of course, I am glad to hear the facts. I trust that I am not to be considered as promoting the project or boosting it, as I do not know anything about it except from what others have told me.

Mr. FOCHT. It is entirely feasible according to the engineers.

Mr. SIMS. I suggested it as a possible water-power development from the beginning that might be aided under the provisions of the bill. That is the only one I know of in the United States. There are several navigation dams on several of the rivers built at Government expense; several on the Ohio and elsewhere; and these dams were built but no generating machinery has ever been installed. Development at these Government dams in all probability can be made as quickly and as rapidly as a coal or steam plant can be installed at other places. It all depends upon what the facts may be as to each place. This bill will authorize such developments. The great or chief practicable effect of this bill will be the increase of carboelectric power, electric power created through the use of coal, because in the great majority of the power plants that are located in these shortage districts power is produced by the consumption of coal. Therefore it may be said that in its application it is a bill to assist in the increasing of steam-produced electric power. It is electric power, not hydraulic power, because electric power is frequently absolutely essential to the manufacturing of much of the war munitions, as the gentleman knows, and in shipbuilding, in the great gun factories, and in almost every character of manufacture electric power has become essential and absolutely necessary. It is absolutely necessary in the mining of coal.

I introduce the Pittsburgh project simply as an illustration of where a water-power plant might be wholly constructed from the foundation in time to meet the necessities of the situation, but I do not know whether it can be done or not. No member of the Government has ever said a word to me about it.

Mr. McFADDEN. Will the gentleman yield?

Mr. SIMS. I will.

Mr. McFADDEN. The point that looks important to me is in the Pittsburgh district there is a shortage of 400,000 tons at the present time of coal, and I am afraid to-day throughout the whole country this winter there might be some shortage of coal. Does not a proposition like this tend to remedy that?

Mr. SIMS. I think it will be a great aid. I do not believe a 300,000 horsepower project can be developed within time to help win this war. I hope not, because it would take 24 months to develop the power; but when done it would be of the greatest aid in reducing the demand upon the coal supply of that region, and in order to have available the required coal supply it is necessary to pass this bill. Why? Because coal is mined by electric power.

Here is a chart which shows it, which Dr. Garfield presented as a part of his hearing but on account of having to be printed immediately I could not have it printed, but it is illustrative of the coal-saving proposition of having a central electric-power plant to serve a number of mines instead of having scattered mines each having a plant of its own. Here is the chart [illustrating].

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. SIMS. I will.

Mr. HAMILTON of Michigan. Inasmuch as this is an emergency bill it would not be possible to attempt the construction of dams to generate and develop by water power, would it?

Mr. SIMS. Not unless the dam can be constructed as quickly as a steam-power plant at the same place. I only referred to this project to show at least one place in the United States where it can be done, and if it can be done it is where it is needed and needed badly. This is a chart showing the per annum use of coal in scattered plants and the great saving of coal by having one power plant serve all the mines instead of having scattered power plants serve each mine.

Mr. LONGWORTH. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. LONGWORTH. In line with the question the gentleman from Pennsylvania asked, that was exactly the situation, it seems to me, that confronted the Government with regard to the dam at Muscle Shoals, which was to develop hydroelectric energy.

Mr. SIMS. That they could not possibly obtain the power within a reasonable time?

Mr. LONGWORTH. The Government, I think, caused it to be discontinued on the ground it was nonessential, because it would not be finished within a reasonable time.

Mr. SIMS. That is as I understand it, but Mr. Baruch explains the matter in the hearings.

Mr. McFADDEN. On the general proposition I know nothing except that the Pennsylvania proposition of 60,000 horsepower can be developed within a reasonable time.

Mr. SIMS. As soon as the same amount of power can be developed by steam power, that is, power developed by the use of steam?

Mr. BANKHEAD. With reference to the statement made by the gentleman from Ohio [Mr. LONGWORTH], which was frequently reiterated by him on the floor with reference to the construction of the dam at Muscle Shoals, the power proposition was not conceived and not encouraged since the declaration of war. It was a permanent policy, adopted prior to the declaration of war, for the development of nitrates especially for fertilizer purposes. I think the gentleman from Ohio is familiar with those facts.

Mr. SIMS. They cease to develop, because they could not have it finished for war purposes.

Mr. LONGWORTH. I will say that $20,000,000 was diverted from the nitrate fund of $40,000,000, and it was done with the object, and it was so stated, of developing the water power for war purposes, and that it was a war measure.

Mr. SIMS. I want to refer to Mr. Baruch's testimony in the hearings. You can see what he says as to the stopping of the work on it.

I do not want to be led off into these collateral matters. But I do understand that we stopped developing the nitrate plant at Muscle Shoals because the material and labor needed to carry it out were needed elsewhere for war purposes, and its development could not be finished in time to meet the war emergency.

Mr. BANKHEAD. Is it not a fact that this $20,000,000 appropriation for a nitrate plant or fertilizer plant was made long before the declaration of war?

Mr. LONGWORTH. Let us get down to facts. They are not as stated by the gentleman exactly. That plant was started for the purpose of developing nitrogen for war purposes and nothing else. It was not stated that it was for anything else.

Mr. BANKHEAD. If the gentleman will refer to the debates in the House and in the Senate, I think he will find differently.

Mr. LONGWORTH. I am conversant with the debates on the subject.

Mr. FOCHT. The gentleman has a map here and has been saying a lot about this business. Will he state what relationship is contemplated with the Government under the provisions of his bill?

Mr. SIMS. Under the provisions of my bill power will be given to the President to assist in the development by making priority orders, and things of that sort, in order to provide material for the war.

Mr. SNELL. Could he not give priority orders now?

Mr. SIMS. He could do it.

Mr. SNELL. Then why do we need to give additional power?

Mr. SIMS. I have read here what was stated by the president of a company, that assistance from the Government was needed. It is where speedy development seemed to be reasonably possible and probable. In other cases water powers would have to be a going concern and would have to increase their capacity, which the Government could do by giving sufficient aid.

Mr. FOCHT. Would the Government meet that objection that we raised as to whether we could finance it or not? Would the Government meet that?

Mr. SIMS. This bill gives the power.

Mr. FOCHT. That is it exactly.

Mr. SIMS. I will ask the chairman to call me down after five minutes.

I will not undertake to go into this matter in detail, as I am allowed to extend my remarks. But the object and purpose of this bill, succinctly stated, is to get the earliest and greatest amount of increase in hydroelectric power, carboelectric power, or any other kind of electric power that can be produced and that is needed for war purposes, and only where it is needed for war purposes. And it is to terminate within six months after the end of the war, and the President is only allowed five years, if he needs that length of time, to dispose of the Government's interest in these power plants so aided. The bill is very plain.

Mr. SNELL. Will the gentleman yield right there at that point?

Mr. SIMS. I will.

Mr. SNELL. If that is the situation, what does section 8 of the bill mean, if he is only allowed five years?

Mr. SIMS. He is only allowed five years to disposed of the property.

Mr. SNELL. What does this mean:

That the President may retain any property and operate any plants, transmission lines, structures, facilities, or appliances constructed or acquired under the provisions of this act for such time as he may deem necessary or advisable for the purpose of selling or otherwise disposing thereof.

Mr. SIMS. That explains it all. It does not need any further explanation. He is to keep it for such time as is necessary to enable him to dispose of it.

Mr. SNELL. You say he must do it in five years.

Mr. SIMS. The object of giving him that much time is to dispose of it. You would not want the Government to lose anything if it could not profitably dispose of it in 4 years 11 months and 29 days. The gentleman is making a mountain out of a mole hill. It ought to be in there. For our country's sake, give the people a little benefit of a doubt, instead of giving it all to those investing capital.

Mr. SINNOTT. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. SINNOTT. Does the gentleman mean by that word "disposing" the absolute disposal, or selling, or the leasing?

Mr. SIMS. Selling or otherwise disposing of.

Mr. SINNOTT. That would permit the Government to lease the property?

Mr. SIMS. If it seemed to be in the public interest at the time.

I would like to use more time, but other gentlemen, members of the committee and gentlemen who are not members of the committee, desire time, and I wish to yield the rest of my time to them.

Mr. SNELL. Would the gentleman yield for one more question?

Mr. SIMS. I can not. I will do it under the five-minute rule.

Mr. Chairman, before yielding the floor I wish to have read in my time an extract from a bulletin that has just been issued by the Smithsonian Institution, United States National Museum, entitled "Power: Its Significance and Needs," by Chester G. Gilbert and Joseph E. Ponge, beginning on page 38 and concluded on page 50 of the bulletin.

The matter referred to is as follows:

NATIONALIZATION OF INDUSTRIAL OPPORTUNITY.

Power and raw materials constitute the foundations of industry. Capital, labor, markets, and other elements enter into the structure, but they do not lie at the base. Neither power resources nor raw materials are uniformly available; both tend to be provincial in occurrence; but since industrial power is dominantly drawn from coal, while raw materials are derived from a thousand sources of organic and mineral origin, the aggregate availability is far more restricted in the case of coal. In other words, any given section of the country is almost invariably provided with raw material of some kind, while under the present régime only those sections contiguous to rich coal fields are amply provided with power. The geographical and political consequences of the localized occurrence of coal and of concentrated types of raw materials are obvious and well known. The inequalities of opportunity conditioned by these matters have always been bones of contention, from the aboriginal strife over deposits of salt and flint down to the action which resulted in the conquest of an iron-bearing province and contributed prominently to the epoch-making conflict now raging.

Discord from this source is as old as human history and nations have evolved with the placement of their boundaries strongly influenced by concentrations of resource opportunity. The North American Continent, however, provides a notable exception to the rule. Its vast area was explored and appropriated before its resource potentialities were recognized, and hence its various sections came to be unified into a few nationalities on the strength of social bonds, which, with one or two exceptions, have nowhere been dissevered by subsequent economic influences. Thus the United States is a Nation of many parts bound together by social unity, but separated by a divergence of economic interests. The development of natural resources has given rise to a marked differentiation in the quality of opportunity opening up to the different sections, while the boundaries of the economic provinces set up in this wise are further emphasized by a general conformity to topographic features disfavoring intercommunication. Thus this country is displaying a steady drift toward economic variation and specialization among its members.

But national well-being is dependent upon economic unity no less than upon social unity. The Civil War, in the last analysis, had its origin in discordant economic sectionalism. A military expression of domestic discord is outgrown, but civil strife is not the sole misfortune that may arise from cross interests. Without economic unity a definite economic policy is nationally unattainable. And with no formulated economic policy, one of the two prime functions of government is reduced to the rank of partisanship, and industry is left to the paralyzing influence of uncertainty as regards the future of prospective operations. Thus far the divergent economic interests of the various sections of the country have not permitted the establishment of a constructive economic policy satisfactory to the Nation as a whole.

Elements too numerous to specify enter into this sectionalism of interest, but the most conspicuous contributor to the outcome is the presence or absence of resources productive of mechanical energy. Given a region endowed with an ample supply of coal, for example, and all the other elements of industrial activity gather in the manner of an accretionary growth. Even the crudest raw materials tend to be drawn

to the sources of energy in greater measure than is found true of the reverse relation. Other attractions, to be sure, such as labor supply, markets, and transportation facilities register strong claims tending to diffuse and spread the focus of development, but industrial concentration never migrates beyond the convenient reach of power, which therefore sets the outside bounds to industrial range. Thus certain naturally favored sections of the country have come to have a predominant interest in manufacture, while other sections in the rôle of producers and consumers for the manufacturing areas are led to react to motives and economic interests foreign and even antagonistic to those of manufacture. Where such a situation is permitted to develop in accentuated form, an economic policy satisfactory to the two extremes would appear to involve a type of concord foreign to human nature.

The influence of energy resources in an unfavorable and favorable direction may be illustrated by two examples—one drawn from conditions obtaining in New England and the other taken from recent industrial developments in the South Atlantic States.

In New England the foundations of industrialism were laid during the régime of water power. With the advent of steam power the abundance of coal available to the Middle Atlantic States set up a strong counter attraction which entailed a steady migration of industry away from the New England section, since this area contains no coal, and is marked by physiographic conditions which provide inadequate gateways for rail transportation and necessitate a roundabout rail-to-water-to-rail service exposed to all manner of exigency. Still, with the advantages of its early start, New England maintained a powerful asset in the form of skilled labor, and the weight of this factor has overbalanced the lack of an adequate power supply in those special forms of industry involving specialized workmanship. These, therefore, still prevail and reflect the peculiar color of the situation. But in the newer industrial sections elsewhere skill of workmanship is in process of development and is steadily lessening the attraction of an advantage which transiently favors New England. In time this factor will be practically neutralized, and with continued inequality of power supply New England will see its industrial life narrowing under the cumulative weight of a growing handicap. This is an example, then, of how a natural power supply may create a development in one part of the country at the expense of another section, a circumstance not making for unity of interest.

The South Atlantic area resembles New England in respect to power resources; coal must be hauled in from a distance and water power is fairly abundant. But whereas the industrialism of New England is the oldest in the country that of the South is among the youngest. Here, indeed, the growth of industry has been largely a matter of the past 15 or 20 years, subsequent, therefore, to the introduction of electricity as a motive force. In consequence much of the upgrowth is built upon the use of hydroelectric power, and tends to be distributive—that is to say, natural—instead of a forced growth in proximity to localized coal belts. Coming into action late the industrialism of the South, unhampered by tradition and unencumbered by obsolescent power establishments, took over the practice best suited to its needs. Thus, while the Northeastern States form an illustration of centralized industry, establishing itself first in New England and migrating later to the Central Atlantic States and thence westward, the South displays a regional development of industry nowhere intersely focused, but spread, on the contrary, in diluted form over a large area. The contrast is suggestive; for permanence, for national well-being, for the common good, it would appear that a balanced economic life in which each section manufactures, in large measure, its own products is preferable to a highly intensified manufacture setting up its own interests in opposition to the more extensive producing areas. The South presents an example of power supply disposed to create a normal development from within, with minimum detraction from the opportunities peculiar to other sections.

These are but two illustrations of fields in which power supply is a strong economic force. Each section of the country, in point of fact, has its own peculiar reflex to this matter. The Pacific coast, for instance, has a specialized and acute power problem to meet; there the rich oil fields of California launched a period of industrialism which this source of power can not much longer sustain. The industrial life of this whole section is threatened by the impending decline of its oil fields. Similarly with the Southwest. The power influence, then, is country-wide—here throttling established industry; there leading to overbalanced growth; elsewhere retarding needed developments; rarely promoting well-rounded economic growth; on the whole, making for divergence of economic interest.

This situation, undesirable as it stands, is bound to grow worse if matters are left to untrammeled evolution. Human labor is mobile; it is becoming standardized, even nationalized; cheap labor locally restricted is disappearing. Thus the factor of labor supply is losing its distributive effect upon industry. In consequence, the presence of mechanical labor (power) will become an even greater centralizing force than heretofore; manufacturing districts will tend to be more strikingly developed than ever. The natural tendency, in short, will be toward the building up of centralized industry enjoying monopolistic advantages of power supply, a condition in itself constituting a restraint in respect to the adequate unfoldment of other industries beyond the reach of the favored source.

Such an interplay of economic forces is complex and proclivities can not be expected to travel far undeflected by new conditions, but whatever the uncertainties of the matter, the power situation merits attention in respect to its present untoward bearing on economic policy. If a constructive economic policy is desirable for this country, and if the conclusion is valid that the power supply represents a force now working against the unification of economic purpose into a national policy, but capable of direction toward such an outcome, the whole matter becomes a fundamental issue which may not be ignored. In short, a coordinated and balanced development of the coal and water-power resources of the country, which will follow from the establishment of an adequate common-carrier system of transmission lines, will serve to equalize industrial opportunity and therefore to unify the economic interests of the country so that a constructive economic policy agreeable to all sections may win country-wide support.

But in addition to its bearing upon national policy, a distribution of power advantages will make for an indirect but very significant gain in the matter of transportation; for industry may then strike a more perfect balance between the location of raw-material sources and markets. As the matter now stands, the adjustment is a compromise between three main factors, of which the position of the fuel source is dominant, and the industrial centralization resulting is in considerable measure responsible for the "bottle-neck" restrictions in the transportation layout of this country—a pattern that has become a conspicuous source of transportation weakness during the past year. The nationalization of industrial opportunity through equalized power supply will permit the upgrowth of new industrial activities in positions which will impose a lessened relative burden upon the railways and diffuse the intensification of responsibility that is now bearing with growing force upon the neck-like restrictions in the neighborhood of present industrial centers.

ENLARGEMENT OF INDUSTRIAL OPPORTUNITY.

We have seen that power supply constitutes a strong attractive force, leading under natural conditions to marked industrial concentrations in certain parts of the country. The unfavorable bearing of this circumstance upon the attainment of a national economic policy is noteworthy and constitutes an argument for directing the sectionalizing force of power supply into more distributive channels than it seeks of its own accord. The most effective means toward a better balanced industrial growth in this respect is afforded by electricity, which lends itself to generation at fixed points in coal regions and at water-power sites, and to transmission thence to adjacent areas in such manner that, if the growth as a whole be properly shaped, a much larger portion of the country may be served with power on terms of equality than is now the case. Thus can power be turned away, in considerable measure, from its present dangerous facility in accentuating diversity of economic interest and made to contribute to the nationalization of industrial opportunity.

But just as coal contains valuable commodities as well as stored-up energy, so electricity is not merely a convenient form of power, but is a new and profoundly important chemical agent as well. In this sense electricity represents a fresh industrial factor which is just beginning to come into play and bids fair to make for itself a master range of activity. Electricity, then, is not only capable of distributing industrial opportunity; it is competent at the same time of infinitely enlarging the scope of industrialism. The opportunity in this direction is so significant and has so recently become apparent that the field merits a close view in connection with the whole matter of power supply.

This field of special electrical service, in contradistinction to the application of electric energy as a motive force, is covered by the term "electrochemistry," which is the art of applying electrical energy to the furtherance of chemical operations. The aptness of electricity for this purpose has proved so great that in scarcely more than a decade there has developed a large number of electrochemical industries, in addition to a growing range of superior adaptions in established industries and in the realm of metallurgy, with the setting up of a new branch of the latter, known as electrometallurgy. Thus electrochemistry has not only facilitated ordinary industrial activities in many directions; it has opened an unbounded territory never before traversed by industry.

The facility of electricity in this new realm is due to its capacity for generating heat under conditions open to exact control, over high temperatures not attainable by fuel combustion, and in absence of gases, together with the exertion of a chemical force of decomposition independently or in conjunction with the heating effect. Thus electrochemistry operates through its dissociating effect upon solutions and melts, a process technically called "electrolysis"; through discharges in gases; and by means of electric furnaces. Upon these operations depend the manufacture of alkalis, chlorine, atmospheric nitrogen, graphite, artificial abrasives, and calcium carbide; the production of aluminum and many of the steel-hardening metals; and the refining of gold, silver, and copper—to mention merely the most conspicuous attainments of the electrochemical art.

The achievements of electrochemistry to date are to be credited mainly to the region around Niagara Falls and to foreign countries, especially the latter. Elsewhere in the United States there are relatively few electrochemical activities. Such as have been established are in the vicinity of choice water-power sites or, as in the case of recent atmospheric nitrogen fixation plants, subsidized by the Government. But, by and large, electrochemical industries are grossly undeveloped in this country, relative both to their intrinsic importance and to their upgrowth abroad; and while a considerable expansion has resulted under the stimulus of war prices, the course of progress is under the handicap of power costs running far in excess of what is offered in Canada and abroad. Since power is a large item of expense in most electrochemical activities, its high cost in the United States is not only preventing development, except along specialized lines of high-value small-bulk products, but is causing an emigration and settlement of such industries in other countries offering a more genial atmosphere of power costs. Not only this, but the tide of emigration is actually affecting the industries already established at Niagara Falls. On the whole, then, counting off war-time exuberance, our electrochemical industries, while growing in an absolute sense, are relatively stationary, if not actually retrograding. That is to say, our electrochemical needs are growing faster than our electrochemical industries, which means that an increasing dependence upon foreign developments is under way.

If the high cost of electric power in the United States is blocking adequate electrochemical developments, we should take time to examine the scope of the fields that are being retarded by this circumstance. Such a retardation, of course, is difficult to visualize, for its most important area consists of what has not been accomplished; or, rather, of the margin between current and possible attainments, so far as determined by conditions of power supply. Yet the prospect can be swept, even though we may turn aside before coming up with it.

In the realm of metallurgy electricity opens to use a number of metals not commercially extractable from their ores on any other terms. The most conspicuous example is aluminum, which was a chemical curiosity until thus made available; but such metals and elements as magnesium, calcium, sodium, potassium, cerium, and silicon are also coming into prominence, although the applications of these newer additions are still in their infancy. It is not unworthy of note, although the bearing of the fact may not become conspicuous for many years, that electrometallurgy offers a means for turning the more common and leaner mineral materials to account when the exhaustion of the rather limited and rich concentrations heretofore exploited shall have been accomplished. For the manufacture of a great number of metallic alloys, such as ferromanganese, ferrochromium, ferrotungsten, and others needed to give to steel the various special properties demanded by its many applications, electric power is essential, while for the production of iron and steel the use of electricity is finding a growing application. Indeed, many "metallurgists in active practice in the United States are convinced that the time is rapidly approaching when all steel made will be passed through the electric furnace to receive its final refining and its finishing touches. We may safely look forward to the establishment of not only hundreds but possibly thousands of electric steel furnaces." In the metallurgy of copper, zinc, and tin electricity is coming into play, while in the

refining of metals it is affording the means for recovering many constituents formerly going to waste, in addition to producing products of such purity as to open up new uses not previously enjoyed. The United States is the greatest producer of metals in the world, and proper electrical-power development will give a great impetus to the advancement of the mineral industries.

No problem is more fundamental to any country than the matter of food supply, and electrochemistry has a very direct bearing in this respect through its promise of lending assistance in producing fertilizers. Of the three important fertilizing materials—nitrogen, phosphorus, and potassium—nitrogen may be drawn from the atmosphere by the expenditure of electrical energy; cheap electrical power offers an immediate means for doing away with the cumbersome method of converting phosphate rock into acid phosphate, with its consequent burden upon transportation and upon sulphuric-acid manufacture; while the locked-up stores of potash held in unlimited amount in widespread areas of silicate rocks must eventually be drawn upon and presumably with the help of the electric current. It is scarcely too much to say that the fertilizer industry in the course of a decade or so will undergo a radical change, in which importations of Chilean nitrate, German potash, and Spanish pyrite will be a thing of the past. But the course of progress will depend very much upon the conditions surrounding the supply of electrical power in this country; this matter will determine the speed of advancement and reflect in some measure in this respect upon the cost of living.

In the field of manufacturing, electrochemistry occupies a unique place. It has already created a number of products of fundamental usefulness, while the latent opportunities for the future are very great. The development of artificial abrasives, especially carborundum, superior to natural abrasives, has greatly facilitated many processes of mechanical manufacture, such as the making of automobiles, ordnance, and other materials; the production of calcium carbide has made the acetylene lamp possible, with inestimable benefit to thousands of mines the world over, which have thus been freed from smoky oil lamps and flickering candles; and the manufacture of artificial graphite is rendering a useful service as a lubricant in conserving energy. These products, which are of much greater significance than may be measured by the pecuniary value of the output, have all been developed at Niagara Falls as result of the abundant electric power earlier available there and are made from raw materials of the commonest and cheapest kinds, such as sand, lime, coke, and others. Further products, too numerous to specify, are being commercially launched or are in the experimental stage in the works and laboratories of that electrochemical center. An important industry has also developed in the electrolytic manufacture of sodium and chlorine, and their numerous compounds, used in large quantities in a wide variety of other industries, which are made from common salt—a widespread and cheap material. It would appear that one striking characteristic of electrochemistry is its ability to convert into useful products the commonest and cheapest of everyday materials. It holds forth in this sense the prospect of the highest type of constructive economic service.

On the whole, then, electrochemical industries and applications have developed in the United States to some extent in spite of high electric-power rates, but the lines of development have been those in which the advantages to be gained were conspicuous, and the operations have been largely confined to Niagara Falls. In the vaster range of possibilities, in which the opportunities were not so outstanding, high rates and lack of available power have been sufficient to head off an incalculable range of prospective enterprises, to the country's serious economic loss. Indeed, if electric power were made available in quantity at rates half the prevailing tariff, the upgrowth of electrochemical industries would overwhelm the previous attainments along this line.

The whole field of electrochemical development in the United States is dependent in the last analysis upon the quantity and price of electric power. And in both respects the power situation as it now stands is inadequate. Unless we are prepared to see the electrochemical industries which we now have emigrate in part to foreign countries, and unless we are also willing to face a stagnant condition in respect to a wide range of important industrial developments, the whole matter of our power supply must come up for attention. This matter does not concern one section or one class; the field is country wide; the outcome concerns both industry and the public interest. And labor, in particular, will find a concern in this affair, for only by cheapened mechanical power can a generous rate of human compensation be sustained in the face of cheaper labor, both human and mechanical, on the European market.

SUMMARY.

Modern society is dependent upon industrialism, the material framework of civilization.

American industrialism differs from the industrialism of other nations in two respects—it places unusual emphasis upon the employment of power and it couples an advanced industrial development, which means a high standard of living, with a vast expanse of territory.

Each of these conditions imposes a special demand upon transportation, and the two combined have given rise to transportation difficulties that are threatening to throttle the economic life of the country.

If unrelieved, the situation will entail a deterioration in the standard of living. The effects of a lowered living scale so caused will not fall evenly the country over, but may be expected to be selective to the disadvantage of unfavored sections, with the setting up of economic discord and sectional dissension in the place of national unity.

The issue can not be adequately met by furthering the development of the railways alone, for already this type of carrier has been pushed to such a point of overdevelopment as to constitute a critical weakness in the economic structure of the country. The source of the disqualification lies not merely in the sheer magnitude of the responsibility which the railways support, but also in their notably inferior elasticity in respect to industrial expansion as compared with the processes of manufacture. The power supply is the chief single contributor to both conditions of default. It not only comprises, mainly in the form of coal, more than one-third of the total freight of the country, but the dependence upon freight-hauled fuel on the part of an expanding industrial activity places an overweight of burden upon transportation by virtue of the fact that coal, raw materials, and finished products represent three additional units of haulage to be reckoned with for every added unit of production. Hence, the logical way to correct the transportation unfitness of this country is to attack the matter through improvement in power usage.

Three principles of transportation underlie industrial growth, and industrial activities in general conform to their prescriptions as a matter of course. These factors are represented in (1) the employment of suitable facilities for the task of transportation, (2) the advance elimination of superfluous weight, and (3) the full utilization of the material transported. These conditions are seen to be the merest common sense; illustrations of conformity with them are on every hand; in the matter of power alone they have been utterly disregarded. In the working out of these principles national experience has shown (1) that a transportation system of country-wide scope serving a community interest must be of a common-carrier order subject to public oversight—such has been the lesson of the railways; (2) that in the realm of production, which has to do with the advance elimination of superfluous weight, competition is desirable and should be as unhampered as possible; and (3) that in the field of manufacture and consumption the attainment of full utilization stands in need of constructive help—that here competition unaided is incapable of employing to full effect the principle of multiple production. Applying these conceptions to power, we find that the situation is at fault, because (1) there is no common-carrier system for the transmission of energy, although the development of electricity permits the power materials to be freed of weight at the source and enables the energy of water power to be utilized; (2) the presence of the railways, in the absence of special facilities for electric transmission, has prevented competition from becoming effective in the direction of the advance elimination of weight; and (3) the failure of this country to recognize the principle of multiple production and vitalize its latent force has held private initiative impotent to use fully the energy materials provided.

The righting of the power situation requires (1) the establishment of a comprehensive system of electric transmission lines to be administered as a common-carrier system like the railways. (2) The provision of such a system will necessitate the coordinated growth of central power stations in coal fields and at water-power sites, and in doing so will open to business enterprise a tremendous field of opportunity hitherto closed off from entry, and thus lead to the balanced development of the two major energy resources. (3) The principle of multiple production, recognized and incorporated in national policy, will supplement the additional service gained through the organized employment of the electrical principle; applied to the production of coal-generated electricity, and, through the medium of municipal public utility plants, to the distributive employment of coal, this principle will effectively correlate the recovery of the commodity and energy values, so as ultimately to effect a full saving of the former and an increased gain of the latter, thus permitting a further relative diminution of the amount of fuel calling for transportation in bulky form. The first two points reduce themselves to a single issue, which is purely a business proposition to be handled by a business organization; the third item is more intangible and it is matter of policy, which, therefore, can not be delegated or otherwise handled in objective fashion.

The provision of a common-carrier system of transmission lines, in brief, is the key to the whole problem. Its establishment will remove the retarding influence of high interest rates and antagonistic misunderstanding that has blocked water-power development, and will afford the point of departure from precedent in favor of coal-field generation of electricity. Owing to the magnitude of the issue and the manifold lines of progress directly at stake, the development will provide a nuclear point for the establishment of a constructive economic policy, needed not merely for the full development of this field but as well for the proper unfoldment of the industrial possibilities of the country in general. As such a policy has not developed in the past because of economic sectionalism growing chiefly out of an unequalized development of the energy resources, the nationalization of industrial opportunity attainable through a balanced development of power supply will clear the path of the main obstruction to unified action.

Thus specific action in respect to establishing a common-carrier system adapted to the power needs of the country will not only go far toward solving the problem of transportation, but it will improve the fuel supply, correct the economic fallacy of drawing upon capital resources while neglectful of income, contribute to the recovery of the values now lost in the consumption of raw coal, lead to an adequate development of electrochemical activities, cut off a needless annual expenditure running well beyond the billion dollar mark, and constitute a potent contribution in the direction of stimulating the upgrowth of a constructive economic policy of national scope attuned to the needs of modern industrial development.

Mr. MONDELL. Mr. Chairman, since the war began it has been the duty of every Member of Congress to resolve every real doubt he had in regard to pending legislation in favor of the view expressed by those administrative officers who are in position of responsibility for the conduct and prosecution of the war. We should have, and we all do have, opinions in regard to these matters, and frequently very decided opinions; but unless we are very certain that our view and judgment is the wise and proper one, it is our duty to meet the views of officers of the administration charged with responsibility along the lines that they mark out. It is with that view of the matter, and that view alone, that I shall support this measure, for I am very frank to say that my judgment does not commend it as being necessary or essential.

True, it is necessary to do what the bill proposes shall be done, to wit, increase the power facilities of the country to such extent as shall be necessary for the prosecution of the war. No one will deny that.

It is just as necessary to do that as it was to increase the housing facilities, to increase the shipbuilding facilities, as it was to increase the munition facilities of the country. But we have numerous departments, and have organized first one bureau and agency and then another, having jurisdiction in these matters, until we have covered, it occurs to me, the entire field. While a part, at least, of what is proposed to be done under this bill should be done, there are already a number of governmental agencies that could accomplish these results and that ought to have accomplished them long before this.

It may be some of these agencies need more funds, though that is doubtful, but if they do they should receive them.

The appropriation of one hundred and seventy-five million for the use of this new agency does not appeal to me as the best practice.

Why has the administration come before Congress at this late date, saying that there is a shortage of power in connection with war activities, when the authority and funds have been for months in the hands of various bureaus and agencies of the Government for enlarging, increasing, and extending the power plants and resources of the country?

The Council of National Defense, the War Trade Board, the War Industries Board, the War Finance Corporation, the Capital Issues Committee, the Shipping Board, the War and Navy Departments—all of these agencies are armed with authority, each in its own field, and most of them have ample funds to extend aid and assistance in the development and enlargement and extension of power facilities in connection with war work. This authority they have had for months. I have no doubt that to some extent they have exercised their authority and afforded aid. I have no doubt that to a very large extent they have assisted in one way or another these power plants and aided in their enlargement and extension, as they have authority to do. Nevertheless we are asked to enact legislation that is likely to create an altogether new agency and clothe it with enormous power, and thus, instead of helping to concentrate and coordinate the activities of the Government and bring them under one control, we are asked to still further divide and duplicate. In my opinion it is not wise.

I shall support this bill only because men in positions of responsibility insist the legislation is necessary. The bill does not commend itself to my judgment. I believe what is proposed to be done could be done better through other agencies more cheaply, more quickly, more promptly, more efficiently. However, if those responsible say that they can not accomplish all that is needed under present legislation and appropriations, I must accept their view. So much for that.

This bill deals with the development of power. That includes both steam and hydroelectric power. I assume that little will be done in the way of developing hydroelectric power under the bill. Very little such development could be secured in time to be of service in the war. I suppose it will be mostly the development of steam power, a development that can be quickly made.

GASOLINE IN THE DEVELOPMENT OF POWER.

While we are on the subject of power we are reminded that one of the most important products in the United States for the production of power is oil. I think it may be truthfully said that there is no one product, except the great product of iron and steel, that is more essential to the winning of the war than mineral oil and its by-products—gasoline, naphtha, lubricating oil. It is necessary to have gasoline to run the airplanes, upon which we must largely depend for our victory over yonder. We must have gasoline or oil to run the tanks, which are now so important a factor in all the advances along the western front, and which tend so greatly to reduce the casualties of the attacking forces. We must have oil or gasoline to run the transports, the ambulances, the motor cars, and trucks to provide food and ammunition for and bear the wounded from the battle line. Gasoline is needed at home for multiplied purposes.

Recently there has been a very alarming and unfortunate reduction in oil and gasoline production, compared to the demand. The Senate of the United States, on the 8th day of September, passed a resolution calling upon the Director of the Fuel Administration for a report on the production and consumption of gasoline.

That report was made on September 11 and was published as Senate Document No. 277. I hold it in my hand. From that report it appears that there has been a steady reduction in the stocks of gasoline and naphtha for months past, that the reduction of the stocks of gasoline and naphtha during the month of July was approximately 1,367,000 barrels, or 44,000 barrels a day, and for August 2,000,000 barrels. It appears further that we will soon reach a point where we are likely to have not more than a month's supply of gasoline and naphtha on hand. In this alarming condition of affairs one would think that those interested in and officially responsible for the winning of the war, in maintaining conditions under which we may win the war, would use every effort to increase the production of gasoline.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LONGWORTH. So far as the production of gasoline is concerned, that is, the development of the oil fields, wildcat operations, has there been any let down in that? Does the gentleman know?

Mr. MONDELL. There has been a very considerable let down, growing out of a variety of causes. Some operators have been discouraged somewhat by reason of the very high taxation in the revenue bill. I have heretofore explained how the high excess and war profits taxes are particularly burdensome on a business of great hazard like the oil business. The larger factor, where production comes from public lands, is due to the unsatisfactory provisions of the oil-leasing bill and the hostile attitude of certain departments of the Government toward such development. It is in regard to certain phases of the official attitude toward oil production on lands that have been located and claimed under the oil-placer act that I particularly invite the attention of the House at this time.

About four years ago—or, to be entirely accurate, on August 25, 1914—Congress passed an act providing that where applications for patents have been or may hereafter be offered for certain classes of oil or gas lands included in an order of withdrawal the Secretary of the Interior may make temporary arrangements whereby, by impounding a portion of the product, the operations may be continued.

While that bill was under discussion in the House and during the consideration of the conference report there was some discussion of the intent and purpose of the legislation. I opened that discussion, and it was participated in by the gentleman from Oklahoma [Mr. FERRIS], the chairman of the Committee on the Public Lands, which reported the bill, and the gentleman from California [Mr. RAKER], a member of the Committee on the Public Lands. We expressed our opinions as to the intent and purpose of Congress in the passage of that act, but I shall not refer to what was said at this time because I intend to present a letter of the Secretary of the Interior in which our statements are referred to. Some time after the passage of the act I have referred to the Secretary of the Interior entered into agreements with certain claimants and operators in California and Wyoming under which they were allowed to operate and produce oil from the contested lands by impounding to the credit of the Government a sum equal to one-eighth of the value of the oil obtained, this being the usual commercial royalty. Those agreements and arrangements were entered into from time to time with claimants in California and in what is known as the Salt Creek field in Wyoming. With a few exceptions, where there were controversies among private claimants, they were all identical as to the amount that was to be impounded. The theory was that if patents were denied and the lands reverted to the Government, the Government would have in its possession what amounted to a fair royalty on the oil extracted.

That appealed to almost everyone as a fair and reasonable arrangement; it enabled the claimants to continue to develop their property and add to the oil production of the country at a time when oil and gasoline were greatly needed. The arrangement was in harmony with the view expressed in Congress as to the intent and purpose of the law. That the Government was amply protected is evidenced by the fact that there was impounded up to June 30, 1918, under the 28 Salt Creek agreements the sum of $699,239. The Government was thus assured nearly $700,000, in case patents were denied, from a few hundred acres of lands that for years had been subject to oil entry at $2.50 per acre, and were not worth even that nominal sum until after years of effort and the expenditure of large sums of money by the claimants oil was discovered upon them. These arrangements in Wyoming related to wells that produce an exceedingly high-grade oil containing a large percentage of gasoline. It is the kind of oil now very badly needed.

Operations continued under these agreements for a considerable length of time. Finally, June 2, 1917, the Attorney General addressed a letter to the Secretary of the Interior calling attention to the character of these agreements, urging that the agreements did not sufficiently protect the interests of the Government, and expressing the opinion that instead of following the plan provided by Congress it would be preferable to operate these wells under receiverships, impounding the entire product. This letter is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 2, 1917.

MY DEAR MR. SECRETARY: I desire to direct your attention to a serious situation which has resulted from the character of the operating agreements entered into by you with applicants for patents to withdrawn oil lands under the act of August 25, 1914 (38 Stat., 708), and from the delay in your department with respect to the disposition of such applications in cases where charges of fraud or unlawful entry have been made against the applicants.

The act of 1914 provides:

"That where applications for patents have been or may hereafter be offered for any oil or gas land included in an order of withdrawal upon which oil or gas has heretofore been discovered, or is being pro-

duced, or upon which drilling operations were in actual progress on October 3, 1910, and oil or gas is thereafter discovered thereon, and where there has been no final determination by the Secretary of the Interior upon such applications for patent, said Secretary, in his discretion, may enter into agreements, under such conditions as he may prescribe with such applicants for patents in possession of such land or any portions thereof, relative to the disposition of the oil or gas produced therefrom or the proceeds thereof, pending final determination of the title thereto by the Secretary of the Interior, or such other disposition of the same as may be authorized by law."

The manifest purpose of this statute was to provide a method for conserving the properties embraced in applications for patents until it could be decided whether they belonged to the applicants or to the Government, without the necessity of resorting to receivership proceedings. The method provided is in all essential respects like a voluntary receivership, under which the applicant may properly be permitted to continue necessary operations under supervision, and the Secretary acts as a trustee to conserve the property pending his own decision between the applicant and the Government, just as a court receiver acts to conserve the subject of litigation pending a decision of the court.

The analogy between an operating agreement under the act of 1914 and a court receivership is perfect in cases where the applicant is charged by the Government agents with fraud or violation of the law in the initiation or prosecution of his claim, and a hearing is necessary to determine the truth of the charge. In such a case there is an adversary proceeding in the Land Department between the Government and the applicant as to the ownership of the property. I have before me data from the records of the General Land Office which show that agreements under the act of 1914 have been entered into in 36 cases of this kind, 18 in California and 18 in Wyoming. Excepting 3 of the Wyoming cases, all of these agreements contain substantially uniform provisions. They apparently permit the drilling of additional wells without limit, require the sale of the total production, and provide for the payment of seven-eighths of the proceeds to the claimants and the deposit of the remaining one-eighth in escrow to abide your decision on the applications for patents. The result is that, upon a denial of the patent in any such case, the Government can not possibly receive more than the value of one-eighth of the prior production.

If these properties were handled by a receiver, as they presumably would be were it not for these agreements, the entire production less the cost of conservative operation would be impounded, to the end that the Government could recover the full value of the property in the event of a final decision against the claimant. This is the rule adopted by the courts in a number of similar cases in which a receiver has been appointed to conserve the property. It is also in principle the rule adopted by your department in the three exceptional cases in Wyoming. In those cases the agreements require a deposit of the proceeds of the entire production, less 6 cents per barrel of oil to cover operating expenses. This exception was made in these three cases in order to protect the asserted rights of rival claimants. I can not find any justification for confining the Government to a lesser measure of protection than that which is accorded to adverse claimants. Indeed, I am unable to regard the position of the Government in these cases in any other light than that of an adverse claimant.

In my letter to you of July 14, 1915, I called your attention to the fact that the Department of Justice was being subjected to harsh criticism for insisting upon the deposit of the entire net proceeds in the receivership cases while your department, by agreements in similar cases, was requiring deposits of but one-eighth of the gross production. I attempted to impress you with the injustice of this, and, by way of securing a modicum of relief, I suggested the propriety of allowing the applicants "only a sufficient proportion of the production to cover actual operating expenses, with a reasonable profit." To this suggestion you agreed in your letter to me of July 19, 1915; but you stated, referring to the then market price of oil, that "at 37½ cents a barrel a man can not pump and run his plant and give himself a profit upon his investment on much less than seven-eighths." In this connection you observed that the agreement in every case provides "that it can be changed on 30 days' notice, and the amount of the royalty increased." I am informed that no such change has been made in any agreement and that the Commissioner of the General Land Office has lately invited, and is now entertaining, applications for additional agreements upon the same terms, although the market price of oil has practically doubled since 1915.

In some exceptional cases it is possible that the cost of operation may equal or even exceed seven-eighths of the production. But in a majority of the cases it appears that the cost of operation should not exceed one-tenth of the production at the present market price of oil. This is shown by the operation of similar properties in the same locality under the supervision of a court receiver. With the market price of oil at 72 cents per barrel, the three exceptional agreements before referred to will result in impounding eleven-twelfths of the production for the protection of private adverse claimants in those cases. It is therefore evident that the indiscriminate deposit of one-eighth of the gross production in all cases where the Government alone is contesting the claim is not calculated to protect the interests of the Government.

Very few, if any, of these claimants are entitled to special consideration. In most of the cases there can be no reasonable ground to believe that patents will ever be granted. In 15 of the 18 California cases special agents of the General Land Office have charged the claimants with fraudulent locations, the other 3 being charged with violating the withdrawal order. In all but 1 of these 18 cases hearings have been directed by the Commissioner of the General Land Office, and in that 1 the charge is that the entry was illegal and also that the claimant was guilty of fraud. In the 18 Wyoming cases few hearings have been directed, although adverse reports have been made by the special agents. In most of the Wyoming cases delay in departmental action has been caused by collusive suits instituted in the State courts by pretended rival claimants.

I understand that hearings are directed in cases where it has been determined prima facie, upon the application papers and the special agent's report, that the claimant is not entitled to a patent. Of such a claimant it is not unfair to say that he is prima facie a trespasser on the lands of the United States, and, in case of fraud, a willful trespasser. It certainly was not the intention of the law to reward trespass and fraud; yet, I am constrained to say, the operating agreements which give to such claimants seven-eighths of the gross production are adapted to accomplish that result.

The most serious feature of this situation is its continuity, due to the inaction of the General Land Office in deciding cases.

Following the decision of the Supreme Court in the case of United States v. Midwest Oil Co. (236 U. S., 459), on February 23, 1915, sustaining the validity of the withdrawal order of September 27, 1909, it became apparent that a close cooperation between our departments was essential to the protection of the interests of the Government in the withdrawn lands as against illegal and fraudulent claims. This was agreed to between us at a conference in my office on June 5, 1915. It was there agreed, as stated in my letter to you of June 7, 1915, that the effectiveness of our efforts would depend, among other things, "upon the speed with which all applications for patent shall be examined and disposed of by your department," and that therefore "the applications for patents now pending in the General Land Office, and all others that may be filed hereafter, will be disposed of as soon as possible." In answer to my letter you stated, by letter of June 17, 1915, that your department would "endeavor, through the Commissioner of the General Land Office, to promptly carry out the scheme of cooperation which was discussed and adopted at the conference." My information is that a hearing has been held in but one of the adversely reported cases in which operating agreements have been entered into, and that no further hearings are contemplated in any such cases unless desired by the applicants.

The pendency of these cases in your department would seem to deprive the courts of jurisdiction to determine the merits of the claims, and the existence of the operating agreements precludes receivership proceedings for the conservation of the properties.

The character of the operating agreements entered into under the act of 1914, coupled with the failure of the General Land Office to dispose of the applications for patents to the lands which are the subject of those agreements, is a source of constant embarrassment to this department. Many tracts of land in the same localities, the title to which depends upon the same or similar questions of law and fact, are not covered by operating agreements either because the lands lie within a naval reserve or were involved in Government suits prior to applications for patent. For the protection of the interests of the Government in these lands a receiver is necessary in most cases. In a majority of the cases a receiver has been appointed and operations are being conducted under his supervision; in others the application for a receiver is pending, and in still others such application is contemplated. As before stated, the rule adopted by the courts for the protection of the Government, pending a final decision, is to impound the entire production less the cost of conservative operation. This is the only rule for which we can contend consistently with our sense of public duty and the practice of courts of equity. But the far more liberal rule of the operating agreements entered into by your department in similar cases is constantly being used as an argument to neutralize our efforts to protect the Government interests and as a basis for harsh and unjust criticism of this department.

Our embarrassment in this respect has been much enhanced by a circular letter dated January 8, 1917, sent by the Commissioner of the General Land Office to all operators in the California oil fields on withdrawn lands not in a naval reserve or in suit and with whom operating agreements had not been made, inviting them to make applications for operating agreements on the usual terms of seven-eighths of the gross production to them and one-eighth to be deposited. In that letter the commissioner stated that under similar existing agreements "whatever interests the Government may have have been protected without the necessity of resorting to a receivership." That is to say, in the opinion of the commissioner thus publicly announced, the rule of equity invoked by this department and applied by the courts in the receivership cases for the protection of the Government against trespassers is wrong and oppressive, and the Government is entitled to receive only one-eighth of the gross production in the event the claims are held to be fraudulent or illegal. In other words, it is announced in a circular letter of your department that you are authorized by the act of 1914 to turn over to trespassers on the oil and gas lands of the United States seven-eighths of the gross production of such lands, regardless of the cost of operation or the value of the product. Most of the operators under existing agreements are shown by the records of the General Land Office to be prima facie trespassers, and each agreement contains a provision (par. 11) that upon a final denial of the application for patent—that is, upon a final decision that the applicant is a trespasser—the one-eighth deposit will be accepted in full and complete satisfaction of "all claims of the United States for trespass" by such applicant on the premises during the period of the agreement.

A matter of immediate and special concern is this: On April 16, 1917, while suits were in preparation (pursuant to an agreement between Special Assistant Justice and Commissioner Tallman) against E. E. Jones and the Standard Oil Co., involving lands within naval petroleum reserve No. 2, the commissioner inquired of Mr. Justice by telegram whether he had any objections to the execution of operating agreements with these same parties covering adjacent lands in the same township outside the naval reserve. Mr. Justice answered the same day objecting to the proposed agreements on the ground that the lands both inside and outside the naval reserve were claimed by the same parties as one group, and that the right to all the lands was subject to the same charges of unlawful entry. He therefore advised that all the tracts be placed in suit. On April 19, 1917, the commissioner sent to Mr. Justice the following telegram:

"Your wire 16th. Jones and Standard Oil contract applications filed. Result, general letter sent by me to all operators California fields on lands not in naval reserves or in suit suggesting advisability of contract. Believe interest Government can be conserved properly by granting contracts and not disposed to recommend denial same after requesting them."

It is pertinent here to observe that this department has protested to the commissioner against the making of every one of the 36 agreements before mentioned, but without avail.

At the last session of Congress the commissioner recommended the enactment of a measure which provided in substance that all trespassers (whether chargeable with fraud or not) on withdrawn oil lands outside the naval reserves who have producing wells should be given leases, at a one-eighth royalty, of the lands claimed by them and on which such wells are located. The commissioner appears now to proceed on the assumption that his recommendation is certain to be enacted into law, and therefore that the only Government interest which need be conserved in any case is a one-eighth royalty interest. He apparently forgets that his recommendation met with overwhelming opposition in Congress and was disapproved both by you and the President. In your letter to me of February 28, 1917, discussing the feasibility of another measure for leasing withdrawn lands outside the naval reserves to claimants thereon, you said, "But, of course, no claimant who was attempt-

ing to secure the lands by fraud would be allowed to have a lease to any portion." Nevertheless, the system of operating agreements, continued indefinitely and extended industriously, is composed largely of the very leases, in substance and effect, which you condemned. Indeed, the agreements are more objectionable than the proposed leases in that they do not give the Government one-eighth as an absolute royalty but only the right to litigate for that amount.

The magnitude of the operations under the 36 agreements before mentioned is impressive. The records show a total production to February 28, 1917, of $5,545,880, of which $4,851,046 has been paid over beyond recall to the claimants, and only $694,834 has been placed in escrow for the protection of the ultimate rights of the Government. If the equitable rule adopted by the court in the receivership cases had been followed, it is believed that not less than $3,000,000, instead of $694,834, would have been impounded. Receivership operations of similar properties in the California field during about the same period have resulted in a total production of $4,381,795, of which $3,785,247 has been impounded. The cost of these operations covering 71 wells ranges from 3 cents to 31 cents per barrel of oil, the average cost being 8 cents per barrel. The price for the lowest grade of crude oil at the wells posted by the Standard Oil Co. May 11, 1917, was 78 cents per barrel.

The rising price of oil tends to induce the drilling of new wells, and the additional operating agreements lately made or under negotiation are calculated to extend this field of operations. The corresponding loss to the Government through the continuance of the agreement system in its present form is therefore likely to be much greater in the future than it has been in the past. In this connection it may not be amiss to suggest that the needs of the present critical period of our national life call for increased vigilance on our part to protect the public interests and to conserve as well as utilize every element of the national resources.

I think the facts recited above demonstrate that the system of operating agreements under the act of 1914, as now conducted, is not fair to the Government and interferes with our working agreement of June 5, 1915, in its most important features. I believe you will readily conclude, as I do, that the need of an adequate remedy is imperative and urgent. In my opinion, there is but one proper remedy, and that is to place all these agreements on an equal footing with the receivership operations by requiring the entire proceeds of production beyond what is actually necessary for conservative operation to be impounded, and to dispose of the applications for patents with all possible dispatch. In the interest of effective cooperation between your department and mine for the protection of the rights of the Government in the withdrawn oil lands, I have to request that you take that course.

I beg of you, my dear Mr. Secretary, that you give to this matter prompt and personal attention.

Very sincerely, yours,

T. W. GREGORY,
Attorney General.

Hon. FRANKLIN K. LANE,
Secretary of the Interior.

To that letter the Secretary of the Interior made reply on June 20, 1917, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 20, 1917.

MY DEAR MR. ATTORNEY GENERAL: I have your letter of June 2, relative to the agreements we have made under the act of August 25, 1914, with the California oil operators on lands outside of naval reserves embraced in mineral applications for patent, and have carefully noted its contents.

Your position is that inasmuch as the courts, on your petition, have caused to be impounded all of the proceeds of oil production less cost of operation, pending litigation, we should follow a like course in these contracts. You also intimate that the Commissioner of the General Land Office has delayed bringing to a prompt conclusion the hearings ordered by him in oil-land cases.

In the first place, in order that there may be no misunderstanding as to the facts, permit me to say that so far as I am aware every effort has been made to comply fully and in the best of faith with the cooperative understanding outlined in your letter of June 7, 1915, and the court cases being handled by Mr. Justice have been given precedence over the work of the Land Office, notwithstanding the resulting delay in the latter. Moreover, at the request of the Secretary of of the Navy and yourself, we have refrained from making any contracts or from interposing objections to bringing of suit on lands in naval reserves, though this was not included in the understanding above mentioned. The commissioner advises me that in no cases where hearings have been ordered has he advised or intimated the propriety of delay in holding hearings except in some 20 cases, which are also involved in pending suits in court, in which cases he was of the opinion that a double trial would doubtless be a useless duplication of work; on the contrary, the commissioner has at all times directed that the hearings proceed, as soon as the investigations were completed, as rapidly as possible, with due regard to the assistance necessary to be rendered in court cases. I find also that, becoming dissatisfied with the progress of the hearings in these cases, the commissioner under date of May 12 again gave very positive instructions to his chief of field division at San Francisco that these hearings must be pushed to conclusion, regardless of the detriment to other work, and the chief of field service proceeded to San Francisco to give the matter his personal attention.

As to the letter sent out by the commissioner suggesting to certain operators the desirability of their applying for and operating under agreements under the act of August 25, 1914, I will say that this was done at my direction, as a result of a report of the commissioner to the effect that there were a number of cases in which operations were being conducted on lands which had been reported adversely where there was neither an agreement nor a receiver. It was my thought that for the proper protection of the interest of the Government these people should be required to enter into agreements, or suits should be recommended.

As to the matter of drilling new wells on lands embraced in contracts, I know of none that have been put down without the consent of this department, and to remove any doubt on this point, special provision to that effect has been inserted in contracts recently made.

As to the three contracts referred to which were made on the basis of impounding the total proceeds less operating cost, suffice it to say that this department refuses to make any agreement unless all parties having or claiming any interest shall join in or waive objection to the contract; in these cases the adverse claimant refused to waive on any other condition, and it was the applicant's own proposition that the contracts be executed on this basis in preference to none at all.

As to the legislation recommended by the commissioner, I authorized Commissioner Tallman to give all help possible to the Senate Committee on Public Lands and representatives of your department and the Department of the Navy then in conference, with a view of reaching some adjustment which would permit of the development of our oil lands. The draft of amendment was not submitted to and approved by me, but I was and am desirous of seeing some reasonable and fair legislation enacted which will result in the development of our withdrawn and unused oil deposits and which will give equitable relief to oil claimants who in good faith and without fraud have expended large sums in the development of oil wells. As I have repeatedly stated, I have not assumed and do not now assume to say what policy should be followed as to the naval reserves. The Senate committee, after receiving Mr. Tallman's suggestion, adopted and recommended the same with a slight modification, but so far as I am advised this feature of the bill never came to a vote in either House

Now, as to the matter of the basis on which these agreements have been made, in the first place, Congress has been very fully informed as to everything we have done, and I have yet to hear any criticism from that source, except for the fact that in deference to yourself and the Secretary of the Navy I have refused to make contracts for lands in naval reserves, for which I have been severely criticised.

My views as to the general principle which should control in making these agreements have been repeatedly stated to you in previous correspondence and conferences. Your view, I take it, is that these operators should all be considered as willful trespassers, even before trial, and treated accordingly. I have not seen it that way. While it is true that the courts, on your application, have impounded the entire net proceeds in the hands of receivers pending litigation, in no case so far as I am aware has final judgment been rendered on the basis of a willful trespass. On the contrary, in the six consolidated cases (Civil 47; A–3 Equity; A–13 Equity; A–30 Equity; A–31 Equity, 232 Fed., 619) Judge Bean, in his opinion rendered May 1, 1916, held:

"* * * They thereupon, acting as prudent and careful men, consulted counsel learned in the law and were advised * * * the withdrawal order was invalid. * * * Acting on this advice, honestly and in good faith, without any intention of wronging the Government, they developed the properties, expending large sums of money in so doing, the aggregate in the six cases in question amounting to more than a million dollars. By their labor and expenditures they have demonstrated the mineral character of the lands and increased their market value from two or three dollars an acre to two thousand or twenty-five hundred dollars an acre. What was before a barren, arid waste is now demonstrated valuable mining properties with numerous oil-producing wells thereon, and that through the efforts and expenditures of the defendants. * * * The defendants were not willful looters of the public domain nor reckless trespassers thereon."

Also, in the McCutchen case, reported in 238 Fed. Rep., 575, it was held by Judge Bledsoe in his opinion of July 29, 1916:

"* * * There can be no valid claim, in my judgment, that the defendants herein were in any sense willful trespassers. Assuredly there is nothing in the facts developed to warrant that conclusion, and I know of no rule of law which could or should appeal to this court in equity which would have the effect of so adjudging them."

Also, in the Devils Den and Lost Hills cases, reported in 236 Fed. Rep., 973 (although the question of measure of damages was not there involved), Judge Bean in his opinion of October 4, 1916, said of the acts of the defendants:

"* * * The defendants, however, acting under the advice, no doubt, of learned counsel, have in good faith—at least with no apparent intention of defrauding the Government—expended large sums of money in improving and developing the property."

Moreover, as a practical matter in making these agreements, it is apparent that the measure of damages must be determined in advance; only the question of title and consequent damage or no damage is left to litigation, and there is little, if any, reason why one operator against whom proceedings have been directed should be treated differently from another on mere ex parte information. I think you will agree with me that it would be entirely impracticable to attempt to make a contract to impound all the proceeds subject to a provision that later on, after the hearing is held, this department should then presume to render a judgment on the measure and the amount of damage which the defendant should be required to pay in case the title is held to be in the Government. I have sought, therefore, to get for the Government under these contracts the same recompense for the use of these lands, in case title should be determined to be in the Government, that the Government would have received as the owner, in effect recompense on the basis of an innocent trespass. One-eighth is the ordinary commercial royalty. Bills passed by both Senate and House have been on that basis. The Government has received under these contracts the proportionate advantage arising from the increased price of oil; in some cases, notwithstanding the operator was under a long-time contract to sell his oil at a price which proved to be much lower than the market, we have nevertheless insisted on one-eighth of the market for the Government's portion. In this connection it should be clearly borne in mind that in the oil business more than in most any other, the cost of operation, after wells are down, and the cost of production, are two widely different factors.

As to the protests against these contracts by Mr. Justice, for the most part he has objected to any agreement at all, on the ground that an adverse report had been submitted by a special agent, wherefore a receiver should be appointed instead of making a contract. It is clear that the law was passed for the express purpose of authorizing me to make contracts in cases occupying exactly this status, and as I have indicated in a previous letter, a contrary course would be, upon my part, an attempt to repeal or disregard the act of August 25, 1914.

Aside from the matters above considered, I would think this an especially unfortunate time to cancel these agreements or impose a royalty on them upon the basis of all the yield excepting cost of operation, when the production in California is so much less than the consumption and the reserves are being drawn upon to the extent of so many thousand barrels per day. Such a policy would undoubtedly lead to a restriction of output.

So far as I am personally concerned, I should be glad to do anything possible to obviate criticism of the policy followed by your department, but after most thoughtful consideration I am so thoroughly convinced that the course we are following in this matter is right, and the public interest concerned is so large, that I am unable to see my way

clear to comply with your request as to the general policy that should be followed. It may be that with respect to particular contracts we should increase the proportion set aside to satisfy the Government's claim but that will depend upon the facts in each specific case, to which we will give close attention.

Cordially, yours. FRANKLIN K. LANE.

The honorable the ATTORNEY GENERAL.

That letter was responded to by a letter from the Department of Justice, under date of July 14, 1917, taking up in some detail and answering the contentions made in the Secretary's letter, as follows:

JULY 14, 1917.

MY DEAR MR. SECRETARY: I have received and carefully considered your letter of June 20, in answer to my letter to you of June 2, 1917, with reference to the operating agreements entered into by you with applicants for patents to withdraw oil lands in California and Wyoming under the act of August 25, 1914, in cases where charges of fraud or unlawful entry have been made against the applicants by special agents of the General Land Office.

I premised my observations with the opinion that the manifest purpose of the statute was to provide for operating agreements which would serve the purpose of receiverships for the protection of the properties pending your determination of title as between the applicants and the Government. You do not explicitly disagree with this proposition, though your refusal to place these agreements on an equal footing with receivership operations in similar cases necessarily implies such disagreement. I regard the act as not susceptible of any other construction than that which I have stated. No other construction has ever before been suggested by anyone to my knowledge. Even Senator PITTMAN a conspicuous exponent of the policy of liberality toward oil operators and who introduced this law, confirms my opinion. At a recent hearing on S. 45 before the Senate Committee on Public Lands, held June 16, 1917, he said (p. 107):

"I introduced the law, and I introduced it for the sole purpose not of benefiting the patentee in the matter at all but for the purpose of continuing the production of oil pending the litigation instead of having it tied up or worked under a receiver. * * * I think, as a temporary expedient, that it serves exactly the purpose of a receiver, that pending the determination of title as to whether the Government owns it or the claimant owns it, that it shall be operated as it would be under a receiver."

In my letter to you I attempted to show that the rule adopted by the courts in receivership cases of similar character in the same localities required the deposit of the entire proceeds of production less the cost of operation, and I contrasted this with the rule uniformly adopted by you requiring the deposit of but one-eighth of the gross production, regardless of the cost of operation and the value of the product. Referring to the figures showing the operation under both systems, I pointed out that your operating agreements, tested by the rule of the courts of equity, have already resulted in a possible loss to the Government of over $2,000,000, and that the rising price of oil, coupled with the indefinite continuance and extension of the present agreement system, may result in still greater losses in the future. I do not understand that you deny the correctness of my figures or controvert my conclusion.

In your letter you say:

"Your view, I take it, is that these operators should all be considered as willful trespassers, even before trial, and treated accordingly."

I have not expressed or held such a view. My position is that the rights of these operators against whom your special agents have made charges of fraud and unlawful entry should not be considered superior to the rights of the Government pending determination of the truth of the charges made against them. In my letter to you I said: "Very few, if any, of these claimants are entitled to special consideration. In most of the cases there can be no reasonable ground to believe that patents will ever be granted. In 15 of the 18 California cases special agents of the General Land Office have charged the claimants with fraudulent locations, the other 3 being charged with violating the withdrawal order. In all but 1 of these 18 cases hearings have been directed by the Commissioner of the General Land Office, and in that 1 the charge is that the entry was illegal and also that the claimant was guilty of fraud. In the 18 Wyoming cases few hearings have been directed, although adverse reports have been made by the special agents. In most of the Wyoming cases delay in departmental action has been caused by collusive suits instituted in the State courts by pretended rival claimants. I understand that hearings are directed in cases where it has been determined prima facie, upon the application papers and the special agent's report, that the claimant is not entitled to a patent. Of such a claimant it is not unfair to say that he is prima facie a trespasser on the lands of the United States, and, in case of fraud, a willful trespasser. It certainly was not the intention of the law to reward trespass and fraud; yet I am constrained to say, the operating agreements which give to such claimants seven-eighths of the gross production are adapted to accomplish that result."

And again:

"Most of the operators under existing agreements are shown by the records of the General Land Office to be prima facie trespassers, and each agreement contains a provision (sec. 11) that upon a final denial of the application for patent—that is, upon a final decision that the applicant is a trespasser—the one-eighth deposit will be accepted in full and complete satisfaction of 'all claims for the United States for trespass' by such applicant on the premises during the period of the agreement."

My position is not that any of these applicants should be considered and treated as trespassers before trial, but that it is unjust to the Government to agree before trial that they shall have seven-eighths of the production in any event, and that the Government will accept one-eighth in full satisfaction of all claims for trespass in the event they are finally found to be trespassers.

You think it would be impracticable to apply the equitable rule to these agreements upon the assumption that this would require you "to render a judgment on the measure and amount of damages which the defendant should be required to pay in case the title is held to be in the Government." I see no necessity for the rendition by you of any judgment in any case other than that the title is in the claimant or in the Government. Having impounded the net proceeds pending the determination, the title thereto would vest on final judgment either in the claimant or in the Government.

You regard these operating agreements as giving to the Government, in case title should be determined to be in the Government, all that it would have received as the owner. In support of this you say that "one-eighth is the ordinary commercial royalty," and that "bills passed by both Senate and House have been on that basis." I understand that one-eighth is the ordinary commercial royalty in prospect leases on unproven territory where the lessee risks his money and labor in a purely speculative venture, and that leases on proven territory usually carry a much larger royalty or a bonus. The bills to which you refer illustrate this. They provide for prospecting permits, and, upon discovery, for a lease on one-fourth only of the area covered by the permit at one-eighth royalty, the other three-fourth to be leases by competitive bidding or other similar method.

You dispose of the protests made to these agreements by Mr. Justice on behalf of this department by stating that "for the most part he has objected to any agreement at all." I think I can safely say that no objection would have to be made by any representative of this department to any agreement if the agreement had been to operate the property, in the language of Senator PITTMAN, "as it would be under a receiver." My position is founded upon what seems to me to be a plain requirement of the law, and I am forced to assume the position I do with respect to these agreements because of the embarrassment which I encounter in the performance of my duty in the receivership cases by reason of your apparent departure from that requirement.

I note your statement that there has been no intentional delay in your department in disposing of these cases. The fact remains, however, that they are undisposed of. Some of them have been pending for more than three years. Judging the future by the past, many years may elapse before final decisions will be reached in all cases. Many of the claimants will doubtless use every endeavor to delay the proceedings in order to prolong an arrangement which operates so favorably to them. Meanwhile the Government will likely suffer a continuing and constantly increasing loss.

The increasing demand for oil is now inducing applications by these operators for permission to drill additional wells. The drilling of new wells on withdrawn lands outside of and not contiguous to the naval reserves might well be granted if the rights of the Government were properly safeguarded, but I should regard such new operations under the existing agreements as but an extension of a system likely to result in turning over to trespassers on lands of the United States a large portion of the fruits of their trespasses.

You regard the present as an especially unfortunate time to readjust these agreements upon the basis of receivership operations, because such a policy would lead to a restriction of output. I am unable to share this apprehension. If any claimant charged with fraud or unlawful entry should decline to operate upon a basis which is just and fair to both parties, the operations may be continued, and extended if necessary, by a receiver. In that event there would be impounded for the protection of the Government in most cases far more than the one-eighth now impounded under the terms of the agreements you are entering into with the claimants.

I hope that you will reconsider your determination not to comply with the request which I made of you in my letter of June 2, 1917.

Very sincerely, yours,

_____, *Attorney General.*

The SECRETARY OF THE INTERIOR.

The Secretary answered this communication on July 25, 1917, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, July 25, 1917.

MY DEAR MR. ATTORNEY GENERAL: I am in receipt of your further communication of the 14th instant relative to the oil-land operating agreements entered into by this department under the act of August 25, 1914. I fail to find anything in this last letter not heretofore fully considered. It is evident that the only question in this matter is whether these oil operators, for the purpose of these contracts, shall be viewed and treated as innocent trespassers or willful trespassers. I stated in my former letter that I understood that it was your view that they should be treated as willful trespassers. You now disclaim any such view, but at the same time you want me to insist on an agreement whereby the operator, if he shall fail to gain title to the land, will not ony lose that with all the improvements and development he has put on it, but all the oil taken therefrom less the cost of operation after the wells are down and producing. To my mind that comes very near inflicting the penalty of a willful trespass. As indicated in my former letter, the courts have thus far taken an entirely different view of this situation.

You say that you see no necessity of my rendering any judgment other than that the title is in the claimant or in the Government. That would be very true under the kind of a contract which would be in accord with your views, for the reason that the damage would be arbitrarily fixed in advance as the entire production less operating costs, but if the damage is to be any less amount certainly that amount or measure must be fixed in the contract or the contract must provide for some other proceeding wherein the measure of damage will be fixed.

In handling this entire oil situation, which is an unfortunate one at the best, I have endeavored to take such action as would fairly protect and preserve the interests of the Government and at the same time deal fairly with the operators, and not dislocate and disturb more than absolutely necessary the conduct of a great industry of vital importance to the country as a whole.

In formulating the regulations and contract under the act of August 25, 1914, careful consideration was given to the question of the basis on which the deposits should be made for the protection of the interest of the Government, whether on the theory of a strictly willful trespass or that of an innocent trespasser or somewhere in between. It was apparent that with respect to the matter of knowledge and intent as involved in the question of liability for damages for trespass an entirely different situation is presented from that with respect to title, and different considerations may very properly be taken into account. We carefully considered the purpose of the legislation and the debates and reports in Congress. It appeared that the reason the act was passed was because the operators found they could not dispose of their product in the face of probable claims by the Government for damages without putting up security for the entire value of the product, which practice was evidently ruinous to the operators; manifestly the act would be of little advantage to anybody if the full amount of the proceeds had to be impounded, for the operator could do that without any legislation.

Reference to the reports and debates in Congress showed very clearly what the understanding was when the act was passed. While the bill was passed by the Senate without debate or amendment, it was the subject of a lengthy report by the House Committee on the Public Lands, in which it was stated:

"The actual method of working is thought to be that the Secretary will retain a sufficient portion of the proceeds of the oil to indemnify the Government in the event the title will finally be held to be adverse to the claimants, so that untold hardships may not follow. Some of the men developing in the California region have almost been driven to bankruptcy."

In the debate on the floor of the House, August 3, 1914 (CONGRESSIONAL RECORD, pp. 13201, 13202), the question as to whether the bill contemplated the impounding of all proceeds from these claims over the cost of operation or only of such a proportion as would equal a good royalty was squarely raised and discussed, as indicated by the following:

"Mr. MONDELL. Mr. Speaker, I shall not offer an amendment, and I shall not oppose the committee amendment, and yet I regret the bill is not in a somewhat different form. I have no very clear idea, and I doubt if the members of the committee, all of them, have a very clear notion, what the Secretary of the Interior would do under the bill in the matter of impounding the product of wells or the receipts from such products. What seems to me he ought to do is to impound such a proportion of the receipts from these wells as would equal a good royalty and retain that in event final decision as to title is against the claimant. What I fear is that the Secretary of the Interior might feel that, under the language of the bill, he was authorized and that it was his duty to impound the entire receipts.

"Mr. RAKER. Will the gentleman yield right there?

"Mr. MONDELL. In just a moment. And in case of an adverse decision, to retain the entire receipts, which in the case of extensive wells would mean bankruptcy to the claimant. Now, I hope the Secretary does not write that kind of an interpretation into the legislation, and I would like to have the view of the gentleman from Colorado [Mr. RAKER] on that point.

"Mr. RAKER. Why, the matter was thrashed out thoroughly before the committee. The officers of the Secretary of the Interior were present, and from the statement of the gentlemen from California, who were here when the legislation was under consideration, it was understood that the condition was such that these men could not now sell their oil because——

"Mr. MONDELL. I understand those conditions.

"Mr. RAKER. But on that very proposition, and that the Secretary of the Interior, under this bill, would retain what would be a fair royalty in proportion to the amount of money that had been expended, and holding that until a final determination was made. Then, if the Government wins, it takes that proportion of the oil, and it goes into that fund, and if it it is not in these two reserves goes into the fund provided for by law.

"Mr. MONDELL. This is an important matter, and I will say to my friends from California that two different people have written me in regard to it, asking me the same question—as to what portion of the receipts the Secretary is to impound. So the doubt does arise in the mind of one reading the bill, whether it was anticipated under any circumstances that the Secretary could impound the entire receipts of a well and hold them, providing the case was against the entryman. That would be a gross injustice.

"Mr. RAKER. It was intended that he could not do it.

"Mr. FERRIS. I think there is no question he has the power to do it, and I think there is no question but that he ought to have the power to do it, but I do not think he has any intention of doing it.

"Mr. MONDELL. Then you think he could retain the entire surplus?

"Mr. FERRIS. I do not think there is any question about it; and, even so, it would be better than it is now. The gentleman was the chairman of the committee, and knows about these things, and I think the judgment of the commissioner ought to be considered sufficient, and it read to me as if it were sufficient. But the Land Department does not so hold. These gentlemen have courageously spent their money in the oil wells of the West. They are tied up, and they will be ruined unless you do something for them. This bill makes a working arrangement where the Secretary of the Interior can preserve the rights of the Federal Government and permit them to go forward.

"Mr. MONDELL. I am in accord with the gentleman. I simply wanted it to be understood that the interpretation of the committee was that there was to be impounded an amount that would be equivalent to a fair royalty in these cases. I only wish I could prevail on the House to accept an amendment that would make it clear that only a fair royalty could be retained."

The bill was passed by the House with this understanding. The Senate accepted all amendments proposed by the House, and when the conference report was adopted by the House Mr. MONDELL stated, page 14047, CONGRESSIONAL RECORD, August 20, 1914:

"One thing more. The bill as it passed the House is unfortunate, it seems to me, in that it leaves entirely in the discretion of the Secretary of the Interior whether he shall impound all of the product of the wells on the lands which may be brought within the provisions of the bill, or whether he shall impound a portion of those proceeds, such portion as would be a reasonable royalty. The gentlemen on the committee say that they understood that the Secretary will impound such proportion of the proceeds as would constitute a reasonable royalty. That would be the logical and reasonable and proper thing to do. That is what we hope the Secretary will do, but the Secretary has much broader power than that, and I fear that in some cases he will be importuned to take action which will not afford these people much relief. I trust that in carrying out the provisions of the law he will proceed upon the assumption that these people, having applied for title, while the matter is under consideration, may be allowed to operate freely and receive and keep all the oil or gas taken from the land except such portion of it as would make a fair and reasonable royalty if the application for title shall finally be denied. The fact is, however, that most of the people who can come under the provisions of the bill in its amended form are so clearly entitled to a patent that it should be granted without delay."

As early as January 7, 1915, the Senate Committee on Public Lands was advised of the procedure we were following under these contracts, as regards the proportion required to be deposited. (Hearings, H. R. 16136, p. 17.) Congress was again fully advised at the time of the joint conference of the Committees on Public Lands with representatives of the departments on H. R. 406 (see report, pp. 133–140), and official reports have stated just what has been done.

Even had there been no direct expression of opinion in Congress as to the basis upon which these contracts should be made, it is my judgment that the amount to be retained and impounded by the Government should be essentially on a royalty basis, but, as shown by the foregoing, it was clearly the intention and understanding of Congress that this interpretation should be placed upon the law that was enacted. Convinced as I am that my interpretation and administration of this act is in strict accord with its letter and spirit and with the intention and desire of Congress, I must repeat that while I am ready and willing to reconsider any specific case with the view to determining whether or not we are impounding the equivalent of a fair royalty, I can not see my way clear arbitrarily to require that all these contracts be changed so as to provide for the impoundment of the entire proceeds less operating expenses, in effect a cancellation of the contracts and a denial of the benefits contemplated by the act.

However, in view of your contention that my administration of this act may deprive the Government of large amounts of money, I am perfectly willing to join you in submitting the entire matter to the Senate and House Committees on Public Lands for such action as they may see fit to take.

Cordially, yours, FRANKLIN K. LANE.

The ATTORNEY GENERAL.

In these letters these officials clearly expressed their respective views of the matter. The Secretary of the Interior adhering to his view that he was following the intent and the spirit of the law in making these agreements, and the Attorney General insisting that the agreements were too favorable to the operators and did not properly secure the interest of the Government in the land and its products.

I am not prepared to say that the Secretary of the Interior has changed his mind in the matter. I have not talked with the Secretary in regard to it, however. My personal opinion—if I may properly express an opinion in regard to a matter upon which I have no definite information—is that the Secretary has not changed his mind, but still adheres to the view he formerly held, and, in my opinion, that view was sound, reasonable, in harmony with the spirit of the law, and in the interest of the Government and the people. It gave the country oil when we needed it.

Quite recently, a month or more ago, the Secretary of the Interior informed the holders of these agreements that after a certain date the existing agreements would be canceled, and agreements made under which all the proceeds would be impounded except a sum sufficient to pay the expense of operating the wells. That was a month or more ago. I understand all but four of the operators in the Salt Creek field have notified the Secretary of the Interior that they can not enter into that kind of arrangement and operate the wells, that it would mean bankruptcy to them. The four who are able to operate are, I understand, people who are interested in the refining end of the oil business and able to secure a profit from the refining of the oil, or who are so situated financially that they can enter into these agreements and continue to do business on other sources of income.

It must be apparent to all that that sort of an arrangement favors the great refining interests. I am not disposed to question anyone's motives, but the effect of the action taken is to favor the refining interests, so far as they may be interested in these holdings, and to prevent the ordinary producer of oil from operating.

The average daily production of the wells in the Salt Creek field which were operating under these agreements was something over 5,000 barrels of oil a day. This oil will produce nearly 50 per cent of gasoline. So that the cancellation of these agreements has increased by 20 per cent the daily deficit in gasoline.

More than that, the men with whom these agreements were made had proposed to the Interior Department some months ago to drill 40 wells and have them drilled before cold weather set in. They were willing to agree to pay an increased royalty on that additional production. The production of these 40 wells would have gone far toward wiping out the daily deficit in gasoline. These gentlemen were willing to impound a larger royalty on the new production, but they could not afford to turn over to the Government all of their production on wells that cost from $20,000 to $40,000 to sink, equip, and connect. There is no capital to be had for that kind of venture. So the only reason why we are not getting from five to ten thousand barrels more oil per day from the Salt Creek fields in Wyoming is because the operators are told that they can not operate unless they stand all the expense, take all the chances, and impound the entire product of their wells. In this bill we are considering authority is given to spend $175,000,000 of the public money to develop power, but out yonder men are not allowed to produce a power product at their own expense.

At a time when our people are responding to the request to lay up all automobiles every Sabbath day, when we are compelled to shorten the use of gasoline everywhere, through the action of a department of the Government, thousands of barrels a day are kept from the market.

I shall not refer to the wholly unpardonable and unwarranted assault made on the Secretary of the Interior by a subordinate employee of the Attorney General's office in the hearings before the Public Lands Committee some months ago, further than to say that if he reflected the attitude of the Attorney

General in the matter, then it is very clear who is responsible for this condition of affairs. I have no disposition to blame or criticize the Secretary of the Interior in the matter, though the action complained of is taken by his department.

It looks as though it was not the official charged with the administration of these affairs, but an official of the Government who has nothing to do with the issuance of patents or the execution of the act of August 25, 1914, who has determined the policy in these matters. Let us take the Attorney General's view of it and assume for the sake of argument that as a result of action by the Interior Department or suits brought by the Government these claims were eventually denied and the title to these lands were to remain in the Federal Government. Has anyone any notion that the Federal Government would by that reversion secure the benefit of the entire product of these wells? Why, the bills that have been passed by both the House and Senate and are now in conference provide for leases under which the Federal Government would secure as a royalty approximately the sums that were impounded under these agreements. No matter what happens, therefore, the Government is abundantly protected by the agreements which were made by the Secretary of the Interior, agreements which, in my opinion, the Secretary of the Interior would have continued in force if he had had his way about it. The Nation is losing the benefit of these wells, and in some cases, quite likely, water is running in on the sands, destroying oil values forever. At a time when the Nation stands in urgent need of oil to help carry on the war these influences are standing in the way and shortening and preventing perfectly legitimate production, needful and necessary to the winning of the war.

The Attorney General suggests to the Secretary of the Interior the advisability of operating, where titles are contested, under receiverships rather than under the agreements provided for in the act of August 25, 1914. I assume that the judicial department of the Government would not recommend that the Secretary ignore the action of Congress in this regard, though that would be the effect if this suggestion were followed. The Attorney General further expresses the opinion that the continuation of the agreements entered into by the Secretary tend to delay the final settlement and adjustment of the situation either through final decision as to the merits of the claims or the passage of pending legislation and adjustments thereunder. In my opinion there is nothing in the situation to justify such an opinion.

Not only are those affected by these agreements desirous of having the intolerable conditions of uncertainty ended, but all other claimants and operators on the public lands are like minded. The long delay in the settlement of the questions of title and in the enactment of legislation governing future operations has been an unmixed evil and has resulted in a very serious discouragement and curtailment of development at a time when an increased production of oil is one of the crying needs of the country.

The history of the Honolulu oil case in California would seem to indicate that responsibility for delay in final decisions in oil cases by the Interior Department does not rest with the Secretary of the Interior. If I am correctly informed after very thorough and exhaustive inquiry, investigation, and examination the Secretary was prepared to render final decision in that case, but the department of justice demurred. It was then agreed, so I am reliably informed, that the matter should be referred to the Hon. John W. Davis, who was recently appointed as our ambassador to Great Britain, and his opinion was to be accepted as final. That opinion was rendered, upholding the view and opinion of the Secretary of the Interior, but has not been accepted or acted upon.

Oil receiverships, which the Attorney General approved, have proven to be very costly, and it is perhaps not to be wondered at that the gentlemen receiving compensation as high as $10,000 a year in connection with those receiverships should be entirely content to continue to draw their salaries indefinitely. Final decisions and permanent settlements and adjustments naturally do not appeal to gentlemen so comfortably situated.

It is quite natural perhaps that officials and employees of the Attorney General's Office should acquire the proverbial viewpoint and habit of prosecutors and become more interested in winning their cases than in adjusting matters on the basis of an equitable consideration of the questions involved. It is perhaps natural that in their desire to make a record trifling irregularities in procedure, errors of judgment, or action in good faith and in accordance with the generally accepted interpretation of the law, against which some hair-splitting fine-spun legal question may be raised, should be magnified into willful, intentional fraud.

But the prosecution of land cases, oil or otherwise, on that theory can only be justified on the ground that it is the duty of the executive departments of the Government to nullify the purpose and intent of the land laws and to make them instruments of injustice and oppression rather than statutes for the development of the public lands and the transfer of title on the basis of equity and justice.

Meanwhile the country needs oil. It is as essential to the winning of the war as any single product I can think of. Energetic, resourceful, and enthusiastic men have taken desperate chances, are willing to continue to take these chances to increase oil development. Unlike many others who have been and are obtaining large and secure profits from Government supported and aided activities and industries they ask nothing but the opportunity to proceed in accordance with the spirit and intent of the law. They ask nothing except that the law shall not be construed against their operations in good faith, that they shall not be trapped, tricked, and ensnared by every hair-splitting interpretation that the ingenuity of well-paid prosecutors can devise. They ask the speedy settlement of and adjustment of their claims and an opportunity to produce oil for the good of the country in the meantime. They hope for permanent legislation, but they realize that if it is to be of any value in promoting development it must be fair and equitable and take the hazard of the enterprises into consideration. If these considerations can prevail, oil production so tremendously important to the country will continue. The policy now being pursued is not only imperiling private interests and injuriously affecting the prosperity of important communities but it is jeopardizing the winning of the war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ESCH. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Chairman, we have all listened with much profit to the interchange of views given here at this session and other sessions with regard to the gathering of the Nation's strength and power in the shape of water energy so that it might be utilized for the profit and the benefit of the industries of the country. That is one thought. Allied and associated with that is the thought of conservation at this particular time, and as a subdivision of that second thought comes the question of the equality of the division of the conservation, so that in conserving as in taxing there may be justice, and as something enlightening, illuminating, and refreshing, I submit, not the word of some Member but a message from a layman—something which will, I think, carry to us all a suggestion of an adjustment of the distribution of gasoline so that there may be content, harmony, and unity of purpose, and that will maintain the present good spirit among all classes of people. Therefore I ask the Clerk in my time please to read this article from a Detroit newspaper.

The CHAIRMAN. The Clerk will read the article in the gentleman's time.

The Clerk read as follows:

IT'S ALL WRONG, MATES; IT'S ALL WRONG.

EDITOR THE DETROIT JOURNAL:

I am a small farmer. I own a little Ford, purchased second hand, and yet it means about all the joy wife and the kiddies and I get out of life. We like to drive over to see wife's folks after church and Sunday school or call on some friends we couldn't get to see otherwise. Sometimes we go to a lake and let the kiddies paddle in the water.

Now, here's the idea. We don't burn 4 gallons a week, Sundays and all. During the hot weather we could not enjoy being out, so we stayed at home. Then just as the cool days come and we plan on taking a little wrinkle out of our lives before the cold weather shuts us in, they put it up to our patriotism.

I say this is a rank injustice to the poor man. Tuesday while I was working all day in my bean field I counted nine big autos, any one of which might have cost more than I will ever spend during my life, and would burn more gas in one day than mine 'ole Ford would in a month, sailing by filled with joy riders.

Same way with the sugar. We get 2 pounds per person per month. That means no pastry; apples lying on ground going to waste. Only way we can have apple sauce is to can it, then open it, or use corn sirup. But when we go to town the bakery windows are filled with sweets. The candy stores were never so full—no limit. Soft drinks aplenty. But my poor wife can rack her brain using dope of all kinds.

Now, look here. You can't make a sweet-toned harp out of a wire fence, nor you can't make a patriot out of a greedy profiteer. But you can kill the purest love by injustice, and that's what these fool things are doing. I'll do without any sugar if the boys over there need it, and our allies. But don't give it to those who can afford to buy from

bakeries and candy shops. I'll lock up my "Henry" until the Kaiser is cured if the rest will, but I'm sick and done with the sham stuff. We have a guy here near us who has done "big things," patriotically speaking; his wife spent her hours necessary to earn a cross for cap and apron in the Red Cross surgical dressing rooms—that is, I say, she spent her time there. I didn't say she worked—mostly gossiped or questioned other people's patriotism—but when their son was called for examination for the draft there was an awful wail and somehow, God only knows, he was put in for limited service. Yet they are called patriots. Rot!

Let's everyone stick to the real thing. Give the democracy stunt the limelight here at home and the poor man a chance. How many say "aye"?

E. R. BOSTWICK,
Vernon Township, Shiawassee County, September 11.

Mr. FOCHT. Now, Mr. Chairman, there you have the intelligent thought of an American citizen who will give all he has for his country, but who wants the burdens as well as the conveniences and pleasures of life equalized. As a tentative suggestion I would propose that during the gasoline shortage a card system be adopted that will have due regard for necessity and pleasure and that will treat rich and poor alike.

Mr. ESCH. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. JAMES].

Mr. JAMES. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JAMES. Mr. Chairman and gentlemen of the committee, I wish to make some observations on the so-called volunteer officers' retirement bill, the apparent object of which is to place men who retired to civil life at the end of the Civil War on the same basis as men who remained in the Regular Army. I do not mean men; I mean officers.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. JAMES. I will yield to my friend.

Mr. HUDDLESTON. The gentleman has an honorable record as an enlisted man in the Spanish-American War. Can the gentleman see any reason why we should place volunteer commissioned officers on the retired list and discriminate against enlisted men who have just as good a record?

Mr. JAMES. I do not; and my friend, also a private in ninety-eight, will agree with me, I am sure.

Mr. HUDDLESTON. If we are to have a volunteer officers' retired list, why should we not have a volunteer men's retired list?

Mr. JAMES. If the gentlemen who are advocating this bill are sincere in their contention, whenever they advocate a bill for the retirement of volunteer officers they should also provide the same way for the retirement of privates. The same section that they quote (sec. 5) takes care of them both, if they are right in their contention, but they evidently do not wish or intend to take care of private soldiers or noncommissioned officers.

I have received a good deal of literature the last few years from the press agent of a self-appointed committee to advocate this bill.

Without flattering the gentleman at all, I might say that he is an adept at omitting, twisting, and concealing the truth.

To further the bill he states that the resolve of the Continental Congress of 1780 is an argument, or rather precedent, in favor of the bill he advocates.

The truth of the matter is, as I will show later, that this resolve was to take care of, to use their own language, "by the foregoing arrangement, many deserving officers who must become supernumerary, and it is proper that regard be had for them."

He also claims that Webster made a great speech in favor of a similar bill. The truth of the matter is that he garbled the speech of Daniel Webster. If he had printed it all it would have shown that Webster was making a speech for the exact opposite kind of a bill.

To use part of Webster's own words—which the press agent wisely omitted—"It is objected that the militia have a claim upon us; that they fought at the side of the Regular soldiers and ought to share in the country's remembrances. It is known it is impossible to carry the measure to such an extent as to embrace the militia, and it is plain, too, that the cases are different."

He quotes part of Senate bill approved July 22, 1861, using only part of section 5 to back his claim. He claims that this wording is a sacred promise of Lincoln and Congress to take care of Volunteer officers the same as members of the Regular Army.

He uses these words: "That the officers, noncommissioned officers, and privates, organized as above set forth, shall in all respects be placed on the same footing as to pay and allowances of similar corps of the Regular Army."

He gives the impression that this is all of the language of section 5. If he had quoted it all it would have destroyed his case, as it would have shown that most of the article was about "forage," "horse and horse equipments," "subsistence," and so forth.

He further states that the act passed on July 25, 1861, was passed to take care of their case. He states this was for the purpose of curing some omissions in the act of July 22.

If one reads both acts he will find the reason for the amendment was that the first act provided that the President could ask for volunteers for "not exceeding three years and not less than six months."

The amended act reads, and "shall be mustered into the service for 'during the war.'"

The Senate evidently believed that this press agent had used all of the language, as the report shows that they follow his literature very closely—even to omitting essential parts of sections of this war legislation of 1861.

The best evidence that there was no "sacred promise" made in 1861 that was not fulfilled is the fact that a volunteer officer, Senator James Wilson was the chairman of the Military Committee in 1861, and was also chairman of the Military Affairs Committee when the war was over.

Another piece of evidence is that Hon. F. P. Blair, jr., also a volunteer officer, was chairman of the Military Affairs Committee of the House in 1861. He came back to the Senate after the war.

Other Members of the House and Senate in '61 were volunteer officers and came back to the House and the Senate after the war.

In addition, many of the Members of both Senate and House after the war were volunteer officers, and none of these gentlemen introduced any bill for the retiring of volunteer officers who had gone back to civil life.

The first piece of legislation along this line was nearly 40 years after the war, and then was not introduced by a volunteer officer or private.

Even then the bill was introduced "by request." This very modest bill only provided for retirement of officers who had lost an arm and a leg, or two arms or two legs, and so forth, and was never reported out of committee.

The next bill provided for the retirement of major generals and brigadier generals.

Then these gentlemen evidently believed that it was necessary to get more backing, so the bill was made liberal enough to take in captains, lieutenants, and so forth.

They lay great stress that the retirement bill of 1861 was intended to provide for them as well as the Regular Army officers.

If they read the debates, they will find that it was passed because some officers of the Artillery were, by age, gout, and other causes, unable to lead their men into battle.

And this bill was introduced by Senator James Wilson, chairman of the Military Committee, afterwards a volunteer officer and chairman of the Military Affairs Committee when the war was over.

Another section of the bill that they lay great stress on, when you examine the debate, only provided that upon occasions of ceremony volunteer officers were allowed to wear the uniform of the same rank they had in the Army. You will note that it was distinctly understood that it did not carry any other emolument.

The debate shows that an amendment was offered, so that privates who had seen several years' service should be allowed the same privilege, and was objected to on the grounds that in a few years there would be 50 or 60 privates wearing the uniform of a captain.

I am glad to know that the House Committee on Military Affairs has not seen fit to report out the bill. If one reads all the debate, and more especially the part of Webster's speech and the part of sections that the author of the literature has omitted, one will agree that this bill never should become a law.

RESOLVE OF 1780 TOOK CARE OF "SUPERNUMERARY" OFFICERS OF CONTINENTAL ARMY.

Some of the proponents of this piece of legislation seem to convey the impression that the Continental Congress of 1780 passed a similar bill.

The truth of the matter is that on account of a rearrangement of the Continental Army (or Regular Army) many "deserving officers" had become "supernumerary," and that it was "proper that regard be had to them."

The following from the debate in the Continental Congress at that time speaks for itself:

Congress took into consideration the report of the committee on the letters from Gen. Washington, and thereupon came to the following resolutions:

That the Regular Army of the United States, from and after the 1st day of January next, consist of 4 regiments of Cavalry, or light dragoons; 4 regiments of Artillery; 49 regiments of Infantry, exclusive of Col. Hazen's regiment, hereafter mentioned; 1 regiment of artificers.

Then it goes on to state how each regiment should be formed.

REFERRED TO GEN. WASHINGTON FOR HIS APPROVAL.

Then, after stating that clothing should be furnished, and so forth, we read the following:

And whereas by the foregoing arrangement many deserving officers must become supernumerary, and it is proper that regard be had to them:

Resolved, That from the time the reform of the Army takes place they be entitled to half pay for seven years in specie, or other current money equivalent, and also to grants of land at the close of the war, agreeably to the resolution of the 16th of September, 1776.

Ordered, That a copy of the foregoing arrangement of the Army be sent forward to the Commander in Chief for his opinion thereon; and that if there shall appear no material objection, the same be carried into immediate effect.

This shows very clearly that it applies not to volunteer officers, but to regular officers who had lost their commands by a rearrangement of the Regular (Continental Army) Army.

A little later the report was amended so as to provide, among other things—

That the regiments of Artillery be augmented to 10 companies each.

That, instead of four regiments of Cavalry, there be four legionary corps, consisting of four troops of mounted dragoons and two of dismounted dragoons, each consisting of 60 privates, with the same number of commissioned and noncommissioned officers to each troop as at present.

Then a little later we find the following:

(That the officers who shall continue in the service to the end of the war, shall also be entitled to half pay during life, to commence from the time of their reduction.)

It will be observed that this also applies only to the Regular Army and does not refer to Volunteers or Volunteer officers in any way.

WHAT THEY CLAIM DANIEL WEBSTER SAID.

A bill to carry out the provisions of the report adopted by the Continental Congress of 1780 was introduced in Congress in 1828.

The proponents of this legislation quote the following from the speech of Daniel Webster on April 25, 1828:

This bill is intended for those who, being in the Army in October, 1780, then received a solemn promise of half pay for life, on condition that they would continue to serve through the war. Their ground of merit in that whensoever they joined the Army, being thus solicited by their country to remain in it, they at once went for the whole war; they fastened their fortunes to the standards which they bore, and resolved to continue their military service until it should terminate either in their country's success or in their own death. This is their merit and the ground of their claim.

The militia who fought at Concord, Lexington, at Bunker Hill, have been alluded to in the course of this debate in terms of well-deserved praise. Be assured, sir, there could with difficulty be found a man who drew his sword or carried his musket at Concord or Lexington or Bunker Hill who would wish you to reject this bill. They might ask you to do more, but never to refrain from doing this. Would to God they were assembled here and had the fate of the bill in their own hands. Would to God the question of its passage were to be put to them. They would affirm it with a unity of acclamation that would rend the roof of the Capitol!

The objects, then, sir, of the proposed bounty are most worthy and deserving objects. The services which they rendered were in the highest degree useful and important. The country to which they rendered them is great and prosperous. They have lived to see it glorious; let them not live to see it unkind. For me, I can give them but my vote and my prayers, and I give them both with my whole heart.

WHAT HE REALLY SAID WAS THAT IT WAS "IMPOSSIBLE TO EMBRACE THE MILITIA."

If the entire second paragraph had been given, we would have found out that Daniel Webster stated that bill applied only to those "regular soldiers" and did not embrace, as he said, "the militia," and as he also said, "It is plain, too, that the cases are different."

The paragraph as really given, and not garbled to suit a case for which it was not intended, reads as follows:

But then, again, it is objected that the militia have a claim upon us; that they fought at the side of the regular soldiers, and ought to share in the country's remembrances. It is known to be impossible to carry the measure to such an extent as to embrace the militia; and it is plain, too, that the cases are different. This bill, as I have already said, confines itself to those who served, not occasionally, not temporarily, but permanently; who allowed themselves to be counted on as men who were to see the contest through, last as long as it might, and who have made the phrase of "listing during the war," a proverbial expression, signifying unalterable devotion to our cause, through good fortune and ill fortune, till it reaches its close. This is a plain distinction; and although, perhaps, I might wish to do more, I see good ground to stop here, for the present, if we must anywhere. The militia who fought at Concord, at Lexington, and at Bunker Hill, have been alluded to, in the course of this debate, in terms of well-deserved praise. Be assured, sir, there could with difficulty be found a man who drew his sword, or carried his musket, at Concord, at Lexington, or Bunker Hill, who would wish to reject this bill. They might ask you to do more, but never to refrain from doing this. Would to God they were assembled here and had the fate of this bill in their own hands! Would to God the question of its passage was to be put to them! They would affirm it with a unity of acclamation that would rend the roof of the Capitol.

ANOTHER IMPORTANT PART OF WEBSTER'S SPEECH WHICH THEY OMITTED TO GIVE.

The proponents—or the authors of the propaganda—for this bill also omits another very important section of his speech, in which he shows that speech was in behalf of not only officers but all members of the Regular Army.

The part omitted reads as follows:

I would not and do not underrate the services or sufferings of others. I know well that in the Revolutionary contest all made sacrifices and all endured sufferings, as well as those who paid for services as those who performed it. I know that in the records of all the little municipalities of New England abundant proof exists of the zeal with which the cause was espoused and the sacrifices with which it was cheerfully maintained. I have often there read with absolute astonishment the taxes, the contributions, the heavy subscriptions, often provided for by disposing of the absolute necessaries of life, by which enlistments were procured and food and clothing furnished. It would be, sir, to these same municipalities, to these same little patriotic councils in Revolutionary times, that I should now look with most assured confidence for a hearty support of what this bill proposes. There the scale of Revolutionary merit stands high. There are still those living who speak of the 19th of April and the 17th of June, without thinking it necessary to add the years. These men, one and all, would rejoice to find that those who stood by the country bravely through the doubtful and perilous struggle which conducted it to independence and glory had not been forgotten in the decline and close of life.

Mr. Webster then closes his speech immediately with these words:

The objects, then, sir, of the proposed bounty are most worthy and deserving objects. The services which they rendered were in the highest degree useful and important. The country to which they rendered them is great and prosperous. They have lived to see it glorious. Let them not live to see it unkind. For me, I can give them but my vote and my prayers, and I give them both with my whole heart.

It is self-evident that Webster's entire speech was a bill for the Regular Army men—officers and privates as well—and not one for Volunteer officers.

LAW PROVIDED ONLY FOR REGULAR ARMY OFFICERS.

The law itself provides for only Regular Army men, and makes no distinction between privates and officers.

This bill became an act on May 15, 1828, and the part referring to "surviving officers of the Army of the Revolution in the Continental line" reads as follows:

Be it enacted, etc., That each of the surviving officers of the Army of the Revolution in the Continental line who was entitled to half pay by the resolve of October 21, 1780, be authorized to receive, out of any money in the Treasury not otherwise appropriated, the amount of his full pay in said line according to his rank in the line, to begin on the 3d day of March, 1826, and to continue during his natural life: *Provided*, That under this act no officer shall be entitled to receive a larger sum than the full pay of a captain in said line.

It takes a long stretch of imagination to say this law was intended to take care of "volunteer" officers.

If one will read the entire debate at that time, as I have, he will note that there were several who wished to place the Volunteers (militia) on the same basis as the Regulars, but it was plainly shown that the Continental Congress of 1780 only intended to take care of the Regulars, as the speech of Mr. Webster shows.

SENATOR HAYNE ALSO STATES THAT BILL WAS FOR BENEFIT OF CONTINENTAL ARMY OFFICERS.

The following extract of a speech by Mr. Hayne, of South Carolina, expresses the same sentiments as Mr. Webster:

In endeavoring, Mr. President, to do justice to the conduct of the Regular Army, let it not be supposed I would do injustice to the militia. Sir, I would not if I could; and, thank God, I could not if I would detract from their exalted merits in the same contest. They did all that irregular troops could do. They achieved much and they suffered more. Marion, "the old fox" of the South, and Sumter, its "game cock" (names won by their skill and valor from a reluctant enemy), and Pickens, too, sir, whose valor led him to perform heroic deeds, which his modesty almost blushed to acknowledge, and Shelby and Campbell, and many others whom I could name, all, all justly entitled themselves to the lasting gratitude of their countrymen. They kept up the spirit of resistance among the people at a time when the State was overrun by the enemy. They kept hope alive and cherished that sacred fire, which, on the arrival of Greene with his army, blazed out into a fierce and consuming flame which drew back and finally destroyed the enemies of our country. But, sir, if these gallant men were now here, and they were called upon to explain the different parts performed by the militia and the Regulars in the memorable campaign of 1781 they would tell you (or I have read the history of the Revolution in vain) that without the army of Gen. Greene the victory could not have been achieved; that the Regular Army, being constantly in the field, served as a rallying point for the militia and afforded them the means of acting with effect against the common enemy. If those men were now here to decide the question now before this House, to determine whether the surviving officers of the Army who served to the end of the war are not peculiarly entitled to an honorable provision for their old age, my life upon it, sir, they would be found, like the venerable Senator from Maryland, the warmest advocates of this bill.

MR. DRAYTON EXPRESSES THE SAME SENTIMENTS.

In the House Mr. Drayton said in part:

I would not, by any means, have it understood that I am adverse to the pretensions of other officers and other soldiers of the Revolution.

The same sentiment runs all through the debates in 1828 in both the Senate and the House of Representatives.

WHAT THEY CLAIM THE WORDING OF SECTIONS 5 AND 6 IS.

According to literature circulated by a self-elected committee, apparently, to promote the passage of this piece of legislation, they state as follows:

[Act of May 25, 1861; act of July 22, 1861; approved July 22, 1861.]

SEC. 5. *And be it further enacted*, That the officers, noncommissioned officers, and privates, organized as above set forth, shall in all respects be placed on the same footing, as to pay and allowances, of similar corps of the Regular Army.

SEC. 6. *And be it further enacted*, That any volunteer who may be received into the service of the United States under this act, and who may be wounded or otherwise disabled in the service, shall be entitled to the benefits which have been or may be conferred on persons disabled in the regular service. * * *

They claim by the above language that this means that Congress meant to place Volunteer officers—they say nothing of privates—on the same basis as Regular Army officers.

Very wisely they do not quote all of section 5 and they omit part of section 6. If one reads the entire section 5, then he will readily understand why they neglected to show that a very essential part of section 5 had been omitted.

It appears that the Senate committee took it for granted that these gentlemen had quoted the entire section, because on page 1 of their report (Rept. No. 449, 2d sess. 65th Cong.) they use the exact language that I have just read.

THE REAL WORDING OF SECTION 5.

If one will read General Orders, No. 49, War Department, issued at Washington August 3, 1861, by The Adjutant General, he will see that the proponents of this legislation have omitted a very important part of section 5.

The whole section reads as follows:

SEC. 5. *And be it further enacted*, That the officers, noncommissioned officers, and privates organized as above set forth shall in all respects be placed on the same footing as to pay and allowances of similar corps of the Regular Army: *Provided*, That the allowances of noncommissioned officers and privates for clothing, when not furnished in kind, shall be $3.50 per month, and that each company officer, noncommissioned officer, private, musician, and artificer of cavalry shall furnish his own horse and horse equipments and shall receive 40 cents per day for their use and risk, except that in case the horse shall become disabled or shall die the allowance shall cease until the disability be removed or another horse be supplied. Every volunteer noncommissioned officer, private, musician, and artificer who enters the service of the United States under this act shall be paid at the rate of 50 cents per day in lieu of subsistence, and if a Cavalry volunteer 25 cents additional in lieu of forage for every 20 miles of travel from his place of enrollment to the place of muster—the distance to be measured by the shortest usually traveled route—and when honorably discharged an allowance at the same rate from the place of his discharge to his place of enrollment, and in addition thereto if he shall have served for a period of two years or during the war if sooner ended the sum of $100: *Provided*, That such of the companies of cavalry herein provided for as may require it may be furnished with horses and horse equipments in the same manner as the United States Army.

One can readily see why the proponents of this legislation in their literature did not quote the entire section. One can readily see that the above section does not promise in any way any "retirement" to volunteer officers; neither, if one reads the debates on this bill, can he find a single word about the "retirement" of volunteer officers.

WHAT SECTION 6 REALLY SAYS.

SEC. 6. *And be it further enacted*, That any volunteer who may be received into the service of the United States under this act, and who may be wounded or otherwise disabled in the service, shall be entitled to the benefits which have been or may be conferred on persons disabled in the regular service; and if the widow, if there be one, and if not, the legal heirs of such as die or may be killed in service, in addition to all arrears of pay and allowance, shall receive the sum of $100.

By reading the latter part of the section one can readily see that this section—taken in its entirety—is no argument in favor of "retirement," and one can easily understand why they did not quote the entire section.

The above bill was introduced in the special session of Congress on July 5, 1861, by Senator James Wilson, of Massachusetts, chairman of the Military Committee, and was known as Senate bill 1. This bill was afterwards merged with House bill 28.

SENATOR WILSON, CHAIRMAN OF MILITARY COMMITTEE, AFTERWARDS A VOLUNTEER OFFICER.

Later, in the year 1861, Senator Wilson "raised and commanded" the Twenty-second Massachusetts Volunteers.

The best evidence that the bill did not intend to provide that volunteer officers were to be placed upon the retired list the same as Regular Army officers, or Regular Army officers who were temporarily in command of volunteer commands, is the fact that upon his return to Congress—he never resigned his seat—is the fact that although he introduced Senate bill 1 and was a volunteer officer himself, he never introduced a bill along the lines of the present bill in Congress, neither did he ever make a speech in favor of such a bill.

CONGRESSMAN F. B. BLAIR, JR., ALSO A VOLUNTEER OFFICER.

The one who looked after the bill in the House was Frank B. Blair, jr., of Missouri, who also served in the Civil War as a volunteer officer.

The association claims that this bill—Senate bill No. 1—is an argument in favor of their bill.

They also claim that President Lincoln and the Congress of that time made them a sacred promise, and that the present Congress ought to live up to the promises made in 1861.

NO SACRED PROMISE ON PART OF CONGRESS.

One of the best arguments that there never was such a promise are the following facts:

1. Senator Wilson, author of the bill—Senate No. 1—was a volunteer officer, and although he was in Congress from 1861 to 1873, never introduced such a bill, nor made a speech in favor of any such bill.

2. Congressman Blair, also a volunteer officer, upon his return to the Capitol did not introduce such a bill, nor make a speech advocating such a bill.

3. When one reads all of section 5, he will note that it applies more especially to "horse and horse equipment," to "subsistence," to "companies of Cavalry," and that "each company officer should furnish his own horse" than it does to anything else.

It takes a man with a remarkable stretch of imagination to claim that a section referring to allowance for "clothing" and allowance for "forage," and so forth, can ever be construed into a law for "pension" or "retirement."

REFERENCE TO OFFICERS FROM THE REGULAR ARMY TEMPORARILY ASSIGNED TO VOLUNTEER COMMANDS.

In the debate in the Senate, the following refers to those officers of the Regular Army who were temporarily assigned to Volunteer regiments or commands:

Mr. NESMITH of Oregon. Under these circumstances, and in view of the facts before us, a necessity exists for placing men in command who are competent. Under the present arrangement of appointing citizens to high military command, a man who never saw a day's service may be selected for the position of major general. He, as a matter of course, ranks all brigadier generals who are in the field under him, no matter how much experience these brigadier generals may have had in the late war with Mexico, or in our last war with Great Britain; no matter if they have served for 50 years. They may be all Napoleons or Cæsars; they may have all the perfection it is possible to attain in military life; and yet some lawyer or other professional man may be selected as major general and placed over them to command them and to lead them and the Army to destruction and disgrace.

I see no argument in this speech of Senator Nesmith that would warrant anyone in saying that Senate bill No. 1 was intended to take care of those mentioned in the present bill, which has recently passed the Senate.

"BETTER TO ALLOW OFFICERS IN THE ARMY TO ACCEPT COMMISSIONS IN VOLUNTEER REGIMENTS."

Senator Wilson then takes the floor and says in part:

I shall vote most cheerfully for the proposition made by the Senator from Oregon. I think it is a wise one, and I beg leave to say that it is in perfect harmony with the policy I have advocated since the commencement of this war. I thought, in the beginning, that it would be better to allow officers of the Army to accept commissions in Volunteer regiments, and I so advised the Secretary of War and the Adjutant General.

SENATOR SHERMAN EXPRESSES THE SAME IDEAS.

Senator SHERMAN of Ohio. I simply desire to point out an inaccuracy that probably the Senator from Oregon would like to correct. The amendment as it stands would exclude all the officers of the new regiments. Some of the finest officers of the Regular Army are in the new regiments. The amendment, as it now stands, would exclude all those officers.

MR. BLAIR AGREES WITH THE ABOVE SENTIMENTS.

In the House, the following on page 149, Congressional Globe, July 16, 1861, by Mr. Blair, of Missouri, explains itself:

The bill also provides that these Regular officers who have been appointed in these new regiments may, at the end of the war, return to their own regiments in the Regular Army with the rank, pay, emoluments, allowances, and promotions to which they would be entitled if they had remained in their own regiments.

ONLY INTENDED TO TAKE CARE OF REGULAR OFFICERS TEMPORARILY WITH VOLUNTEER REGIMENTS.

If one reads the debates of the House and Senate at that time, he can see that it was the intention of Congress to only take care of those men who were temporarily transferred from their own commands to Volunteer regiments or commands, and so worded that they would be placed at no disadvantage with other officers who stayed in their own regiments or commands.

MR. BLAIR EXPRESSES WHAT AMENDMENT WAS INTENDED TO COVER.

A little later Mr. Blair explained to the House the effect of the amendment offered by Senator Nesmith, of Oregon, about which I spoke a few minutes ago. He said as follows:

The amendment reported by the committee to the bill of the Senate is substantially the bill passed the other day by the House and differs from the bill of the Senate in the particulars in which the House bill was amended here the other day except in one or two features. The committee this morning ingrafted into the substitute a provision giving authority to the President to transfer major and brigadier generals from the Regular Army to the volunteer forces, to resume their positions at the expiration of the war in the Regular Army as if no transfer had taken place. We also provide that the families of soldiers in the Army may, with their consent, draw a portion of their pay, as is now the fact in the Navy.

REGULAR ARMY OFFICERS TO "RESUME THEIR POSITIONS AT EXPIRATION OF WAR."

This is still further evidence that it was only intended to take care of those soldiers of the Regular Army who were assigned to volunteer commands so that they could "resume their positions at the expiration of the war in the Regular Army as if no transfer had taken place," and that it was not the intent to take care of men who left civil life to go into the Army and who left the Army to go back into civil life.

SENATOR WILSON INTRODUCED SENATE BILL NO. 1 AND NO. 2 AS WELL.

On the same day as he introduced Senate bill No. 1, Senator James Wilson also introduced Senate bill No. 2.

OFFICERS TO "RESUME THEIR POSITIONS IN THE REGULAR ARMY."

The following, at the end of section 7, is additional evidence that none of this legislation was intended to provide "retirement" for men who left the Army and went back to civil life:

Provided, That all the officers of the Regular Army who have been or may be attached or assigned to duty for service in any other regiment or corps shall resume their positions in the Regular Army and shall be entitled to the same rank, promotion, and emoluments as if they had continued to serve in their own regiments or corps.

The above was added to the amendment of Senator King, which read:

And be it further enacted, That the President of the United States shall cause regiments, battalions, and companies to be disbanded, and officers, noncommissioned officers, and musicians to be discharged, so as to reduce the Military Establishment as is provided by the next preceding section.

SENATOR HARRIS EXPLAINS REASON FOR AMENDMENT.

Senator Harris immediately said the following:

I do not propose to discuss this question. If Senators think fit so to modify this bill, of course, it is not for me to attempt to resist it; but I will say that I am surprised that the Senate should strike what seems to me so fatal a blow to this measure of the administration. I can but think that Senators have failed to consider the effect of the proposition that has been made by my colleague. It is very clear to my mind that the officers of the Army who are to be commissioned in these new regiments, and whose presence in these regiments is indispensable to give them efficiency, in my judgment, can never be induced to accept those commissions if this bill contains these provisions. Will any officer of the Army surrender his present position and take a commission in one of these new regiments, with the understanding expressed on the face of the bill that he is, at the end of this controversy, to be discharged from the service and go into retirement? Is it not very clear that we, by means of this provision, are to exclude from these new regiments every officer of the present Army? It seems to me that Senators have not considered the effect of the vote that has just been taken. If they have I have no more to say. For myself I think it fatal to the measure.

WHAT BECOMES OF "REGULAR ARMY OFFICERS" AFTER WAR?

The following by Senator Doolittle also explains why the amendment was added to section 7:

I desire to ask a single question. I understand that, by the adoption of the amendment of the Senator from New York, these regiments are to be mustered out of service six months after the necessity for them ceases to exist. The question I would ask is, What becomes of the officers who go into these regiments appointed from the Regular Army. Do they go out of service with the regiments? If so, ought not some provision to be inserted in the bill by way of inducing officers of the Regular Army to go into these new regiments, to preserve to them in some way their right as officers in the Army? Otherwise, the new regiments will not be filled up with any of the officers from the Regular Army. Is there any provision of that sort?

CONFERENCE COMMITTEE REPORT STATES OFFICERS REGULAR ARMY TO RESUME THEIR POSITIONS.

The following report, by Mr. Frank Blair, jr., on page 273 of the Congressional Globe of July 29, 1861, also explains itself:

MILITARY ESTABLISHMENT.

I desire to make a report from a committee of conference. The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. N. 2) to increase the present Military Establishment of the United States, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House of Representatives recede from its amendments to the bill of the Senate, except section 8, and agree thereto with the following amendments:

Page 4, section 6, line 8, after the word "reduce," strike out as follows: "in such manner and to such extent as Congress may direct" and insert in lieu thereof "to a number not exceeding 25,000 men, unless otherwise ordered by Congress."

Page 5, at the end of section 7, add the following: "*Provided*, That all the officers of the Regular Army who have been or may be attached or assigned to duty for service in any other regiment or corps shall resume their positions in the Regular Army, and shall be entitled to the same rank, promotion, and emoluments, as if they had continued to serve in their own regiments or corps."

That the Senate recede from its disagreement to the eighth section of the amendment of the House and agree thereto.

HENRY WILSON,
J. H. LANE,
HENRY M. RICE,
Managers on the part of the Senate.
FRANCIS P. BLAIR,
R. MALLORY,
A. B. OLIN,
Managers on the part of the House.

CHAIRMAN BLAIR EXPLAINS INTENT OF SECTION 5.

In addition, Mr. Blair said as follows:

Another amendment agreed upon by the committee of conference is an addition to the seventh section of the Senate bill of a part of the seventh section of the House bill, requiring that all the officers of the Regular Army who have been or may be attached or assigned to duty for service in any other regiment or corps shall resume their positions in the Regular Army, and shall be entitled to the same rank, promotion, and emoluments, as if they had continued to serve in their own regiments or corps.

The committee of conference also agreed to the eighth section of the amendment of the House, which provided that the recruiting of these 11 new regiments should be placed in charge of officers appointed for the new regiments from civil life; and that, in the meantime, the officers of the Regular Army should not be employed in recruiting, but should be employed actively in the field.

Such is the substance of the recommendations which the committee agreed to present to their respective Houses.

MR. LOVEJOY WANTS TO KNOW WHAT BECOMES OF REGULAR ARMY OFFICER TEMPORARILY TRANSFERRED.

Mr. LOVEJOY. I would inquire of the gentleman whether the officers of these 11 regiments who are not transferred from the Regular Army are to be continued or are to be removed at the end of the war?

Mr. BLAIR of Missouri. The Military Establishment of the Government, with this addition, will amount to 40,000 men; but the bill requires that the number shall be reduced at the close of the war to 25,000 men. As a matter of course some of the officers will be retired; but it is provided that such officers as have been taken from the Regular Army and placed over these new regiments shall not be retired, but shall resume their old places in the Army, with the rank, promotion, and emoluments they would have been entitled to had they continued in their own regiments during the war.

The President is required to disband the regiments or battalions or companies in order to reduce the Army to a number not exceeding 25,000.

Mr. LOVEJOY. And that will discharge a number of officers.

Mr. BLAIR of Missouri. As a matter of course.

NO LAW RETIRING OFFICERS.

The following, a little later in the debate by Mr. Kellogg of Illinois and Mr. Blair, explain themselves:

Mr. KELLOGG of Illinois. I desire to ask the committee if there is any provision for retiring the brigade, field, and staff officers of that portion of the Army that is not to be reduced at the expiration of the war, or whether when the war shall have closed we shall have upon our hands an army of brigadier generals and staff officers sufficient in number to command the entire Volunteer corps? What I desire to know is, whether, after we have retired the soldiers, we are to have an army of officers almost equal to the number of soldiers quartered upon the Government and receiving their pay when we have nothing for them to do?

Mr. BLAIR of Missouri. Mr. Speaker, the gentleman knows as well as I do, and I suppose every gentleman upon this floor knows, that all these brigadier generals and major generals who have been appointed to command the Volunteer Army will be reduced at the end of the three years' term of enlistment, which is the longest term for which they can serve without further action by Congress. As to the additions made of brigadier and major generals and their staffs, by this bill they will have to be provided for by additional legislation.

Mr. KELLOGG of Illinois. That is the very point to which I wished to call the gentleman's attention, and now I understand that there is no law retiring that class of officers.

Mr. BLAIR of Missouri. None at all.

Mr. KELLOGG of Illinois. That is all I desired to know.

"WHEN YOU BRING MEN INTO THE ARMY FROM CIVIL LIFE—THEY CAN GO OUT WITHOUT DIFFICULTY."

The following by Senator Wilson—in the course of the debate—chairman of the Military Committee, afterwards a Volunteer officer, also explain themselves:

The Senator says that I remarked that if these regiments were to be officered by civilians, we could dismiss them at the end of three years. So we could; and work no particular injury, for this reason: By organizing these 11 regiments, and enlisting the men for three years, and appointing the officers from civil life, we simply make 11 regiments of Volunteers—nothing more, nothing less; and when you bring men into the Army from civil life, if you tell them their commissions are to run only for three years, they can go out of the Army without any difficulty, and without any injustice. But, sir, in order to make these new regiments efficient, the Government has adopted the plan—and I believe it to be a wise one—of putting in every one of these regiments 27 officers from the line of the Army—men of culture, men of experience, men fitted to make these regiments at once veteran troops.

The Senator asks why they are better than the Volunteers. Does not the Senator see why they are better? You have appointed 11 colonels for those regiments. Nine of those colonels, I think, are taken from the Army. One of them is a brother of the honorable Senator from Ohio [Mr. Sherman], a man educated, I think, at West Point—a man who has served the country, a gentleman acknowledged by military men to be a man of great capacity, who is at the head of a brigade over the river to-day. Then, sir, you have taken for colonels 10 out of 11 men trained to the Army, and who have served their country in the public service. Take your list of lieutenant colonels and majors, and there you find men who are officers of the Army. Open your list of captains and of first lieutenants, and you will see

about half of them taken from the Army. Would not a regiment thus organized, led by experienced and brave officers, be incomparably better at the end of a few days than a regiment raised in Massachusetts, or in Iowa, or New York, with not an officer, perhaps, trained in military affairs in the ranks of the regiment? You make these regiments at once, in the course of a very few days, good troops, to be relied on in all emergencies.

SENATOR LANE, VOLUNTEER OFFICER, MEXICAN WAR, EXPLAINS SECTION.

The following by Senator Lane, who served in the Mexican War as a colonel of Volunteers, also explains the reason—and the only reason—why amendment was added to section 7:

I suppose there is no Senator on this floor who would be willing to induce the officers of the Regular Army to enter the new regiments with the understanding that they were to leave the profession of their lives when this trouble closes. That is the proposition of the honorable Senator from New York. The distinguished Senator from Iowa proposes to sugar-coat the pill of the Senator from New York by saying to these officers of the old Army, "If you will accept commissions in the new, we will at the close of the war return you to the rank that you now hold in the old Army"; that is, sir, we will take a first lieutenant in the old Army and advance him in that Army for his gallantry and courage, perhaps, to a brigadier generalship; we will take a second lieutenant of the old Army and transfer him to the new, and by his gallantry and courage he is advanced in the new regiments to a brigadier generalship. After the war closes the Senator from Iowa proposes to bring back the brigadier general in the new regiments to the position of first or second lieutenant in the old. I do hope, Mr. President, that the amendment proposed by the Senator from New York may not be adopted.

Section 7 provides that officers of the Regular Army shall resume their positions:

SEC. 7. And be it further enacted, That the President of the United States shall cause regiments, battalions, and companies to be disbanded, and officers, noncommissioned officers, musicians, and privates to be discharged so as to reduce the Military Establishment, as is provided by the preceding section: *Provided*, That all of the officers of the Regular Army, who have been or may be detached or assigned to duty for service in any other regiment or corps, shall resume their positions in the Regular Army, and shall be entitled to the same rank, promotion, and emoluments as if they had continued to serve in their own regiments or corps.

WHAT SECTION 8, SENATE BILL NO. 2, REALLY SAYS.

SEC. 8. *And be it further enacted*, That the enlistments for the regiments authorized by this act shall be in charge of the officers detailed for that purpose who are appointed to said regiments from civil life; and that in the meantime the officers appointed to the same from the Regular Army shall be detailed by the commanding general to such service in the Volunteer regiments now in the field as will, in his judgment, give them the greatest military instruction and efficiency; and that the commanding general may, in his discretion, employ said officers with any part of the Regular forces now in the field until the regiments authorized by this act shall have been fully recruited, and detail any of the officers now in the Regular Army to service with the Volunteer regiments now in the field, or which may hereafter be called out, with such rank as may be offered them in said Volunteer regiments, for the purpose of imparting to them military instruction and efficiency.

Approved, July 29, 1861.

SENATE BILL NO. 3 INTRODUCED THE SAME DAY AS SENATE BILLS 1 AND 2.

Senator Wilson also introduced Senate bill No. 3 on the same day as the others, and part of this bill is quoted by some of those advocating this piece of legislation—Townsend-Raker bill—as evidence that Congress at that time intended to provide "retirement" for men who left the Army to go back to civil life.

BILL NOT TO TAKE CARE OF MEN WHO RETURNED TO CIVIL LIFE.

If one reads the debates and the law he will find the exact opposite.

The following by Senator John Sherman, one of the Senate conferees, explains itself:

I agree entirely with the Senator from Vermont as to the question of paying retired officers; but we had either to leave these officers on full pay in the Army and Navy during this war—or, in other words, to defeat this proposition for a retired list—or else accept it as it is. It simply adds to the rates fixed by the Senate, a dollar and twenty cents a day. I should have much preferred it if they had said a dollar and twenty cents a day, and said nothing about rations; but the legal effect is the same.

Senator COLLAMER. I ask the gentleman if he thinks it is the same? We have been raising the ration to-day, I believe, in this very bill. The commutation keeps growing with the ration.

Senator SHERMAN. I beg pardon of the Senator; he is mistaken. The commutation of the ration stands precisely as it did before; but where the ration is dealt out in kind, a few more articles are given. The commutation of the ration is the same fixed by law—30 cents a day.

I quote the following extracts from speeches made by Senator Wilson and Senator Hale, which explain themselves.

REAL REASON FOR RETIREMENT—OFFICERS OF ARTILLERY UNABLE TO GO INTO BATTLE.

It would appear from the speech of Senator Wilson as if the real reason for a retirement bill at that time was not a "sacred promise of Lincoln"—or of Congress—but because "four regiments of Artillery, the most important part of the Army," were unable to go into battle because "not one of these colonels, owing to their age or infirmities," was capable of leading his men.

The following from the speeches of Senator Wilson and Senator Hale explain themselves:

CONGRESS DID NOT INTEND TO TAKE CARE OF MEN WHO RETURNED TO CIVIL LIFE.

The following extracts from speeches made on Senate bill 44 are also additional evidence that Congress did not intend to take care of men who left civil life to go temporarily into the Army and then return to civil life.

The Senator who introduced this bill was Senator James Wilson, chairman of the Military Committee, who, as I have said, became a Volunteer officer himself. He therefore can not be accused of being prejudiced against Volunteer officers.

SENATOR WILSON, A VOLUNTEER OFFICER, EXPRESSES HIS OPINION OF SOME VOLUNTEER OFFICERS.

Senator Wilson says as follows:

The proposition, Mr. President, is certainly a very plain and simple one. I think it ought to be sustained and become the law of the land. The good of the country, if not the salvation of the country, requires it. We have summoned into the field a vast force of Volunteers; we are to call into the field many more, for we have authorized the President to call into the field 500,000 men. That force will make 500 regiments. The fact is, and no man can deny it, that some of the officers, both field and company officers, that have been appointed are wholly unfit to command or lead men into any battle field. The conduct of some of the officers in this city during the past 90 days has been discreditable in the extreme. They have demoralized the corps to which they are attached. I have seen regiments come into this city and stand for hours in a burning sun or in storms of rain without provisions, without comforts of any kind, while some of their officers were gathering around the hotels and spending their time in eating good dinners and drinking champagne. I have visited the camps about this city; I have seen the sufferings of the men, enough to make one's heart ache, through the neglect and utter incompetency of some field and company officers. Sir, the fruits of this conduct are now before us. The utter rout the other day is only the legitimate fruit of the incapacity of many of the field and company officers connected with the Volunteers. In my judgment the time has come—and it is a duty that rises above all personal considerations—to weed these men out of the Army at the earliest possible moment. The idea of trying them by court-martial is simply absurd. The cases demanding action are too many, and the hours are too precious, for court-martial. Most of the field and company officers of the Volunteers are loyal, brave, devoted. They are actuated by lofty motives, and ever ready to give their time and their blood to the cause of their country; but some men, utterly unfitted for their positions, have received commissions. Such men should be forced from positions they do not or can not fill.

"TIME TO REMEDY EVILS," SENATOR WILSON STATED.

A little later he said as follows:

What I wanted to say to the Senate was that the men whom we have summoned into the field have in many cases been officered by incompetent men, and not only incompetent men but men whose conduct has been such as to reflect disgrace upon themselves, upon their commands, and upon the country. Why, sir, there are regiments in the service that everybody knows, who knows anything about the subject, have been demoralized by the conduct, inefficiency, or neglect of their officers. Sir, these facts are before the country, and I say the time has come to remedy the evils, if they can be remedied.

SENATOR WILSON CLAIMED "MANY OF THESE MEN OUGHT TO LEAVE THE SERVICE."

A little later Senator Wilson said:

Now, sir, that many of these men ought to leave the service nobody can doubt. The idea of ever organizing an army and leading on to the field regiments and companies under men who have not yet joined their regiments up to this hour is absurd. Why, sir, you have only to go to the camps and the streets and you find men strolling about, not knowing where their captains or their colonels are. You find colonels and captains and officers strolling about your hotels that have not gone to the places where they belong. I say the time has come to arrest this thing. I go further, and I say that the time has come to organize the forces that come into this city into brigades and to insist that there shall be daily squad drills, company drills, and battalion drills; and that the brigades shall daily, or at least three or four times a week, be brought together and learned to cooperate. In your battle—I will not call it a battle—your series of skirmishes the other day, in which there was evinced as much bravery as was ever displayed on this continent—on that occasion, the very fact that the men had not been brigaded until within a few days and their officers had not learned to cooperate, prevented any large, powerful, and concentrated movements; and to-day, sir, while you have regiments lying all around you, they are not brigaded, not organized. Regiments are lying around—some of them doing nothing here; in some cases through the ignorance of their officers and in others because of their neglect of duty. I do not reproach men for their inexperience, but I do reproach them for neglecting their duties.

"SOME OF THE OFFICERS DESERTED, ABANDONED, AND OUTRAN THEIR MEN."

The Senator says our men fought bravely. Why, sir, nobody doubts that. There were regiments on that field that made attacks in a manner that would have done credit to the Old Guard of Napoleon. There were acts of the most desperate valor performed; but owing to unskillfulness, owing to the unfitness or neglect, especially of some of the company officers, and the generals and men will tell you so, that field was made—I will not say it was made a lost battle, for I hardly see how that number of men on that field could have won a victory—but that rout, that ignominious race in which some of the officers deserted, abandoned, and outran their men, was brought upon us by the incompetency and misconduct of officers. I refer to it now simply to show that we ought to correct it. The Senator from Ohio agrees with me in that. Therefore I propose to clothe the President with this power. That he will exercise it moderately and temperately I do not have a doubt; but the knowledge that the President of the United States has been clothed by Congress, in this emergency, with this power, which he may exercise, will have the most salutary effect upon the officers who are in the field, or who may come into the field. While Senators are ready to vote money and men it seems to me that what is greater than all else should not be neglected; that we should

open our eyes to the experiences of the last 90 days, and let those experiences guide us in our legislation, and in the administration of the Government for the future.

HAD SENATOR WILSON "RETIREMENT" IN MIND?

A little later, Senator Wilson used these words:

Now, sir, a word in regard to what some Senators think injustice toward the men. Why, sir; my remarks apply to a class of officers, not to them all; not to anything like a majority of them. I believe the great mass of these officers to be true men, who have done the best they could, and I am not here to reproach them for doing the best they could. But there is a class of men in the field and company officers that have got into the service, coming from all the States, my own as well as others, who are showing every day their incompetency; or if they are competent, that they do not try to do their duty—men who go away from their camps and stay two or three days. Why, sir, the quartermaster of a regiment stayed away recently five days from his regiment. He stayed in this city while his regiment was 25 or 30 miles away facing the enemy. I have witnessed scenes of suffering in this city that have brought sickness and death upon brave and noble men, through the utter neglect of officers, that have made my heart ache and brought tears from my eyes, and every other Senator could have witnessed them, if he had gone among them. Sir, we owe it to the brave and true men who are doing the best they can, and who deserve our sympathy and our support, and we owe it to our country to make these men, who neglect their duty, do their duty, or put them out of the Army. It is a matter of humanity—a matter of patriotism—and if I could to-day weed that class of men out of the Army, and keep them from the men that are to be called into the field.

SENATOR WILSON STATED INCOMPETENT OFFICERS SHOULD BE REMOVED.

A little later we find Senator Wilson stating as follows:

Now, sir, without any ill will toward any human being in this Volunteer force, without any disposition to undervalue the services of any man, even the most humble, I believe it to be our highest duty at this time so to legislate and so to administer the laws of the country as to require all the men brought into the field to do their whole duty. When they are incompetent, and have proved their utter incompetency, when they are neglectful of their duty, when they spend their time about hotels and in a manner that is discreditable to them personally, instead of being with their regiments and companies doing their whole duty, they should feel that the eye of the President of the United States, their Commander in Chief, is upon them, and if they fail to do their duty they will be removed from the Army.

CHAIRMAN OF SENATE MILITARY COMMITTEE GIVES REASON FOR RETIREMENT BILL.

Senator Wilson said in part as follows:

Now, sir, let me say a single word in regard to the importance of it. This Congress ought not to adjourn without passing some such measure. It would be unjust to the country and unjust to the Army. Why, sir, take the four regiments of Artillery, the most important part of the Army. Four of those colonels ought to be retired. Not one of those colonels to-day, owing to their age or infirmities or other causes, will be ordered into the field. Two of the four lieutenant colonels are in the same condition and some of the majors. Go to your other regiments, and you will find worn-out, sick, or disabled officers in high positions. They can not go into the field at the call of the country. You have to pay them where they are. Age adds to their receipts. They render no service whatever; and the younger officers who are called into the field, captains to command regiments, are to receive the pay of captains to fight the battles of the country and have no promotion. Is this just? Why, sir, I saw the old Fourth Infantry enter this city a few weeks ago from Texas under the command of a captain. The truth is, and if you take the Army Register and examine it carefully you will find it so, that as you approach toward the head of the Army your officers are paralyzed by age.

SENATOR HALE SAYS IT IS GIVING A PREMIUM ON GOUT.

Senator Hale said as follows:

I think if you pass this bill the highest ambition of these officers will be to get on the retired list. It is giving a premium on idleness, gout, rheumatism, and everything of that sort that renders a man incompetent for his business. This bill gives him the highest rank pay that he was ever entitled to when he gets too incompetent to render any service.

SENATOR WILSON, LATER A VOLUNTEER OFFICER, GIVES REASON WHY HE INTRODUCES BILL.

Mr. Wilson said in part as follows:

In regard to this being a war measure I say here, to-day, most emphatically that the reason this bill is pressed at this session is to add to the efficiency of the Army for the present war, and I think that if the Senator will study the Army Register he will see the absolute necessity of it. The Senator says that majors in the Army are before the enemy to-day commanding divisions, commanding bodies of men that a marshal of France would have been proud to lead in the days of the First Empire. That is so, sir; but why is it that majors are leading divisions to-day? It is because your old officers of higher command are unable to go into the field and take command. We have several officers—a large number in proportion to our Army—who are utterly incapable to go into the field; men from 70 to 85 years of age, worn out by disease.

SENATOR HALE WISHES SENATOR WILSON HAD STATED "WHAT OTHER REASONS WERE."

Senator Hale said in part as follows:

The necessity for this retired list, if I understand the Senator from Massachusetts, is found in the condition of the Artillery, and the proposition is to retire these gentlemen upon the highest pay of their rank. I have taken occasion to look at the Army Register, and I want to give the Senate a statement of the pensions they are voting to these gentlemen. The colonel of the first regiment of Artillery receives $3,365.94; the colonel of the second Artillery, $3,917.60; the colonel of the third, $5,553.36; and the colonel of the fourth, $3,618.60. Very patriotic, very eloquent, very pathetic, touching, and effective appeals have been made to the Senate in behalf of these veterans. I feel them all, and a good deal more. The Senate did not attend to the remarks of the chairman of the Committee on Military Affairs, in pressing this measure, so minutely as I wish they had. He said a good many of these colonels, "from age and other causes," it would not do to call into the field. I wish the Senator had gone on and stated what some of the "other causes" were; but as he did not, I will not. I do not know but that some of these allowances may be now cut off, some few pounds of hay or something of that kind. But I suppose this to be the substantial pay, the substantial pension that you are voting to gentlemen who can not render any service, and have not done so for a good while.

SENATOR WILSON, VOLUNTEER OFFICER, CHAIRMAN MILITARY COMMITTEE AFTER WAR ALSO.

On February 13, 1866, Senator James Wilson reported out Senate bill 138 as a substitute for House bill 361.

This is the same James Wilson who introduced, among other bills, Senate bills 1, 2, 3, and 44 in the war Congress that met from July 4, 1861, to August 6, 1861.

This bill was introduced by Senator Wilson after he had served as a volunteer officer himself in the Civil War.

"UPON OCCASIONS OF CEREMONY" OFFICERS ENTITLED TO "WEAR UNIFORM."

In the debate on this bill Senator Nesmith offered the following amendment, which was adopted:

And be it further enacted, That all officers who have served during the rebellion as volunteers in the armies of the United States and who have been or who hereafter may be honorably mustered out of the Volunteer service, shall be entitled to bear the official title and, upon occasions of cermony, to wear the uniform of the highest grade they have held by brevet or other commission in the Volunteer service; in the case of officers of the Regular Army the Volunteer rank shall be entered upon the Army Register: *Provided*, That these privileges shall not entitled any officer to command, pay, or emoluments.

The amendment was agreed to.

A little later Mr. Fessenden says as follows:

I have one more amendment to offer. It is to add the following additional proviso to the fourth section:

"*And provided further*, That in the selection of officers as provided for in this section officers of the Regular Army who have commanded Volunteer troops may be accounted as officers of Volunteers.

The amendment was agreed to.

Mr. Fessenden further states:

There is a little obscurity in the amendment that I offered a few moments ago as an additional proviso to the fourth section. My intention was not to oblige the department to consider the Regular officers who had served in the Volunteers as Volunteer officers, but to give them the choice, to take them either way. The amendment does not affect my purpose. I move to add to the end of that amendment the words "or as officers of the Regular Army," so that it will read:

And provided further, That in the election of officers, as provided for in this section, officers of the Regular Army who have commanded Volunteer troops may be accounted as officers of Volunteers, or as officers of the Regular Army.

"NO PARTICULAR INDUCEMENT" TO OFFICERS "VETERAN RESERVE."

In the same debate Senator Nesmith says as follows:

So far as it is intended to reward officers who have been wounded in the service I would be glad to see them all placed in the Army if they desire it, and to give them such reward as it is in the power of the Government to give them; but I am opposed to the amendment offered by the Senator from Indiana for a variety of reasons.

In the first place, as has been stated by the Senator from Maine, there was no particular inducement held out to the officers who went into the Veteran Reserve Corps that they should be retained in the service at the close of the war.

STATEMENT BY CONGRESSMAN FARNSWORTH, A VOLUNTEER OFFICER.

In the debate in the House Congressman J. F. Farnsworth, in reporting the Conference Committee of the House, said in part as follows:

I will explain this matter if Members will give me their attention. I will only say, in conclusion, that this was the very best we could do, and, under the circumstances, the committee on the part of the House thought it best to recommend the passage of the bill. It is very important that a bill should be passed. It is recommended and strongly insisted upon by Gen Grant and by all the officers of the Army. I am satisfied if this is not adopted we shall lose the Army bill. I think it is a very good bill. We retain the provision in reference to officering the new regiments, by which all the vacancies below the grade of captain are to be filled by officers and men who have served with the volunteers. Under the law as it now exists with reference to the Veteran Reserve Corps, a man who has been disabled by wounds may be appointed an officer of a Regular regiment. An officer who has lost an arm—as many of our most worthy officers have, who are still in the service—may still, under the present law, be appointed to a command in any regiment of the Regular service. So that the necessity for enlarging the Volunteer Corps on that account is not so great. The argument on the part of the Senae against the Veteran Reserve Corps is this: That we shall get into the service a large number of officers who are incapacitated bodily for the performance of efficient service, and who will be, in consequence, retired in a short time; that under the law as it now exists they will be placed upon the retired list, with large pay. There is considerable force in this argument.

CONGRESSMAN SCHENCK WAS ALSO A VOLUNTEER OFFICER.

A little later we find Congressman Schenck saying as follows:

Mr. Speaker, I desire to say, in all candor, that the result of this conference is better than I expected. The gentleman who has made the report has certainly stated fairly the fact that in most of the details of the bill the views of the House prevail, and that in various sections following that which provides for the aggregate force of the Army the bill corresponds in a good degree, and indeed I might say almost exactly, with the bill which this morning my colleague upon the committee [Mr. Paine] and myself desired to submit to the House as a compromise.

The only point as to which there has been a material difference between the two Houses, and in regard to which the House, by this report, has made a considerable concession to the Senate, is with reference to the Veteran Reserve Corps. As gentlemen of the House are

aware, the House has shown throughout a determination to insist upon some provision for wounded officers and men who are still capable of military duty. Hence, on each occasion when we have adopted a bill we have provided for 10 regiments to be called the Veteran Reserve Corps, to be made up of wounded or disabled men from all branches of the service, and to be officered by wounded or disabled officers. By this compromise the Veteran Reserve Corps is cut down to four regiments. But then it must be remembered that while we give up four regiments of colored Infantry, we gain upon the last bill passed by the House two regiments of colored Cavalry. Two out of four regiments of Cavalry are to be colored.

By the way, Congressman Robert C. Schenck entered the Union Army in 1861 as brigadier general and was promoted to major general, and elected to Congress from Ohio in the Thirty-eighth Congress.

THREE OUT OF FOUR OF CONFERENCE COMMITTEE WERE VOLUNTEER OFFICERS.

The conference report on this bill was signed by Henry Wilson and Ira Harris, managers on the part of the Senate, and J. F. Farnsworth and Nelson Taylor, managers on the part of the House. Of these four gentlemen Wilson, Farnsworth, and Taylor were Volunteer officers and would therefore not be prejudiced against "Volunteer" officers in any way.

John F. Farnsworth served in the Union Army as colonel of Cavalry and brigadier general. Nelson Taylor served as captain in the First New York Volunteers in the Mexican War, 1846 to 1848, and also served in the Union Army and obtained the rank of brigadier general. Henry Wilson in 1861 raised and commanded the Twenty-second Regiment of Massachusetts Volunteers.

CONGRESSMAN (PRESIDENT) JAMES A. GARFIELD ALSO VOLUNTEER OFFICER.

A little later in the debate, Congressman James A. Garfield—afterwards President—who was also a Volunteer officer, said as follows:

Mr. Speaker, I think the House may congratulate itself on the success of this conference, and that the committee may congratulate itself on the very happy result which it has achieved in this struggle. I have looked through this bill with a great deal of care, and as the result of that examination I must say that I hope the House will adopt the report of the conference committee; for I am sure it is very much better than we had any reason to hope for, considering the results of the last attempt at a conference with the Senate.

Note that he states—

I think the House may congratulate itself on the success of this conference, and that the committee may congratulate itself on the very happy result which it has achieved in this struggle.

The bill he is talking about was approved July 28, 1866, and is entitled "An act to increase and fix the military peace establishment of the United States."

CONGRESSMAN HALBERT E. PAINE, ALSO VOLUNTEER OFFICER.

Congressman Halbert E. Paine, who entered the Union Army May, 1861, as colonel of the Fourth Wisconsin Volunteers, was in 1863 promoted to rank of brigadier general, and in the following June lost his leg at Port Hudson; brevetted major general in March, 1865, states as follows:

I hold in my hand a document on which I made accurate notes of the agreements of the morning. In looking through the second conference report I find there are only three points in which the report differs from the report to which the third conference agreed to subscribe. We were willing to agree to everything except the provisions relating to the number of ordinary Infantry regiments and the number of the colored troops and of the Veteran Reserve Corps. The difference is not enough to warrant the rejection of this report, and I hope it will be adopted.

It will be noted that all of these gentlemen were Volunteer officers, and, therefore, as I said, absolutely are not prejudiced against "Volunteer" officers in any way.

"TO WEAR UNIFORM"—"NO EMOLUMENTS."

Section 34 of this bill reads as follows:

SEC. 34. *And be it further enacted*, That all officers who have served during the Rebellion as Volunteers in the armies of the United States, and who have been or may hereafter be honorably mustered out of the Volunteer service, shall be entitled to bear the official title, and upon occasions of ceremony to wear the uniform of the highest grade they have held by brevet or other commissions in the Volunteer service. In case of officers of the Regular Army, the Volunteer rank shall be entered upon the official Army register: *Provided*, That these privileges shall not entitle any officer to command, pay, or emoluments.

CONGRESSMAN CONKLING STATED GRANT, SHERMAN, MEADE, THOMAS, ALL ADVISED ABOLISHING VETERAN RESERVE ARMY.

In the debate in the House we find Mr. Conkling saying as follows:

The Government has by act and word held but one language on this point, and no expectations have been created that any set of officers were to be preferred to others in the final reorganization.

A little further we find Mr. Conkling saying as follows:

I suppose it is no secret that the public authorities recently caused to be convened in this city a number of first generals of the age. The object of the convention was to consult as to the best disposition to be made of the Military Establishment of the country, now that the war is over, and to consider and devise the best legislative provisions in reference to the regular or permanent Army. These generals were those whose large experience and whose professional eminence selected them as the best advisers, and whose official station makes them the persons to execute the law to be enacted. They came together; the lieutenant general, Gen. Sherman, Gen. Thomas, Gen. Meade, all came. Gen. Sheridan and others did not come. This group of men, so illustrious and so skilled, studied the whole subject and presented their views in writing. The measures they deemed wisest were embodied in a bill which they approved. That bill was introduced in the Senate, carefully considered in committee there. It became the subject of conference and correspondence between the committee of the Senate and the officers who had recommended it. It was elaborately considered in the Senate and passed with but little alteration, and came to us. Here it went to the Military Committee, and there it stays.

In its place we have a bill presented which contains various things which were especially and pointedly condemned by the officers to whom I have referred, by the committee of the Senate, and by the Senate also. There may be reasons for this, though we have not yet heard them.

Beside the bill, however, which these officers blocked out, they made a record of their recommendations. One was upon the point now before us. I will read it. It is, as will be discovered, in answer to a communication sent them with a bill, to which had been added a provision creating a Veteran Reserve Corps. The paper is signed by Gens. Sherman, Meade, and Thomas, and I am not sure whether by Gen. Grant also:

"The only essential change proposed in the Army bill is to omit the Veteran Reserve Corps altogether."

This is the reason they give:

"In any army, no matter what pains be taken in selecting recruits, when we come to put them into service, experience teaches that nearly 30 per cent fail by reason of the ordinary imperfections of human nature. Now, if 8 regiments of the 50 be taken from the invalids, or men of impaired strength, we add 15 per cent, or in all 45 per cent of invalids, which is too large a proportion. In the end it is cheaper to provide directly, by way of pensions, for this class of soldiers. If the officers of the Veteran Reserves have a good record and restored health, they can be appointed just as other officers of the Volunteer Army."

"PROVIDED, THESE PRIVILEGES SHALL NOT ENTITLE AN OFFICER TO COMMAND, PAY, OR EMOLUMENTS."

On June 29, 1866, Senator James Wilson reported out Senate bill No. 401. During the debate in the Senate Mr. Nesmith said as follows:

I now offer the amendment which I offered a short time since, to add as an additional section the following:

"And be it further enacted, That all the officers who have served during the rebellion as Volunteers in the armies of the United States, and who have been, or hereafter may be, honorably mustered out of the Volunteer service shall be entitled to bear the official titles upon occasions of ceremony, and wear the uniform of the highest grade they have held by brevet or other commission in the Volunteer service. In the case of officers of the Regular Army the Volunteer rank shall be entered upon the official Army roll: *Provided*, That these privileges shall not entitle an officer to command, pay, or emoluments."

The amendment was agreed to.

A little later Senator Harris said as follows:

I offer the following as a new section, to come in after the fourth section:

"*And be it further enacted*, That in the selection of officers to be appointed under the provisions of this act, officers of the Regular Army who have commanded Volunteer troops may be counted as officers of Volunteers or as officers of the Regular Army."

I will state that this is the amendment which was offered by the Senator from Maine [Mr. Fessenden] when a similar bill was before the Senate a few months ago and adopted by the Senate.

The amendment was agreed to.

OFFICERS OF REGULAR ARMY RETIRED ON ACCOUNT OF DISABILITY.

In the debate on July 9, 1866, Senator Howard, of Michigan, stated as follows:

Mr. HOWARD. I believe we have gone through with all the amendments offered by the committee. I offer the following amendment to come as section 33 at the end of the bill:

"And be it further enacted, That officers of the Regular Army entitled to be retired on account of disability occasioned by wounds received in battle may be retired upon the rank of the command held by them in the Regular or Volunteer service at the time such wounds were received."

Mr. WILSON. That proposition, I take it, means simply this: A large number of officers of the Regular Army were made officers of Volunteers. Some of those officers, perhaps four or five of them, were desperately wounded. The proposition is that they shall be retired on the rank they held when they received their wounds, and I think it is right that it should be so. Where does the Senator propose to insert the amendment?

Mr. HOWARD. At the close of the bill, as an additional section.

Mr. WILSON. Put it in as section 32.

Mr. HOWARD. Very well; let it come in as section 32.

Mr. WILSON. My suggestion is that it come in after the thirty-first section as a new section.

Mr. HOWARD. Very well; I will move to insert it as section 32; as it stands in the bill it can be changed to section 33.

The amendment was agreed to.

PRIVATES ENTITLED TO HONORARY RANK OF FIRST LIEUTENANT.

A little later Senator Lane, of Indiana, offered the following amendment:

Mr. LANE of Indiana. It is an amendment to another amendment, not the amendment pending now of the Senator from Delaware, as I understand it.

The PRESIDENT pro tempore. It will be read to settle its character.

The Secretary read the proposed amendment of Mr. Ramsey, which was to amend the amendment adopted on motion of Mr. Nesmith, as the thirty-third section of the bill, by inserting after the word "service," the following words:

"And privates who have served three years and been honorably discharged, shall, upon like occasion, be entitled to the honorary rank of first lieutenant and wear the uniform of that grade, and at the expiration of five years from the 9th of April, 1865, shall be entitled to the honorary rank of captain."

The PRESIDENT pro tempore. The proposed amendment is not now in order. The question is on the amendment proposed by the Senator from Delaware.

Mr. LANE of Indiana. The vote was taken on the motion of the Senator from Oregon and that was passed. This is an amendment to that, intervening between the amendment of the Senator from Delaware and a vote that had already been passed, as I understand it.

The PRESIDENT pro tempore. The Senator from Delaware moves to strike out the twelfth section of the bill. That is the motion before the Senate. The proposed amendment of the Senator from Minnesota is not an amendment to that amendment, and therefore is not in order.

SENATOR RAMSEY SAYS "IT COSTS NOTHING; IT IS A MERE EMPTY HONOR."

A little later Senator Ramsey stated, as follows:

I now offer the amendment which I indicated before, to insert after the word "service," in the twelfth line of the section which was inserted on the motion of the Senator from Oregon [Mr. Nesmith], the words "and privates who have served three years and been honorably discharged shall upon like occasions be entitled to the honorary rank of first lieutenant and wear the uniform of that grade, and at the expiration of five years from the 9th of April, 1865, they shall be entitled to the honorary rank of captain." I will simply ask Senators, why should a distinction be made in favor of officers and no like discrimination in favor of privates who did the service and fought the battles? I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. RAMSEY. I can see no sufficient reason why there should be a discrimination against the privates. They really did the fighting in all our battles. If special honors are to be showered upon the officers, to which I have no objection, why make a discrimination against the privates? I hope it will not go out from this Senate Chamber that there is that kind of indifference to their credit, reputation, and honor hereafter. It costs nothing; it is a mere empty honor, if you please to say so. If you are to shower honors upon officers who have already all places conferred upon them in the civil, probably, as well as the military service, I can not see any reason why this little honor should not be paid to the privates. In the French service almost every officer and private has a red ribbon bestowed upon him. Why should not the privates here have this little honor conferred upon them?

SENATOR WILSON—"ON OCCASIONS OF CEREMONY."

Mr. WILSON. The amendment adopted on the motion of the Senator from Oregon provides simply that officers of the Regular Army who have served with Volunteers shall, on occasions of ceremony, have the rank they had among the Volunteers.

MR. NYE HAS HIS JOKE.

Mr. NYE. This extends the same to the privates.

Mr. WILSON. This does not apply to Volunteers; there is not a Volunteer in the country concerned in it. It is a proposition that the rank and file of the Regular Army who have served three years shall on all occasions of ceremony be first lieutenants.

Mr. CONNESS. I ask that the amendment be read again. I think that the Senator from Massachusetts is entirely mistaken about it.

The Secretary read Mr. Ramsey's amendment.

Mr. CONNESS. The Senator from Massachusetts is surely mistaken.

Mr. WILSON. Certainly not. It says "privates." Privates of what? Privates of the Regular Army.

Mr. CONNESS. Every private who has served three years in the Army.

Mr. WILSON. We are dealing with privates of the Regular Army, not Volunteers.

Mr. CONNESS. It can be amended so as to read "privates of the Regular and Volunteer services."

Mr. WADE. Without this provision, what is there to prevent the privates from assuming just such characters as they please on occasions of ceremony and taking the title of majors if they see fit?

MR. NYE THINKS THERE IS A PENALTY.

Mr. NYE. There is a penalty.

Mr. WADE. I do not think there is.

"THUS THE PRIVATES MIGHT COMMAND THE COMPANY."

Mr. NESMITH. So far as this is applicable to the Regular Army, I fear there may be some difficulty about it. On an occasion of ceremony in a year or two all the privates would be captains, and the lieutenants remaining lieutenants, the captains would have the right to command. Thus the privates might command the company. It would create a great deal of embarrassment to make 80 captains in a company commanding two or three officers.

Mr. CONNESS. It is quite apparent that the members of the Senate who belong to the Committee on Military Affairs do not understand this amendment. I think it is easily understood, and I must say that the Senator who has given it existence simply proves to the country that he is not unmindful of the great services the brave private soldiers have rendered to the country.

The amendment of Mr. Ramsey was defeated.

"PROVIDED THESE PRIVILEGES SHALL NOT ENTITLE AN OFFICER TO COMMAND, PAY, OR EMOLUMENTS."

The intent of section 34, as stated by Senator Nesmith, who offered the section, is as follows:

I offer the following as a new section: "*And be it further enacted*, That all officers who have served during the rebellion as Volunteers in the armies of the United States, and who have been or hereafter may be honorably mustered out of the Volunteer service, shall be entitled to bear the official title, and upon occasion of ceremony to wear the uniform of the highest grade they have held by brevet or other commission in the military service. In the case of officers of the Regular Army, the Volunteer rank shall be entered upon the official Army Register: *Provided*, That these privileges shall not entitle any officers to command, pay, or emoluments."

SENATOR NESMITH SAYS "IT IS MERELY COMPLIMENTARY TO VOLUNTEER OFFICERS."

In the debate Senator Nesmith used these words:

I will state that this amendment is a precise copy of an amendment which passed the Senate in the original Senate bill now pending before the House of Representatives. It is merely complimentary to Volunteer officers, permitting them to have the designation and, on occasions of ceremony and public occasions, to wear the uniform of the highest rank they held in the Volunteers, and the Volunteer rank in the case of officers of the Regular Army is to be transferred to the official Army Register. It is a matter that will cost nothing, it increases no pay or emoluments, and entitles them to no command. It is a mere compliment.

SENATOR GRIMES SAYS "IT PROVIDES FOR OCCASIONS OF CEREMONY."

A little later Senator Grimes said as follows:

Mr. GRIMES. I will ask the Senator to let that lie on the table until it can be examined. I have no objection to it as among officers of the Army, but it provides for occasions of ceremony. The difficulty is that officers of the Army and Navy are frequently brought together on occasions of ceremony, and, there being no brevets in the Navy, a young man who has been brevetted as a major general or as a brigadier general, although having been in the service not more than two or three years, will rank on those occasions of ceremony as an officer of the Navy who has served the country faithfully for 50 years. I should like to have an opportunity to amend the amendment. Let it lie on the table until I can draft an amendment so that they may have this rank as among Army officers.

Mr. NESMITH. I have no objection to that.

On March 6, 1866, a former Volunteer officer, Robert C. Schenck, reported House bill 361 as a substitute for Senate bill 138, mentioned above. When it was advised in Congress that the Veteran Reserve Corps be continued as a permanent organization Mr. Rogers stated as follows in the House:

MR. ROGERS SAYS GEN. GRANT WAS AGAINST "ANY SUCH CORPS."

Mr. ROGERS. But, sir, it is enough for me to know that Gen. Grant, Gen. Sherman, Gen. Meade, and Gen. Thomas have all given the weight of their opinion against the formation of any such corps as this. Sir, I have confidence in the patriotism and the sagacious judgment of these officers. I do not pretend to be a military man; I have never been in the Army; but as one of the representatives of the people of this great country I am ready to accept the views of those who are better qualified than I am to determine what is best calculated to promote the efficient organization of the Army of the United States. I am satisfied that the advice given by such men as these is prompted by the purest motives and the highest wisdom, and I am willing to be guided by that advice.

MR. DAVIS SAYS HE IS "NOT UNDER SOCIAL INFLUENCE."

A little later Mr. Davis says, as follows:

I wish to say I am not under any social influence. Since I have lived in Washington I have never, like my honorable friend from Ohio, had the privilege of being entertained by distinguished characters at dinner. I am under no influence of that kind, but I respect the opinion of men high in the military service. When I knew there was pending a bill which had been submitted by Lieut. Gen. Grant, Gen. Meade, Gen. Burnside, and other distinguished generals, and when I thought that bill had been concocted under their supervision, I say it is not only entitled to my consideration but to the consideration of every Member of the House. There is no one who supposes these distinguished generals of the Army know nothing of military affairs, or at least do not know as much as the chairman of the Committee on Military Affairs of this House. I only honor the men whom the country honors and in whom, I am sure, the country has confidence.

THEY TAKE CARE OF OFFICERS, REGULAR ARMY, TEMPORARILY IN VOLUNTEER REGIMENTS.

Section 38 of this bill reads as follows:

SEC. 38. *And be it further enacted*, That officers of the Regular Army who have also held commissions as officers of Volunteers shall not on that account be held to be Volunteers under the provisions of this act.

HON. JAMES G. BLAINE OFFERS NEW SECTION.

Hon. James G. Blaine offered a new section to read as follows:

I move the following as an additional section, to come in after section 39:

"*And be it further enacted*, That in all cases where a Volunteer officer has been appointed in the Regular Army to the same rank or grade which he may have held in the Volunteer Service, or to any lower rank or grade, his name shall be borne on the Army Register with date of his Volunteer appointment, and he shall take rank as with continuous service from that date."

The section was agreed to.

It seems that when House bill 361 was passed and sent to the Senate as a substitute for Senate bill 138 that the Senate pigeonholed House bill 361 and reported out an entire new bill, which was known as Senate bill 401.

FOLLOWING MEMBERS OF MILITARY COMMITTEE VOLUNTEER OFFICERS.

The following members of the Military Committee of the Senate for the Thirty-seventh Congress, first session, who had charge of all the war legislation in 1861, became Volunteer officers: Henry Wilson, chairman, who raised and commanded the Twenty-second Regiment of Massachusetts Volunteers, and Senator Henry S. Lane, of Indiana, who served in the Mexican War as lieutenant colonel of Volunteers.

Senator Jacob Collamer, of Vermont, served in the War of 1812. He served in Congress from December 3, 1855, until his death, November 9, 1865.

Hon. Francis P. Blair, jr., of Missouri, was chairman of the House committee, and he served as a colonel in the Union Army; William A. Richardson, another member of the committee, was captain in the Mexican War; and Gilman Marston, of New Hampshire, another member of the committee, served with distinction as colonel and brigadier general of Volunteers in the Union Army.

ALL THE FOLLOWING WERE VOLUNTEER OFFICERS.

The following data will be of interest as showing the names of members of the Military Committee of the Thirty-seventh

Congress and Thirty-ninth Congress who saw service in the Union Army:

Members of the House Military Committee, Thirty-seventh Congress, first session, who served in the war:

On page 396, Biographical Congressional Directory, 1774–1903, states, in part, as follows:

Francis P. Blair, jr., of Missouri, enlisted as a private in the regiment of Col. Doniphan, serving through the Mexican War. He was a Member of the following Congresses: Thirty-fifth, Thirty-sixth, Thirty-seventh, and Thirty-eighth; also served in the Union Army as colonel.

On page 767 states, in part, as follows:

William A. Richardson, of Illinois, enlisted as captain in the Mexican War and promoted to the rank of major. He was a Member of the following Congresses: Thirtieth, Thirty-first, Thirty-second, Thirty-third, and Thirty-fourth.

On page 684 states, in part, as follows:

Gilman Marston, of New Hampshire, served with distinction in the Union Army as colonel and brigadier general of Volunteers. He was a Member of the following Congresses: Thirty-sixth, Thirty-seventh, and Thirty-ninth.

Members of the Military Committee in the Senate for the Thirty-ninth Congress, first session, who served in the war:

On page 889 states, in part, as follows:

Henry Wilson, Massachusetts, in 1861 raised and commanded for a time the Twenty-second Regiment Massachusetts Volunteers. His term of service in the Senate from 1855 to 1873.

On page 643 states, in part, as follows:

Henry S. Lane, of Indiana, served in the Mexican War as lieutenant colonel of volunteers. His term of service in the Senate from 1861 to 1867.

List of members of the House Military Committee for the Thirty-ninth Congress, first session, who served in the war:

On page 785, Biographical Congressional Directory, 1774–1903, states, in part, as follows:

Robert C. Schenck, Ohio, entered the Union Army in 1861 as brigadier general; promoted to major general. He was a Member of the following Congresses: Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, Thirty-eighth, Thirty-ninth, Fortieth, and Forty-first.

On page 497 states, in part, as follows:

Henry C. Deming, Connecticut, entered the Union Army in 1861 as colonel of the Twelfth Connecticut Volunteers. He was a Member of the following Congresses: Thirty-eighth and Thirty-ninth.

On page 884 states, in part, as follows:

Gilman Marstron, of New Hampshire, served with distinction in the Union Army as colonel and brigadier general of volunteers. He was a Member of the following Congresses: Thirty-sixth, Thirty-seventh, and Thirty-ninth.

On page 634 states, in part, as follows:

John H. Ketcham, New York, entered the Union Army as colonel of the One hundred and fiftieth New York Volunteers in October, 1862, and appointed brigadier general by brevet, afterwards brigadier general, serving until he resigned, in March, 1865, and appointed major general by brevet. He was a Member of the following Congresses: Thirty-ninth, Fortieth, Forty-first, Forty-second, Forty-fifth, Forty-sixth, Forty-seventh, Forty-eighth, Forty-ninth, Fiftieth, Fifty-first, Fifty-second, Fifty-fifth, Fifty-sixth, Fifty-seventh, and Fifty-eighth.

These gentlemen being soldiers themselves can not be accused of being prejudiced against the "Volunteer" officers, and yet the records show that none of these gentlemen ever introduced "a Volunteer officers' retirement bill," and none of these gentlemen ever made a speech in favor of such a bill.

In addition the following list gives names of the Members of the House and Senate for the Thirty-seventh and Thirty-ninth Congresses, who saw service in the Civil War.

MEMBERS OF THE HOUSE OF REPRESENTATIVES, THIRTY-NINTH CONGRESS, WHO TOOK PART IN THE CIVIL WAR.

On page 684, Biographical Congressional Directory, 1774–1903, states, in part, as follows:

Gilman Marstron, of New Hampshire, served with distinction in the Union Army as colonel and brigadier general of Volunteers. He was a member of the following Congresses: Thirty-sixth, Thirty-seventh, and Thirty-ninth

On page 375 states, in part, as follows:

MASSACHUSETTS.

Nathaniel P. Banks in 1861 entered the Union Army as major general of Volunteers, and served throughout the war. He was a Member of the following Congresses: Thirty-third, Thirty-fourth, Thirty-fifth, Thirty-ninth, Fortieth, Forty-first, Forty-second, Forty-fourth, and Fifty-first.

On page 497 states, in part, as follows:

CONNECTICUT.

Henry C. Deming entered the Union Army in 1861 as colonel of the Twelfth Connecticut Volunteers. He was a Member of the following Congresses: Thirty-eighth and Thirty-ninth.

On page 835 states, in part, as follows:

NEW YORK.

Nelson Taylor, captain in the First New York Volunteers in the Mexican War, 1846–1848. He was a Member of the following Congress: Thirty-ninth. Also served in the Union Army, and attained the rank of brigadier general.

On page 634 states, in part, as follows:

John H. Ketcham entered the Union Army as colonel of the One hundred and fiftieth New York Volunteers in October, 1862, and appointed brigadier general by brevet, afterwards brigadier general, serving until he resigned in March, 1865, and appointed major general by brevet. He was a Member of the following Congresses: Thirty-ninth, Fortieth, Forty-first, Forty-second, Forty-fifth, Forty-sixth, Forty-seventh, Forty-eighth, Forty-ninth, Fiftieth, Fifty-first, Fifty-second, Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth.

On page 392 states, in part, as follows:

CALIFORNIA.

John Bidwell served in the War with Mexico, attaining the rank of major. He was a Member of the following Congress: Thirty-ninth.

On page 457 states, in part, as follows:

KANSAS.

Sidney Clarke, captain and assistant provost marshal general in the War for the Suppression of the Rebellion. He was a Member of the following Congresses: Thirty-ninth, Fortieth, and Forty-first.

On page 645 states, in part, as follows:

WEST VIRGINIA.

George R. Latham served in the Union Army as captain of Volunteers. He was a Member of the following Congress: Thirty-ninth.

On page 874 states, in part, as follows:

Kellian V. Whaley served in the Union Army. He was a Member of the following Congresses: Thirty-seventh (from Virginia), Thirty-eighth, Thirty-ninth (from West Virginia).

On page 450 states, in part, as follows:

NEW MEXICO.

J. Francesco Chaves, major of the First New Mexico Infantry in the Union Army; promoted to the rank of lieutenant colonel. He was a Member of the following Congresses: Thirty-ninth, Fortieth, and Forty-first.

A Volunteer officer, Gen. James A. Garfield, was, I understand, chairman of the House Military Affairs Committee for the Fortieth Congress; another Volunteer officer was chairman of the same committee for the Forty-first Congress; Brig. Gen. John Coburn was chairman in the Forty-second and Forty-third Congresses; Gen. Henry B. Banning, a Volunteer officer, was chairman of the committee in the Forty-fourth and Forty-fifth Congresses.

The chairman of the committee in the Forty-sixth Congress was not a Volunteer officer, but there were some distinguished Volunteer officers on the committee—Gen. Edward S. Bragg and Gen. Anson G. McCook.

These same gentlemen were members of the committee in the Forty-seventh Congress.

Another distinguished general, Gen. William S. Rosecrans, was chairman of this committee in the Forty-eighth Congress.

Gen. Bragg was chairman of the committee in the Forty-ninth Congress.

None of these gentlemen introduced a bill for the retirement of Volunteer officers, and I find no record of any of them advocating such a bill.

NONE OF THESE VOLUNTEER OFFICERS INTRODUCED A "RETIREMENT BILL."

I can not find a record where any of the above gentlemen ever introduced a bill to provide for "retirement for Volunteer officers," nor can I find where any one of these gentlemen ever made a speech in favor of such a bill.

FIRST BILL ONLY TOOK CARE OF DISABLED OFFICERS.

I find no bill to provide "retirement for Volunteer officers" was introduced until February 23, 1903, and even then it was not introduced by anyone who saw service in the Civil War. Even then it only provided for officers who "lost an eye, a leg, a foot, an arm, or a hand," or "in the discharge of his duty was so disabled as to make his disability" commensurate with the above.

BILL WAS INTRODUCED "BY REQUEST."

Even then the introducer of the bill stated that he did it, and so marked on the bill, "by request."

VERY MODEST BILL FOR THE RETIREMENT OF CERTAIN OFFICERS OF THE WAR OF THE REBELLION.

This very modest bill reads as follows:

Be it enacted, etc., That any person who served as an officer of Volunteers in the Army or Navy of the United States during the War of the Rebellion and who, in the line of his duty during his service as such officer of Volunteers, lost an eye, a leg, a foot, an arm, or a hand, or in the discharge of his duty was so disabled as to make his disability commensurate with that of the loss of a leg, a foot, an arm, or a hand shall, upon application to the Secretary of War, be placed on the retired list of the Army with the rank which he held at the time when be incurred the disability, in the same manner as provided for the retirement of officers of the Regular Army.

This very modest bill was not reported out of the committee.

In January, 1904, there was introduced a bill in the Senate for recognition of noncommissioned officers and enlisted men of the United States Volunteers as commissioned officers in certain State military organizations, but it provided "that no

person should receive any pay, pension, or bounty by reason of the passage of this act."

The bill reads as follows:

For the recognition of the military service of noncommissioned officers and enlisted men of the United States Volunteers as commissioned officers in certain State military organizations.

Be it enacted, etc., That all noncommissioned officers and enlisted men honorably discharged from the service of the United States who were actually engaged in the Civil War not less than three months and thereafter commissioned captain or lieutenant in any State military organization the muster-out rolls of which are on file in the War Department at Washington, D. C., and who rendered actual military service as such officers not less than 30 days under the general command of officers of the United States in connection with the regularly organized military forces of the United States, under any call by the President or any call by a governor of any of the United States during the Civil War, whose services were accepted by the President or Secretary of War, shall be held and considered to have been in the military service of the United States as commissioned officers during the period they were in actual service, and he is hereby authorized and directed to place such officers upon the United States register of Volunteers and issue certificates of discharge, upon the application and satisfactory proof of identity, to all such honorably discharged officers, giving the recorded service by them rendered: *Provided*, That no person shall receive any pay, pension, bounty, or other allowances by reason of the passage of this act.

Next bill only took care of "major generals and brigadier generals."

WHAT IS THE LINE OF DEMARCATION?

In a hearing on this bill on December 13, 1906, when a member of the committee asked Gen. S. L. Glasgow the question, "What is that line of demarcation?"

Gen. GLASGOW. The grade included in this bill is that of brevet brigadier general.

The CHAIRMAN. Major generals and brevet brigadier generals usually rank a colonel. These are cared for now. Why not include lieutenant colonels, majors, captains, and first and second lieutenants?

Gen. GLASGOW. The honorable chairman of this committee addressed me a letter as to this inquiry, and as your time is all taken up I wish to bring a few facts briefly to your attention, and I will ask your courtesy to read one paragraph in the letter addressed to Mr. Hull referring to this particular question. The whole letter treats of the subject, but I will read this one paragraph because it sums up the matter. This is a letter from me to Mr. Hull, of date of February 16, 1906, in answer to a request made by him to know why the bill apparently discriminated against the junior grades of Volunteer officers. The paragraph is as follows:

GEN. GLASGOW SAYS IT IS "ONE OF EXPEDIENCY."

There is and should be no objection among comrades to the principle of this bill. All grades are entitled to recognition. The question is one merely of expediency. If Congress at this time will pass a bill including all grades no one would give the same more hearty approval than the beneficiaries of this bill. If, however, such a bill would not be entertained at this time there can be no valid objection to the enactment of this bill, within the limits defined, for the reason that most of the beneficiaries of this bill are more than 70 years of age, the average age being 74. Those who have not attained the age of 70 years would not receive the benefits of the bill until they shall arrive at that age. The officers of junior grades are as an average from 7 to 10 years younger than the average age of the beneficiaries of the bill in question. The beneficiaries of the bill in question who have passed the age of 70 years should have the benefit of the bill without delay; and, further, the enactment of this bill would establish a precedent that would render easy future legislation for the benefit of all grades at or prior to the time that the beneficiaries would arrive at the allotted age. There is no question as to the equitable principle that all officers should be included in the retired list. The means to arrive at that end in the most speedy manner possible are now to be considered. If it should be impossible to enact a bill at this time including all grades, and the proposed bill should be defeated for the reason that it does not include all grades, no one will receive any benefit, no legislation in that respect accomplished, and the result will be no recognition by Congress of the service given.

This is the position that the proposed beneficiaries of this bill take in regard to that. The whole matter rests with Congress. This bill in no way exhausts the subject but leaves open the question of the recognition of junior grades; but the beneficiaries whose ages are from 70 to 90, respectfully ask recognition now.

COLONELS, CAPTAINS, AND LIEUTENANTS FORGOTTEN (?).

The next time this bill bobs up (Dec. 18, 1905) to provide for "a Volunteer retired list," as a careful reading of the bill will show, it only provides for "each surviving major general and brigadier general of Volunteers" and "each surviving colonel of the Volunteer regiment." The full bill reads as follows:

To create in the War Department a special roll to be known as the Volunteer retired list, to authorize placing thereon with pay certain surviving officers of the United States Volunteer Army of the Civil War, and for other purposes.

Be it enacted, etc., That there shall be, and is hereby, created in the War Department a special roll to be known as the Volunteer retired list for certain surviving officers of the United States Volunteer Army of the Civil War.

SEC. 2. That upon written application to the Secretary of War, and subject to the conditions and requirements hereinafter contained, there shall be entered on said list the name of each surviving major general and brigadier general of Volunteers in said Army, and each surviving colonel of a Volunteer regiment therein who was at any time appointed and commissioned by the President, by and with the advice and consent of the Senate, as brigadier general of Volunteers by brevet on account of services rendered in said Army. Such entry on said Volunteer retired list shall be subject to the following conditions and requirements, namely: Each person so entered shall have served as an officer or an enlisted man not less than two and one-half years in said Volunteer Army between April 15, 1861, and July 15, 1865, at least one year of which service shall have been in the field with troops; he shall have been honorably discharged from said service and shall have reached the age of 70 years; he shall not belong to the Regular Army and shall not have been retired; said application to be accompanied with proof of the identity of the applicant, and both the application and proof to be under oath.

MAJOR GENERALS WILLING TO TAKE IN THE OTHERS.

Evidently the major generals, brigadier generals, and colonels believed that they could not get through their legislation unless they took in the captains, first lieutenants, and second lieutenants. We find the next bill broad enough to take in all commissioned officers.

BILL BECOMES BROADER STILL.

This bill was introduced on December 9, 1907, and reads as follows:

To create in the War Department a roll to be known as the Volunteer retired list, to authorize placing thereon with retired pay certain surviving officers of the United States Volunteer Army of the Civil War, and for other purposes.

Be it enacted, etc., That upon written application to the Secretary of War, and subject to the conditions and requirements hereinafter contained, the name of each surviving officer of Volunteers in the United States Volunteer Army of the Civil War shall be entered on a roll to be known as the Volunteer retired list. Each person so entered shall have served with credit as an officer or an enlisted man not less than one year in the field with troops in said Volunteer Army between April 15, 1861, and July 15, 1865; he shall have been honorably discharged from said service; he shall not have been retired; said application to be accompanied with proof of the identity of the applicant, and both the application and proof to be under oath: *Provided*, That an officer who resigned or was discharged from said service because of wounds received in battle, if otherwise qualified, shall be entitled to retirement without reference to the length of his service in said Volunteer Army.

BILL A LITTLE BROADER STILL.

On February 7, 1908, first session Sixtieth Congress, there was a bill introduced in the House the title of which reads as follows:

A bill to create in the War Department a roll to be known as the Volunteer retired list, to authorize placing thereon, with retired pay, certain surviving officers and enlisted men of the United States Army, Navy, and marines of the Civil War, and for other purposes.

This bill was known as H. R. 16645, and was introduced by Mr. Bradley, of Kentucky. The bill reads as follows:

Be it enacted, etc., That upon written application to the Secretary of War, and subject to the conditions and requirements hereinafter contained, the name of each surviving officer and enlisted man of Volunteers in the United States Volunteer Army of the Civil War shall be entered on a roll to be known as the Volunteer retired list. Each person so entered shall have served with credit as an officer or an enlisted man not less than 18 months in the field with troops in said Volunteer Army between April 15, 1861, and July 15, 1865; he shall have been honorably discharged from said service; he shall not belong to the Regular Army, and shall not have been retired, but shall be eligible if he served in the Regular Army with credit as an officer or enlisted man not less than 18 months in the field with troops in said Volunteer Army between April 15, 1861, and July 15, 1865, has been honorably discharged from said service and has not been retired; said application to be accompanied with proof of the identity of the applicant, and both application and proof to be under oath: *Provided*, That an officer or enlisted man who resigned or was discharged from said service because of wounds received in battle, if otherwise qualified, shall be entitled to retirement without reference to the length of his service in said Volunteer Army.

THIS BILL TOO BROAD FOR PROPONENTS OF THIS LEGISLATION.

As this bill provided for retirement of enlisted men as well as Volunteer officers, it does not seem to have been very well received by the "Volunteer officers."

In his report on a similar bill The Adjutant General, under date of January 27, 1907, states as follows:

That there were approximately 125,000 commissioned officers in service in the Volunteer Army during the Civil War—

And that—

it does not seem unreasonable to assume that about 25 per cent of the Volunteer commissioned officers of the Army, or about 31,250, will be surviving June 30, 1908. That of these 18,750 would have served 18 months, and therefore be eligible under the terms of H. R. 6288 as amended; and that the cost of the bill, less the pensions, will exceed $13,000,000.

Gen. Raum, in a letter written to the chairman of the Military Committee, on April 9, 1908, stated that he thought there were only 8,000 officers instead of 31,250, as stated by The Adjutant General.

GEN. HULL ALSO A VOLUNTEER OFFICER.

The chairman of the Military Committee at that time was Hon. J. A. T. Hull, and while he was a Volunteer officer I have been able to find no record where he ever introduced or advocated any Volunteer officers' retirement bill.

From the Biographical Congressional Directory, 1774–1903, I find the following:

That Chairman J. A. T. Hull enlisted in the Twenty-third Iowa Infantry, July, 1862; first lieutenant and captain; wounded in the charge on entrenchments at Black River May 17, 1863; resigned on account of wounds October, 1863; was also Member of the Fifty-second to Fifty-eighth Congresses, inclusive.

PRESENT BILL BROAD ENOUGH FOR ALL—EXCEPT PRIVATES AND NONCOMMISSIONED OFFICERS.

A bill introduced in the Fifty-first Congress, second session, is broad enough to take care of "each surviving officer of the Volunteers who served as an officer in the Army, Navy, or Marine Corps of the United States in the Civil War."

At that time the Committee on Military Affairs reported, in part, as follows:

The number of surviving officers January 1, 1910, being officially estimated as 21,995, and the cost of said bill for the first year as $14,540,056.

The estimate of surviving officers for the year 1918 is 9,196, and the cost $6,266,307.

OVER 11,000 OFFICERS OF THE ARMY ALONE.

In a letter to me, under date of April 19, 1917, The Adjutant General wrote as follows:

Hon. W. FRANK JAMES,
House of Representatives:

According to the estimate of the War Department, the probable number of surviving volunteer officers for the year 1917 who served in the Army within the period of the Civil War is 11,832.

This office has no data upon which to base any estimate of the probable number of Volunteer officers, Navy and Marine, that served within the period of the Civil War, who are now living, but it is probable that if information concerning these officers can be obtained in any place, it is obtainable only from the Navy Department.

H. P. MCCAIN,
The Adjutant General.

THEY FORGET TO QUOTE ALL OF SECTION 5.

The proponents of this piece of legislation claim that section 5 of the act of May 25, 1861, approved July 22, 1861, is a "sacred promise to place them on the retired list the same as Regular officers," because they claim the section reads as follows:

SEC. 5. *And be it further enacted*, That the officers, noncommisioned officers, and privates, organized as above set forth, shall in all respects be placed on the footing, as to pay and allowances, of similar corps of the Regular Army.

WORDING OF SIMILAR SECTION IN 1898.

As I have stated previously, they neglected—intentionally, I presume—to print the entire section.

General Orders, No. 30, Washington, April 30, 1898, reads in part, as follows:

SEC. 12. That all officers and enlisted men of the Volunteer Army, and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances, and pensions as that of officers and enlisted men of corresponding grades in the Regular Army.

I do not believe that you can find any man who saw service in the Volunteer force in 1898 to claim that that means that Volunteer officers or enlisted men who were mustered out of the Army in 1898 and went back to civil life are entitled to the same retirement allowances as men who stayed in the service.

WORDING OF SECTION ORDERING MEN TO MEXICAN BORDER IN 1916.

Part of section 111 of Bulletin No. 16, Washington, June 21, 1916, reads as follows:

Officers and enlisted men in the service of the United States under the terms of this section shall have the same pay and allowance as officers and enlisted men of the Regular Army of the same grades and the same prior service.

I do not believe that any man in Congress to-day who voted for this bill in 1916 will state that he intended that officers who left the service of the United States and went back to civil life were to receive the same "retirement pay" as men who stayed in the service.

WORDING OF "SELECTIVE-DRAFT BILL."

H. R. 3545, introduced on April 19, 1917—known as the selective-draft bill—by Mr. DENT, chairman of the Military Committee, entitled "A bill to authorize the President to increase temporarily the Military Establishment of the United States," reads, in part, as follows:

SEC. 9. That all officers and enlisted men of the forces herein provided for, other than the Regular Army, shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army.

I do not believe that any man in Congress to-day who voted for this bill in 1917 will state that he intended that officers who left the service of the United States and went back to civil life were to receive the same "retirement pay" as men who stayed in the service.

WORDING OF SIMILAR SECTION IN 1812.

Act approved July 6, 1812:

SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized to form the corps of Volunteers into battalions, squadrons, brigades, and divisions, and to appoint thereto, by and with the consent of the Senate, general, field, and staff officers, conformably with the Military Establishments of the United States, and who shall be entitled to the pay and emoluments of a similar grade in the Army of the United States.

WORDING OF SIMILAR SECTION FOR MEXICAN WAR.

Act approved May 13, 1846:

SEC. 9. *And be it further enacted*, That whenever the militia or volunteers are called and received into the service of the United States under the provisions of this act, they shall have the same organizations of the Army of the United States, and shall have the same pay and allowances.

CONGRESSMAN GARDNER, A VOLUNTEER OFFICER, IN SPEECH ON PENSION FOR GEN. SICKLES.

In discussing a bill for the benefit of Maj. Gen. Daniel E. Sickles, Gen. Washington Gardner, at that time Congressman from Michigan, said, in part, on page 4728, CONGRESSIONAL RECORD, July 15, 1910, as follows:

"The soldier who carried his musket, who drew his $13 a month, and on the battle line left an arm or a leg as the result of his heroic conduct endures quite as much pain as the major general back yonder on his horse who, by a chance shot, suffered in like way the mutilation of the body. Again, sitting just beyond the corner of the Speaker's desk, there is a man whose brother commanded a brigade in Sickles's corps at the Peach Orchard. Four times was Gen. Byron R. Pierce wounded upon the battle field. Sent by Grant to lead his men in a desperate charge, he was brought back 30 minutes later badly wounded, when Grant, by authority previously conferred by Abraham Lincoln, conferred upon the gallant officer the star of a brigadier general. That man has suffered all these years from his several wounds, and to-day gets $30 a month pension. I know him personally and well. It is not right, it is not just, that Gen. Sickles should receive $687.50 per month, as this bill would give him, and his equally heroic subordinate general receive but $30."

PATRIOTISM OUGHT TO BE ABOVE THE SUSPICION OF FILTHY LUCRE.

A little further on, on the same page, he says, in part, as follows:

"We have to pay something, gentlemen, for being soldiers; we have to pay something for being shot; we have to pay something for human suffering; it is the price of patriotism in war, and his wounds is the glory of the veteran soldier in peace; but our country, whether in war or peace, will make a mistake if it ever puts a commercial value upon patriotism. Like Cæsar's wife, patriotism ought to be above the suspicion of filthy lucre." [Loud applause.]

As I said at the beginning, the evidence will show that there never was a "sacred promise" of either President Lincoln or Congress.

There is no truth in any of the contentions of the author of this self-appointed committee to further the interests of the legislation, and the bill ought not to pass. [Applause.]

Mr. JAMES. Mr. Chairman, I yield back the remainder of my time.

Mr. SIMS. Mr. Chairman, how much does the gentleman yield back?

The CHAIRMAN. Two minutes.

Mr. SIMS. How much time has the gentleman from Wisconsin used now?

The CHAIRMAN. The gentleman has 77 minutes remaining.

Mr. ESCH. I desire to yield 5 minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman, in speaking earlier this afternoon I said one of my objections to this bill was the fact it did not confine the President to any special area in the United States, and that it was not absolutely necessary that these plants must be in connection with or near to a plant that was manufacturing war material. The chairman said it was limited to a restricted area, so to speak, and they must be in connection with plants or localities manufacturing war material. I want to call the attention of the committee to section 2 of the bill:

That the President is hereby authorized and empowered within the limits of appropriations herein or hereafter made—

To construct at any place or places within the boundaries of the United States such power plant or power plants as he may deem necessary.

Now, to me, as I understand the language, there is nothing there that restricts him with regard to manufacture of war material or to localities where war material is manufactured. We have the statement of the chairman of the committee that those restrictions are understood, but when this is once passed by House and Senate and becomes the real law of the land any statement made by the Chair at this time would have nothing to do with the question. In my judgment, this section 2, paragraph 1, gives the President of the United States the power to construct anywhere within the boundaries of the United States as he may see fit. Now, in paragraph 2 of section 2 it gives him power, for the purpose of increasing the capacity or the productivity of any private power plant within the boundaries of the United States, to commandeer. Now, I would like to have the chairman of the committee tell me where the language is in the bill that absolutely restricts him in the location of these plants or in commandeering them.

Mr. SIMS. There is nothing in the bill restricting it geographically.

Mr. SNELL. That is the reason I brought it up. I feel that there should be something of the kind written in the bill.

Mr. SIMS. It should not be geographical.

Mr. SNELL. I do not mean necessarily geographical, but to do this work and spend this money it must be somewhere where they need the power for increasing the production of war materials.

Mr. SIMS. Certainly. That is the object and purpose of it.

Mr. SNELL. But it does not say so in the bill. He can do it anywhere in the United States. He can take over a power plant whether it is connected with one of these war-material plants or not.

Mr. SIMS. I take it that he would not do it where it was not needed.

Mr. SNELL. It should be written into the law as to just what we intend to have done.

Mr. SIMS. I thought the gentleman was going to offer an amendment when we get to that stage. I do not know what it may be, but if it seems to be a necessary and proper amendment I will not oppose it.

Mr. SNELL. I intend to, as there is nothing in the bill that restricts along the line I suggested.

Mr. SIMS. I could not imagine or conceive of the possibility of the present President or any other President ever making under this bill the kind of development the gentleman seems to contemplate.

Mr. SNELL. What I asked was if there was anything in the bill, and I understood you to state it was restricted in the bill. In taking up the question of time, you say it was limited as to time. I maintain that section 8, which says—

That the President may retain any property and operate any plants, transmission lines, structures, facilities, or appliances constructed or acquired under the provisions of this act for such time as he may deem necessary or advisable for the purpose of selling or otherwise disposing thereof—

is absolutely opposed to the provisions in the other part of the bill, which say that it must be done within five years.

Mr. SIMS. Does not the gentleman know that as a matter of bargaining and trying to get the best you can in selling or otherwise disposing of it perhaps he may be aided and assisted in building units of existing power plants? Now, the only probable purchaser, when the Government must dispose of it in five years, may sit there and not make any terms at all and reach a time when the President would have no power to deal at all.

Mr. SNELL. Do you not think that five years would be a reasonable time in which to make disposition of it?

Mr. SIMS. I do. I do not think what you have in mind will take place.

Mr. SNELL. Why do you say five years in one place and in another place make the time unlimited?

Mr. SIMS. It gives five years for the purpose of disposing of it—selling or otherwise disposing of the plant. Now, that is the purpose of it. The time as given must be lived up to in good faith. But suppose, now, the——

Mr. SNELL. What was the object of putting in five years when you say in the next section that he can have all the time he wants?

Mr. SIMS. We do not say that. It is only for the purpose of disposing of it.

Mr. SNELL. Disposing of it is all there is, anyway.

Mr. SIMS. After the war is over.

Mr. SNELL. That is all there is to it—the question of disposing of these plants. In one place you say it must terminate in five years, and in section 8 you say that he can take any length of time he thinks is necessary.

Mr. SIMS. Oh, no.

Mr. SNELL. Is not that the actual language of your bill?

Mr. SIMS. They could not operate it beyond that period. And how could it hurt? It would not be in competition with anybody.

Mr. SNELL. I can not understand what you mean, and I would like to have you explain why you say in one place he can have five years, and that that is the time, and then in the next section you say he can have all the time that is necessary.

Mr. SIMS. I will not confess that the bill needs an amendment; but when the amendment time comes the gentleman can offer one.

Mr. SNELL. The gentleman certainly can not say that he has explained what those two sections mean and has answered my questions.

Mr. SIMS. Mr. Chairman, I will ask the gentleman from Wisconsin if I shall yield some time now?

Mr. ESCH. Yes.

Mr. SIMS. I yield 20 minutes to the gentleman from Pennsylvania [Mr. DEWALT], a member of the committee.

Mr. DEWALT. Mr. Chairman and gentlemen of the committee, I am very sorry that the membership of this committee is not more largely represented at this time, not that I would desire them to hear the sound of my voice, nor even because I believe that my opinions would carry any weight on this subject. But the importance of this bill is so great, and the questions involved in it are so momentous, that I truly believe there should be a larger attendance of this committee in order that it might be informed of the provisions of this bill.

Mr. LONGWORTH. I think the gentleman's position is very pertinent, and I would be very glad if there should be more Members present. There are 13 gentlemen present now, but one of them is a former Member. If the gentleman thinks that makes a large audience I will not make the point.

Mr. DEWALT. I believe I can talk a great deal better when I have only one as an audience, but the importance of the bill is of such a character that I truly think we are not performing our entire duty by absenting ourselves on an occasion of this kind.

Mr. SLOAN. Will the gentleman yield?

Mr. DEWALT. Certainly.

Mr. SLOAN. I notice that the gentleman said he could speak much better where only one was present. I know he is young and unattached, and while he may have enjoyed talking to one he has not done so effectively up to this time.

Mr. DEWALT. No; but I am still seeking for that audience of one.

Now, the general scope of this bill is quite definite, although it is large. The general scope and purpose of it is to increase the electrical and mechanical power in the country.

In order that scope and purpose may be accomplished, certain things are provided for in the bill, and in order that those provisions may be strictly defined, certain terms are employed in the bill which are clearly and exclusively defined as to their meaning. In order, then, that one may get a comprehensive view of what the bill really means, the committee should be informed as to what the terms of the bill actually mean by their definition.

Now, a power plant, according to the terms of the bill, is a place where any power, either electrical or mechanical, may be generated. Then when we speak of the word "operator" in the bill we not only include the actual operator of the plant, but we speak of the owner or the lessee or the manager of the plant, because all those terms are included under the general term "operator."

Then there is a very potential term used in the bill, and that is the word "acquire," because the President under the terms of this bill is given the right to acquire property, private property, public-utility property, private property of the nature of plants used for the generation of electric power; the power to acquire land, if you please, in order that he may use it in the establishment of these various plants. And therefore it is clearly necessary for the understanding of this bill that the meaning of the word "acquire" should be ascertained, and this word "acquire" means that the President has the right to take by condemnation; that he has the right to take by purchase; that he has the right to obtain by lease; and that he has the right to take the absolute title of the property which he deems necessary to the accomplishment of the purposes of this bill.

So that, whilst this bill is under consideration, it seems to me that it is worthy of the serious thought of the membership of the committee as to whether or not some of the suggestions that have come to the minds of others might not at least be enforced by proper amendments.

Now, the term "within the United States," which was just referred to a few moments ago by one of the gentlemen who were criticizing the provisions of the bill, means any territory within the United States, under the jurisdiction of the United States, so that the bill is all-embracing so far as geographical terms are considered.

And then the limit of time is also to be considered, and that was just referred to a few moments ago. The limit of time here, as to the general purposes of the bill, is six months after the proclamation of peace and the affirmation thereof is obtained, to wit, six months after the legal termination of the war; and then the other limitation of time is after five years to do certain things, to wit, the disposing of certain articles which are taken either by condemnation or lease; not so far, however, as disposing of plants which are solely and strictly erected by the Government itself. There the limitation is extended. In fact, there is no limitation except the one general limitation that the President shall have time for disposing of them, either by sale or otherwise, as the best interests of the Government may be determined.

Now, after laying out these ideas in regard to the bill, and the scope of the bill and the purpose of the bill, the next question logically will be, How is this to be accomplished? In other words, when you have an ailment, when you recognize the ill, then the logical thing to next determine is what is the remedy.

Mr. ANDERSON. Mr. Chairman, may I ask the gentleman a question right there?

Mr. DEWALT. Certainly.

Mr. ANDERSON. I have read the testimony before the committee as diligently as I could, and I want to ask the gentleman whether there was any testimony produced before the committee indicating whether this bill was to be administered by a power administrator or by a corporation or how? Did the administration anticipate it in any way?

Mr. DEWALT. The power is all lodged in the President of the United States and such agents and employees as he himself may determine, and that would constitute the administrative function of the bill.

Mr. ANDERSON. So that the question of the agency to administer this bill is entirely open and entirely within the discretion of the President?

Mr. DEWALT. So I would say, sir, from the tenor of the bill.

Now, as I was about to say, before being properly interrupted by my friend from Minnesota, how are these purposes to be accomplished? According to the provisions of this bill the first thing that the President is given the power to do is to construct plants. In other words, the appropriation of $175,000,000, which this bill carries, would give him money enough, initially, to construct a plant. He might buy the lands upon which the plant is to be constructed. He can buy all the necessary appliances, machinery, and so forth, to construct this plant. The next thing he can do, according to the provisions of this bill, is that he may install in private plants such machinery and appliances as are necessary for the purposes of creating and generating this electrical power.

Mr. ESCH rose.

Mr. ANDERSON. Mr. Chairman, may I ask the gentleman a question right there?

Mr. DEWALT. I will yield first to my colleague on the committee [Mr. ESCH].

Mr. ESCH. In reference to who would control, even if a corporation is created under the act and provided by the act, it is likely that the party designated by the President to manage all the other powers would also be designated as the one to manage the corporation.

Mr. DEWALT. Certainly. While the power is given under the bill to create a corporation, and while the power is given in the bill to buy the stock of an existing corporation, engaged within the contemplation of this bill, the bill also provides specifically that the Government must be the majority owner of such stock, so that always the control of the enterprise would be in the hands and in the power of the Government.

Now, not only is this power given to install in private plants the necessary muniments for the construction and generation of this power, but——

Mr. ANDERSON. Right there I would like to ask the gentleman whether he construes that section of the bill to which he has just referred to warrant the Government in installing these appliances and equipment without the consent of the owner?

Mr. DEWALT. Oh, yes; there is no doubt about that. There is no doubt about that, because that follows as naturally as the flow of water downstream. When you give the President of the United States ample power to commandeer, the power to take, to acquire the title, of course, once having that, he has the power to install and improve as much as he pleases without the consent of the owner. But always there is the right of compensation.

Mr. LONGWORTH. Will the gentleman yield?

Mr. DEWALT. Yes.

Mr. LONGWORTH. I observe that there is a limitation placed on that power for five years.

Mr. DEWALT. Yes.

Mr. LONGWORTH. And then in section 8 there is no limitation whatever when the President has acquired the same property. Does the gentleman distinguish between those?

Mr. DEWALT. I do. The distinction in my mind is this, and I am frank to say that it is one that gave me considerable trouble in the committee. I am very honest in saying that I believe that section 8 was opening the door pretty wide, or, at least, setting it upon its hinges for opening, for public or governmental ownership of these utilities. I could not quite consistently make up my mind why in one place five years' limitation was placed upon it and no limitation in the other. But now it is clear that the five years' limitation applies to that matter in regard to private plants and installations and of the things in private plants and the taking over the establishment or the sale and the leasing of such plants which are in part controlled by the Government. But if the gentleman from Ohio will notice, section 8 has a different purpose—that the President "may retain any property and operate any plant, transmission lines, structures, facilities, or appliances, constructions carried on under the provisions of this act, for such time as he may deem necessary or advisable for the purpose of selling or otherwise disposing thereof."

Now, what plants or transmission lines are these? They are those that he has constructed or acquired under the provisions of this act, not those in which the title or the operation thereof remains in the original owners or operators, not those in which he has advanced money and taken security therefor by mortgage or otherwise, but those which he has actually taken over, which become, ipso facto, by such taking over, the property of the Government itself.

Section 8, therefore, without limitation applies only to that class of property, and I think properly so. In other words, the Government having become the actual owner of the structure, the actual owner of all property in the structures and appliances appurtenant thereto, must have time to dispose of the same, and the limitation in section 8 is expressed by the purpose of the section.

What limitation is that? The limitation that he shall hold it for one purpose and one purpose only, and that purpose is selling and disposing thereof. In other words, the limitation is not expressed in definite terms of years and months, but in legal phraseology it is determined by the purpose incorporated in the section itself, to wit, such time as may be reasonable for the disposition of property, either by sale or otherwise.

Mr. LONGWORTH. I think the gentleman's explanation is entirely clear as far as the plant constructed by the Government itself is concerned, but when you include with that these appliances it seems to me that they are covered by section 5, and that there is a distinction.

Mr. DEWALT. I admit in all fairness that the criticism on that portion of the bill is not only one which should have the serious thought of the committee, but one that agitated the minds of several members of the committee that have far larger experience than I have in these matters. I need not refer by name to the gentlemen on the committee, but there was that question always arising in the minds of several gentlemen whether there should not be in this very section a limitation in terms definitely fixed by tenure of years and months.

Mr. ESCH. Will the gentleman yield?

Mr. DEWALT. Certainly.

Mr. ESCH. I think there were a number of members of the committee that had that doubt, but I think there was no doubt on this proposition that if the Government used money to install electric equipment or construct dams, in that instance the Government ought not to be compelled to dispose of the property within five years, and perhaps no time; that the Government might primarily retain it.

Mr. LONGWORTH. It is not contemplated under this bill to build dams at all.

Mr. DEWALT. No; I am frank to say that the testimony of those interested in the prosecution of this work and the framing of the bill was to the effect that it would take too long to build dams. Nevertheless, as the gentleman from Wisconsin says, there are and will be occasions where the Government in the transaction of work will construct dams and spend money in this way. But the primary idea is that where the Government itself has, either by the act of condemnation or purchase, acquired the title, where it is engaged in official construction of work itself, Congress ought not to say to the President of the United States, "You must sell that property within five years whether the bargain be good, bad, or indifferent."

Mr. SNOOK. Will the gentleman yield?

Mr. DEWALT. Yes.

Mr. SNOOK. It has occurred to me since the bill was reported, in reference to paragraph 1, section 2, page 4, of the bill, the paragraph that the gentleman discussed, providing for the purchase of a power plant, that it carries no limitation.

Mr. DEWALT. I will come to that in a moment. The third power given under the provisions of this bill in order that it may be operative is that the Government has the right to advance money to the operators of these plants. And the operator of these plants includes not only the general manager thereof but includes the actual owner thereof, the lessee, or party who is actually running the concern. The Government, therefore, in order that this war may be prosecuted, and in order that this emergency may be met, has the right to make advances of

money to the owners or the operators of these plants, taking as security therefor a first lien upon all the property; and in the contract for the giving of such money the bill states and provides that such security must be obtained; and further, that if default is made in the prompt payment either of the interest or the principal, that the property immediately upon such failure reverts to the Government again and becomes the property of the Government either for the leasing or for occupancy or for use and without any rental to be paid to the original owner.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEWALT. I shall have to ask, by reason of these interruptions, for more time, if I can do so.

Mr. SIMS. How much time would the gentleman like to have?

Mr. DEWALT. Let me go on for a while and possibly I might get very tired.

Mr. SIMS. Does not the gentleman now have any idea how much time he might need?

Mr. DEWALT. Fifteen minutes.

Mr. SIMS. I yield 15 minutes to the gentleman, a member of the committee.

Mr. DEWALT. Now, further than that, the bill is very wide in another provision. It not only gives the President of the United States through his administrative function the right to build, to construct or install, to advance money, if you please, but it goes one step further, and that is this, that after such installation, after such construction, after perhaps advancement of money to the original proprietor or owner of the premises, and the taking over by the Government, the Government has the right to sell the power that is thus generated, and to sell the power where it is deemed it is best to be used for the emergency now existing or in the future to be occasioned. Therefore you see, gentlemen, the provisions of this bill are exceedingly wide. Not only does the bill provide that the Government, through the President of the United States, shall have the right to construct, that he shall have the right to install, that he shall have the right to improve, that he shall have the right to acquire, that he shall have the right to take over, but after he has done all or any of these things he shall have the further right to sell power that is generated. Now, further than that——

Mr. ANDERSON. Will the gentleman yield?

Mr. DEWALT. I will.

Mr. ANDERSON. He can go even further than that, and he can control the distribution of the power which is generated by somebody else.

Mr. DEWALT. I am coming to that. If the gentleman will let me alone, possibly I will be able to answer all questions without the gentleman interposing them. The very next power that is given is the one the gentleman refers to, to require private power plants to transmit their power to other plants and to require all of their power for the United States. That is the very thing the gentleman refers to.

In other words, the provisions of this bill are so wide that the President of the United States can take all the power of one company and connect it with the power of another company, or he can say to Company A, "You must transmit your power to plant B or locality C, and you must, if you please, at my dictation, because the emergency demands it, in my opinion, transmit that power and omit plant C and give it all to plant B." And another power. He can merge, if you please, all or some of these companies, merge them by process of law, or he can merge them by taking them over and concentrating their powers. More than that. The bill goes further and says that after he has merged, or after he has taken over or after he acquires, which acquirement means taking over, by any of the processes I have indicated, he has the power to lease that very plant to you or to me, under certain provisions, and if we do not comply with those rental provisions or the contract specified by the Government itself, the plant returns to the Government and the Government has the right to release, again acquire the property, and lease to you or to me. Now, further than that. There is one provision in this bill which caused possibly a good deal of comment in the committee, which ought to have serious consideration by this committee. The President is given authority under this bill to modify, cancel, or annul any contract now existing at this time or in future contemplation by any of these power plants. The gentleman from Philadelphia may own a power plant. He has made a contract, if you please, with the transit company of Philadelphia to furnish 20,000 kilowatts of power in a specified time. That contract is running for a period, say, of five years at a certain rental. The power that is given the President of the United States under this bill would allow him to-morrow morning, if he saw fit, to annul, modify, or cancel that contract and say to the gentleman from Philadelphia, who owns the power plant, "You must divert that power, not to the transit company of Philadelphia but you must give it to Hog Island, the shipbuilding industry." Therefore I repeat what I said but a moment ago that the provisions of this bill are of such momentous importance that I do trust that somebody who is better informed than I and better able to express the sentiments of the committee than I will plainly set forth to the membership of this committee the serious proposition we have on hand.

The railroad legislation was important; the taxing legislation was important; but the wide powers contained in this, the far-reaching effects, in my judgment, are even more important than those, because they were temporary in their nature, while these will lead to permanent ownership, if you please, if the criticism of the gentleman from Ohio is worth consideration.

Mr. SNOOK. Will the gentleman yield?

Mr. DEWALT. I will.

Mr. SNOOK. Referring to the power conferred by this bill to modify contracts, I suppose my colleague is referring to paragraph 14, page 10.

Mr. DEWALT. No; it is on page 8.

Mr. SNOOK. Paragraph 14, on page 10?

Mr. DEWALT. I do not know the number. No; it is page 8, paragraph 9:

> In furtherance of any of the foregoing purposes, to modify, cancel, or suspend any existing or future contracts for the delivery of power to any person not engaged in the production of raw material—

And so forth.

Mr. ESCH. Will the gentleman yield?

Mr. DEWALT. I will.

Mr. ESCH. This power to annul contracts is not new. It is contained in the national-defense act of April 3, 1916.

Mr. DEWALT. We are not going into a new field; but while we are not going into a new field, notwithstanding let us be careful of the steps we are taking in the plowed field that is not new, because in effect this is virtually a new enterprise, to wit, the going of the Government into the generating of electric power, mechanical power, and the control over it.

Now, whilst I am quite anxious to go on with the further provisions of this bill I recognize my time is limited, and I recognize, too, that there are others here who are far more able to illustrate and to explain the provisions of this bill than I am. But whilst this thing is under consideration let it not be forgotten, gentlemen of the committee, that there is one saving clause in it all and one great saving feature in it all, that whilst these extraordinary powers are given to the President of the United States and to the administrative officers that he may select, nevertheless the bill provides that none of this property, that none of these appliances, that none of the private property of the individual can be taken unless due compensation is given by law. Of course, that would have followed without any provision in the bill, because no man's property can be taken for public purposes, except in case of war and immediate peril, unless due compensation is given. But this bill provides that compensation shall be given in a certain way, to wit, that if agreement can be made, then compensation is to be paid, but the President is to determine in the first instance how much the compensation shall be, and if they can not agree 75 per cent is to be paid by the Government, and as to the remainder the party is to be relegated to the Court of Claims.

Mr. GOOD. Suppose a party enters into a contract for the sale and delivery of certain machines within a specified time, and that the man that has manufactured them has purchased his raw material and has entered into a contract with a private power company for his power; now, the Government takes the power away from him, and he is obliged to fail on his contract; then the person to whom he has sold the machines would, of course, have the right of action to recover damages for failure to perform the contract.

Mr. DEWALT. Generally speaking, he would; yes.

Mr. GOOD. Would he not in this case?

Mr. DEWALT. Yes; I think he would in this case.

Mr. GOOD. Then what would be the remedy of the person who had been obliged to respond in damages, if any?

Mr. DEWALT. The only remedy that the party would have, in my judgment, would be to present his claim before the proper jurisdiction, to wit, the President of the United States, and if the President ignored the claim he would have to be relegated to the Court of Claims. However, the field is such a wide one and would lead to such interminable litigation that I think that the Court of Claims would recognize the validity of the claim, it being one of the incidents of war. But this can be truly said, that the basic proposition is that you can not take property for public purposes unless you pay for it. Now, if that is sound

as a legal proposition, then what follows? Then you must inquire as to what is property. Now, is the contract, such as you have illustrated, property? My judgment is that it is a contract, it is a thing of value to me, which I have contracted for with you, to wit, to furnish you so many machines at a specified period and at a specified price. Now, the Government intervenes and prevents me from fulfilling the contract, and then, therefore, I am at a loss. A loss of what? The benefit of my contract. It stands in my mind as a legal proposition that if the Government does that it must be responsible. That is my judgment.

Mr. HAMLIN. If my Government intervenes and prohibits the carrying out of my contract in the interest of the people and in the interest of the life of the Nation under the war power, could he recover from me?

Mr. DEWALT. That is dependent entirely on how far you determine the war power.

Mr. HAMLIN. I am inclined to think the gentleman was in error awhile ago when he said he would have to respond in damages.

Mr. DEWALT. The Supreme Court of the United States has gone so far in stretching the Constitution, not only in the last few years but some time prior to that—and I say this in no criticism at all of the Supreme Court, because their judgment is so much better than any set of men who are lawyers, or any other men, that it would be a profundity of ignorance to make such assertion—but the Constitution has been stretched, not to the breaking point but to the limit almost of extremity. I do not believe the Constitution can be stretched so far as to take property of that kind unless the peril is immediate. If the peril is immediate, I agree with you.

Mr. HAMLIN. Any peril in war time is always immediate, and the very taking of this property by the President is in the interest of the party who claims he is damaged.

Mr. DEWALT. That is where you and I disagree as lawyers. I do not believe you can take property under the war power of the Government unless you pay for it, except the peril is present and the danger is immediate. And that is the decision of the Supreme Court of the United States.

Mr. LONGWORTH. I dislike to interrupt the gentleman, but he is one of the best lawyers in the House.

Mr. DEWALT. I think that is saying very little for the rest of us.

Mr. LONGWORTH. It seems to me that this bill has gone infinitely further than we have ever gone before. I want to be able to vote for it, because I believe it has some absolutely necessary power. I would like to ask the gentleman how he interprets the amendment on page 14, at the bottom of the page, that the appropriation is to be made available during the time the act is in effect? Does that mean until the act is repealed? Would it not take a formal action of Congress?

Mr. DEWALT. I do not think there is any doubt about that. I think that is the proper legal construction of the phraseology.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DEWALT. Reluctantly I yield back all the time I did not use.

The CHAIRMAN. The gentleman has used all his time. The gentleman from Minnesota [Mr. ANDERSON] is recognized for 15 minutes.

Mr. ANDERSON. Mr. Chairman, I listened with very great interest to the remarks of the gentleman from Pennsylvania [Mr. DEWALT]. I quite agree with him that this bill is more important and more far-reaching in the powers which it grants than any bill which we have heretofore passed. I make that assertion because the bills which we have heretofore passed granting powers to the executive branch of the Government have been limited to the doing of acts which were clearly necessary to carry on the war and were limited to the war period.

I think, in general, it must be said in addition that most of the laws which we have heretofore passed have contained some general declaration of policy by which the executive branch of the Government must be governed in executing them, while this bill leaves the policy, and the administrative machinery as well, entirely to the discretion of the Executive.

We have become accustomed to making great grants of power. I think we have become so accustomed to it that we do not scrutinize proposed legislation with the care which a due regard for the functions of this House and of the Congress require. The best evidence of that fact is that there are on the floor at this moment less than 20 Members of the House.

I assert that this bill is not a war measure, and when I make that assertion I do not refer to the purposes of the bill. In its purposes it is a war measure. It seeks to permit to be done things which are essential to be done in the conduct of the war. But it is not a war measure in the sense that the powers conferred in the bill must necessarily be exercised with reference to the things which are connected with the prosecution of the war or are limited to the period of the war.

In this connection it is significant that the jurisdictional clause which has been contained in every one, I think, of the bills which we have heretofore passed, and which declares that it is essential to do certain things in order to carry on the war, has been omitted from the bill now under consideration.

There are some other clauses in the bill which contain intrinsic evidence of the fact that the powers conferred by this bill are not intended to be limited to the war period or necessarily to war activities. I call attention to the definition, for instance, of "war material." "The term 'war material' means any material or commodity which, in the opinion of the President, it may at any time"—not during the war period—"be necessary or important to produce"—not for war purposes, but to produce for any reason—"or of which he may deem it necessary or important to increase the production."

It is quite evident that this definition does not limit the President to increasing the facilities for the production of things which are essential for the carrying on of the war.

Now, I refer again to a section of the bill to which reference has already been made—section 8: "That the President may retain any property"—and the definition of "property" under this bill is very wide indeed—"and operate any plants"—and that is not limited to power plants—"transmission lines, structures, facilities, or appliances constructed or acquired"—and the definition of "acquired" is a very broad definition under this bill—"under the provisions of this act for such time as he may deem necessary or advisable for the purpose of selling or otherwise disposing thereof." That is practically unlimited. That is, he may hold this property indefinitely. That that is its purpose is indicated by the last paragraph on page 13, because that paragraph provides—

Except as is herein otherwise provided all other authority granted to the President by the provisions of this act shall cease at the termination of the war period.

Now, these provisions, taken together, are extremely important if we consider what may be done under some of the sections of this bill. I asked the gentleman from Pennsylvania [Mr. DEWALT] whether there was any testimony as to how this bill was to be administered or by what sort of an agency. Every witness who appeared before the Committee on Interstate and Foreign Commerce—and I have read the testimony with some diligence—evaded an answer to every question that was asked intending to anticipate the character of the agency which was to administer this law. We do not know whether there will be a "power administrator," who will exercise as a Government official the functions of this bill or whether there will be a corporation organized whose directors will have no responsibility to the Government at all except the responsibility which they owe to the Government as a stockholder in the corporation to carry out the purposes of the act. Either of these methods or an entirely different method may be used.

Now, the gentleman from Pennsylvania says that the Government must at all times be a majority stockholder in this corporation or in the corporations created or organized for the purposes of the act. I deny that. I direct attention to paragraph 11 of section 2:

If in his judgment such action shall be necessary or useful for the purpose of this act to form one or more corporations under the laws of any State, Territory, District, or possession of the United States for the purchase, construction, extension, lease, maintenance, or operation of any such power plants or facilities.

Now, listen:

Or for the merger or consolidation of any private power plants—

This authorizes the organization of a holding corporation.

I quote again:

or for the purchase of the whole or any part of the capital stock thereof.

Let me emphasize the fact that under this paragraph the holding corporation may purchase a minority of the stock of an operating corporation.

In other words, while the Government must be a majority stockholder in a corporation organized for the purpose of holding the stock of other corporations, it need not be the holder of a majority of the stock of any operating company.

Now, it seems to me perfectly clear, in the first place, that if the Government is to form a corporation for the purpose of controlling the manufacture and distribution of power, the Government ought to own all of the stock in that corporation; and, secondly, it seems to me perfectly clear that if the Government purchases the stock of an operating company it ought not to purchase less than a majority of the stock of that operating company.

I think we may all feel a good deal of misgiving about this method of conducting governmental business and controlling private industry. It is axiomatic that the obligations of a director of a corporation to a stockholder in that corporation are in no sense identical or in no sense equivalent to the obligations which an officer of the Government owes to the Government.

The obligations of a director or officer of a corporation in which the Government is a stockholder are not different than they would be if the Government was not a stockholder. We are proposing under this bill to control the manufacture and disposition of power through a piece of machinery, the officers and directors and managers of which will have no obligation at all to the Federal Government, except such obligations as are imposed upon the directors of any corporation.

Mr. LONGWORTH. Will the gentleman yield?

Mr. ANDERSON. Certainly.

Mr. LONGWORTH. The power is here given to lend money to finance the corporation.

Mr. ANDERSON. The power given in this bill is not confined to lending; the language is broad enough so that the Government could give it outright if it wanted to.

Mr. LONGWORTH. I think that is true; but so far as the lending is concerned does not the gentleman think that that absolutely conflicts with the powers granted to the War Finance Corporation?

Mr. ANDERSON. I am not familiar with the provisions of that act as is the gentleman from Ohio, and his opinion would be worth much more than mine.

Mr. LONGWORTH. The power is given exceptionally to the Government to finance corporations which in its judgment are contributing to war work.

Mr. ANDERSON. The difference is that the War Finance Corporation must require certain security, while under this bill no security at all need be required. The money advanced, or a part of it, is to be taken and considered as applied to the amortization of the plant, and at the end of the war period repayment of the amount applied to amortization is waived. I find no fault with this if it can be done by somebody who has more responsibility to the Government and to the people of the country than attaches to a director in a private corporation.

Under the provisions of paragraph 11, section 2, a holding corporation could be formed for the purpose of carrying out the terms of this act with a capital stock limited only by the appropriations made by the act or which might be made to carry it into effect. The Government would be required to own not less than 51 per cent of the capital stock. The minority stockholders might be any persons whomsoever. They might also be stockholders in competing corporations or in corporations directly interested in power or traction rates.

Presumably the minority stockholders would have representation upon the board of directors. These directors might also be directors in competing corporations or interested in other private corporations affected by rates or charges for power.

This holding corporation might purchase and control either a majority or a minority of the stock of any private power plant, the officers and directors of which would have no obligation whatever to the United States and no obligation whatever to the holding corporation except the obligation that attaches to an officer or director of a private corporation as such to the corporation stockholders.

Within the limits of the appropriations made for that purpose the holding corporation could consolidate the stock ownership of private power plants within any given area, and by virtue of such stock ownership and control obtain a complete or partial monopoly of the market.

At the termination of the war the President would be confronted with the necessity either of retaining the control of the holding corporation thus created or transferring or selling the stock of the same, which would result in giving the private stockholders in the holding corporation the monopoly previously enjoyed by the Government.

I do not object to the creation of a corporation the whole of whose stock shall be owned by the United States for the purpose of financing the power extensions which may be necessary for the prosecution of the war. I do not think the proposition of creating corporations for the actual operation of plants wholly owned by the Government is altogether objectionable, but the creation of a holding corporation empowered and designed to control the manufacture and distribution of power through partial stock ownership in private power plants whose directors have no responsibility or obligation as officers of the Government is a proposition so opposed to the principles upon which government itself is instituted, and is at the same time so unnecessary to the accomplishment of the purposes of this bill, that it ought not to receive the approval of the House.

It is not necessary or wise that the Government itself should assume the obligations of a stockholder in private power plants created under the various laws of many States in order to carry out this act, nor is it desirable that the tremendous, far-reaching powers of this act, which will extend, under its present terms, long beyond the end of the war, should be exercised by persons whose responsibilities and obligations are those of private directors of private corporations and not those of public officials.

It is worth while remembering in this connection that power plants are frequently connected with public utility corporations by direct ownership and by interlocking directorates and stockholders.

It is claimed by those who are responsible for this bill that the ownership on the part of the Government of any part of the equipment or facilities of a power plant will be sufficient to enable the Government to fix the rates of power and perhaps incidentally rates to be charged by public utilities operated in connection with power plants. If these gentlemen are correct, and if we are to assume that the policy which has animated the management and control of the railroads, the telegraphs, and the telephones is to be adopted in the management and control of power plants, it is safe to predict that within six months after the passage of this bill there will be a general increase of power rates and probably in the rates of connected public utility corporations.

It is also worth remembering in this connection that the Railroad Administration in the case of the railroads and the Postmaster General in the case of the telegraphs and the telephones claims the right to fix rates without any reference whatever to valuation or to any other known basis of rate making and without regard to the powers of State commissions.

It may be that I am unduly apprehensive of what may happen as the result of the exercise of the powers conferred in this bill. If the exercise of these powers were confined to the war period and it were possible at the end of the war period to determine the questions which the exercise of this power will raise, we might well grant the power as being necessary to the conduct of the war, leaving the questions of policy after the war to be determined when the war is over, but the powers conferred by this legislation continue for a long period and in some instances for an indefinite period after the termination of the war and must therefore be regarded both with reference to the conditions which now exist and the conditions which may exist after the war.

If there is any virtue in democracy, that virtue lies in the fact that the genius and purpose of every citizen, however humble, may find expression in the laws by which he is governed and in fixing the responsibility of those who administer the law to the people who make it. If a holding corporation is organized under the paragraph to which I have referred, and that corporation in its turn owns the stock of private power plants, the responsibility for the efficient and honest management and expenditure of the Government's funds will be thereby twice removed, and the difficulty of control and regulation after the war rendered doubly difficult. I would not like to see this situation arise.

Mr. ESCH. I yield 15 minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Chairman, I have approached this bill—and the vast powers it grants—with awe. I have given it the most careful consideration. I am known as a conservative who believes that ordinarily the Government should assume no functions that can properly be left to private enterprise. But these are war times. The case is extraordinary, and I am convinced of three propositions:

First. That authority must be given to the President to control and increase the power of this country. It is a necessity.

Second. That under the varying circumstances that exist no limitation should be put upon his discretion as to how his authority should be exercised.

Third. That in order to prevent his control from growing into a Government power monopoly, or something like it after the war, the time in which his authority should be exercised should be strictly limited to the war period, defined by this bill as six months after the President's declaration of the ratification of the treaty of peace, which will probably be more than a year after the termination of the war, during which time Congress could make any provision for extension of time or special cases.

I. THE NECESSITY THAT CONFRONTS US.

Fifteen minutes is a short time to discuss these three matters, but I want to give some of the reasons. This bill is necessary,

for alas, we have increased production by leaps and bounds because of the war, and every horsepower of production needs power. Our coal supply as well as railroad transportation have been deficient, and relief has been sought by most of these new factories from the private power plants which, by reason of employing less labor in one plant than are employed in 50 boiler houses can supply power cheaper and better. They can divide the power between factories that work by day and factories that work by night. They can avoid hauling coal by sending power through the wires. Additions to these plants have become absolutely necessary.

The President may take over existing plants under section 12 of the food and fuel conservation act of August 10, 1917, public No. 41, which I shall ask permission to put in my remarks; and, Mr. Chairman, I ask leave generally to extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PARKER of New Jersey. I insert that section:

SEC. 12. That whenever the President shall find it necessary to secure an adequate supply of necessaries for the support of the Army or the maintenance of the Navy, or for any other public use connected with the common defense, he is authorized to requisition and take over, for use or operation by the Government, any factory, packing house, oil pipe line, mine, or other plant, or any part thereof, in or through which any necessaries are or may be manufactured, produced, prepared, or mined, and to operate the same. Whenever the President shall determine that the further use or operation by the Government of any such factory, mine, or plant, or part thereof, is not essential for the national security or defense, the same shall be restored to the person entitled to the possession thereof. The United States shall make just compensation, to be determined by the President, for the taking over, use, occupation, and operation by the Government of any such factory, mine, or plant, or part thereof. If the compensation so determined be unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President, 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, in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code. The President is authorized to prescribe such regulations as he may deem essential for carrying out the purposes of this section, including the operation of any such factory, mine, or plant, or part thereof, the purchase, sale, or other disposition of articles used, manufactured, produced, prepared, or mined therein, and the employment, control, and compensation of employees. Any moneys received by the United States from or in connection with the use or operation of any such factory, mine, or plant, or part thereof, may, in the discretion of the President, be used as a revolving fund for the purpose of the continued use or operation of any such factory, mine, or plant, or part thereof, and the accounts of each such factory, mine, plant, or part thereof, shall be kept separate and distinct. Any balance of such moneys not used as part of such revolving fund shall be paid into the Treasury as miscellaneous receipts.

The section gives power to the President to take over any manufacturing plant for production that is necessary for war purposes. That might include the production of power. He takes it only for the period of the war. The United States is to pay any damages done by such taking. The act is well drawn and understood. It is my opinion that probably all the good in this bill could be had by adding a short section allowing the increase of power plants. It is not enough to commandeer existing plants, because they are hopelessly insufficient.

II. THE PRESIDENT'S DISCRETION CAN NOT BE LIMITED.

Existing power plants have been overloaded. Some of them have worn-out boilers and machinery and are going, but are in danger of breaking down. Others are in the wrong place. The testimony shows that New York has enough power and more, while Newark has not enough, and they are building a line to Newark to take care of the shipyards.

The same conditions exist elsewhere. In some cases it is an addition to the plant that is needed. In some places it is connections; in some places it is distributing lines; in some places an entirely new plant must be constructed.

The remedies are different. The eastern districts are in charge of three departments of the Government. The War Department has been trying to take care of the Pittsburgh district, and very probably there will be new plants established there, large plants, near the coal mines, so as to burn culm and avoid the carrying of coal by distributing power. The Navy Department has charge of the Philadelphia district. The Emergency Fleet Corporation has charge of the New Jersey district. Not only those districts, but New England and the West are crying for power to-day to do their war work. Another complication is that these power plants which would be taken over by the Government are doing other work that is just as essential. They are furnishing light to our towns. Some of them have gasworks annexes. Some of them in my own and many other towns are furnishing power for the running of electric cars. It is a more complicated system that is growing up amongst us than could ever be imagined.

Our grandparents would have laughed if we had told them that such a thing would be so, but the whole community as to power is being supplied very much as the whole body of man is moved, by the pumping of a single heart. No law can limit the ways in which this shall be done. In some cases the President may think it expedient to go to the existing power-plant owner and lend him money to finance his plant without the security that would be demanded by the finance board. These great power plants are not able to borrow money in these days, not only because the United States is borrowing so much, but because they fear that the enlargements may not be useful or valuable after the war. Possibly they judge wrongly on that subject. I believe that after the war the enlargement of our manufactures will be such that all power will be in demand and that these improvements will pay. The owners tell us that the cost of labor and construction is so great that the plants would be worth less then. This bill, therefore, gives a wide discretion; it can not be limited. It gives a discretion of lending by providing funds which are to be returned, while the title to the additions and improvements is to remain in the Government until the loan is returned. The bill provides in case of necessity for lending money with an agreement that if within five years after the war or some period after the war—I would say at the end of the war—the property is not worth so much as was spent on it, it shall be taken over by the owner of the plant at an appraised valuation. It provides also in case of necessity, which I hope will not arise, that the Government may build new plants. It covers all that ground, Mr. Chairman. It can do no less. We shall have to leave those three authorities, the Secretary of War, the Secretary of the Navy, and the Emergency Fleet Corporation, to deal with discretion in matters which they have in charge, but which we know nothing about. We can not provide how that discretion shall be exercised.

III. THE PRESIDENT'S AUTHORITY SHOULD BE LIMITED TO THE WAR PERIOD.

Mr. HAMLIN. Will the gentleman yield?

Mr. PARKER of New Jersey. I do.

Mr. HAMLIN. The gentleman is a member of the Committee on Interstate and Foreign Commerce, I believe.

Mr. PARKER of New Jersey. I am.

Mr. HAMLIN. And a good lawyer, too. I want to ask him this question. I entirely agree with the statement made a moment ago that the authority of the President ought to be limited to the war period.

Mr. PARKER of New Jersey. I am coming to that now.

Mr. HAMLIN. Let me ask this question. The gentleman can discuss it. I find on page 18 that the authority of the President is limited to the period when the war terminates.

Mr. PARKER of New Jersey. Let we take the sections up in their order.

Mr. HAMLIN. Except as herein otherwise provided——

Mr. PARKER of New Jersey. There are a great many places to be amended.

Mr. HAMLIN. I want to inquire of some of the things——

Mr. PARKER of New Jersey. I have only five minutes left. I thought we might discuss this under the five-minute rule. However, I think it well to state what amendments ought to be made to the bill. On page 4 of the bill, at line 21, the President, for instance, is empowered to enlarge an existing plant and allow it to be run by agents or contractors or through the proprietor of the plant. He is also allowed to lease the machinery, appliances, and structures to the operator of that plant. If the operator of the plant is willing to lease and take the structure, to put in his machinery, why should not the right of the President to lease the power to that contractor end with the period of the war?

The section adds five years more. I insert it as an extension:

(2) For the purpose of increasing the capacity or productivity of any private power plant within the boundaries of the United States to install in any such plant any structure, machinery, or appliances that he may deem useful to that end, either through agents or contractors employed by him, or by providing the operator of such plant with funds to be applied to that purpose; to lease the machinery, appliances, and structures thus installed or any parts thereof to the operator of such plant for the war period or for such period thereafter not exceeding five years, or for any shorter period, as he may deem expedient in the interest of the United States, upon such terms as he may deem reasonable; and to enter into contracts requiring or permitting the lessee to purchase such appliances, machinery, and structures, or parts thereof, at or before the termination of such lease at their then value, or upon such other terms as he may deem equitable for the protection of the interests of the United States and of the community served by such lessee.

It says that he can lease for the war period or for such period thereafter not exceeding five years, or for any shorter period, as he may deem expedient. I see no necessity of leasing machinery that is part of a going factory to the operator of the plant who contracts to buy that machinery for a term going beyond the period of the war.

Mr. HAMLIN. The gentleman, I think, did not get my question.

Mr. PARKER of New Jersey. I am coming to the gentleman's question; I am going over some others.

Mr. HAMLIN. I wanted the gentleman to point out some particular thing that does not end with the period of the war, so far as the power of the President is concerned.

Mr. PARKER of New Jersey. That is one. Now, the second one is page 6, where power has been lodged to make advances to an operator for equipment or expansion, and it provides for a valuation after the war of the property that has been put in the mill and says that the valuation can be made at the termination of the war period or not more than five years afterward. It reads:

(3) To aid in equipping any private power plant or in expanding any such plant to such extent as he may direct by making advances, upon such terms and conditions as he may determine, to the person operating or authorized to operate it, and in connection with such advances, to agree with such person that, if the actual reasonable cost of equipping or expanding such plant shall be in excess of its value at the termination of the war period, or at such later time not more than five years after the expiration of the war period, as he may deem reasonable for such valuation, and the machinery, structures, or appliances constituting such extension or expansion, or their equivalent, shall have been maintained and operated in accordance with his directions until such time, repayment of the whole or any part of such excess will be waived, and to provide by agreement for the manner of determining such costs and values by arbitration or otherwise and for the terms and time of such repayment: *Provided*, That the powers conferred by this subdivision shall be exercised only if the President shall deem that the emergency is such as to render it impracticable or undesirable to act with respect to such plant under any of the other powers conferred by this act.

The President ought to have no power, no one should have power, to tie up the whole of that mill, in which new equipment has been placed, for five years after the war. The valuation could be better ascertained when the war ends. There may be and is likely to be a great falling off in value in five years after the war which will not take place immediately. After the Civil War values rose until 1870 and then they began to fall. The United States ought to determine that value then at the end of the war. Now, the section mentioned by the gentleman is contained on page 7, line 20, where the President is allowed to lease the property owned by the Government to outside parties for the war period or such period thereafter not exceeding five years, or for any shorter period, on such terms as he may deem reasonable:

(8) To lease for the war period or for such period thereafter not exceeding five years or for any shorter period and upon such terms as he may deem reasonable, to any person or body politic for use or operation by such person or body politic, any plant, transmission line, or other property or part thereof, constructed or acquired pursuant to the provisions of this act.

Why so? I think the war period is enough. That is, six months after the declaration of the treaty of peace. During the time, after the war actually ends, we can deal with such questions.

Again, on page 9, it says that if the President uses public rights, he shall not alienate those public rights or franchises for any term in excess of five years after the war period upon any terms or conditions other than those prescribed by the sovereignty:

(12) To sell or exchange any plants or structures constructed by him and any property to which he shall have taken title, and any rights acquired by him, whenever in his opinion the interests of the United States will be furthered by such sale or exchange: *Provided*, That no public right acquired by him shall be alienated for any term in excess of five years after the war period, upon any terms or conditions other than those prescribed by the sovereignty from which such public rights shall have been acquired.

What right have we to say that he shall give outside parties rights against the State or municipality except during the war period? The phrase "five years after" should be struck out.

And again, on page 12, section 8, the first clause says:

SEC. 8. That the President may retain any property and operate any plants, transmission lines, structures, facilities, or appliances constructed or acquired under the provisions of this act for such time as he may deem necessary or advisable for the purpose of selling or otherwise disposing thereof.

And in the same section, page 13, lines 15 to 18, if the owner of any plant where machinery is installed fail to pay—

the President may acquire title to such power plant and may thereafter sell it or maintain and operate it for such time as he may deem necessary for the purpose of protecting the interests of the United States.

These rights should certainly extend not over one year after the war period, but I should say not exceeding the war period, if I would carry out my notion. He has no need to maintain and operate beyond the needs of the war time.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. ESCH. I yield five minutes more to the gentleman.

Mr. PARKER of New Jersey. Have I answered the gentleman?

Mr. HAMLIN. The gentleman has in a way, and yet not entirely. Perhaps I got a little confused by the statement made by the gentleman from Pennsylvania [Mr. DEWALT] a moment ago. I understood him to speak of this as being, some portions of it, permanent law.

Mr. PARKER of New Jersey. It ought not to be permanent law.

Mr. HAMLIN. Is any portion of it permanent law?

Mr. PARKER of New Jersey. It comes very near it when it gives absolute authority to maintain and operate.

Mr. HAMLIN. That is what I was getting at. Of course, there must be a short period at the close of the war to give the President opportunity to close up these transactions.

Mr. PARKER of New Jersey. This gives six months in the beginning, after the declaration of the ratification of the treaty of peace. It is long enough.

Now, under the food act section, he has to the end of the war; under the railroad act, he has 21 months thereafter; under the telegraph act it is a shorter time. Five years in some cases and unlimited time, only limited by discretion, in others is all wrong. This Congress, if we desire to protect the United States as well as private citizens, should make a limit.

You will notice that on line 22 of page 13 it says:

The termination of the President's authority shall not affect any contract executed.

How long may those contracts run? I suppose it refers to these leases, but no contract should be executed which would go beyond the period of the war.

Mr. EDMONDS. Does not the gentleman figure that section 8 is permanent law if the President desires to make it so?

Mr. PARKER of New Jersey. No. I think it gives a very large discretion, but that that discretion would be limited by the fact that whereas, in the railroad act we had power to grant permanent rights as to railroads as instruments of interstate commerce, our authority over those power plants under the Constitution of the United States ceases within the war period and a reasonable time thereafter. And I do not think, therefore, that section 8 should be construed so as to be unconstitutional. The words "reasonable period" should be read into the language wherever it occurs; "for such reasonable time as he may deem necessary."

Mr. EDMONDS. That might be possible if you put the word "reasonable" in there.

Mr. PARKER of New Jersey. I think the word "reasonable" must be implied if you are dealing with this subject, under the Constitution.

I thank the gentlemen for their consideration. If there are any more questions which gentlemen wish to ask during the remainder of my five minutes I will be glad to answer them; if not, I will yield back the balance of my time. [Applause.]

Mr. ESCH. Mr. Chairman, I yield to the gentleman from North Dakota [Mr. NORTON] two minutes.

TOWNLEYISM.

Mr. NORTON. Mr. Chairman, I have been embarrassed and shamed and have been obliged to apologize for the good name of my State many times yesterday and to-day on account of many Members of the House calling my attention to the following news article which appeared prominently on the front page of the Washington Post of yesterday, September 25, 1918:

RUN CANDIDATE FROM TOWN—NONPARTISAN LEAGUE NOMINEE FOR GOVERNOR BARRED FROM BRITTON.

ABERDEEN, S. DAK., *September 24.*

Mark P. Bates, candidate for governor of South Dakota on the Nonpartisan League ticket, and A. C. Townley, Nonpartisan League organizer, were driven from Britton, S. Dak., to-day by a mob when they attempted to make a campaign speech there, according to reports received here.

When the nonpartisan members arrived in Britton they were met by a crowd of farmers and townspeople numbering between 200 and 300, who locked the town hall and refused to permit them to speak. They were then marched to the county line, reports said.

I have been asked if this fellow Townley who is referred to in the article is the same demagogue and socialist who, Leninelike, bosses politics in North Dakota and who in my State has succeeded in having nominated on the Republican ticket for election in November his hand-picked and "Townley-indorsed" candidates for all State and congressional offices. I have been asked if this is the same Townley whose league in the June primaries spent thousands of dollars of money extracted by his solicitors and agents from North Dakota farmers in its unsuccessful efforts to nominate as the Republican candidate for governor in the State of Minnesota C. A. Linberg, the author of the infamous antiwar and pro-German booklet, "Why your country is at war and what happens to you after the war." I have been asked if this is the same Townley the many pro-German and pacifist members of whose league were so enthusiastically interested in the renomination for Congress of Mr. LUNDEEN, from Minnesota.

I have been asked if this is the same Townley who, knowing my long record of activity and success in Congress in behalf of Federal legislation in the interest of those engaged in farming and in the interest of greater and better agricultural development throughout the Nation, and who, having secretly rankling in his narrow socialist and antiwar mind the knowledge of my strong support of our country's declarations of war against Germany and against Austria and my unwavering support of every measure that has been before Congress for a vigorous and effective support of our part in the war, opposed personally and through the organization of his league my renomination for Congress on the Republican ticket in North Dakota at the recent primaries in my State. I have been asked if this is the same Boss Townley who indorsed and set up as his candidate for Congress in opposition to me a man who, when the war lords of Germany were heaping insult after insult upon this country, and when these brutal German war lords announced that the peaceful ships of this then neutral Nation would not be permitted to make voyages from the United States to England unless they gave notice to Germany of the time of their sailing and landing, painted themselves with certain barber-pole stripes prescribed by the war lords, and passed through a certain German-prescribed path on the high seas, was writing and petitioning Congress that these outrageous insults and demands on the part of Germany should not be considered as a cause of war, but should be bowed down to by these United States. It is with great embarrassment and regret that I have been obliged to confess that this A. C. Townley referred to is the same Lenine-like demagogue who so many of the honest and well-meaning farmers of my State have been deceived and misled into believing will lead them into agricultural gardens of Eden where they will have all the fruits of the world for themselves and be free from all the present struggles and strifes of man for existence and progress in this world.

I do not wish to take the time of the House now to discuss the bolshevikism of Townley and the coterie of demagogues, socialists, and I. W. W. sympathizers with whom he has closely surrounded himself. I wish merely to say to my friends on both sides of the House that while the good State of North Dakota and the good people of that State are being injured and disgraced by this reign of Townleyism, it, like other false, unsound, and dangerous isms, will soon pass away. For many years my State was cursed and enthralled by McKenzie bossism. After some hard and bitter political struggles the State became rid of this evil bossism, which was nurtured by railroad and other corporate business interests. Now Townley bossism, upheld and supported by the most unscrupulous appeals to class prejudices, by demagogism in its lowest form, and by attractive but impractical socialistic economics, has the State government in its grasp. It will not, however, I am sure, be long until the sound mass of intelligent and thoughtful farmers in my State perceive Townleyism in its true character, when it will be discredited and Townley and his coterie of political grafters and sycophants will be obliged to seek other fields for their operations. Former President Theodore Roosevelt, who long has been one of the truest and stanchest friends in public life of the farmer and laboring man, discusses very tritely and forcefully the evils of Townleyism in the following article which recently appeared as an editorial in the Kansas City Star:

THEODORE ROOSEVELT WARNS OF BOLSHEVISTS IN AMERICA.

GOOD LUCK TO THE ANTIBOLSHEVIKISTS.

(By Theodore Roosevelt.)

The absolute prerequisite for successful self-government in any people is the power of self-restraint which refuses to follow either the wild-eyed extremists of radicalism or the dull-eyed extremists of reaction. Either set of extremists will wreck the nation just as certainly as the other. The nation capable of self-government must show the Abraham Lincoln quality of refusing to go with either. The dreadful fall which has befallen Russia is due to the fact that when her people cast off the tyranny of the autocracy they did not have sufficient self-control and common sense to avoid rushing to the other extreme and plunging headlong into the gulf of Bolshevist anarchy.

HIGH-BROW BOLSHEVISTS DANGEROUS.

In this country there are plenty of high-brow Bolshevists, who like to think of themselves as intellectuals and who, in parlors and at pink teas, preach Bolshevism as a fad. They are fatuously ignorant that it may be a dangerous fad. Some of them are mere make-believe, sissy Bolshevists, almost or quite harmless. Others are sincere and foolish fanatics who mean well and do not realize that their doctrines tend toward moral disintegration. But there are practical Bolshevists in this country who are in no sense high brows. The I. W. W. and the Nonpartisan League, just as long and so far as its members submit to the domination of leaders like Mr. Townley, represent the forces that under Lenine and Trotzky have brought ruin to Russia. If these organizations obtained power here, they would cast this country into the same abyss with Russia.

The I. W. W. activities have been officially set forth by the Chicago jury which found the I. W. W. leaders guilty of treasonable practices. These leaders protested that they were only trying to help "the wage slave of to-day" and had not taken German money. But the jury found them guilty as charged. The American people, when fully awake and aroused, will tolerate neither treason nor anarchy. No Americans are more patriotic than the honest American labor men, and these, above all, had cause to rejoice in the verdict. Undoubtedly there are plenty of people ignorant who join the I. W. W. because they feel that they do not receive justice. We should, all of us, actively unite in the effort to right any wrongs from which these men suffer. But we should set our faces like flint against such criminal leadership as that of the I. W. W.

SOUGHT ALLIANCE WITH THE I. W. W.

The Nonpartisan League endeavored to ally itself with the I. W. W. since we entered the war. When the league was started I felt much sympathy with its avowed purposes. I hope for and shall welcome wisely radical action on behalf of the former. But only destruction to all of us can come from the venomous class hatred preached by the present leadership of the league. Some of its leaders have been convicted and imprisoned for treasonable activities. Some of the league representatives have been actively pro-German. Some of them are Socialists or Socialist-Anarchists. For the first six months of the war and until it became too dangerous they were openly against the war, against our allies, and for Germany.

The only half secret alliance between these leaders and certain high Democratic politicians is deeply discreditable to the latter. The victory of the league in its recent efforts to gain control of the Republican Party in Minnesota and Montana would have given immense strength to the pro-German and Bolshevist element throughout the country, and the defeat was a matter of rejoicing to all right-minded and patriotic men. Mr. Townley's leadership, in its moral purpose and national effect, entitles him to rank with Messrs. Lenine and Trotzky, and the utterances of the league's official organ, especially in its appeal to class hatred, puts the official representative of the league squarely in the clan with the Bolshevist leaders who have done such evil in Russia.

I have before me an official letter from the league, written in January last, refusing to cooperate in nonpolitical work for the benefit of the farmers, saying "this organization is a political one, the farmers being organized for the purpose of controlling legislation in their own interests." In other words, the title "nonpartisan" is a piece of pure hypocrisy, and its league is really partisan in the narrowest and worst sense. Americans should organize politically as Americans, and not as bankers or lawyers or farmers or wageworkers. To organize politically on the basis adopted by the league is thoroughly anti-American and unpatriotic and, if copied generally by our citizens, would mean the creation in this country of rival political parties based on cynically brutal class selfishness.

I have no doubt that the rank and file of the members of the league are good, honest people, who have been misled. I am certain that there has been much neglect of the right of the farmers, and that it is a high duty for this country to begin a constructive, practical agricultural policy. But no good American can support the league while it is dominated by its present leadership. The Kansas citizens who have joined to fight the league because it represents Bolshevism are rendering a patriotic service to America.

The following letter, which was one of the Government's exhibits introduced in evidence at the recent trial at Chicago of a hundred members of the I. W. W., was written by Arthur Le Sueur, Mr. Townley's right-hand man in the Nonpartisan League headquarters at St. Paul, Minn., and shows his connection with William D. Haywood and the I. W. W. Haywood, it will be recalled, with 92 of his associates was convicted of violating the espionage act, interfering with conscription, and hampering the Government of the United States in the prosecution of the war, and was sentenced to 20 years' imprisonment and fined $20,000. In his testimony at Chicago Haywood identified this communication as genuine. Arthur Le Sueur was for many years a resident of Minot, N. Dak. He has long been recognized as one of the leading and most active socialists in the country. For the last two or three years he has been closely associated with A. C. Townley in the organization and maintenance of the Nonpartisan League. Le Sueur is attorney and one of the three directors of the National Nonpartisan League, as testified to under oath by Townley when he was examined on charges of disloyalty by the Senate Committee on Military Affairs, May 1, 1918. It is very probable that the exposure of this letter and of other evidence appearing at the Chicago trial, showing the connection and relation of prominent members of the Townley League with the I. W .W., influenced Col. Roosevelt in writing his editorial:

[Eugene V. Debs, chancellor; Arthur Le Sueur, president; Alva A. George, vice president; S. A. McClaren, treasurer; Laura L. Reeds, secretary; Marian Wharton, editor College News.]

"For the education of the workers by the workers."

THE PEOPLE'S COLLEGE,
Fort Scott, Kans., April 5, 1917.

Mr. WILLIAM D. HAYWOOD,
164 West Washington Street, Chicago, Ill.

FELLOW WORKER: *Have just returned from Des Moines, Iowa, and am very glad to be able to report that all of the cases there are disposed of favorably and the boys at liberty. I think the defense committee is satisfied with the handling of the case. Of course, it was not one in which any labor principle was involved, and therefore the fight was simply made to get the boys out.*

My expenses for the trip were $34.30, and if you will send me check for that it will clean the matter up.

How are you coming with the Minnesota proposition? I hope you don't start anything until the year has expired. This damned war business is going to make it mighty hard to do good organization work or good radical work of any kind, but I think the fight should be now centered against spy bills and conscription.

Have you heard from Pennsylvania with powers of attorney?

Yours, for industrial freedom,

ARTHUR LE SUEUR.

Mr. SIMS. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. STEELE].

Mr. STEELE. Mr. Chairman, I shall not attempt to analyze the provisions of this bill, for that has already been better done by the gentlemen who have preceded me. I do wish, however, to discuss the necessity for the provisions of this bill as a war measure, as shown by actual conditions in the district which I represent. The conditions in that district are perhaps not anomalous, because I am informed, and reliably so, that they exist in many other sections of the country and that they are, indeed, quite typical of power-shortage conditions. The fact of the matter is that there is throughout the country generally a shortage of electrical power at this time, and that this is very much hampering the war program of the Government. This same situation, as appears by the testimony taken by the committee at the hearings on this bill, existed in England a short time after the war, and that their program for the construction of plants for the manufacture of munitions was from 9 to 12 months ahead of the program to supply the proper electrical energy with which those plants could be operated, and that the electrical engineers of England warned the United States at the outset of this war that that might be, possibly, the condition confronting us in this country if we went along without making special preparations for electrical energy.

It was discovered about six months ago that we were likely to confront these conditions, and the War Department set about to correct them as well as it could. It had a survey of the country made, and, as was shown on the map which was exhibited before the committee to-day by the chairman of the Committee on Interstate and Foreign Commerce [Mr. SIMS], there exists throughout the country what is commonly referred to as "the congested section," which includes the New England States, New York, Pennsylvania, New Jersey, Delaware, and that part of Maryland running down along the Chesapeake.

Now, included in that "congested district"—and it is congested for all purposes of fuel and transportation and electrical energy—is the Lehigh Valley, two-thirds of which is in the district which I have the honor to represent. In that district there are various large industries located. There is, in part, the anthracite mining region; there is the large cement region, which originated about 30 years ago and which was the origin, really, of the cement industry in the United States. In that district there are manufactured now about 23,000,000 barrels of cement per annum, and a large portion of the mills manufacturing this product use electrical energy in its manufacture. They were induced to use electrical energy because of its economy, its saving of coal, and its saving of labor; and because of those representations and those business reasons they eliminated from their plants their old method of steam power and relied entirely on electrical power; and most of those large contracts were made with a company known as the Lehigh Navigation Electric Co.

Now, the Lehigh Navigation Co. is a company that has been in existence almost a hundred years in that section. It was originally incorporated for the purpose of mining and transporting anthracite coal, and it occurred to them about eight years ago that it would be a most economical thing if they could utilize what is commonly known as the culm banks around the anthracite coal mines in that region. Culm simply consists of the coal dust, you might say—the fine particles of coal dust—that is produced as the result of the screening of coal, which theretofore had not been utilized for any useful purpose whatever. So at a cost of something like $15,000,000 this company constructed a plant at Hanto, and also another plant which it purchased at Harwood nearby, and they entered into contracts with these cement and industrial plants throughout the valley, transmitting their current a distance of something like 150 miles from the place where the energy was generated on long-term contracts for the furnishing of this electrical energy to them; so that these various cement plants, relying upon this, made their contracts, depending, of course, upon the uninterrupted furnishing of this service.

Now, nearby where these cement plants are being operated, and only about 30 or 40 miles also from the place where this electrical energy is being manufactured, is located the large Bethlehem Steel plant, now employing over 35,000 men, and being employed practically 100 per cent in the manufacture of munitions for the Government for use in the present war. The Bethlehem Steel plant used a considerable quantity of this electrical energy, but this fact did not at all interfere with the service to the other companies under their contracts until within a recent period of time. The pressure of the Government for the manufacture of munitions by the Bethlehem Steel Co. became so great that it was necessary for the Bethlehem Steel Co. to secure additional electrical energy.

A representative of the War Department, with full authority from that department to act in the premises, came upon the ground and, after a survey of the business conditions in that section, issued an order to the Lehigh Navigation Electric Co. to the effect that it must reduce the amount of electrical energy furnished the different cement plants and other manufacturing plants in that region 25 per cent of what they were entitled to under their contracts, and that this electrical energy should be diverted to the Bethlehem Steel Co. for the purpose of manufacturing munitions of war. And that was coupled with the further statement that the needs of the Bethlehem Steel Co. would be such in the near future that the diversion of 25 per cent would soon be increased to 50 per cent, with the prospect that in six months' time the entire quantity of electrical energy to which these cement and industrial plants would be entitled would be entirely diverted to the Bethlehem Steel Co. So that these cement industries and other industries which were furnished with electrical current in this way were faced with the proposition of having no means of operating their plants, their old steam method having been entirely eliminated, and they would be unable to use their plants and the men who were employed would practically be thrown out of employment at that place and be compelled to go to some other point to secure employment, and the contracts which they had made for furnishing the cement manufactured by them would have to be vitiated in some way.

Now, of course, as stated by my colleague from Pennsylvania [Mr. DEWALT] awhile ago, the Government has the right to commandeer this electrical energy under these contracts if it sees fit to do so. But in doing so the provision of the Constitution still prevails that private property can not be taken for public use without just compensation.

The right—the contractual right—under the terms of these different contracts between the electrical company and the cement companies was a property right, and when the United States Government steps in and takes from them their property rights under the terms of these contracts it is just as much a taking of property as would be the taking of land; and therefore the serious situation was that the cement companies would be unable to fulfill their cement contracts or manufacture their product, and they would only be entitled to turn around and ask for compensation from the Federal Government, which had diverted this power from them. That would be a question, of course, for the assessment of damages, depending as to amount upon the facts that might be developed upon the trial of the issues in the case.

Now, it is proposed, however, to avoid as much as possible the damages that would ensue from this radical act on the part of the Government, made necessary by war conditions. The remedy that is proposed is that the Government will assist this Navigation Electric Co. in extending its plant so that it will be able to conform to the contract previously made and also enable the Bethlehem Co. to receive an adequate amount of electric energy to manufacture munitions that the Government needs and also supply the anthracite coal mines in that region with a sufficient quantity of electrical energy, so that they will be able to mine an additional quantity of coal so badly needed throughout the country for war purposes generally at the present time.

In order to do that it is estimated by the engineers that it will require an expenditure of a million and a half dollars to make this extension; and it is necessary that speedy action be taken in the enactment of the measure such as is contemplated in the bill, for it will require from four to six months to install the necessary machinery.

Mr. ESCH. As I understand it, this subsidiary company develops 20,000 horsepower.

Mr. STEELE. The plant at Horton develops 30,000 kilowatts, and the Bethlehem Steel Co. needs 12,500 kilowatts in addition.

Mr. ESCH. The Horton Co. could not supply under the existing contract what it called for. Therefore this bill is the only possible relief.

Mr. STEELE. The only possible relief that can be afforded.

Mr. ESCH. I understand that unless the Bethlehem Steel Co. gets 12,500 additional kilowatts it will be necessary to make a reduction or stop the supply to the cement works, and even require the shutting down of the coal mines.

Mr. STEELE. That is a fact.

Mr. DEWALT. If the gentleman will pardon me, he should refer to the fact that the testimony developed that the electrical companies were not able, under the money market, to finance the proposition themselves.

Mr. STEELE. The gentleman is correct in what he is stating. The fact of the matter with reference to that situation is this: Just previous to the declaration of war the Lehigh Navigation Electric Co. had made its financial arrangements for borrowing something like [illegible] million and a half dollars to extend

the plant at that time to meet what it contemplated would be the requirements of the company in furnishing electrical energy throughout the Lehigh Valley. This arrangement had been practically completed at the outbreak of the war, but because of the financial conditions before the declaration of war and the attitude of the Government in objecting to new capital arrangements it was not enabled to complete it. If it had not been for the war the extension would have been made by the company at this time.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. STEELE. I will.

Mr. SMITH of Michigan. I understand that there is a corporation expressly organized and authorized to loan financial aid where it is necessary in such a case as this, is there not?

Mr. STEELE. Does the gentleman mean the securities company?

Mr. SMITH of Michigan. The War Finance Corporation.

Mr. STEELE. I do not think any of the war-aid legislation extends to public utility companies. No legislation now in existence meets the situation I have been discussing.

Mr. SMITH of Michigan. Has this company made application to them for assistance?

Mr. STEELE. I can not answer the gentleman because I have no information on the subject.

Mr. SMITH of Michigan. Is it being operated on war contracts?

Mr. STEELE. The Bethlehem Co. is engaged almost 100 per cent in war contracts, and from 30 to 60 per cent of the cement produced is sold to the Government.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. STEELE. I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, during this afternoon the average attendance in this Chamber has been less than 20, taken at intervals of about 15 minutes. This is less than 5 per cent of the House membership. Over at the other end of the Capitol 90 per cent of the membership is present with crowded galleries. The two situations contrasted are practically this: This great representative body is in the act of yielding to the Executive stupendous and almost immeasurable powers heretofore controlled indirectly, perhaps by the legislative body, but really owned and controlled by the people of the United States. Over at the other end of the Capitol in the presence of a vast throng, the large membership finds itself in the act of extending an opportunity for a voting privilege to a part of the people of the United States. It illustrates that it is hard for the American people to obtain any extension of a right, but it seems in these latter days very easy for them to yield up a large portion of their rights.

It seems to me that in yielding these tremendous powers so aptly described by the gentleman from Pennsylvania [Mr. DEWALT] who, with his far vision and powerful imagination, sought to give us some idea of the tremendous proportion of this grant of power, we ought to go slow in considering it. We should take into account what we are granting. We are taking from the people and handing over to the Executive multiplied millions of property and valuable and important rights heretofore exercised and enjoyed by the American people. This tremendous grant is made to the Executive under alleged war necessity. Does the Executive really believe that we should seize the property rights of the American people and transfer them to him? If he believes it should be done, he undoubtedly believes it should be constitutionally asked for that it might be constitutionally granted and constitutionally received.

I am in favor of granting any power necessary for the winning of a victory for this Nation in this emergency. But the official who is to accept this grant should believe in it so thoroughly and be so impressed with its necessity that he would say to the Congress in the constitutional way, "I need the power and I ask it of the Congress for the welfare of the Nation."

I asked a Member, the gentleman from North Carolina, who was making a speech on this bill, if the President had in a constitutional way asked for this grant of power. He said he did not know. He added something as to the matter of taste in a communication through the chairman of a standing committee having the same effect as a message to the Congress. This is not a matter of taste; it is a matter of the Constitution, and I hope when I mention the Constitution in this presence that nobody will rise and make the point of order against introducing a strange or obsolete subject in this Chamber.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. I yield the gentleman two minutes.

Mr. SLOAN. Section 3, Article II, of the Constitution, reciting the powers and duties of the President of the United States, says:

> He shall from time to time give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient.

Reading section 3 as it applies to this bill, omitting that which is irrelevant, it would read as follows:

> He shall from time to time recommend to their consideration such measures as he shall judge necessary and expedient.

The Executive has apparently not deemed it "necessary or expedient" to have this grant of power, because no message has come to the Congress of the United States for that purpose. Message only is the constitutional method by which the President should seek to influence in the first instance action by the lawmaking power. Ordinarily the lawmaking power should be confined to the Congress of the United States, uninfluenced by Executive recommendation. There is, however, reserved to the Executive on great questions where he desires and where he thinks he ought to influence the initiation of legislation the duty of sending a message in writing or by appearing before the Congress and recommending that such legislation be passed. I have heard Members criticized on the floor of this House for not supporting presidential policies and measures. Constitutionally what is a presidential measure or policy? There is no presidential policy known to the law or properly construable by the law for which any man should be criticized for not supporting unless, in the first instance, in the constitutional manner, the Executive has exercised his prerogative in recommending such legislation.

This measure contemplates an extraordinary grant of power involving legislative violence to vast private rights, affecting every unit of electrical and mechanical power in the United States. It can only be defended by a stern war necessity. Before we deprive the people of their rights the responsible head of this Government should in the constitutional way demonstrate the necessity and make the demand for the legislation. In the years to come when the representatives of the people are struggling to wrest this power from the Executive, whoever he may be, to restore it to the people, Representatives will look vainly through the presidential messages for the request for this grant. It will be looked upon as a settled policy rather than a war-emergency measure.

Men have said in this debate the vast powers granted are not expected to be exercised. Then they should not be granted. Wise statesmanship presumes that power granted will be exercised. More than that, it should be hedged about with every conceivable safeguard. Legislators should guard against the ill-disposed officer rather than too solicitously grant privileges to those who may be deemed wise and good.

If this measure is necessary for achieving national victory, if the Executive is so convinced and he has in any wise indicated such conviction to members of the Interstate and Foreign Commerce Committee, such committee might properly take cognizance of that fact. But a due regard for the dignity of the House of Representatives and the Constitution of our country demands that the Executive message prescribed by the fathers should be forthcoming before this measure was recommended for our favorable action. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman, I desire, like the gentleman from Pennsylvania [Mr. STEELE], to refer to the necessity and the utility of this measure because of conditions which arise in my own district. There are two great divisions of power development in North and South Carolina. One of them is controlled by what is known as the Southern Power Co. and operates on the Catawba and Broad Rivers, and the other is the Carolina Power Co., that operates farther north on the Pedee River and the Roanoke River. Now, there is a condition arising which is shown in the report here. The Southern Power Co. has a normal amount of power in its territory to carry all the legitimate business that is being done there, and that is a tremendous war business in the manufacture of cotton goods at the milling points in that whole territory. It has 10 large hydroelectric plants in my district, and has really built cities where there were wildernesses a few years ago for the purpose of manufacturing cotton, and it has in the last year constructed and is just completing another very large plant, whose power is not needed in that particular district but it is needed in the district of the Carolina Power Co., and the construction is needed of 82 miles of power transportation

lines of 100,000 volts capacity, requiring about 75 miles of additional lateral branches feeding the territory contiguous to Wilmington, N. C., and all between the Wateree River and Raleigh, N. C., the Wateree River being in South Carolina.

Now, the construction of that line and the transmission of 20,000 horsepower will release 150,000 tons of coal a year which is used in a territory which is remote from the coal fields, being a very large item. It releases from the necessity of transportation 3,000 coal cars for the coming season, and the company that is purchasing this power desires to connect the two reservoirs, the one running over with power and the other in want of power, and it is confronted with the fact that it can not go on the market with its securities because it is interfering with the money market for the bond subscriptions. It can not get the money to construct this line to comply with its contract, in which it proposes to deliver electricity early in the coming year, without some help or some relief from the Government. It has to get permission from the finance board here or it has got to borrow the money from the War Finance Corporation, or it has got to get it this way, and the question is a very serious one whether it can get it any way except this; and this is merely an instance of the utility of the measure which is proposed. Now, the gentleman from Nebraska [Mr. SLOAN] said, in substance, a little while ago that the proposition was to give the President power to seize the property of the citizens. It not only looks to that, but it is to give the Government the power to assist the citizens in developing that which is absolutely necessary for the carrying on of the industries of this country during this war, and that is the instance which I have attempted to give of the use of this act, and for that reason I am exceedingly interested to see the act put in operation as soon as possible, in order that the power which is in one reservoir—and you will find it so all over the United States—can be shifted and transferred to a place where it is needed to conserve the coal supply and the transportation of this country. That is the statement that I desire to make in asking for time this afternoon.

Mr. NORTON. Will the gentleman yield?

Mr. STEVENSON. I will.

Mr. NORTON. Is the gentleman in favor of legislation of this kind after the war?

Mr. STEVENSON. I am in favor of its terminating as soon after the emergency growing out of the war terminates as possible. I have always been a strict constructionist and I do not now expect to begin to advocate the retention of public utilities any longer than they are necessary.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. STEVENSON. I will.

Mr. SHALLENBERGER. I have been interested in the gentleman's explanation of the bill. Do I understand that the corporations that are denied the opportunity to sell securities to raise money are to be allowed to have money out of the Treasury, and this is a bill to furnish them the money?

Mr. STEVENSON. The provisions of this bill authorize the Government to take hold and expend the money in creating these facilities or in assisting corporations now in existence in completing themselves and provide security to the Government in so doing. That is the reason for the great appropriation that is made in the bill. I yield back such time as I have not used.

Mr. HAMLIN. Will the gentleman permit a question?

Mr. STEVENSON. Yes.

Mr. HAMLIN. I desire to refer to the last remark of the gentleman in reference to its providing for security to the Government. What security is made to secure the Government?

Mr. STEVENSON. As I have read the bill, the Government has possession of the utility, and I take it for granted that if it has possession and can operate it can take care of itself in the operation.

Mr. HAMLIN. But when the war period is over and the authority of the Government to operate expires, the Government will have a lot of this stuff on hand, and it will have to sell it for whatever these people want to give them.

Mr. STEVENSON. There is a provision that it must be appraised and the Government will dispose of it; and if you develop a power and the power is put to a profitable and permanent use, you are not very likely to have to throw the power away. But suppose the Government has to take something less than it costs? The time is now at hand when we have to have the power for the purpose of carrying on the war industries. Now, if the Government has to lose something by accelerating that power and by increasing it, and by increasing the facilities for the transportation and delivery of that power, it is one of the expenses and one of the losses incident to being in a state of war which we will have to philosophically bear, I think.

Mr. HAMLIN. I agree with the gentleman; and that is the only reason in the world why I will support the bill. But this is the situation as it is likely to arise, in my mind: Has it occurred to the gentleman that some of these private companies might take advantage of the Government in coming and extending their plants?

Mr. STEVENSON. Selfishness is the dominating trait of humanity, and I have no question but that some people will take advantage of this condition. But I call the gentleman's attention to the fact that they do it in every contract and every deal made with the Government, and they take advantage of the necessities of the Government when in a state of war; and we can not do away with it without eradicating human nature.

Mr. ESCH. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio [Mr. FESS]. [Applause.]

Mr. FESS. Mr. Chairman and members of the committee, a statement was put out some time ago by one of our colleagues, Mr. FERRIS, of Oklahoma, the chairman of the Democratic Congressional Committee, in which it was announced that the Republican Party had been an obstruction political party. I wanted to take a little time with the members of the committee to say something about the functions of a minority party. The minority party, by virtue of a lack of numbers, is not held responsible for legislation. That function belongs to the majority party. I believe, as no doubt every Member in this Chamber believes, that a republican form of government can not be administered in a salutary manner for the public weal without some form of political organization. Public opinion can not translate itself into law except through this agency. There is not a government in the world that assumes to speak for the people that does not have a form of political party. Even in Germany, the enemy to-day of the liberties of a people, recognizes party organization. If it is in a country with a responsible ministry, such as Great Britain, they have several parties, but always two. And in our country we will always have at least two political parties fundamentally different. It has ever been so and will ever be so. The very distinction of schools of political thought compels it.

The line of demarcation in our history thus far has been the difference between that school of political thinking that tends to give increased power to the central authority in the interest of order, but at the same time retains local self-government in the local unit in the interest of liberty. The other school tends to retain more liberty in the local unit and less power in the central government. The differentiation between political parties in our country, therefore, has been that one emphasizes central authority in the interest of orderly conduct, while the other local self-government in the interest of liberty.

It is a well-recognized historical fact that these two lines of political thinking have formed the real basis for political parties. The extreme of either would not be wise. In the past the Democratic policy was decentralization, which embodied itself in the doctrine of State rights and, at certain periods, State sovereignty, which was the real cause of the Civil War.

Our Democratic friends will admit with me that in the last few years the centralizing power is being recognized fully, if not more greatly, on the Democratic side of the aisle than on the Republican side. However, the Republicans have never agreed with former Democratic policies. No political party in power will likely suffer an embarrassment by not using what seems to be the necessary authority to do what the leaders think ought to be done. So that the party in power will be centralizing in its tendencies, while the party out of power may be decentralizing in its tendencies. This is usually the rule. The party in power inevitably will take the responsibility for legislation. The country demands of it that service. It can not long remain in power if it does not. The party out of power, almost as inevitably, will take the position of the watchman on the tower to hold up the legislation by its parliamentary rights until what is worth while is gotten into the law, and what is dangerous, from their standpoint, is eliminated from it. The real purpose of parliamentary regulation is to secure to the minority this right in the interest of sound legislation.

This explains why, from 1861 until 1884, the Republican Party took the lead and responsibility of all measures which to-day make up our proudest period in history, while the Democratic Party was styled in our history as the obstructionist party, because it studiously and vehemently opposed every measure during that period. It matters not whether you look at the Lincoln-Johnson administration or any other, from that on until the Cleveland administration in 1885 the position of the Democratic Party as a minority party was to oppose except when by accident the House for a short time fell into Democratic hands. I remember most distinctly as a young man greatly

interested in the political history of our country, and an interested student of our times, I used to take a great deal of pleasure in declaring what was true, but somewhat embarrasing to my Democratic friends, that there was scarcely a fundamental measure since the opening of the Civil War that had not been opposed by the Democratic Party in both the Senate and the House. We are free to admit, what all must recognize, that the reason for that was that the Democracy of the country was holding responsible the Republican Party, which was then in power, for the legislation and not being charged with such responsibility themselves presented an almost undivided opposition.

It is not necessary for me to specify what were the great measures in Lincoln's time and Johnson's time. They involved the prosecution of the greatest Civil War known to man. Opposition then verged close to disloyalty. Neither is it necessary to speak of the outstanding political measures in Gen. Grant's reconstruction period. His administration was distinguished by vitally important measures inherited from headed the Nation, the course of administration was obstructed from every angle by the party which to-day is in power.

No Democrat on this floor to-day will deny that these measures were almost every one of them opposed by the solid vote of the Democratic side of the House, including all of the the war, which should have received the support of the Democrats but did not. From 1869 to 1877, when the great soldier amendments to the Constitution, and other reconstructive measures following the Civil War as inevitable problems inherited by the war.

Mr. LONGWORTH. Will my colleague yield?

Mr. FESS. I yield to my colleague.

Mr. LONGWORTH. Does my colleague recall that during the Civil War or the Spanish War any revenue measure was ever passed by unanimous vote?

Mr. FESS. Never in the history of this country.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. FESS. I yield.

Mr. SHALLENBERGER. Is it the line of the gentleman's argument that the position of the Republican Party now is similar to that of the Democratic Party at the time of Lincoln?

Mr. FESS. It is not. That is why I wanted to build the statement so that I would not be charged with being unfair when I came to make the statement I rose to make.

What was done in Grant's administration, from 1869 to 1877, was also noticed in the Hayes administration, from 1877 to 1881, and was repeated in the Garfield-Arthur administration from 1881 to 1885.

The outstanding measures of national importance in each of these administrations covering the period from 1861 to 1885, a period of 44 years, were the targets of the fiercest opposition of the minority or Democratic Party. These measures included besides those which necessarily grew out of the war the financial question, the tariff question, the civil-service question, the expansion question, the concentration and control question, and many others of like importance. The country will not forget the attitude of the Democratic Party in first demanding fiat money, then opposing its constitutionality, and later opposing the resumption of specie payment. Neither will it forget its attitude on the civil service, which, while professing to favor after it once was adopted, it repudiates when the party is called upon to enforce it.

During all of those 44 years there was a tremendous effort to build up the country from the standpoint of Republican policies, which displayed a greater stride in national prosperity than had ever been known before. That effort was fought by a united Democracy all along the line. Then, in 1885, when Grover Cleveland came into power, one of the very first measures that was introduced in Congress was the interstate-commerce act of 1887. The Republicans, while not opposed to the principle, wanted to look into it thoroughly, and therefore they did not give it a unanimous vote. The party of the majority for 44 years, and necessarily the responsible party, had become a minority party. On the other hand, during this same Cleveland administration the presidential succession law was not opposed by the minority party. In 1890, in the case of the famous Sherman Antitrust Act, which bears the name of a distinguished Republican in the Senate, at that time in the control of the Republicans, it was opposed by the Democratic Party in the main, although professing to be against combinations. And then, coming on down, taking in Cleveland's second administration, you find the same rule obtained in a degree, and also in Harrison's administration the same principle of the minority holding the majority responsible for legislation. In McKinley's administration, before the Spanish-American War the Democrats were furious for war, and for a time after war was declared there was a pretty united House on both sides of the aisle, especially on the declaration of war. President McKinley was given a unanimous vote for $50,000,000, granted as an emergency defense fund, to be used as he saw fit. But when it came to a revenue measure to supply funds with which to prosecute the war our Democratic friends—all but six of you—voted against it. Here in time of war a minority party voted almost solidly against a measure designed to supply the funds necessary for the prosecution of the war which had received almost a solid Democratic vote on the declaration of war. While some people have suggested that it was not patriotic, I had never felt disposed to so denounce the opposition, but was ready to admit that the point of dispute was not as to the end but as to the means of raising the money, and consequently I do not now think, nor did I then, that we ought to insinuate that it was an unpatriotic motive on the part of the Democrats. It was opposition to a theory of taxation Democrats have not indorsed rather than opposition to the war.

I do not think that our Democratic friends now have any right, from whatever angle viewed, to impugn the motive of any Republican if, before the war, he should have questioned the feasibility of a certain method of raising revenue, or any other measure upon which parties have been divided from the very beginning of our Government. I now refer to the revenue bill, to which the gentleman from Oklahoma [Mr. FERRIS] referred in his speech, in which he said that the Republicans had not unitedly supported it. This was a measure before this country was in war.

Why, into that measure they had dragged at least three Republican ideas in order to win Republican votes, and while many Members on the Republican side of the aisle did vote for it, many Republicans did not stand for it because, as I said before, there was a serious question involved as to whether it was the right method.

But let it not be forgotten that that was before the war and at a time when the best consideration with the greatest deliberation was not only warranted but demanded. Again our friend from Oklahoma, speaking of the Republican side as obstructionists, referred to the Federal-reserve act. I want to take the time to remind the gentleman that the reserve act was in 1913, in time of profound peace, and I also wish to say that the enactment of the Federal-reserve act was not obstructed by the Republican Party. A great number of Republicans voted for it, and with the best of reasons, for in the main it was patterned after a Republican measure, the Aldrich bill. Quite a number voted against it, not because of the Federal-reserve act itself but because of certain features in it that we tried to amend and to eliminate from it. Had these amendments been accepted it would have left the House a very much better bill.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. FESS. With pleasure.

Mr. CAMPBELL of Kansas. Will the gentleman from Ohio permit me to state that those amendments were put in finally before the law became effective?

Mr. FESS. That is true; and the act has been amended four times to my knowledge, where I assisted in the amendment, since the law first became effective.

Mr. CAMPBELL of Kansas. And the administration failed to put it into effect for 15 months because of the lack of those features?

Mr. FESS. Yes. I repeat the act was not opposed as a whole, but only objectionable features of it.

Now, I should like to make another observation. The Federal-reserve act was bodily borrowed from a Republican measure, the Aldrich bill, the result of a Monetary Commission on which the greatest body of thought was gathered that had ever been gathered upon any subject in finance in the history of this country, and it must not be forgotten that was a Republican measure. When the bill was before us I printed in parallel columns of the RECORD the Aldrich bill and this act to show the complete similarity in principles and fundamentals.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. FESS. I yield to the gentleman.

Mr. LONGWORTH. With regard to the revenue bill, of which my colleague has just spoken, I was one of those Republicans who supported it because I believed it was four-fifths Republican, and the only reason why I objected to it, and the reason why Republicans voted against it, was the excess-profits tax, brought in in a time of peace, concerning which, if the gentleman will permit me to read, the Secretary of the Treasury now says:

Mr. MCADOO. The excess-profits tax must rest upon the wholly indefensible notion that it is a function of taxation to bring all profits down to one level with relation to the amount of capital invested and to deprive industry, foresight, and sagacity of their fruits. The excess-profits tax exempts capital and burdens brains, ability, and energy.

The excess-profits tax falls less heavily on big business than on small business, because big business is generally overcapitalized and small business is often undercapitalized.

That is the opinion that the Secretary of the Treasury now holds upon the one item in that bill which the Republicans opposed.

Mr. FESS. I am glad that my colleague made clear that particular point, because I want to make it clear that it was not the bill as a whole that was opposed by Republicans, but defects, many of which have since been corrected. The bill had in it some features that the Republicans tried to amend at the time. I myself secured one amendment, as will be recalled—the preservation of the gold standard.

When my friend on the other side of the Chamber referred to the interstate trade act and charged that we obstructed it, he was again mistaken. Republicans voted for it as readily as the Democrats, for it was a Republican measure that had been recommended by President Taft in a Congress preceding. At that time Democrats opposed the proposition because of minority status. But not so with Republicans; they supported the measure quite enthusiastically.

The same thing is true with respect to the rural-credits act, another measure in the list mentioned by the Democratic chairman. The rural-credits act was an origination of Myron T. Herrick, from Ohio, a Republican, who had made an elaborate study of the subject in Germany. He was the first man to call attention in an official way to this character of financial legislation.

I simply call the attention of my friends on the other side of the aisle to these facts, which ought not to have been forgotten so soon, and must not be distorted for political purposes. When they say that we on this side of the aisle have assumed the position of an obstructionist party they shall not distort the real facts. All of these measures were passed in time of peace. Even though we had obstructed it is not fair to apply it as if it were war time. I call their attention to the fact that there was ground for our opposing the items that we did oppose, although they bore the brand of our own party, having been borrowed from us and having been dressed in a new garb. But that was not in time of war. It was before the war opened and can not be subject to the criticism justified if in time of war.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes; I yield to my friend.

Mr. HASTINGS. The gentleman has just made a statement to the effect that Myron T. Herrick indorsed this rural-credits act. It is true that Myron T. Herrick wrote a bill upon the subject of rural credits, but the gentleman from Ohio is bound to admit that Myron T. Herrick violently opposed this particular bill, that he circularized the United States against it, and made speeches against it—the bill that the Congress passed. I remember it very well; I was myself a member of the Committee on Banking and Currency, which reported that bill; and I remember that Mr. Herrick made speeches all over the United States against the rural-credits bill which was enacted by Congress.

Mr. FESS. He opposed one feature of the rural-credits bill, a feature that is fundamentally wrong, and the elimination of that feature would have made it a much better bill. I refer to the feature which puts the Government itself in the banking business. That was the feature he objected to in that bill, and that is the one feature that weakens the bill. The same may be said in lesser degree with regard to the Federal reserve act.

We also objected to the latter being a partisan board of control. We introduced an amendment to make it nonpartisan and were ridiculed for even the suggestion of the possibility of any Executive doing such a thing. Note that was before it was done. That feature of the Federal reserve act would make it much better if it were eliminated.

Our opposition to that feature does not mean that we oppose the whole measure. I appeal to gentlemen on both sides of the aisle, what has been the position of the Republican Party as a minority party since the world war began? I am quite certain that there is nobody here, on either side of the aisle, that wants to do anybody, individually or collectively, an injustice. There is no occasion for it, and when we come to look into our party government, where we know legislation must be by party organization even in time of war, there will be a majority party, responsible, and a minority party armed with parliamentary procedure in order to see that the best results will be worked out in legislation. Note the contrast of the Republicans in war with the Democrats in the Civil War and the Spanish-American War. Only yesterday a distinguished judge, a Democrat from Georgia, said to me he had never seen such elimination of party spirit as displayed by Republicans. There never has been such a display of partisan abandonment as shown by Republicans, although in the minority. There have been heard partisan utterances, but not until it was opened by the Democratic chairman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. I yield to the gentleman five minutes more.

Mr. FESS. I make full recognition of the value of political organizations in legislation. But when the war opened, although the Republicans had been somewhat impatient with our "watchful waiting" and had criticized some things that we thought ought to have been different, partisan criticism was totally abandoned. However, we had suggested some things not done that we felt should have been done. Republicans have felt themselves free to raise certain questions as to a more complete preparation and a more vigorous prosecution of the war, but when it comes to voting on any war measure which was shaped as a fixed policy for the prosecution of the war, there has been no political division, so far as I know, on the Republican side.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. FESS. Yes. I yield.

Mr. SHALLENBERGER. I agree with the gentleman that we can not decide the policy of a party by a vote on a special measure, but I would like to ask the opinion of the gentleman on this matter. Is it not a fact that one great measure that is at issue in the management of this war, a party measure between your side and the Democratic side, is the selection of a war board, or a war committee, to assist the President in the conduct of the war? Is not there this possibility that if your party should win in this election your policy will be to establish a war board such as your party has voted for and take from the President the absolute power to conduct the war as he sees fit? Is not that the essential thing at issue?

Mr. FESS. There will be no disposition on the part of Republicans in Congress in the slightest degree to interfere with the vigorous prosecution of the war. The gentleman should not speak of a committee on the conduct of the war. We have asked for no such committee. There is almost certain, however, to be a decided policy that the administration accept some budget system, to give better business methods to contracts and expenditures, and also a better audit system, so that the auditing of the accounts of one department will not be done by its own department, as in the case of the Government.

Mr. GILLETT. Will the gentleman yield?

Mr. FESS. Yes; I yield.

Mr. GILLETT. Was not the formation of the committee to which the gentleman refers—and which the Republican Party supported—originated by the Democratic Party in the Senate and carried through the Senate under the leadership of Senator SIMMONS, the Democratic leader, and after that the Republican Party supported it?

Mr. FESS. That is true; and not only that, the gentleman here that introduced this bill has offered the argument that this committee is unnecessary because Congress has already a committee with power to do that thing. If that Committee on Expenditures, a part of this body, has that power, then the gentleman can not inject the idea that we are going to interfere with the prosecution of the war by creating a new committee to do, as he says, the identical thing they now have the power to do, but of course does not and will not do.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. FESS. Yes; I yield to my friend.

Mr. SHALLENBERGER. When the revenue bill was passed the leader of the Republican Party sought to recommit it with instructions to report the bill back with a provision authorizing the appointment of a committee to have control and supervision of the expenditures. I hold the position that you can not fight this war with committees and that the appointment of a committee would interfere with the Executive in his full power as Commander in Chief in his efforts to prosecute the war.

Mr. FESS. That statement may be a good political argument just before an election, but it does not get anywhere when the purpose of every political party is to win this war with the most vigorous prosecution possible and at the minimum waste of public funds. That, I think, everybody will agree to. We have no right to devote our entire attention to contracts. We must also devote some effort to how to avoid wasteful expenditures.

Mr. GILLETT. I suggest to the gentleman that it is not fair to let go uncontradicted the suggestion that this committee was to have control of expenditures. They would have had absolutely no control of funds. The committee whose organization the Republican Party supported was purely a committee of investigation.

Mr. SLOAN. And had nothing to do with the conduct of the war.

Mr. FESS. Absolutely nothing to do with the conduct of the war. The gentlemen confuses a committee to supervise expenditures to avoid waste and a committee on the conduct of the war.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. ESCH. How much time have I remaining?

The CHAIRMAN. The gentleman has five minutes.

Mr. ESCH. I yield the balance of my time to the gentleman from Ohio.

Mr. MAGEE. Will the gentleman yield?

Mr. FESS. Yes.

Mr. MAGEE. Does the gentleman think that a Member of the House performs his full responsibility by voting for the authorization of appropriations aggregating $40,000,000,000, and then never concerning himself in any way, nor endeavoring to get any information, as to whether these moneys are wisely, economically, and lawfully expended?

Mr. FESS. I think, in answer to my friend specifically, that it is an indication of a weakness on the part of an individual Member to attempt to free himself of responsibility that he must and ought to exercise.

Mr. GARNER. Will the gentleman yield?

Mr. FESS. Yes.

Mr. GARNER. Is not that auditing now being performed by the various appropriation committees of Congress?

Mr. FESS. To my mind the various appropriation committees of Congress have enough to do besides following this thing up. Their business is to initiate appropriations. We ought to have a committee to coordinate with that committee and follow up appropriations and see how they are being applied and whether they are being wasted. I had not intended to raise this question, had it not been for its injection here as an indication that the support of such measure was a desire to obstruct the prosecution of the war. No man can justly make such a statement. It means a more vigorous prosecution of the war at the least waste of public funds.

Mr. GARNER. If I understand the gentleman from Ohio, he would create this committee, to devote its entire time and attention to this particular work and leave their other duties in Congress to their fellow Members?

Mr. FESS. A committee such as proposed, which was to be a joint committee made up of the complexion of both the Senate and the House, which would have been a Democratic committee, certainly would not have interfered with the war and would have been a help rather than a hindrance.

Mr. GARNER. I did not say anything in regard to interference; but does the gentleman take into consideration the duties of the various committees of the House? For instance, the Appropriations Committee, of which the gentleman from Massachusetts [Mr. GILLETT] is the ranking member on the Republican side, has full power and, I believe, full opportunity and full time to investigate these expenditures and ascertain whether they have been judiciously expended or not.

Mr. FESS. I do not agree with the gentleman. No such function was ever exercised by that committee, and never will be.

Mr. GARNER. And I also think the Committee on Military Affairs and the Committee on Naval Affairs have that power.

Mr. FESS. I do not agree with my friend in that statement either.

Mr. GILLETT. We have to do with the appropriations for next year.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FESS. I will.

Mr. LONGWORTH. What will be the essential difference between the functions of this committee and the functions now being performed by Mr. Justice Hughes in investigating the $640,000,000 expenditure for airplanes without result?

Mr. FESS. The one chief difference is that one derives authority from the Executive; the other derives authority from the body that gives the appropriation, the Congress, and it would seem to me that when we vote money to any department and hold it responsible for its proper application, if an investigation is to be made as to the application of that money, it is not for the department that spends it to make the investigation, but it is for the department that gives it authority to expend it. [Applause.]

Mr. SLOAN. In the gentleman's opinion, if we had had such a committee, does the gentleman think there would have ever been any occasion for Mr. Justice Hughes to have made the investigation, or for the Senate to have made its investigation——

Mr. FESS. Most certainly not, and the thing most surprising to me is the sensitiveness of our Democratic friends in refusing to have an inquiry. If our Democratic friends would welcome an investigation of those things that seem to have gone awry, look at the saving to the Nation from that standpoint, and invite an investigation, not by the department being investigated but by a coordinate body, the public would be better served. I am sure my friends will agree with me that when we vote without debate $640,000,000 of money for the building of aircraft, as we did in July of 1917, and we did it because we thought it would be better not to debate the bill on the floor of the House, that we are not wholly free from legitimate condemnation of the people when we simply throw it off by saying we were asked to do it in that way and thus performed our duty to the public, and we therefore do not propose to make any research as to what became of it. This attitude is culpable and should not be tolerated, much less in war than in peace. To me this claim that the Republican Party has acted as a mere obstruction party is pure partisan pabulum employed for partisan purposes where argument for principle is sadly lacking. [Applause.]

Mr. SIMS. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. SNOOK], a member of the committee.

Mr. SNOOK. Mr. Chairman, I have been very much interested in the statement of my colleague from Ohio [Mr. FESS] on the philosophy of the parties. So far as I am concerned, so long as I have been in this House I have not said anything that looked like a discussion of party questions. Personally I want to say this, that I have no time now to discuss party questions. I want to see if I can personally do something to help win this war without reference to whether it is won by men who are Democrats or Republicans. I do not care which they are. [Applause.] Now, I want to say a word or two about this bill. I had not intended to talk on this subject at all, but I want to call the attention of the committee to this very important measure and to some one or two or three criticisms which have been made by some who have discussed the measure. There has been a great deal of discussion as to the power conferred in section 8, which gives the President the power to retain these utilities which have been taken over or which have been built or bought by him until he can dispose of them to advantage. I am sure I had a great deal of doubt about the advisability of this section of the bill and I have a great deal of doubt in my mind yet about the advisability of that section; but there is a good deal of force to the argument which was presented to the committee and which has been presented to this House that if the Government intends to spend a large sum of money in buying these utilities, in building utilities, and in putting money into utilities already in existence, the President ought to have a large discretion in disposing of them after the war is over. If the President is not given such discretion the Government is likely to lose a large sum of money. There is no doubt in my mind that on account of the expense at this time of installing these utilities the Government is bound to lose money under this bill if we turn those utilities back to the people who own them or if we dispose of them after the war.

I want to say, again, for myself personally, as I said when we passed the railroad-control bill, and as I said when we reported the bill for the control of the telegraph and telephones, that I am opposed to committing this Government to a policy of Government ownership of those utilities as long as we find there are people in this country who have brains enough and who are honest enough and who have the ability to administer these affairs and run these railroads and these utilities as they have in the past. [Applause.] But this is a war measure, and, as was pointed out to the committee, it is an absolute necessity at this time to have this additional power in order to manufacture war munitions and in order to mine coal. That is a question that has not been called to the attention of the committee, and I wish I had time to call the attention of the committee to a statement made by Dr. Garfield upon that subject to show the economy that will be worked out in the operation of the mining industries of this country, if they can have the power that is necessary to carry on this work. I do not have the time to read from the statement, but it says that by using the electric current necessary for the mining of coal there will be a saving of several millions of dollars a month to the consumers of this country, because these power plants use the by-product or the coal that is not used by the manufacturers of the country or by the domestic users.

Now, there is just one other thing that I want to call attention to that has been offered as an objection to this bill. The question has been asked several times if the necessity exists now it must have existed for some time; and why is it, men say, that we have not been called upon to make this appropriation before this time? The answer is given by Secretary Baker, and will be found on page 4 of the hearings, and it is this: When they began to make a survey of this subject and to find the necessity for this additional power and ascertained that it existed they tried to go to different appropriations that

had been made for the War Department and for the Navy Department and other branches of the Government that were exercising these functions, but they found that it was impossible to work out a plan to use the appropriations that had already been made by Congress to the different branches of the Government. They did work out—and he said it was with the utmost difficulty—a plan by which they did lend assistance to some of the plants in the Pittsburgh district, where the necessity was the greatest, and they found it was very doubtful if they had the power to do so.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SIMS. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. SNOOK. They found that they had the greatest difficulty to work out a plan by which these appropriations could be used. I wish to quote just a moment from Secretary Baker's language on that subject. He says—and you will find it on page 4 of the hearings—

> It required a great deal of ingenuity to work out a plan by which the funds in the War Department could be made available for the establishment of supplementary power supplies. The Emergency Fleet Corporation had some elasticity in its funds; the Navy Department somewhat less elasticity. We have all been working at it fairly steadily for four or five months.

And then he went on to say that they found out, after investigating the subject fully and carefully, they thought the only way it could be reached was by framing a bill something like this.

It was suggested by somebody in the debate—I do not remember who—that it would have been better to have appropriated a lump sum and have left it to the power of the President to dispose of that sum in taking over these plants and constructing new ones. To my mind that plan would be very much more open to objection than the plan we are now using. I know that this bill grants large powers to the President, larger than any bill, probably, we have yet brought to Congress; but, even so, it is hedged around by many safeguards that put a curb on that power and makes it much better for the people and for the Congress than conferring on the President the power to spend a lump sum. That method of appropriation has been oftentimes criticized in this Congress, and I do not know of any more objectionable method by which we can legislate than by going in that direction.

Mr. SHALLENBERGER. Will the gentleman permit?

Mr. SNOOK. Yes.

Mr. SHALLENBERGER. I would like to ask you as a member of the committee—and I am very much interested in your discussion of the bill—if the policy of the bill is, or was it presented to you by the department, that because of the interference in the sale of these securities it would be necessary in order to raise the money to do these essential things that the department thought wise to take the money from the Treasury and loan to these particular people?

Mr. SNOOK. The people who were engaged in these industries found it impossible to get the money to do this work.

Mr. SHALLENBERGER. Because they were forbidden to sell them?

Mr. SNOOK. Yes; because the money market was such they could not sell securities. They found the only way they had then was to come to the Government.

Now, going back to this section 8 and the power conferred by it in connection with paragraph 1 of section 2, I found to-day when I read the bill over in the House after the discussion had commenced that there is no limitation as to the time in paragraph 1 of section 2 of this bill as to when the President may spend money for the purchase of a power plant or for the building of a power plant. I believe that a limitation should be placed in that paragraph as well as in paragraph 2, and, if I do not change my mind, I shall offer an amendment after the word "construct" to define and limit the power conferred by paragraph 1 of section 2 to the war period, which is defined in this bill.

Mr. PARKER of New Jersey. I think the gentleman will find that it is limited to the war period except where some provision is made.

Mr. SNOOK. Not in this section.

Mr. PARKER of New Jersey. But it is a general provision in the bill.

Mr. SNOOK. The committee, after fully discussing this bill, found the great necessity that confronted it, and in order to meet this necessity, reported the bill to the House. When it is amended, if the committee should deem amendments necessary, I think it ought to be speedily enacted into law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman and gentlemen of the committee, perhaps I ought to apologize for digressing and for discussing a subject that is not in the bill and for taking up the time of the House at this late hour in the evening.

I am not going to make a partisan speech. I have not made one since the war began. I do not believe I have cast a partisan vote. It is not my purpose during the continuance of this war to do so.

I want to take up the few minutes allotted to me, however, in discussing a subject that I think is of very great importance, and that is an amendment to the rules which I have proposed and which has been referred to the Committee on Rules.

Mr. Chairman, since coming to Congress I have been deeply impressed with the necessity for some rule whereby bills of a local nature could be considered. Strange as it may seem, there is no such rule at the present time. On July 15 I introduced the following resolution as an amendment to clause 3 of Rule XIII:

> *Provided further*, That when any bill on the Calendar for Unanimous Consent, upon which there is no minority report filed, is called for consideration, it shall be considered unless 10 members object, when it shall be immediately in order to move its consideration, which motion shall be put to the House without debate, and if carried by a majority vote, said bill shall be considered as if no objection had been made.

It will be seen that it amends the unanimous-consent rule so that any bill placed upon the Calendar for Unanimous Consent, upon which there is no minority report filed, shall be considered unless 10 Members object, when it shall be immediately in order to move its consideration, which motion shall be put to the House without debate, and if carried by a majority vote the bill shall be considered the same as if no objection had been made.

We ought to have a rule whereby local bills may be considered. Under our rules now one man in the House can prevent the consideration of a local bill during the entire session of Congress.

There are only four ways to get a local bill considered unless this amendment is adopted:

First. Upon a call of the committee that reported the bill. If the committee has been called on two previous Calendar Wednesdays and other bills considered that have been reported by it, the chances are the committee will not be called again during the session of Congress. There is little likelihood of getting any local bill considered in this manner.

Second. By placing the bill upon the Calendar for Unanimous Consent the objection of any Member strikes the bill from the calendar and it can not be considered.

Third. By asking unanimous consent for the consideration of a bill, a bill can be taken up unless a Member of the House objects. Of course, if he objects when the Unanimous Consent Calendar is called he will object to a request for unanimous consent at any other time in the House for the consideration of that bill.

Fourth. By offering a motion to suspend the rules, which requires a two-thirds vote. It is a rule of the Speaker not to recognize anyone who offers a motion of this kind for the purpose of considering local bills, except for the last six days of the session. It is usually too late then to secure favorable consideration by the other branch of Congress.

It will be seen, therefore, that there is really no way to secure consideration of a local bill except by unanimous consent. I am opposed to this rule, and it ought to be amended. If a Member introduces a bill which he vouches for as being meritorious, has it referred to a committee, and secures the unanimous report of the committee upon it, there ought to be some way to consider the bill in the House. Certainly one Member of the House who is not upon the committee that considers the bill and who has no personal knowledge of it should not have the right to say that it shall not be considered.

No Member can defend such a rule, either here or among his constituents at home. I was reared in the West, where the people believe in absolute equality. It is exceedingly difficult to explain to my constituents that consideration can not be secured by the House under the rules of a bill unanimously reported.

When a boy at school it was a rule that everyone took his turn in playing marbles, ball, or any other game.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. SIMS. Mr. Chairman, have I any time left?

The CHAIRMAN. The gentleman has 10 minutes left.

Mr. SIMS. Would the gentleman from Oklahoma be willing to continue his remarks by printing them in the RECORD? I approve of them so far as I have heard them.

Mr. BANKHEAD. I would like the gentleman to be allowed to conclude. How long will it take the gentleman? It is a very interesting subject.

Mr. SIMS. I have no objection to the gentleman's continuing, but I want to make this statement to the committee, that

when the time is out I want to commence the reading of the bill and read the first paragraph, and then move that the committee rise. That is all I want to do to-night. If the members of the committee do not object, I am willing to yield to the gentleman from Oklahoma five minutes more if he desires.

Mr. HASTINGS. Very well.

The CHAIRMAN. The gentleman from Oklahoma is recognized for five minutes more.

Mr. HASTINGS. I thank the gentleman.

The farmer, when he goes to the old water mill, stands in line and takes his turn in getting his corn or wheat ground. Lawyers at the bar have their cases docketed and called in regular order. Everyone appreciates that in Congress some legislation is national in its character and more urgent than other legislation, and therefore must necessarily pass. Consideration of it can be secured by unanimous consent or by special rule from the Rules Committee, but you can not get a special rule for the consideration of a local bill.

I am unalterably opposed to any rule that permits one or two men in the House to say what legislation may be considered. I believe that we should have a rule that will permit the consideration of all legislation. Every Member is entitled to have his bills considered when reported unanimously by a committee, and surely, if no more than 10 Members out of the entire membership of 435 object, the bill ought to be considered. In the event 10 Members object it ought to be in order to move its consideration. If a majority of the House wants to consider the bill the minority should not be permitted to hold it up.

I assume that every Member who introduces a bill does so in good faith. If he is diligent enough to appear before the committee to whom it is referred and secure favorable consideration of it, he is entitled to have it considered by the House when it is unanimously reported.

I want to invite the attention of the Committee on Rules and Members of Congress to this proposed amendment, and earnestly urge its favorable consideration. I submit that no Member can satisfactorily explain to his constituents that the House does not have a rule whereby every bill unanimously reported can be called up for consideration at some time during the entire session. My State and the West suffer most on account of this rule. Many of the older States do not require any special local legislation.

Eastern Oklahoma has 101,519 Indians enrolled as members of the Five Civilized Tribes. For the past 25 years their affairs have required legislation at different times to wind them up. Local legislation is imperative, but a single objection prevents its consideration. I am opposed to the rule as it now stands, and opposed to any rule that will place it in the power of one man to say what legislation shall be considered. I thank the House.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that we begin the reading of the bill, and that the bill be read, subject to amendment, by paragraph or subsections.

Mr. ESCH. I think that would be better, Mr. Chairman, because two or three of the sections cover two or three pages. It will be better to have it considered by paragraphs.

Mr. SIMS. Nearly all of these sections consist of but one paragraph. I ask unanimous consent that the bill be read by subsections or paragraph.

Mr. PARKER of New Jersey. I would prefer to have it read by paragraphs. For instance, in section (a) there are no paragraphs, but there are three or four subsections.

Mr. SIMS. Where there are no subsections I ask that the bill be considered by paragraphs.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the bill be considered by subsections or paragraphs, and where there are no paragraphs that it be considered by subsections. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, I ask that the bill be read through subsection (a). Committee amendments may be read but not acted on to-night.

Mr. FESS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SLOAN. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Nebraska makes the same request. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That when used in this act, unless the context shall require a different interpretation—

(a) The term "power plant" means a plant equipped for, and employed or intended to be employed in, generating, developing, transmitting, or distributing electrical or mechanical power, and includes all machinery and appliances therein contained, together with all lines transmitting or distributing power in connection therewith, and all other property the ownership, use, or occupancy of which may be appropriate to or useful in connection with the maintenance and operation thereof.

With a committee amendment, as follows:

Page 1, line 8, insert, after the word "power," the words "and in connection the products made through or in connection with the coking of coal or lignite or by combustion."

Mr. PARKER of New Jersey. Mr. Chairman, I move, before the committee rises, an amendment to that. The word "the," in line 8, should be changed to the word "therewith," so that it would read "and in connection therewith products made," and so forth.

Mr. SIMS. We can discuss that to-morrow. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12776) to provide further for the national security and defense and for the more effective prosecution of the war by furnishing means for the better utilization of the existing sources of electrical and mechanical power and for the development of new sources of such power, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MCCLINTIC, for two days, on account of illness; and

To Mr. MARTIN, for 30 days, on account of important business.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4722. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 4543. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12429. An act to authorize the health officer of the District of Columbia to permit the disinterment of the bodies of Eliza Hill Bowles, Bernice Worthen Bowles, and Bessie Vivian Bowles.

ADJOURNMENT.

Mr. SIMS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Friday, September 27, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the chairman of the Capital Issues Committee submitting a supplemental estimate of appropriation required by the Capital Issues Committee for the remainder of the fiscal year 1919 (H. Doc. No. 1303); to the Committee on Appropriations.

2. A letter from the Secretary of the Navy, transmitting draft of certain proposed amendments to Senate bill 3475 to prescribe the requisite form of death proof (H. Doc. No. 1304); to the Committee on the Judiciary.

3. A letter from the Secretary of State, transmitting a copy of the journal of the session of the Haitain Council of State dated July 4, 1918 (H. Doc. No. 1305); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HARRISON of Virginia, from the Committee on Military Affairs, to which was referred the bill (H. R. 12860) granting

to members of the Army Nurse Corps (female) and Navy Nurse Corps (female) pay and allowances during any period of involuntary captivity by the enemy of the United States, reported the same with amendment, accompanied by a report (No. 816), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (H. R. 12936) to prescribe the pay and allowance of certain officers of the Army while holding a brevet grade, reported the same with amendment, accompanied by a report (No. 815), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. MORGAN of Oklahoma: A bill (H. R. 13007) to provide homes for soldiers, seamen, and marines, and for other purposes; to the Committee on the Judicary.

By Mr. HICKS: A bill (H. R. 13008) providing for the purchase of uniforms, accouterments, and equipment by any officer of the Navy or midshipman at the Naval Academy, officer of the Coast Guard or Coast Guard cadet, or officer of the Marine Corps from the Government at cost; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. DENTON: A bill (H. R. 13009) granting a pension to Jessie Worley; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 13010) granting a pension to Louis B. Smith; to the Committee on Pensions.

By Mr. McARTHUR: A bill (H. R. 13011) granting an increase of pension to Robert D. Rector; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 13012) to correct the military record of Frank Rector; to the Committee on Military Affairs.

By MR. VESTAL: A bill (H. R. 13013) for the relief of John T. Adams; to the Committee on Claims.

PETITIONS, ETC.

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

By Mr. DRUKKER: Petition of Richard C. Benson, D. C., and other citizens of Paterson and Passaic, N. J., indorsing H. R. 5118, placing chiropractic upon a plane of equality with osteopathy; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorial of Federal Board of Farm Organizations, favoring legislation requiring the tag on all interstate shipments of feed and fertilizer to show exact contents; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Idaho: Resolution of the Rupert Commercial Club, Rupert, Idaho, indorsing H. R. 7628, providing for an auxiliary reclamation project in connection with the Minidoka project, Idaho; to the Committee on Irrigation of Arid Lands.

By Mr. VARE: Petition of National Federation of Postal Employees, requesting passage of H. R. 152; to the Committee on Labor.

By Mr. YOUNG of North Dakota: Petition signed by E. S. Dale, of Rugby, N. Dak., and others, urging the passage of legislation for the protection of sheep from dogs and other predatory animals; to the Committee on Agriculture.

SENATE.

FRIDAY, *September 27, 1918.*

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

Almighty God, we seek the divine guidance and wisdom for the duties that are now upon us, duties that press so hard, problems that are so stern and unrelenting. As we come completing the mobilization of the forces of this country in the interests of justice and humanity, we pray that Thou wilt give to each element in our national life its full expression of patriotism and devotion, that we may be indeed united in heart, committing our all to the great task to which we believe we have been called by the Divine Providence in this day. Grant us, we pray Thee, such a complete consecration of ourselves that we may have the satisfaction of knowing that we are working together with God in the interest of the divine purpose in human life. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Tuesday, September 24, 1918, was read and approved.

HAITI'S COMMEMORATION OF THE FOURTH OF JULY.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of State, transmitting a letter from the minister of Haiti, which will be printed in the RECORD and referred to the Committee on Foreign Relations.

The communication is as follows:

DEPARTMENT OF STATE,
Washington, September 18, 1918.

The Hon. THOMAS R. MARSHALL,
Vice President of the United States, United States Senate.

SIR: At the request of the minister of Haiti at this Capital, I have the honor to inclose for the information of the Senate of the United States a copy of his note transmitting, as a matter of record, a copy of the journal of the session of the Haitian Council of State dated July 4, 1918, showing unanimous passage of the motion to participate in the commemoration of the anniversary of the independence of the United States.

It appears that a cablegram was sent by the Council of State to the Congress of the United States in Washington expressing the sympathy of Haiti in the war and her wishes for the success of the people of the United States, but that cablegram failed of transmission and did not reach this country.

I have the honor to be, sir,
Your obedient servant,
ROBERT LANSING.

(Inclosure from the minister of Haiti dated Aug. 31, 1918.)

[Translation.]

LEGATION OF HAITI,
Washington, D. C., August 31, 1918.

Hon. ROBERT LANSING,
Secretary of State.

MR. SECRETARY OF STATE: I have had the honor to receive your excellency's note, dated the 27th of August, by which I am informed that the cablegram sent by the Council of State of Haiti on the occasion of the 4th of July never was received at the Senate of the United States, having been mislaid by the cable company in transmission between Port au Prince and Santiago de Cuba.

I deeply regret that untoward circumstances which thwarted and stripped of all its purpose the spontaneous manifestation of the council of state.

Be it as it may, I beg your excellency kindly to transmit as a matter of record to the Senate and House of Representatives of the United States the inclosed copies of the journal of the session of the council of state of the 4th of July, 1918, where the motion to participate in the commemoration, now world wide, of the independence of the United States was passed by a unanimous vote.

For my part, and in compliance with the wish expressed by your excellency, I shall not fail to impart to the council of state the information given to the Department of State and forwarded to the legation, and also the sentiment felt by the Government of the United States at that cordial step of the aforesaid council.

Be pleased to accept Mr. Secretary of State, and etc.

SOLON MÉNOS.

[Translation.]

LEGATION OF THE REPUBLIC OF HAITI,
Washington.

[Extract from the Official Gazette of the Republic of Haiti. Le Moniteur, No. 46, July 31, 1918.]

COUNCIL OF STATE.

(Session of Thursday, July 4, 1918.)

Councilor Légitime in the chair.

A quorum being present, the session was declared open.

Councilor Hudicourt addressed the Chair and was given the floor. After obtaining the board's agreement to change the order of the day, he made the following remarks:

"Gentlemen of the council of state, in the gigantic contest now going on between right and liberty on one side and barbarity and autocracy on the other the Haitian people have not taken the part assigned to them by their historic origin. We are none the less bound to manifest our sympathy and interest to the generous nations which are now straining all their moral and physical forces in the common cause, and in that of the small nationalities in particular.

"The 4th of July is the date of the anniversary of one of the most momentous events of universal history. It is the date of American independence; it is the date of the triumph of democracy.

"I have the honor to move that the council of state do adjourn in commemoration of that happy anniversary, and so to commune with the whole world in the pious remembrance of immortal George Washington, the pioneer of liberty.

"I also move that the council of state send on this occasion a cablegram to the Congress in Washington expressing our full sympathy and wishes of success for the people of the United States, who with the powerful help of their commerce and industry bring to the allies of the European entente the decisive weapon which shall bring about final victory."

PIERRE HUDICOURT, *Councilor.*

Councilor Denis St. Aude, second secretary of the board, caused a second reading of the motion by direction of the chairman.

The CHAIRMAN. The motion of Councilman Hudicourt is before the council.