## HOUSE OF REPRESENTATIVES.

MONDAY, *July 14, 1919.*

The House met at 12 o'clock noon.

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

Father in heaven, who lives and reigns in the affairs of men, we thank Thee for all the great men and true who are striving for perfection as individuals, for the purity of the home, the betterment of society, and the higher methods of government in the physical, intellectual, moral, and spiritual life.

Grant them success in their leadership, that the fruitions of life may be altogether in accordance with Thy will and good purposes, through Christ Jesus our Lord. Amen.

The Journal of the proceedings of Saturday, July 12, 1919, was read and approved.

### AGRICULTURAL APPROPRIATIONS—VETO OF THE PRESIDENT.

The SPEAKER. The Chair lays before the House a bill, which the Clerk will report by title, with the President's message regarding the same.

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

The SPEAKER. Will the gentleman suspend until the Clerk has read the title?

Mr. CALDWELL. I will.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 3157. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920.

The SPEAKER. The gentleman from New York [Mr. CALDWELL] makes the point that there is no quorum present. Undoubtedly there is not.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

Mr. CLARK of Missouri. Mr. Speaker, inasmuch as we have to vote by roll call on the veto, I think the gentleman should withdraw his point of order of no quorum.

Mr. MONDELL. I suppose the gentleman made it because, no doubt, it would be made anyway.

Mr. CLARK of Missouri. We will have a vote by roll call on the message.

The SPEAKER. Does the gentleman from New York insist on his point of order?

Mr. CALDWELL. I insist on the point of order.

The SPEAKER. The gentleman from Wyoming moves a call of the House.

The motion was agreed to.

The roll was called, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Andrews, Md. | Frear | King | Rainey, H. T. |
| Ashbrook | Freeman | Kreider | Reber |
| Britten | Gallivan | Lever | Reed, W. Va. |
| Browne | Garrett | McClintic | Rowan |
| Caraway | Goodall | Mann | Rowe |
| Costello | Goodwin | Mason | Scully |
| Crago | Greene, Vt. | Moon | Slemp |
| Eagle | Hamill | Neely | Small |
| Echols | Heflin | Olney | Stiness |
| Edmonds | Hickey | Paige | Walters |
| Emerson | Hicks | Peters | Wilson, Pa. |
| Fairfield | Hull, Tenn. | Porter | Winslow |
| Fitzgerald | Hutchinson | Purnell | |

The SPEAKER. Three hundred and seventy-nine Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Sharkey, one of his secretaries.

### AGRICULTURAL APPROPRIATIONS—VETO OF THE PRESIDENT.

The SPEAKER. When the point of no quorum was made the Chair had laid before the House the Agricultural appropriation bill with the message of the President vetoing the same, and the question before the House is: Will the House on reconsideration agree to the bill, the objection of the President to the contrary notwithstanding?

Mr. HAUGEN. Mr. Speaker, the question in controversy has been discussed, debated, and voted on twice by this House. The fact that it has been considered and passed upon on two occasions—first, in the Esch bill, when that bill passed this House by a vote of 232 to 122; second, in this bill, when passed without a dissenting vote—and the further fact that the veto has suspended every legal authority of the Department of Agriculture to continue its activities, I take it that all will agree that we should do everything to expedite the passage of the message. And with that situation confronting us, Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Iowa moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the passage of the bill, the objections of the President to the contrary notwithstanding.

Mr. MACCRATE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MACCRATE. The President having vetoed this bill, are the original provisions of the bill subject to a point of order at this time?

The SPEAKER. They are not. The question is on the passage of the bill over the President's veto. The Clerk will call the roll.

The question was taken; and there were—yeas 248, nays 135, answered "present" 1, not voting 46, as follows:

YEAS—248.

| | | | |
|---|---|---|---|
| Alexander | Drane | Knutson | Sanders, Ind. |
| Almon | Dunbar | Kraus | Sanders, La. |
| Anderson | Dyer | Lampert | Sanders, N. Y. |
| Andrews, Nebr. | Elliott | Langley | Saunders, Va. |
| Anthony | Ellsworth | Lanham | Schall |
| Aswell | Esch | Lankford | Sears |
| Ayres | Evans, Nebr. | Larsen | Sells |
| Babka | Evans, Nev. | Layton | Shreve |
| Baer | Ferris | Lazaro | Sinclair |
| Bankhead | Fess | Lea, Calif. | Sinnott |
| Barbour | Fields | Lee, Ga. | Sisson |
| Bee | Flood | Little | Smith, Idaho |
| Begg | Focht | Luhring | Smith, Ill. |
| Bell | Fordney | McArthur | Smithwick |
| Benham | Foster | McCulloch | Snell |
| Black | Frear | McDuffie | Snyder |
| Blackmon | Fuller, Ill. | McFadden | Steagall |
| Bland, Ind. | Gandy | McKenzie | Stedman |
| Bland, Va. | Garner | McKeown | Steenerson |
| Blanton | Godwin, N. C. | McKinley | Strong, Kans. |
| Boies | Good | McLaughlin, Mich. | Strong, Pa. |
| Booher | Goodykoontz | McLaughlin, Nebr. | Summers, Wash. |
| Bowers | Gould | McPherson | Sumners, Tex. |
| Box | Graham, Ill. | Major | Sweet |
| Brand | Green, Iowa | Mansfield | Taylor, Ark. |
| Briggs | Hadley | Martin | Taylor, Colo. |
| Brinson | Hamilton | Monahan, Wis. | Taylor, Tenn. |
| Brooks, Ill. | Harrison | Mondell | Thomas |
| Brooks, Pa. | Hastings | Mooney | Thompson, Ohio |
| Buchanan | Haugen | Moore, Ohio | Thompson, Okla. |
| Burroughs | Hawley | Moore, Va. | Tillman |
| Butler | Hayden | Morgan | Timberlake |
| Byrnes, S. C. | Hays | Mott | Tincher |
| Campbell, Kans. | Hernandez | Mudd | Towner |
| Candler | Hersey | Murphy | Upshaw |
| Cannon | Hickey | Nelson, Mo. | Venable |
| Carss | Hill | Nelson, Wis. | Vestal |
| Carter | Hoch | Newton, Mo. | Vinson |
| Christopherson | Holland | Nicholls, S. C. | Voigt |
| Clark, Fla. | Houghton | O'Connor | Volstead |
| Clark, Mo. | Howard | Oldfield | Ward |
| Classon | Huddleston | Oliver | Wason |
| Cole | Hudspeth | Overstreet | Watkins |
| Collier | Hulings | Padgett | Watson, Pa. |
| Connally | Hull, Iowa | Park | Watson, Va. |
| Cooper | Humphreys | Parrish | Whaley |
| Copley | Ireland | Pou | Wheeler |
| Cramton | Jacoway | Quin | White, Kans. |
| Crisp | Jefferis | Ragsdale | Williams |
| Curry, Calif. | Johnson, Ky. | Ramseyer | Wilson, Ill. |
| Dale | Johnson, Miss. | Randall, Wis. | Wilson, La. |
| Davey | Johnson, S. Dak. | Rayburn | Wilson, Pa. |
| Davis, Minn. | Johnson, Wash. | Reavis | Wingo |
| Davis, Tenn. | Jones, Pa. | Reed, N. Y. | Wise |
| Dempsey | Jones, Tex. | Rhodes | Wood, Ind. |
| Denison | Juul | Ricketts | Woods, Va. |
| Dent | Kearns | Riddick | Woodyard |
| Dickinson, Mo. | Kendall | Robsion, Ky. | Wright |
| Dickinson, Iowa | Kennedy, Iowa | Rodenberg | Yates |
| Dominick | Kincheloe | Romjue | Young, N. Dak. |
| Doughton | Kinkaid | Rubey | Young, Tex. |
| Dowell | Kitchin | Rucker | Zihlman |

NAYS—135.

| | | | |
|---|---|---|---|
| Ackerman | Cullen | Glynn | Lehlbach |
| Bacharach | Currie, Mich. | Goldfogle | Linthicum |
| Barkley | Dallinger | Graham, Pa. | Lonergan |
| Benson | Darrow | Greene, Mass. | Longworth |
| Bland, Mo. | Dewalt | Griest | Luce |
| Britten | Donovan | Griffin | Lufkin |
| Browning | Dooling | Hardy, Colo. | McAndrews |
| Brumbaugh | Doremus | Haskell | McGlennon |
| Burdick | Dunn | Hersman | McKiniry |
| Burke | Dupré | Husted | McLane |
| Byrns, Tenn. | Eagan | James | MacCrate |
| Caldwell | Elston | Johnston, N. Y. | MacGregor |
| Campbell, Pa. | Evans, Mont. | Kahn | Madden |
| Cantrill | French | Kelley, Mich. | Magee |
| Carew | Fuller, Mass. | Kelly, Pa. | Maher |
| Casey | Gallagher | Kennedy, R. I. | Mapes |
| Chindblom | Gallivan | Kettner | Mays |
| Cleary | Ganly | Kiess | Mead |
| Coady | Gard | Kleczka | Merritt |
| Crowther | Garland | LaGuardia | Michener |

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

| | | | |
|---|---|---|---|
| Miller | Parker | Rose | Temple |
| Minahan, N. J. | Pell | Rouse | Tilson |
| Montague | Phelan | Sabath | Tinkham |
| Moon | Platt | Sanford | Treadway |
| Moore, Pa. | Porter | Scott | Vaile |
| Moores, Ind. | Radcliffe | Sherwood | Vare |
| Morin | Rainey, J. W. | Siegel | Walsh |
| Newton, Minn. | Raker | Sims | Weaver |
| Nichols, Mich. | Ramsey | Smith, Mich. | Webb |
| Nolan | Randall, Calif. | Smith, N. Y. | Webster |
| O'Connell | Reber | Steele | Welling |
| Ogden | Riordan | Stephens, Ohio | Welty |
| Osborne | Robinson, N. C. | Stevenson | White, Me. |
| Paige | Rogers | Sullivan | |

ANSWERED "PRESENT"—1.

Hardy, Tex.

NOT VOTING—46.

| | | | |
|---|---|---|---|
| Andrews, Md. | Fitzgerald | King | Reed, W. Va. |
| Ashbrook | Freeman | Kreider | Rowan |
| Browne | Garrett | Lesher | Rowe |
| Caraway | Goodall | Lever | Scully |
| Costello | Goodwin, Ark. | McClintic | Slemp |
| Crago | Greene, Vt. | Mann | Small |
| Eagle | Hamill | Mason | Stephens, Miss. |
| Echols | Heflin | Neely | Stiness |
| Edmonds | Hicks | Olney | Walters |
| Emerson | Hull, Tenn. | Peters | Winslow |
| Fairfield | Hutchinson | Purnell | |
| Fisher | Igoe | Rainey, H. T. | |

So, two-thirds not having voted in the affirmative, the House decided not to pass the bill, the objection of the President to the contrary notwithstanding.

The Clerk announced the following pairs:

On the vote:

Mr. EDMONDS and Mr. BAER (to override veto) with Mr. ROWE (against).

Mr. HARDY and Mr. IGOE (to override veto) with Mr. SCULLY (against).

Mr. MCCLINTIC and Mr. KING (to override veto) with Mr. FITZGERALD (against).

The result of the vote was announced as above recorded.

The SPEAKER. Two-thirds having failed to vote in the affirmative, the bill is not passed. [Applause.] The Chair refers the bill to the Committee on Agriculture.

LEAVE OF ABSENCE.

Mr. BYRNS of Tennessee. Mr. Speaker, my colleague, Mr. HULL of Tennessee, has been ill since last Friday, and is unable to be here to-day and vote. I want to ask that he be indefinitely excused on account of sickness. The doctor has forbidden anyone to see him, and I am unable to say how he would have voted on this proposition.

The SPEAKER. Without objection, leave of absence will be granted.

There was no objection.

CORRECTION.

Mr. YATES. Mr. Speaker, I rise to make a correction of the RECORD. On page 2498, containing the proceedings of day before yesterday, Saturday, the 12th instant, an assertion made by me is omitted. Immediately before the words "This morning in the Congressional Library," should appear the following words: "Samuel Gompers was in Springfield, Ill., in November, 1887. He appeared before Gov. Richard J. Oglesby and made a plea for mercy for the condemned Haymarket anarchists. I was there and saw him and heard him."

The SPEAKER. Without objection, the correction will be made.

Mr. GALLIVAN. Reserving the right to object, I do not know just what it is that the gentleman wants to have corrected.

The SPEAKER. The gentleman from Massachusetts reserves the right to object.

Mr. GALLIVAN. I just want to know what it is that the gentleman wants corrected in the RECORD.

Mr. YATES. The other day, Mr. Speaker, in the House I referred to an alleged statement by Mr. Gompers in reference to the attitude of the laboring men of America, and I stated that I——

Mr. GALLIVAN. I object without any further reservation.

The SPEAKER. The gentleman from Massachusetts objects.

Mr. YATES. Very well, Mr. Speaker.

THE SUNDRY CIVIL APPROPRIATION BILL.

Mr. GOOD. Mr. Speaker, I ask unanimous consent for one minute, in which to make a statement in regard to the sundry civil bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. GOOD. Mr. Speaker, on Saturday, when the veto message of the President was read on the sundry civil appropriation bill, on motion that message and the bill were referred to the Committee on Appropriations. Yesterday the Committee on Appropriations held quite extensive hearings on the question of educational rehabilitation. Those hearings have been sent to the Public Printer in order that they may be printed so that the Members may have copies when that question comes before the House. I am advised that the printed copies of the hearing will not be ready for the Members until very late this afternoon. It is my intention, therefore, to call up the bill to-morrow morning immediately after the reading of the Journal and the disposition of business on the Speaker's table.

PROHIBITION OF INTOXICATING BEVERAGES.

The SPEAKER. The House, under the rule, resolves itself automatically into Committee of the Whole House on the state of the Union for the further consideration of the prohibition-enforcement bill, and the gentleman from Iowa [Mr. GOOD] will take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6810, the prohibition-enforcement bill, with Mr. GOOD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6810, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 6810) to prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries.

The CHAIRMAN. When the committee rose on Saturday the reading of section 1, Title I, had just been completed. Amendments are now in order to that section.

Mr. IGOE. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. IGOE: Page 2, line 1, after the word "States," strike out the remainder of the section and insert the words "and the same is hereby repealed."

Mr. BARKLEY. Mr. Chairman, I make the point of order on that.

Mr. VOLSTEAD. I make the point of order that that is not germane to this bill.

The CHAIRMAN. The gentleman from Minnesota makes the point of order.

Mr. IGOE. Mr. Chairman, may I ask upon what ground the point of order is made?

The CHAIRMAN. The gentleman from Minnesota will state the point of order.

Mr. VOLSTEAD. It is not germane.

Mr. IGOE. Mr. Chairman, I desire to be heard. I am not surprised that this point of order should be made. This bill, which is now presented to the House, is divided into three parts. The first part has to do with what is called the enforcement of war-time prohibition. I desire to call the attention of the Chair, first, to the proposition that in this bill we find incorporated by reference an entire act of Congress. It provides that the term "war prohibition," as used in this act, shall mean the provisions of any act or acts prohibiting the sale and manufacture of intoxicating liquors until the conclusion of the present war, and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States.

That reference incorporates in this bill all of the provisions of what is known as war-time prohibition contained in the act of November 21, 1918, or the rider upon the bill for stimulating agriculture.

The bill further provides that certain terms in that act shall be amended. I desire to call the attention of the Chair, further, to the fact that throughout this bill, in sections 2, 3, and 5, there are amendments of the war-time prohibition act.

I contend, Mr. Chairman, first, that the committee in reporting the bill in this shape can not deprive the House of the opportunity to amend or repeal the war-time prohibition act by referring to it instead of incorporating it in terms. As far as this bill is concerned, and as far as the proceeding of the House are concerned, that act might just as well be incorporated in this bill in the exact language of the act of November 21, 1918. Beyond that this bill contains amendments to the act of November 21, 1918; and while it is true that an amendment may not be amended by another proposition which is not germane, yet I call the attention of the Chair to the ruling in Hinds' Precedents, in volume 5, section 5824, where a proposition

analagous to this was presented. In that case the House had under consideration amendments to the bankruptcy act, and when the first section was read an amendment was offered repealing the bankruptcy act. The chairman of the committee, Mr. Dalzell, ruled that the amendment was germane.

I would like to have the Chair read that opinion in connection with the point of order just made. Chairman Dalzell overruled the point of order and held that the amendment was in order, and said:

It needs no argument to show that it would be competent to amend the pending bill, disposing of it section by section. For example, section 1 may be amended by striking out the words "amended so as to read as follows" and by substituting the word "repealed," so that the section would read: "That clause 15 of section 1 of an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, be, and the same is hereby, repealed."

The same method may be followed in the case of each and all of the sections of the bill in their order. And this process, in the opinion of the Chair, may be made to reach to other paragraphs of the bankruptcy law than those specifically referred to in the pending amendatory bill, because all the sections of the bankruptcy law are germane to each other.

For example, it would be in order to amend the bill by adding additional sections amendatory of sections of the bankruptcy law not referred to in the bill.

Now, Mr. Chairman, it may be said by some that the war prohibition law is not before this Congress in this bill; but if you will read the first section you will see that the term "war prohibition" as used in this act shall mean what? It means the act of November 21, 1918, and it is just as much in this bill as if it had been set out again in the exact language.

Mr. PADGETT. Will the gentleman yield for a question?

Mr. IGOE. Yes.

Mr. PADGETT. I wish to call to the attention of the committee that this first section is simply a definition, and you are simply repealing a definition. You are not repealing the act, but the definition.

Mr. IGOE. But, Mr. Chairman, under the guise of a definition there is incorporated an act of Congress; and if the whole act had been set out in this section, I do not believe there would be any question but what we might amend it or repeal it, and the only question is whether by referring to it instead of incorporating it in this act it can be said that this amendment is not germane.

Mr. BLANTON. Mr. Chairman, I desire to be heard in favor of the point of order against the amendment.

The CHAIRMAN. The gentleman from Texas.

Mr. BLANTON. Mr. Chairman, whatever may be the purpose and intention of the gentleman who offers this amendment, it is clearly an amendment to the war-time prohibition act, not connected with the single amendment in this bill, and the effect of it, if passed, would be twofold: First, it would destroy absolutely the definition which Congress is attempting to place in this bill, defining intoxicating liquor. Without such a definition it would leave it up to the court in each separate, distinct case of violation to determine what intoxicating liquor was, whether or not the particular liquor which had been sold in violation of the law in that case was intoxicating, according to the definition in the State statute, if any there were, and if not, then according to the uncertain evidence pro and con brought before the court. It would just simply hamper the court in enforcing the law and tend to nullify this enforcement law. That would be one result and one effect if this amendment were passed.

Mr. PELL. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. PELL. Is there any reason why, in this as in every other law, questions of fact should not be decided by the jury, as they have been for 500 years?

Mr. BLANTON. I tried to explain to the gentleman the other day that when the law defines murder, to the effect that when any person with malice aforethought, either express or implied, with intent to kill and with a deadly weapon, shall take the life of any reasonable creature in being, he shall be deemed guilty of murder, that when the law so defines murder it does not stop there, but defines what each essential element and ingredient of the offense is; it definitely defines malice aforethought as a guide for the court and jury. In defining the ingredients of murder it tells the court what shall constitute malice aforethought. It tells the court what is meant by a reasonable creature in being. It tells the court what a deadly weapon is—that is, a weapon which is well calculated and likely to produce death from the mode and manner of its use—and so forth. Just so in this particular law there is an attempt made by this Congress, as a law-making body, to tell the court what intoxicating liquor is, not leaving it to each particular court and jury to decide.

Violators of the law will manufacture frosty, or bevo, or some other kind of drink with a large enough per cent of alcohol in it to intoxicate, and there will be plenty of witnesses forthcoming to swear that it will not intoxicate, if this Congress fails to do its duty by defining this term.

Mr. GRAHAM of Pennsylvania. I should like to inquire what legislation the gentleman is referring to which contains all these definitions that he enumerates?

Mr. BLANTON. I am speaking of the State codes, in those States which have codes. I presume the gentleman's State is under the old common law; and, if so, this definition of what malice aforethought is and what a deadly weapon is, has been understood since a time when the memory of man runneth not to the contrary, and it is carried out and enforced by the courts of the States.

Mr. GRAHAM of Pennsylvania. Is it not always dependent upon the decisions which have been rendered; and are not these things frequently questions of fact? For instance, what shall constitute a deadly weapon is a question of fact.

Mr. BLANTON. Does the distinguished gentleman from Pennsylvania mean to tell us that in his State a double-barreled shotgun loaded with buckshot is not ipso facto a deadly weapon under the common law?

Mr. GRAHAM of Pennsylvania. Why, certainly, no; and no legislative action would be necessary to tell common people that that was so.

Mr. BLANTON. Well, that is just what I am trying to do here.

Mr. SAUNDERS of Virginia. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SAUNDERS of Virginia. The gentleman is not discussing the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the gentleman will confine himself to the point of order.

Mr. BLANTON. I was trying to do so, but was led away from the subject by the questions that were being asked. Mr. Chairman, there is an attempt on the part of the amendment of the gentleman from Missouri, in addition to destroying the definition of intoxicating liquor, to repeal war-time prohibition. I submit to the Chair that that is not germane either to the said war-time prohibition act or to the present legislation under consideration, which in section 1 of Title I amends said war-time act only in the one particular of defining intoxicating liquor. The point of order should be sustained.

Mr. BARKLEY. Mr. Chairman, I desire to discuss the point of order very briefly. In the first place, I take issue with the gentleman from Missouri [Mr. IGOE] in his statement that this bill amends the war prohibition act, except in a very limited way, and especially in this section which he seeks to amend. There are several laws, Mr. Chairman, passed during the last Congress which are known as war prohibition acts. The first law upon the subject was an amendment to the first bill passed for the purpose of stimulating the production of food in the United States. Then in the next food stimulation bill there was an amendment added to that bill which provided against the sale and manufacture of certain liquors to begin at a certain date.

So that in order to identify the words "prohibition act" as defined in this act and defined in section 1 it is made broad enough to refer to any one of those acts, or all of them together.

If this bill were seeking to amend a bill which provided for nothing else except war prohibition, it is questionable whether it would be in order to move to repeal the law itself; it would not be in order unless several sections were involved in the amendment under consideration.

This bill does not amend the war prohibition act except as to the definition of intoxicating liquors. It does not change the penalties. The bill is not an amendment of any section in any previous act or any war prohibition provision. It simply identifies war prohibition acts referring to them in section 1.

It so happens that all the laws that contained provisions for war prohibition are upon entirely different subjects. If the gentleman's amendment is held in order, if it is held to be germane, it not only repeals the several war prohibition acts passed during the last Congress, but the food provision bills passed in the last Congress most of which have no relation whatever to intoxicating liquor.

There was no separate war prohibition act passed. All the war prohibition acts were amendments added to bills which primarily dealt with other subjects independent of intoxicating liquors. So if this amendment is in order as offered by the gentleman from Missouri it not only would repeal all the provisions of war-time prohibition, but the provisions of the food stimulation act enacted during the last Congress because those were the acts referred to in section 1. If it were germane in order to repeal section 1, I deny that it would be germane and in order to offer an amendment to repeal all of

them without specifically mentioning what they are and when they were enacted.

It has been held in a number of cases that where a bill is under consideration to amend one section of a given act it is not in order to move to repeal the entire act. I take it for granted that the Chair is perfectly familiar with those rulings.

The one case cited by the gentleman from Missouri is the case where several sections of the bankruptcy act were under consideration, and it was held that it was in order to repeal the entire act. There the entire act was the subject of bankruptcy, and the amendments to the bill being considered were on the subject of bankruptcy. This bill considers not only war prohibition, but it considers the enforcement of the constitutional amendment. If this amendment is held in order, it would repeal the entire legislation of the last Congress, both the agricultural stimulation and the stimulation of food products, which I am sure is not germane.

Mr. IGOE. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. IGOE. It says that the term "war prohibition act" used in this act shall mean the provisions of any act or acts prohibiting the sale and manufacture of intoxicating liquors. I may say further that when the gentleman says there are no additional penalties——

Mr. BARKLEY. I did not say there were no additional penalties; I said it did not repeal the penalties in the original act.

Mr. IGOE. Does it not amend the act by giving new penalties?

Mr. BARKLEY. It provides for the amplification of the offenses in the original act, but that does not repeal the original act; it does not change the purpose; it does not change the tenor; it does not change the letter of the original act; it merely provides the machinery by which the original act is intended to be enforced.

Mr. TOWNER. Mr. Chairman, I think there ought not to be a question in the mind of the Chair regarding the germaneness or want of germaneness of this amendment when we consider what is done. The citation referred to by the gentleman from Missouri [Mr. IGOE] is with regard to a provision that modified or amended a certain existing law. This provision in the first section of this bill does nothing of the kind. It is merely a definition of the term as it is to be used in the act, and to say that by merely stating that when a certain thing is referred to it shall be held to mean a certain thing; that that allows an amendment repealing the entire act would be carrying the doctrine entirely too far. If the Chair will recall the definitions that are in the second title of this act, he will remember that in the first place the phrase "intoxicating liquor" is defined as used in the act. In the second place, the word "persons" is stated to mean to include natural persons, and, in the third place, the word "commissioner" is defined as used in this particular statute.

In order to do away with the necessity of again referring particularly to a long title and again referring, as in this case, to a number of laws and amendments at great length, the matter is definitely referred to, so that it may be easily had in mind by a statement at the beginning of the section. That is all that is done. The language is that the term "war prohibition act" used in this act shall mean so and so. That is all there is to it. It is not an amendment to the war prohibition act; it is not a provision that enters inherently into any of the provisions of the act; it does not modify them nor change them. It only says that when the language hereafter used in the act stating that war prohibition act is referred to it shall mean so and so. I think it is practically unnecessary to use an argument to show that such reference would be clearly outside of any power that might be invoked for the purpose of repealing or even modifying or changing the terms of the law.

There is a decision referred to in the Rules and Digest, on page 344, in which it is stated that to a bill amending a general law on a specific point an amendment relating to the terms of law rather than to those of the bill was offered and ruled not to be germane. That ruling was by Mr. Speaker Reed. It was also confirmed by Mr. Speaker CANNON and also by Mr. Speaker CLARK in later decisions. I am only citing that for the purpose of showing that certainly if that be true, then the mere statement that a reference to a particular law should be considered as it is considered in this bill, would not warrant going so far as to say that you could amend the act itself, and certainly not to the extent of repealing it.

Mr. SAUNDERS of Virginia. Mr. Chairman, this point of order brings up our old friend germaneness, who frequently comes to life to make trouble for presiding officers in the House and Committee of the Whole. According to the principles upon which the precedents establishing the rule of germaneness rest and which are usually cited in this connection, this amendment is not in order. The point of order in my judgment to the amendment ought to be sustained for the following reason: If several sections of an act are under consideration, there can be no question that under the authority of the ruling precedents, an amendment to repeal the act in question would be in order. That proposition has been settled so positively, and so frequently that it is no longer an open one in this body. But that situation is not presented. The language of the section which refers to the words "war-time prohibition" is taken from existing acts solely for descriptive and definitive purposes, and to save verbiage in drafting the bill under consideration. We often resort to this labor-saving device in the preparation of statutes. It is a matter of convenience, operating to conserve language. By the citation of the words used which are taken from existing acts, the committee merely undertook to say what the words "war-time prohibition" should mean wherever found in the bill which they reported.

The second portion of the section which is proposed to be stricken out, may be fairly regarded as an amendment to the war-time prohibition act, or acts, but if so, it is a single amendment. The precedents are abundant, and have been established, I undertake to say, by every Speaker of this body and by every Chairman of the Committee of the Whole for many years past,—that when there is a single amendment to an act under consideration, either in the committee, or the House, such an amendment will not justify a further amendment proposing to repeal the entire act. That is the pending situation. The language which undertakes to define what shall be intoxicating spirits may, I think, be fairly considered as an amendment to the war-time prohibition acts, but if so stated, it is a single amendment. Hence being a single amendment it does not justify an amendment to the effect of that offered by the gentleman from Missouri [Mr. IGOE] which designs to repeal the entire war-time prohibition acts.

Mr. IGOE. The gentleman says that if there were several sections amended this would present a different question.

Mr. SAUNDERS of Virginia. That is the rule.

Mr. IGOE. The bill incorporates by reference the whole act.

Mr. SAUNDERS of Virginia. On that contention the gentleman and I differ.

Mr. IGOE. This act, title 1, throughout the provisions, sections 2, 3, 4, 5, and 6, refers to the war prohibition act, and provides new penalties, provides new duties to be performed by different officers, provides a new proceeding in the courts, and are not all of these amendments of the original act? How could you provide new penalties, new methods of enforcement, new duties to be performed by the different officers, unless you extend the original act by amendment?

Mr. SAUNDERS of Virginia. We are dealing with the first sentence of section 1 of the bill. That sentence says that the term "war-time prohibition act" as used in this act shall mean so and so. In other words a definition is afforded for the purposes of convenience. The gentleman can not by any refinement of legal subtlety, torture the language used, to mean that the President will derive his power to make a proclamation from the present act, and not from the act from which the language cited, is taken.

Mr. IGOE. May I ask the gentleman if it is not also a rule that if an amendment be germane to the whole bill that it may be offered at any place and is not a rule of parliamentary law?

Mr. SAUNDERS of Virginia. That is true.

Mr. IGOE. Then if you take the whole bill together and it provides different amendments, why is it not in order?

Mr. SAUNDERS of Virginia. We have not reached the point where the gentleman has established that this bill presents several amendments to the war-time prohibition acts. We are dealing with section 1, presenting a single amendment and the gentleman's amendment to that section is plainly out of order.

Mr. IGOE. Mr. Chairman, it seems to me the Chair can not ignore all of this bill, Title I which is now before the House. The gentleman in his argument admits that there are other amendments to this bill. But now if the Chair will read throughout the bill it refers to this act——

Mr. SAUNDERS of Virginia. I will say to my friend I have not admitted anything of the sort.

Mr. IGOE. I draw that from the argument of the gentleman.

Mr. SAUNDERS of Virginia. The gentleman made that statement, I do not admit anything of the kind.

Mr. IGOE. I think the gentleman's argument admits it. The sections refer to this act and also to the war-prohibition act. Now, the war-prohibition act is the act of November 21. It provides a single penalty and throughout this act there is provided in one section and another additional penalties, different methods of enforcement, duties placed upon different offi-

cers of the Government, and I contend, Mr. Chairman, you can not do that without amending the original act which is incorporated in this bill, or at least referred to, and all of it relates back to that particular act. Now, can you say that this House may vote to extend an act, may vote to provide new penalties, new methods of enforcement, and yet deprive the House of a chance to vote whether they should have the act at all?

The CHAIRMAN. The Chair is ready to rule. The section reads as follows:

That the term "war-prohibition act" used in this act shall mean the provisions of any act or acts prohibiting the sale and manufacture of intoxicating liquors until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States. The words "beer, wine, or other intoxicating malt or vinous liquors" in the war-prohibition act shall be construed to mean any liquors which contain one-half of 1 per cent or more of alcohol by volume.

Under that section the gentleman from Missouri [Mr. IGOE] has offered the following amendment:

Page 2, line 1, after the word "States," strike out the remainder of the section and insert the words "and the same is hereby repealed."

The part stricken out, according to this amendment, reads as follows:

The words "beer, wine, or other intoxicating malt or vinous liquors" in the war-prohibition act shall be construed to mean any liquors which contain one-half of 1 per cent or more of alcohol by volume."

The gentleman from Minnesota [Mr. VOLSTEAD] makes the point of order that this amendment is not germane to the paragraph. It has been decided a number of times by the House that to a bill amendatory of any existing law as to one specific particular amendments relating to the terms of the law rather than those of the bill are held not to be germane. I think that is the well-decided opinion of the House and to that opinion I understand the gentleman from Missouri does not object, but claims that his amendment falls within the provision of the decision of this House which was first made in 1902. I read from Hinds' Precedents, volume 5, page 420, section 5824:

To a bill amending a general law in several particulars an amendment providing for the repeal of the whole law was held to be germane.

It is the contention of the gentleman from Missouri that the bill involves the war prohibition act in more than one particular, and therefore is in order. The Chair has very carefully gone through this bill, and is of the opinion that the language which reads: "That the term 'war prohibition act' used in this act shall mean the provisions of any act or acts prohibiting the sale and manufacture of intoxicating liquors until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States" does not amend the war prohibition act. The Chair is of the opinion that the bill amends the war prohibition act in only one particular, and that is it puts in an amendment commencing with the words in line 1, page 2, reading as follows:

The words "beer, wine, or other intoxicating or vinous liquors" in the war prohibition act shall be construed to mean any liquors which contain one-half of 1 per cent or more of alcohol by volume.

That is the only amendment to the war prohibition act that the Chair has been able to find which can be dignified by the term of an amendment to the act.

Mr. DYER. Mr. Chairman, if the Chair will permit I would like to call the attention of the Chair to page 3 of the bill where it provides in line 3 that the punishment upon conviction thereof shall be a fine of not less than $100 nor more than $1,000, or be imprisoned for not less than 30 days or more than one year, or both. Now, the law itself provides in the second paragraph:

"Any person who violates any of the foregoing provisions shall be punished by imprisonment not exceeding one year or by fine not exceeding $1,000, or by both such imprisonment and fine."

Now, that is clearly an amendment if the Chair pleases——

The CHAIRMAN. No. The Chair will call the attention of the gentleman from Missouri to the fact that that provision only provides a penalty for a violation of the provisions of the bill we are now considering if this bill shall become a law. It is not an amendment in any particular of the war prohibition act, and the Chair therefore sustains the point of order.

Mr. IGOE. If the Chair has sustained the point of order, very well; but I was going to show the Chair where the act does amend in some other respects. I wish, for instance, to refer the Chair to the provisions of section 3: "That any room," and so forth, "where intoxicating liquor is sold, manufactured, kept for sale, or bartered in violation of the war prohibition act," and also where the Commissioner of Internal Revenue is given power to do certain things.

The CHAIRMAN. Wherein does that amend the war prohibition act?

Mr. IGOE. The war prohibition act contains no such provision as that.

The CHAIRMAN. With the exception of the single amendment just noted the bill now under consideration simply provides machinery for enforcing the act, and does not amend it in any particular.

Mr. IGOE. The penalty for any one thing in the act is one thing, but to extend the act and then provide penalties for a new offense is certainly an amendment of the provisions of the act.

The CHAIRMAN. The Chair does not think so. The Chair has ruled, and the Clerk will read.

Mr. GARD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: On page 2, line 1, after the word "States" insert the following:

"*Provided*, That whenever in the opinion of the President it shall be no longer necessary for the purposes of the present war to conserve man power, increase efficiency in the production of arms, munitions, or ships, food, and clothing for the Army and Navy, he may issue his proclamation to that effect, and from that date the provisions of the war prohibition act of November 21, 1918, shall cease to be of force and effect."

Mr. VOLSTEAD. Mr. Chairman, I make the point of order that is not germane.

Mr. GARD. Will the gentleman state his point of order?

Mr. VOLSTEAD. My contention is that the amendment simply attempts to amend the war prohibition act, and that the feature of the war prohibition act affected by this amendment has not been touched on at all in this bill one way or another. There is no extension of the war prohibition act; there is no modification in this bill as to the length of time when war prohibition shall continue in force. If there is any modification of the war prohibition act at all, it is in the last few words, the ones to which the Chairman called attention. That is a question that is open to some dispute, and we will concede that for the purposes of this legislation it may be treated as new legislation. Clearly it is an amendment of a part of the war prohibition act not touched on in this bill.

Mr. GARD. Mr. Chairman, the point I had in mind in offering the amendment in the language in which I submitted it is this:

In Title I of the bill H. R. 6810, which relates to the enforcement of war-time prohibition, reference is made to the term "war prohibition act" as meaning the provisions of any act or acts prohibiting the sale or manufacture of intoxicating liquors until the conclusion of the present war, and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States.

Now, it is the contention of the chairman of the Committee on the Judiciary, if I understand him aright, that there is no reference in this bill as to time or extension or modification or qualification. That is not a tenable statement, Mr. Chairman, because the very language which I have read provides in Title I how long this prohibition act, adopting the language of the war prohibition act, shall run, because it says it prohibits the sale and manufacture of intoxicating liquors until the conclusion of the present war, and thereafter until the termination of demobilization.

Now, it is apparent, it is true——

Mr. BARKLEY. Will the gentleman yield?

Mr. GARD. I prefer to make my statement, after which I will have no objection to yielding. I desire, Mr. Chairman, that I may present this statement without interruption for a few moments, and then I will be very glad to yield to anybody.

Title I, which, in so far as it has any effect, is intended to have the effect of a separate bill, and is disassociated by title from Title II and Title III, provides the exact language of the so-called war prohibition act, which was approved by the President of the United States on the 21st of November, 1918, 10 days after the signing of the armistice by which the conflict between the United States and the Imperial German Government ceased.

Now, in the adoption of that language it is my contention, Mr. Chairman, that this bill carries along with it certain language of conclusion, certain language of operation, because, if it does not, then the language used in Title I is of no effect. If it does not mean what it says, if it does not mean the conclusion of the war and the termination of demobilization, then the English language, in so far as it is adopted in this Title I, is absolutely of no effect. And therefore the position which the chairman of this committee has taken is not tenable, in my opinion, and we start with the proposition that this Title I attempts to write into this bill the language of another bill, and

that is the so-called war prohibition bill, by providing that the act or acts shall be held unlawful until the conclusion of the present war and thereafter until the termination of demobilization.

Now, beginning with that proposition—that legal proposition—then anything which amends that, Mr. Chairman, is unquestionably germane.

The question of what is germane is, of course, laid down in very broad and general principles, and its application, the application of that which is germane, necessarily rests upon an individual case. But unquestionably, if there is a general proposition asserted in the bill, anything which operates as a change in that general proposition, either by way of modification or limitation, is, in my opinion, germane, and that is what is intended to have been done here. When Title I says that this part shall be of effect until the conclusion of the present war and thereafter until the termination of demobilization, the amendment I have offered provides that whenever in the opinion of the President of the United States it is not necessary for purposes of this act to provide that this conservation of food and of feed and of clothing shall be continued for the benefit of our Army and the armies of our allies—and I am not speaking in exact terms, but of what the meaning is—then it must follow that the proposition I have mentioned, giving the President authority to so determine, is a proposition of limitation upon the authority conferred in Title I.

Now, Title I provides for a number of things. It provides for more than the chairman of the committee says it provides for, and section 1 provides for more.

Sections 3, 4, 5, 6, and 7 are all adopted amendments of the so-called war prohibition act.

It is the contention of the chairman of the Committee on the Judiciary that this particular section—and since it is declaratory of all that goes through the section, practically the whole of Title I—is determined by the few words at the end of the paragraph giving a construction of the meaning of the word "liquors." But it is open to other limitations, Mr. Chairman, of which the limitation I speak of is a most pronounced example, because when we have the language which the gentleman from Minnesota, the chairman of the committee, says is an amendment relative to the definition of "liquors," he, before that, incorporates language which is indeed a definition or statement of how long this language defining "intoxicating liquors" is to continue. In other words, it is to continue at the conclusion of the present war and until the termination of demobilization.

Now, that which is introduced here, as this amendment, is an amendment of limitation as to time, and, of course, any limitation of time is germane, since time is of the essence of the offense, because there is no question but that, when the law is concluded and the period of demobilization is reached, this particular act called a war-time prohibition act was intended by legislative meaning to be inoperative.

That is the meaning of this limitation which I offered by way of amendment, which, to my mind, Mr. Chairman, attaches itself to the limitation or adoption of time in the war prohibition act, adopted in its very terms in Title I.

Mr. BLANTON. Mr. Chairman, upon this identical question the Chair has just ruled as being an amendment to the war prohibition act.

The CHAIRMAN. The Chair is ready to rule. The Chair thinks that this amendment is a change in form and not of substance, and therefore a restatement of the case is not necessary.

The amendment offered by the gentleman from Missouri [Mr. IGOE] provided that "the act is hereby repealed." The amendment offered by the gentleman from Ohio [Mr. GARD] provides for a repeal of the act upon the proclamation of the President. So far as the legal positions are concerned, the two amendments stand upon the same footing, and the Chair feels that it is not germane, and therefore sustains the point of order.

Mr. BENSON. Mr. Chairman, I rise for the purpose of offering an amendment to this section.

Mr. GARD. Mr. Chairman, I offer an amendment. I ask that this amendment be considered first, coming from a member of the committee.

Mr. BENSON. I yield to the gentleman.

The CHAIRMAN. The gentleman from Ohio [Mr. GARD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 2, line 1, after the word "States" insert the following:

"*Provided*, That whenever in the opinion of the President the demobilization of the military forces has progressed to such a point that it shall be entirely safe to permit the manufacture and sale of wines and beer, he may issue his proclamation to that effect, and thereafter the manufacture and sale of wines and beer shall be permitted."

Mr. BLANTON. Mr. Chairman, I make a point of order against that.

Mr. VOLSTEAD. I make the point of order that that is not germane.

The CHAIRMAN. The gentleman from Texas makes a point of order, and also the gentleman from Minnesota.

Mr. VOLSTEAD. This, in effect, repeals in part, instead of totally, the war prohibition act. It is exactly the same in principle as the amendments that have already been offered and ruled out. There is nothing in this bill that relates to the length of time that the war prohibition act shall remain in force; absolutely not. We simply recite in the first paragraph the length of time prohibition is to remain in force, and do not attempt to modify it in any way. We do it simply for the purpose of identifying the particular acts. That is all that it does. There is nothing in it that would in any way modify the act, so far as the length of time it is to continue in force is concerned. This amendment clearly attempts to modify it as to beer and wine.

Mr. GARD. Mr. Chairman, the amendment which I have offered is offered, of course, in the same thought which attended the offering of the other amendment suggested by me, with this addition: I make the contention—and I consistently make the contention with perfect respect and recognition of good faith in the mind of the Chair—that there have been included by the adoption of title 1, of certain language in the so-called war-time prohibition bill, phrases which control both the length of time which it is to operate and the way in which its termination is to be made. In other words, I contend that the adoption of this language, "until the conclusion of the present war and the termination of the demobilization and the determination of the date by proclamation to be proclaimed by the President of the United States," is clearly an attempt to legislatively adopt the language of another bill, to wit, the war prohibition bill, and that when you make reference to the proclamation of the President of the United States being made, under certain conditions, as this bill does, the termination of demobilization and the conclusion of the present war, to be proclaimed by the President of the United States, that is the language of the bill, that is what this bill intends to do; and the amendment I had in mind, the amendment offered by me, was for the purpose of providing exactly what this particular law provides, a proclamation by the President of the United States, except that it permits the proclamation of the President of the United States to be made in a specific way; in other words, it is directory of the general language. It is a limitation and modification and a direction of the language which before has been adopted in this very bill.

The CHAIRMAN. The Chair is ready to rule.

Mr. JOHNSON of Kentucky. Mr. Chairman, I believe that the amendment offered by the gentleman from Ohio [Mr. GARD] is clearly subject to a point of order, if not for the reasons already given, then for the additional reason that it goes, perhaps, further than he intended it to go.

The language of the amendment "permits" the manufacture and sale of intoxicating liquor. That permission would do away with the tax, and we are not now considering the tax question, and therefore it is not germane.

The CHAIRMAN. The Chair is convinced that there is practically no difference, so far as the legal status of this amendment is concerned, between this and the previous amendment. Both seek the same end, and, without reciting the case, the Chair therefore sustains the point of order.

Mr. STEELE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STEELE: On page 2, line 5, after the word "volume" insert "That the words 'until the conclusion of the present war and thereafter until the termination of demobilization' shall be construed to mean the date when in the opinion of the President it shall be no longer necessary for the purpose of the present war to conserve man power, to increase efficiency in production of arms, munitions, ships, food, and clothing for the Army and Navy."

Mr. VOLSTEAD. I make the point of order that it is not germane.

Mr. BLANTON. I make the further point of order that it is dilatory. The Chair has ruled on this question already.

The CHAIRMAN. The gentleman from Texas makes the further point of order that the amendment is dilatory. The Chair overrules that point of order and will hear the gentleman from Minnesota.

Mr. VOLSTEAD. This amendment seeks to modify the existing war prohibition act in regard to a matter that is not modified at all in the pending bill. Clearly it is not germane under

the circumstances. There is no attempt in this bill to fix the length of time that that act is to remain in force. It simply recites the fact that there are certain acts that remain in force for a certain time, and does not attempt to modify the language of those acts in any fashion. This clearly would be an amendment to the war prohibition act.

Mr. STEELE. Mr. Chairman, this amendment has no direct connection with any question of repeal. It does nothing more than the second sentence in the act itself. It simply refers to the identical language which is recited in the first section of the act, and then gives a definition or construction of the language which is set forth in the first section of the act. The very language which the gentleman has just referred to, which he himself has inserted in the act, recites the language of the war prohibition act and says that those words shall be construed to mean in a certain manner, and the construction then follows. In the amendment which I have offered here I do not go back to the war prohibition act as to anything which is not specifically recited in the very act which is now before the House for its consideration, and I cite the very language that is inserted in that act, and then go on to say that that language shall be construed to mean certain things, entirely without reference to the question of repeal and without reference to any of the points of order that have been considered and determined by the Chair heretofore. It is simply doing what the gentleman from Minnesota has done, providing for the construction of the very language which is set forth in this act which the Chair has ruled to be proper and which is in the nature of an amendment, and this certainly goes no further than that. It has no direct connection with or reference to repeal whatever, but is simply a construction of language contained in the bill before the House.

Mr. SAUNDERS of Virginia. As I followed the amendment which has just been offered and discussed by the gentleman from Pennsylvania [Mr. STEELE] he undertakes to impress an interpretation upon existing law.

Mr. STEELE. No; on the words in this first section.

Mr. SAUNDERS of Virginia. I understand, but those words are taken from existing law. Should the gentleman be successful in his attempt to give to the words of existing law, a meaning which plainly they do not carry, that would unquestionably be an amendment to the existing law. All the language from and including line 4, page 1, down to "The words," on page 2, might be stricken out of this bill without either affecting the bill, or the existing law, save that in the ensuing sections of this measure, additional verbiage intended to be saved by the defining words, would have to be inserted. So far however as the effect of this bill is concerned, and save for the purposes of convenience, the words that I have cited could be safely eliminated. All of those words are contained in existing law, and they are operative, not by virtue of any action of ours to-day, but by virtue of the force given to them by prior enactments of Congress. For instance, suppose the question should be asked whether there are any acts which prohibit the sale and manufacture of intoxicating liquors until the conclusion of the present war, and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States? What would be the answer? The answer would be that there are such acts, containing that very phraseology. The language from those acts repeated in this connection, is used merely for the purposes of recital, and not to give them any effect of an affirmative character relating to demobilization, the termination of the war, or the authority of the President.

Mr. ALEXANDER. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. ALEXANDER. The amendment of the gentleman from Pennsylvania [Mr. STEELE] has the effect of amending the act described in this bill.

Mr. SAUNDERS of Virginia. That is the statement I have just made.

Mr. ALEXANDER. It makes the time terminate at a different date from that prescribed in the act itself.

Mr. SAUNDERS of Virginia. Certainly. As I have said, he is undertaking to impress an interpretation upon existing law, and when that interpretation adds to the effect of the existing law, it is certainly an amendment. That being so, and as this act is not proposing to amend existing law at all save in one respect, the ruling principle is, as already decided by the Chair, that the amendment of the gentleman from Pennsylvania is not in order, since it is not germane to the single amendment proposed by the committee.

Mr. BARKLEY. Will the gentleman yield for a suggestion?

Mr. SAUNDERS of Virginia. Yes.

Mr. BARKLEY. If the gentleman's amendment were in order, it would likewise be in order, would it not, to offer an amendment stating when the war should end, and in this act we might declare when the war should end?

Mr. SAUNDERS of Virginia. Precisely. The moment this amendment is held to be in order to the existing acts, that ruling would validate germane amendments to every section of these acts, although these acts are not under present consideration, and before the committee.

Mr. STEELE. The Chair has ruled that the words in the act, "beer, wine, or other intoxicating malt or vinous liquors in the war prohibition act shall be construed to mean any liquor which contains one-half of 1 per cent or more of alcohol," are an amendment to the original act. The Chair so stated.

Mr. SAUNDERS of Virginia. Yes; that is true.

Mr. STEELE. There is no such definition in the original act. Therefore it is a modification of the original act to that extent. The words are given a construction in this act. Now, what I am endeavoring to do is just the same as that which the Chair has referred to as an amendment to the original act, which is a construction of the very words in the original act, and also incorporated in this act. It is not amendatory so far as the terms are concerned. It is simply and purely a question of the construction of language which is already inserted in this act.

The CHAIRMAN. The Chair understands that the gentleman desires to refer his amendment to the words in the original act "until the conclusion of the present war," and not to the words in the bill that we are now considering.

Mr. STEELE. They are in the same section, in this very section.

The CHAIRMAN. Yes; but if the Chair understands the gentleman, he seeks to amend the language of the original act.

Mr. STEELE. It is simply a construction of words in the other part of the section.

The CHAIRMAN. Is it an amendment to the original act?

Mr. STEELE. It is not an amendment to the original act any more than the other amendment.

The CHAIRMAN. The Chair wants to get the parliamentary situation and what the gentleman has in mind. Does the gentleman desire to amend so far as the words contained in this bill are concerned without reference to the original act?

Mr. STEELE. I want to construe the words in this very section, section 1.

The CHAIRMAN. The Chair understood the gentleman to say that he wanted to amend the original act.

Mr. STEELE. No; the words in the original act are contained in this act.

Mr. BARKLEY. If that is true, would it not follow that the gentleman's amendment would not only interpret the words in this section but the words in the original act?

Mr. STEELE. That is a question of interpretation. I stated the purpose of my amendment, and that is to construe the words in section 1, now under consideration.

Mr. SAUNDERS of Virginia. Mr. Chairman, I wish to make a further point of order. If the gentleman from Pennsylvania [Mr. STEELE] proposes to construe the words recited in the first sentence of the section, so as to give a meaning to them different from the meaning which they plainly carry in the acts from which they are taken, then his amendment is not germane. Section 1 does not construe the words which it recites from the war-time prohibition acts. The words quoted are taken bodily from existing acts. No meaning is sought to be given to them. The citation is not for that purpose. Whatever meaning they have is by virtue of their place in the original acts. If there are any other war-time acts, identifying phrases might be taken from them and offered as amendments to the language cited. This would be in order. But an amendment which seeks to add something in the way of positive law to the acts from which the words recited are taken, amends those acts, and the Chairman has properly said that this can not be done. The words cited are inserted in the section merely to identify the acts referred to, where the words "war-time prohibition" are used. The gentleman from Pennsylvania is limited, in order, to offering amendments germane to that portion of this section defining the alcoholic content of liquors which makes them intoxicating.

Mr. DAVIS of Tennessee. Mr. Chairman, while the amendment proposed by the gentleman from Pennsylvania follows the second sentence of the first section, as a matter of fact it is intended to amend the terms of the first sentence of the first section. That language is merely descriptive and not legislative in character. In other words, in order to prevent a repetition of the description of the entire purposes of the war prohibition act every time it is referred to subsequently in the act, it is

defined, referring to the original description, as embodied in the title. To amend it as suggested by the gentleman from Pennsylvania would carry into this act an incorrect description of the original war-time prohibition act.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, as I understand the proceeding, we are now discussing the question of parliamentary law, in which our prejudices for or against the bill ought to have no place, for we ought to keep the parliamentary situation straight under all circumstances. I regard the present stage as covering, first, the decision by the Chair that a motion to repeal the entire act is not in order and can not be permitted, because there is only a single section in this bill that relates to the prior act, and he has ruled that the other sections do not constitute amendments. With all deference to the ruling of the Chair, it did seem to me that the other sections were specific amendments of the prior law, for the reason that amendments may be to change the language or put a new interpretation on the language, or it may be to add something to the law. Every one of these sections adds something to the law. But that is past, and we have accepted the ruling.

The next ruling was upon the basis that there could be neither of these amendments entertained for the reason that they were substantially of the same effect as the first, and therefore were ruled out of order. It seems to me that this amendment stands on an absolutely different basis. We have in the first section, section 1, that which it is true, as the gentleman from Virginia has said, is a recital for the purpose of identifying the act. But it goes one step further; it is more than a recital; it becomes a piece of legislation upon the war prohibition act, for it says that certain language of that act shall be construed as follows, and then gives the construction that is placed upon it.

What have we, therefore, before us in the House? We have simply a question of construction of language. That is what this question raises, a question of construction of language in the war prohibition act.

Now, if you have under consideration the placing of a construction upon certain words, surely it is in the power of this House to take up some other words in the same act and say those also shall be construed thus and so. So I care not whether the amendment relates specifically to the language recited in this section or relates to the language as it exists in the bill. What is before the House now is the question of placing construction upon language in the war prohibition act. You assume to put a construction on a few words, and surely the motion of the gentleman adding to the construction that is placed on a certain other sentence is clearly germane to the legislation before the House.

Mr. IGOE. Mr. Chairman, it seems to me that this amendment is in order, because it is to construe certain words in the bill. I do not see why it would not be in order to take the words in this section of the bill and define them, and that is what this amendment does. It does define certain words in the bill, and if that is not germane I do not see how any amendment could be presented to the bill under consideration. The Chair has ruled out other amendments because they related to war prohibition acts, and certainly this amendment relates to the language used in this bill and not in the other bill, and it is within the province of the House to strike out these words and interpret them or do anything with them that it pleases.

Mr. BARKLEY. Does the Chair desire to hear any further argument on the point? If he is ready to rule, I do not care to use any time.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BARKLEY. Mr. Chairman, if this were the original war prohibition act, in which we seek to set a time when it shall terminate, it would be in order for the gentleman to offer his amendment or for any other Member to offer a similar amendment, but that is not what we are seeking to do in this bill. The only particular in which this title amends the original war prohibition act is in the definition of intoxicating liquors.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. SABATH. Is not the definition that the gentleman proposes new legislation? Are you not trying to apply construction to language that the original bill did not contain?

Mr. BARKLEY. That is true.

Mr. SABATH. So it is new legislation.

Mr. BARKLEY. It is new legislation, and the gentleman's inquiry is correct with reference to the amendment contained in this section, applicable to intoxicating liquors. That is, this bill says that intoxicating liquors, as used in the original war prohibition act, shall mean a certain thing, but this bill does not attempt to construe or amend the language of the original act, saying when war prohibition shall end. Therefore it is not germane, nor is it in order to offer an amendment seeking to construe that language, because if we could amend the entire language of the war act the Chairman would have no doubt ruled in the beginning that it would have been in order to repeal the entire war prohibition act. Certainly if we can amend all of the provisions of the war prohibition act in this bill we can repeal them all, and the Chair was correct in stating that this title seeks only to amend one provision of the war prohibition act, and that is the definition of "intoxicating liquor," and that any amendment offered here which seeks to change the language or the construction of any other provision of the war prohibition act would not be germane.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. CALDWELL. The gentleman from Pennsylvania [Mr. GRAHAM] a few moments ago said that in his opinion sections 2, 3, 4, 5, 6, and on down to 7 and 8 all contain new matter, and that they are, in effect, amendments to the war prohibition act. What has the gentleman to say about that?

Mr. BARKLEY. That is not even partly true, because this act fixes new offenses, and, therefore, they rest for their validity upon the enactment of this law. They are not amendments to the original act; they do not amend any offense in the original act. They create new offenses by declaring a public nuisance, and so forth, that was not mentioned in the original act.

Mr. CALDWELL. How about section 7?

Mr. BARKLEY. We are not on section 7.

Mr. CALDWELL. But section 7 is a part of Title I, and if Title I in any way amends the war prohibition act more than in one instance, these matters are all within the rule.

Mr. BARKLEY. Section 7 means that none of the provisions of this act shall be construed as repealing any former act or nullifying any regulation made by the Secretary of War or the Secretary of the Navy.

Mr. CALDWELL. The gentleman does not regard that at all as an amendment of the war prohibition act?

Mr. BARKLEY. I certainly do not, in the sense that it would justify an amendment changing the termination of war prohibition.

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. GOLDFOGLE. Does the gentleman contend that it is not within the power of this House at this time to broaden or to narrow the construction that is provided in this section?

Mr. BARKLEY. No; I do not; and there is no word in this section that seeks to broaden or narrow the construction of the original act fixing the termination of war prohibition. It will be in order, I take it, for any germane amendment to be offered broadening or narrowing the definition of intoxicating liquors, as contained in this section, but we are not dealing with that subject now. This bill nowhere seeks to shorten the time when war prohibition shall be effective. It does not seek to lessen the time and it does not mention it or treat of it at all, and therefore it is not in order or germane to offer an amendment to this act repealing or amending the original act in that particular.

Mr. GOLDFOGLE. This act treating of war-time prohibition—may not an amendment to the section that has reference to war-time prohibition be offered to provide the time for limiting the operation of the law?

Mr. BARKLEY. Undoubtedly under the rules of the House such an amendment is not in order.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. GRAHAM of Pennsylvania. Does not the language in lines 2, 3, 4, and 5 of page 2 constitute an amendment to the war prohibition act by placing an interpretation upon certain language?

Mr. BARKLEY. I think it may be fairly construed to be an amendment of that language in the original act.

Mr. GRAHAM of Pennsylvania. Very well; the subject before the House is the placing of a construction on language. Why can not the House now place a construction upon the words which the gentleman from Pennsylvania [Mr. STEELE] quotes in his amendment? It is still construing language, and that is all it is.

Mr. BARKLEY. For the very good reason that this is not the original act that we are dealing with, but this act only seeks to construe one sentence of that original act, and that one sentence is the meaning of intoxicating liquors. It is in order to offer any germane amendment to our interpretation of that language in this act, but certainly the offering of a provision construing the meaning of intoxicating liquor in the original act

does not justify on the ground of germaneness an amendment limiting the term within which that act shall be operative.

Mr. GRAHAM of Pennsylvania. Are we not in section 3 dealing with the terms of that act and making an amendment when we add to it this language?—

That any room, house, building, boat, vehicle, etc., where intoxicating liquor is sold * * * is hereby declared a public nuisance.

Does not that, quoting the war prohibition act, add to it by way of amendment by making the property itself liable to be declared a common nuisance?

Mr. BARKLEY. I will say to the gentleman from Pennsylvania that I do not think, legislatively speaking from a parliamentary standpoint, this is an amendment to the original act. This is an independent act creating offenses which were not contemplated in the original act. It is the creation of a new offense that was not denominated in the original act, and therefore it is not an amendment in a legislative or parliamentary sense, although it is related to the same thing.

Mr. GRAHAM of Pennsylvania. May I ask the gentleman if the following language on page 3 is not an amendment of the war prohibition act?—

If a person has knowledge or reason to believe that his property is occupied or used in violation of the provisions of the war prohibition act and suffered the same to be so used, such property shall be subject to a lien—

That is a specific amendment to the war prohibition act by an addition to it.

Mr. BARKLEY. It is not a specific amendment to the war prohibition act, but creates a new, entirely independent offense, which rests upon this act itself for its foundation.

Mr. SMALL. Mr. Chairman, I simply desire to present in another form the argument so well expressed by the gentleman from Pennsylvania [Mr. GRAHAM]. Section 1, which is under consideration, defines the terms of the "war prohibition act." Then it seeks in the latter part of the section to define what is "beer, wine, or other intoxicating malt or vinous liquors," and for present purposes that is a part of the section. Now, Mr. Chairman, this amendment which is pending seeks to define other language in the same paragraph, in fact in the same sentence in the original act. I have before me the original act, approved November 21, 1918. From that I read this language:

After June 30, 1919, until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States, no beer, wine, or other intoxicating malt or vinous liquors shall be sold, etc.

Mr. Chairman, there is in the section now under consideration the definition of the words "beer, wine, or other intoxicating malt or vinous liquors," and this pending amendment proposes a definition of the words in the same sentence "until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States." The contention of the gentleman from Minnesota, who made the point of order, and the gentleman from Kentucky is that while this section contains the definition of the words "beer, wine, or other intoxicating malt or vinous liquors" and is in the section, and for the purpose of this amendment must be construed as now in the section, yet a definition of the words in the same sentence preceding it is out of order. I submit with all deference that the Chair can not hold that this amendment which is pending is out of order unless at the same time holding that the language in the section of the bill defining the words "beer, wine, or other intoxicating malt or vinous liquors" is also out of order. If one is in order, both are in order. The language in the first section of the bill attempts to define certain words in the sentence—that is to say, "beer, wine, or other intoxicating malt or vinous liquors"—and the pending amendment seeks to define the language in the same sentence "until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States." As I said before, if one is in order both are in order. But at the present time this definition of beer, wine, or other intoxicating malt or vinous liquors is a part of the section and this amendment seeks to insert a definition of language in the same sentence of the original act of November 21, 1918, and must be in order.

Mr. STEELE. Mr. Chairman, I wish to make clear and emphatic that this is a construction of the identical language that is in section 1 and the very act which is now before the House for consideration.

Mr. HAYS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Missouri desire to be heard?

Mr. HAYS. For a moment. Mr. Chairman, by way of discussion whether the proposed amendment is amendatory of the original act or not it has been argued by analogy that the provisions of section 3 are not amendatory of the original act. Now, I challenge the statement which has been made, and say that the true test of whether the provision in section 3 creating a common nuisance and the further provision in section 3 establishing a lien on property, the way to determine whether or not they constitute amendments to the original act is to consider that the original act is not in existence at all. And if it be considered that the original act is not in existence at all, I will ask you by what authority this lien could be enforced or by what authority the building could be declared a nuisance? I think that is a true test to determine whether these specific provisions in section 3 amount to amendments or not. That determines the crux of this particular controversy and the amendment is germane. [Applause.]

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Pennsylvania [Mr. STEELE] is somewhat different from the amendments which have already been ruled upon. The first section provides:

That the term "war prohibition act" used in this act shall mean the provisions of any act or acts prohibiting the sale and manufacture of intoxicating liquors until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States. The words "beer, wine, or other intoxicating malt or vinous liquors" in the war prohibition act shall be construed to mean any liquors which contain one-half of 1 per cent or more of alcohol by volume.

Under that section the gentleman from Pennsylvania [Mr. STEELE] has offered the following amendment:

Add at the end of the section: That the words "until the conclusion of the present war and thereafter until the termination of demobilization," shall be construed to mean the date when in the opinion of the President it shall be no longer necessary for the purposes of the present war to conserve man power, to increase efficiency in the production of arms, munitions, ships, food, clothing for the Army and the Navy.

It will be observed that the war prohibition act provides—

That after June 30, 1919, until the conclusion of the present war, and thereafter until the termination of the demobilization, the date of which shall be determined by proclamation of the President, it shall be unlawful to sell for beverage purposes—

And so forth.

It has already been pointed out by the gentleman from Pennsylvania [Mr. STEELE] that he desired to amend this provision of the bill, just as the last part of section 1 of the bill is amended, by the words:

Beer, wine, or other intoxicating malt or vinous liquors in the war prohibition act shall be construed to mean any liquors which contain one-half of 1 per cent or more of alcohol by volume.

If, therefore, this amendment is offered to amend the war prohibition act, it certainly is not germane, and if, on the other hand, it is offered to amend the words that are simply descriptive of the war prohibition act, thereby making this act applicable to a different character of war prohibition act, then certainly the amendment is not germane.

The Chair therefore sustains the point of order.

Mr. DYER. Mr. Chairman——

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. DYER. I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DYER: On page 2, line 4, after the word "contain," strike out "one-half of 1" and insert "2¾."

Mr. DYER. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DYER. Mr. Chairman and gentlemen of the committee, this measure—Title I of this bill—that we are now considering is what is known as the war prohibition act and regulations for its enforcement.

Mr. Chairman, this amendment I have offered is to permit the manufacture and sale of beer and light wines having not more than 2¾ per cent of alcohol per volume. It changes the language in the bill from "not more than one-half of 1" to "not more than 2¾."

This, as I stated a moment ago, provides regulations for the war-time prohibition act. It is admitted by most of the fair people that in justice and right this law should not be enforced at this time because of the fact that the war is over and the troops have been substantially demobilized.

In addition to that, Mr. Chairman, we have regulations and laws which have been enacted that prevent the taking of intoxicating liquors into the camps of the soldiers, and they are prevented from purchasing intoxicating liquors from anyone. And it seems that at this time, with national prohibition com-

ing into force within six months, and with the guarantee in the constitutional amendment that the people of this country would not have prohibition thrust upon them without a year's time, we ought to be willing to vote for this amendment.

When we passed the resolution providing for the constitutional amendment we said that after the necessary States had ratified the amendment, if they did, there should be one year for the people who are engaged in the manufacture and sale of beer, and so forth, to be permitted to adjust their affairs and their business. Now, Mr. Chairman, this war-time prohibition law is doing the opposite that the Congress and the States of the Union said that the people should do. Keeping this in force now when the war is over, when there is no need for it, is simply forcing prohibition upon the people and taking away from them the rights that they had guaranteed to them under the constitutional amendment. It also destroys unnecessarily and in violation of the constitutional amendment much valuable property.

In addition to that, Mr. Chairman, the President of the United States, who is the Commander in Chief of the Army and Navy, who has spent months in France, and who ought to know, and I am sure does know, more than any other human being in this country as to the needs of this legislation, this war-time prohibition bill, said in the beginning of this Congress in his message which was read to us on the opening day this:

> The demobilization of the military forces of the country has progressed to such a point that it seems to me entirely safe now to remove the ban upon the manufacture and sale of wines and beers.

He said further in his message that he did not have the authority under the act to issue the proclamation at the present time. But he said it ought to be done; that the Congress ought to authorize him to do it.

Now this amendment, Mr. Chairman, is nothing more than to do exactly what the President said ought to be done, permit the manufacture and sale of beers and light wines pending the time when he can issue his proclamation setting aside the whole act. If you will do this, gentlemen of the committee, if you will vote, as I believe you ought to do, for this amendment, which will permit the sale and manufacture of beer and wines during this emergency, I feel that the President would put off the issuing of the proclamation as long as he possibly could, and that would give the country only light wines and beers. And you, gentlemen of the committee, and the American people know that there is practically no harm in light wines and beers, and especially beer of 2¾. It will help to put conditions in this country in the best shape that we can possibly do with the constitutional amendment about to come into effect. It only does what the President recommends and what, in my judgment, Mr. Chairman, we ought to do.

We ought not to force upon the people prohibition before they understood it should come into force and effect. We ought to be fair with the great business interests of the country who have money invested in the beer business and in the vineyards and in the manufacture of wine. There are to-day thousands of dollars—yes, almost a billion dollars—in this country invested in the manufacture of beer and wines and like industries. We ought to give those people an opportunity to adjust their affairs. We ought to be fair enough, in view of the President's recommendation and request to the Congress, Mr. Chairman, to vote for the thing that he has asked for and which is fair and just. It is not to put into sale and into the manufacture or sale high-grade intoxicants, but only those that I have indicated, beer of 2¾ per cent and wine and other things that do not have more than that per cent of alcohol.

And not only that, Mr. Chairman, but there has been a great demand all over this country by the people who work. They have appeared before our committee time and again, and they appeared before our committee in a hearing in the last few weeks, men who represent the people who do the work, the laboring classes in the country. We had men before us who had worked in the mills, who had worked in the mines, and they told our committee—and their statements are in the hearings—that if we deprived the men who go down into the mines and come up exhausted from labor and the heat of any kind of a beverage drink—and they only asked for beer and light wines—if we deprived them of those things, Mr. Chairman, these men would become habitues of things that will undermine their health and strength.

They will drink deleterious things that they can obtain, things that contain excessive alcohol, and which may ruin their systems and make them unfit for work. We have had these men appear before us, Mr. Chairman, and they have warned us of these conditions and of these things. Exhaustive investigations made by experts as to the content of beer having no more than 2¾ per cent of alcohol, investigations made by leading scientists and leading physicians all over this Nation, show in effect that there is no harm in drinking beer of 3¾ per cent alcohol, and I trust that gentlemen of this committee, be they in favor of prohibition or not, will vote for this amendment, because it is only for the time for which this act itself is to remain in force and effect.

The President has intimated, the Secretary of War has intimated, that the troops will be demobilized by the end of September. If that is the fact, it will be the duty of the President under this law to issue a proclamation putting in effect again the sale not only of beer and wine, but of whisky and of other intoxicating drinks. He can not separate them. You have refused, through a point of order, permission to the President to separate them and to permit only the manufacture of wines and beer. You are forcing him under the law, if it remains in force, to open up and compel the making and selling of all kinds of intoxicating drinks. But if you will adopt this amendment, in my judgment, Mr. Chairman, we will not have any more sale of the drinks that contain much alcohol in them. It will put the country upon the basis that you have wished, that the President has recommended, and we will have an opportunity to study in this country genuine temperance, and the result of it, until the national prohibition law goes into effect.

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

Mr. LUCE rose.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. GARLAND. Mr. Speaker, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. LUCE. Mr. Chairman, the proposed amendment ignores a very important economic basis for war-time prohibition. It has been frequently urged in this debate that there is no longer occasion for war-time prohibition. Is that true? The act declared one of its purposes to be "conserving the man power of the Nation." Has the end of fighting left no occasion for this? In such a supposition grave danger lies. Spread of the belief that there is no longer need of the strictest economy will but aggravate our perils. No attempt should be spared to acquaint the people with the facts of the situation. We should look those facts in the face.

The world is impoverished. To get an idea of the loss, reflect on a striking coincidence. According to the Statistical Abstract, the total wealth in the United States, the true value of all the real and personal property, as last calculated, in 1912, was $187,000,000,000. An official book just put into our hands, The War With Germany, prepared by the chief of the statistical branch of the General Staff, estimates the total war expenditures of the principal nations to April 30, 1919, at $186,000,000,000. Some of this would have been spent individually for food and clothing had there been no war, but I notice that very little of the total expenditure resulted in producing any goods of permanent value to mankind. It was mainly wasteful expenditure.

Furthermore, there must be added the tremendous destruction of fixed capital, buildings of all kinds, railways and their rolling stock, farms and their equipment, highways, bridges, mines, machinery, ships, countless objects into which the labor of man had been put. The total of fixed capital destroyed would more than equal the wealth in Canada, which may therefore be added to that of the United States in trying to measure the waste.

Imagine then that some convulsion of nature, some upheaval or depression of the earth's crust, should return the North American continent to the conditions of the ice age. Imagine the vast bed of ice forming on the great arctic plains and for four and one-half years crushing its way toward the south. It shatters every house, barn, church, school, factory; erases every railroad, canal, highway; overwhelms every village, town, and city; uproots every tree in forest and orchard; swallows every garden and farm; utterly obliterates every object to which man has attached value between Hudson Bay and the Gulf of Mexico, from the Atlantic to the Pacific Oceans. When that mighty, resistless flood of ice reaches Cuba its destruction of what we call wealth will have equaled that of the war with Germany.

This wealth must be replaced before the world can be either happy or safe. Men have lost a great part of the tools by which they exist. To this loss may be laid the woes that now beset mankind, the miseries of the greater part of Europe and much of Asia, assassination and revolution, famine and pestilence, suffering beyond measure, death in every form, and of

tragedy. From a share in these we can not escape for we are a part of a world where every act of destruction vibrates to the farthest hamlet.

Our own direct contribution to this terrible waste is put at $22,000,000,000—an amount almost equal to that of all the property in the State of New York, including the metropolis itself.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent that my colleague may proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. DYER. Reserving the right to object, Mr. Chairman—which I do not intend to do—the gentleman from Minnesota [Mr. VOLSTEAD] and myself are anxious to see if we can fix upon some time upon this amendment and determine how much time there should be.

Mr. TREADWAY. Could not that be arranged at the conclusion of the remarks of the gentleman from Massachusetts?

Mr. DYER. I myself am compelled to leave the Chamber, and, if the gentleman will pardon me, I would like to have the time fixed now.

Mr. BLANTON. I would like five minutes.

The CHAIRMAN. The Chair hears no objection.

Mr. VOLSTEAD. I would like to ask if we could not agree on 40 minutes—20 minutes on a side?

Mr. BLANTON. Will that include five minutes for me, Mr. Chairman?

The CHAIRMAN. What is the gentleman's request?

Mr. DYER. Mr. Chairman, his request is for 40 minutes. I ask to amend that and have a vote on this amendment at 4 o'clock.

Mr. MADDEN. Make it an hour. That might not mean anything. There might be only 15 minutes' debate under that.

The CHAIRMAN. The request of the gentleman from Minnesota [Mr. VOLSTEAD] is that the debate on the amendment of the gentleman from Missouri [Mr. DYER] be limited to 40 minutes. Is there objection?

Mr. MADDEN. I suggest an amendment to that, to make it an hour.

Mr. GARLAND. I object.

Mr. VOLSTEAD. I move that the debate on this amendment and all amendments to it be closed in one hour.

The CHAIRMAN. The gentleman from Massachusetts [Mr. LUCE] has the floor. The gentleman from Minnesota can not take him off the floor.

Mr. RUCKER. Mr. Chairman, I will ask the chairman of the committee if he will not make the time longer than that.

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. Is not the parliamentary status that some one asked for an additional five minutes?

The CHAIRMAN. Yes; and that time has been granted, and the gentleman from Massachusetts [Mr. LUCE] is entitled to the floor.

Mr. DYER. I reserved the right to object.

The CHAIRMAN. The Chair asked if there was objection, and no objection was heard.

Mr. DYER. I reserved the right to object, and stated that the gentleman from Minnesota [Mr. VOLSTEAD] desired to make a request, and that if the gentleman would yield for that purpose I would not object.

The CHAIRMAN. Subsequently the Chair put the question, and no objection was heard. The gentleman from Massachusetts is recognized for five minutes.

Mr. LUCE. Mr. Chairman, I have but a few more words to say. I had pointed out that our own contribution to this terrible waste has been placed at $22,000,000,000, nearly as much wealth as there is in the State of New York, including its metropolis, and almost twice as much as there is of real and personal property in the whole of New England. Manifestly there is still occasion to conserve the man power of the Nation. We must for many years command from all the people work and thrift and sacrifice; and how better can we conserve the man power of the Nation than by abolishing industries and activities that produce nothing of value and are in themselves destructive? [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I have tried to make some arrangement with reference to time. I move that all debate on this amendment and amendments thereto be closed in one hour.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on this amendment and all amendments thereto be closed in one hour.

Mr. GARLAND. I desire to be heard on the motion.

The CHAIRMAN. The motion is not debatable.

Mr. BARKLEY. I move an amendment to the gentleman's motion, to include the section instead of the amendment; that all debate on the section and all amendments thereto be concluded in one hour.

The CHAIRMAN. The gentleman from Kentucky offers an amendment to the motion of the gentleman from Minnesota, that all debate on the section and all amendments thereto close in one hour.

Mr. LONGWORTH. The gentleman from Minnesota does not accept that amendment, does he?

Mr. VOLSTEAD. No; I do not think we had better.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. BARKLEY] to the motion of the gentleman from Minnesota [Mr. VOLSTEAD].

The question being taken, on a division, there were—ayes 92, noes 70.

Accordingly the amendment was agreed to.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Minnesota [Mr. VOLSTEAD], as amended by the motion of the gentleman from Kentucky [Mr. BARKLEY].

The motion as amended was agreed to.

The CHAIRMAN. Debate on this section and all amendments thereto is limited to one hour.

Mr. DYER. I ask unanimous consent that half of that time may be controlled by the gentleman from Minnesota, the chairman of the committee [Mr. VOLSTEAD], and the other half by my colleague [Mr. IGOE].

Mr. IGOE. I suggest that the gentleman from Missouri [Mr. DYER] control the time.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] asks unanimous consent that one-half hour be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and one-half by the gentleman from Missouri [Mr. IGOE]. Is there objection?

Mr. GARLAND. I object.

Mr. DYER. Then I ask unanimous consent that the gentleman from Minnesota [Mr. VOLSTEAD], chairman of the committee, may control one-half of the time and that I may control the other half, if that is satisfactory.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] asks unanimous consent that half the time be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and one-half the time be controlled by himself. Is there objection?

Mr. RUCKER. Mr. Chairman, reserving the right to object, why does the gentleman want the whole time controlled on that side? I will say that I do not want any time from the gentleman.

Mr. DYER. I asked that my colleague [Mr. IGOE] control half the time, but there was objection made to that.

Mr. RUCKER. Why should it all be controlled over on that side?

Mr. DYER. If my colleague from Missouri [Mr. RUCKER] will make a speech in favor of my amendment I will be glad to yield him time.

Mr. RUCKER. I hope the gentleman will not.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. DYER]?

There was no objection.

Mr. IGOE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. IGOE. Is it in order to offer amendments to any part of the section during the hour?

The CHAIRMAN. It is in order to offer amendments, but they will not be voted upon until the hour for general debate has expired.

Mr. VENABLE. Shall we just send these amendments to the Clerk's desk?

The CHAIRMAN. They will simply be read for information.

Mr. VENABLE. And we are simply to send them to the Clerk?

The CHAIRMAN. Yes. The gentleman from Minnesota [Mr. VOLSTEAD] is recognized.

Mr. VOLSTEAD. I yield three minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, in defining in this bill what intoxicating liquors shall be, there is an attempt on the part of Congress not to decide what would intoxicate every individual, but merely to decide what would intoxicate, under ordinary conditions, the ordinary individual of our land, and I assume that that takes into consideration young boys of 17, 18, 19, and 20 years of age, who are not accustomed to the use of intoxicating liquors; because the very primary purpose and object of war-time prohibition was to protect the young man power of this Nation. There will be no question of minority in the future to protect young boys of tender years and intoxicating liquor should be defined.

In 1907 it was my privilege and pleasure, in company with 168 other Texas people, to enjoy the magnificent hospitality of the various bankers of St. Louis, Chicago, Philadelphia, New York, and Boston, where upon the banquet table in each one of these five splendid cities of our country there were placed four and even five different glasses from which to drink liquor of various kinds.

There was claret and sweet wine and sour wine and beer and champagne, and the bankers' associations in the five cities named by me vied with each other in trying to entertain our Texas crowd more pleasantly than we had ever been entertained before in our lives. Auto rides, theater parties, receptions, buffet lunches at country clubs, steamer excursions, and banquets, at all of which we had this great profusion of sparkling beverages.

Mr. CANNON. If the gentleman will yield, how does he know it?

Mr. BLANTON. Not by the taste of my palate, but I know by my nose and my eyesight, because I saw four and five glasses, and I saw the contents bubbling and sparkling, and while the contents did not affect the good bankers of St. Louis, the good bankers of Chicago, the good bankers of Philadelphia, the good bankers of New York, or the good bankers of Boston, because all of them seem to be used to it, it did affect some of my good banker friends from Texas who were not used to having four glasses in front of them. [Laughter.] I say you can not decide what is intoxicating liquor by what transpires in St. Louis, Boston, Chicago, New York, or Philadelphia. You have got to decide by the effect that it has on the ordinary individual in this country—in Texas and elsewhere. [Laughter.] It is the young boys and the young manhood of America for whom we are now legislating.

Mr. DYER. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. GARLAND].

Mr. GARLAND. Mr. Chairman, I did not get a chance to speak in general debate on this question. I do not intend to say much now. I have listened patiently to the arguments as to the constitutionality and nonconstitutionality of this bill by the lawyers. They have settled nothing except to their own satisfaction. Each one of them has ended just where he started. For my part, I do not intend to discuss it from the constitutional standpoint for the reason that we have courts for the purpose of settling these questions.

The State Legislature of Pennsylvania voted to sustain the Federal amendment passed by Congress, and at the same session of the legislature they voted that 2¾ per cent beer was not intoxicating. I believe that they were acting honestly. They were certainly not constrained by any feeling against the amendment, because they voted for it. They believed that 2¾ per cent beer is not intoxicating.

I want to say that I think it would be a great mistake for us not to pass this amendment offered by the gentleman from Missouri [Mr. DYER]. Recently, when home during the intermission, I met scores and scores of workingmen in my district, mill men, glass-house men, and miners, and they look upon this act down here taking away 2¾ per cent beer as being an infringement of their rights and privileges, and they say so positively. Good men, some of the best men we have, honest men, men who had boys in the war, said, "What do they mean down there?" I said, "Who mean?" "Why, all of them down there in Washington, to take away our last vestige of privilege that we have in 2¾ per cent beer, something that we are accustomed to, something that does not do us any injury and certainly does not do them any injury. We want them to let us keep it if possible." They do not say very complimentary things as to what they might do if it is taken away from them.

Gentlemen, I believe you are making a mistake. I believe that the passage of this bill without allowing 2¾ per cent beer will not alone be detrimental, as far as we are concerned generally, but I want to say to the Republicans of this House that the President of the United States had to come to the rescue of the daylight saving for the people, and other legislation, and he may do so in this case. So I think the wiser plan is to put this provision in here. It harms no one, and I am for the amendment offered by the gentleman from Missouri. [Applause.] I yield back the rest of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 120. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, Tao Hung Chang and Zeng Tze Wong, citizens of China; and

H. J. Res. 65. Joint resolution authorizing the Secretary of War to loan tents for use at encampments held by veterans of the World War.

PROHIBITING INTOXICATING BEVERAGES.

The committee resumed its session.

Mr. VOLSTEAD. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. CURRIE].

Mr. CURRIE of Michigan. Mr. Chairman, the amendment submitted by the gentleman from Missouri [Mr. DYER] clearly presents the question whether or not this House stands for the enforcement of war-time prohibition. The gentleman says that the miners and laborers require intoxicating liquor at the end of their day's work. His very argument admits that 2¾ per cent beer is intoxicating. Is this House going to accept the proposition suggested by the gentleman from Missouri? If it does, it will make war-time prohibition a national farce. [Applause.] My distinguished colleague on the Committee on the Judiciary [Mr. DYER] a few days ago contended before the House that the Commissioner of Internal Revenue had never officially recognized the fact that beverages containing alcohol in excess of one-half of 1 per cent was intoxicating. He read into the RECORD various Treasury decisions and other data to sustain this contention. I now call the gentleman's attention to the last Treasury decision upon this subject. It is No. 2788, and under the heading of "Malt liquors" this Treasury decision at paragraph b, section 14, provides:

> Within the intent of the act of November 21, 1918, a beverage containing one-half of 1 per cent or more of alcohol by volume will be regarded as intoxicating.

[Applause.]

Mr. DYER. Mr. Chairman, I yield five minutes to my colleague, Mr. IGOE.

Mr. IGOE. Mr. Chairman, I offer the following amendment, which I would like to have pending.

The CHAIRMAN. The Clerk will read it for the information of the House.

The Clerk read as follows:

> On page 2, line 1, after the word "States," strike out the remainder of the section.

Mr. BLANTON. Mr. Chairman, I reserve a point of order, and I would like to have the point of order settled now.

The CHAIRMAN. The amendment is not before the House now—only for information.

Mr. BLANTON. I reserve a point of order.

Mr. IGOE. Mr. Chairman, it is not subject to a point of order; I thought somebody would make it. This is the most unusual situation ever presented to the House. In the first place, the war prohibition act is a rider on an Agricultural bill. Riders seem to be abhorred by some Members of the House, but this one seems to meet with the approval of those who always object to them.

This morning we tried to give this House a chance to vote on the repeal of war-time prohibition, and upon a proposition to give the President the right to suspend it whenever, in his opinion, he thought the time had come when it was no longer necessary to keep it in force. We are met with points of order and objections, but they are absolutely in accord with the position always taken by the prohibitionists since this question came into Congress. When it was sought to give the people of the country a chance to vote upon the eighteenth amendment by providing that it should be submitted for ratification to conventions in the States, objection was made because it would give the people a chance to vote upon it and not the legislatures. Now, throughout the country in those States where an effort has been made to submit the ratification by the legislatures to the people of the States, so that they might have a chance to pass upon the action of their legislatures, we find the prohibitionists appealing of the Constitution. Yet when we appealed a few days ago to the Constitution, we were denounced. They want to prevent a vote by the people throughout the country upon that question. To-day they will not give this House of 435 men an opportunity to vote upon the question of whether you will continue this war prohibition act or whether it shall be repealed or modified whenever the President deems modification might be proper.

I am for the amendment offered by the gentleman from Missouri [Mr. DYER], but I am hopeful that this amendment which I have offered will be adopted, because this Congress has not the right at this time to extend the war prohibition act as they are attempting to do in this definition. The war is over, and yet to-day, in the only instance, I believe, which we have in the Congress, an attempt is being made on this occasion to extend war-time legislation. All of the other war-time legislation has been repealed or will expire and no attempt is made to extend it.

Gentlemen say that the definition of intoxicating liquor as carried in this Title I is not an extension, but it is, for the reason that it includes things which are not intoxicating. I have no doubt but that Congress, under the war-time power, in originally passing this war prohibition act, if it might have passed it originally and constitutionally, could define intoxicating liquors. We could have prohibited the use of leather or anything else, but at this time, when the Army is about to be demobilized, when trade is being opened to all the world, when all the war activities of the Government have ceased, it is beyond the power of Congress to say that in the exercise of its war powers it might extend this act to include things which were not prohibited in the original act.

Under the law of Congress as it stands, if it is to stand, the courts may decide what is intoxicating, and if it is to stand, I hope it will be enforced. But this Congress can surely trust the courts. A few days ago gentlemen read reports here of how the law was being enforced, and yet to-day another gentleman on the committee and other Members of the House will dispute that, and say that it is a farce unless you pass this law. I believe that the law as it stands, if it is to continue, can be enforced, and will be enforced, and I say that you ought to leave it to the courts to determine under the law what are intoxicating liquors. It is beyond the power of Congress now, and it is unfair and unjust to extend the act at this time, and I hope that when this House comes to vote they will strike out the definition of intoxicating liquors, even if they are to allow the rest of the bill to stand.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Chairman, thus far in the consideration of this bill I have said nothing, and now I find myself embarrassed by the attitude of two of my colleagues for whom I entertain very high personal regard, one on the Republican side and one on the Democratic side, both men of stalwart ability and the highest personal character, and both as wrong as any men ever were in the world. I regret it. I am not one of those who quibble about the amount of alcohol in a beer glass. If a glass of beer as manufactured contains one-hundredth part of 1 per cent of alcohol and the committee would invite me to vote to prohibit its sale, I would vote that way. We are seeking to put an end forever to a traffic which, as far as it is possible to ruin, has ruined this Nation. The brewer has linked his fate with that of the distiller, and by the final and deliberate judgment of the country they have both been condemned, and it is our duty in response to the mandate of the good people of 45 States to banish them both from this fair land forever.

I hope that when this Congress has acted that the final chapter will have been written, the final act passed, and that never again will the open doors of the saloon blight the hopes or destroy the happiness of the people of this Nation.

Gentlemen plead for 2.75 per cent beer, as they call it. I do not know what it is. I am a Democrat, but, having some Republican proclivities, I have tasted beer, and the Lord only knows, I do not know, whether it contained 4 per cent or 2½ per cent or one-half of 1 per cent of alcohol. I am against the sale of it. I am for a law which will make it impossible for any man to sell it. Gentlemen say that this law is too drastic. I tell you, when you are dealing with a class of men who we know will never willingly submit to law, men who will only yield when they are compelled to yield, then of necessity we must deal drastically with them. [Applause.]

Gentlemen recently have produced the records of this city to show the increased crime since the advent of prohibition, but they forget to tell the House and the country that much of the record of crime in this city—possibly most of it—is the record of prosecutions of men who are violating the liquor laws in force in the District of Columbia. That is true everywhere. Adopt a local-option law, adopt a State prohibition law, make it bone dry in the District of Columbia, and immediately, aided and abetted and counseled by the brewery interests, with the sanction and approval of the brewers, men who have no regard for their manhood at once violate the law in order to bring it into disrepute, having assurance of the support of the brewers in their unworthy and criminal acts. Gentlemen know that throughout the country brewers have said to men, time and time again, "Violate this law, bring it into disrepute, give us a great list of crimes on the criminal dockets of the courts, in order to dissuade the people from the righteous course they are pursuing, and we will help you," and then they talk and harp about the increase of crime. I tell you that when you have driven out of this land every brewer and distiller, and thus closed the door of every saloon and driven out every bootlegger, then there will be ushered in a time when crime in the Nation will decrease and the happiness, righteousness, and real prosperity of the people increase. [Applause.]

Mr. DYER. Mr. Chairman, I yield three minutes to the gentleman from Maryland [Mr. BENSON].

Mr. BENSON. Mr. Chairman, I propose to offer an amendment to section 2 to insert the word "hereafter" in line 4, page 2, after the word "shall," and then strike out the word "liquors" and insert the word "beverages." Mr. Chairman, the reason for asking for time on this amendment is this: That this first part of this act has no exception that allows for the sale of patent medicines, toilet waters, or flavoring extracts. Those exceptions apply to the second part of the bill and the war prohibition bill, and there is no exception at all. But we think by the change of the word "liquors" there to "beverages" that beverages having an accepted name, we will be protected by this provision. I understand that the chairman of the committee will accept that amendment. I yield back the balance of my time.

Mr. SABATH. What is the amendment? Have it read.

The CHAIRMAN. Without objection, the amendment will be reported.

There was no objection.

The Clerk read as follows:

Page 2, line 3, after the word "shall," insert the word "hereafter," and in line 4, on page 2, strike out the word "liquors" and insert the word "beverages."

Mr. BLANTON. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The point of order is reserved.

Mr. DYER. Mr. Chairman, I yield three minutes to the gentleman from California [Mr. LEA].

Mr. LEA of California. Mr. Chairman, I will ask that my amendment be read by the Clerk.

The CHAIRMAN. Without objection the amendment will be reported.

There was no objection.

The Clerk read as follows:

Page 2, line 5, after the word "volume," insert "Provided such words or anything contained in title 1 hereof or in the war prohibition act shall not be construed to mean or include wines containing not more than 11 per cent of alcohol by weight."

Mr. BARKLEY and Mr. BLANTON. Mr. Chairman, I reserve a point of order on the amendment.

Mr. LEA of California. Mr. Chairman, the effect of this amendment is to permit the use of this year's grape crop if the amendment is adopted. I take advantage of the short time given me to say if this House is going to adopt legislation as oppressive as section 1 of this act is, it should be informed what it is doing.

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The amendment is not before the House for action.

Mr. DYER. I make the point of order against the gentleman's point of order that the matter is not before the committee.

Mr. LEA of California. Mr. Chairman, I appeal to the sense of fairness of the prohibitionists in the House. The grape industry of this country exists in a great many States, but practically the great bulk of the industry is in the State of California. You people of the Eastern States are not familiar with that industry as we know it in the State of California. To-day there is a grape crop on the vines in California the value of which is estimated by the viticultural commission at $12,000,000. If this Congress should adopt section 1 of this act, it will prevent the farmers of California from using these $12,000,000 of grapes that now hang upon the vines. And in connection with that I want to call attention to this: The grape industry is one of its own peculiar kind for this reason: It takes four years to raise a grapevine to the productive age. The cost of raising resistant stock from which our dry wines are largely produced is from $250 to $300 an acre. It would cost the farmers of California over $2,000,000 to dig up the vines devoted to the dry-wine industry when prohibition goes into effect. Next winter when the Federal prohibition amendment goes into effect the farmers of California expect to begin digging up their vines. Do you want to adopt this sort of a precedent in the United States of America with reference to farmers who have given so many years of their lives to the development of the vineyards at great expense, while the crop is about ready to be gathered, to the value of $12,000,000, eight months after the war is over, under the pretense of war necessity? Are you going to deprive them of their hard earnings? It is all right to enforce the Federal prohibition amendment when it goes into effect. It is the duty of this Congress to do that. But I appeal to every sense of

the fairness that has been the highest quality of the citizens of America; do not deny these farmers the use of the grapes now on their vines. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. DAVIS].

Mr. DAVIS of Tennessee. Mr. Chairman and gentlemen of the committee, in my State we have heard practically the same arguments urged against prohibition that have been urged by those who are now endeavoring to emasculate this law. We went through the same process which the Nation as a whole is now passing through. At first, in Tennessee, we had no statutory provision defining what constituted intoxicating liquors. The result was that beverages were sold in various different forms and under various names and with various percentages of alcoholic content, and there was no uniformity of holding, there was no uniformity of enforcement, and, in fact, we had no effective enforcement at all until our State enacted a statute defining intoxicating liquors as defined in this law—that is, one-half of 1 per cent of alcohol. [Applause.]

After that was done the laws were enforced. We got results. Having had eight years' experience as circuit judge in the enforcement of those laws, I have repeatedly seen men who had imbibed so long and so liberally that they were almost pickled in alcohol come into court and swear that they had drunk so many bottles of the beverage under consideration and it had not intoxicated them, with the result that frequently the preponderance of the evidence was that it was not intoxicating, when, in fact, the beverage was intoxicating. The criterion should not be what will intoxicate a man who can stand a great deal of intoxicants, but what will intoxicate an ordinary man, one who is not an habitual drinker of alcoholic liquor. If you permit 2¾ per cent, it simply means that those who desire to become intoxicated will drink that much more in volume in order to get the alcohol. [Applause.]

Mr. GARD. Will the gentleman yield?

Mr. DAVIS of Tennessee. I do.

Mr. GARD. I wish to inquire whether the gentleman had made in his official capacity, while he was on the bench, any judicial interpretation of the language which he now refers to?

Mr. DAVIS of Tennessee. I gave a legal definition, yes; but the evidence to which I referred, which was continuously piled into court, would frequently overturn that definition and confuse the minds of the jury to such an extent that justice was undoubtedly very frequently thwarted.

Now, we have the prohibitory law. The question is whether or not we will provide the instrument for its proper enforcement. Those opposing this legislation say that they are in favor of a reasonable enforcement. They simply want an enforcement; or, rather, a regulation, that will permit the sale and use of liquor. We know from experience, and that experience is what has caused the agitation which is now sweeping the country, that the liquor traffic has refused to be regulated. The only other recourse, as has been demonstrated in every State where it has been tested, is to absolutely and unequivocally abolish it. [Applause.]

Mr. SABATH. Will the gentleman yield?

Mr. DAVIS of Tennessee. I will.

Mr. SABATH. When did you adopt your last prohibition law for the State of Tennessee?

Mr. DAVIS of Tennessee. It went out under what is known as the "four-mile law"; and it was finally legislated out, as you might say, of the larger cities several years ago.

Mr. SABATH. And how much time was then granted to give to the people opportunity to comply with the law, or when did the act go into force?

Mr. DAVIS of Tennessee. In some instances no time was provided, and there was but little time provided in any instance, except when the law was passed prohibiting the manufacture of intoxicating liquors. A few months was then allowed.

Mr. SABATH. How much time was given then?

The CHAIRMAN. The time of the gentleman has expired. [Applause.]

Mr. DYER. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. PELL].

Mr. PELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PELL: Page 2, lines 4 and 5, after the word "liquors" strike out "which contain one-half of 1 per cent or more of alcohol by volume," and insert in lieu thereof "which are by a jury decided to be in fact intoxicating."

Mr. BARKLEY. Mr. Chairman, I reserve a point of order against that.

Mr. PELL. Mr. Chairman, I do not see any reason why we should not be willing to trust to the opinion of a jury in a matter like this. The violation of a prohibition law, however offensive it may be, is not murder. We allow a murderer the protection of a jury. A man who burns a house down can be protected by a jury. His offense can be tried by 12 of his peers. But you are denying it to a man who sells a bottle of beer.

Now, there is not a man in this House who seriously believes that 1 per cent or 2 per cent or 2½ per cent could possibly get any grown man drunk. He could not hold enough. There is not a man that does not know perfectly well, and there is not a man from a prohibition State that does not realize perfectly well, that the vast majority of the people of this country know this to be a fact. That is the reason you are afraid of going to a jury, because you know you would not get conviction. And I ask that this question of fact shall be decided as questions of fact have been decided, according to our common law for 500 years, by a jury of 12 men gathered from the neighborhood.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. RANDALL]. [Applause.]

Mr. RANDALL of California. Mr. Chairman, I only asked for two minutes in order to make a statement in reference to the wine-grape industry of the State of California.

As I said here the other day, actual experiences are better than a week's argument. The two greatest grape-producing counties in the State of California—Fresno County and San Bernardino County—have not only voted themselves bone dry but they voted by large majorities for a bone-dry, State-wide prohibition amendment to our Constitution in 1918. [Applause.] And the State of California, including every county and every vine-growing section in the State, in 1918 voted by a majority of 17,000 for a bone-dry, State-wide amendment, excluding from these figures only the city of San Francisco, in which there is not a single wine grape.

The people of the East have an idea that the wine-grape industry of California is about the biggest thing we have in that State. We have in the State of California 160,000 acres devoted to the wine-grape industry. As compared with that we have 11,000,000 acres devoted to general farming in the State of California. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back three minutes.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, in the absence of the gentleman from Missouri [Mr. DYER], and at his request, I yield three minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Chairman, under the peculiar parliamentary situation that exists this is the last opportunity to offer an amendment to strike out Title I of this bill. Of course, I can not predict what disposition may be made of the amendment under consideration or of other amendments to this section, but should this section be entirely unamended, and should no gentleman who has a prior claim to recognition, a member of the Judiciary Committee, offer such an amendment, I shall move at the proper time to strike out Title I of this bill. I do this, gentlemen, because I do not believe that there is any legitimate connection between Title I and Title II of this bill. There is no legitimate connection between the enforcement of war prohibition and the enforcement of the eighteenth constitutional amendment.

In my judgment the Committee on the Judiciary should have given an opportunity to this House to decide both questions on their merits. They should have brought in two bills instead of one [applause], so that Members of this House might have had an opportunity to vote on each measure separately. I have not the least question that there are a number of gentlemen here who would be willing to vote for a strict enforcement of the national constitutional amendment.

But the situation with regard to this so-called war prohibition is entirely different. There are a number of gentlemen following the leadership of the President of the United States in this matter who believe that this measure should be stricken from the statute books. The necessity for that measure, according to the President, has entirely ceased. If he be right, and I believe he is, surely the necessity for the strict enforcement of this unnecessary law has also ceased. He said officially to this House, in his capacity as Commander in Chief of the Army and Navy, that "the demobilization of the military forces of the country has progressed to such an extent that it seems to me entirely safe now to remove the ban on the manufacture and sale of wine and beer."

Therefore we are advised by him who is the most competent judge of the necessity of this emergency legislation that the emergency has ceased to exist, and that the law ought to be repealed, and I for one think that this House ought to have an opportunity to vote on the question of the war-time prohibition as differentiated from the question of the enforcement of the national constitutional amendment.

I make this explanation now because under the rule lately adopted by the House it will be impossible to do so later. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. MORGAN].

The CHAIRMAN. The gentleman from Oklahoma is recognized for five minutes.

Mr. MORGAN. Mr. Chairman, although I am a member of the committee which reported this bill, I did not participate in the general debate, and have kept silent so far. I hope this will not be construed, however, as a lack of interest on my part in this measure, because I am deeply interested in it.

Now, if I have any criticism of the measure, it is that it is not severe enough. [Applause.] I know that the word has gone out——

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I have but five minutes.

Mr. DYER. I would like to know what the punishment would be.

Mr. MORGAN. Any punishment that it had should be heavier in Missouri than in Oklahoma. [Laughter.]

Congress has already spoken, and in the so-called war prohibition act this sentence occurred:

> After June 30, 1919, until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States, no beer, wine, or other intoxicating malt or vinous liquors shall be sold for beverage purposes except for export.

This paragraph, to which the gentleman from Missouri [Mr. DYER] offers his amendment, defines those words "beer, wine, or other intoxicating malt or vinous liquors." Of course, I am opposed to this amendment. If I were offering an amendment to this section, I would make it read this way: "Those words shall be construed to mean any liquor which contains any percentum of alcohol by volume."

I repeat, if I had my way and if I were amending this bill, I would make it read so that those words "beer and wine and intoxicating malt or vinous liquors" should be construed to mean liquors that contain any percentage of alcohol. I believe that is the right way. If we intend in good faith to enforce this law we should prohibit the sale for beverage purposes of intoxicating liquors that contain any percentage of alcohol. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. PELL. Mr. Chairman, I ask unanimous consent to revise my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DYER. Mr. Chairman, I yield three minutes to the gentleman from Illinois [Mr. JOHN W. RAINEY].

The CHAIRMAN. The gentleman from Illinois is recognized for three minutes.

Mr. JOHN W. RAINEY. Mr. Chairman, war-time prohibition should be repealed. It was brought about as a rider to the Agricultural appropriation bill. It was a war measure. It came into being on account of the war to conserve food and fuel. When the armistice was signed this economy became unnecessary. The purpose for which it was enacted being accomplished, the law should be repealed. [Applause.] The President on May 20, 1919, in his message to Congress, said:

> The demobilization of the military forces has progressed to such a point that it seems to me entirely safe now to remove the ban upon the manufacture and sale of wines and beers.

Why do not you Prohibitionists heed his advice? A great majority of you were lying awake nights for an opportunity to repeal the daylight-saving law because of its inconvenience to the farmer, and you overlooked its hardships on the millions of unfortunates to whom this extra hour of sunshine was a godsend. You succeeded in repealing this law, but the great humanitarian in the White House vetoed the bill, and we sustained his veto.

You are jubilant now in the knowledge that you have more than enough votes to pass this vicious bill, but do not be overconfident—the President may use his veto power on this measure. I sincerely hope he does. [Applause.]

The eighteenth amendment provides, "The manufacture, sale, and transportation of intoxicating liquor for beverage purposes is hereby prohibited." The big question is to define what is an intoxicating beverage. This bill would construe it to mean any liquors which contain one-half of 1 per cent or more of alcohol by volume, and the prohibitionists are arguing that this definition was intended by the eighteenth amendment. The amendment forbids intoxicating liquors. Chemists, scientists, and experts maintain 2¾ per cent beer is not an intoxicant. The American Medical Association in convention at Atlantic City unanimously declared that 2¾ per cent beer is nonintoxicating, but that its use is beneficial to humanity at large, and that pure light wines will help prevent the use of narcotics, meaning opium and the like, and men in authority inform us where prohibition has been in effect that addicts to the use of these narcotics have largely increased in numbers, and they anticipate a greater increase when national prohibition comes into being; therefore what is intoxicating liquors becomes a judicial question, one for the courts to decide.

I am informed—and the charge was made on the floor of this House and not denied—that this bill was prepared by representatives of the Anti-Saloon League, assisted by counsel for the patent-medicine associations on matters in which they were interested, hence I am not surprised at the drastic legislation that they are attempting to enact into law.

It is a question open to argument whether the legislatures represented the views and sentiments of the majority of their people when they passed this amendment. We had a direct vote in Chicago in April, 1919, men and women voting. The men's wet vote was 276,817. The men's dry vote was 76,165. The women's wet vote was 129,373. The women's dry vote was 77,014. The men's wet majority was 200,652. The women's wet majority was 52,359. The wet majority in its entirety was 259,011. [Applause.]

There is no doubt but that this bill in its application is un-American; is contrary to the ideals entertained by this country's founders; is opposed to that freedom of action, that liberty of operation which should be expected in this country; is directly opposed to that unrestraint which our forefathers expected when they landed on these Columbian shores; is not altogether different from that spirit which they tried to avoid and escape when they came here in the *Mayflower*. This bill, as has already been expressed, even by certain upholders of the dry issue, is so drastic, so unlawfully restraining of the rights and personal liberty of Americanhood, that it would be a shame and an outrage to the American mind were it to be passed. There is no use repeating or reviewing the prohibition arguments pro or con, for that issue is not in question and such remarks would be useless and a waste of time, but the bill under consideration, by its impracticability, senseless deprivation of our rights and personal privileges assails the principle of prohibition with such force and further brings before our mind's eye its illogical aspect so forcibly that it is good to stop and consider whether we have not gone too far, when we as the National Government attached to our Constitution such a prohibition, when we representing a Nation of freemen have started to impose restraints, I might say undue restraints, upon the freedom of our citizens. All previous amendments to our Constitution furthered the liberties and rights of our people; this is our first departure; here we are depriving them of their rights, and I am apprehensive of the outcome. I appreciate that our Constitution is not a blanket license; that is, an absence of all restraints; but remember that liberty at its source and foundation consists of the absence of all undue restraints. And I say that prohibition is without question such restraint. The proof of it is that if our Constitution warrants the passage of such legislation why may it not enforce antismoking or antienjoyment of any of our personal rights? It goes too far; what we desire our citizens to practice, the laws that we must pass to eradicate the evils of alcoholism, the prohibition that we must enact to safeguard coming generations, the relief we must give to many wives and children of drunkards must be such as conduce to temperance. Temperance, that is the thing. Temperance, that is the virtue, the qualification of a man. You deprive an animal of his cravings completely, because it is not a man, it has no will power, no mind, no sense of morality; but a man, he is above animal life, he has natural attributes which he must learn to use and cultivate, and among these the sublimest, the one by which he is supreme to nature and animal life, the one which makes him almost angelic, is his free will, his capability to do or not to do. It takes a man to be temperate, but prohibition is for the animal.

The charge made here that most of the poverty and misery are the result of drink is wrong. I maintain that poverty and misery drive men to drink [applause], and if some of you prohibitionists who wax eloquent on the dry situation will use some of your oratorical ability when the minimum-wage bill comes up to give the poor unfortunate scrub women, elevator men, and

others who have been working for the Government for years at the paltry salary of $2 per day an opportunity to receive an increase of $1 per day you will be doing your duty for deserving people, and if you are anxious to destroy poverty and misery you can accomplish it more readily by paying a living wage than you can by prohibition, and when this wage bill is called up for final passage I want a record vote. I am anxious to find out how these great prohibition benefactors of humanity will be recorded. [Loud applause.]

What is the conclusion? Control and regulation, limitation and guidance. They have a system of laws in Switzerland by which every man or head of a family is allowed a certain quantity of liquor each week or month, and I am informed it is working admirably and the people are contented, happy, and well satisfied. Some may say that this is mostly theoretical and smacks too much of the sphere of abstraction, of principles, that the prohibition amendment looks to practical results, to the sunshine it is going to bring to the home, to the family, to the health of the individual now, and to the generations to come. I say that I am not opposed to temperance, which would bring forth the results above described, but I am opposed to the principle of a general and unqualified prohibition, curtailing the freedom of action and the liberty of conscience. If we approve such a principle now, who knows how far we will go in time to come?

Further, I might dwell on the economic phase of the question, which is not to be disregarded, though to my mind less forcible. The men who will be thrown out of employment and to my farmer friends I will suggest that one of the principal staples of the Middle West will fall down in price and bulk in production. That will have a material effect upon our economic life. Corn will drop so far down in price in years to come that it will hardly pay the costs of raising it. I at one time had the figures of the amount of corn consumed in Illinois only in the manufacture of liquor, an amount staggering in its quantity, and bear in mind the loss in revenue will be from $600,000,000 to $1,000,000,000.

Henry Ward Beecher once said:

> If you say to me that I ought not to drink, perhaps I would agree with you; but if you tell me that I must not drink, I will drink, because I have a natural right to do so, to drink what I please.

This, to my mind, represents the attitude of Samuel Gompers and the representatives of 2,640,000 laboring men when at convention in Atlantic City they voted in favor of light wines and beer.

This bill gives the commissioner almost plenary power in its enforcement, and if he is so inclined he could exercise this authority arbitrarily. Doctors and druggists are required to make so many reports, if they desire to carry on their professions or business, it will be necessary to employ a clerical force to assist them. The housewife is denied the privilege of making cider if it contains one-half of 1 per cent alcohol. I am astounded to discover that the hospitality of one's home is invaded and denied him; you are forbidden giving away or treating to a glass of liquor a caller or visitor.

If one traveling should become suddenly ill on a train and take a drink, he would be amenable to arrest. Another provision, no search warrant shall issue to search any private dwelling occupied as such, unless it is in part used for some business purpose, such as a store, shop, restaurant, hotel, or boarding house. This means that if a man has money enough to live in a private dwelling it can not be searched, but the poor man, who may be forced to occupy a flat over some store, is amenable to the provision and his home may be searched. A man with money can lay in a supply for himself and grandchildren, but the millions of toilers who have not the means to take time by the forelock and lay in a stock are deprived of their wine and beer; you are going to create considerable dissatisfaction, and God knows this is an inopportune time to stir up trouble. [Applause.]

Under the provisions of this bill when a man is accused under certain conditions the burden of proof is shifted to the defendant, and he must prove and establish his innocence. Violative of the established law that a man is presumed to be innocent until proven guilty, and the burden of proof is on the State or the United States. If one owns a house and a tenant, without the knowledge of the owner, violated the provisions of this act and the tenant should be tried and fined and he failed to pay the fine, the premises would be subject to a lien to the amount of the fine, and the property could be sold to satisfy the lien.

Finally, let me conclude by saying that I am opposed to the present measure, first, because of my belief in American freedom, whose spirit is here assailed and minimized; second, because of its impracticability and unreasonableness; third, because of the principle of prohibition which it tends to enforce; fourth, because I have always believed and considered that prohibition is the evolution of a puerile mind; fifth, because I believe that a man is not hopeless as a species of the human race—that a man should and can live as a man; sixth, because morality should spring from our educational system and be taught where the child's mind and heart are being developed and not from the top by constitutional enactment; seventh, because a government which forces its citizenship to practice morality and virtues by statutory enactment is dealing in the sphere of the conscience, is admitting before the world the moral inferiority of the nation; eighth, because religious freedom is guaranteed us by the Constitution, and this sort of legislation, as prohibition, has a tendency to curtail that freedom, is a reaching out in the realm of freedom of conscience. Is not freedom of conscience as precious as freedom of thought and speech? I am as amenable to the wishes of the voters of my district as any man here, but if I believe a thing to be wrong, all the constituencies and offices within the gift of the voters would not make me break faith with myself. I have always tried to vote according to the dictates of my conscience. I have to live with my conscience, and with the help of God I will be on the square with myself. I do not believe in prohibition, and I will vote against it. [Applause.]

Mr. VOLSTEAD. I yield three minutes to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Chairman, this amendment is the keystone to the arch of the liquor traffic. Samuel Untermeyer, the great criminal lawyer of the city of New York, was in Washington last week to appear before the Judiciary Committee of the Senate for 2.75 beer. Two and three-quarters per cent beer pleases the brewers of this Nation and pleases the liquor traffic of this Nation. It is all they want. That is what they are after, and if they get that by this amendment you might stop right here. You are not going to enforce war-time prohibition; you are not going to enforce the constitutional amendment. [Applause.]

Mr. UPSHAW. That is the truth.

Mr. HERSEY. Now, whatever satisfies the brewers of this Nation does not satisfy me. [Applause.] For the life of me I can not understand how certain of my fellow Members sitting here in this Congress with the oath upon them to support the Constitution of the United States, which Constitution has been duly amended by the people to prohibit all intoxicating liquors, can come in here under that oath to support that Constitution and plead for 2.75 per cent beer, which the brewers want. If they get it, every brewery will run day and night between now and the time when they are stopped. [Applause.] Every saloon will open, every German brewer and liquor seller in this Nation will be back at his old job, and we will be wet. I think we ought to understand the object and purpose of this 2.75 amendment and vote it down. [Applause.]

Mr. DYER. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. REBER] three minutes. [Applause.]

Mr. REBER. Mr. Chairman and gentlemen of the House, I should like to read a little piece of news that appeared in the Herald of this city this morning:

> BUTTERMILK MAY COME UNDER NEW DRY BAN.
>
> WESTFIELD, N. J., *July 13.*
>
> Buttermilk is to be put on the skids if a strict enforcement of the prohibition law is carried out, according to Prof. L. B. Allyn, of the State Normal School, for it seldom shows less than 1 per cent of alcohol content and rapidly gains more through fermentation. Probably John D. Rockefeller and other abstemious persons who have used buttermilk freely as a beverage did not know with what a terrible menace they were dealing when they toyed with the by-product of the cow.

The main objection I have to this bill is that it is entirely too drastic. A bill that puts buttermilk in the list of outlawed beverages is, in my opinion, an injury to the prohibition cause and makes the law so ridiculous that public opinion will never sustain it. It is well known that a law to become effective must have public sentiment back of it.

A law that outlaws buttermilk and sweet cider and makes it a crime to manufacture and dispose of the same, or to have the same in your possession or on your premises, as this law does, is so extreme, so radical, and so fanatical that it does not deserve the support of the true friends of prohibition. A law that makes itself ridiculous can not be enforced and hurts the cause it is intended to benefit.

Mr. Chairman, I am in favor of prohibiting the sale of intoxicating liquors as a beverage, for by the ratification of the 18th amendment it is the law of our Nation, but I am not in favor of putting Congress in the position of legislating that all beverages containing more than one-half of 1 per cent of alcohol are intoxicating when I know from actual test and experience that many beverages containing more than one-half of 1 per cent of alcohol are not intoxicating.

Federal courts have already decided that beer containing 2.75 per cent is not intoxicating. Their decisions were based upon tests that were fair and thorough and conclusive.

I had the pleasure of attending a picnic in my congressional district recently where every holder of a ticket had the privilege of drinking all the beer he desired, and many imbibed freely, and not a man was intoxicated. This picnic was held since July 1, and the beer that was given out there was of the 2.75 per cent quality and strength. I was at another festive gathering—a camp fire—in my district, held on July 5, where 2.75 per cent beer was openly sold. I drank two very fair-sized glasses of that beer, probably a pint and a quarter, inside of 10 minutes, and it had absolutely no intoxicating effect upon me whatever, and if it had had enough per cent of alcohol to be intoxicating it surely would have produced an effect upon me, because my system is not saturated with alcohol and is not immune to the effects of alcohol in beverages. I know that my system is free from alcohol because I have not drunk four quarts of beer in my entire life, nor two quarts of whisky or similar liquors, and my father did not drink double that quantity in his 87 years of existence, during 40 years of which he conducted a hotel.

The House will, I hope, pardon me for injecting these personalities in this speech, for I admit that I am proud of my father's temperate record and my own, but I want to emphasize as strongly as I can that 2.75 beer is, in my opinion and from my experience, not intoxicating. Now, if this 2.75 per cent beer is nonintoxicating, and several Federal courts have so held, what possible reason can there be for the suppression of its manufacture and sale, and especially as a war measure, when the war ended eight months ago.

One reason animating some of my colleagues is that some of the brewers were pro-German, and for that reason they should now be punished in this way; but they seem to lose sight of the fact that, by punishing these pro-German brewers, they also punish all brewers, whether they were loyal Americans or pro-German, a step in legislation that can not be sustained by good reason or fair practice. To punish all because some offended is rank injustice. If certain brewers were disloyal, they should be singled out and punished; but it is notoriously wrong to punish an entire class to reach a small number of that class. Some Members have said that it is their purpose to put the brewers and the saloon keepers out of business because these men had opposed their election to Congress. If this were a good reason, I, too, would be justified in voting for this bill, for I had this class of men opposed to me, because they knew that I was very temperate in the use of intoxicating liquors; but these gentlemen lose sight of the fact that, while there is a large number of brewers and saloon keepers, the number of people who are neither brewers nor saloon keepers is vastly greater, and it is this vast multitude that we, as legislators, must also consider, and we must protect their rights and privileges. Many Members have attacked the character of the saloons, and I do not wish to take up the time of this House to defend them as they have heretofore been conducted; but it seems to me that if the intoxicating liquors were eliminated and the saloons were confined to the sale of light wines and beer of nonintoxicating strength the saloons would become as decent and orderly as ice-cream parlors or any other places where the general public assembles.

In some cities temperance societies are trying to establish saloons where all nonintoxicating beverages can be bought and consumed. I am heartily in favor of this movement, because the poor man has claimed that the saloon is his club, and that he has as much right to have his club as the rich man has to have his, and in this I agree with him.

The argument has been advanced by many supporters of this bill that if the saloons are permitted to sell beer containing 2.75 per cent of alcohol they will soon thereafter sell beer containing a much higher percentage of alcohol. This proposition has some merit, for I fear many of the saloon men would yield to the pleadings of their customers for a drink containing a higher percentage of alcohol than the 2.75 per cent variety; but I think this could be prevented by making it impossible for the venders to secure beer containing more than 2.75 per cent of alcohol. This can be accomplished by prohibiting brewers from making and selling beer containing more than 2.75 per cent alcohol. A law could be made to this effect and enforced with less expense than will be entailed to enforce the law under consideration. Congress passed a law for the inspection and certification of meats and is enforcing it, and Congress has the power, I think, to compel the inspection and certification of beer before it leaves the brewery. If the Congress can devise no legal way of compelling brewers to submit to the inspection and certification of their product, then the States surely have the power; and as 45 of the States have already ratified the eighteenth amendment, there can be no reasonable doubt that they would not hesitate to adopt such a measure.

Mr. Chairman, I am one of the new Members of this House, and it may ill become me to criticize the other Members, but I have noticed that when many Members speak for publication in the CONGRESSIONAL RECORD they try to make it appear that they do not know anything about intoxicating drinks, and leave the public to infer that they never tasted liquors. I think it is silly to assume such an attitude and makes us ridiculous before our Nation. The public knows that we are just men and possess the virtues and frailties of men, and when we pretend to be what we are not, or allow ourselves to be placed in such a light, we lay ourselves open to just criticism.

Our constituents know who and what we are and what we were before they sent us here. They know that very few of us, if any, can truthfully say that we have never drunk intoxicating liquors as a beverage. However, it does not follow because we have not been bone dry that we are heavy drinkers or inebriates. In the time that I have been a Member I have not seen a Member under the influence of liquor or deport himself in a way unbecoming the dignity and sobriety of a legislator. There probably never was a legislative body more free from intemperance than I know this Congress to be, and it is just as far from the truth to charge this Congress with being a body of inebriates as it is to say that its Members do not know what intoxicating liquor tastes like. The truth lies between these extremes. Others who have spoken on this bill have stated clearly that Congress has no power to designate the per cent of alcohol that a beverage should contain to make it intoxicating, because if this Congress has the right and power to designate one-half of 1 per cent as the highest per cent permissible, then succeeding Congresses, having equal powers, can designate a higher or lower per cent, thus retaining the liquor question as a football of politics. What per cent of alcohol makes a beverage intoxicating and subject to prohibition should be left to the decision of the United States Supreme Court, and that decision should be strictly enforced.

Mr. Chairman, I wish to read an article published in the Sunday New York Times of July 13, 1919:

NOT ALL PROHIBITIONISTS—CHURCHMEN QUOTED AGAINST NATIONAL DRY LAWS.

The Association Opposed to National Prohibition issued a statement yesterday declaring that "professional prohibitionists and their lobbyists at Washington, who fancy that they are supported by all the churches except the Roman Catholic, will find sooner or later that they are deceived." It was announced by the association that opinions of churchmen reported to the headquarters at 19 West Forty-fourth Street were opposed to the enforcement of the prohibition laws.

"The religious support of the Anti-Saloon League is largely overestimated," said the statement. "Particularly is this true now that the so-called war-time prohibition has been tried out for something like a fortnight, and while the Anti-Saloon League lobbyists are seeking to pass the drastic Volstead bill for its enforcement. Men and women of the churches are not confusing in their minds the two questions of temperance and prohibition. Many of them draw the line very sharply between the two, and they fail to see that prohibition by sumptuary and drastic laws is the proper or effective way to promote temperance.

"'It is a shortsighted contribution to the cause of temperance,' writes the Rev. Dr. Charles H. Parkhurst. 'I said so when national prohibition was first brought up in Congress, and I have seen no reason since then to change my mind.'"

Others whose opinions are quoted are the Rev. Dr. Robert W. Patton, national director of the Federal boards of the Episcopal Church; the late Bishop Potter; the Rev. Dr. J. H. Woodstock, archdeacon of Worcester, England; the Rev. Charles Stelzle; and the Rev. John Mockridge, of Philadelphia.

It is unnecessary for me to comment on this article. It speaks for itself. I wish to read also an item of news published in the Public Ledger, of Philadelphia, Pa., of July 15, 1919, wherein George W. Anderson, Federal judge, decided that beer containing at least one-half of 1 per cent of alcohol was not intoxicating.

Also, decision of Federal Judge Foster.

NONINTOXICATING BEER HELD LEGAL.

BOSTON, *July 15.*

A ruling given to-day by George W. Anderson, Federal judge, that the sale of beer which is not intoxicating is not illegal under the present war prohibition act led to the quashing of the Government's test case against Sanford F. Petts and Leopold H. Vogel, liquor dealers, of this city.

Petts and Vogel were arrested last week charged with selling beer containing at least one-half of 1 per cent of alcohol. It was the contention of the Government that the sale of any beer was against the law. The defendants demurred, arguing that beer must contain a sufficient amount of alcohol to be intoxicating to be illegal.

Judge Anderson sustained the demurrer and declared that he had not the slightest doubt that Congress intended to prohibit the sale of intoxicating liquors and did not intend to stop the sale of nonintoxicating beverages.

"We appear ridiculous," he said, "by giving a misinterpretation to an act of Congres. I won't be a party to it."

BREWERS' DEMURRER IS SUSTAINED AT NEW ORLEANS.

NEW ORLEANS, *July 15.*

Federal Judge Foster to-day sustained a demurrer filed by officials of the American Brewing Co. to an indictment charging that the manufacture of beer of more than one-half of 1 per cent of alcoholic content was in violation of the war-time prohibition act.

On July 15 Mr. Wayne B. Wheeler, general counsel for the Anti-Saloon League, appeared before the Senate Judiciary Subcommittee and asked for sweeping search-warrant powers, suggesting that seizures be authorized without a warrant, or at least that warrants be issued without requiring testimony in support of requests. It seems to me that the advocates of this drastic enforcing act, in their zeal to put teeth into it, are going far to prevent the enforcement of the eighteenth amendment.

Mr. Chairman, the eighteenth amendment of the Constitution declares that "after one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited."

This amendment has been ratified by 45 of the 48 States in the Union and is the law of our Nation and must be enforced, and it is my purpose to support and defend the Constitution, as I am in duty bound as a law-abiding citizen and as my oath as a Congressman requires.

The Nation has adopted this law and it is not my purpose in any way to evade it or to persuade others to evade it, but I do not want to assist in passing an enforcing act that will defeat the very purpose of this law.

Mr. Chairman, I do not wish to take up any more time of this House, but wish to close by inserting an article which was published in the Public Ledger of July 13:

2.75 BEER CALLED SAME AS COFFEE—BREWERS' LAWYER SUBMITS RESULT OF ANALYSIS TO SENATE JUDICIARY COMMITTEE—CIDER WORSE, TESTS SHOW—QUESTION OF INTOXICATING CONTENT FOR JURY TO DECIDE, UNTERMYER CONTENDS.

WASHINGTON, *July 12.*

Samuel Untermyer, of New York, appearing to-day before the Senate Judiciary Committee to protest on behalf of brewers against the continued enforcement of "war-time" prohibition and elimination of 2.75 per cent beer, gave the results of tests conducted by Prof. Harry Hollingsworth, professor of psychology at Columbia University, with beer embracing that percentage of alcoholic content.

An affidavit by Prof. Hollingsworth dealt with tests made with 2.75 per cent beer upon subjects ranging from the total abstainer to the occasional moderate drinker to a case of fairly regular but not excessive user of alcohol. The subjects ranged in age from 21 to 30 years, their health from a very poorly nourished man to a college athlete. His conclusion was that if intoxicating liquor is to be considered as any beverage which would have the same stimulating effect as coffee then the 2.75 beer is to be considered intoxicating, otherwise not.

George Whitehead, of New York, who is associated with Mr. Untermyer, pointed out that the affidavits filed with the committee upon behalf of the Anti-Saloon League were based "entirely upon the opinion of the men who made the demand, not upon any test," and that, therefore, "if any test had been made they must have agreed with those of the experts of the brewers."

SEEKING TO PROHIBIT NEAR BEER.

Mr. Untermyer and Senator WALSH of Montana engaged in a spirited argument upon the question whether Congress had the power to prohibit beer which contains no alcohol at all in order to make effective the war-time prohibition. Other members of the committee joined in the argument, and it became evident that this is one of the provisions now under consideration by the Senate committee, and that it should bar entirely all of the so-called near beers that are now being brewed.

Senator WALSH voiced the sentiment of the "drys" on this question when he pointed out that a beverage which tastes like beer and smells like beer might be used to cover a "blind pig" which actualy sold real beer to customers whom they knew.

"Why not prohibit water that is colored like beer?" asked the witness.

Mr. Untermyer submitted to the committee an affidavit of Lewis B. Allyn, of the Westfield Laboratory, Westfield, Mass., covering the results of an analysis made by him of more than 300 samples of soft drinks and patent medicines to determine their alcoholic content. Dr. Allyn held that ordinary home-made root beer contains as much as 2.75 per cent of alcohol, while another soft drink contained 1.27 per cent. Fifteen samples of ciders obtained from farmers ran from 4.51 per cent to 6.83 per cent by weight and from 5.72 per cent to 7.53 per cent of alcohol by volume.

Mr. Untermyer also presented a list of bitters and tonics which the said analysis showed contained from 16.10 to 41.50 per cent of alcohol by volume.

SAYS CONGRESS LACKS POWER.

Mr. Untermyer insisted that Congress is without power to pass a prohibition enforcement law which will be in fact an extension of the war-time prohibition bill.

He stated that if he were called upon to file a bill of complaint against the enforcement of this proposed law, he would allege that peace has been signed, the Army was being demobilized, that peace had been ratified by the enemy, that trade relations had been reopened with Germany, and that the President, as Commander in Chief of the Army and Navy, had declared that the necessity under which war-time prohibition had been enacted had disappeared. He added he did not believe that any court in the land would permit the farce of calling this legislation "war-time" prohibition.

CALLS LAW INSINCERE.

Mr. Untermyer took the committee to task for what he said was the insincerity of the enforcement legislation now proposed. He also said that it was vicious in that it was class legislation, so far as the war-time bill is concerned. It does not prohibit the man with plenty of money from stocking up his cellars with strong, spirituous drink for years to come, but it does prohibit the poor man from getting a drink that is regarded more as a food than as a beverage.

"My quarrel," Mr. Untermyer said, "is with your attempt to convert anything you please into intoxicating liquor. The war-time prohibition act applies only to intoxicating beer, and 2.75 per cent beer can be shown clearly not to be intoxicating. An extension of that act under the guise of an enforcement measure is not within the power of Congress."

Mr. VOLSTEAD. I yield five minutes to the gentleman from Kentucky [Mr. BARKLEY].

The CHAIRMAN. The gentleman from Kentucky is recognized for five minutes.

Mr. BROOKS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. I will yield to the gentleman.

Mr. BROOKS of Pennsylvania. Just for a question?

Mr. BARKLEY. Yes.

Mr. BROOKS of Pennsylvania. I have heard it said very often that if this legislation goes into effect in connection with the amendment to the Constitution the folks at home will not be allowed to make wine any more.

Mr. FOCHT. Or cider.

Mr. BROOKS of Pennsylvania. Is that true?

Mr. BARKLEY. If this bill is passed it will be unlawful for any person in the United States to manufacture any intoxicating liquor as defined in the law except as permitted in the act itself, and in the regulations to be made by the Commissioner of Internal Revenue under the act, and if that wine is intoxicating, within the definition of this act, and manufactured for beverage purposes it will be against the law to manufacture it. [Applause.]

Mr. BROOKS of Pennsylvania. In other words, wine made at home—which, of course, is intoxicating, whether made from grapes, blackberries, or other berries—will be illegal.

Mr. BARKLEY. The gentleman is capable of interpreting the language of the act as well as I am. I do not desire to discuss that feature of it, and I do not want to take up my five minutes in doing so. But it will be unlawful to manufacture anywhere in the United States any intoxicating liquor as defined in this act except as specifically permitted in the act.

Mr. GOLDFOGLE. Will the gentleman allow me to ask him a question?

Mr. BARKLEY. Not now; let me get started. Mr. Chairman, I hope that none of these amendments offered will be adopted. In the first place, if the amendment striking out the definition of intoxicating liquor should be adopted and Congress should fix no definition of the meaning of the words in the war-time prohibition act, then the courts in enforcing the law, under the practice of the Federal courts, will have to adopt the definition of intoxicating liquors as fixed in the statutes of the various States.

Because in the practice in Federal courts, where Congress makes no provision, the law of the particular State governs. That would mean that there would be utter confusion in the Federal courts of the United States in seeking to enforce war-time prohibition, because one State may have a definition fixing one-half of 1 per cent, and some other State may have a definition fixing 2 per cent, and some other States may have fixed none whatever. Therefore the Federal courts seeking to enforce war-time prohibition, having to rely on a definition fixed by the State legislature, would have to take the definition of one State and then that of another, and the Supreme Court might hold that each was absolutely legal as fixed in the various States. Therefore it would be very unwise for this amendment to be adopted striking out the definition. There might, in that event, be 48 different standards and definitions of intoxicating liquors, if each State should see fit to fix a different standard.

I hope the amendment offered by the gentleman from Missouri [Mr. DYER] permitting the manufacture and sale of beer containing 2¾ per cent alcohol will not be adopted, because, while I do not claim to be an expert on the intoxicating qualities of beverages of any sort, I think any man who has had experience in prosecuting criminals, as it was my fortune to have it for four years, or has had to deal with liquor indictments, will testify to the fact that it is always very difficult to enforce a prohibition law where 2¾ per cent beer is allowed.

The man who sold the liquor will come into court and swear that it contained less than 2¾ per cent of alcohol. Other men will come in and swear that they saw men get drunk on that particular beverage that was sold by the man who testified that it contained less than 2¾ per cent. Others will swear it is not intoxicating. Therefore if an amendment is adopted and 2¾ per cent alcohol in beer is allowed, for all practical purposes you might as well wipe out the war-time prohibition act.

Another serious objection is that if 2¾ per cent beer is retained, you will have the saloons again in full operation. That is one of the things that we are trying to get rid of. It is the saloons, it is the surroundings, it is the evil that attends them, that we want to get rid of. If we let 2¾ per cent beer be sold as a beverage, every saloon that went out of business on the 1st of July will open its doors for the sale of 2¾ per cent beer, and there are many of them that will take chances on selling beer

and other beverages with even more alcoholic content than that, if they have the opportunity to do so. If the war prohibition act is to remain in force, as it will, it ought to be enforced, and it can not be enforced if 2¾ per cent of alcohol is allowed in beer or any other beverage. [Applause.]

Mr. DYER. Mr. Chairman, I yield the gentleman one minute more in order to ask him a question. I want to ask the gentleman if he would be in favor of this amendment of 2¾ per cent beer provided it is not permitted to be drank on the premises where sold. So that would do away with the saloons.

Mr. BARKLEY. I would not be in favor of that amendment, no matter where it is to be drunk. I want to say that the gentleman's own State, Missouri, fixes one-half of 1 per cent as the amount of alcohol in a beverage that is intoxicating. In addition to Missouri, 14 other States have fixed that amount, and 13 States say that anything that contains any quantity of alcohol is intoxicating.

Mr. DYER. I wanted the statement of the gentleman to see whether he was opposed to drinking three-quarters per cent beer because it would continue the saloons or not.

Mr. BARKLEY. I am opposed to it wherever it is sold, but I offered the suggestion as to the continuance of the saloons as an additional reason why it ought not to be adopted.

Mr. DYER. Mr. Chairman, I yield six minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Chairman and gentlemen of the committee, I am interested in the discussion as it applies principally to two things—one the proposed amendment of the gentleman from Maryland [Mr. BENSON], and the other principally to the amendment of the gentleman from Missouri [Mr. IGOE].

It was stated by the gentleman from Maryland [Mr. BENSON] that he had an amendmentt which he offered, with the consent and approval of the chairman of the Judiciary Committee. On last Friday the chairman said that he had been having conferences with persons interested relative to certain amendments to the bill and he would call the committee together. The committee has never been called together, so far as I know, and I speak of this because of my interest in legitimate manufacturing enterprises. I have the same interest that the gentleman from Maryland has in seeking to protect legitimate manufacturing enterprises. I do not think anybody wants to go so far as prohibiting the use of this and making it illegal which is necessary in medicine, articles necessary for the toilet and in flavoring extracts, which are necessary in the daily household economy. I refer to the amendment of the gentleman from Maryland [Mr. BENSON], because he says that his amendment was to strike out the word "liquors" and insert the word "beverages." I do not know whether that has the approval of the chairman of the Judiciary Committee or not, and therefore I would ask the gentleman whether he has so stated.

Mr. VOLSTEAD. I know that an amendment of that kind has been offered.

Mr. GARD. I want to say that if the gentleman has in mind the liberalization of this law so as to take off the ban against legitimate enterprises, I am with him and think it is a proper amendment, but I want to call his attention to the fact that the amendment is offered in relation to "beer, wine, or other intoxicating malt or vinous liquors which contain one-half of 1 per cent or more of alcohol by volume."

Mr. VOLSTEAD. It is not necessary to make any other amendment, for the reason that the original language uses the word "beverage." I am trying to harmonize that.

Mr. GARD. Mr. Chairman, I think it ought to be extended beyond that. I call the attention of members of the committee to the fact that I do not think the present law of war-time prohibition as it is written here contemplates the suppression of flavoring extracts. In Title II, however, that which provides for the enforcement of constitutional prohibition, I think it does. I think it an erroneous procedure to attempt to qualify the words "beer, wine, or other intoxicating malt or vinous liquors" by the use of the word "beverages," so as to protect flavoring extracts, because flavoring extracts should not be construed in relation to "beer, wine, or other intoxicating malt or vinous beverages," and that is all the gentleman would have.

I speak of this because I want to join the gentleman in what he wishes to do, since he said the other day that he realized that the bill was imperfect and should be amended. I think the bill should be amended to properly safeguard flavoring extracts, so that no barrier may be raised against legitimate enterprises. As I said in general debate, I think the language in Title II, section 3, absolutely prohibits the manufacture of flavoring extracts, and it ought to be modified so as to protect legitimate manufacturing enterprises that they may continue as they have in the past.

When the chairman of the committee advises the Committee on the Judiciary or the Committee of the Whole what his idea is I shall be pleased to join with him on any amendment which will liberalize the war-time prohibition bill, and especially the constitutional prohibition bill, to permit these legitimate enterprises, not connected at all with the traffic in intoxicating liquors, to continue, so that the products of their manufacture, which may contain some trifling amount of alcohol, shall not be prohibited.

I shall address myself now in the few brief moments at my disposal to the legal question in respect to the language sought to be stricken out by the gentleman from Missouri [Mr. IGOE], being the language from lines 1 to 5 on page 2. There is not a single law or measure affecting the War Trade Board, the War Industries Board, the food regulation, or other war-time measures which would for the slightest fraction of a moment be given any consideration in respect to its extension by any committee or any part of the Congress of the United States.

This morning we went to the extent that 247 Members in this House voted against the retention of the daylight-saving act. This was largely because it has been associated in the minds of Members as a war measure, and the people of the country realize that we are not at war, and that all these things called war measures are simply subterfuges and evidences of legislative hypocrisy, and the people of the United States now want no more of them and no extension of their kind. I do not believe the war-time prohibition act is capable of this extension legally, and I do not think it should be extended by hypocritical and hysterical action of the Members of this body.

The CHAIRMAN. The time of the gentleman from Ohio has expired. All time has expired. The question is on the amendment offered by the gentleman from Missouri [Mr. DYER].

Mr. GRAHAM of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRAHAM of Pennsylvania. Do I understand that the motion to strike out, referred to by the gentleman from Ohio [Mr. LONGWORTH], is before the committee?

Mr. LONGWORTH. I have not offered that motion yet. As I understood the ruling of the Chair, that motion would be in order after all perfecting amendments are voted on.

The CHAIRMAN. That is correct—after all perfecting amendments are voted on. Without objection, the Clerk will again report the amendment offered by the gentleman from Missouri [Mr. DYER].

There was no objection, and the Clerk again reported the amendment offered by Mr. DYER.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. GOLDFOGLE) there were—ayes 84, noes 128.

Mr. GOLDFOGLE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. VOLSTEAD and Mr. DYER to act as tellers.

The committee again divided; and the tellers reported—ayes 90, noes 151.

So the amendment was rejected.

The CHAIRMAN. Several amendments were sent to the Clerk's desk to be read for information during the one hour allotted for debate on this section. Those amendments will now be reported by the Clerk and acted upon without debate. They will be reported in the order in which they were offered.

The Clerk read as follows:

Amendment by Mr. VENABLE: Page 2, line 3, after the words "shall be," insert the word "hereafter."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment, because it is not germane in that it changes the former war-time prohibition act. It is an attempt to amend the war-time prohibition act in a way in which this bill does not amend it.

Mr. VOLSTEAD. The amendment ought to go in the bill.

Mr. BLANTON. It changes the terms of the war-time prohibition act.

The CHAIRMAN. The point of order is overruled. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question was taken; and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. VOLSTEAD) there were—ayes 114, noes 14.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. LEA of California: Page 2, line 5, after the word "volume," insert: "*Provided*, That such words or anything contained in Title I hereof or in the war-time prohibition act shall not be construed to mean or include wines containing not more than 11 per cent of alcohol by weight."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment, because it is not germane and it seeks to change the terms of the war-time prohibition act in a way that is not authorized by the rules.

The CHAIRMAN. In conformity with the decisions of the Chair, this is not germane, and the Chair sustains the point of order. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. IGOE: On page 2, line 1, after the word "States," strike out the remainder of the section.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. IGOE) there were—ayes 83, noes 128.

Mr. IGOE. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. IGOE and Mr. VOLSTEAD] reported that there were—ayes 94; noes 141.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by the gentleman from Maryland [Mr. BENSON]: Page 2, line 3, after the word "shall," insert "hereafter," and in line 4, page 2, strike out the word "liquors" and insert "beverages."

Mr. BLANTON. Mr. Chairman, I make the point of order that the word "hereafter" has already been adopted by the committee and is therefore superfluous. I make the further point of order that to strike out "liquors" and insert "beverages" would be an amendment to the war-time prohibition act such as is not authorized by this present legislation; that the war-time prohibition act uses the word "liquors," which would mean any kind of liquid containing sufficient alcohol to make it intoxicating. For instance, it might be called "Frosty" or be called "Bevo" or "Poinsetta," or called any other name, and which might be intoxicating, and yet it would not make it a penal offense to sell or use under this statute. It is not germane. I submit, Mr. Chairman, that if we strike out the word "liquors" as contained in this recitation of what the war-time prohibition act contains and place instead thereof the word "beverages," then any kind of liquid not labeled beverage—a flavoring extract that might contain 90 per cent of alcohol, which would produce drunkenness, that could be drunk without fear of hurt to the human body, or that a hair tonic containing 90 per cent of alcohol, that might not be injurious to the human system yet be intoxicating—could be used in violation of this law, because it was not made as a beverage. It might be made, for instance, into a hair tonic; it might be made into a flavoring extract; it might be made into a purported medicine; and yet it would violate the purpose and the intent of the war-time prohibition act and not be in violation of this enforcement act. I submit it is not germane to the war prohibition act or to this proposed legislation.

The CHAIRMAN. The Chair thinks it is germane to this bill, and inasmuch as this provision does amend to that extent the war-time prohibition act, it is germane and is in order, and the point of order is not sustained.

Mr. GARD. May we have the amendment reported again? The committee wants to be advised whether this amendment will protect this legitimate industry. If it does, I want to vote for it, but I want to vote for something I think will do it.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. BENSON].

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. Is there any parliamentary procedure by this time by which I might ask the chairman of the committee whether or not this might be confined to beer, wine, or other malt or vinous liquors?

The CHAIRMAN. The gentleman can get unanimous consent.

Mr. GARD. I ask unanimous consent, for the purpose of information, in which I think the committee wants to share.

Mr. SANDERS of Louisiana. Mr. Chairman, I object. We all understand it.

The CHAIRMAN. Objection is heard. The question is on the amendment offered by the gentleman from Maryland [Mr. BENSON].

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. BENSON. Division, Mr. Chairman.

The committee divided; and there were—ayes 86, noes 78.

Mr. BLANTON. Mr. Chairman, on this vote I ask for tellers.

Tellers were refused.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. PELL: Page 2, lines 4 and 5, after the word "liquors," strike out the words "which contain one-half of 1 per cent or more of alcohol in volume" and insert in lieu thereof the following: "which are by a jury decided to be in fact intoxicating."

Mr. GALLIVAN. Mr. Chairman——

Mr. BLANTON. Mr. Chairman, I rise to a point of order.

Mr. GALLIVAN. Mr. Chairman, I would like to have the attention of the committee so that that amendment could be heard more clearly.

Mr. BLANTON. Mr. Chairman, I reserve a point of order.

Mr. GALLIVAN. All right; I do not object to that.

The CHAIRMAN. Does the gentleman from Texas make the point of order?

Mr. BLANTON. I make the point of order.

Mr. GALLIVAN. The gentleman reserved it.

Mr. BLANTON. I reserve it.

The CHAIRMAN. Without objection, the Clerk will again read the amendment.

The amendment was again reported.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is not germane either to the original war-time prohibition act or to the purpose and intent of this act.

The CHAIRMAN. The gentleman makes the point of order that the amendment is not germane to the bill under consideration or to the war-time prohibition act.

Mr. GALLIVAN. Why, Mr. Chairman, the author of the amendment not having risen, somebody should arise and say something for the amendment.

The CHAIRMAN. No debate is in order on the amendment.

Mr. GALLIVAN. I am speaking on the point of order.

The CHAIRMAN. The gentleman will proceed.

Mr. GALLIVAN. Mr. Chairman, I believe the amendment is absolutely in order. I believe it is germane, and I ask the Chair to consider carefully what the gentleman from New York [Mr. PELL] has offered.

This is a question as to what percentage of alcohol can be carried in liquor, and the gentleman from New York has offered an amendment suggesting that it be left to a jury. Now, I leave it to the Chair, who is always fair, whether or not that amendment should not be presented to this committee for a vote. I have nothing more to say on the matter.

The CHAIRMAN. The Chair is inclined to think that this provision is open to any germane amendment, and that the amendment offered by the gentleman from New York [Mr. PELL] is in order. [Cries of "Vote!"]

Mr. BLANTON. Mr. Chairman, will the Chair hear me for one moment?

The CHAIRMAN. The question is on agreeing to the amendment. [Cries of "Vote!"]

Mr. BLANTON. Will the Chair hear me on the point of order? [Cries of "Vote!"] Oh, that does not stop me. I am addressing my remarks to the Chair.

The CHAIRMAN. The committee will be in order. The Chair has already decided the point of order. The point of order is overruled.

Mr. GALLIVAN. Hooray, for Abilene! [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. PELL].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. PELL and Mr. SABATH demanded a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 86, noes 142.

Mr. PELL. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from New York demands tellers. As many as are in favor of taking the vote by tellers will rise and stand until they are counted. [After counting.] Thirty-three Members have risen—a sufficient number.

Mr. BLANTON. Mr. Chairman, I ask for the other side.

The CHAIRMAN. That demand is not in order. Tellers are ordered. The gentleman from Minnesota [Mr. VOLSTEAD] and the gentleman from New York [Mr. PELL] will take their places as tellers. As many as are in favor of the amendment will pass between the tellers and be counted.

The committee again divided; and the tellers reported—ayes 78, noes 143.

So the amendment was rejected.

Mr. LONGWORTH. Mr. Chairman, I move to strike out section 1 of the bill, and I give notice, if that motion should be successful, that I shall move to strike out the balance of Title I.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONGWORTH: Strike out section 1.

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. GARD. With reference to the motion that the gentleman from Ohio has submitted, is it necessary that he shall offer the same motion at the end of each and every section, and then finally when the title has been completed?

The CHAIRMAN. That is the practice.

Mr. LONGWORTH. Under the practice of the House is not my motion correct as I made it?

The CHAIRMAN. Yes.

Mr. LONGWORTH. Then I give notice if this amendment is successful I shall move to strike out all the remaining sections of Title I.

The CHAIRMAN. That is in accordance with the practice of the House. The question is on agreeing to the motion of the gentleman from Ohio, to strike out the section.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. LONGWORTH. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 87, noes 132.

Mr. GALLIVAN. Tellers, Mr. Chairman.

The CHAIRMAN. Tellers are asked for. As many as favor taking the vote by tellers will rise and stand until they are counted. [After counting.] Twenty-three gentlemen have risen—a sufficient number. The gentleman from Minnesota [Mr. VOLSTEAD] and the gentleman from Ohio [Mr. LONGWORTH] will take their places as tellers. Those in favor of the amendment will pass between the tellers and be counted.

The committee again divided; and the tellers reported—ayes 80, noes 129.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the Commissioner of Internal Revenue, his assistants, agents, and inspectors——

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent——

Mr. GALLIVAN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. GALLIVAN. I did not hear the announcement of the last vote.

The CHAIRMAN. The announcement was that the ayes were 80 and the noes were 129, and the amendment was not agreed to.

Mr. GALLIVAN. "The amendment was not agreed to."

Mr. VOLSTEAD. I ask unanimous consent to correct an error that has occurred in the adopting of these amendments. In line 3, after the word "shall," the word "hereafter" has been inserted; and also after the word "be" the word "hereafter" has been inserted. One of those ought to be stricken out. I ask unanimous consent that the word "hereafter" after the word "shall" be stricken out.

The CHAIRMAN. The gentleman asks unanimous consent that the word "hereafter" inserted after the word "shall," in line 3, be stricken out. Is there objection?

Mr. GALLIVAN. I object.

Mr. VOLSTEAD. I move that it be stricken out.

Mr. SABATH. A point of order. The Clerk has begun the reading of section 2.

Mr. BLANTON. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. At the time the amendment was offered I made the point of order that the word "hereafter" had been inserted, and I understood the Chair to sustain my point of order.

The CHAIRMAN. No; the Chair did not sustain it.

Mr. CLARK of Missouri. Mr. Chairman, there is a right way and a wrong way to do this. The right way is to move to reconsider at the proper time.

The CHAIRMAN. That motion would not be in order in the committee.

Mr. GARD. Do I understand the legislative status to be that the gentleman from Minnesota asks unanimous consent to return to section 1 for the purpose of correcting an error in an amendment?

The CHAIRMAN. The gentleman was on his feet at the time——

Mr. GARD. We could not understand what the gentleman was saying on account of the confusion in the Hall.

Mr. CANNON. May I suggest to the gentleman from Minnesota that the word "hereafter" appears twice in the same sentence? What is the use of bothering about it now? When it is reported to the House the House will undoubtedly strike out one or the other of the words "hereafter."

Mr. VOLSTEAD. Very well.

The CHAIRMAN. The gentleman withdraws his amendment. The Clerk will read.

Mr. REBER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

Mr. GALLIVAN. Mr. Chairman, reserving the right to object, I do not know just what the gentleman is going to put into the RECORD. If he will announce to the committee what he is going to put in, I may not object.

Mr. REBER. I would like to extend and revise my remarks along the lines of the remarks I made here on the floor.

Mr. GALLIVAN. About what?

Mr. REBER. About prohibition.

Mr. GALLIVAN. What side were you on?

Mr. REBER. If the gentleman had been here and attending to his duties, he would have known which side I was on.

Mr. GALLIVAN. Mr. Chairman, still reserving the right to object——

SEVERAL MEMBERS. Regular order!

Mr. GALLIVAN. Reserving the right to object——

The CHAIRMAN. The right to object can not be reserved when the regular order is demanded. Is there objection?

Mr. VOLSTEAD. I object.

The CHAIRMAN. The gentleman from Minnesota objects. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the Commissioner of Internal Revenue, his assistants, agents, and inspectors, shall investigate and report violations of the war prohibition act to the United States attorney for the district in which committed, who shall be charged with the duty of prosecuting, subject to the direction of the Attorney General, the offenders as in the case of other offenses against laws of the United States; and such Commissioner of Internal Revenue, his assistants, agents, and inspectors may swear out warrants before United States commissioners or other officers or courts authorized to issue the same for the apprehension of such offenders, and may, subject to the control of the said United States attorney, conduct the committing trial for the purpose of having the offenders held for the action of a grand jury.

Mr. JOHNSON of Kentucky. Mr. Chairman, I wish to invite the attention of the gentleman from Minnesota, who has the bill in charge, to line 18, where provision is made that the Commissioner of Internal Revenue, his assistants and agents, may conduct the committing trial. I think the gentleman will agree with me that the court conducts the trial, and that after the word "conduct" the words "the prosecution of" should be inserted in line 18, page 2.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Kentucky: Page 2, line 18, after the word "conduct" insert the words "prosecution of."

Mr. MADDEN. That will not make it read just right.

Mr. JOHNSON of Kentucky. I offer an amendment to strike out the word "the" and insert the word "at," so that it will read "conduct the prosecution at the committing trial."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Page 2, line 18, after the word "conduct" insert the words "prosecution at" and strike out the word "the."

Mr. GARD. The amendment proposed by the gentleman from Kentucky was not to strike out the word "the."

Mr. WALSH. I make the point of order that the amendment should be reduced to writing. You can not have several Members offering an amendment at the same time.

The CHAIRMAN. The gentleman from Kentucky will reduce his amendment to writing.

Mr. RAKER. Mr. Chairman, while the gentleman from Kentucky is preparing his amendment will the Chair recognize another Member to offer an amendment to that section?

The CHAIRMAN. The gentleman from Kentucky has the floor.

Mr. GARD. The gentleman from Kentucky is preparing his amendment, which is merely a qualifying phrase. I think we should wait to let him do that.

The CHAIRMAN. The gentleman from Kentucky has the floor.

Mr. GOLDFOGLE. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GOLDFOGLE. Mr. Chairman, in the interest of saving time, the Clerk having taken down the gentleman's amendment in writing, does not that answer the rule?

The CHAIRMAN. The rule is that the amendment shall be reduced to writing and sent to the Clerk's desk.

Mr. GOLDFOGLE. When the Clerk has reduced it to writing, does not that satisfy the rule?

The CHAIRMAN. The gentleman from Kentucky had changed his amendment and the Clerk did not have it. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 18, after the word "conduct," insert the words "the prosecution at."

Mr. RAKER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. If the committee adopts this amendment, will an amendment to strike out lines 17, 18, and 19 as amended be in order?

The CHAIRMAN. It would.

Mr. BEE. Mr. Chairman, has debate been limited on this section?

The CHAIRMAN. No time has been fixed for the limit of debate on this section.

Mr. BEE. May I have the attention of the gentleman from Kentucky? As I understand, with his amendment would not the result be that in the prosecution under this section any layman, any employee, or agent of the Internal-Revenue Commissioner could appear in the court and conduct the prosecution in the face of the statute which exists in most all States that a person presenting a case at the bar, except for himself, must be a member of the bar?

Mr. JOHNSON of Kentucky. I think while that is true Congress can change the rule.

Mr. BEE. Does the gentleman from Kentucky think that it would be proper to permit employees of the Internal-Revenue Department to appear in court and supersede the district attorney in the prosecution of the case?

Mr. JOHNSON of Kentucky. I will interrupt the gentleman by saying that in line 17 it is provided that the one who conducts the prosecution must do so under the control of the United States attorney.

Mr. BEE. I submit to the House that in all the history of jurisprudence there has been no such law which authorizes a layman to come into court and take the place of the prosecuting attorney in the trial of a case. He must be an assistant prosecuting attorney or a member of the bar.

Mr. JOHNSON of Kentucky. This is not the trial of a case.

Mr. BEE. Even at the committing trial the rule is the same.

Mr. VOLSTEAD. Mr. Chairman, I only desire to call attention to the fact that this does not provide for one of these agents or inspectors to carry on the trial except so far as is necessary to bind over the man to the grand jury. These inspectors are doing that now all over the country without being attorneys.

Mr. GOLDFOGLE. Would not this authorize the agent, not a lawyer, to go before the commissioner at the preliminary investigation and there conduct the investigation as investigations are now conducted by regular admitted members of the bar?

Mr. VOLSTEAD. Just as they are now conducted by these very agents.

Mr. GOLDFOGLE. The gentleman is mistaken.

Mr. VOLSTEAD. Just as is done in every State in the Union. It does not require a regularly admitted attorney; anybody can go before the justice; they can in my State.

Mr. GOLDFOGLE. They can not in my State.

Mr. FIELDS. The deputy collectors prosecute cases before the commissioners; they do it in my State.

Mr. GOLDFOGLE. If the gentleman will permit, the amendment to section 2 contemplates that one though not a member of the bar, an agent or inspector, call him what you will, appointed by the Commissioner of Internal Revenue may conduct a legal proceeding before the commissioner that issues the warrant and before whom the case is brought. Is not that so?

Mr. VOLSTEAD. He can not be tried before that court.

Mr. GOLDFOGLE. I am not speaking of the regular trial. I am speaking of the preliminary investigation before the commissioner.

Mr. GALLIVAN. Mr. Chairman, I move to strike out the first two words. I am opposed to this amendment unless the gentleman from Kentucky will provide that the inspector and agents visit the House Office Building. Then I will vote for his amendment. Before this debate is concluded I shall ask that every Member of Congress who votes dry on this proposition be honest to his country and his conscience and that he place in the CONGRESSIONAL RECORD the amount of liquor that he has saved up for himself either in his home or in his office. [Laughter and applause.]

Mr. VOLSTEAD. Mr. Chairman, I make the point of order that the gentleman is not speaking to the amendment.

Mr. GALLIVAN. If the Congress wants to be on the level with the country, it will do as I ask. We are told——

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman is not speaking to the amendment.

Mr. GALLIVAN. Oh, sit down. [Laughter.] The country is told that this Congress is overwhelmingly dry. I have been a Member of this Congress since 1914, and I have found it overwhelmingly wet. Now, why—why, in the days when you are making the world safe for democracy and freedom—why tie up the individual unless you are willing, Members of Congress, to tie up yourselves? I have heard, Mr. Chairman, of Members of this House who have said that they have in their private wine cellars enough liquor to take care of them and their friends for 20 years. [Cries of "Name them!"] Mr. Chairman, an inquiry comes from many Members of the House to name them. If they were not good fellows, I would name them. [Laughter.]

But, Mr. Chairman, let me say a serious word in closing. I know that the Republican Party is in control of this House, as it is of the Senate, and it looks as though in the next presidential election the Republican Party would have it all its own way. [Applause and laughter on the Republican side.] Oh, I shall stop that applause in a minute, and I will get it over on the Democratic side.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SABATH. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts may proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Massachusetts may proceed for five minutes. Is there objection?

Mr. CRAMTON. Mr. Chairman, I object.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for one minute.

Mr. CRAMTON. Mr. Chairman, I object.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word.

Mr. GALLIVAN. I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. GALLIVAN. Mr. Chairman, I ask the gentleman from New York to yield to me for a question.

Mr. CALDWELL. I would like to ask the gentleman from Massachusetts a question.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. CALDWELL. I do, and I want to ask him to tell me what he was going to say. [Laughter.]

Mr. GALLIVAN. Mr. Chairman, I will tell the gentleman from New York what I was going to say. My last statement was greeted with an uproar of applause on the Republican side of the aisle——

Mr. VOLSTEAD. Mr. Chairman, I make the point of order that the gentleman is not discussing the amendment.

Mr. GALLIVAN. I want to say to the Republicans of this House that they are booting the ball away, and they are bringing our dear old Democratic Party right back to life. [Laughter and applause.]

The CHAIRMAN. The gentleman will suspend for a moment. What is the point of order of the gentleman from Minnesota?

Mr. VOLSTEAD. First, that the House is not in order, and, second, that the gentleman is not addressing himself to the amendment.

Mr. GALLIVAN. Oh, yes, I am.

The CHAIRMAN. The point of order is well taken, and the gentleman will confine himself to the amendment.

Mr. CALDWELL. Mr. Chairman, I made the pro forma amendment to strike out the last word, and in my time I asked the gentleman to tell me what he was about to say——

The CHAIRMAN. The pro forma amendment is pending.

Mr. CALDWELL. And I asked the gentleman to tell me in my time what he was about to say.

The CHAIRMAN. The gentleman may do that so long as he confines himself to the amendment under debate, and that is the motion to strike out the last word.

The gentleman will proceed in order.

Mr. GALLIVAN. Mr. Chairman, I will only take a minute or two. The Republican Party got control of this House in the last national election and, to repeat my language, they are booting the ball away. They do not know how to take care of the affairs of this country, and the grand old Democratic Party will come back next fall in great triumph. [Applause on the Democratic side.]

Mr. VOLSTEAD. Mr. Chairman, I make the point of order the gentleman is not speaking to the amendment.

The CHAIRMAN. The point of order of the gentleman from Minnesota is well taken. The gentleman must address his remarks to the amendment.

Mr. CRAMTON. Mr. Chairman, I make the further point that the gentleman from New York who has the floor has yielded.

The CHAIRMAN. The point of order is well taken.

Mr. GARD. Mr. Chairman, I move that the committee do now rise.

The question was taken.

The CHAIRMAN. The Chair is in doubt.

The committee again divided; and there were—yeas 101, noes 81.

Mr. CRAMTON. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. GARD and Mr. VOLSTEAD) reported that there were—ayes 96, noes 74.

So the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 6810 had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. LAGUARDIA. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. LAGUARDIA. To ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD——

Mr. REBER. Mr. Chairman, may I ask unanimous consent to revise and extend my remarks?

Mr. CLARK of Missouri. Mr. Speaker, all these speeches that go in the RECORD now have got to be confined to this subject; if not, I shall object.

Mr. REBER. My remarks will be on this subject, and nothing else.

Mr. CLARK of Missouri. What does the gentleman from New York say?

Mr. LAGUARDIA. I am asking unanimous consent to extend my remarks in the RECORD on the subject of cooking Army bacon.

Mr. CLARK of Missouri. Mr. Speaker, I object.

The SPEAKER. Objection is made. The gentleman from Pennsylvania asks unanimous consent to extend his remarks on the subject of the bill under consideration. Is there objection? [After a pause.] The Chair hears none.

PUBLIC SERVICE COMMISSION OF PORTO RICO (S. DOC. NO. 52).

The SPEAKER. The Chair lays before the House the following message from the President of the United States.

The Clerk read as follows:

*To the Senate and House of Representatives:*

As required by section 38 of the act approved March 2, 1917 (39 Stat., 951), entitled "An act to provide a civil government for Porto Rico, and for other purposes," I have the honor to transmit herewith certified copies of each of six franchises granted by the Public Service Commission of Porto Rico. The copies of the franchises inclosed are described in the accompanying letter from the Secretary of War transmitting them to me.

WOODROW WILSON.

THE WHITE HOUSE, *July 14, 1919.*

The SPEAKER. Referred to the Committee on Insular Affairs, with accompanying documents, and ordered printed.

LAWS OF PORTO RICO (S. DOC. NO. 53).

The SPEAKER. The Chair also lays before the House the following message from the President of the United States.

The Clerk read as follows:

*To the Senate and House of Representatives:*

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of certain acts and resolutions enacted by the Ninth Legislature of Porto Rico during its first session (Aug. 13 to Nov. 26, 1917, inclusive).

These acts and resolutions have not previously been transmitted to Congress and none of them has been printed.

WOODROW WILSON.

THE WHITE HOUSE, *July 14, 1919.*

The SPEAKER. Referred to the Committee on Insular Affairs, with the accompanying documents, and ordered printed.

RESOLUTION EXTENDING CONGRATULATIONS TO FRANCE, ETC.

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent for the consideration of the following resolution and move its adoption.

The SPEAKER. The gentleman from New York asks unanimous consent for the consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Whereas this 14th day of July, 1919, is the first anniversary of the greatest French national holidays which has occurred since the successful termination of the world's greatest war;

Whereas the United States participated with France and her allies in a part and share of the victorious conclusion of this war; and

Whereas the United States rejoices that its traditional friendship for the French people has been renewed and strengthened by this service of our valiant sons: Now, therefore, be it

*Resolved,* That the House of Representatives of the United States extend to the Senate, Chamber of Deputies of the Republic of France, and to the people of France, now wholly restored to their national allegiance, its congratulations on the fact that the valor and sacrifice of her loyal sons has not been in vain, and that we rejoice with you that the evil days of autocracy are ended, and that liberty, justice, and equality shall forever reign.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. GALLIVAN. Mr. Speaker, reserving the right to object, I ask that the Clerk read that particular paragraph of the resolution which refers to the restoration of France to her liberty and safety.

The SPEAKER. Without objection, the Clerk will again read the portion referred to. [After a pause.] The Chair hears no objection.

The part referred to was again read.

The SPEAKER. Is there objection to the immediate consideration of the resolution? [After a pause.] The Chair hears none. The question is on the adoption of the resolution.

The resolution was unanimously adopted.

TELEGRAM OF APPRECIATION FROM POLISH DIET.

The SPEAKER. The Chair lays before the House the following document, which the Clerk will report.

The Clerk read as follows:

DEPARTMENT OF STATE,
*Washington, July 8, 1919.*

*To the House of Representatives:*

The undersigned, the Acting Secretary of State, in the absence of the President and Secretary of State from this Capital, has the honor to transmit the following telegram addressed to the Congress of the United States by a unanimous vote of the Polish Diet on July 4, 1919:

"AMERICAN CONGRESS, *Washington:*

"In this memorable anniversary the Polish Parliament turns its thoughts across the ocean to express to your Nation our greetings and veneration. The first principle of your Declaration of Independence, that every man has right to life, liberty, and happiness, has conquered the world. The Polish Nation will never forget the memorable declaration of the great Chief of your State which proclaimed the nations have the same right to life, liberty, and happiness, declaration which forwarded the world on new paths, which promised to Poland her liberation; declaration which you sealed with your blood. Our nation will never forget that during long years you sheltered millions of our people, to whom their own country, groaning under the yoke of the oppressor, would give neither bread nor work, nor who return now to us penetrated by your principles of dignity of human work. The Polish Nation will never forget your remarkable activity or the unfortunate victims of the war work of real practical Christianity.

"(Signed) TRAMPSYNSKY,
*"President of the Diet."*

Respectfully submitted.

FRANK L. POLK.

Mr. GALLIVAN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GALLIVAN. What is the course of procedure in a communication of this sort?

The SPEAKER. The Chair thinks there is no further procedure. It will be filed in the archives of the House. Of course, it will be printed in the RECORD.

Mr. GALLIVAN. We have heard about France and Poland, and I would like to hear a favorable word about Ireland. [Applause and laughter.]

ADJOURNMENT.

Mr. VOLSTEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.) the House adjourned until Tuesday, July 15, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 6805) to authorize the county of Dougherty, State of Georgia, to construct a bridge across the Flint River, connecting Broad Street, in the city of Albany, said State and county, with the Isabella Road, said county and State, reported the same without amendment, accompanied by a report (No. 115), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. O'CONNOR, from the Committee on Claims, to which was referred the bill (H. R. 5348) for the relief of Mrs. Thomas McGovern, reported the same without amendment, accompanied by a report (No. 116), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 6289) for the relief of the heirs of Robert Laird McCormick, deceased, reported the same without amendment, accompanied by a report (No. 117), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 5239) granting an increase of pension to Gus H. Weber, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. SINCLAIR: A bill (H. R. 7286) to establish the Killdeer Mountain National Park in the State of North Dakota, and for other purposes; to the Committee on the Public Lands.

By Mr. BACHARACH: A bill (H. R. 7287) to provide revenue for the Government, to establish and maintain in the United States the manufacture of scientific instruments, laboratory apparatus, laboratory glassware, laboratory porcelain ware, an industry essential to national defense; to the Committee on Ways and Means.

By Mr. MAPES: A bill (H. R. 7288) to require the installation of wireless equipment on all boats or ships carrying passengers for fare and going out of sight of land; to the Committee on the Merchant Marine and Fisheries.

By Mr. HAWLEY: A bill (H. R. 7289) providing for an amendment to paragraph (a) of section 628 of an act approved February 24, 1919, and entitled "An act to provide revenue, and for other purposes"; to the Committee on Ways and Means.

Also, a bill (H. R. 7290) providing for an amendment to paragraph (a) of section 628 of an act approved February 24, 1919, and entitled "An act to provide revenue, and for other purposes"; to the Committee on Ways and Means.

By Mr. FRENCH: A bill (H. R. 7291) adding certain lands to the Idaho National Forest, in the State of Idaho; to the Committee on the Public Lands.

By Mr. BLACK: A bill (H. R. 7292) to extend the same rates of postage to semiweekly newspapers at city letter carrier offices in county of publication as is now charged to weekly newspapers for such service; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 7293) for the investigation of the causes, modes of transmission, prevention, and care of influenza, pneumonia, and allied diseases, and for combating same by the United States Public Health Service, and appropriating $500,000 for such purposes, to remain available until July 1, 1922; to the Committee on Appropriations.

By Mr. SWEET: A bill (H. R. 7294) authorizing the Secretary of War to donate to the Iowa Training School for Boys, located at Eldora, Iowa, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7295) authorizing the Secretary of War to donate to the city of Greene, Iowa, two German cannons or fieldpieces, to be placed in the J. Perrin Park in said city; to the Committee on Military Affairs.

By Mr. GANLY: A bill (H. R. 7296) donating a captured German cannon or field gun and carriage to the Van Nest Citizens' Patriotic League, of Van Nest, N. Y., for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7297) donating a captured German cannon or field gun and carriage to the War Service Honor League, of Bronx, New York, N. Y., for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 7298) to amend section 1754 of the Revised Statutes; to the Committee on Reform in the Civil Service.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 7299) granting 30 days' leave of absence to employees of the Postal Service of the United States; to the Committee on Expenditures in the Post Office Department.

By Mr. PELL: A bill (H. R. 7300) authorizing and directing the Secretary of the Treasury to permit the exportation of certain distilled spirits; to the Committee on Agriculture.

By Mr. STRONG of Kansas: A bill (H. R. 7301) for the permanent appointment as commissioned officers of certain former noncommissioned officers who were called to active service under temporary commissions as officers between dates of April 6, 1917, and November 11, 1918; to the Committee on Military Affairs.

By Mr. WARD: A bill (H. R. 7302) to establish a fish-cultural station in New York; to the Committee on Appropriations.

By Mr. MOORE of Virginia: A bill (H. R. 7303) for the construction of a public building at Orange, Va.; to the Committee on Appropriations.

By Mr. SMITH of Michigan: A bill (H. R. 7304) for the purchase of a site and the erection thereon of a public building at Marshall, Mich.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7305) authorizing the Secretary of War to donate to the town of Reading, Mich., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7306) authorizing the Secretary of War to donate to the town of Vicksburg, Mich., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7307) authorizing the Secretary of War to donate to the town of Homer, Mich., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7308) authorizing the Secretary of War to donate to the city of Hillsdale, Mich., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7309) authorizing the Secretary of War to donate to the city of Charlotte, Mich., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7310) authorizing the Secretary of War to donate to the city of Eaton Rapids, Mich., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. ELLIOTT: Resolution (H. Res. 172) directing the Secretary of State to furnish the House of Representatives with certain information relative to the expenses of the peace commission; to the Committee on Expenditures in the State Department.

By Mr. McFADDEN: Resolution (H. Res. 173) authorizing the Speaker to appoint a committee of seven Members of the House, and that such committee be instructed to inquire into the official conduct of John Skelton Williams, Comptroller of the Currency; to the Committee on Rules.

By Mr. JOHNSON of Mississippi: Resolution (H. Res. 174) to authorize the Speaker to appoint a select committee to investigate the causes of the high prices of meat and other food products; to the Committee on Rules.

By Mr. KREIDER: Resolution (H. Res. 175) to allow the Committee on Expenditures in the Department of the Interior a clerk at a salary of $6 per diem during the session of the Sixty-sixth Congress; to the Committee on Accounts.

By Mr. CALDWELL: Concurrent resolution (H. Con. Res. 20) providing for a joint session of the Senate and House of Representatives for appropriate exercises of welcome to John J. Pershing, general and commander in chief of the American Expeditionary Forces in the World War; to the Committee on Rules.

By Mr. RANDALL of Wisconsin: Memorial of the Legislature of Wisconsin, urging the Congress of the United States to acquire, control, and regulate the principal and necessary stock yards and the refrigerator and other private car lines in the United States; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BEGG: A bill (H. R. 7311) granting an increase of pension to George W. Hollenbank; to the Committee on Invalid Pensions.

By Mr. BROOKS of Illinois: A bill (H. R. 7312) granting an increase of pension to Pitsar Ingram; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 7313) granting an increase of pension to Adam E. Haughn; to the Committee on Pensions.

By Mr. DRANE: A bill (H. R. 7314) granting a pension to Nettie I. Gill; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 7315) granting an increase of pension to Alice L. Collins; to the Committee on Pensions.

By Mr. McANDREWS (by request): A bill (H. R. 7316) granting an extension on United States of America Letters Patent No. 710997; to the Committee on Patents.

By Mr. McARTHUR: A bill (H. R. 7317) to remove the charge of desertion against John S. Wampler; to the Committee on Military Affairs.

By Mr. McKENZIE: A bill (H. R. 7318) for the relief of W. W. McGrath; to the Committee on Claims.

By Mr. MONDELL: A bill (H. R. 7319) granting a pension to Samuel Smith; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 7320) granting an increase of pension to Eliza P. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7321) granting a pension to Wiley T. Cook; to the Committee on Pensions.

Also, a bill (H. R. 7322) granting an increase of pension to Emily Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7323) granting an increase of pension to Simpson R. Sutton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7324) granting an increase of pension to Julia A. Marcum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7325) granting an increase of pension to Nathaniel J. Smith; to the Committee on Pensions.

Also, a bill (H. R. 7326) granting a pension to Randall Smallwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7327) granting a pension to David Pennington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7328) granting a pension to Joseph Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7329) granting a pension to James M. Taylor; to the Committee on Pensions.

Also, a bill (H. R. 7330) granting a pension to J. W. Nolan; to the Committee on Pensions.

Also, a bill (H. R. 7331) granting a pension to Alice Wilder and Mary B. Wilder; to the Committee on Pensions.

Also, a bill (H. R. 7332) granting a pension to William Jackson; to the Committee on Pensions.

Also, a bill (H. R. 7333) for the relief of Emily J. Mullins; to the Committee on Claims.

By Mr. SELLS: A bill (H. R. 7334) granting a pension to Daniel J. Bresnahan; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 7335) granting a pension to Margaret Elkins; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 7336) authorizing and directing the payment of the claim of Edwin C. Foster; to the Committee on War Claims.

By Mr. THOMPSON of Ohio: A bill (H. R. 7337) granting a pension to Chancey Worline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7338) granting a pension to Newton S. Long; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 7339) granting a pension to Edward J. Davis; to the Committee on Pensions.

By Mr. WASON: A bill (H. R. 7340) granting an increase of pension to Andy Mullen; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 7341) granting a pension to Alice F. Travis; to the Committee on Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 7342) granting an increase of pension to Rachael M. Henry; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

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

By the SPEAKER: Petition of sundry citizens of Massachusetts, favoring repeal of tax on candy, ice cream, soda-fountain drinks and foods; to the Committee on Ways and Means.

Also, petition of the Lithuanian Daina Musical Dramatic Society of Philadelphia, Pa., requesting the United States Government to compel the withdrawal of Polish Army from Lithuanian territories, and that the United States Government recognize the present Lithuanian Government; to the Committee on Foreign Affairs.

Also, petition of International Molders' Union, Local No. 381, Brass, of Springfield, Mass., indorsing the league of nations; to the Committee on Foreign Affairs.

By Mr. BLAND of Missouri: Petition of citizens of Kansas City, Mo., and other points in Missouri relative to repeal of tax on sodas, soft drinks, and ice cream; to the Committee on Ways and Means.

By Mr. CANNON: Petition of John Goodrich and sundry other citizens of Danville, Ill., against the repeal of the war-time prohibition; to the Committee on the Judiciary.

By Mr. CAREW: Petition of Dr. Otto P. Geier, secretary of American Medical Association, urging an appropriation of $1,500,000 to be used under the direction of the United States Public Health Service for the investigation of the causes, modes of transmission, prevention, and cure of influenza, pneumonia, and allied diseases; to the Committee on Appropriations.

By Mr. COLE: Petition of the Central Labor Union of Marion, Ohio, urging the passage of a measure to provide for a maximum day of eight hours in establishments producing wares entering into interstate commerce; to the Committee on Labor.

By Mr. ESCH: Petition of sundry citizens of Columbus, Ohio, protesting against conditions created by Japan and existing in Korea and asking the United States Government to take measures to secure fulfillment of treaty entered into between the United States and Korea in May, 1882; to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Petition of the employees of the Housh Co., of Boston, Mass., against the repeal of daylight-saving law; to the Committee on Agriculture.

By Mr. FULLER of Illinois: Petition of the Automotive Equipment Association, of Chicago, favoring legislation requiring universal military training; to the Committee on Military Affairs.

By Mr. KENDALL: Petition of sundry citizens of Greensboro, Pa., favoring repeal of tax on sodas, soft drinks, and ice cream; to the Committee on Ways and Means.

By Mr. KINKAID: Petition of Art McVeigh and 24 others, of Spalding; R. W. Evans and 40 others, of Stuart; R. W. Buckles and 24 others of Mitchell; and John J. Kellogg and 24 other residents of O'Neill, all in the State of Nebraska, asking for the repeal of taxes on candy, ice cream, and soda-fountain foods and drinks; to the Committee on Ways and Means.

By Mr. LINTHICUM: Petition of Merchants' and Manufacturers' Association, of Baltimore, Md., and McCormick & Co. (Inc.), of Baltimore, Md., favoring a budget system for the National Government; to the Committee on Rules.

Also, petition of Thomas E. Carson, for the enactment of House bill 3155, extending the time to file claims for refund of tax until December 31, 1920; to the Committee on Ways and Means.

Also, petition of Bernheimer Bros., of Baltimore, Md., urging the repeal of the luxury tax, section 94; to the Committee on Ways and Means.

Also, petition of the H. S. Wampole Co., of Baltimore, Md., asking that exemptions for summer or vacation be added to House bill 5549, and that House bill 2220 be made to read "on and after January 1, 1920," instead of "July 4, 1919"; to the Committee on Labor.

By Mr. LONERGAN: Petition of Mason Wadsworth against the repeal of the daylight-saving law; to the Committee on Agriculture.

By Mr. LUFKIN: Petition of Local No. 302, Musicians' Union, of Haverhill, Mass., in favor of a league of nations; to the Committee on Foreign Affairs.

By Mr. O'CONNELL: Petition of Wylie B. Jones and others, of Binghamton, N. Y., against fanatical legislation forbidding legitimate use of alcohol in preparations which are sufficiently medicated to make them incapable for use as beverage; no other solvent can take its place for extractive and preservative purposes; to the Committee on the Judiciary.

Also, petition of the National Association of Supervisors of State Banks, urging the abolition of the office of Comptroller of Currency; to the Committee on Banking and Currency.

By Mr. RAKER: Letters from California Federation of Women's Clubs, indorsing Smith-Towner bill (H. R. 7) providing for a department of education; from E. Clemens Horst Co., San Francisco, Calif., requesting immediate action on the question of tariff on hops and hop products; and from San Francisco Center of the California Civic League, indorsing the appropriation for the continuation of the demonstration of fish cookery throughout the country; to the Committee on Education.

By Mr. RANDALL of Wisconsin; Joint resolution of the Senate and Assembly of the State of Wisconsin, memorializing and urging the Congress of the United States to acquire, control, and regulate the principal and necessary stockyards and the refrigerator and other private car lines in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWAN: Petition of industial medicine and surgery section of the American Medical Association, urging the appropriation of $1,500,000 under direction of United States Public Health Service for investigation of causes, modes of transmission, prevention, and cure available to July 1, 1922; to the Committee on Appropriations.

Also, petition of National Federation of Federal Employees, against Representative Good's amendment of July 9 to Nolan minimum-wage bill for Government employees; to the Committee on Labor.

Also, petition of C. D. Huyler and others, of New York City, for the repeal of the tax on sodas, candy, etc.; to the Committee on Ways and Means.

Also, petition of the National Association of Supervisors of State Banks, for the abolition of the office of Comptroller of Currency; to the Committee on Banking and Currency.

By Mr. STEELE: Petition of residents of Carbon County, Pa., for repeal of the tax on sodas, soft drinks, and ice cream; to the Committee on Ways and Means.

By Mr. TAYLOR of Tennessee: Petition of East Tennessee Packing Co., of Knoxville, Tenn., protesting against the Kendrick bill (S. 2199) and the Kenyon bill (S. 2202) relating to the meat packing and shipping; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: Petition from citizens of Crawford, Colo., protesting against any amendment or change being made in the present war-time prohibition law; to the Committee on Agriculture.

By Mr. WHITE of Maine: Petition of the Lithuanian Alliance of Rumford, Me., requesting the United States Government to compel Poland to withdraw her army from the Lithuanian territories, and that all assistance be denied to Poland as long as she continues to occupy the invaded territories; also requesting the United States to recognize the present Lithuanian Government and to render it moral and material assistance; to the Committee on Foreign Affairs.

By Mr. YATES: Petitions of Charles H. Besley & Co., Chicago; A. S. Brown, Waukegan; and National Office Supply Co., of Zion City, all in the State of Illinois, urging an efficient prohibition enforcement code; to the Committee on the Judiciary.

Also, petition of the Chicago Malt & Liquor Co., urging that war-time prohibition should be rescinded or that the liquor interests be compensated for loss of property, because "The Government has been our partner and has profited more largely than any of us engaged in it"; to the Committee on the Judiciary.

Also, petition of John A. Berry and others, of Chicago, Ill., asking for an increase of $5 per diem for inspectors of customs; to the Committee on Appropriations.

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## SENATE.

TUESDAY, *July 15, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to the mount of Thy law with every law that we would write upon our statute books. We can find the conscience of men but by the sanctions of the Divine will revealed to men. We pray Thee to write Thy laws in our hearts that we may form a covenant with God and conform our lives and pattern and shape our national plans according to the vision that Thou hast given to men upon the Mount. Hear us to-day and guide us by Thy holy counsel. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. ASHURST and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### PETITIONS AND MEMORIALS.

Mr. CURTIS presented a petition of the National Association of Supervisors of State Banks, praying for the abolishment of the office of Comptroller of the Currency, which was referred to the Committee on Banking and Currency.

He also presented a memorial of the Young Men's Tri Mu class of the First Baptist Church of Topeka, Kans., and a memorial of the Good Citizenship Committee of Lawrence, Kans., remonstrating against the repeal or modification of war-time prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Southwestern Interstate Coal Operators' Association, of Kansas City, Kans., praying for the adoption of universal military training, which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Newton, Kans., and a memorial of sundry citizens of Goessel, Kans., remonstrating against the adoption of universal military training, which were referred to the Committee on Military Affairs.

He also presented a petition of the Central Labor Union of Arkansas City, Kans., praying for an investigation into the high cost of living, which was referred to the Committee on Finance.

He also presented a petition of Local Lodge No. 90, United Brotherhood of Maintenance of Way Employees and Railway Shop Laborers, of Topeka, Kans., praying for Government ownership and control of railroads, which was referred to the Committee on Interstate Commerce.

Mr. LODGE. I present a resolution adopted by the League of Free Nations Association, which I ask to have printed in the RECORD and referred to the Committee on Foreign Relations.

The resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

*Resolved*, That the League of Free Nations Association in accordance with a referendum of its full membership, calls upon all forward-looking citizens to urge the United States Senate:

1. To ratify without reservations the treaty with Germany, including the league of nations covenant.

Such ratification would establish immediate peace, the world's most urgent need in the interest of order and progress; would abolish many international injustices which have proved prolific causes of war, and would create an agency for the rectification of remaining injustices and for the establishment of mutually advantageous and just relations between nations.

2. To accompany its ratification with a resolution, declaring it to be the purpose of the United States, as a member of the league of nations to:

(a) Press for the immediate restoration of Kiao-Chau and the German concessions in Shantung to the Chinese Republic.

(b) Hold that nothing in the treaty or the covenant shall be continued as authorizing interference by the league in internal revolutions; or as preventing genuine redress and readjustment of boundaries, through orderly processes provided by the league, at any time in the future that these may be demanded by the welfare and manifest interest of the people concerned.

(c) Call for the inclusion of Germany in the council of the league as soon as the new republic shall have entered in good faith upon carrying out the treaty provisions; for the inclusion of Russia as soon as the Russian people establish stable government; and for the full participation of both Germany and Russia on equal footing in all economic intercourse as the best insurance against any reversion to the old scheme of balance of power, economic privilege and war.

(d) Press for the progressive reduction of armaments by all nations.

(e) Throw its whole weight in behalf of such changes in the constitution and such developments in the practice of the league as will make it more democratic in its scheme of representation, its procedure more legislative and less exclusively diplomatic an instrument of growth invigorated and molded by the active, democratic forces of the progressive nations.

JAMES G. MCDONALD,
*Chairman of the Executive Committee.*

Mr. LODGE presented resolutions adopted by the City Council of Worcester, Mass., relative to the just claims of Italy, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted at a public meeting of the Massachusetts branch of the League for Permanent Peace, at Boston, Mass., praying for the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

Mr. WALSH of Massachusetts. I present a communication from the Massachusetts Tuberculosis League, inclosing a copy of a resolution unanimously adopted by the executive committee of the league, remonstrating against the repeal of the so-called daylight-saving law. I ask that the communication be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the communication was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

MASSACHUSETTS TUBERCULOSIS LEAGUE,
*Boston, June 30, 1919.*

Senator DAVID I. WALSH,
*United States Senate, Washington, D. C.*

MY DEAR SIR: This letter is written on behalf of the executive committee of the Massachusetts Tuberculosis League for the purpose of urging you to use your influence to secure the veto of the repeal of the daylight-saving law, which is now in the hands of the President.

At its meeting on June 27 the committee unanimously adopted the following resolution:

"Whereas the Massachusetts Tuberculosis League has always advocated the use of a maximum amount of sunlight and fresh air as a means of prevention and cure of tuberculosis; and

"Whereas the said league considers the present daylight-saving law an aid in preserving the general health of the country, and in particular a great help in the prevention of tuberculosis: Therefore be it