Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-SIXTH CONGRESS
FIRST SESSION.

SENATE.

MONDAY, *July 28, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we feel the added weight of responsibility when we come to call upon Thy name, for Thou are committed to justice and to truth and to right. When we call upon Thy name we commit ourselves to that for which Thou dost stand in the universe. We pray Thee to help us to be true to our committal, to renew our covenant with God, to live each day in the light of Thy countenance and in harmony with Thy will, and discharge all the duties that Thou hast placed upon us in calling us to this office. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 180. An act to incorporate Near East Relief;

S. 1378. An act to authorize the Central Railroad Co. of New Jersey to construct a bridge across the navigable waters of the Newark Bay, in the State of New Jersey;

H. R. 6342. An act to authorize the construction of a bridge across the Pend Oreille River at the town of Usk, in the State of Washington;

H. R. 6434. An act authorizing the construction of a bridge and approaches thereto across Red River, about 2 miles above its confluence with the Washita River, near Preston, Grayson County, Tex.;

H. R. 6438. An act authorizing the counties of Aiken, S. C., and Richmond, Ga., to construct a bridge across the Savannah River at or near Augusta, Ga.;

H. R. 6450. An act to amend an act entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department, approved September 2, 1914,' as amended";

H. R. 6692. An act to extend the time for the construction of a bridge across the White River, at or near Forsyth, Mo.;

H. R. 6805. An act 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;

H. R. 7775. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 7657. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House had passed the bill (S. 1361) further extending the time for the commencement and completion of the bridge or bridges authorized by an act entitled "An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges, or viaducts, across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands," approved June 18, 1912, as extended by an act approved June 30, 1916, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 687. An act for the relief of Frank Pinkley;

H. R. 753. An act for the relief of Susie Currier;

H. R. 2452. An act for the relief of Charles A. Carey;

H. R. 3844. An act for the relief of Della James;

H. R. 5228. An act granting the consent of the Congress to the city of Minneapolis, a municipal corporation, to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 5648. An act for the construction of a bridge across the Rainy River between Spooner, Minn., and Rainy River, Province of Ontario, Canada; and

H. R. 6222. An act to remove a certain tract of land in Cristobal, Canal Zone, from the operation and effect of the Executive order of the President of December 5, 1912, pursuant to the act of Congress of August 24, 1912 (37 Stat., chap. 390, p. 565).

The message also announced that the House had passed a concurrent resolution providing that when the House adjourns on Saturday, the 2d day of August, it stand adjourned until 12 o'clock meridian, Tuesday, the 9th day of September, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 147) to ratify and confirm from and including July 1, 1919, obligations incurred pursuant to the terms of certain appropriations for the fiscal year 1920; and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Merchants and Manufacturers' Association of Washington, D. C., praying for a substantial increase in the police force and fire department of the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. SPENCER presented a memorial of sundry citizens of St. Joseph, Mo., remonstrating against the passage of the so-called Kenyon-Kendrick bill providing for Federal control of the meat-packing industry, etc., which was referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented a petition of the executive board, district No. 14, United Mine Workers of America, of Pittsburg, Kans., praying for amnesty for political prisoners in Federal penitentiaries, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a memorial of the Holy Name Society, of Ludlow, Vt., remonstrating against the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. KELLOGG presented a petition of sundry citizens of St. Cloud, Minn., praying for Government ownership and control of railroads, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 1637) for the relief of Albert H. Campbell, reported it without amendment and submitted a report (No. 109) thereon.

Mr. KELLOGG, from the Committee on the Judiciary, to which was referred the bill (S. 2224) to incorporate the Recreation Association of America, reported it without amendment and submitted a report (No. 110) thereon.

COMMISSIONED PERSONNEL OF THE ARMY.

Mr. WADSWORTH. From the Committee on Military Affairs I report back favorably without amendment the bill (S. 2622) to provide necessary commissioned personnel for the Army until June 30, 1920, and I submit a report (No. 111)

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thereon. I was instructed by the Committee on Military Affairs at a meeting held on Friday morning last to ask unanimous consent for the immediate consideration of this bill. I therefore make that request.

The VICE PRESIDENT. Is there objection?

Mr. KING. Reserving the right to object, I merely ask the purpose——

Mr. NELSON. Let the bill be read for information.

The VICE PRESIDENT. It will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That until June 30, 1920, the Secretary of War is authorized and directed to maintain such commissioned personnel in addition to officers of the permanent establishment as in his judgment may be necessary for the proper performance of the functions of the Military Establishment, and to retain at their temporary grade such officers of the Regular Army as he may deem necessary: *Provided*, That additional officers so maintained shall be selected so far as practicable from officers who served during the emergency and are applicants for appointment in the permanent establishment: *Provided further*, That after September 30, 1919, the total number of commissioned officers held in active service under this act shall at no time exceed 18,000.

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

There being no objection, the bill was considered as in Committee of the Whole.

Mr. WADSWORTH. Mr. President, I think it due the Senate that I give a very brief explanation of the situation. I think I am justified in saying that this bill is the inevitable logical outcome of the Army appropriation bill which was passed by Congress and signed by the President July 11.

Under that bill the commissioned and enlisted strength of the Army for the fiscal year 1919 and 1920 was regulated or fixed in effect by the appropriation in the bill for the pay of officers and enlisted men. The amount appropriated for pay of the Army was placed at such a figure as to compel the discharge from the Army of all emergency officers commissioned during the war, their discharge to be completed by September 30 next. At that time the Army will be reduced to the figure fixed in the national defense act, the law known as the Hay-Chamberlain law, that figure to be approximately 225,000 men and 11,000 Regular Army officers.

The situation created by the appropriation act can be illustrated by a very few figures which the War Department has supplied to the committee. We will take, for instance, the Construction Division of the Army. There are to-day 12 regular officers in the Construction Division and 682 emergency officers. When September 30 comes the 682 emergency officers must have been discharged, leaving only 12 officers to supervise the maintenance, operation, and repair of every Army post, every port of embarkation, every storage warehouse, every installation put up by the Army during the war or owned by the Army before we went into the war, throughout the entire United States, a task plainly impossible of performance by 12 officers.

Mr. KING. Will the Senator permit an inquiry?

Mr. WADSWORTH. Certainly.

Mr. KING. Are there not officers in other branches of the service available for assignment to the performance of the work just referred to by the Senator?

Mr. WADSWORTH. No; there are not, without still further robbing those other branches of the service. I will continue with a few more illustrations, although I do not——

Mr. NELSON. May I ask the Senator a question? Does this measure relate to such officers as are in control of such camps as Camp Humphreys, in Virginia?

Mr. WADSWORTH. It relates to all officers.

Mr. NELSON. Are they called construction officers?

Mr. WADSWORTH. The men who built Camp Humphreys were officers of the Construction Division, and the men who keep in repair and maintain and operate the utilities of such camps are under the orders of officers of the Construction Division of the General Staff.

Mr. NELSON. At one time they had as many as 30,000 men, whom they called engineers, who devoted most of their time to building a concrete road from Alexandria to the camp. Now, is it the purpose to continue such work as that?

Mr. WADSWORTH. No; this bill has nothing to do with road construction. It affects only the commissioned personnel of the Army for the rest of the fiscal year.

Mr. NELSON. We found another thing in connection with that camp. When men sought their discharge there as privates they were very reluctant to give them a discharge, and I got the impression, and I know others did, that they were anxious to retain as many privates as possible, in order that they could retain a large number of officers. The privates were needed to give color to the retention of the officers.

Mr. WADSWORTH. This bill bears no relation whatever to that situation at Camp Humphreys.

In the Motor Transport Corps there are 96 regular officers and 2,528 emergency officers. The whole corps will be reduced September 30 to 96 commissioned officers, and that corps has charge of all the transportation of the Army other than rail transportation and water transportation; it supervises all the horse-drawn vehicles, all the motor trucks, and all the passenger automobiles.

In the Quartermaster Corps there are 214 regular officers and 4,393 emergency officers. All the emergency officers must go by September 30, if no measure of relief is secured. It will be utterly impossible for 214 quartermaster officers to continue the quartermaster work of the Army during this fiscal year at the scale at which it must be continued unless we are content to let property utterly perish and go without any care whatsoever.

In the Air Service there are 222 regular officers and 3,997 emergency officers. As I said in the Senate the other day, of the 222 regular officers very few are flyers.

Mr. NELSON. Will the Senator allow me a further interruption?

Mr. WADSWORTH. Certainly.

Mr. NELSON. What assurance can the committee give us that the Quartermaster Department will dispose of all the surplus food they have now on hand left since the war? Are officers needed in large numbers for that purpose if they propose to hold the products and not dispose of them?

Mr. WADSWORTH. The committee has been assured upon several occasions that it is not the intention or desire of the War Department to hold back that food surplus.

Mr. NELSON. What assurance have we that they will dispose of those surplus food products and put them on the market so that the people of the United States can have the benefit of them?

Mr. WADSWORTH. I can only tell the Senator from Minnesota what is being done now. I do not know what will be done a month from now or six months from now. The plan of the War Department as to food products, particularly with reference to vegetables, ham, and bacon, was to invite the municipalities of the country to take relatively large quantities of these goods and sell them in their local municipal markets.

Mr. NELSON. Now——

Mr. WADSWORTH. Just a moment, and I will complete my answer. Unfortunately a great many municipalities in the United States have no right under their charters to purchase and to sell food, and the number of municipalities who can do that officially is relatively small.

I will say to the Senator that an effort is being made here in the city of Washington to dispose of surpus foodstuffs sent here from the Army stores in Baltimore to be sold in the municipal market here. Some of those sales were made, I believe, last week, and they are yet to continue. This is the first attempt the Government has ever made to peddle surplus stuff by retail upon the market. That is all the information I can give the Senator on that point. It has no bearing whatever on this bill except that officers will be required to manage the business, because only a commissioned officer can carry financial responsibility for the Government in the Army.

Mr. NELSON. Will the Senator allow me to make the remark that up to this time we have had all these reserve officers in the Quartermaster's Department, have we not?

Mr. WADSWORTH. And many more.

Mr. NELSON. And yet with all this number of reserve officers and the others, they have not been able to dispose of these food products up to this time. They have held them in chancery, as it were, for the benefit of the packers and others.

Mr. WADSWORTH. They have made several efforts to sell the goods and have been thus far not particularly succcessful.

Mr. SHERMAN. Will the Senator yield for an inquiry?

Mr. WADSWORTH. Certainly.

Mr. SHERMAN. The wholesale grocers of the United States protest against dumping upon the market all those Army supplies.

Mr. NELSON. But the people of the United States, the consumers, are not protesting.

Mr. SHERMAN. No; they are not. May I make a further inquiry? Does the Senator have any information as to why the War Department is holding vast quantities of lumber at various points? At Camp Grant, Ill., there are 14,500,000 feet of lumber that would be available for building purposes, and there can be no purchase made of it. It is not properly stacked and is warping, and the excessive wet weather that has prevailed there is making it assume a condition where it will not be merchantable very much longer.

Mr. WADSWORTH. I can not answer the question. I know nothing of the lumber situation.

Mr. SHERMAN. I call the attention of the Senator to the fact that it is not only matters of food, but that various articles of merchandise are involved that will be a total loss to the Government unless used. The prices in the general market are at a figure where these surplus lines ought to be turned loose so as to reduce the price, if possible.

Mr. WADSWORTH. A good many instances could be recited of the deterioration of Government supplies which are standing exposed to the weather. Let me say to the Senator from Illinois there are 9,000 Army trucks at Aberdeen standing in the open air, exposed to the weather. The Chief of Staff told the Military Affairs Committee that they simply can not take care of this enormous surplus of supplies, such as trucks and food, unless Congress gives them the needed personnel with which to do it. Unless the present plan goes through, and it must go through under the Army appropriation bill, they simply will not have enough officers to do it.

Mr. POINDEXTER. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Washington.

Mr. POINDEXTER. What does the Secretary of War say about this condition? Is he merely an ornamental figure of the War Department, or does he pay any attention to the condition to which the Senator refers?

Mr. WADSWORTH. I assume, of course, the Secretary of War does pay attention to it, but I remind the Senator from Washington that I am not defending the War Department. I am stating some facts which confront the country as well as the War Department, and in stating those facts I do not defend the War Department.

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

Mr. WADSWORTH. Certainly.

Mr. NELSON. Will the practice continue under this proposed legislation of appointing a lot of civilian clerks and giving them commissions, making them majors and captains and lieutenants, who are performing no other duty than that of an ordinary civilian clerk? Will that practice continue under this legislation, or will it be ended?

Mr. WADSWORTH. No; this legislation does not contemplate new commissions. It contemplates retaining in the service in a very much reduced number officers who are now in the service.

Mr. NELSON. Does it contemplate retaining civilian clerks with commissions?

Mr. WADSWORTH. Only those persons who are now commissioned officers. I can not tell the Senator or the Senate which officers are going to be retained. I can tell them the aggregate number that are authorized for retention in this bill. There will be approximately 8,000 emergency officers kept upon the pay roll for the rest of the present year, which, added to approximately 10,000 regular officers who hold their commissions in accordance with law, makes an aggregate of 18,000 officers for the United States Army for the rest of the fiscal year, as contrasted with 160,000 officers that the Army had on November 11, 1918.

The most serious situation is in the Medical Department. We now have 1,159 regular officers and 17,315 emergency officers in the Medical Corps. If some relief is not granted, the 17,315 surgeons in the Medical Corps, who are emergency officers, must all be discharged by September 30, leaving only 1,100 officers in the Medical Corps to take care of our wounded and operate all our hospitals. It will simply mean that two-thirds of the hospitals must be closed and the wounded sent to private institutions. We must keep some more officers. We can not afford to be confronted with any such state of affairs.

I took occasion to state when the Army appropriation bill passed the Senate under the conference report that the pay appropriation in the bill was so low that in three or four months, according to my judgment, a deficiency appropriation must be asked. It is now asked, in effect, and the reason for asking it has been made so clear to the Military Committee that its report on this bill was unanimous. This request is made, therefore, even earlier than I anticipated.

Mr. TRAMMELL. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Florida.

Mr. TRAMMELL. Will the chairman of the committee state if it is contemplated that any of the officers who are to be discharged under this order prior to September 30 will be accepted and received into the Regular Army?

Mr. WADSWORTH. It has nothing to do with the Regular Army.

Mr. TRAMMELL. Is it contemplated that any of them after receiving their discharge from the emergency corps shall very shortly threafter be taken into the Regular Army?

Mr. WADSWORTH. I can only tell the Senator the situation with reference to the commissioned personnel under the national-defense act under which the figures must be reduced by September 30 in order to comply with the terms of the Army appropriation bill. There are approximately 11,000 regular officers under the terms of the national-defense act. There are about 1,500 vacancies existing to-day in the regular commissioned personnel which they are attempting to fill. They hope, of course, to fill them by selecting the best of the emergency officers who will consent to take the grade of second lieutenant, because the grades must be filled from the bottom. If the vacancies are filled the regular commissioned personnel will amount to about 11,000 men. That number is authorized by law to-day, and they want between 7,000 and 8,000 emergency officers authorized to be retained in the service merely to the end of this fiscal year; that is the purpose of this bill. It was made clear to the Military Committee that the Army would simply be a wreck in the management of these tremendous supplies, and the settlement of an enormous number of contracts. There are $2,000,000,000 worth of contracts unsettled.

The War Department estimates that 500 officers must serve on the boards adjusting these contracts, and a host of other things which I shall not take the time of the Senate in explaining unless some Senator requests me to do so.

Mr. SPENCER. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Missouri.

Mr. SPENCER. Mr. President, there are to-day 36,000 wounded soldiers who are being cared for by what we may call the temporary medical force of the Army. On September 30 next it is estimated that there will be 24,000 wounded soldiers to be cared for, without taking into consideration the ordinary number of sick and injured soldiers in the Regular Army, which at that time will amount to 225,000 men. The wounded soldiers referred to are the pathetic residuum of this war. If this bill does not pass, on September 30 those 24,000 wounded soldiers will have no medical attention, for on that date, under the Army bill as we have passed it, every one of the temporary medical officers must be discharged and will be out of the service.

The Medical Department comes to the committee and says that we are letting 17,000 officers go, while the minimum of our requirement is for 14,000 officers to remain.

Mr. WADSWORTH. That is in addition to the Regulars.

Mr. SPENCER. And 619 vacancies in the regular service are to be filled. That is the minimum requirement of this bill.

Mr. KING. Will the Senator from New York permit an inquiry?

Mr. WADSWORTH. I will.

Mr. KING. We passed a bill recently authorizing the organization of a civilian commission, of which Mr. Hare was chairman, to make disposition of the surplus supplies of the War Department. I was wondering to what extent there had been turned over to him the surplus supplies, and if, when that was consummated, it would not relieve the Army of the duty of disposing of these funds and handling them and therefore not call for such a large number of officers as is contemplated by this bill?

Mr. WADSWORTH. Let me say to the Senator from Utah that no supplies are physically turned over to Mr. Hare's organization; the duty of selling them is turned over to his organization; but until they are sold the supplies are the property of the War Department and must be cared for by commissioned officers of the Army, who carry property accountability under the law. Mr. Hare's organization has nothing to do with the care or preservation of the property; the Army continues to care for it, to store it, to protect it, to transport it, and to do all, in a physical sense, that has to be done with it. All Mr. Hare does is to sell it. So Mr. Hare takes none of the burden away from the Army in caring for that property.

Mr. KING. Does the Senator from New York know what reason exists for the lack of celerity of disposition of these supplies by the War Department? Every day we read that millions of dollars worth of supplies are spoiling, and the deterioration is so great that they are becoming valueless and have to be thrown away. Did anything appear before the committee as an excuse for the delay in making sales of these surplus products?

Mr. WADSWORTH. We have had various explanations relating to specific products, but I can not say to the Senator from Utah that we have had a complete explanation of the whole situation given to us in such form that I can answer the question of the Senator from Utah. In some things they have done very well, and in other things, I think, they have done rather badly. There is no one answer that will cover the whole topic.

Mr. KIRBY. Mr. President, this request of the War Department is imperative, and it seems to me it ought to be granted.

We have had 4,800,000 men under arms; we have had over 200,000 officers with those men; we have still over 700,000 men under arms or in the Army; and we can not possibly govern that Army as an organization and conduct the affairs of the Government with the few officers that are provided under the law as it now stands. The passage of this bill is absolutely imperative, according to the explanation made by the War Department; and it seems to me that nothing more would be needed to demonstrate that than to show how many officers we have had, to how few we are now reduced, and the condition of the supplies and munitions that are still on hand by the Government which must be taken care of.

Mr. SMITH of Georgia. Will the Senator allow me to ask him a question?

Mr. KIRBY. Yes.

Mr. SMITH of Georgia. What is the exact number of additional officers which under this bill we shall save from those now in the service?

Mr. KIRBY. We shall retain about seven or eight thousand additional officers for one year; that is all that is estimated for.

Mr. SMITH of Georgia. How large an Army would the department be able to officer with that additional number of officers?

Mr. KIRBY. It is only expected that they will be retained for one year.

Mr. SMITH of Georgia. I mean during the next year. Do not misunderstand me. I am intensely in favor of saving officers enough to handle an Army of 500,000 men for the next 12 months.

Mr. KIRBY. The Regular Army is to be cut down, as I understand, to 225,000 men and about 9,000 officers. The department must have at least seven or eight thousand additional officers in order to take care of conditions which now exist.

Mr. FLETCHER. It is not a question of finding additional officers, but of continuing emergency officers to the extent of about 8,000?

Mr. KIRBY. That is all. The bill merely provides for officers in addition to those who are in the Regular Army, as provided for in the last Army bill.

Mr. SMITH of Georgia. May I ask the Senator from New York a question?

Mr. WADSWORTH. Yes.

Mr. SMITH of Georgia. Will this retention of a portion of these officers put us in some respect in better shape to enlarge the Army during the next 12 months? If we should need 500,000 men, would this increase furnish sufficient officers to take care of them?

Mr. WADSWORTH. It would not. This will give us officers enough to command an army of 225,000 or 235,000 plus the number of officers absolutely necessary to take care of the wounded and of the tremendous properties which were left over from the war. That is all.

Mr. SMITH of Georgia. My only regret is that the committee has not gone further and saved for us officers enough so that we may be in a position quickly to organize an army of 500,000 men during the next 12 months.

Mr. WADSWORTH. Mr. President, Senators ought to remember that it is comparatively easy to demobilize an army. We can discharge the men rapidly; we can discharge the officers rapidly, but it is exceedingly difficult to demobilize the supplies and the installations. Until those are demobilized we have got to maintain a commissioned personnel which is comparatively top-heavy, in a sense, in order to take care of those installations and those supplies. That is the purpose of this bill, and if something of this sort is not done it will simply mean that hundreds of millions of dollars worth of property belonging to the service will utterly perish and thousands of sick and wounded soldiers will go without medical care.

Mr. SMITH of Georgia. Will the Senator from New York permit me to ask him another question?

Mr. WADSWORTH. Certainly.

Mr. SMITH of Georgia. If we should need an army of 500,000 men during the next 12 months, where would we turn to get our officers to handle them quickly?

Mr. WADSWORTH. We should simply have to call for the officers who have beeen discharged to volunteer again and to come back into the service.

Mr. SMITH of Georgia. After we have retired them, after they have gone back into business, after they have sought places, we should have to call them back into the service again instead of keeping them during a period of threatened disturbance.

Mr. WADSWORTH. If my recollection is correct, on November 11 last we had in the Army 160,000 commissioned officers, while under this bill we shall have but 18,000 officers, all told.

Mr. SPENCER. Will the Senator from New York yield for a question?

Mr. WADSWORTH. Yes.

Mr. SPENCER. Does the Senator remember the number of officers provided for in the Army appropriation bill which was passed by the Senate and went to conference?

Mr. WADSWORTH. The number of officers was not mentioned in the Army appropriation bill, but the pay appropriation really governed the number. As the appropriation was raised more officers could be retained, while as the appropriation was lowered more officers must be discharged. The best computation the committee can make after consultation with the Chief of Staff is to the effect that as the appropriation bill passed the Senate and went to conference it would have paid approximately 18,000 officers, just what the pending bill authorizes; in other words, if we have confidence in the estimates of the War Department, the Senate Military Affairs Committee and the Senate itself made a proper and accurate computation and passed a bill which was adequate to the needs of the service, no more and no less; but that bill was radically changed on the insistence of the House of Representatives.

Mr. NELSON. Then, Mr. President, if I understand the Senator correctly, the bill really provides officers for an Army of 400,000 men?

Mr. WADSWORTH. No.

Mr. NELSON. And when all these officers are secured there will have to be some privates for them to command.

Mr. WADSWORTH. This bill provides officers for an Army of 225,000 men and additional officers assigned solely and entirely to the duty of taking care for the next fiscal year of an enormous amount of property the Government owns, which has nothing to do with the size of the Army, but which is left over from the war with Germany.

Mr. NELSON. Can not that work be done by privates and noncommissioned officers?

Mr. WADSWORTH. Not under the law.

Mr. NELSON. Could we not enact a law allowing privates and noncommissioned officers to do that work instead of high-salaried commissioned officers?

Mr. WADSWORTH. If the Senator is willing that Congress shall enact a statute conferring upon a private soldier responsibility and accountability for Government property, that can be done; but under the law to-day only a commissioned officer is authorized to handle Government property. He is held accountable for it, and has authority over the enlisted men in caring for it. It would be utterly unfair to saddle the responsibility upon an enlisted man for the care of Government property when he would have no authority over anybody.

Mr. SMOOT. Will the Senator permit an interruption?

Mr. WADSWORTH. I yield.

Mr. SMOOT. I wish to ask the Senator a question. He just made the statement that this bill is to provide for a certain number of officers for the coming fiscal year. Does not the Senator mean the present fiscal year?

Mr. WADSWORTH. I meant the present fiscal year.

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

AFFIDAVITS IN MILITARY TRIALS.

Mr. KING. From the Committee on the Judiciary I report back favorably with amendments the bill (S. 2236) relating to affidavits required by the act entitled "An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war."

Mr. LENROOT. I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Utah. It is a very important bill, and I am sure will require no debate.

Mr. KING. I shall be glad to join in the request of the Senator from Wisconsin. The report of the committee is unanimous.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendments were, on page 1, line 9, after the word "war," to insert "(40 Stat. L., p. 440)"; and on page 2, line 4, after the word "thereof" and the period, to insert "Any person who shall make or use any affidavit as aforesaid, knowing it to be false, shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year or by a fine not to exceed $1,000, or both, in the discretion of the court," so as to make the bill read:

Be it enacted, etc., That where any judgment has been entered since March 8, 1918, in any action or proceeding commenced in any court where there was a failure to file in such action the affidavits required by section 200 of article 2 of the act approved March 8, 1918, entitled "An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war" (40 Stat. L., p. 440), the plaintiff may file an affidavit stating that the defendant or defendants, in default in such judgments, are not at the time of such filing and were not at the time of the entry of such judgment in the naval or military service of the United States, and upon the filing of such affidavit the court may enter an order that such judgment shall stand and be effective as of the date of the entry thereof. Any person who shall make or use such an affidavit as aforesaid knowing it to be false shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year or by fine not to exceed $1,000, or both, in the discretion of the court.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRINTED MATTER IN FOREIGN LANGUAGES.

Mr. KING. Mr. President, a few days ago the bill (S. 2524) to prohibit the transmission through the mails of matter printed, written, or multigraphed in any foreign language under certain conditions and circumstances was referred to the Committee on Post Offices and Post Roads. This was done inadvertently. It belongs to the Judiciary Committee, which committee is considering two other bills of like character. I ask that the Committee on Post Offices and Post Roads be discharged from the further consideration of the bill, and that it be referred to the Committee on the Judiciary.

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

BILLS AND JOINT RESOLUTIONS INTRODUCED.

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

By Mr. KIRBY:

A bill (S. 2636) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1920," approved July 9, 1919; to the Committee on Military Affairs.

By Mr. WADSWORTH:

A bill (S. 2637) to amend an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. SHERMAN:

A bill (S. 2638) concerning suits at law against the District of Columbia for injuries to persons and property; to the Committee on the District of Columbia.

By Mr. SMITH of Georgia:

A bill (S. 2639) to authorize the Secretary of the Treasury to pay to Mrs. Elizabeth Braddy, of Gibson, Glascock County, Ga., the sum of $601.75, the value of 145 war-savings stamps which were destroyed by fire on the 26th day of May, 1918; to the Committee on Claims.

A bill (S. 2640) for the relief of Ethel Williams; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 2641) for the relief of the legal representative of W. H. Mills, deceased; to the Committee on Claims.

By Mr. THOMAS:

A bill (S. 2642) granting a pension to Schuyler C. Morgan; to the Committee on Pensions.

By Mr. MOSES:

A bill (S. 2643) to donate a captured German cannon to the city of Somersworth, N. H.; to the Committee on Military Affairs.

By Mr. STANLEY:

A bill (S. 2644) granting an increase of pension to George W. Tarter (with accompanying papers); and

A bill (S. 2645) granting an increase of pension to Thomas Griffin (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 2646) for the relief of Mary E. Bingham;

A bill (S. 2647) for the relief of Isaac V. Mohn;

A bill (S. 2648) for the relief of James Russell (with accompanying paper);

A bill (S. 2649) for the relief of Gust Mihleder, formerly a second lieutenant of Infantry, United States Army; and

A bill (S. 2650) for the relief of the survivors of McLean's Pennsylvania Regiment and their widows and children; to the Committee on Military Affairs.

A bill (S. 2651) to determine what obligation, if any, exists under the treaty with Spain of 1819 to relieve the estate of Richard W. Meade, deceased; to the Committee on Foreign Relations.

A bill (S. 2652) granting an increase of pension to Margaret M. Conard;

A bill (S. 2653) granting a pension to Annie Mary Turner;

A bill (S. 2654) granting a pension to Frank F. Snyder;

A bill (S. 2655) granting a pension to Denny Ross Griffith;

A bill (S. 2656) granting an increase of pension to Marie G. Harding;

A bill (S. 2657) granting a pension to William R. Miller;

A bill (S. 2658) granting a pension to Charles G. Meyer;

A bill (S. 2659) granting a pension to Leonardo S. Twesten;

A bill (S. 2660) granting an increase of pension to James M. P. Brookens (with accompanying paper);

A bill (S. 2661) granting pensions to soldiers confined in so-called Confederate prisons;

A bill (S. 2662) granting an increase of pension to John R. Devlin;

A bill (S. 2663) to increase the pensions of the blind who served in the War with Mexico or the Civil War; and

A bill (S. 2664) granting an increase of pension to Thomas Hartman (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 2665) for the relief of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for Dependent Children, to establish Hart University and to provide for its maintenance and support (with accompanying papers); to the Committee on Claims.

By Mr. SHIELDS:

A bill (S. 2666) for the relief of the estate of Eli Pettyjohn (with accompanying paper); to the Committee on Claims.

By Mr. NORRIS:

A bill (S. 2667) providing for the sale and distribution of the surplus merchandise, commodities, and foodstuffs in the possession of the War Department, or such merchandise, commodities, and foodstuffs as may hereafter be declared surplus by the War Department; to the Committee on Military Affairs.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 78) to permit the payment of obligations entered into by the War Department prior to July 11, 1919; to the Committee on Military Affairs.

By Mr. STANLEY:

A joint resolution (S. J. Res. 79) exempting the Dixie Highway from the prohibition contained in the act approved July 11, 1919; to the Committee on Military Affairs.

BREWERS' PROPAGANDA.

Mr. NELSON submitted the following resolution (S. Res. 136), which was read, considered by unanimous consent, and agreed to:

Resolved, That the report of the Subcommittee on the Judiciary, who were directed to report the result of their investigation relating to charges made against the United States Brewers' Association and allied interests, be printed as a Senate document.

BREWING, GERMAN, AND BOLSHEVIK PROPAGANDA.

Mr. NELSON submitted the following resolution (S. Res. 137), which was read, considered by unanimous consent, and agreed to:

Resolved, That the report and hearings entitled "Brewing and liquor interests and German and Bolshevik propaganda" held before the Committee on the Judiciary in the Sixty-fifth Congress be printed as a Senate document and that 300 additional copies be printed for the use of the Senate Committee on the Judiciary.

PROPOSED TREATY AMENDMENT RELATIVE TO LOANS.

Mr. SHERMAN. I offer a Senate resolution and ask to have it read and referred to the Committee on Foreign Relations.

The resolution (S. Res. 139) was read, as follows:

Resolved by the Senate, That the treaty of peace with Germany as contained in Document 49, Sixty-sixth Congress, first session, be, and is hereby amended by adding thereto article 441, to read as follows:

"In any loans or money advanced by the United States of America on the credit of any of the allied or associated powers in the war with Germany that no deduction, credit, or set-off shall be allowed because of any bond, obligation, or other evidence of indebtedness issued by the Confederate States of America or by any State acknowledging its allegiance to or associated with such confederacy or any bond, obligation, or other evidence of indebtedness issued by any State, county, district, municipality, or other branch of such State or State government which has heretofore been and still is remaining unpaid, whether the same be held by any such foreign government or by any citizen or subject thereof."

Mr. SHERMAN. Mr. President, allow me to say a word. A number of British investors in repudiated, uncollected, and unsalable bonds recently had an annual meeting, and I notice very great activity among those gentlemen in London right now. It is that which led to the introduction of the resolution.

The VICE PRESIDENT. The resolution will be referred to the Committee on Foreign Relations.

THE OIL SITUATION.

Mr. POINDEXTER. I submit a Senate resolution requesting the Federal Trade Commission to investigate and report to the Senate on the market prices of fuel oil, especially on the Pacific coast. I ask that the resolution be read, and then I shall ask unanimous consent for its immediate consideration.

The resolution (S. Res. 138) was read, as follows:

Resolved, That the Federal Trade Commission is hereby requested to investigate and report to the Senate the causes of recent advances in the market price in the United States, especially on the Pacific coast, of fuel, oil, kerosene, gasoline, and other petroleum products; and in reporting the foregoing the said commission is requested to take into consideration and report the sources of oil supply for the United States; and particularly for the Pacific coast; the annual production of the same for several years last past, with especial reference to the years 1914 to 1919, inclusive; the corporate or other agencies by which the business of oil production, oil refining, oil distribution, and oil marketing, including petroleum, and all its products, is and has been conducted in the past and at the present time, with special reference to the particular period mentioned above, and to these activities on the Pacific coast, and to the Standard Oil Co. of California, the Union Oil Co., and the General Petroleum Co., and other companies engaged in this business on the Pacific coast; and to report to the Senate what, if any, combinations in restraint of trade between those engaged in this business, or unfair competition on the part of any of these or other agencies engaged in said business have existed during the said period, or do exist at the present time, and if such combinations, restraint, or unfair competition have existed or do exist, what, if any, effect the same have had upon the market price of fuel oil, gasoline, and other petroleum products especially on the Pacific coast and especially with reference to the price charged to the ultimate consumer of the same. The said commission is also requested to report to the Senate any suggestions or recommendations which may be agreed upon by the said commission relative to the removal of such combinations in restraint of trade, or unfair competition if the same exists, or other suggestions or recommendations relative to the cost, market price, production, distribution, and sale to the Government or to private consumers of fuel oil, gasoline, kerosene, or other petroleum products.

Mr. CUMMINS. Mr. President, I should like to ask the Senator from Washington whether his resolution embraces a report upon the profits that are being made by these companies in the sale of oil in the western part of the country? I should like to have verified or disproved some of the charges that have been made to me concerning the profit which these companies have been making in the sale of oil. I simply ask whether that is included in the resolution of the Senator from Washington.

Mr. POINDEXTER. It is, Mr. President; and in that connection I desire to submit and ask that there be printed as a portion of my remarks a very carefully prepared statement on the subject that the Senator from Iowa has just mentioned, and the various phases of the subject covered by this resolution, prepared by Mr. Philip D. Macbride, of Seattle, Wash.

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

The matter referred to is as follows:

FUEL OIL CONSUMERS' COMMITTEE
OF THE PACIFIC COAST,
July 24, 1919.

Hon. MILES POINDEXTER,
United States Senator,
Washington, D. C.

DEAR SENATOR: A situation has arisen on the Pacific coast, on account of the outrageous price of fuel oil, that is all but unbearable. In an effort to reach the situation the consumers have made a complaint to the Seattle Chamber of Commerce and that body has appointed a committee with Mr. Philip D. Macbride as chairman to investigate the matter and to do whatever can be done to remedy the situation.

I herewith appeal to you in the name of this committee for your powerful assistance in this matter. I hand you a copy of an outline of the fuel-oil situation on the Pacific coast, which has been prepared by Mr. Macbride, after much careful investigation. This statement or outline is reliable. I am quite sure, after looking it over, you will see that our people are entitled to relief. This is a matter that affects very nearly every citizen, for it will be seen from the inclosed statement that the cost of fuel oil enters directly as an important factor in the high cost of living.

On behalf of the consumers of fuel oil on the Pacific coast I assure you of the greatest appreciation of any efforts you may feel justified to put forth to remedy this situation.

Very respectfully, yours,

JAMES WESLEY BRYAN,
Special representative Fuel Oil Consumers' Committee of the Pacific coast.

OUTLINE OF FUEL OIL SITUATION ON THE PACIFIC COAST IN GENERAL.

PACIFIC COAST OIL SUPPLY.

There are produced in the United States about 360,000,000 barrels of crude petroleum per annum. Of this, California produces, roughly, 100,000,000. Oil from this State is the only supply available to Pacific coast consumers. Mexican oil, the cheap oil of the Gulf ports and the eastern coast, is not offered on the Pacific coast. This is due to two reasons—the great distance to be covered in the transportation of the oil in tankers and the control by interested California producers and allied interests of the Mexican fields and methods of transportation.

Fuel oil is the usual residuum of crude oil after removal by refining of gasoline, kerosene, distillate, and many other valuable commodities. California is the leading State in number of refineries and amount of oil refined, probably due to the fact that over two-thirds of all California crude oil is refinable, i. e., containing a high enough percentage of gasoline to warrant refining. (Report of State Mineralogist of California, 1919.)

The value of the refining products of a barrel of California crude is difficult to determine owing to the wide variation in gravity and quality of oil. However, a conservative estimate is $2 for these commodities, with about two-thirds of a barrel of fuel oil remaining.

USES OF FUEL OIL.

Most of the western railways use oil for fuel. Uncle Sam's warships, the Shipping Corporation Fleet, and nearly all steam vessels, large and small, depend on oil. Bakers use it to bake bread, factories use it, hospitals and hotels are heated with it. In all these different uses substitution of other fuel is well-nigh impossible. In some localities coal can not be obtained. Plants have been equipped for oil; modern ships are constructed to be oil burners; to change would involve ruinous expense.

Prices.

THAT SOARING MOVEMENT.

In 1915 the price of crude oil at the well was around 40 cents; of fuel oil at Los Angeles, 60 cents. To-day the base price of crude has soared to $1.23, and fuel oil at Los Angeles brings $1.60—a threefold raise in four years—and the end is not in sight. Only a few weeks ago (June 10) the higher grades of crude were advanced from 1 cent to 5 cents per barrel.

COST OF PRODUCTION.

It is very difficult to fix a uniform cost of production for petroleum. A generous Providence furnished the raw product, and a beneficent Government has allowed its easy exploitation. Chance enters into the cost of production to a large extent. Depth of well, character of ground, quantity and quality of oil obtained, all these and many other elements vary infinitely.

By tabulating the reports of various operating and dividend-paying companies the State mineralogist has arrived at the following average operating costs per barrel: In the highest-cost district of the State, 38 cents; in the lowest-cost district of the State, 23 cents.

HOW PRICES ARE FIXED.

They are set by the Standard Oil Co. of California. This corporation posts a scale of prices for crude oil at the well, and this scale is adopted by the other refining companies. This same corporation sets the price for which it will sell refined products and fuel oil, and forthwith the other four marketing companies (all smaller) are of the same mind and adopt the Standard's prices as theirs.

Only a few months ago the United States Navy called for bids for furnishing fuel oil for warships stationed on the Pacific coast. Tenders were made by the three companies who market fuel oil, the Union Oil Co., the General Petroleum Co., and the Standard Oil Co. of California. The requirements were for 4,000,000 barrels at Los Angeles, 3,000,000 at Puget Sound, and 2,500,000 at Honolulu. The tenders were all the same—$1.60 a barrel in California, $1.85 at Seattle, and $2.15 at Honolulu. The United States Shipping Board had the same experience. In both cases all bids were rejected. In this connection the following editorial from the Chicago American is interesting as to the situation on the eastern coast:

"Whoever does the bookkeeping, pricing, and planning for the big Standard Oil Co. must have frequent headaches to keep it all going.

"Last Monday the Government announced that it wanted to buy 34,000,000 barrels of oil to be used this coming year.

"The Government wanted some oil delivered in New York City. On that the Standard Oil Co. of New York did not bid. The Standard Oil Co. of New Jersey offered oil to the Government in New York at 98 cents per barrel, plus 7 cents for delivery.

"In Boston it was the Standard Oil Co. of New York that offered oil to the Government at $1.73 per barrel.

"In Philadelphia the Atlantic Refining Co., a branch of the Standard Oil, bid $1.36½ per barrel, plus delivery charges.

"In Baltimore the Standard Oil Co. of New Jersey offered oil at 98 cents, and made the bid at Norfolk, Va.

"Don't get dizzy.

"The Standard Oil Co. of Louisiana offered the Government oil at 80 cents a barrel in New Orleans. And at Tampico, Mexico, the place whence all this oil comes, the Standard Oil offered to supply the Government at 44½ cents per barrel.

"The bids were made after taking from the oil by superior scientific process the gasoline and various by-products. From a barrel containing something over 40 gallons of oil are taken about 7 gallons of gasoline, which sells to the public at varying prices. In one State, where there is a fight on, it sells for 8 cents now; in New York it sells for 26 cents. In New York the company gets $1.82 for the gasoline in a barrel of oil, other sums for the other by-products, then sells the barrel of residue, which contains its full value, as ship fuel, and is safer, at the interesting prices quoted above.

"When you read that the Government buys oil in New York for 98 cents a barrel and pays in Philadelphia, where the freight from Tampico is cheaper, $1.36½ a barrel from the same company, it makes you realize how it happens that the Standard Oil stock is worth more after the trust was "busted up" by the Government lawsuit than it was before."

WHY PRICES FIXED BY STANDARD OIL.

The Standard Oil Co. of California produces 22 per cent of the entire output of the State, or two and one-half times as much as the next largest producer. With seven other corporations the Standard Oil produces over 70 per cent of the entire output. (Report of State Mineralogist of California, 1919.) But production is only the beginning. The producer is helpless without market, and the Standard Oil is the market. By virtue of its controlling position in regard to pipe lines, refineries, storage tanks, and tank steamers and by reason of the widespread character and great financial power of the organization of which it is a part, it sells to a wider market and can, if the directing forces desire, undersell any ambitious competitor. (The Standard Oil Co. of California has 1,000 miles of main-trunk pipe line, enormous storage facilities for oil, three immense refineries with a total capacity twice as great as any other company, and a large fleet of tank steamers. Its sales department has 358 substations, 152 service stations, and 1,123 motor vehicles.) For the past three years a policy of harmony with producers and other oil companies appears to have prevailed. Prior to 1916 the Union Oil Co. was an aggressive opponent and business was eagerly sought. Apparently the increasing demand for crude due to the European war led the leaders of both corporations to the opinion that more money could be made by harmony and higher prices. This move benefited the small producers; in fact, everybody except the general public. The entry of the United States into the war gave the opportunity for a complete welding of interests. The director of oil (Mr. Mark L. Requa), himself a California oil man, turned the direction of the California industry very largely over to the petroleum war-service committee (Mr. Bedford's statement, Oil Age for June), a voluntary body made up of representatives of the Standard Oil, Union Oil, General Petroleum, Associated Oil, and Shell Companies. Affairs under their guidance moved so very smoothly that with the close of the war the general arrangement is to be continued under an organization known as the American Petroleum Institute. (Mr. Requa's address to the National Petroleum Congress, in Petroleum Record, April, 1919.) All Government regulation ended May 15, 1919. Mr. Requa becomes vice president of the Sinclair Oil Co. The Pacific coast director, Mr. Folsom, resigned some months ago to become assistant to the president of the General Petroleum Co.

PRICES NOT GOVERNED BY SUPPLY AND DEMAND.

The reason constantly advanced by oil men for the enormous increase in price is that due to war conditions demand exceeds supply, and a graphic chart shows the declining stocks of California oil and corresponding increase in price. While the war continued the stocks of oil were heavily drawn upon and decreased rapidly, but the turn came last September, and ever since stocks above ground have been increasing rapidly. By April California stocks of crude oil exceeded those of April, 1918, by over 2,000,000 barrels. (Mining and Oil Bulletin, Los Angeles Chamber of Mines, June.) In May the stock was increased by over 800,000 barrels. For the United States as a whole it may be noted that stocks increased over 2,000,000 barrels in March and one and a half million in April.

PROFITS.

By whom obtained: The total capitalization of all (California) oil companies is $361,566,769. Dividends paid during the year amounted to 7.6 per cent on this entire amount.

"The capitalization of the smaller and purely producing companies is $161,425,494 and the 1918 dividend rate was 5 per cent. The added profits attending marketing and refining are therefore considerable." (Report of State Mineralogist of California, 1919.)

Producing oil companies	144
Marketing companies	11
Total	155
Dividends, 1918:	
Producing oil companies	$7,520,854
Marketing companies	19,984,138
Total	27,504,992

(Report State Mineralogist, 1919. Note that these figures are based on capitalization and dividends, not investment and profits. Of the amount shown as dividends for marketing companies, the Standard Oil Co. of California alone paid out approximately $12,500,000.)

PROFITS OF STANDARD OIL CO. OF CALIFORNIA.

The investment.

Without going back to the inception of the company, it is sufficient to say that after a 46 per cent dividend in 1909 the capital stock was, in 1912, increased from $25,000,000 to $50,000,000. In 1914 it was again increased to $100,000,000, the additional shares being paid for by two stock dividends, one of 50 per cent in 1916 and one of 33⅓ per cent on the then outstanding stock in 1917, the effect of these two stock dividends being to double the issued capital stock without cash investment on the part of the stockholders. On December 31, 1918, the company's surplus account was over $15,000,000, representing additional profits not distributed as dividends. In addition to the stock dividends, the company has regularly paid in quarterly installments a cash dividend amounting to 10 per cent per annum on outstanding stock, increasing in amount as the stock was increased by stock dividends. In 1918 and 1919 additional special 2½ per cent dividends had been declared, bringing the rates for these years to 12½ per cent per annum.

1918 REPORT (S. O. OF CAL.).

"The earnings for 1918, after deducting all operating and marketing expenses, were $44,276,521.82. From this there was written off for depreciation $3,895,757.69, for depletion $6,022,227.65, a total of $9,917,985.34. There was also deducted for estimated income and excess-profits tax $19,405,462.10, leaving a net profit carried to surplus of $14,953,037.38, or about 12.73 per cent of the capital and surplus as of December 31, 1918." (Annual statement to stockholders for 1918, S. O. Co. of Cal.)

Before analyzing this statement, compare it with the previous annual statements of profits and depreciation:

Profit.	
1914	$12,771,398
1915	12,974,655
1916	21,263,520
1917	30,377,073
1918	44,276,521
Depreciation.	
1914	2,713,060
1915	3,444,709
1916	3,658,216
1917	5,897,326
1918	9,917,985

DEPRECIATION AND DEPLETION.

Nineteen hundred and eighteen apparently was a bad year for these items. They amount to nearly double what they did for 1917 and nearly four times as much as in 1914. Based on the only depreciable assets of the trial balance, it appears that for a single year more than 11 per cent of the plant account and inventories other than petroleum products was charged off. At this rate refineries, steel ships, pipe lines, office buildings, lands, and all would be depreciated and depleted to nothing in less than 10 years. Possibly the higher rates of the excess and war-profits tax had something to do with charging off this $10,000,000.

CORPORATION TAX.

For 1918 the Standard Oil Co. of California estimated its tax at $19,500,000. What will they pay for 1919? Assuming that their business is the same as 1918 (and there is every prospect that it will be better), and allowing that the same liberal allowance is made for depletion and depreciation, the tax for 1919 will amount to approximately $8,000,000. In other words, the lower rates in 1919 as provided by the revenue act of 1918 will reduce the tax of the Standard Oil Co. of California $11,000,000 below that of last year.

SUMMARIZING.

The prices for 1919 remain at the highest level of 1918. The first half of the year indicates that the volume of business will equal or exceed 1918. (Petroleum Record, July, 1919.) The earnings shown by the half-year's statement of the Union Oil Co. of California show an increase of operating profits over 1918. (Referred to later.) The Standard Oil Co. of California made a profit of $44,000,000 for 1918. Aside from depletion and depreciation, the only deduction from this for 1919 will be an approximate tax of $8,000,000, leaving $36,000,000 clear profits for 1919. Allowing $6,000,000 for depletion and depreciation, there still remains a net return of $30,000,000 on a capital stock of

$100,000,000. But be it remembered that $50,000,000 of that capital is stock dividend declared since 1916, which is in addition to regular cash dividends averaging about 17 per cent on the $50,000,000 capital of 1916. So that if 1919 net profits are honestly computed they will, after all deductions, exceed 60 per cent on the investment.

The Union Oil Co. of California is the second largest oil company in the State. It has an outstanding capital stock of $43,571,500, and has paid a total of $43,889,183.50 in dividends. It pays at present 10 per cent per annum. Its surplus and operating reserve approximates $22,800,000.

The report of its directors, July 1, 1919, gives an opportunity for comparison with 1918 operation. It shows:

Profit:	
Six months, 1918	$6,450,000
Six months, 1919	7,900,000
Increase	1,450,000

This is an increase for 1919 of 22 per cent.

STOCK-MARKET PROFITS.

The following is a quotation from the Petroleum Record for June:

"Amalgamated Oil sold on the Los Angeles Exchange on January 2, 1918, for $45 per share; on January 2, 1919, for $59 per share; and on May 14, 1919, the day this was written, for $75 per share. Associated Oil quotations for the corresponding dates show $57, $70, and $89.37½, respectively. General Petroleum shows $86.25, $133, and $166. Union Oil for the same three dates is quoted $115.50, $119.50, and $144.

"Stocks bought on the opening day of 1918 and held until May 14, 1919, would have yielded the investor the following profit per share: Amalgamated, $33; Associated, $36.25; General Petroleum, $79.75; Union, $28.50."

The Standard Oil of California is not listed on any exchange. (Quotations on the New York curb for Standard Oil Co. of California indicate a value of $285 per share; in other words, that in spite of stock dividends, the earning power of the shares is believed by the owners to be worth nearly three times the par value. July 25, $316.)

CONCLUSION.

BLIGHTING EFFECT.

The high price of fuel oil affects all classes of the public. It is a basic commodity. As an illustration, a large area adjacent to Puget Sound is water locked. Tens of thousands of people are dependent upon boat transportation. Fuel oil is by far the largest single item of operating cost of a steam vessel. By reason of its excessive price rates have been raised and service has been cut down. For water-locked communities nothing has a more blighting effect than deterioration of boat service. The marketing of their produce, their intercourse with the world, their very existence, is dependent upon the maintenance of service. Some routes are being abandoned; all are seriously affected.

Other illustrations: The United States is being called upon to meet railroad deficits. A considerable part of the deficits of the western railroads is caused by the exorbitant price of oil. Congress appropriates funds for the Navy. Part of these funds go to pay the enormous profits of the Standard Oil Co. of California and the other oil monopolists.

Wherever fuel is used, whether in transportation, manufacturing, or heating, it is a basic element in the cost of production, and is ultimately paid by the public.

THE REMEDY.

An investigation should be ordered by Congress into the price of fuel oil on the Pacific coast. In the opinion of the writer, the prevailing price should be cut in two. A price of 80 cents a barrel at Los Angeles would save the Pacific coast consumers (Government and private) more than $50,000,000 a year. True, it would lop eighteen or twenty million dollars off the annual profits of the Standard Oil Co. of California, but there would still remain some $25,000,000 of profits to this company, which would permit an ample allowance for depreciation and income tax and leave a handsome return on the investment.

Respectfully submitted.

PHILIP D. MACBRIDE.

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

Mr. THOMAS. I think the resolution had better go over until to-morrow.

The VICE PRESIDENT. The resolution will go over under the rule and be printed.

Mr. POINDEXTER. Mr. President, I should like to say just a word in connection with this resolution which goes over until to-morrow.

In 1915 the price of crude oil at the well on the Pacific coast was about 40 cents. The price of fuel oil at Los Angeles was 60 cents. To-day the base price of crude oil has soared to $1.23, and fuel oil at Los Angeles brings $1.60—a threefold increase in four years—and I am informed that instead of there being any prospect of a reduction of prices the best information obtainable is that there will be further increases of prices.

The manner in which this affects the people of the Pacific coast—particularly the Pacific coast, because the prices there are so very much higher than they are in any other part of the country—is illustrated by even a superficial consideration of the uses to which the people of the Pacific coast, on account of the great amount of petroleum which is produced on that coast, have come to make of fuel oil in the conduct of their industries.

In the first place, of course, it affects water transportation. A very large part of the population of the State of Washington is absolutely dependent upon water transportation. They have no means of travel, no means of shipment of supplies, except by water. They are water locked. They depend upon a great number of small boat lines which operate on Puget Sound and other waterways of the western part of the State. Nearly all of the boats engaged in water transportation on those lines use oil for fuel, and a doubling and trebling of the price of oil has so affected these lines that they have been compelled in many instances, on account of the losses which have ensued, to suspend operation of a part of their boats, with the result that transportation is interfered with and in some places cut off.

Fuel oil is also used by bakeries and by a great many factories; it is used in hospitals, and the hotels are heated by it; and the facilities of the hospitals and bakeries and hotels, as well as of the boats, are so arranged that they can not substitute coal or any other fuel for fuel oil.

Now, Mr. President, just one other word.

It is usually said that the extraordinary increase in the price of fuel oil on the Pacific coast is due to the war; that it is due to the operation of the law of supply and demand; that the supply of fuel oil is menaced by reason of the extraordinary consumption of the war; that the demand has increased, and consequently that prices go up.

The answer to that is that the war has been over now for eight months; that the stocks of oil that were accumulated for war purposes are still on hand to a large extent; that the consumption of it has decreased; and that in the application of the law of supply and demand the prices to the consumer should go down. But instead of that they continue to go up. The prices which consumers are required to pay for fuel oil, instead of being lower than they were at the date of the armistice, are higher. It is an anomalous situation. It is one which affects the most fundamental and vital conditions of industry and of life itself in a great section of the country.

The statement which I have asked to be printed in the RECORD, carefully prepared and quite comprehensive and covering the different phases of this subject, also points out the enormous difference in the price of fuel oil on the Pacific coast and the price on the Atlantic coast, although the State of California produces approximately 100,000,000 of the 360,000,000 barrels annual production of petroleum in the United States.

Mr. CUMMINS. Mr. President——

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

Mr. CUMMINS. Is it not true that the railroads in the western part of the country very largely use fuel oil in the movement of their trains?

Mr. POINDEXTER. Yes; that is true. I had the pleasure in the latter part of April last of riding on a locomotive across the Siskiyou Mountains, in northern California, going over the border line between the States of Oregon and California in a double-header train, and had occasion to see the actual use of fuel oil in the engines. I learned, in talking with the engineer, that practically all of the engines of that road are now equipped for the use of fuel oil, and, of course, without radical changes, they are not available for the use of any other fuel.

Mr. CUMMINS. I know, as a result of inquiry or examination, that a very large, and, as I think, unnecessary, expense is being entailed upon the railroads of the country every day on account of the extraordinary and indefensible price of oil in California. I hope the investigation proposed by the Senator from Washington will be made as rapidly as possible, because sooner or later we must find some remedy for the extraordinary situation now confronting us.

Mr. THOMAS. Mr. President——

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

Mr. THOMAS. I have no objection whatever to the adoption of this resolution, except that as it is phrased it would seem to

require the duplication of an inquiry which, I understand, has not yet been completed in regard to the conditions in the Middle West; and, of course, the Senator does not want that any more than I do. I am perfectly willing that the resolution shall be taken up this morning if it can be so phrased as to prevent this duplication of work, for which there can be, I think, no necessity.

Mr. POINDEXTER. Is the inquiry in regard to conditions in the Middle West to which the Senator refers being conducted by the Federal Trade Commission?

Mr. THOMAS. Yes.

Mr. POINDEXTER. I assume, Mr. President, that, as a matter of fact and as a matter of necessity, almost, that being the same body to which this matter is referred, they will not duplicate their work. I scarcely see how they could. If they have obtained information in the investigation to which the Senator from Colorado refers, they will use that, in so far as it is applicable, in making their report on this subject.

Mr. THOMAS. That is possible; but it would also have the effect of postponing a report on that situation, for which a number of us are waiting.

Mr. POINDEXTER. I would not want it to have that effect, and I do not think it necessarily would have that effect.

Mr. THOMAS. I do not know that it would; but I merely wanted the Senator to understand that my objection was not based upon the merits of his resolution but was merely for the purpose of ascertaining that fact in the interim.

Mr. POINDEXTER. I am very glad to know that.

Just one word further, Mr. President: This information which has been submitted to me contains the statement that while the war continued the stocks of oil were heavily drawn upon and decreased rapidly; but the turn came last September, and ever since stocks above ground have been increasing rapidly. In April California stocks of crude oil exceeded those of April, 1918, by over 2,000,000 barrels. In May stocks were increased by over 800,000 barrels. For the United States as a whole it may be noted that stocks increased over 2,000,000 barrels in March and 1,500,000 barrels in April. This condition of affairs, it seems to me, unanswerably demonstrates that there is no reason in the supposed law of supply and demand for the continued increase of the already exorbitant prices charged for this necessary product.

Mr. PHELAN. Mr. President, I should like to ask the Senator if he has investigated the activities of foreign Governments in acquiring through various agencies the oil of the world, and whether he thinks on that account there may possibly be a disposition on the part of the American oil companies to protect themselves in advance by raising the price?

I do not for a moment desire to intimate that the excess cost of oil, as explained by the Senator, should be tolerated if there is any way to avoid it, either by representations made through the Trade Commission or by legislation, because oil has come to mean the industrial life of the country; and it is the difference between success and failure in enterprise and between success and failure of the merchant marine and of the Navy itself—the control of oil by one nationality or another.

As I understand the resolution will come up to-morrow for discussion, I shall be glad to submit some information at that time. In the meantime, I desire to say that I sympathize with the Senator in his desire to regulate the price, notwithstanding that oil is, par excellence, a California product. I should like now to put in the RECORD a statement published in the New York World of last Saturday, showing the extraordinary profits of the Standard Oil Co. of New Jersey—information given to the country for the first time by its application last week to list on the New York Stock Exchange its securities, which theretofore had been dealt in only on the curb, for the very purpose, it is explained, of concealing information concerning the profits and business of the company. It seems that the Standard Oil Co. is now giving publicity to its affairs, which reveals to us for the first time in authentic form the extraordinary profits of that corporation.

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

The matter referred to is as follows:

NEW JERSEY STANDARD OIL PUTS $100,000,000 STOCK ON MARKET—ISSUE OF PREFERRED SHARES FIRST EVER TO BE ISSUED AND FIRST TO BE LISTED FOR TRADING ON THE STOCK EXCHANGE—PUBLISHED BALANCE SHEET ALSO BREAKS PRECEDENT—SHOWS EARNINGS FOR SEVEN YEARS $454,589,139 AND DIVIDENDS OF $177,008,940—ASSETS AND RESERVES NOW EXCEED BILLION.

"The Standard Oil Co. of New Jersey yesterday issued an announcement which surprised Wall Street by smashing Standard Oil tradition in these three respects:

"1. It made known the issue of $100,000,000 of 7 per cent preferred stock to carry on the 'development campaign' launched by the company after the armistice was signed. This is the first public offering ever made by any Standard Oil Co.

"2. The new securities will be listed on the Stock Exchange, becoming the first Standard Oil stock to be listed there. Hitherto Standard Oil stock has been traded on the curb in order to keep the earnings secret.

"3. The new policy of publicity was adopted and a complete balance sheet and statement of earnings and dividends for the seven years between 1912 and 1918, inclusive, which had been sent to shareholders, was made public. It was the first statement of its kind ever offered to the public by any Standard Oil Co., and it was the first of its kind that even shareholders had ever seen.

ASSETS AND RESERVE EXCEED BILLION.

"Figures were given to the public in a statement by A. C. Bedford, chairman of the board of the Standard Oil Co. of New Jersey, which is the most powerful of the 33 companies of the old trust.

"Mr. Bedford's statement contained a consolidated balance sheet as of December 31, 1918, showing total assets of $691,316,969. The balance sheet shows assets of net value of $562,543,025. Nominal liabilities were shown as follows: Capital stock, $98,338,300; reserve for annuities, $492,315; surplus, including reserve for working capital, $463,712,409.

"Earnings, Federal taxes, and dividends since the Standard Oil dissolution suits were also given. The total earnings for seven years 1912–1918 were $454,589,139.89; the Federal taxes paid and accrued, $72,712,720.05; the earnings after deducting these taxes, $381,876,419.84; the dividends, $177,008,940.

"The company's new campaign plans to push its products to the uttermost quarters of the world. There is a world-wide demand for petroleum and its products for fuel purposes, as well as for use in internal-combustion engines, which have reached a great stage of development in all civilized countries. The supply is scarcely sufficient, notwithstanding the great development of the Wyoming and Caddo fields and the recent discovery of rich oil-producing lands in Texas. Standard Oil proposes to carry the American product to every land where oil has become a necessity.

"Mr. Bedford's statement gave the reasons for and purposes of the new issue as follows:

"'The policy of the company has been to finance its growth from current earnings, but in view of conditions now existing and having regard to the present necessity of the diversion of a considerable proportion of these earnings to excess-profits and other war taxes, your directors feel that it is advisable to increase the capital employed in its business by the amount of the proposed issue of preferred stock.

"'It is the intention to utilize this new capital in the financing of the further development of the company's equipment and resources, which plans are already under way. These include measures for insuring the continuity of a substantial proportion of this company's future supply of crude oil, as well as maintaining a cash reserve against contingencies, the active prosecution of the company's program of enlarging its refining facilities, the expansion of its transportation systems, and the extension of its distributing plants.'

ASSETS MULTIPLY, CAPITAL FIXED.

"A statement from the company describing the new capitalization plan was issued yesterday, as follows:

"'While it has been known that the assets of the parent of all the Standard Oil organizations have been steadily multiplying through the reinvestment annually of surplus earnings, the capital has remained at a more or less nominal and arbitrary figure at which it was left when the Supreme Court issued its dissolution decree. This amount was $98,338,300, which is all in common stock. During the life of the company there has been no further capitalization of assets, but their growth and present value is generally understood to be fairly accurately measured by the price of $740, which is the present market for the shares.

"'The issue of $100,000,000 just announced is in the form of a 7 per cent preferred cumulative nonvoting security. As this stock is being offered to shareholders at par, it is doubtful if much of the stock will escape from the 8,000 existing shareholders of the New Jersey corporation.

SECURED BY $562,000,000.

"'The balance sheet issued in connection with the notice to the shareholders—the first exhibit of the kind that they have ever seen—shows that although the company's assets are entered at cost, less depreciation, that is, below the price at which they were constructed or acquired many years ago and not at present-day values, they amount to $562,000,000, upon which the

$100,000,000 of preferred stock which the holders of the common will receive at par is a first charge.

"'A statement of net earnings and taxes by years since the Standard Oil dissolution suit shows that, with the exception of the special distribution in 1913 of $40 per share made from repayments by former subsidiaries of cash which had previously been advanced by the parent company, the dividends paid during the years 1913 to 1918, inclusive, have been uniform, the surplus earnings having been reinvested and employed in the business.

"'The last published balance sheet of the Standard Oil Co. (New Jersey) appeared at the time of the Government suit, and showed net assets as of December 31, 1906, including the 33 companies afterwards distributed, of $359,400,193.31. The balance sheet for December 31, 1918, issued in connection with the current financing, shows net assets of $562,543,025.81. This is interesting in that it indicates the growth of the company and that the assets of to-day are over $200,000,000, or nearly 60 per cent in excess of those shown in 1906, prior to the distribution.

"'The present issue has been underwritten by J. P. Morgan & Co.'

STANDARD OIL NET EARNINGS $381,876,419 IN SEVEN YEARS.

"The following statement, issued yesterday by the Standard Oil Co. of New Jersey, shows earnings and dividends for the years 1912–1918, inclusive, with income and war taxes deducted from the earnings of the year on which they were calculated:

Year.	Earnings before deducting Federal taxes.	Federal taxes paid and accrued.	Earnings after deducting Federal taxes.	Dividends paid.
1912	$35,397,717.37	$289,830.33	$35,107,887.04	$19,667,660.00
1913	46,168,955.06	477,085.57	45,691,869.49	[1] 59,002,980.00
1914	31,798,849.62	341,215.45	31,457,634.17	19,667,660.00
1915	61,396,922.73	619,679.39	60,777,243.34	19,667,660.00
1916	72,426,692.36	1,634,633.19	70,792,059.17	19,667,660.00
1917	105,785,858.91	25,019,916.97	80,765,941.94	19,667,660.00
1918	101,614,143.84	[2] 44,330,359.15	57,283,784.69	19,667,660.00

[1] Under "Dividends paid" for the year 1913 there is included the distribution of $40 per share made from repayments by former subsidiaries of cash which had previously been advanced by this company.
[2] 1918 taxes subject to adjustment.

"By adding the year-by-year earnings given out in the above table the World finds that the total earnings for the seven years covered by the statement were $454,589,139.89.

"The Federal taxes, paid and accrued, for the seven years were $72,712,720.05.

"The earnings for the seven years, after deducting Federal taxes, were $381,876,419.84.

"The dividends paid in the seven years amounted to $177,008,940."

Mr. POINDEXTER. Mr. President, the statement which I have already submitted to the Senate contains detailed information of the profits of the companies engaged in the production and distribution and marketing of petroleum and its products on the Pacific coast, and bears out the statement which the Senator from California has just made. In that connection I may say that these profits amount to nearly double what they did for 1917, nearly four times as much as in 1914, and that if they are continued in 1919 at the same proportion and ratio indicated by that portion of the year which is already past they will amount to in the neighborhood of 60 per cent upon the investment of these companies.

Most interesting and enlightening data is given as to the very large dividends paid upon capital stock by these companies, and then very large dividends distributed among the stockholders under the name of cash dividends; then in addition to that the doubling and the quadrupling of the capital stock of the company, without any additional investment, by stock dividends among the stockholders; all of which is shown here and it is I think reliably stated after a very careful investigation. In fact, this report which I have submitted is a very complete report in itself.

The chief benefit it seems to me of obtaining action upon the resolution which I have introduced would be the official confirmation of these facts which I am satisfied exist, and which are fully set out in this statement, to get verification for them. There is sufficient information here. I have no doubt that it is reliable, but the country and the Congress would feel much more sure of their ground in any proceedings they may care to take in this matter if the data is verified and officially confirmed. That is the purpose and object of the resolution.

The VICE PRESIDENT. The resolution goes over under objection.

HOUSE RECESS.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Saturday, the 2d day of August, it stand adjourned until 12 o'clock meridian, Tuesday, the 9th day of September.

Mr. CURTIS. I move that the Senate concur in the resolution of the House.

The resolution was concurred in.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 687. An act for the relief of Frank Pinkley;

H. R. 753. An act for the relief of Susie Currier;

H. R. 2452. An act for the relief of Charles A. Carey; and

H. R. 3844. An act for the relief of Della James.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 5228. An act granting the consent of the Congress to the city of Minneapolis, a municipal corporation, to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 5648. An act for the construction of a bridge across the Rainy River between Spooner, Minn., and Rainy River, Province of Ontario, Canada;

H. R. 6222. An act to remove a certain tract of land in Cristobal, Canal Zone, from the operation and effect of the Executive order of the President of December 5, 1912, pursuant to the act of Congress of August 24, 1912 (37 Stats., ch. 390, p. 565);

H. R. 6342. An act to authorize the construction of a bridge across the Pend Oreille River at the town of Usk, in the State of Washington;

H. R. 6434. An act authorizing the construction of a bridge and approaches thereto across Red River, about 2 miles above its confluence with the Washita River, near Preston, Grayson County, Tex.;

H. R. 6438. An act authorizing the counties of Aiken, S. C., and Richmond, Ga., to construct a bridge across the Savannah River at or near Augusta, Ga.;

H. R. 6450. An act to amend an act entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914,' as amended";

H. R. 6692. An act to extend the time for the construction of a bridge across the White River at or near Forsyth, Mo.; and

H. R. 6805. An act 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.

The following bills were each read twice by their titles and referred to the Committee on Pensions:

H. R. 7775. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 7657. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed.

Mr. WALSH of Montana obtained the floor.

Mr. PITTMAN. I ask unanimous consent that the Senator from Montana be permitted to continue his speech until its conclusion and that we then proceed under Rule VIII with the calendar.

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

ARTICLE 10 OF THE LEAGUE OF NATIONS.

Mr. WALSH of Montana. Mr. President, I shall not take it amiss at all to be interrupted at any time during the course of my remarks by any Senator who desires to have further information concerning my views upon any feature of the question considered or who may care to test the argument by applying it to a given state of facts. I shall expect, however, a return of the courtesy to this extent, that no effort be made to inject the speech of another Senator into the midst of my own.

ARTICLE 10.

Article 10 of the covenant for a league of nations, being the introductory chapter of the treaty of peace signed at Versailles, June 28, continues to draw a large share of the criticism to which the proposal for such a league is being sub-

jected. Following promptly upon the publication of the original draft in the month of February last, the feature adverted to was made the subject of a most vehement philippic by the senior Senator from Iowa, who insisted, assuming the success of the plan proposed to preserve peace, that the world was to be "put in a strait-jacket," and the political existence and territorial boundaries and possessions of the nations now dividing the earth among themselves confirmed forever, a project as monstrous as it is chimerical. Lest it be thought by any that his position was misunderstood or misconstrued, the following terse sentences are quoted from his address:

> We agree absolutely, positively, unreservedly to preserve the territorial independence and the political independence of all the nations parties to the league and for all time to come.
>
> We are solemnly asked to guarantee that the boundaries of nations, as they now exist or as they will exist when the peace conference has redrawn the map of Europe, Asia, Africa, and Oceanica, shall remain without change forever.

The same idea was expressed, perhaps less directly but not less clearly, by the junior Senator from Pennsylvania in his speech of June 17, 1919, supporting his resolution looking to a separation, for the purpose of consideration, of Chapter 1 of the treaty from the remainder thereof, in which he said:

> I ask simply that we be given a breathing pause after we finish our battles before we obligate ourselves to maintain for all time the territorial status quo which is to be set up by this treaty.

Before proceeding further it will be well to have in mind just what the nations of the earth are asked to subscribe to in this much-discussed article of the covenant. It reads as follows:

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

I repeat what has been asserted over and over, and admitted by silence in the face of the assertion, that it is only as against "external aggression" that any member binds itself to preserve "the territorial integrity and existing political independence" of any other. There is no mistaking the meaning of the words "external aggression" as used in the article quoted. Beyond cavil and beyond controversy their use limits our obligation to the case of war by one nation against another, to a war waged or threatened from outside the bounds of the nation imperiled, as distinguished from an internal uprising or insurrection of the citizens or subjects of the nation against which the warlike movement is directed.

It was clearly intended by the language used to preserve the sacred right of revolution asserted in the Declaration of Independence, and no attempt has been made by anyone, upon analysis to assign any other significance to it. Indeed, neither of the two eminent Senators mentioned has ventured to call the attention of his colleagues or the country to the qualifying expression "external aggression" in the article they so fiercely denounce or to harmonize its use with the import they assign to the article. I find it difficult to understand this silence on their part. It would seem as though one occupying the position of either, who for the enlightenment of his countrymen on a matter of such transcendent importance to them assumes to act as the expositor of this great covenant, would either offer some explanation accounting for the use of the language in question consistent with the interpretation he gives to the Article, or would hasten to assure them that he had spoken unreflectingly and receded from the position he had taken in reference to it.

It is a perfectly gratuitous assumption that the political map of the world can never undergo any change unless nations are permitted to wage aggressive warfare against each other. All South and Central America revolted and the several independent Governments thereof established themselves within the territory forming part of the vast domain of Spain, except in the case of Brazil, which asserted and maintained its independence against Portugal, of whose territory it formed a part. Were the league in existence when these great changes were occurring, neither Spain nor Portugal could have called upon any other nation signatory to the treaty for aid in keeping her colonies in subjection. Article 10 would have offered no obstacle whatever to the transformation had the league been operating when the events transpired in consequence of which a whole continent and more was changed from colonial dependencies to independent Republics.

Florida passed, by peaceful purchase, from the dominion of Spain to become an integral part of the United States. Louisiana, out of which have been carved ten great States of the Union, was not acquired by conquest, but by purchase. Alaska, once a part of the great Russian Empire, became United States territory in like manner. A portion of Arizona was purchased of Mexico; the Danish West Indian Islands only recently became a part of our possessions by purchase; and the Canal Zone was transferred to us by the Republic of Panama upon various considerations, including our guaranty to preserve its independence and territorial integrity as against all external aggression. The Sandwich Islands were annexed on the solicitation of the people thereof, at least that portion which controlled its Government. The German Empire was constituted by the voluntary act of the various Kingdoms and principalities that fell under the domination of Bismarck and his royal master through the events leading up to and culminating in the Franco-Prussian War. After centuries of vain effort by England to subjugate Scotland, the two countries coalesced through the act of union of the Scottish Parliament in 1607, James then being the sovereign of both Kingdoms. Sweden and Norway, becoming united through the Napoleonic wars, peaceably separated in 1905. The colonial possessions of European countries in various parts of the world were acquired largely through discovery and colonization, not by conquest.

It is conceded, of course, that changes in territorial bounds or the obliteration of nations through foreign aggression, if the league shall prove a success, can not occur. The very purpose of entering into it is to prevent any nation from robbing its neighbor. But changes will continue to be wrought, as they have been in the past, by peaceful negotiation between independent nations as well as by internal commotion or revolution, both in the form of the government and in the jurisdiction over which any particular nation exercises its sway. Siberia may separate itself from Russia and proclaim and maintain its independence; Ireland or Egypt may revolt and a new republic arise administered from the banks of the Liffey or the Nile. Article 10 constitutes no obstacle, nor would any nation by reason of any obligation incurred by virtue of it be required to lend any aid whatever to Russia in the one case or to Great Britain in the other. It is against external aggression only that our country is asked to bind itself to extend aid. The covenant in that respect is to all intents and purposes like the special treaty into which we are asked to enter with France, by which we promise to go to her aid should Germany make war upon her, only the French treaty specifically mentions certain acts preparatory or threatening in character upon the part of Germany upon the occurrence of which our active assistance may be called for.

It is in preserving the right of revolution that the covenant is distinguished from the Holy Alliance of which so much has been heard in this debate. Whatever may have been its pious phrases or whatever professions of altruistic purposes may have been voiced by it, the world knows now, as indeed it knew at the time the convention was entered into, that the real object of those whose work it was was to preserve the monarchic institutions and despotic rule that characterized the time against the rising tide of democracy, swelled by the success of our revolution, and suppressed but not subdued by the collapse of the effort to establish a republic in France.

But it is asserted, though Article 10 does not obligate one member to aid another in suppressing an insurrection of its own citizens or subjects, yet should a revolution among such be set on foot and another country should come to the aid of the revolutionists and with them make war upon the nation thus assailed, it would be the duty of all other members of the league to join it in repelling the aggressor, thus uniting its forces with the rebellious nationals of the imperiled State, and in this connection it is asserted that were such a convention in force when the American colonies of Great Britain revolted we should never have gained our independence.

It might be said in this connection that the twentieth century is not the eighteenth. A scheme to preserve the peace of the world built upon the important fact that the great nations of the earth are self-governing democracies obviously would not fit in with conditions as they existed when the stupid and obstinate George III and his ministers, kindred spirits, drove the people of the Colonies into rebellion.

If present-day notions prevalent in England of government in her colonies beyond the seas were dominant in the eighteenth century, there probably never would have been any American Revolution. But I deny that but for the aid of France we should never have achieved independence. It was in the year before our alliance with that country that Chatham said in the House of Lords:

> I know that the conquest of English America is an impossibility. You can not—I venture to say it—you can not conquer America. You may swell every expense and every effort still more extravagantly; pile and accumulate every assistance you can buy or borrow; traffic and

barter with every pitiful German prince that sells and sends his subjects to the shambles of a foreign prince; your efforts are forever vain and impotent.

And two years before, in another speech before that august body, he adopted the language of a friend familiar with America, who said to him that—

You might destroy their towns and cut them off, perhaps, from the superfluities, perhaps the conveniences, of life; but that they were prepared to despise your power and would not lament their loss while they have their woods and their liberty.

Lecky, the historian of England in the eighteenth century, says:

To any statesman who looked upon the question without passion and without illusion it must have appeared evident that if the English Colonies resolved to sever themselves from the British Empire it would be impossible to prevent them.

Incidentally it may be remarked that under the league of nations it would have been impossible for England to have employed mercenary Hessians to reduce the colonies, 30,000 of whom were sent here. It is not improbable that but for their aid the war would have been over before the alliance with France was negotiated. This desperate resort of the King and his ministers was resolved upon only because there was a complete absence of alacrity and enthusiasm in England in enlisting for the war, and an offer to take Irish Catholics, until now excluded, into the army yielded nothing. Moreover, we must not deceive ourselves into the belief that France was actuated by an exalted sentiment of sympathy with our oppressed people engaged in a noble and arduous struggle for liberty. In the announcement to the commissioners of the King's determination to recognize the new State, it was expressly declared that the French Government entered into the new relation with the infant Republic from no purely disinterested motives in favor of the Americans, but on the ground that it was manifestly to the interest of France that the power of England be diminished by the separation of the colonies. It will be remembered that it was only 15 years before that the great territorial possessions of France in the New World were wrested from her by Great Britain and the colonies of the former in hither India passed in like manner to her rival.

I have no disposition to minimize the invaluable aid we had from France in the War for Independence nor to abate one jot or tittle from the just claim she has upon our gratitude because of it. Undoubtedly the successful termination of the struggle was hastened by her participation in it. The comments indulged in concerning her joining us in that war were made, first, to indicate how difficult it is to conceive of a league of nations in operation in the world of that day, ruled, as it was, not by self-governing democracies, but by intriguing monarchs exercising autocratic power and dominated by the idea of conquest, and, second, to emphasize the fact that the history of the world affords few examples of a nation, from wholly disinterested motives, from a genuine sympathy with the oppressed and in a holy love of liberty, coming to the aid of revolutionists striving to establish their independence.

The intervention of the United States in behalf of the Cuban insurrectos was proclaimed by our orators at the time as being unique in that regard, and yet we came out of it with Porto Rico and the Philippines to balance the cost of the war, and Cuba, which it was long feared might some time become a base of military operations against our country, bearing such a relation to us as to remove largely that peril. On the other hand, ambitious monarchs with imperialistic aims have often excused their invasion of the territory of friendly neighbors upon the pretext that they came to assist rebellious subjects struggling against oppression to regain their ancient rights and liberties. History is so replete with the story of wars thus precipitated as to make it unnecessary to particularize. In many instances the uprising was fomented from abroad in order to afford an excuse for intervention that culminated in conquest.

It can not be denied that theoretically Article 10 may prove an obstacle to the establishment of the independence of subject people by denying to them the cooperation of sympathetic nations. Admonished by the lessons of history, the obstacle must be regarded as negligible. I am disposed to accord those opponents of the league of nations who assail the covenant on that ground, every just credit to which they may be entitled for devotion to the cause of liberty the world over, and I entertain no doubt that in most instances it is a genuine and deep-seated sentiment. It is a trait of the American character in which we all share, though some parade it less than others. But it is worthy of remark that those who most stoutly assail this feature of the covenant avow with equal vehemence and insistence that we must "keep out of the quarrels of Europe." In one and the same breath they assert, in effect, that if Ireland should rise in revolt against the tyranny of Great Britain we would violate the most sacred precepts of the fathers by participating in the strife, even in aid of the Irish; yet they declaim against Article 10 because by it we agree not to do so. They assert that if Germany should undertake 10 years hence, or 6 months hence, for that matter, to reduce Poland, or if Prussia, Russia, and Austria should arrange a new partition of the young republic and proceed to execute it by force of arms, we violate Washington's sage counsel by intervening with other members of the league to prevent it, yet they profess themselves the only true friends of struggling freemen.

The senior Senator from Idaho enjoys the good fortune of being regarded as the champion of Irish independence, and yet at every opportunity he protests, as he did no later than Friday last, that the United States should never under any circumstances interpose in any European controversy—that is, as he expressed it, should "stay out of European affairs."

It is not difficult to discern in the discussions in relation to Article 10 a studied effort, usually insidious, but not infrequently direct, to arouse the prejudices of our citizens of Irish birth or descent against the league. "Take the case of Ireland purely for the purpose of illustration," say these shrewd disputants. "Suppose Ireland were to rise in rebellion and some other country were to come to her aid, and with her jointly make war upon England, would not the United States then be obliged to go to the aid of the British Empire?"

Before entering upon the line of thought opened up by this inquiry, propounded, in substance, recently by the junior Senator from Washington, whose opposition to the league is, like that of the Senator from Idaho, fundamental and irreconcilable, I indulge in some reflections concerning the sentiments of the people of the United States toward the people of Ireland in their efforts, extending through the centuries, to relieve themselves of an offensive alien government. In this connection I venture to assert, with the very highest respect and even affection for the two Members who uttered them, that there is little concurrence in the hearts of the American people in the strictures lately uttered on this floor on the action of the Senate in expressing sympathy with the aspirations of the Irish for a government of their own choice. I do not agree that there was either impertinence or impropriety in the expression, for reasons to which I shall advert. It will be profitable to both this country and Great Britain, in their relations to each other, if the latter can be made to understand how deep-seated on this continent is the hope feebly expressed in the resolution. It is a disservice to her as well as to the United States to encourage the belief that the resolution reflects only the sentiments of a fraction of the American people, or that it is confined to those of Irish birth or blood, or the irreconcilables among them, or that the resolution represents only a competition among contending political parties for the "Irish vote" and has no other significance.

The sympathy of the people of this country, as stated, goes out spontaneously to every submerged nationality aspiring to an independent life. But there are abundant reasons why that sympathy is particularly keen in the case of the Irish. It is not alone that there are in this country at least 20,000,000 of Irish birth or Irish ancestry, whose desire as American citizens to preserve peace between the United States and the British Empire is forever at war with the feeling engendered by the story of the impartial historian of British misrule in Ireland and barbarous oppression of the Irish. The feeling of kinship dates back to the days of our own struggle for independence. The very fight that was being waged here culminating in the break was at the time in progress in Ireland. It had its parliament as each of the American Colonies had its legislature or assembly. British statesmen asserted the right of the Parliament of Great Britain to tax Ireland and generally to regulate its affairs exactly as they contended it had the right to impose whatever burdens it thought fit upon the American Colonies. The right thus asserted had been exercised so freely and harshly as to be grievously repressive of Irish industry and to drive the so-called Scotch-Irish in great numbers to America, while the penal laws, which Montesquieu declared "could have been made only by devils and should be registered only in hell," caused their Catholic brethren to seek the same asylum. Swift, Flood, and Grattan had successively led Irish opinion in protest against the same usurpations with reference to Ireland of which the American patriots complained. Franklin visited Dublin on the eve of the outbreak, before independence was seriously contemplated, to confer with Irish leaders over common wrongs. The Continental Congress, assembled speedily after the engagement at Lexington, on July 28, 1775, adopted an address to the people of Ireland in justification of the course of the Colonies, in which their official representatives said:

Accept our most grateful acknowledgments for the friendly disposition you have always shown toward us. We know that you are not without your grievances. We sympathize with you in your distress * * *

and we acknowledge, with pleasure and gratitude, that your nation has produced patriots, who have nobly distinguished themselves in the cause of humanity and America.

The struggle against the pretensions of the British Parliament to "legislate in all cases whatsoever" throughout the Empire went on contemporaneously in Ireland and in America, each being mutually helpful to the other. Beset by enemies at home and abroad, Spain having recently become a participant in the war, the English Parliament, by an act passed in 1782, recognized, in effect, Grattan's contention "that his most excellent majesty, by and with the advice and consent of the lords and commons of Ireland, are the only power competent to enact laws to bind Ireland." The negotiations for peace with America were even then pending, and Greene says that—

The grant of independence to the one great dependency [Ireland] made it easier to recognize the freedom of the other [America].

The substantial independence of Ireland thus gained was of short duration, however. In the year 1800, during the ministry of the younger Pitt, the Irish Parliament, in which, it may be remarked, no Roman Catholic was eligible to membership or permitted to sit, upon the solicitation of the British ministry passed the so-called Act of Union, by which it ceased to exist and the power to legislate for Ireland was transferred to the Parliament sitting in London. The historian last referred to—a standard English writer, bear in mind—tells us that the assent of the perfidious Irish representatives was "bought with a million in money and with a liberal distribution of pensions and peerages," and he adds that "base and shameless as were such means, Pitt may fairly plead that they were the only means by which the bill for the union could have been passed." From that day to this the agitation has gone on to undo the work thus consummated. O'Connell, whose transcendent genius Wendell Phillips disclosed to America, devoted his life to the repeal of the Act of Union. Twenty years after his death the movement, now come to be known as the cause of Home Rule, came under the direction of Isaac Butt, and then of Parnell and his successors. In 1885 Gladstone forfeited the premiership on the defeat in the Commons of his first home-rule bill. He returned, however, and secured the approval by the popular branch of Parliament of the second home-rule bill in 1893, which was, however, thrown out by the Lords by a vote of 419 to 41.

The opposition of the aristocracy of England being inveterate, notwithstanding the cause had the approval of the masses, it became necessary to re-form the English constitution so as to deprive the House of Lords of its power of veto. This was accomplished in 1911 when an act was approved providing that if a bill should be passed by the Commons in three successive sessions it should become a law without the concurrence of the Lords. Thereupon a home-rule bill was three times passed, being rejected by the Lords on its presentation to them by a vote of 326 to 69, the tedious proceedings being prolonged until the eve of the Great War.

Meanwhile the ultimate effective passage of the bill being assured, its antagonists in Ulster, the northern Province of Ireland, under the leadership of Sir Edward Carson, began preparing to resist by force of arms the institution of the new government. Guns and ammunition were with scarcely any attempt at concealment imported from Germany and "volunteers" were drilled for the approaching conflict. When the nationalists, to meet this situation, at which the Government winked, did a little gun running on their own account, a number were ruthlessly shot down by the soldiery. Sir John French and other officers holding high command in the army exacted a promise from the ministry that they should not be called upon to coerce Ulster, and when the vacillating ministers endeavored to withdraw their agreement he resigned. The storm in Europe having broken, the home-rule bill was suspended for a year, or the duration of the war. Carson was rewarded for his treason by being made attorney general and French for his insubordination by being assigned to a major command on the Continent. In desperation the Irish people have resolved to make no further appeal to the British Parliament, or send representatives to it, but to set up a government of their own, to yield obedience to no other but upon compulsion, and to appeal to the judgment of mankind to sustain them in their resistance to a Government that supinely—I almost said pusillanimously—permits itself to be overawed by a fraction of one of the four Provinces of the island, and that hangs one class of its citizens for deeds that bring rewards to another. In this resolve there is substantial unanimity, as disclosed by recent elections, save among the Protestants of Ulster, whose forbears were planted there to insure the permanency of English rule, and who, it may be remarked, constitute little more than a majority of the population of that Province—900,000, approximately, as against 700,000 Roman Catholics, who make up three-fourths of the total population of the island, numbering about 4,000,000.

In this recital of facts of contemporary history I do not rely upon any partisan chronicler. "I tell you that which you yourselves do know," or which you can ascertain readily from any of the ordinary works of reference.

Why should not the American Senate, in the exasperating state of affairs briefly reviewed, express its sympathy with the aspirations of the people of Ireland in a struggle so intimately associated with that through which our independence was achieved? This sentiment is no recent growth. It is

* * * no sapling, chance-sown by the fountain
Blooming at Beltane, in winter to fade.

At the climax of the agitation carried on by O'Connell for the Repeal of the Act of Union in 1843, monster meetings, indicative of popular accord, were held in the principal cities of the United States, at which addresses were made by many of the leading statesmen of the day. The common conviction and hope of the people of this country were voiced by President Tyler, who said:

I am the decided friend of the repeal of the Legislative Union between Great Britain and Ireland. I ardently and anxiously hope that it may take place, and I have the utmost confidence that Ireland will have her own parliament in her own capital in a very short time. On this great question I am no half-way man.

We hastened to express to them our sympathy when we were fellow sufferers and felt in need of their moral support in our resistance to alien rule. Why should we not now express the hope that is general, if not universal, in this country that they may soon realize their hope of a government of their own choice? We have earned the right to speak at least with the frankness of a friend to Great Britain, remembering that but two short years ago her representatives were here, virtually confessing defeat in the war and frantically appealing to us to hasten into the fray, lest all should be lost before our aid could be made effective.

We have earned the right to say to her that her treatment of Ireland is a constant menace to the amity we are desirous of preserving unimpaired between the two countries.

There is not a controversy that arises between them, however trivial in fact, the seriousness of which is not magnified by reason of the irritating factor of Ireland's wrongs. Some day an inconsequential blaze may be fanned into a conflagration. Should any dispute with Britain ever arise upon which the people of the United States are otherwise nearly evenly divided, it is scarcely disputable that our citizens of Irish blood would be found massed against a peaceful settlement, not because they are willing to involve this country in the horrors of another world war with the sole object of securing independence for Ireland, but because they would approach the consideration of the question from the standpoint of American interest and honor, with an inherited prejudice against Britain, which, unfortunately, recent action and inaction touching Ireland have done little to eradicate.

The present controversy over the treaty and the covenant, and particularly Article 10 thereof, is illustrative of the idea I attempt to elucidate. The only element in this country among whom the opponents of the league have met with any marked success in their efforts to discredit it is the Irish, with whom, it is evidently believed, and not without reason, that it would be effective to charge that British statesmen had a hand in preparing the covenant, and played no unimportant part in devising the scheme submitted for our approval, as a part of the treaty.

There are individual opponents of the league, many of them; but no particular *class* of our citizens is arrayed against it except the Irish, many of whom, including men of the most conservative habits of thought, of high character, and distinguished ability, whose services throughout the war have been of inestimable value, are bitter against the entire work of the Peace Congress, which gave freedom to practically every submerged nation of Europe except the Irish. The thoughtful recognize that the people thus favored occupied territory which belonged to the subjugated nations—enemy territory of which the congress was obliged to make such disposition as would most certainly assure the future peace of the world, having in mind that we had encouraged rebellion in those parts and incited their people to set up independent governments, the more speedily to bring the conflict to a successful close. The nations assembled at Versailles were all interested in organizing the liberated peoples into buffer States. They could say to Germany and to Austria, "Sign here." They could not say so to Great Britain. She had not been conquered. Moreover, no nation, save our own, appeared to have even a sympathetic interest in Ireland. Notwithstanding these considerations, even the conservative class mentioned are not happy over the outcome.

I join in the assertion that there is no people and no nation to which the principle of self-determination is more distinctly applicable than to the Irish people and Ireland. It is refreshing to note that the peril in which our relations to Great Britain stand from the cause to which I have adverted is being recognized by her statesmen and publicists.

In a recent address Gen. Smuts said that the most pressing of all questions before the Empire is the Irish question, and he added:

> It has become a chronic wound whose septic effects are spreading to our whole system, and through its influence on America is beginning to poison our most vital foreign relations. * * * Unless it is settled on the great principles which form the basis of this Empire, this Empire must cease to exist.

In one of a series of letters recently appearing in the London Times, reproduced in American journals, advocating the immediate grant of dominion home rule to Ireland, is this significant comment:

> At the center of the Empire is the weakness of the Irish quarrel. It is felt at its farthest confines; it hampers our foreign policy; it is an open breach for our enemies. The British people can not afford to wait. A disease which restricts action can not afford to wait.

If we have no duty in the premises we may with entire propriety say to Great Britain that we are looking to her promptly to apply the principle of self-determination, announced by President Wilson and indorsed by her in her hour of extremity, to Ireland.

Having said thus much, I return to the inquiry of the Senator from Washington. "How about Ireland? If its people should rise in rebellion and some other nation should come to their assistance and with them make war upon England, would not the United States be obligated to aid in repelling the attack?" Undoubtedly. That is the plain requirement of Article 10. But if Ireland *should* attempt to establish her independence against Great Britain by force of arms, what country other than the United States is likely to go to the aid of the former? Germany? She is reduced to military impotence, and we believe we have made it impossible for her to make headway for at least a century against either France or Great Britain. France? Plainly she is not and has not been at any time for over a century a match for Britain, whose fast ally she now is. Russia? When she was a power in Europe and the rivalry of the two nations over territory in Asia gave rise to the bitterness expressed by Kipling in the poem of the bear who walks like a man, she prudently avoided an open conflict with England—at least since the Crimean War.

But let us be guided by the lessons of history. Spain joined forces with the Irish revolutionists in 1603, and yet Ireland did not secure her independence. France under Louis XIV came to their aid in 1688, but, though the Irish gained undying fame under Sarsfield, independence was not achieved. France again sent aid to the revolutionists of 1798, but the effort of that year was a failure. The Napoleonic wars rocked Britain to its base, and Pitt suicided in dismay at what he conceived to be the approaching dissolution of the Empire, but the occasion afforded Ireland no opportunity of which she was able successfully to avail herself. And now we have witnessed Britain threatened by the aspirations of the mad militarists of Germany, the most powerful organization for the purposes of war that ever turned the glad earth into a very hell, but the occasion brought only additional martyrdom to Irish patriots.

I had a letter from a gentleman residing in Detroit, a very respectful letter, condemning my attitude on the league of nations, because, he said, if Ireland should rise in revolt and Spain were to come to her aid we should be obliged to make war on Spain. It is difficult for one to reason with a mind which conceives of Spain engaging in any such enterprise. The people of Spain have not, in modern times at least, exhibited that deep devotion to the cause of liberty in the abstract or attachment to their Hibernian brethren which might warrant imaginative minds in supposing that they might be willing to commit national suicide by waging war on Great Britain to secure the independence of Ireland.

No single nation, save the United States, is to-day in the same class as a military power with the British Empire. There must be a union of powers against her to afford the opportunity which it is said Article 10 denies to Ireland; in other words, another world war. Are Senators prepared to leave open for fomentation another world war on the chance of a change in the government of Ireland? Let me remind them again that in two world wars by which the earth was devastated since we became a Nation, Irish independence was not attained. What reason is there for believing that the next will be more fortunate in that respect?

I am a Senator of the United States, a representative of the people of Montana. If I am satisfied, as I am, that the future peace and well-being of this country will be promoted by entering into this covenant, devised in the hope that war may be no more, what right have I to hesitate because of the bare chance that at some remote time in the future, under conditions which no man can foresee, out of another world war, Ireland may emerge a free nation? I prefer to hope that the end may be attained some other way. If it is said the hope is vain, I reply that the history of 700 years establishes that the one we are said to close is no less so.

If we permit ourselves to reflect as practical men, dismissing the chimera considered, there will be found some advantage even to Ireland in the covenant and even in article 10. If there is a valid excuse for the continuance of English domination over Ireland, it is that otherwise the latter would become a base of military operations against her by any enemy of Great Britain. At least it is speciously assigned that an independent Ireland could be reduced speedily by any foe of the former and afford him a convenient base.

In one of the Times articles to which reference has been made, in which dominion home rule is advocated as against an independent republic, the writer asserts that the latter is impossible, and adds:

> It would be superfluous to investigate the reasons in detail. The most cogent of them are strategic and concerned with British inviolability, and the safety of British trade routes. Even were Ireland friendly, the peril involved would be great.

As under article 10 an independent Ireland would be guaranteed by all the world against attack from an outside quarter and England, in like manner, even from an enemy operating from Ireland, that argument loses whatever force it has. The fragile structure of England's justification for the perpetuation of the present relation would lose its main prop.

Moreover, Article 11 would afford Ireland an opportunity, either directly or through a friendly power, to bring her claims to the attention of the league. It is as follows:

> Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise, the secretary general shall, on the request of any member of the league, forthwith summon a meeting of the council.

I have heretofore expressed the view that under that article the council can only advise, that its purpose is to afford a forum before which any condition likely to disturb the peace of the world may be discussed.

The contention advanced rather than argued on the floor that under it the league could aid or call on its members to aid in suppressing insurrection is utterly inadmissible. I suspect that Senators having hastily expressed the view that our country bound itself on entering the league to aid in suppressing rebellion within the dominions of another, having Article 10 in mind, and finding that contention refuted by its plain language, they sought to justify the untenable position taken by reference to Article 11. It will be observed that the nations obligate themselves in unmistakable language in Article 10. They do not agree by Article 11 to do anything. They clearly defined and narrowly limited the power of the council in the case of a war of aggression contemplated by Article 10. Its power in such case is simply to "advise upon the means by which this obligation shall be fulfilled." Article 10 is superfluous if the contention referred to be sound. Why should the nations entering into the covenant cautiously frame Article 10 so as to bind themselves by its terms only to preserve each other from external aggression, if by Article 11 they were obligated at the call of the council to protect each other from internal uprisings as well? Why should they carefully limit the council by Article 10 to advising simply upon the means by which the obligation thereof shall be fulfilled, if by Article 10 it is invested with plenary power? Observe that by Article 10 it is not the league that guarantees to preserve each member against external aggression, as the United States, by the Constitution, guarantees to each member of the Union a republican form of government and to protect it against invasion, but the members of the league undertake, each severally, undertakes, as in Article 10 recited. The reason for this distinction is obvious. The Government of the United States, it was contemplated by the Constitution, was to have an Army and a Navy. It was to be provided with the means whereby the protection which was guaranteed could be afforded.

The league having no army nor navy and no means of securing either did not make any guaranty, entered into no obligation by Article 10 further than to advise as to the means by which the obligation entered into by the members—by each member—should be fulfilled, a provision inserted in the covenant obviously to promote harmonious action. Article 11 must be interpreted in the light of this situation. The league can not

make war, having no means to do so, and none of the nations entering into the covenant have bound themselves therein to engage in war, or, for the matter of that, to do anything else. Accordingly, when it is said therein that the league "shall take any action that may be deemed wise and effectual to safeguard the peace of nations" it can not mean that the league is empowered to do anything more than to advise or recommend. The same may be said of the clause in Article 3, to the effect that "any matter within the sphere of action of the league or affecting the peace of the world" may be dealt with at meetings of the council. A forum is provided by Article 11 through which the opinion and judgment of the world may be invoked.

It is suggested, however, that the opportunity thus opened is withdrawn by the later provision found in Article 15, which deals with the case of a dispute arising between two members of the league, as follows:

If the dispute between the parties is claimed by one of them, and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report and shall make no recommendation as to its settlement.

This paragraph, it will be recalled, was not found in the original draft. It was incorporated in the revised draft in the vain hope that American critics of the league might be appeased. It will be noted that it does not forbid the council to *hear* the cause, but simply precludes any recommendation as to the settlement of the dispute.

It is by no means indisputable, either, that the institution of a new system of government in Ireland, in view of the consideration heretofore dwelt upon, is a *purely* domestic question. We declined to regard the revolt in Cuba, which resulted ultimately in its independence, as such, so intimately did the conditions affect the life of our own people. Gen. Smuts recognizes quite clearly, as is to be gathered from his observations heretofore quoted, that the question has an international aspect.

It may not be inappropriate in this connection to remark that though the covenant in various provisions employs the very language of the draft submitted by Gen. Smuts, a circumstance which led the Senator from Idaho to assert, doubtless accurately, that it was the one which became the groundwork of the covenant, there was no equivalent for Article 10 in the Smuts plan, a sufficient refutation of the charge that it was cunningly inserted especially to insure the integrity of the British Empire.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Will the Senator from Montana yield to the Senator from Minnesota?

Mr. WALSH of Montana. Certainly.

Mr. KELLOGG. If the Senator prefers, I will wait until he is through.

Mr. WALSH of Montana. No.

Mr. KELLOGG. I wish to ask the Senator one or two questions with relation to the construction of article 10, if he has finished with that.

Mr. WALSH of Montana. I shall be very glad to yield to the Senator at this time.

Mr. KELLOGG. I wish to ask the Senator what he deems the proper construction of article 10, as to whether he agrees with the Senator from Virginia [Mr. SWANSON], whose statement I now read? Referring to article 10, and especially the latter part of it, the Senator from Virginia said:

This insures that the burden under this article will be fairly and properly distributed. While each member of the league makes a solemn pledge of mutual protection, yet each reserves its right of judgment as to duty and obligation in each case as it arises and the means by which it shall be discharged. Thus, under article 10, no troops of the United States could be sent to engage in war without the advice of her representatives in the council and the approval of her Congress. This insures us against undue burdens and impositions. It leaves the extent of our moral and political obligations to our own sense of honor, and we ourselves measure the just demands upon our plighted promise.

Does the Senator agree with that statement?

Mr. WALSH of Montana. Of course, it would be rather difficult for me to attempt to analyze everything said there, but I agree, as I have been able to follow it, with the general idea expressed in the language quoted by the Senator.

I may say to the Senator, however, that I went into that question at some considerable length, as the Senator may recall, in an address which I delivered to the Senate on June 11, and my views about the matter are very tersely expressed in this brief paragraph which I read:

Article 10 is unassailable on constitutional grounds. In its substantive part it is, to all intents and purposes, a treaty of alliance. It concludes, "In case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled."

Then I add:

The purpose of this clause is obviously to secure concert of action, but it is left to each nation to determine for itself the recommendation of the council, notwithstanding whether the occasion calls for action in fulfillment of its obligation and how that obligation ought to be discharged.

Mr. KELLOGG. Is there not under the first provision of the article an absolute promise to guarantee the territorial integrity and political independence of every country a member of the league without regard to the second provision?

Mr. WALSH of Montana. Undoubtedly that is true.

Mr. KELLOGG. And if it is necessary in carrying out that promise, does the Senator from Montana understand that we would be obliged to send an Army to any country requiring that Army to repel external aggression?

Mr. WALSH of Montana. There is a possibility beyond question. I have so stated.

Mr. KELLOGG. But I understand the Senator from Virginia [Mr. SWANSON] claims that not only are the recommendations of the council advisory merely, but as to the extent of our obligation it is for the Congress of the United States to determine the justness of the demand.

Mr. WALSH of Montana. I agree with that.

Mr. KELLOGG. Then there can not be an absolute obligation to send an Army any time we are called upon.

Mr. WALSH of Montana. Undoubtedly we are obligated to carry out that agreement and preserve the territorial integrity and political independence of every member of the league. Now, some member of the league may feel that its independence or its territorial integrity is imperiled by a certain power and may call upon us to redeem our obligation. It is for the Congress of the United States to say whether the conditions require us under that to send the Army.

Mr. KELLOGG. For instance, take the case of Ireland. If some country should come to Ireland's assistance in a rebellion against England and England should call upon us for an Army, it is not the view of the Senator from Montana that we should shock the public conscience of this Nation by sending an Army, but that Congress at that time should judge of the justness of the cause and whether we were required to send it or not.

Mr. WALSH of Montana. No; the Senator can not so understand me. That is not the situation at all. We will put a situation. Ireland rises in insurrection, Spain is mobilizing her army, and England says, "We are endangered by this mobilization of Spain's; it is directed against us; come to our assistance." We take advice from our representatives in Spain, who tell us that that is not the purpose of the organization at all, that they are just out there training. The Congress of the United States will determine whether the occasion has arisen for carrying out that obligation or has not arisen.

Mr. KELLOGG. And if Congress determines the occasion has not arisen, we have not violated our contract. Is that the view of the Senator?

Mr. WALSH of Montana. Certainly we have not.

Mr. KELLOGG. Then it must be left, in the Senator's view, for Congress at the time to decide whether the United States will come to any nation's assistance.

Mr. WALSH of Montana. Whether that obligation is actual at that time and whether we are called upon to aid or not. Who else would decide it?

Mr. KELLOGG. I agree not with that position, but that we have the constitutional power to enter into a treaty of alliance. I do not doubt that at all, but the advisability of entering into such a treaty is entirely another proposition.

Mr. WALSH of Montana. I am very glad the Senator has opened up that inquiry, because he knows perfectly well that ofttimes one nation having a treaty of alliance with another would call upon the other to make good its obligation under the treaty of alliance, and the other would say, "We do not think the conditions require it."

Mr. WILLIAMS. Germany and Italy during this war, for instance.

Mr. KELLOGG. I think we should consider with great care any clause in any treaty which calls upon this country to send an Army to maintain the integrity of all the nations of the world in these troubled times.

Mr. WALSH of Montana. I quite agree with the Senator that we ought to carefully consider every single provision of this covenant before we give our consent to it.

Mr. JONES of New Mexico. Mr. President——

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

Mr. WALSH of Montana. Certainly.

Mr. JONES of New Mexico. May I not suggest that article 10 only obligates us to preserve the independence of the other countries, but does not specify the agencies which shall be employed in such preservation; and would it not be a very proper question for the United States at the time to consider whether war is necessary at all or not?

Mr. WALSH of Montana. Undoubtedly; the Congress of the United States might conclude that they could fully meet the requirements of the case by economic pressure, by an embargo, and that would fully meet the obligation of article 10.

Mr. KELLOGG. Mr. President, if the Senator will permit one other question, I do not understand the Senator to claim that under article 11 there is any obligation to engage in war or abide by any recommendation?

Mr. WALSH of Montana. On the contrary, I assert that there is not. That contention, however, if I may be permitted to designate the names, is made by the Senator from Illinois [Mr. McCORMICK] and the Senator from New Mexico [Mr. FALL].

Mr. KELLOGG. I have never made any such assertion.

Mr. WALSH of Montana. No; I fully exonerate the Senator.

SHANTUNG.

The provisions of the treaty in relation to Shantung have become the subject of spirited controversy. It is insisted that they not only work a grievous wrong upon China, but that under Article 10 the United States obligates itself to perpetuate that wrong by guaranteeing to Japan the title to the peninsula which she acquires by the treaty. It is aside from the subject of this discussion to canvass the demerits of the provisions themselves. I say demerits, because if they have any merits I have been unable to discover them. I concern myself with the attack on Article 10 in connection therewith. It is no secret that the provisions in question are assailed as a part of the effort to reject the treaty to accomplish the defeat of the covenant for a league of nations with which the name of President Wilson is so intimately associated, rather than to vindicate any injustice done to China. From this general statement an exception should, perhaps, be made as to the junior Senator from Nebraska.

I assume, for the purpose of discussion, that Japan acquires virtual sovereignty over the entire Shantung Peninsula, that China was robbed of this territory by Germany, of which I entertain no doubt, and that in justice it ought to be restored to the former and not confirmed to Japan, now occupying it, having taken it from Germany with her other possessions in the East. This was a substantial contribution to the general happy result, among other things, making relatively safe the transport of troops across seas from Australia, New Zealand, and the Orient generally. But it was taken from China and ought to go back to her, as the so-called gentleman's agreement admits it should, and as Japan has promised in her treaty of 1915 with China it should. But we are not left in doubt that Japan insisted upon retaining whatever rights Germany acquired by virtue of her treaty in 1898 in the peninsula. It is understood that a secret treaty was made with Great Britain and France on her entering the war that Japan should thus profit in the event of victory, and though our representatives were under no obligation to respect that treaty, or any other secret treaty between the Allies in the disposition of conquered territory, it is comprehensible how the representatives of Japan should attach such importance to it in the partition, and particularly how the Japanese at home should. Their plea for the recognition of racial equality had been rejected. According to current report they made accession to their demands with reference to Shantung the price of their further participation in the deliberations of the Congress. Naturally British and French representatives, considering their treaty, were disposed to acquiesce. China had equally agreed by her treaty of 1915 with Japan that the latter should succeed to the rights of Germany in Shantung, but insisted that she had been diplomatically forced into that treaty. President Wilson eventually yielded that Japan might be induced to come into the league. That is what hurts. "Wilson saved the league by giving Shantung to the Japs" expresses equally malice toward the builder and his creation.

Mr. NEW. Mr. President, will the Senator permit a question?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Indiana?

Mr. WALSH of Montana. Certainly, I yield.

Mr. NEW. As I understand the Senator, the price asked of us in order to obtain Japan's membership in the league of nations was our acquiescence in the effort to compel China to give up the Province of Shantung to her most feared enemy. Is that correct?

Mr. WALSH of Montana. I assume for the purpose of discussion that that was the case.

Does the Senator from Nebraska [Mr. NORRIS], who professes his attachment to the plan of a league of nations, believe that had he been the negotiator or had we been represented by some other statesmen at Versailles, the hold of Japan on Shantung would have been loosened, either with or without a covenant for a league? He asks us to reject the treaty. Does he believe that further negotiation with Japan, at another congress, will right the wrong of which he complains?

Mr. WILLIAMS. Mr. President, I wish to ask the Senator a question in connection with what the Senator from Nebraska [Mr. NORRIS] would have done if he had been in Paris instead of Mr. Wilson being there at the time. If the Senator from Nebraska had been clothed with the authority and the President had been here at home, suppose he had undertaken to bluff Japan out of Shantung, how could the bluff have been followed up except by a threat of war, and how honorably could a threat of war have been followed up except by war? So I should like to know whether the Senator from Nebraska would be willing to put the selective draft upon the American people in order to take Shantung back from Japan and give it to China, because Japan is now in possession, at any rate, whether rightfully or wrongfully.

Mr. WALSH of Montana. I was about to express the same idea.

Mr. WILLIAMS. I beg the Senator's pardon for anticipating him.

Mr. WALSH of Montana. If the treaty is rejected, Shantung remains with Japan and will remain with Japan until she restores it to China of her own free will or until she is compelled to do so by force of arms. Are Senators prepared to make war upon Japan to compel the evacuation of Shantung? China loses no territory by the treaty; she simply does not get back what she lost to Germany 21 years ago. But what does the world gain, what does China gain by the league, and particularly by article 10? Germany has not been the only aggressor against China. England and France have despoiled her. Japan and Russia fought over Manchuria, a Chinese Province. Korea has become Japanese territory. The partition of China is an eventuality to which the world has been looking for a generation. Moreover, ever since the Russo-Japanese War the keenest apprehensions have been felt lest Japan should some day conquer the whole of China or bring it under her dominion in some other way, and with its millions and its limitless resources venture upon the subjugation of the world, precipitating a contest between the white and the yellow races. This is the real "Yellow Peril." Now, while China does not get back Shantung, which she lost 21 years ago, she does get, if she signs the treaty, the obligation of all the civilized nations of the earth, by virtue of Article 10, that never again need she fear the loss of a foot of territory by foreign aggression. Japan has Shantung, keeping it under a more or less indefinite gentleman's agreement to surrender it to China, not to speak of her treaty with that country referred to, but the world has her promise, her solemn treaty obligation, never to violate the soil of China with a purpose to annex a foot of it, and China has the undertaking of forty or more nations of the earth, including its great powers, to come to her aid should the neighborly pact be broken by Japan. The Shantung section of the treaty is not satisfactory, but the compensations are so great that it would be madness—yea, midsummer madness—in our country to reject it on that account.

Perhaps too much attention has been paid to the criticism of Article 10, too little to its merits.

On a former occasion I referred to it as the soul and spirit of the covenant. It is the greatest guaranty of peace that document affords. It is because it is such that those who for one reason or another wish to see the plan proposed defeated or rendered ineffective, if adopted, desire to emasculate Article 10 by "amendments." Its effect was made plain by a colloquy occurring in the debate, in the course of which the senior Senator from Missouri, descanting upon his favorite theme that under the covenant the United States would be called upon to "police Europe," explained that by Article 10, if Bulgaria should make war upon Roumania, the boys of this country would have to go to the aid of Roumania to repel the invader. It apparently had never occurred to him, however, or he had never permitted himself to consider, that the boys of Great Britain would equally have to go—indeed, the boys from every part of the far-flung British Empire, as well as the boys of France and Italy and Spain and Norway and Denmark, of Brazil and Argentina, with those of a half hundred lesser nations—and that Bulgaria, in that situation, would probably take counsel with herself and determine that after all it would be more profitable to submit whatever differences she may have

with Roumania to the arbitrament of the executive council of the league.

If I have any proper conception of the underlying principle of the league, and particularly of Article 10, it is the same as that which has secured peace among individuals comprising a nation or a community. When gold was first discovered in Montana adventurers from all parts of the country flocked there. With these hardy argonauts, the distinctive American type, came also a horde of miscreants who roamed the plains, scourged for their crimes from their former homes, ready to—

Rob, murder, and commit
The oldest sins the newest kind of ways.

There was no government of any kind. Every man carried a gun for the defense of his person and his property and was quick to use it. Soon, however, the law-abiding organized a rude government. In substance, each member of the community agreed to give up the use of his gun except for defense, and each, in effect, solemnly obligated himself to defend the life and property of every other member. The whole community held itself in readiness to be called out at any moment to make good the guaranty. Our annals disclose with what thoroughness the obligation was fulfilled. No man was permitted to be the judge of his own cause and to exact by violence reparation for any wrong done him or which he conceived had been done him. A tribunal was constituted before which he might have a hearing, and which undertook to do justice between him and the party accused. The vital principle of the arrangement was that every man promised at once to come to the aid of any who should be attacked, to hunt down the aggressor and visit upon him punishment befitting his crime, and to do so without any reference to the merits of the controversy, if there were any controversy. A wrong done one was an offense against all.

All government can be traced to the same necessity, and the same tacit understanding, though the development was more rapid and dramatic with us, owing to the suddenness with which remote regions in our great territory became populous. Article 10 is the application of the same idea to the nations of the earth. It is the embodiment of the notion expressed by the senior Senator from Massachusetts in his Union College address delivered on June 9, 1915, in which, advocating the plan of a league of nations to preserve the peace of the world, he said:

Turn it back and forth as we may, there is no escape from the proposition that the peace of the world can be maintained, as the peace and order of a single community are maintained, as the peace of a single nation is maintained, by the forces which united nations are willing to put behind the peace and order of the world.

There are just two ways by which "the forces" of the "united nations" can be "put behind the peace of the world"—either by the creation of an international force, against which public opinion outside of France is generally arrayed, or by an agreement such as that evidenced by Article 10, by which the nations agree to provide the force as occasion shall arise.

Senators profess to fear, even assert, that by reason of the obligation we incur under Article 10, should the treaty be ratified, we shall be continually involved in wars in all parts of the world, often between petty States in whose quarrels we have no concern. But we have been warned by the late war that we may most unexpectedly be involved, however remote from us the scene of initial hostilities may be or though we have no interest whatever in the controversy that precipitates them. Senators lose sight, however, really only seem to lose sight, of the fact that under the operation of Article 10 there can not be the recurring wars of which they declaim. Inadvertently they admit this even in the midst of their denunciations. The junior Senator from Washington, in an address delivered on Independence Day at Rochester, N. Y., pursuing the argument he has so vigorously made in the Senate that the Monroe doctrine is destroyed by the league, vociferated: "The Monroe doctrine has done more to preserve peace for 100 years than all the leagues of nations ever formed." Yes, and how has the Monroe doctrine preserved peace? Because through it the United States declared in effect its purpose to make war upon any European nation that should attempt to violate the soil of an American Republic; because we voluntarily and without any reciprocal agreement or other consideration bound ourselves and avowed our purpose to "preserve as against external aggression the territorial integrity and political independence" of the Republics of the Western Hemisphere.

In his speech of June 17, 1919, the junior Senator from Pennsylvania, in an effort to meet the suggestion that he must at one time have harbored views contrary to those he now avows of the power of our Government to enter into a treaty obligating it to make war, since as Attorney General he acted as the legal adviser of the President who negotiated the treaty with Panama under which its territorial integrity and political independence were guaranteed by the United States, remarked, touching that treaty, that we did not desire to have the territory adjacent to the canal, its "immediate environment," to use his language, "vexed by war." That consideration afforded an additional reason, inducing us, as a matter of policy, to enter into the obligation; but it plainly affects not at all the question of the power of the President and the Senate to enter into the treaty. We might take the view that it would not be to our interest that any territory adjacent to ours should be vexed by war—Mexico, for instance. The treaty before us is founded upon the idea that there is a public policy in seeing, so far as that end can be achieved, that no part of the earth shall be vexed by war. The Senator, for whose ability his colleagues as well as his countrymen have a profound regard, ought to make another attempt to harmonize the views he entertained in 1904 with that he now proclaims, or otherwise remove the evident inconsistency between them. The treaty with Panama accomplished the end which the Senator says the United States had in view in entering into it. The territory adjacent to the canal has not been vexed by war since. Why? Because the United States served notice upon the world by it that we would make war upon any nation that should invade Panama, no matter what provocation it might have. Here is the stipulation:

ARTICLE 1. The United States guarantees and will maintain the independence of the Republic of Panama.

If it were not for this treaty, assuming that Panama would ever have come into existence but for our aid, it would long since have been involved in a fratricidal war with Colombia. Costa Rica is even now engaged in war with Nicaragua, bordering on her north, but she has the prudence not to take up arms against Panama, which adjoins her territory on the south. There is a dispute concerning the line that divides them, but Costa Rica will arbitrate the question. She will never fight about it.

The Senator from Pennsylvania, in his speech of March 1, 1919, advanced the idea that the proposed league is a league for war and not for peace, because, he said, under the covenant war is permissible in seven cases and mandatory in three, one of the three being by virtue of Article 10. The junior Senator from California, in his peculiarly forceful style, following the same line of reasoning, denounces the league as a "war trust." In exactly the same sense the treaty with Panama was a treaty for war, not a treaty for peace. But peace was the result. Of course, the covenant contemplates war, both mandatory and permissible. The very purpose of a league of nations such as that being considered is, as expressed by President Roosevelt, "not only to keep the peace among themselves but to prevent, by force, if necessary, its being broken by others."

It is quite impossible to follow all the inconsistencies of the opponents of this great work of the statesmanship of the world.

An immense amount of sarcasm has been expended on the assumption, quite in contrast with the line of comment considered, that it proceeds upon a theory that mankind has suddenly been regenerated and will hereafter be controlled by the noblest ideals of justice and Christian charity. The senior Senator from Missouri has exercised his talents along this line without stint. One group attacks the league because it contemplates war; another because it is founded on wholly impractical notions of human perfection. In truth, it recognizes the inveterate character of greed, vanity, selfishness, and allied vices in humanity—in nations as well as in individuals. They now assert themselves, restrained, only feebly, perhaps, by the precepts of the Gospel or an intelligent perception of self-interest. The league attempts only to add, in the case of nations, the coercion which even primitive man found essential to his welfare in the case of members of his little community.

Mr. WILLIAMS. Mr. President, I think that England and Ireland, and America, too, which has so much in common with both, so many hereditary reasons to honor both, may all three be grateful to the Senator from Montana [Mr. WALSH] for the manner in which he has divested himself of blood prejudice and traditionary prejudice and brought the cold light of nonpartisan, unimpassioned reason to bear upon the question which he discussed this morning.

Mr. President, his address is not in keeping but is very much in contrast with a great many things that we have lately heard in this body. It is very much in contrast with the effort of the Senator from Missouri [Mr. REED] to scare us to death about negroes and other colored races, forgetting that it will be rather difficult to make Chinese and Japanese cooperate against the United States or against the white races. They are very much more likely to be at daggers' point with one another and neither can effect any entente cordiale with either of the "Nigger

Republics" in the league. It was also quite in contrast with the attempt of the Senator from Illinois [Mr. SHERMAN] to scare us to death about the Pope, poor old man over there in Rome saying his prayers and trying to be nice to everybody as well as his age may permit. It was also very much in contrast with the attempt to scare us to death about Japan in Shantung the other day. In its moderation and conservatism it was very much in contrast with the misrepresentation, if not falsehoods, that were urged in that connection. An area of something like 100,000 square acres was magnified into 56,000 square miles, and a population of 50,000 was magnified into a population of some 27,000,000 to 57,000,000—nobody criticizing the league seemed to know which. That was the exaggeration made by no less man than the leader of the Progressives upon the other side—the "pendulous progressives," as Sam Blythe called them, because they are always waving in the air, dependent upon where committee assignments are—and by no less a man than the stand-pat, old-school Republican leader, the Senator from Massachusetts [Mr. LODGE].

I took the liberty the other day of calling their attention to the mistakes they had made in population and area and expressed the hope that they would of themselves correct them. I anticipated that at least one of them would correct the error as soon as he found it out. This morning, Mr. President, the Washington Post published an article from ex-President Taft, which I am going to ask to have inserted in the RECORD as an absolute reply to what was said by the Senator from Massachusetts, and what was said by the Senator from Idaho on these points, and as proving the total misapprehension upon their part or else of the attempt to totally misrepresent the facts to the American people. Whichever may be the case, I confess I hardly know which. I now ask unanimous consent to have the article by ex-President Taft inserted in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article referred to is as follows:

TAFT SAYS FAILURE TO YIELD TO JAPAN MEANT NEW WAR—DECLARES WILSON'S COURSE IN ACQUIESCING IN SHANTUNG GRANT TO SAVE LEAGUE OF NATIONS WAS STATESMANLIKE—CONTENDS WORST THING THAT COULD HAPPEN TO CHINA WOULD BE FAILURE OF LEAGUE.

(By William Howard Taft.)

The outburst in the Senate by Senator BORAH and others with respect to the Shantung Province is not, of course, as "highly unimportant" as Senator REED's cry of negro domination or Senator SHERMAN's fright at the restoration of the temporal power of the Pope has become. But in the end this new issue is not likely to affect the ratification of the treaty.

The exact facts in respect to the Shantung matter have not been set forth as clearly and fully as could be desired. What Germany had in China was granted her by China at the time of the Boxer troubles by way of an indemnity for the killing of her minister, Baron Kettler, and was one of the concessions to foreign powers which grew out of the rising against the foreigners in the time of the dowager empress. That which Germany seems to have secured was a lease, with political and exclusive dominion for 100 years, over the town of Kiaochow, with 50 000 inhabitants, together with the economic right to construct a railway through the Province of Shantung, which Germany and China should jointly operate and which Germany might police.

NO POLITICAL DOMINION.

The superficial area over which Germany was given absolute political dominion was about 200 square miles. She acquired no other governmental control, except the indirect influence of operating and policing a railway through a great province of 40,000,000 inhabitants. To represent this as a cession of political dominion over them and their country is, of course, inaccurate.

When Japan was induced to unite with Great Britain and France and Russia against Germany one of the inducements offered her, it seems, was a transfer of German rights in China. She thereupon proceeded to conquer Kiaochow, a work of considerable difficulty, and establish herself in possession of the German holdings. She then policed the Pacific for the Allies and drove Germany out of that very large part of the globe. She also helped to guard transports from Australia and other countries of the allied nations into the Mediterranean.

When the question arose as to the disposition to be made of German colonies and holdings outside of Germany, Japan claimed these rights in Shantung as a part of the contract under which she entered the war. The contract, of course, did not bind the United States, but it did bind the other Allies.

NOT IMMEDIATE RESULT OF WAR.

It related to a status which was not the immediate result of war and which had been established for 15 years when the war began. It would have been well if these German encroachments upon Chinese independence and territory could have been wiped out as a result of the war, but in view of the circumstances it was exceedingly difficult to secure the consent of Japan.

Japan is one of the great powers. Japan has more of the Prussian spirit than any of the nations still strong. She has gained wealth and power out of the war. She is a nation whose alliance with Germany in the future might be dangerous to the peace of the world. She is a nation whom it is important to have as a cooperating member of the league of nations to secure peace. She is a nation whose disposition to encroach on China needs restraint. The other results of the Boxer rebellion, with the territorial acquisition of the other Governments, are not to be changed. In other words, the reform under the league of nations and the principles declared in the 14 points can not practically be made retroactive in every case.

CALLS IT STATESMANLIKE COURSE.

Of course, we deprecate Japan's insistence on retaining German rights, but we would be unreasonable if we did not realize how exceedingly difficult it was for the President to change a situation created before he was a factor in it. It is said that he yielded on the Shantung business in order to save the league of nations. Be it so. That was the statesmanlike course to pursue. Suppose instead of that insistence upon a restoration of Kiaochow and the economic rights to China had led Japan to refuse to subscribe to the league of nations and to stand out against such a peace settlement. Her then position in the world would have been a constant threat. Germany would promptly take advantage of her attitude and an alliance between the two would be quite certain. The necessary result of such an alliance would be the beginning of a new alignment, ultimately to result in another war.

How much prejudiced is China by this result of the war? Japan is not likely to have any more spirit of encroachment than Germany would have had. Senator BORAH and Senator JOHNSON were certainly not in favor of our going to war with Germany to take the Shantung rights away from her. Are they in favor of doing so now with Japan? Do they advocate conscription for the purpose?

SEES WILLINGNESS TO EXAGGERATE.

Are they really stirred by love of China and the Chinese? How earnest should we regard such eloquent periods coming from those who are demanding the maintenance of our isolation and are painting in lurid colors the certain sacrifices of our soldiers in remote wars under article 10? Is it not fair to say that this outcry is only another evidence of a willingness on the part of extreme opponents of the league to exaggerate the effect of any feature of the treaty, to defeat the league of nations?

The worst thing that could happen to China would be the failure of the league of nations. Japan could then work her exploiting purpose with China with little or no restraint from us. The league of nations offers to China a full opportunity to bring Japan before the tribunals of the league and before the considered public opinion of the world over any schemes of Japan to secure further dominion over the Chinese Republic.

The provisions of article 10 and article 15 of the league are drafted with great care to bring before the league disputes over such attempted encroachments and to restrain the exercise of power over the weaker nation. The unanimous recommendation of the council, exclusive of Japan, or a unanimous recommendation of the countries represented in the council, excluding Japan, and of a majority of the other nations members of the assembly would impose a limit on any affirmative action of Japan against China, which Japan, under the league, must abide and acquiesce in.

"NO FRIENDS OF CHINA," HE SAYS.

The membership, therefore, of China and Japan in the league is of the highest importance to China and greatly more to be desired than the mere restoration to China of Kiaochow and the economic rights in the Shantung Railway, long ago parted with. They are no friends of China who seek by agitation of this Shantung matter to destroy the league of nations and to leave China without any of its protection against Japan.

An amendment striking out the Shantung provisions of the treaty insisted on by the Senate will certainly be objected to by Japan and by the allied powers, who are bound to Japan by contract in this matter, and will greatly delay the ratification of the treaty and endanger the league of nations. It is not possible that the moderate Republicans of the Senate will consent to be led into such an unwise step.

Mr. WILLIAMS. Mr. President, to proceed: When my good friend, the Senator from Connecticut [Mr. BRANDEGEE], of whom I am personally very fond—and I think I am chiefly fond of him because of the fact that he is an out-and-out Republican partisan and I am an out-and-out Democratic partisan, and we can at least put our fingers on one another, and do not belong to the crowd of "uplifters" in one party and so-called "progressives" in the other, who simply "uplift" themselves into Senate committee assignments or "progress" themselves into public office—at any rate, when the Senator from Connecticut appeared the other day in an apparently extemporaneous manner, as if he were speaking impromptu, you know, such is my universal good nature, such is my amiability, such is my love of my kind, that I thought that the front he was putting on was the real building behind it. I absolutely thought that he was not posing; I thought that he had risen in a momentary impromptu condition of mind to express his indignation because the President of the United States had been, in his opinion, feloniously concealing something from the American people, to wit, the fourth article of the Anglo-Franco-American treaty. I had no idea that he and other Senators had met the night before and discussed what he should do the next day; I had no idea that he came upon the floor duly "advised with" and instructed to make this "impromptu" attack.

It reminded me a little bit of a man who was running against me for office. One day his friends, in an "impromptu" and "extemporaneous" way, did him the honor of carrying him up the street in a chair—"chairing" him, as the English say. It turned out, however, that a carpenter three days before had nailed handles to the chair whereby four men could "chair" my opponent. When that fact was discovered the "chairing" did not amount to much.

I do not know whether what I am now going to read is true or not, but as to that I will ask the Senator from Connecticut:

The attack on the President was deliberately planned and carefully staged in advance. It developed to-day that Senators LODGE, KNOX, BRANDEGEE, and BORAH held a conference late last evening—

This was published, I believe, on Friday morning, the day after the Senator from Connecticut made his speech—

and discussed the matter of reprisal against the President at length. It was determined to execute the program carried into effect to-day.

That is the "impromptu" rebuke.

Mr. President, in the discovery of this mare's nest, this English-French-American treaty, declaring that America and England will protect France from an unprovoked attack from Germany, the average uninformed, unsophisticated American citizen last Friday, after the Senator had spoken and solemnly "rebuked," would have imagined that the Senator from Connecticut had just discovered it—that he was a great political Columbus. In order to prove that it was true, the Senator from Massachusetts [Mr. LODGE], whose lips and tongue and countenance demonstrated awe and registered tragedy, read the treaty in the original French. Think of it! The solemn demonstration of the President's felonious concealment! He said, "Here is article 4, in French; the Senator from Connecticut [Mr. BRANDEGEE] is not misrepresenting things; and to prove it, I will read it in the original French"! However, as a matter of fact, the whole thing had been published in the Associated Press in the United States of America on July 3, the day after Clemenceau had communicated it to the French Corps du Legislatif. I received on my plantation in Mississippi, even before the treaty was published in full here by the Associated Press, a telegram from the New York Times, I believe it was—at any rate, from a New York paper—asking me what I thought the Senate would do about the Franco-American treaty. I did not know what it was, and wired back to know what it was, for I was out on my plantation, 12½ miles from a railroad or telegraph station, so that the telegram had to be communicated to me by telephone. The question asked me was whether I thought the Senate of the United States would ratify the treaty. My reply was, "God alone knows what the Senate of the United States will do, but I know what it ought to do; it ought to ratify it." The French people ought not to be left as they are in fear of another unprovoked attack from Germany over Belgium's or some other nation's body—maybe Switzerland next time—whenever Germany again reinstates herself, ought not to be left to overwhelm France while the great English-speaking race in England, Australia, South Africa, and the United States is getting ready. Germany ought to be told by solemn treaty utterance—told beforehand—just what she has to expect if she attempts a repetition of her attempt to murder neutral or enemy while asleep and unexpectant of assault.

Even I knew it on the plantation that long ago. Is it possible to believe that a Senator residing in the Hub of the Universe and another in the wide-awake little Nutmeg State had the information take them by surprise on Friday last?—take them so much by surprise that one had to support the veracity of the other's statement of the existence of article 4 by reading it "in the original French"?

This was the mare's nest; and not only does the Senator from Connecticut discover it, and not only does the Senator from Massachusetts, with that wise way about him that makes everything he says at least look impressive, prove it by the original French text, but there comes along Col. Harvey, who has been hating Wilson ever since Wilson, in his first race, virtually confessed to him that he thought his cooperation worse than his enmity, and writes himself into the fame of professed ignorance on the subject. This is what the New York Times or the New York World—I have forgotten from which paper I cut this clipping—says, and I am reading this to keep the Senator from Utah from objecting to my putting it into the RECORD.

Mr. SMOOT. Oh, no; the Senator can put anything into the RECORD he desires.

Mr. WILLIAMS. Well, you always scold me about it. The editorial is headed, "Col. Harvey's newest mare's nest," and reads:

The regular hebdomadal mare's nest of Harvey's Weekly takes the form in the current issue of the French treaty, the text of which is printed in full on the theory that "to the best of our knowledge it has not been published in this country, which seems strange, if we are correctly informed that it has appeared in England."

Wonder of wonders! This great editor of a great weekly is quoted to the effect that to "the best of our knowledge" this treaty had not been published in the United States at the date of his editorial.

Yet it was carried in full by the Associated Press on July 3, and publications of an agreement thought to have been negotiated between us and France was published as Paris news prior to that. Here is this great, wise statesman, who hates the President, discovering this mare's nest and saying that "if he is correctly informed it had not appeared in the United States, although it had appeared in England." The editorial continues:

It may interest the editor of Harvey's Weekly to know that the full text of the French treaty was printed in the New York evening newspapers of July 3 and in the morning newspapers of July 4, the treaty having been made public by the French foreign office on the evening of July 2. Probably Col. Harvey was so busy draping the American flag around him preparatory to celebrating the Fourth of July that he had no time to read the newspapers, but what interests us even more than the colonel's latest mare's nest is the letter sent out to Republican—

Republican *what?* Listen—

campaign contributors from the headquarters of the Republican national committee at 452 Fifth Avenue, Tuesday, July 22, over the signature of Will H. Hays, the chairman.

Has it struck you that when ex-Senator Root, a great Republican of Nation-wide repute, had to communicate his views to the United States he communicated them to the chairman of the national Republican campaign committee? Has it struck you that when Taft's confidential letter had to be stolen and published it was stolen somewhere around or about the Republican campaign committee headquarters? Has it ever struck you that if you were Root or if you were Taft you would write a letter to the American people and not to "My dear Will," addressed as "the chairman of the Republican national executive campaign committee"? Has it struck you that if you had written a letter to "Dear Will," the chairman of the Republican national executive campaign committee, that you would have been big enough to say that you were trying to make a party issue out of the league of nations? An ordinary Mississippi planter, with ordinary honesty, would have done one of two things: He would either have taken into his confidence the people of America by a public letter or he would have taken into his confidence only the Democratic Party, and only the executive working campaign part of it; but if so, he would have made no secret of the fact that his party was trying to make a partisan issue of it.

It is in keeping with what went before. First, there was a Republican round robin. It has its partisan beginning there. Here is our friend from Missouri over on this side scaring us to death with "niggers," and here is our friend from Illinois on the other side scaring us to death with the poor old Pope, bless his dear old heart—they tell me he is as good an old fellow as exists anywhere in the world and is more anxious to lead his flock to make their peace with God than he is to capture the league of nations. I do not believe in his infallibility, even in matters of faith, but a great many people as good as I do believe in it. Then on Friday comes the climax, when these gentlemen were scaring us to death about the pretendedly concealed duplicity of the President of the United States in deceiving the American people by secreting and hiding and covering over with leaves article 4 of the French-American-English treaty, although it had been published in full all over the United States on July 3—carried by the Associated Press—the most public thing in the United States, except, perhaps, an executive session of the Senate.

I read further from the editorial referred to. Will H. Hays, under his signature as chairman, sends this out from Republican headquarters as a Republican campaign document:

You will of course hear of and no doubt will see in full the editorial by Col. George Harvey—

I do not know how he ever got to be a colonel, but they call him "Colonel" in this article at any rate—

published this week in Harvey's Weekly, relative to the proposed Franco-American treaty. I want to be sure that you see this, with its remarkable subject matter; hence this letter calling your attention to it.

With sincerest personal regards.

Then follows his signature. "I want to be sure that you see this"!

This letter was written July 22. Poor George Harvey. If he ever had been a sure-enough colonel, he would have had a hard time keeping up with his regiment; would have been 20 days behind all rumors of its whereabouts. The editorial then goes on:

Will Hays could hardly be expected to read the newspapers either; but what arouses our curiosity in the light of this correspondence is to know whether Col. George Harvey is working for the Republican national committee or the Republican national committee is working for Col. George Harvey. Or do they split 50-50 on street sales and new subscriptions to the Weekly?

But let us leave all this picayunish stuff. Ah, Mr. President, a man could go through the Lord's prayer and find fault with it here and there provided he put his own interpretation upon it. A friend of mine said to me the other day, "I do not like one thing in the Lord's prayer; it says 'lead us not into temptation,' whereas it ought to say 'teach us to resist temptation.'" He did not know he was doing anything remarkable; he was just sitting in judgment on the Son of God; that was

all, just as a lot of the gentlemen who see sun specks all the time are sitting in judgment on the work of Clemenceau, "The Tiger"; David Lloyd-George, the greatest intellect and the best poised man of this generation; and Woodrow Wilson, whose name will go sounding down the aisles of time when no man in America called upon to name the membership of the Senate will be able to name three of them. Five great nations, represented by their best intellects and as an analytical result of five years' war and suffering, come together and do the best they can. Woodrow Wilson goes over there and gets, out of the tangled web of hate and fear, the best he can. He could not get everything, and because he could not get everything Senators here looking through smoked glasses at the sun see a great big speck, and one of them says, "My goodness, George, that is the sun itself; do you not see it?" Everything outside of it is only a rim of radiance, and of visions, and of idealism, but the real, dark spot, the real speck, is the thing you and I are looking at.

These gentlemen tell us our sovereignty is attacked. If you go out of the Chamber and smoke a cigar, that is an assertion of your sovereignty. If the Senator from Colorado [Mr. THOMAS] and I agree we will not smoke any more cigars for a month, along come the Senator from Idaho [Mr. BORAH] the Senator from Connecticut [Mr. BRANDEGEE] and the Senator from Massachusetts [Mr. LODGE] and say "THOMAS, you and WILLIAMS are sacrificing your sovereignty." Whenever you reserve the right to do whatever in the mischief you please you are maintaining your sovereignty; whenever you assert the right to refuse and agree to refuse to do something you have concluded to be wrong and agree with another, to be guided by God-given law and right and ethics and honor and honesty and agree with two or three other people that they shall be guided by it as well as you, you are all sacrificing your "sovereignty."

Mr. President, in that connection I ask permission to insert in the RECORD a manuscript sent me by John P. Miller, an old friend of mine, who for years was around Washington as one of the reporters and signed article writers of the Baltimore Sun. I want every Senator in this body, if he can find the time, to read it. I insert it simply because it deals with the whole matter of so-called surrender of sovereignty in a shorter and more terse and more convincing and persuasive way than I can, and it will save your time as well as mine to have it inserted.

The PRESIDENT pro tempore. Without objection, the matter will be inserted in the RECORD.

The matter referred to is as follows:

"The concerted line of attack upon the league of nations is illogical, if not insincere. In a perusal of the argument advanced in opposition to the treaty the impression is constantly recurrent that the assumed unfamiliarity of the general public with international procedure and the underlying principles governing the relations of one nation with another is presumed upon.

"The objections to the league upon which opponents rely in their efforts to prevent ratification could not be valid unless the treaty by its terms delegated sovereign power to the council of the league. In the absence of such a delegation of power there is no force in the line of argument advanced by the opposition.

"But if the treaty did delegate power that would be a sufficient reason for every patriotic citizen of this and other nations to at once repudiate it. There would be no occasion to invoke other objections and alleged structural defects. The whole thing would be bad and it would be rendered no worse and no better by reason of some detail of the modus operandi of procedure.

"It is to be presumed that if anywhere in this treaty could be found a clause which by assertion or implication delegates sovereign power to the supreme council of the league of nations, Senators of acknowledged familiarity with international procedure and international law who are opposing the treaty would have discovered it and concentrated their efforts upon making this fact clear to the public and would not have wasted a word or a moment in the discussion of mere details of the treaty.

"The mere assertion, to be sure, has frequently been made that the league, in its permanent organization, was endowed with some sort of supersovereignty, but this assertion has never been sustained by any citation of phrase, clause, or paragraph in the treaty which might bear such interpretation. The citations relied upon for this assertion are such in character as may be found in almost any treaty of consequence entered upon by two or more nations.

"While it must be assumed that opposition Senators themselves can not be ignorant of the distinction between an agreement not to exercise some sovereign right and an agreement that some other authority shall assume your sovereign powers, yet it may be that they are warranted in assuming that the distinction is sufficiently vague to the public mind to enable them to deceive the public and give plausibility to an assertion which is utterly without warrant. It should be a fair assumption on the part of the public that if opponents to the league of nations who have had years of experience on the Foreign Relations Committee of the Senate or have served their terms as Secretary of State with a chart of international relation spread before them, could find in this treaty any delegation of sovereign power they would waste no time in further analysis of the document and would not indulge in specious argument to arouse the suspicion that provisions of the treaty which are proper and necessary to its execution have some sinister and remote significance.

"It may be that the general public, who have had no special occasion to give thought to the subject, have but an indefinite idea of what 'sovereignty' is, but it is not to be assumed that men whose duty it is to give advice and consent as to treaties have failed to give thought to this subject.

"The struggle between democracy and autocracy, which has been in progress since the vision of liberty first enlightened the mind of man, has been nothing more nor less than a contest between two theories of sovereignty. Autocracy is the assertion of sovereign power over the people. Democracy, expressed in terms of government, is the exercise for the people of sovereign power derived from the people. Autocracy speaks of the 'sovereign lord.' Democracy speaks of the 'sovereign people.'

"Disassociated and isolated, sovereignty dwells supreme with the individual. The organization of society and of government is based, not upon an inherited authority but upon the surrender of some sovereign right by the citizen to the community, by the community to the State, and by the State to the central government. In a democracy the sovereignty is no more than what has been delegated to it by its people. That sovereignty is supreme.

"An agreement granting, extending, qualifying, or in some manner prescribing the exercise of some sovereign right is what constitutes a treaty between nations. A nation without treaty obligation has the sovereign right to enter upon an unjustifiable and an unprovoked war upon another nation. Any two or more nations have the sovereign right to enter into a treaty engagement not to go to war without just cause and provocation, and to prescribe means by which the justice of a cause of war may be determined. In entering upon such an agreement each nation is exercising its sovereign power in agreeing not to perform a certain sovereign act or to qualify the conditions under which it may be performed. The authority to grant or to accede to a special thing or condition is more sovereign than is the exercise of power to seize that which is in possession of another.

"An agreement between foreign nations that neutral vessels shall not be seized and searched upon the high seas would not be a surrender of sovereign power on the part of any nation, but it would be the abandonment of a practice which has been exercised by nations as a sovereign right. The agreement of one nation to go to the support of another when unjustly invaded is the exercise of a sovereign right, not an abandonment. The right to assume obligations and even to accept conditions is inherent to sovereignty. The United States has a sovereign right to discriminate as to tariff rates and tonnage dues and port regulations; it also has the sovereign right to apply the most-favored-nation principle to the commerce of all nations at its own ports.

"In the present treaty, as in all other treaties that this Nation has entered upon, the question at issue is one of policy. No question of surrender of sovereign power is involved. The pretense of anything else must be subject to a suspicion of insincerity unless concrete evidence that the treaty does surrender sovereignty can be produced.

"If the sovereignty of any nation has been sacrificed or jeopardized by this treaty, this effect extends to every nation that is a member of the league, and the negotiators for each of the nations have either been blind or have betrayed their countries by the most gigantic conspiracy of treason that the mind of man can conceive of. Such a charge as this must be substantiated before the treaty for a league of nations can be stigmatized as imperialistic.

"A pledge by a group of nations that each will forego or place conditions upon the exercise of some sovereign right is neither an imperialistic compact nor a surrender of sovereign power. The most violent opponent of this treaty, unless he be utterly ignorant of international affairs and the principles of government, knows this to be true.

"This treaty was made in the name of democracy, based upon the principles of democracy, and a result of the triumph of democracy throughout the world. It marks the victory of the

'sovereign people' over the 'sovereign lord.' An association of governments controlled by democratic principles can not be measured by the standards of autocratic power. There can be no similarity of purpose or effect between an alliance among nations in support of the 'sovereign-lord' theory of government and one among nations to extend recognition to the 'sovereign-people' theory of government.

"The merging of national sovereignty into one autocratic power is possible only when sovereignty is recognized as a power over and independent of the people. The close association of popular sovereignties, on the contrary, is essential to the extension of democracy and is inherent to its fundamental principles. 'United we stand; divided we fall' applies to democracy throughout the world.

"Unless the theory of our Government is merely a barren ideal, the sovereignty delegated to the National Government by the Constitution is not a supersovereignty but is the collective sovereignty of the people, organized and exercised under constituted authority to render it consistent and effective.

"If those familiar phrases which are presumed to reflect the underlying principles of our Government, 'sovereign people,' 'inalienable rights,' are not merely sounding phrases to be incorporated with party platforms and to give flattering unction to oratory, it would seem to imply a lack of confidence in the virtue of democracy to voice any apprehension at its extension to the rest of the world. Unless we are ready to concede that the application of our theory of government has proven a failure; that there is no such thing as 'sovereign State' or 'sovereign people'; that no inherently 'inalienable rights' survive in citizen or State, apprehension of danger through the league of nations is not warranted and obstruction to the progress of democracy throughout the world is not defensible.

"Neither in theory nor practice have the citizens of the United States surrendered their right of sovereignty even to their own Government. In democracy government is but an authorized agency with power of attorney to act in all matters of common national concern. The power does not reside in our National Government to take from the people or the State any rights that are reserved under the Constitution. The power does abide with the people, however, to extend or to qualify the powers of the Federal Government by constitutional amendment procured through the action of an adequate number of States. When it is realized just what the character of American sovereignty is under a democratic form of government, how can there be any suggestion that this sovereignty can in any way be impaired by implication in a treaty with foreign nations?

"The outstanding feature of this treaty is not that the United States surrenders its authority, jeopardizes its principles, or recognizes a supersovereignty, but that all nations party to the compact accept the democratic theory of sovereignty which concedes the source of all authority to be the peoples of the nations, the right of self-determination by the people of each nation being inviolable.

"In this treaty the theory of 'sovereign lord' is abandoned, and with its abandonment the danger of establishing an imperialism is dispelled.

"In every article and paragraph of the treaty that has to deal with matters correlated with the exercise of sovereign power, the sovereignty of every nation is scrupulously regarded.

"The provisions for the enforcement of decisions arrived at through the league contemplate no action which might not be taken by any group of nations acting independently of each other, and being in concert by the mere chance of circumstances. The league provides an orderly and rational method of arriving at the just determination of any question involving the relations between nations, but does not assume to exercise authority over any nation. If it is the sovereign right of a nation to go to war with another nation, with or without just cause, with no other guide than its own arbitrary will, is it not also the sovereign right of a nation to remain at peace with the rest of the world? If it is the sovereign right of a nation to remain at peace, does not a declaration of war against it by another nation violate its sovereignty? The most drastic provision of the treaty is that of article 16, which provides:

"Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15, it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relation, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking States, and the prevention of all financial, commercial, or personal intercourse between the national of the covenant-breaking State and the national of any other State, whether a member of the league or not.

"This provision protects the sovereignty of the nation which does not want to go to war, and the penalty is one which might, under the present order of things, without any league of nations, be put into effect by any nation having the power to do so. Such action by a nation or group of nations directed against an offending nation would not be a violation of international law as now recognized. This provision extends no power to nations who become members of the league of nations which they do not now possess collectively or severally. The thing contemplated has just happened, without the intervention or instrumentality of a league of nations.

"The much-discussed article 10, guaranteeing territorial integrity against foreign aggression, is in its very essence a recognition of independent sovereignty. It is a reciprocal obligation to respect and defend nationality. The council undertakes merely to 'advise' upon the means by which the obligation shall be fulfilled. The honor of each nation is involved in the fulfillment of this obligation, which is one for its own defense no less than for the defense of its associates, but the manner of its fulfillment and whether, in fact, an occasion for intervention has arisen, is left to the self-determination of each Government. Each nation will be governed by its established method of procedure and its moral standard.

"The principles embodied in the treaty, the language employed, and the things provided for accentuate recognition of the sovereign independence of every nation entering the league. The right of self-determination and independent existence and freedom from depredation of marauding neighbors is the pervading spirit of the treaty.

"If the league were a cloak for imperialism, would not the exploitation of Germany, a conquered nation, have been resorted to in fulfillment of this object? But the sovereignty of even Germany is scrupulously regarded. By the standards of imperialism Germany would have fallen to the allied nations as the spoils of war and been employed in the building of empire. But the suggestion of war for conquest is repudiated by the terms and very spirit of the treaty. The right of self-determination has been extended to people liberated, and territory alienated from the German Empire has not been appropriated by the Allies, but has been given freedom and independence, with association and government determined by the natural choice and affiliation of its population. The treaty throughout presents the antithesis of imperialism.

"Taken one by one, the obligations assumed and pledges made by nations in becoming members of this league do not disclose a single instance where sovereignty is surrendered directly or by implication.

"Participation in the formulation of a code of international law is not a surrender of sovereignty, but, on the contrary, is an act of sovereignty.

"The obligation of obedience to laws so made is no more an act of subjugation on the part of a nation than is obedience to the law of the land an abandonment of liberty on the part of a citizen. In both cases the one obligated to obey the law has participated in its making.

"No sacrifice of sovereignty is involved in the acceptance of an obligation to observe the rules of justice and to scrupulously respect all obligations. Neither a nation or individual can suffer loss of character from this. It is an obligation always implied, which can not be disregarded without the sacrifice of integrity and honor.

"An obligation not to resort to violence when avoidable is one that can always be assumed without loss of honor or independence. Upon it depends the peace and good order and morals of communities and nations alike.

"Participation in the establishment and operation of an agency for inquiry, the determination of facts, agreement, and advice as to the enforcement of obligation is a legitimate procedure on the part of a government, and no sovereign power is extended to this agency unless it is expressly empowered to perform acts of sovereignty. No action by the council or delegates of the league of nations authorized by this treaty involves the exercise of sovereign authority, and no sacrifice of sovereign power by any nation is involved in an agreement to conform to certain prescribed conditions, applicable to all other nations, in the performance of certain acts which are of sovereign right, but have relation to and effect upon the rights of other nations.

"The obligations of this treaty are no more onerous than those of good citizenship, and their benefit to society is corresponding.

"An obligation of honesty and decency—which is all that this treaty imposes—in no way abridges the sovereign rights of citizens or nations, and, without a league, it lies within the right

of nations, either separately or collectively, to punish any nation that violates these obligations.

"Of course this treaty, like other treaties and all other laws of the land, is subject to our Constitution. No declaration of this fact is necessary; and to make it would imply that the contrary might be true if this reservation were not expressed, amounting to an acknowledgment of subservience inconsistent with national dignity.

"JOHN P. MILLER."

Mr. WILLIAMS. Mr. President, one more thought and I shall quit. Here are other mare's-nest discoverers who have found out that we have all gone to pieces because when we get into the council there are 6 votes, I believe, or 4 votes to our 1, and when we get into the league itself there are some twenty-odd votes to our 1. What a stupid thing that is. If it had been known before the Constitution was ratified that there were going to be 48 States in this Union and each one of the 48 was to have two representatives in the Senate, imagine a man coming to me or to you and saying, "If you enter that body there will always be 94 men against you." What would your reply be? It would be: "Possibly 94 men might be against me, but it is inconceivable that they should be unless I should be mighty nearly dead wrong." You tell me that there would be 94 Senators against Mississippi with her two representatives, but you forget that at some time or other Mississippi might, accidentally at any rate, be right; and if she was accidentally right there would be a few other men in the Senate representing other communities in the United States with sense enough to see it, and, having sense enough to see it, with patriotism enough to recognize it by their votes.

Suppose every State in the original thirteen Colonies, or say the original nine—because we said this thing was going into operation if nine adopted the Constitution, deliberately leaving out the others if they did not—suppose each one had said: "Why, there will be in the Senate of the United States 16 votes, Rhode Island, against your 2; 16 votes, Virginia, against your 2; 16 votes, Massachusetts, against your 2." The answer would have been: "Oh, yes; but Rhode Island or Massachusetts or Virginia, provided they were right, would probably be a part of the majority sometimes and not always just two, and if either was so dead wrong as always to have nobody else with her, then she ought to overslaughed."

Now we come to chauvinism—this dead-set, mean, selfish, egotistical idea that leads a man, as a citizen of a nation, to say: "I want my nation left free and untrammeled to do whatever it pleases. I do not want to enter into any entangling agreement with anybody to do anything, whether it is right or wrong. I want to be left free at the time to judge for myself." What would become of a municipal society composed of individuals founded upon that sort of basis?

Suppose the Senator from Utah, as a citizen of the State of Utah, went out and said: "I decline to be trammeled; I decline to enter into an agreement to abide by the pistol-toting law, or by the homicide law, or by the thievery law, or by anything else. I will do right myself. I am my own sovereign, responsible to nobody but God, and at the right time I will do the right thing, and I want to be left free to say when I shall do it and where I shall do it and how I shall do it." Could you get civilization in a State out of citizens of that persuasion? Suppose each State in the Union said that to the other States in the Union. Could you get civilization in the American Union out of that? Why is it that thus far you have never gotten any civilization in the international world? Just simply because one nation after another, in blind chauvinism, has uttered that infernal, stupid selfishness. What is the difference between the American who says it and Bernhardi and Treitschke and these other Prussians who preached the unlimited and illimitable right of a State to do whatever it pleases whenever it pleases, and who have said that the only limitation upon the right of a State is the power and might of the State?

You tell me that now and then the league of nations may decide against the United States. I imagine it will. We are not popes. We are not infallible. We do not even pretend to be. But I will undertake to say that whenever it does do it it will be because the United States is plainly and palpably and obviously wrong, because they will have to decide it by a unanimous vote of all the nations except the United States, the United States, as an interested party, being excluded from the vote, just as the Senate would decide a question against Mississippi by practically a unanimous vote over Mississippi's two votes, Mississippi being thereby substantially excluded from the vote. Can you conceive that that would happen unless Mississippi was plainly and palpably and obviously wrong?

If you get in the league a unanimous vote of everybody except the interested parties, it will be a clear demonstration beyond all peradventure of a doubt that one or the other of the interested parties is wrong.

Suppose you had had this league of nations when Germany undertook to invade Belgium. That would have been one of the few questions in the world where the league of nations would have sat down with a vote against Germany; but even there, probably, Austria would have voted with Germany.

Now, Mr. President, another favorite argument against this league of nations—I am not making any set speech; I was just roused by a few things the Senator from Montana mentioned; he told how the opponents of the league have grown sarcastic. "You can not change human nature," they say. "You are visionaries."

You can not change human nature! What a stupid, barbarous utterance that is! If human nature had not been changed from the day that our ancestors were drinking mead and beer out of the skulls of their enemies, this world would have been in a mighty bad fix. If human nature had not been changed, even at that date, from the original time when their remote ancestors perhaps ate one another whenever they found them, and ate one another raw because they were not sufficiently enlightened to know how to build a fire, the world in their day even would have been in a bad fix; and if human nature had not changed from the day of Jesus Christ, and the precious leaven that He had thrown in it to leaven the whole lump, from what it was then to what it is even now, as bad as the world is even now, we would be in a much worse fix.

Why, there is no way of securing progress, there is no way of going forward from savagery to barbarity, and from barbarity to civilization, and from civilization to enlightenment, except by changing human nature. So much so is that the fact that the only thing lacking in a successful adoption and operation of this league of peace is the will of humanity to have it and to make it work; the minute you can change humanity's will to the point where men want it, they will get it. Indeed, they will not have to get it; they will have it already. If you make up your minds to *want* it, you will *have* it.

Oh, miserable politicians, miserable heathen without knowing it, who imagine that while they are nominally Christians they are really Christians, tell us, "Well, you can not change human nature. War and fighting are a part of human nature, and you must have them all the time, and you can not settle difficulties in any other way." Can you not? The Senator from Montana described to-day how they quit settling difficulties that way and began to settle them in other ways out in the mining camps in Montana. They proceeded to settle them first by self-appointed vigilance committees and then by regularly organized courts. What had happened? They had changed the human nature of the camp, and the human nature that was not willing to be changed was kicked out of the camp; and every nation upon this globe that is not willing to change its human nature far enough to leave questions in controversy to fair arbitral determination, instead of going around and cutting one another's throats by way of settlement, will be kicked out of the civilized arena, and ought to be kicked to death. What will happen to them will be what happened in the mining camps. The persistent criminals who did not want to "surrender their sovereignty" were lynched. The fellow that did not accept the new order and was not willing to change his nature that far was just simply carried out and hung to the limb of a tree.

Oh, Senators, you who talk that way! Is America one of the countries that deserves to be lynched? Is she one of the countries that wants to preserve the so-called right to do whatever she pleases when strong enough to do it? She may want to do wrong. If so, she deserves to be restrained by the conscience of the world.

It is not a bad thing now and then for the civilized opinion of mankind to brand an individual or a nation as the enemy of all humankind. If we had had anything of this sort before this war had started, Germany would have found out that instead of her fighting France over the prostrate body of Belgium she would have to fight the civilized world, and Austria would have found out that instead of having in prospect, as she thought, the easy game of swallowing and digesting Serbia she would have to swallow and digest the entire world. Austria would have arbitrated her difference with Serbia. Germany would never have invaded Belgium.

Oh, "you can not change human nature"! What was Christ born for? What was Socrates born for? What was Savonarola born for? Why did the Son of God come to the earth? You have changed your human nature either for the bad or the good. Some of us have not changed it very much

for the good, but we had the opportunity, and we could have done it; and it is a lie to say that you can not change human nature. With God's help, you can change it upward and upward and onward and onward more and more. As Thomas Jefferson said, "You can not hope for the perfection of human nature, but you can hope for its indefinite perfectability."

Sun specks, mare's nests, new discoveries of presidential sins! Why, you would think, to hear a lot of gentlemen over there and some other gentlemen over here as well, that the President of the United States had gone to Europe and committed felony, or treason, or something of that sort. Why, I read this morning a speech purporting to come from a Senator over there, pronounced in a church, saying that any man who votes for this league of nations was from his standpoint comparable to Benedict Arnold. Think of that! A man who at the very worst entertains a dream of international peace, entertains Tennyson's dream, entertains Jesus Christ's dream, entertains the dream of Immanuel Kant, and at the worst may be mistaken about it, at the very worst is unpractical, is to be compared with Benedict Arnold! Why? Because he wants to bind this Nation, in cooperation with other nations, to keep the peace of the world, and not uselessly and aggressively and offensively go to the business of throat cutting rather than go to the business of summoning a fair board of arbitration to sit in judgment upon quarrels and decide them.

Oh, you say they may decide wrong. Of course they may. I have represented clients in ten or a dozen lawsuits where the court went wrong, in my opinion; but it was a great deal better for the court to decide the issue than it was for my client and the other lawyer's client to cut each other's throats. The chief good about municipal law and about international law for the preservation of peace is not that the decision shall always be right, but that there shall be a decision and an end of litigation. If you can not bring it around in any other way in municipal matters, you bring it around by statute of limitations. Many a dishonest man has owed an honest debt to which he has pleaded the statute of limitations, but the world has thought that it was better to have an end of litigation than it was to let it go on forever and be renewed from one term to another and from one generation to another.

Senators, however finespun your webs, you can not get away from the common ethics and common sense and common morality of this proposition of bringing about a measure of world peace by a world agreement. You can take up the treaty and quarrel with this provision and that, and so can I. I do not like the Shantung provision. I do not like the idea of trying the Kaiser of Germany, although most of you do. I would do as my boy advised—shave him, have an international barber shave him every other day, and turn him loose, the miserable, cowardly whelp, to meet with the contempt of all humanity all over the whole world. I would not run the slightest risk of making a martyr out of Hohenzollernism. I can find some other things there that I do not like; but when I compare the specks on this sun with this sun itself, which, as I hope, shall shed light to all mankind, giving men courage, giving women hope, giving children a promise of the future. giving education in the world a chance, giving progress an opportunity, under the wings of the angel of peace, a chance to grow from one generation to another, adding the fruits of one generation to the fruits of those gone before, and inviting the new generations to forget the ugly past, what care I about Shantung, and what care I about the Kaiser? I started to say, what care I about the Monroe doctrine? But I will not say that, because the Monroe doctrine is by the treaty absolutely salvaged and saved.

In the first place, all that the Monroe doctrine ever did was to pronounce upon our part that we would defend the political independence and the territorial integrity of South and Central American countries. This league defends the political independence and the territorial integrity of all the member nations in the world. Moreover, as if that were not enough, as if we wanted to be left, without any help or assistance, sole guardian of the territorial integrity and the political independence of South and Central America, Mr. Wilson comes back with the instrument excepting from the operation of the league of nations the Monroe doctrine, eo nomine, by specific name mentioned in the treaty itself; and they say it is misdescribed!

Why, what if it is? Suppose I named MARK SMITH and said he had a very pale countenance. Suppose you knew MARK SMITH. Would the fact that I had described his countenance inaccurately keep him from being MARK SMITH? And would the fact that some people said that the Monroe doctrine was not "a regional understanding" keep it from remaining the Monroe doctrine any more than MARK would cease to be MARK because I had said his countenance was pale?

Mr. President, I am not a pious man. Hardly a day passes over my head when I can thank God for many things good that I have done and when I would not pray Him to forgive me for a good many things wrong that I have done; but I hope the time will never come when God can curse me because, having had the opportunity of doing something toward the ultimate peace of the world and toward saving the lives of men and the happiness of women and the future of children, I failed to do it because I saw specks on the sun.

Mr. BRANDEGEE. Mr. President, the major portion of the Senator's address I shall not refer to, because I have heard it many times and it contains nothing in which I am particularly interested at the present time. I do not care to discuss the coming of Christ or the doctrine of chauvinism or the color of the face of the Senator from Arizona, or many of the other interesting topics with which the Senator from Mississippi has entertained the Senate. What I do wish to say, however, is that on the 24th day of July I placed in the RECORD, and it appears on pages 3075, 3076, and 3077 of the CONGRESSIONAL RECORD, an article from Harvey's Weekly. I stated at the time that I did not vouch for the article. In that article appears a statement as follows, speaking of the Franco-American treaty:

> In any case, to the best of our knowledge, it has not yet been published in this country.

After I had retired from the Senate that day, I understand that the Senator from Nebraska [Mr. HITCHCOCK] made the statement that it had been published in the papers of July 3——

Mr. THOMAS. July 2; the afternoon of July 2 and July 3.

Mr. BRANDEGEE. July 2 and 3?

Mr. WILLIAMS. No; July 3.

Mr. THOMAS. Yes; the afternoon of July 2.

Mr. BRANDEGEE. I beg pardon; I do not want to settle the dispute between the two Senators.

Mr. WILLIAMS. No; there is no dispute about July 3, but I never saw it in the paper of July 2.

Mr. BRANDEGEE. Well, I did not see it in either, and I do not take it as particularly important whether it was July 2 or 3. At any rate, upon one of those dates the Senator from Nebraska says the Associated Press had carried it in the papers in this country. Be that as it may, that is totally irrelevant to anything that I said. I do not care whether the Associated Press or any other press printed that treaty in this country on that date or any other date. What I do care about is this:

The President, when he submitted to the Senate the treaty of Versailles—the treaty of peace with Germany—stated:

> I shall presently have occasion to lay before you a special treaty with France, whose object is the temporary protection of France from unprovoked aggression by the power with whom this treaty of peace has been negotiated. Its terms link it with this treaty. I take the liberty, however, of reserving it, because of its importance, for special explication on another occasion.

Mr. President, so far as I have been advised, that treaty has not yet been laid before the Senate. According to the article in Harvey's Weekly and the article in the London Times and the article in the Paris Figaro, article 4 was in that treaty, and it reads as follows:

> The present treaty will be submitted to the Senate of the United States at the same time as the treaty of Versailles is submited to the Senate for its advice and consent to ratification. It will be submitted before ratification to the French Chamber of Deputies for approval. The ratifications thereof will be exchanged on the deposit of ratifications of the treaty of Versailles at Paris, or as soon thereafter as shall be possible.

Now, Mr. President, when the tripartite treaty—what is called the triple pact—was published in the London Times it was some sort of an official paper, because the British Government, as I understand, submits its treaties through what are called White Papers, and the London Times is considered to be official when it publishes them; and the London Times of July 4 stated, as appears upon page 3078 of the RECORD:

> The text of the Franco-British and Franco-American treaties signed at Versailles on the day when the peace treaty was signed (June 28) is issued as a White Paper (Cmd. 221).

Mr. President, the gravity of this situation is not at all whether this treaty has been published in some newspaper in this country. It appears by article 4 of the treaty itself that the President of the United States, the head of our peace commission, the man who negotiated this treaty and, so far as he could, executed it and set the seal of his approval upon it, agreed in the treaty to lay it before the Senate of the United States at the same time that he laid the treaty of Versailles before us. He did not do it. The frivolous and silly explanation was attempted to be made, when I put that article in the RECORD on July 24, that "at the same time" meant some time or other, so long as it got here before the other one got out. I venture to say there is no lawyer in this country fit to try a cow case who will say that when two things are to be done at the same time that phrase can be complied with if one of them is done at one time and another one at any other

old time. It is absurd on the face of it. The charge stands unexplained and undenied. So far as anybody who can read the English language can understand or see, the President has violated article 4 of the treaty which he himself drafted.

Now, I do not pretend to say why, and he has not as yet said why. He has violated it, and the violation can not be atoned for. He has violated it beyond redemption. He can never perform the stipulation of that article. If he laid the treaty before us to-morrow, he has still violated the treaty which he drew, because he agreed solemnly to lay it before the Senate when he laid the other treaty before the Senate, and he has not done it.

He also stated that the two treaties were linked together, and what he has linked together we ought to be able to consider together. They were both laid simultaneously before the British House of Commons and considered together. They were laid simultaneously before the French Chamber of Deputies and are now being considered together. Only one of them has been laid before this body. That is the charge. Col. Harvey only said that "according to the best of our knowledge" it had not been published in this country. Well, it appears that it had been published in this country. He has made no misstatement. It was quite a while ago, but a mere newspaper publication of an alleged pact in this country is not the submission of it to the Senate. A treaty can not be submitted to the Senate except by the President of the United States, the other branch of the treaty-making power.

Mr. President, when the President of the United States submits a treaty to the Senate of the United States he is supposed to give the reason why it ought to be ratified and why he made it. Now, we are asked to consider the treaty of Versailles, the treaty of peace with Germany. The Committee on Foreign Relations for a week or two has been considering it, and we have asked for information. The President says he is unable to get the papers together to give us information for some time. He can not tell us which papers he will give us or when. We are entitled to have the President's reasons for the negotiation of the Franco-American treaty before the Committee on Foreign Relations at the same time we are considering the treaty of peace with Germany. They are linked together, the President says, and we are entitled to know if one of them should be passed why the other should be ratified or whether they both need to be ratified.

Treaties ought not to be extracted from the United States Senate piecemeal, getting one if you can, and then come and demand the other. What the President has linked together let no man put asunder, least of all himself. It is necessary for the Senate of the United States to have that treaty and to have the President's reasons for making it.

If I had my way I would not proceed one day further in the consideration of the treaty of Versailles in view of what the President of the United States himself has told us and in view of the fact that France and England have both treaties before their parliaments. I would not proceed one day further with the consideration of this treaty until I had the other link. I would not take one link and have the other gentleman keep the other link. I want to know what the two links are for and why they should not be kept together. I think we are entitled to it, and I think the country is entitled to it, and the charge can not be brushed away or sidetracked by a mere statement in Harvey's Weekly that he did not know the treaty had been published in this country, which is an absolutely irrelevant matter.

The Senator from Mississippi [Mr. WILLIAMS] talks about a conference that had been held between the junior Senator from Pennsylvania [Mr. KNOX], the Senator from Idaho [Mr. BORAH], the Senator from Massachusetts [Mr. LODGE], and myself. The only conference that was held was when I saw this article in Harvey's Weekly charging that the President had broken the treaty which he had made himself. I could not believe it. I said there must be some mistake about it, and not being familiar with treaty-making myself I went to the two best men, one of whom had been Secretary of State and Attorney General of the United States, and the other chairman of the Committee on Foreign Relations, and who has made more treaties than Mr. Wilson ever has or ever will, and asked them if it was possible that article 4 could be in this treaty. We got the London Times and the Paris Figaro and found it was in both their copies of the treaty, and so we assumed that it must be in this copy. The Senator from Nebraska [Mr. HITCHCOCK] sat there the other day while I read this purported treaty from Harvey's Weekly and said that he had an authentic copy of the treaty in his pocket, and he pulled it out. I said let the Senator produce it. If this one is not authentic let him produce the authentic one. Why one Senator should have an authentic copy of the Franco-American treaty and the Senate as a whole or the Committee on Foreign Relations should be denied it, I do not know. He said he has an authentic copy of that treaty which the President up to date has neglected to lay before the Senate. There was no conference besides that. Before I read an article in a public print charging the President with having violated the treaty that he himself had made I wanted to be satisfied that article 4 was still in the treaty. When I found that the British House of Commons had acted upon almost the same treaty, when I found that it was printed in the London Times and the Paris Figaro as being in it, I thought prima facie it was in it. If it is not in it, anybody can deny it now. It is not too late.

The Senator wonders why former Senator Root writes to Mr. Hays giving his opinion about this treaty. He wrote to Mr. Hays because Mr. Hays wrote him a letter and asked for his opinion. That is the reason, at least, that ex-Senator Root gave me.

Mr. President, as I said when I rose, I care nothing about the rambling remarks of the Senator, after he finished trying to answer the charge I made by abusing the man who had made a trivial mistake, if it was a mistake, in an irrelevant matter, and by generally denouncing those who do not take his views of this treaty. I stick to my statement that in my opinion the President has violated the treaty, and if I can have my way we will not proceed any further in the consideration of the Versailles peace treaty until he lays before us the Franco-American treaty and gives us his reasons for negotiating it.

DAUPHIN ISLAND RAILWAY & HARBOR CO.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1361) further extending the time for the commencement and completion of the bridge or bridges authorized by an act entitled "An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges, or viaducts, across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands," approved June 18, 1912, as extended by an act approved June 30, 1916, which was, on page 2, after line 10, to insert:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

The motion was agreed to.

DEPARTMENT OF EDUCATION.

Mr. SMITH of Georgia. Mr. President, about two years ago a committee of educators, composed of presidents of leading colleges and men prominent in educational work throughout the United States, conferred with me as to the importance of establishing a department of education, with a member of the Cabinet at its head. These men were active workers in different Christian religious denominations, earnestly seeking to serve their fellow men, their country, and their God, by broadening educational opportunities for our children and citizens.

As nothing concerns more our national life than the education of our citizens, it needed little argument to enlist my active interest in the proposed measure.

After free discussion a committee was appointed to draft a tentative bill. The bill was worked over a number of times, and finally, about 12 months ago, I introduced a bill providing for the creation of a Department of Education, with a secretary in the President's Cabinet, and copies of the bill were sent to those interested in the subject in various parts of the United States for further criticism and suggestion. Modifications were made in the bill, and it was again introduced during the last Congress changed somewhat in details. It has been, since that time, reviewed and criticized by committees from various organizations.

The bill introduced in the House by Judge TOWNER, H. R. 7, and by myself in the Senate, S. 1017, still contains much of the bill which was pending at the last session of Congress, but changes which seemed to improve the original bill have been made.

The National Education Association has a membership of 35,000. It was organized in 1857, and many of our ablest college presidents and educators have presided over its meetings. Committees of this organization aided in the revision of the bill, and at the July meeting of the association the bill received the cordial approval of its members.

I request to print, without reading, the resolutions passed by the National Education Association.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolutions referred to are as follows:

THE SMITH-TOWNER BILL.

Resolution adopted by National Education Association, Milwaukee meeting, July, 1919:

This association has urged for years that education should be given just recognition by the Federal Government, and that a department of education should be established. The war has so emphasized the importance of education from a national standpoint that the necessity of the immediate consideration of this question is universally recognized.

Moreover, a commission on the emergency in education, appointed by this association one year ago, acting under the instruction of the association, prepared a bill creating a department of education with a secretary in the President's Cabinet, and authorizing the appropriation of $100,000,000 to encourage the States in the promotion of education, particularly in the removal of illiteracy, the Americanization of immigrants, physical and health education, teacher preparation, and the equalizing of educational opportunities, and

This association, through its commission, and with the cooperation of other great national organizations, secured the introduction of this bill in the Sixty-fifth Congress, and more recently its introduction in the Sixty-sixth Congress in a carefully revised and perfected form, known as the Smith-Towner bill, H. R. 7 and S. 1017: Therefore

Resolved, That this association gives its hearty and unqualified indorsement to the Smith-Towner bill, H. R. 7 and S. 1017, now before the Sixty-sixth Congress, and instructs the official staff of this association to use all honorable means to secure its passage.

Mr. SMITH of Georgia. Mr. President, the American Federation of Labor and the American Federation of Teachers have given the measure a hearty indorsement.

I request to print, without reading, their resolutions.

The PRESIDENT pro tempore. If there is no objection, it is so ordered.

The resolutions referred to are as follows:

Resolution No. 123, by Delegate Charles B. Stillman, of the American Federation of Teachers.

Whereas in accordance with the instructions of the last convention, the executive council of the American Federation of Labor, working with the American Federation of Teachers and the National Education Association, has cooperated in the preparation and introduction of the educational bill, H. R. 7, which creates a Federal department of education and appropriates $100,000,000 to be apportioned among the States to aid in the payment of more adequate teachers' salaries, in the equalization of educational opportunities, in the removal of illiteracy, in Americanization of immigrants, in physical education, and in the preparation of competent teachers; and

Whereas the present period of reconstruction is revealing even more clearly than the preceding period of the war the need for a national educational policy to secure coordination among the States, and to promote national welfare, efficiency, and unity; and

Whereas the threatened collapse of our schools, which influenced the action of the last convention, is still more imminent now, through the forcing out of our best teachers by the thousands by sheer economic pressure, and through the refusal of young men and women of ability and independent spirit to prepare themselves for a calling which does not offer a self-respecting living; and

Whereas the ultimate national need is for educated manhood and womanhood, a need which will become more urgent in the period we are entering; and

Whereas the recent past has forced upon us a realization of the necessity of more effective physical education, of the removal of illiteracy, and of the Americanization of immigrants; and

Whereas in the fields of vocational and agricultural education, the value of the stimulus to the States of Federal appropriations available to a State on its meeting specified standards, and on the appropriation by that State of equal amounts, has been proved by experience; therefore, be it

Resolved, That this thirty-ninth convention of the American Federation of Labor, in conformity with the recommendation of the preceding convention, indorse the educational bill, H. R. 7, and instruct the president and executive council to use the full influence of the American Federation of Labor in its support.

Adopted.

Mr. SMITH of Georgia. Mr. President, the Good Government Club of Cleveland, Ohio, has given the bill its indorsement, which I request to print without reading.

The PRESIDENT pro tempore. Without objection, the request is granted.

The resolutions referred to are as follows:

THE OHIO STATE GOOD GOVERNMENT CLUB,
Cleveland, Ohio, July 12, 1919.

To the honorable United States Senate.

GENTLEMEN:

Whereas it is a deplorable fact, revealed by our selective service conscription, that there are over 5,000,000 people in the United States who can not read or write—thousands useless to their country for lack of understanding, handicapped thereby in transmitting their ideals; and

Whereas there is no reason for such a condition in an enlightened government: Therefore be it

Resolved, That the Federal Government must solve the educational question to facilitate its own growth and development; that democracy is based on an enlightened citizenship; and, further, that it is the province of the Government to preserve its own entity; and that

Whereas the Hoke Smith bill, known as S. 1017, is the best solution thus far advanced to meet the requirements and produce the long-hoped-for results:

Therefore, We respectfully request the United States Government, in Congress lawfully assembled, to give careful consideration to the bill designated above.

Very respectfully, yours,

THE OHIO STATE GOOD GOVERNMENT CLUB.
By C. L. CASE, *Chairman.*
J. H. DAVIS, *Secretary.*

Mr. SMITH of Georgia. Mr. President, the Jane Jefferson Democratic Club of Colorado indorsed the bill.

I request to print, without reading, their action.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

JANE JEFFERSON DEMOCRATIC CLUB, INCORPORATED,
Denver, Colo., June 25, 1919.

Hon. HOKE SMITH,
United States Senate, Washington, D. C.

MY DEAR SENATOR SMITH: The Jane Jefferson Democratic Club of Colorado takes pride and pleasure in indorsing the Smith-Towner bill (S. 1017 and H. R. 7) introduced by you and Congressman HORACE MANN TOWNER, respectively.

This club is a State-wide organization and has been in existence over twenty years, doing effective organization and political work. Its membership is composed of many of the leading women of Colorado, State and county officials, club leaders, Mothers' Congress officers, educational leaders; in fact, all women eminent in all walks of life, as well as the great voting rank and file, who, after all, in a democracy, are those who count.

This club believes that the passage of this bill is essential to the best type of after-the-war educational reconstruction, and it congratulates you and Congressman TOWNER on assuming responsibility for this piece of great constructive legislation.

Trusting that the measure may be enacted into law before the adjournment of the special session of the Sixty-sixth Congress, I am,

Very sincerely,

ANNIE PARKER HYDER (Mrs. J. B.),
Acting Secretary of the Jane Jefferson Democratic Club.

Mr. SMITH of Georgia. Mr. President, the New Jersey State Federation of Women's Clubs has indorsed the bill.

I request to print, without reading, their letter.

The PRESIDENT pro tempore. Without objection, leave is granted.

The letter referred to is as follows:

NEW JERSEY STATE FEDERATION OF WOMEN'S CLUBS,
DEPARTMENT OF LEGISLATION,
June 26, 1919.

To the Hon. HOKE SMITH,
Senator from Georgia, Washington, D. C.

SIR: I am instructed, as representative of the State Federation of Women's Clubs, composed of 200 organizations aggregating 22,000 women of this State, to write you indorsing H. R. 7, known as the "Smith-Towner bill." We feel that the need for a system such as outlined in the bill is great, and we believe that this need has been capably met in this proposed legislation. We respectfully ask, therefore, that you act favorably on this measure.

Very truly, yours,

JESSIE BUCHANAN,
Secretary.

Mr. SMITH of Georgia. The New York Section of the Council of Jewish Women has indorsed the bill.

I request that without reading it be printed.

The PRESIDENT pro tempore. If there is no objection, the request is granted.

The letter referred to is as follows:

NEW YORK SECTION OF THE COUNCIL OF JEWISH WOMEN,
New York, July 15, 1919.

Hon. HOKE SMITH,
Senate Chamber, Washington, D. C.

MY DEAR MR. SENATOR: I have to-day written to the Hon. WILLIAM S. KENYON, chairman of the Committee on Education and Labor, Hon. WILLIAM M. CALDER, and Hon. JAMES W. WADSWORTH, jr., urging them to do everything they can to support your national education bill, as follows:

"The New York Section of the Council of Jewish Women, comprising over 3,500 members, heartily indorses the national education bill introduced by Senator HOKE SMITH, and respectfully urges you to do everything you can to secure its passage.

"This bill provides for a Federal Department of Education to aid the States in the work of abolishing adult illiteracy, of carrying through an effective Americanization program, of providing physical education and health service for school children and adults, of securing better teacher training and compensation, of assuring standardization of educational facilities throughout the country. This bill is the most far-reaching national education bill ever proposed, and its passage would result in great benefits to our country."

Very truly, yours,

TISSIE T. LEHMAN,
(Mrs. Irving Lehman,)
Chairman Committee on Legislation.

Mr. SMITH of Georgia. The League of Foreign Born Citizens has indorsed the bill. I request that without reading it be printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolutions referred to are as follows:

Whereas there is now pending before the Congress of the United States a bill known as the Smith-Towner bill creating a Department of Education with a secretary in the President's Cabinet and authorizing an appropriation of $100,000,000 to encourage the States in the furtherance of education; and

Whereas the passing of said bill will promote the education of native illiterates, of persons unable to understand and use the English language, and of other resident persons of foreign birth; will provide for cooperation with the States in the education of such persons in the English language, the fundamental principles of government and citizenship, the elements of knowledge pertaining to self-support and home making, and in such other work as will assist in preparing such illiterates and foreign-born persons for successful living and intelligent American citizenship; and

Whereas the grave menace of illiteracy and of the nonassimilation of the foreign born was made strikingly manifest during the war; and

Whereas no problem of reconstruction more intimately concerns the development of a sound citizenship and a complete Americanism amongst the peoples dwelling in our midst; and

Whereas we believe that a great advance in solving the problem of illiteracy and building for a more complete Americanism will be accomplished through the wider use of the common language, English, as provided for in the proposed law: Therefore be it

Resolved, That the League of Foreign Born Citizens, numbering many thousands of peoples of different nationalities united in love and loyalty to America and to its institutions, does hereby indorse and urge the passage of the Smith-Towner bill; and be it further

Resolved, That a copy of these resolutions be sent to the members of the committees of the United States Senate and House of Representatives and to the Senators and Representatives from the State of New York; and be it further

Resolved, That the chairman of the committee on legislation, or some other member to be designated by the president, be present in Washington at any date or dates that may be fixed for public hearing on said bill.

Dated New York, July 17, 1919.

LEAGUE OF FOREIGN BORN CITIZENS,
By NATHANIEL PHILLIPS, *President*.
By CHAS. HENRY LEE,
Administrative Secretary.

Mr. SMITH of Georgia. Mr. President, the education department of the General Federation of Women's Clubs has indorsed the bill.

I will read an extract from a letter issued by their educational department, addressed to their members:

To members of the General Federation:

America's women have always championed public education. We now have an opportunity unprecedented in the history of our country to do effective service in support of this great cause.

There is before Congress a bill, introduced as House bill 7, by Congressman HORACE MANN TOWNER, of Iowa, and as Senate bill 1017, by Senator HOKE SMITH, of Georgia, which is the most important educational measure ever proposed in the United States.

This bill provides for the establishment of a Federal department of education with a secretary of education in the President's Cabinet, and for an annual appropriation of $100,000,000 with which to aid the States in stamping out illiteracy, in Americanization, in the equalization of educational opportunity, and the improvement of rural schools, in the promotion of health education and recreation, and in raising the standards of teacher training and compensation.

The measure is as nearly perfect as it is possible to prepare, and has the enthusiastic support of the General Federation of Women's Clubs; of the National Education Association; of the American Federation of Labor; of the American Federation of Teachers; and of the Mothers' Congress and Parent-Teachers' Association.

Thoroughly democratic, and absolutely necessary, unless we are to lose the fruits of our victory over aristocracy and absolutism, this measure has unlimited potentialities for good, and must not be allowed to fail. Its passage will mean more to the cause of education in the United States than any law ever enacted by Congress.

Cordially, yours,

THE EDUCATION DEPARTMENT.

Many other organizations, including school boards and chambers of commerce, have indorsed the measure. Indeed, so far as I know, the only discordant note of opposition has come from certain Catholic organizations, based, I must believe, upon a misapprehension of the bills.

In the Morning Star, printed in New Orleans, on May 31, I find the statement that the Federation of Catholic Societies condemn the Smith-Towner educational bill as un-American and un-Christian, and certain resolutions were reported as adopted which I request to have printed without reading them.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

Rev. M. Kenny, S. J., read this section of the report of the Committee on Education:

"Whereas Catholic education, and particularly our parochial school system, are indispensable nurseries of religion and of the virtues essential to true civic character and to the maintenance of Christian civilization; and

"Whereas the Constitution of the Nation and of the States guarantees religious liberty to every citizen and strictly defines the authoritative boundaries of State and Federal power; and

"Whereas certain legislative measures now introduced in Congress and various legislatures aim, directly and indirectly, to weaken, emasculate and destroy religious schools and educational individuality, and to subject all schools, in finance and curriculum, to a centralized bureau of political nationalization in Washington, thus robbing State and family and individual of their God-given rights: Therefore be it

"*Resolved*, That we, the representatives of the Catholic Federated Societies of Louisiana, are unanimously opposed to such measures as both un-American and un-Christian, and earnestly urge our people to support our Christian schools with increased unanimity and loyalty, and to combine with all Christian and patriotic citizens in opposing, by voice and pen and vote and every constitutional instrument, the advocacy, adoption, and advocates of those subversive and destructive educational schemes, thus erecting an impregnable barrier against this sinister menace to religion and Constitution, to family and Nation; be it further

Resolved, That copies of this resolution be forwarded to the President and Cabinet of the United States, to the President of the Senate, the Speaker of the House, and to our State and National Representatives."

Mr. SMITH of Georgia. Mr. President, the Morning Star on the same date commended the "magnificent stand which the Federation of Catholic Societies has made against the Smith educational bill which is to be reintroduced into Congress under the name of the Smith-Towner bill."

The Star of the same issue quoted from a paper called "America," declaring that the Smith bill was for the Prussianization of the public schools and that the Smith-Bankhead bill, for the Americanization of illiterates, was a scheme scarcely less dangerous.

On July 1, 1909, at Peru, Ill., the National Benedictine Educational Association of America adopted a platform of educational reconstruction condemning the Smith-Towner bill. I request that it be printed in the RECORD.

The PRESIDENT pro tempore. If there is no objection, it is so ordered.

The matter referred to is as follows:

BENEDICTINE NATIONAL EDUCATIONAL ASSOCIATION PROTESTS AGAINST AUTOCRACY IN EDUCATION.

JULY 1, 1919.

Assembled at a time when the war-worn peoples of the globe watch with anxiety the threatening triumph of might over right, of tyranny over democracy, of international chaos over organized government, The National Benedictine Educational Association of America, convened in St. Bede College, Peru, Ill., and representing independent institutions in the States of Oregon, Washington, Minnesota, Illinois, New Hampshire, New Jersey, Pennsylvania, Missouri, Kansas, Arkansas, Virginia, North Carolina, Alabama, Georgia, and Florida, hereby reproclaims its solemn conviction that education is the bulwark of freedom, and invites the universal cooperation of serious-minded American citizens upon the platform of educational reconstruction that here follows:

1. Federal cooperation with our free and self-controlled educational activities we recognize and welcome as an ally of educational freedom. Federal domination we condemn as educational tyranny.

2. The spirit of liberty, the fountainhead of our national Constitution, serves to condemn any governmental agency that tends to disregard or abolish the God-given right of each and every American father to create and control for his child a school which satisfies the dictates of his conscience.

3. Power to create and control the school depends on the power to control the man that creates the school.

4. Consequently, Federalization of all school moneys, the essential feature of the Smith-Towner bill, is the death knell of educational freedom.

5. Consequently, the voters of America will employ all legitimate agencies, and the final sanction of the ballot box, against a measure subversive of the educational freedom guaranteed to our families and our States by a Constitution that has lately been rewritten in the lifeblood of their sons and brothers. Shall the educational tyranny of Bismarck, after devouring with cynical smile the flower of American manhood, ride with our returning armies across the Atlantic to complete in Washington what it began in Berlin?

Mr. SMITH of Georgia. Mr. President, I trust these attacks upon the bills to create a Department of Education have been due to a lack of knowledge of the real provisions of the bills on the part of those who made them. I can not believe that these attacks represent the mature views of any considerable number of our citizens. Rather, I believe, they have been inspired by addresses such as that recently delivered by Rev. E. D. L. McDonnell, S. J., of Loyola College, Baltimore, Md. The address to which I refer was reported in the Washington Post on the 16th day of June. I send to the desk of the Secretary of the Senate some extracts from that report, which I ask to have read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

[From The Washington Post, June 16, 1919.]

PRIEST ATTACKS BILL.—REV. MR. MCDONNELL WARNS OF MENACE IN EDUCATIONAL ACT.—SPEAKS TO G. U. GRADUATES.—DECLARES SENATOR HOKE SMITH'S MEASURE FOR DEPARTMENT OF EDUCATION WOULD MEAN "DICTATOR" IN WASHINGTON.

A bitter attack upon Senator HOKE SMITH'S educational bill and similar measures pending in Congress creating a Department of Education was made yesterday by the Rev. E. De L. McDonnell, S. J., of Loyola College, Baltimore, Md., in a baccalaureate sermon delivered before the graduating classes of Georgetown University.

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WARNS OF AN "OVERSEER."

Dr. McDonnell referred to the proposed legislation as "designed to place the whole educational machinery of the country under the control of one autocratic overseer here in Washington," and described it as "the most dangerous and viciously audacious bill ever introduced into our halls of legislation, having lurking within it a most damnable plot to drive Jesus Christ out of the land."

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Dr. McDonnell continued:

"And now, last of all, but by no means least of all, our freedom is still further threatened, and still greater power is to be given to the Central Government, and State rights are still further to be weakened by a bill in Congress, the Hoke Smith educational bill, by which the whole educational machinery of the country is to be placed under the control of one autocratic overseer here in Washington.

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"But there is another aspect of this bill which, for us Catholics and for every right-thinking American, must seem much more serious, for whilst the bill does nothing ostensibly against religion, in effect it aims at banishing God from every schoolroom, whether public or private, in the United States.

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"This bill destroys all freedom of education, takes away the sacrosanct duty and right of parents to educate their own children and the right of the children to be so educated. It is a direct assault upon religion and it penalizes Jesus Christ, His faith and all who believe and teach it."

Mr. SMITH of Georgia. Mr. President, this address embodies three distinct charges against the pending bills to create a department of education.

First. That the whole educational machinery of the country is to be placed under the control of one autocratic overseer here in Washington.

Second. That the bill takes away the duty and right of parents to educate their own children and the right of the children to be so educated.

Third. That the bill would banish God from every schoolroom and is a direct assault upon religion.

Each of these charges is so utterly false that it is difficult to understand how anyone could have been willing to make them. It is especially difficult to understand how a preacher of the Gospel of Jesus Christ could have been their author.

I request now to have printed in the RECORD, without reading, Senate bill 1017, which is almost identical with House bill No. 7, introduced by Congressman TOWNER.

The PRESIDENT pro tempore. If there is no objection, the request is granted.

The matter referred to is as follows:

SIXTY-SIXTH CONGRESS, FIRST SESSION. S. 1017.

IN THE SENATE OF THE UNITED STATES.

May 28, 1919.

Mr. SMITH of Georgia introduced the following bill; which was read twice and referred to the Committee on Education and Labor.

A bill to create a Department of Education, to authorize appropriations for the conduct of said department, to authorize the appropriation of money to encourage the States in the promotion and support of education, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created an executive department in the Government to be called the Department of Education, with a Secretary of Education, who shall be the head thereof, to be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $12,000 per annum, and whose tenure of office shall be the same as that of the heads of other executive departments; and section 158 of the Revised Statutes is hereby amended to include such department, and the provisions of title 4 of the Revised Statutes, including all amendments thereto, are hereby made applicable to said department. The Secretary of Education shall cause a seal of office to be made for such department of such device as the President shall approve, and judicial notice shall be taken of said seal.

SEC. 2. That there shall be in said department an Assistant Secretary of Education, to be appointed by the President, who shall receive a salary of $5,000 per annum. He shall perform such duties as may be prescribed by the secretary or required by law. There shall also be one chief clerk and a disbursing clerk and such chiefs of bureaus and clerical assistants as may from time to time be authorized by Congress.

SEC. 3. That there is hereby transferred to the Department of Education, the Bureau of Education, and the President is authorized and empowered, in his discretion, to transfer to the Department of Education such offices, bureaus, divisions, boards, or branches of the Government devoted to educational matters and connected with or attached to any of the executive departments or organized independently of any department as in his judgment should be controlled by, or the functions of which should be exercised by, the Department of Education; and all such offices, bureaus, divisions, boards, or branches of the Government so transferred by the President or by act of Congress, shall thereafter be administered by the Department of Education, as hereinafter provided.

All officers, clerks, and employees employed in or by any office, bureau, division, board, or branch of the Government, transferred in accordance with the provisions of this act to the Department of Education, shall each and all be transferred to said Department of Education at their existing grades and salaries, except where otherwise provided in this act; and the office records and papers on file and pertaining exclusively to the business of any such office, bureau, division, board, or branch of the Government so transferred, together with the furniture and equipment thereof, shall be transferred to said department.

SEC. 4. That the Secretary of Education shall have charge, in the buildings or premises occupied by or assigned to the Department of Education, of the library, furniture, fixtures, records, and other property used therein or pertaining thereto, and may expend for rental of appropriate quarters for the accommodation of the Department of Education within the District of Columbia, and for the library, furniture, equipment, and all other incidental expenses, such sums as Congress may provide from time to time.

All power and authority conferred by law upon or exercised by the head of any executive department, or by any administrative board, over any officer, office, bureau, division, board, or branch of the Government, transferred in accordance with the provisions of this act to the Department of Education, and any and all business arising therefrom or pertaining thereto, and all duties performed in connection therewith, shall, after such transfer, be vested in and exercised by the Secretary of Education.

All laws prescribing the work and defining the duties and powers of the several offices, bureaus, divisions, boards, or branches of the Government, transferred in accordance with the provisions of this act to the Department of Education, shall, in so far as the same are not in conflict with the provisions of this act, remain in full force and effect and be executed under the direction of the Secretary of Education, to whom is hereby granted definite authority to reorganize the work of any and all of the said offices, bureaus, divisions, boards, or branches of the Government so transferred, in such way as will in his judgment best accomplish the purposes of this act.

SEC. 5. That it shall be the duty of the Department of Education to conduct studies and investigations in the field of education and to report thereon. RESEARCH SHALL BE UNDERTAKEN IN (A) ILLITERACY; (B) IMMIGRANT EDUCATION; (C) PUBLIC-SCHOOL EDUCATION, AND ESPECIALLY RURAL EDUCATION; (D) PHYSICAL EDUCATION, INCLUDING HEALTH EDUCATION, RECREATION, AND SANITATION; (E) PREPARATION AND SUPPLY OF COMPETENT TEACHERS FOR THE PUBLIC SCHOOLS; AND (F) IN SUCH OTHER FIELDS AS, IN THE JUDGMENT OF THE SECRETARY OF EDUCATION, MAY REQUIRE ATTENTION AND STUDY.

In order to carry out the provisions of this section the Secretary of Education is authorized, in the same manner as provided for appointments in other departments, to make appointments, or recommendations of appointments of educational attachés to foreign embassies, and of such investigators and representatives as may be needed, subject to the appropriations that have been made or may hereafter be made to any office, bureau, division, board or branch of the Government, transferred in accordance with the provisions of this act to the Department of Education; and where appropriations have not been made therefor the appropriation provided in section 6 of this act shall be available.

SEC. 6. That for the fiscal year ending June 30, 1921, and annually thereafter, the sum of $500,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Department of Education, for the purpose of paying salaries and conducting investigations and paying all incidental and traveling expenses and rent where necessary, and for the purpose of enabling the Department of Education to carry out the provisions of this act. And all appropriations which have been made and which may hereafter be made to any office, bureau, division, board or branch of the Government, transferred in accordance with the provisions of this act to the Department of Education, are hereby continued in full force and effect, and shall be administered by the Secretary of Education in such manner as is prescribed by law.

SEC. 7. That in order to encourage the States in the promotion and support of education, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1921, and annually thereafter, $100,000,000, to be apportioned, disbursed, and expended as hereinafter provided.

SEC. 8. That in order to encourage the States to remove illiteracy, three-fortieths of the sum authorized to be appropriated by section 7 of this act shall be used for the instruction of illiterates ten years of age and over. Such instruction shall deal with the common-school branches and the duties of citizenship, and when advisable shall prepare for some definite occupation. Said sum shall be apportioned to the States in the proportions which their respective illiterate populations of ten years of age and over, not including foreign-born illiterates, bear to such total illiterate population of the United States, not including outlying possessions, according to the last preceding census of the United States.

SEC. 9. That in order to encourage the States in the Americanization of immigrants, three-fortieths of the sum authorized to be appropriated by section 7 of this act shall be used to teach immigrants ten years of age and over to speak and read the English language and to understand and appreciate the spirit and purpose of the American Government and the duties of citizenship in a free country. The said sum shall be apportioned to the States in the proportions which their respective foreign-born populations bear to the total foreign-born population of the United States, not including outlying possessions, according to the last preceding census of the United States.

SEC. 10. That in order to encourage the States to improve educational opportunities, five-tenths of the sum authorized to be appropriated by section 7 of this act shall be used in public elementary and secondary schools for the partial payment of teachers' salaries, for providing better instruction and extending school terms, especially in rural schools and schools in sparsely settled localities, and otherwise providing equally good educational opportunities for the children in the several States, and for the extension and adaptation of public libraries for educational purposes. The said sum shall be apportioned to the States, one-half in the proportions which the number of children between the ages of six and twenty-one of the respective States bear to the total number of such children in the United States, and one-half in the proportions which the number of public-school teachers employed in teaching positions in the respective States bear to the total number of public-school teachers so employed in the United States, not including outlying possessions, said apportionment to be based upon statistics collected annually by the Department of Education.

Provided, however, That in order to share in the apportionment provided by this section a State shall establish and maintain the following requirements unless prevented by constitutional limitations, in which case these requirements shall be approximated as nearly as constitutional provisions will permit: (A) A LEGAL SCHOOL TERM OF AT LEAST 24 WEEKS IN EACH YEAR FOR THE BENEFIT OF ALL CHILDREN OF SCHOOL AGE IN SUCH STATE; (B) A COMPULSORY SCHOOL ATTENDANCE LAW REQUIRING ALL CHILDREN BETWEEN THE AGES OF SEVEN AND FOURTEEN TO ATTEND SOME SCHOOL FOR AT LEAST 24 WEEKS IN EACH YEAR; (C) A LAW REQUIRING THAT THE ENGLISH LANGUAGE SHALL BE THE BASIC LANGUAGE OF INSTRUCTION IN THE COMMON-SCHOOL BRANCHES IN ALL SCHOOLS, PUBLIC AND PRIVATE.

SEC. 11. That in order to encourage the States in the promotion of physical education, two-tenths of the sum authorized to be appropriated by section 7 of this act shall be used for physical education and instruction in the principles of health and sanitation, and for providing school nurses, school dental clinics, and otherwise promoting physical and mental welfare. The said sum shall be apportioned to the States in the proportions which their respective populations bear to the total population of the United States, not including outlying possessions, according to the last preceding census of the United States.

SEC. 12. That in order to encourage the States in the preparation of teachers for public-school service, particularly in rural schools, three-twentieths of the sum authorized to be appropriated by section 7 of this act shall be used to provide and extend facilities for the improvement of teachers already in service and for the more adequate preparation of prospective teachers, and to provide an increased number of trained and competent teachers by encouraging, through the establishment of scholarships and otherwise, a greater number of talented young people to make adequate preparation for public-school service. The said sum shall be apportioned to the States in the proportions which the number of public-school teachers employed in teaching positions in the respective States bear to the total number of public-school teachers so employed in the United States, not including outlying possessions, said apportionments to be based on statistics collected annually by the Department of Education.

SEC. 13. That in order to secure the benefits of the appropriation authorized in section 7, and of any of the apportionments made in sections 8, 9, 10, 11, and 12 of this act, a State shall by legislative

enactment accept the provisions of this act and provide for the distribution of such funds as may be apportioned to said State, and shall designate the State's chief educational authority, whether a State superintendent of public instruction, a commissioner of education, a State board of education, or other legally constituted chief educational authority, to represent said State in the administration of this act, and such authority so designated shall be recognized by the Secretary of Education: *Provided*, That in any State in which the legislature does not meet in 1920, the governor of said State, in so far as he may have authority so to do, may take such action temporarily as is herein provided to be taken by legislative enactment in order to secure the benefits of this act, and such action by the governor shall be recognized by the Secretary of Education for the purposes of this act, when reported by the chief educational authority designated to represent said State, until the legislature of said State shall have met in due course and been in session 60 days.

In any State accepting the provisions of this act the State treasurer shall be designated and appointed as custodian of all funds received by said State as apportionments under the provisions of this act, to receive and provide for the proper custody and disbursement of the same, such disbursements to be made in accordance with the legal provisions of said State, on warrants duly drawn by the State's chief educational authority designated to represent said State in the administration of this act.

A State may accept the provisions of any one or more of the respective apportionments authorized in sections 8, 9, 10, 11, and 12 of this act, and may defer the acceptance of any one or more of said apportionments: *Provided, however*, That no money shall be apportioned to any State from any of the funds provided in sections 8, 9, 10, 11, and 12 of this act unless a sum equally as large shall be provided by said State, or by local authorities, or by both, for the same purpose: *And provided*, That the sum or sums provided by a State for the improvement of educational opportunities, for the promotion of physical education, and for the preparation of teachers, shall not be less for any year than the amount provided for the same purpose for the fiscal year next preceding the acceptance of the provisions of this act by said State: *And provided further*, That no money apportioned to any State under the provisions of this act shall be used by any State or local authority, directly or indirectly, for the purchase, rental, erection, preservation, or repair of any building or equipment, or for the purchase or rental of land, or for the payment of debts or the interest thereon.

SEC. 14. That when a State shall have accepted the provisions of this act and shall have provided for the distribution and administration of such funds as may be apportioned to said State, as herein provided, the State's chief educational authority designated to represent said State shall so report in writing to the Secretary of Education. If such report shows that said State is prepared to carry out the provisions of this act with respect to any one or more of the apportionments authorized in sections 8, 9, 10, 11, and 12 of this act, the Secretary of Education shall apportion to said State for the fiscal year, or for the remainder of the fiscal year, as the case may be, such funds as said State may be entitled to receive under the provisions of this act, and shall certify such apportionment or apportionments to the Secretary of the Treasury: *PROVIDED*, THAT THIS ACT SHALL NOT BE CONSTRUED TO REQUIRE UNIFORMITY OF PLANS, MEANS, OR METHODS IN THE SEVERAL STATES IN ORDER TO SECURE THE BENEFITS HEREIN PROVIDED, EXCEPT AS SPECIFICALLY STATED HEREIN: *AND PROVIDED FURTHER*, THAT ALL THE EDUCATIONAL FACILITIES ENCOURAGED BY THE PROVISIONS OF THIS ACT AND ACCEPTED BY A STATE SHALL BE ORGANIZED, SUPERVISED, AND ADMINISTERED EXCLUSIVELY BY THE LEGALLY CONSTITUTED STATE AND LOCAL EDUCATIONAL AUTHORITIES OF SAID STATE, AND THE SECRETARY OF EDUCATION SHALL EXERCISE NO AUTHORITY IN RELATION THERETO EXCEPT AS HEREIN PROVIDED TO INSURE THAT ALL FUNDS APPORTIONED TO SAID STATE SHALL BE USED FOR THE PURPOSES FOR WHICH THEY ARE APPROPRIATED, AND IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT ACCEPTED BY SAID STATE.

SEC. 15. That the Secretary of Education is authorized to prescribe plans for keeping accounts of the expenditures of such funds as may be apportioned to the States under the provisions of this act, and to audit such accounts. The Secretary of Education may withhold the apportionment or apportionments of any State for the next ensuing fiscal year whenever he shall determine that such apportionment or apportionments made to said State for the current fiscal year are not being expended in accordance with the provisions of this act: *Provided, however*, That before withholding any such apportionment from any State, as herein provided, the Secretary of Education shall give due notice in writing to the chief educational authority designated to represent said State, stating specifically wherein said State fails to comply with the provisions of this act.

If any portion of the money received by the treasurer of a State under the provisions of this act for any of the purposes herein provided shall, by action or contingency, be diminished or lost, the same shall be replaced by said State, and until so replaced no subsequent apportionment for such purpose shall be paid to said State. If any part of the funds apportioned annually to any State for any of the purposes named in sections 8, 9, 10, 11, and 12 of this act has not been expended for such purpose, a sum equal to such unexpended part shall be deducted from the next succeeding annual apportionment made to said State for such purpose.

SEC. 16. That the Secretary of the Treasury is hereby authorized and directed to pay quarterly, on the 1st day of July, October, January, and April, to the treasury of any State designated to receive such funds, such apportionment or apportionments as are properly certified to him by the Secretary of Education, and he shall discontinue such payments when notified so to do by the Secretary of Education, as provided in this act.

SEC. 17. That the chief educational authority designated to represent any State receiving the benefits of this act shall, not later than September 1 of each year, make a report to the Secretary of Education showing the work done in said State in carrying out the provisions of this act, and the receipts and expenditures of money apportioned to said State under the provisions of this act. If the chief educational authority designated to represent any State shall fail to report as herein provided, the Secretary of Education shall notify the Secretary of the Treasury to discontinue the payment of all apportionments to said State until such report shall have been made.

SEC. 18. That the Secretary of Education shall annually at the close of each fiscal year make a report in writing to Congress giving an account of all moneys received and disbursed by the Department of Education, and describing the work done by the department. He shall also, not later than December 1 of each year, make a report to Congress on the administration of sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 of this act, and shall include in said report a summary of the reports made to him by the several States showing the condition of public education therein, and shall at the same time make such recommendations to Congress as will, in his judgment, improve public education in the United States. He shall also from time to time make such special investigations and reports as may be required of him by the President or by Congress.

SEC. 19. That this act shall take effect April 1, 1920, and all acts and parts of acts in conflict with this act are hereby repealed.

Mr. SMITH of Georgia. Mr. President, no one can read the bill without observing that no autocratic overseer of education is created in Washington.

It will also readily be seen that the bill in no way interferes with the right of a parent to place his child in a private school or religious denominational school if he sees fit to do so.

The bill seeks to aid the States in fighting illiteracy, in teaching the English language to immigrants, in strengthening the schools by adding to the pay of teachers, and by contributing toward the better preparation of teachers for their work.

The charge that it banishes God from the schoolroom and that it is an assault upon religion will be tolerated only by one who opposes public education conducted by the State or local authorities, and who opposes all schools, except denominational and parochial schools.

Let us consider the bill somewhat in detail.

The first four paragraphs of the bill provide for the creation of a department of education, with a secretary of education who shall be a member of the President's Cabinet. They transfer the Bureau of Education to the Department of Education, and authorize the President to transfer from time to time, at his discretion, other national educational activities to the Department of Education. They give the secretary of education supervisory authority over the department of education.

Section 5 requires the department to conduct studies and investigation in the field of education and directs that research be undertaken in illiteracy; immigrant education; public-school education, and especially rural education; physical education, including health education, recreation, and sanitation; and preparation and supply of competent teachers for public schools.

It will be seen that these provisions give the department in Washington no authority over the problems of education named, but require research in the interest of the schools of the entire country, that the information thus gathered may be furnished for the benefit of all States and all schools in the States.

Sections 6, 7, 8, 9, 10, 11, and 12 provide for appropriations, a part for the instruction of illiterates; a part for the Americanization of immigrants; a part to be used in public elementary and secondary schools toward payment of teachers' salaries and for providing better instruction and extending school terms, especially in rural schools and schools in sparsely settled localities; a part for physical education and instruction in the principles of health and sanitation, and for providing school nurses and school dental clinics and otherwise promoting physical and mental welfare; a part for the preparation of teachers for public-school service, particularly in rural schools.

These funds, except the amount to be used to conduct the work of investigation by the department here in Washington, are to be distributed to the States, and used by the States and the educational authorities of the States.

So far from giving the department here control over the work in the respective States, it is specifically provided in section 14:

> That this act shall not be construed to require uniformity of plans, means or methods in the several States in order to secure the benefits herein provided, and the use of the funds and all the educational facilities encouraged by the provisions of this act and accepted by the States, shall be organized, supervised and administered exclusively by the legally constituted State and local authorities of said States.
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> And the Secretary of Education shall exercise no authority in relation thereto, except as herein provided, to insure that all funds apportioned to said State shall be used for the purposes for which they are appropriated.

The language of the bill shows how absurd was the charge that the educational machinery of the country is to be placed under the control of one autocratic overseer here in Washington.

A provision is made that each State must duplicate the fund offered by the National Government if it is to be received by the State, and a further provision is found in section 10 that in order to share in the apportionment provided by this section (which is the appropriation to be used in public elementary and secondary schools for the partial payment of teacher's salaries), a State shall establish and maintain the following requirements, or these requirements shall be approximated as nearly as constitutional provisions will permit: "(a) A legal school term of at least 24 weeks in each year for the benefit of all the children of school age in such State; (b) a compulsory school attendance law requiring all children between the ages of 7 and 14 to attend some school for at least 24 weeks in each year; (c) a law requiring that the English language shall be the basic

language of instruction in the common-school branches in all schools, public and private."

The purpose of the bill is to aid the States in furnishing an opportunity for each child to attend a public school and to aid in improving the work of the school; to require a term of at least 24 weeks in each year for the benefit of all children is a reasonable provision, and the least that any State should furnish.

If the bill stimulates every State to furnish public schools, open for not less than 24 weeks each year to all the children of the State, it will do great good.

Surely no one will question the propriety of making the English language the basic language of instruction in the common schools, public and private.

This disposes of two of the three requirements necessary to sharing in the appropriation.

The provision requiring a compulsory school-attendance law does not require that the children shall attend the public schools but requires the 24 weeks' attendance to be in some school, public, parochial, or private, leaving the choice to the parents. That all children may have a chance to go to school, the State must see to it that the opportunity is given, but no requirement is made upon parents that their children shall attend the public school.

The Presbyterian Church in the city of Atlanta of which I am a member, maintains a church school. The bill in no way interferes with this school. Attendance for 24 weeks each year upon this school or any church school—Presbyterian, Baptist, Methodist, Episcopal, or Catholic—or any private school meets the requirements of the bill. The claim that it takes away the right of parents to educate their own children is plainly false.

The charge that this bill would banish God from every school is without the slightest foundation. The bill can only be considered an assault upon religion by those who oppose public schools, and by those who believe ignorance on the part of the masses increases religious faith. The charge is really an attack upon public education and shall not be permitted to hide behind an expressed attack on this bill. It is founded upon opposition to taxing all the people that all the children may have an opportunity to obtain an education. It is an assault upon our public-school systems in every State, and carried to its logical consequence would abolish all public education conducted by State or local authorities.

If public education were suppressed, more than half of the children of our country would grow up in ignorance.

I need not dwell upon the calamity which would be visited upon our country if the opportunity for education at public expense were suppressed.

Taxes paid for the support of public schools are the highest contribution made by wealth for the welfare of our citizens and for the future of our country.

These attacks might have been expected of leaders of thought in the Dark Ages; at the present time they are surprising and shocking.

I can not believe that the real leaders of the Catholic Church or the rank and file of its members in the United States are opposed to public schools, or to an opportunity being given to every child of obtaining an education at the public expense.

I hope they will learn the real meaning of these bills to create a Department of Education. If they do so, and if I am right in my estimate of their attitude toward public schools, they will aid in stopping the unwise opposition to these bills to which I have referred.

I wish to add a table showing the native-born illiterates, and the foreign-born immigrants in each State. The table also shows the allotment made by the bill to each State for illiteracy and Americanization. I request that the table be printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The table is as follows:

Illiteracy and Americanization.

	Native-born illiterates.	Allotment for removal of illiteracy.	Foreign-born immigrants.	Allotment for Americanization.
United States	3,762,003	$7,500,000.00	13,515,886	$7,500,000.00
Alabama	350,396	698,689.62	19,286	10,703.73
Arizona	3,898	7,772.61	48,765	27,064.57
Arkansas	141,423	281,997.46	17,046	9,460.53
California	8,838	17,622.97	586,432	325,469.76
Colorado	8,989	17,924.07	129,587	71,920.79
Connecticut	4,375	8,723.75	329,574	182,913.57
Delaware	9,870	19,680.78	17,492	9,708.06
Florida	74,374	148,301.75	40,633	22,551.31
Georgia	388,842	775,350.94	15,477	8,589.73
Idaho	744	1,483.54	42,578	23,630.79
Illinois	50,199	100,096.81	1,205,314	668,949.27
Indiana	47,914	95,540.52	159,663	88,612.97

Illiteracy and Americanization—Continued.

	Native-born illiterates.	Allotment for removal or illiteracy.	Foreign-born immigrants.	Allotment for Americanization.
Iowa	12,813	$25,549.12	273,765	$151,939.58
Kansas	14,823	29,537.12	135,450	75,174.75
Kentucky	204,697	408,165.81	40,162	22,289.91
Louisiana	339,507	676,976.96	52,766	29,285.13
Maine	9,917	19,774.50	110,562	61,361.91
Maryland	61,241	122,114.55	104,944	58,243.92
Massachusetts	11,747	23,423.52	1,059,245	587,880.98
Michigan	18,672	37,231.97	597,550	331,640.25
Minnesota	6,053	12,069.68	543,595	301,695.23
Mississippi	288,137	547,545.18	9,770	5,422.35
Missouri	88,304	176,078.17	229,779	127,527.34
Montana	850	1,694.90	94,713	52,565.72
Nebraska	4,760	9,491.44	176,662	98,047.41
Nevada	213	424.72	19,691	10,928.50
New Hampshire	2,890	5,762.66	96,667	53,650.18
New Jersey	19,658	39,198.05	660,788	366,737.34
New Mexico	30,529	60,874.83	23,146	12,846.03
New York	42,086	83,919.48	2,748,011	1,525,146.11
North Carolina	288,492	575,253.05	6,092	3,381.06
North Dakota	1,439	2,869.37	156,654	86,942.97
Ohio	57,770	115,193.38	598,374	332,097.57
Oklahoma	51,427	102,545.44	40,442	22,445.31
Oregon	1,887	3,762.68	113,135	62,790.48
Pennsylvania	74,318	148,190.09	1,142,374	800,517.57
Rhode Island	4,005	7,985.97	179,141	99,423.26
South Carolina	276,487	551,315.08	6,179	3,429.35
South Dakota	1,277	2,546.34	100,790	55,938.45
Tennessee	219,507	437,696.96	18,607	10,326.88
Texas	215,209	429,126.75	241,938	134,275.53
Utah	881	1,756.71	65,822	36,531.21
Vermont	4,564	9,100.62	49,921	27,706.15
Virginia	230,407	459,431.56	27,057	15,016.64
Washington	2,075	4,137.55	256,241	142,213.75
West Virginia	61,754	123,137.48	57,218	31,755.99
Wisconsin	11,581	23,092.51	512,865	284,640.07
Wyoming	400	797.60	29,020	16,106.10

ARKANSAS RIVER BRIDGES.

Mr. SHEPPARD. From the Committee on Commerce, I ask leave to report back two bridge bills, which ought to be passed at once, and I shall ask for their consideration.

Mr. CURTIS. Let them be read.

Mr. SHEPPARD. Very well; they will be read.

From the Committee on Commerce, I report back favorably without amendment the bill (S. 2594) to extend the time for the construction of the Broadway Street Bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark., and I submit a report (No. 112) thereon. I ask that the bill be read.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge and approaches thereto, authorized by act of Congress approved August 7, 1914, to be built from Broadway Street, in the city of Little Rock, Ark., to a point on the north bank of said river in the city of Argenta, county of Pulaski, Ark., are hereby extended one year and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

There being no objection, the bill was considered as in Committee of the Whole.

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

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably without amendment the bill (S. 2595) to extend the time for the construction of the Main Street Bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark., and I submit a report (No. 113) thereon. I ask for the immediate consideration of the bill.

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

Be it enacted, etc., That the times for commencing and completing the construction of a bridge and approaches thereto, authorized by act of Congress approved October 6, 1917, to be built across the Arkansas River at the city of Little Rock on the site now occupied by the free highway bridge constructed by said county in the years 1896 and 1897, are hereby extended one year and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

DEPARTMENT OF EDUCATION.

Mr. THOMAS. Mr. President, I have listened with close attention to the remarks of the Senator from Georgia [Mr. SMITH] upon the so-called Smith-Towner bill. The objections to the bill which he has discussed seem to me to be untenable; but I have been impressed with the fact this bill, if enacted into law, how-

ever carefully it is drawn and whatever limitations may be originally placed upon the subject, will be the beginning of a policy of transferring to the General Government complete jurisdiction over the cause of education. The attractive feature of the bill to those who are very actively engaged at present in cultivating a propaganda for it—for I am getting multitudes of letters identical in expression in favor of it—is the fact that it carries an appropriation of $100,000,000. That is a bait, Mr. President, which few men in this country can resist at this time, particularly when these benefits are to be shed like the dews of heaven over the just and the unjust in all the States and Territories of the Union.

I believe in the education of the people of the United States and of their children, as I believe in the cause of education everywhere, but I am also profoundly convinced that one of the things that the States reserved to themselves and which is essential to their integrity and to the integrity of the cause of local self-government is their continued retention of jurisdiction over the education of the people within their borders.

I know that it may be said that this duty has in large degree been neglected in certain portions of the country in the past and is now being neglected. I know that it is claimed, with perfect truth, that the percentage of illiteracy in some sections of the country is simply appalling and that it constitutes a menace to the integrity of the Nation. That is to say, that the States are not functioning; that is to say, that the Government must assume the obligation of discharging the duties of the States wherever the States themselves fail, in whole or in part, in assuming the obligation themselves.

The tendency of the Federal Government to extend its powers and activities far beyond the original purposes contemplated is a tendency which is encouraged by the people of the States of the Union whenever it appears that the extension carries with it the assumption of the financial obligation which the discharge of the duty involves. I know of no reason if this is a logical movement why we should not have a minister of police as a member of the Cabinet of the President, to whom should be given the authority of enforcing police regulations throughout the country, the States themselves being negligent or indifferent or sometimes wholly failing in the discharge of that local obligation. I know of no reason why we should have States at all if this tendency is to continue, and particularly if it is to continue with the encouragement of the people of the States. If that is to be the policy of the United States hereafter, let us make one bite at the cherry and establish in the city of Washington a department for all of the local activities of the country.

Mr. KING. And wipe out the States?

Mr. THOMAS. It would wipe out the States. It is being done through the constant operation of what might be called the law of political gravity; and it may be entirely useless, probably it is, for those of us who believe that there should be some semblance of authority left to the States to contend against this manifest movement. The fact is that in some sections of the country, if I can judge from the letters which I have received upon this subject, people have come to the conclusion that the Government has heretofore been extremely remiss in not taking over these agencies and relieving the local government from the consequent burden of taxation.

The Senator from Georgia has so drawn this bill that the activities of the States are to continue and the revenues raised for educational purposes are not to be diminished; but the Government, out of its inexhaustible revenues, is to begin with the trifle of $100,000,000 in supplementing educational funds. I make the prediction that within 10 or 15 years from now, largely through the action of the States themselves, this obligation will be more and more imposed upon the shoulders of the Federal Government until by that time education in the United States will be bureaucratized and subjected to all of the evils of bureaucracy, with its concomitants of red tape, multitudinous officials, and inefficiency which during the war were brought so startlingly to the attention of the country in regard to matters military.

Mr. President, I had a friend who during the war gave his entire time to the people of the United States. He is a man of means, an engineer, who in his work in the world has accomplished many things of magnitude and made his own fortune. About a year ago he became impressed with the necessity of securing for the soldiers of the Expeditionary Forces in France every possible and effective supply against the gases which at that time were being used so prodigally by the Germans in their frantic efforts to stop the advance which, once begun, only ended with the armistice. The demand that came for this class of material was overwhelming; the need of it was everywhere admitted. This gentleman gave special attention to it, and was one of those who brought to public attention the need for conserving the shells of coconuts, the seeds of peaches and almonds and of other small fruits, the incineration of which furnished a class of charcoal of very superior quality and peculiarly desirable for this particular use. He designed a building for the rapid and effective incineration of this material, but the bureaucratic authorities of the War Department, dissatisfied with his plans, prepared and presented their own plans for buildings, the completion of which alone would in all probability have taken not less than three months. This gentleman said, "All right; go ahead with your plans, but we must have this charcoal at once; the demand for it now is emergent; by the time this newly designed factory is created the war may be over and Germany may be victorious. What we want we must have, and we must have it now. I have some kilns of my own in the city of Toledo; they are at present unoccupied and inactive; and I will undertake to supply this material myself. If the Government pays me, well and good; if it does not pay me hereafter, all right; but I will do it. The need for it is overwhelming, and every man should recognize it and act accordingly."

So he telegraphed to his associates, got his kilns in condition, reported to the proper authority, and asked for the material. He was met with the reply that he could not have it, because he had no contract with the Government permitting it. It was not until this gentleman appealed directly to the higher authorities, pointing out the tremendous emergency with which he was confronted and what he was required to do and trying to do on his own account and with no hope of reward, that he managed grudgingly to secure the needed supply, made the charcoal, and sent it across. Of course, that is an unusual instance; it may not be typical; but it indicates the result of bureaucracy in a centralized government like this. So, when this bill is enacted, as it probably will be—for no doubt the $100,000,000 lure will be sufficient to get votes enough to pass it in both Houses—the Senators upon this floor who are perhaps 15 or 20 years younger than I am will in all probability live to see everything affecting education throughout this country emanating from general headquarters in the city of Washington, and necessarily passing through the manifold processes and subdivisions of an organized bureaucracy.

This, Mr. President, in brief, is the basis of the objection that I shall offer to the passage of this bill when it comes up for final consideration.

Mr. SMITH of Georgia. Mr. President, I do not desire at this time to enter into a discussion of the general merits of the bill. My only object in speaking to-day was to present an answer, by an analysis of the bill itself, to the charges that have been brought against it, unfounded as they are, believing that a presentation of the real provisions of the bill would relieve the minds even of some of those who have brought the charges.

I think it can be easily shown that the views of those of us who framed the bill are sound. We insist that the National Government should contribute toward the education of the children of the country. We believe the educational responsibility to be a triple one—in part resting upon the locality, in part resting upon the States, and in part resting upon the National Government. The spirit that inspired this bill and preserved the entire control in the State governments, I think, will endure, and I do not share the fear suggested by the Senator from Colorado that in a few years the State control and State administration will be wiped out. I believe that the work will be so excellent, I believe the stimulating influence to the States will be so inspiring, and the better operation of the schools as the result of the operation of this bill will be so apparent, that, instead of modifying the view that all the control must be kept in the States, it will be strengthened. So I do not feel that anyone need have any hesitancy about supporting the measure on that account.

The National Government, by Federal legislation, has determined that every child from 7 to 14 must be kept away from work. The National Government has assumed this responsibility. It is only fair that a portion of the national income may be used to provide that the children between 7 and 14 may be furnished an opportunity to obtain preparation for better work when with them work begins.

We have passed legislation giving to the National Government large revenues through income taxation; we draw to the National Government large sums through inheritance taxes. The great incomes of the people of this country are not made in the States where the owners live. The real instrumentality that produces the large incomes are in many States away from the State of residence. For this reason it is fair that the National Government should contribute in part toward car-

rying the responsibility and the burden of education in the States.

The lack of education by citizens injures the locality of residence, the State of residence, and the Nation.

We may well regard the duty of education one to which all three shall contribute. But I will not now discuss the subject. I will do so at a later day.

EXECUTIVE SESSION.

Mr. CURTIS. Mr. President, I move that the Senate proceeed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 29, 1919, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 28, 1919.

CONSULS.

CLASS 4.

Ransford S. Miller, of New York, now Chief of the Division of Far Eastern Affairs, Department of State, to be a consul general of class 4 of the United States of America.

CLASS 8.

Lee R. Blohm, of Bisbee, Ariz., to be a consul of class 8 of the United States of America.

ASSISTANT DIRECTOR OF CENSUS.

William M. Steuart, of Michigan, to be Assistant Director of the Census, in the Department of Commerce. (New office authorized by section 3 of the Fourteenth Decennial Census act approved Mar. 3, 1919.)

COLLECTOR OF CUSTOMS.

William P. Ryan, of Baltimore, Md., to be collector of customs for customs collection district No. 13, with headquarters at Baltimore, Md. (Reappointment.)

THIRD JUDGE OF CIRCUIT COURT.

James J. Banks, of Hawaii, to be third judge of the circuit court, first circuit of the Territory of Hawaii, vice William H. Heen, resigned.

UNITED STATES ATTORNEY.

E. W. Fiske, of Sioux Falls, S. Dak., to be United States attorney, district of South Dakota, vice Robert P. Stewart, resigned.

COLLECTORS OF INTERNAL REVENUE.

Lewis Williams, of Pocatello, Idaho, to be collector of internal revenue for the district of Idaho. New office.

William L. Elder, of Indianapolis, Ind., to be collector of internal revenue for the sixth district of Indiana, in place of Peter J. Kruyer, resigned.

George L. Donald, of Jackson, Miss., to be collector of internal revenue for the district of Mississippi. New office.

REGISTER OF THE LAND OFFICE.

Frank A. Boyle, of Alaska (now receiver of public moneys at Juneau, Alaska), to be register of the land office at Juneau.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 28, 1919.

ASSISTANT COMMISSIONER OF PATENTS.

Melvin H. Coulston to be Assistant Commissioner of Patents.

SOLICITOR OF INTERNAL REVENUE.

Robert N. Miller to be Solicitor of Internal Revenue.

JUDGE OF THE COURT OF CLAIMS.

Samuel J. Graham to be judge of the Court of Claims.

UNITED STATES ATTORNEYS.

John F. Crosby to be United States attorney, district of Connecticut.

W. V. Gregory to be United States attorney, western district of Kentucky.

Lee Douglas to be United States attorney, middle district of Tennessee.

UNITED STATES MARSHALS.

Herman O'Connor to be United States marshal, western district of Michigan.

J. Parks Worley to be United States marshal, eastern district of Tennessee.

Stanley H. Trezevant to be United States marshal, western district of Tennessee.

COLLECTOR OF INTERNAL REVENUE.

William L. Elder to be collector of internal revenue, sixth district of Indiana.

REGISTERS OF LAND OFFICE.

Henry A. Meier to be register of land office at Lincoln, Nebr.

Mrs. Minnie L. Bray to be register of the land office at Carson City, Nev.

William O'Leary to be register of the land office at Minot, N. Dak.

James E. Truesdale to be register of land office at Timber Lake, S. Dak.

RECEIVERS OF PUBLIC MONEYS.

Mrs. Lulu Hurley to be receiver of public money at Elko, Nev.

William Norris Dickinson to be receiver of public moneys at Williston, N. Dak.

APPOINTMENT IN THE REGULAR ARMY.

MEDICAL DEPARTMENT.

Col. Walter D. McCaw to be assistant surgeon general, with the rank of brigadier general.

POSTMASTERS.

ALABAMA.

William L. Phillips, Clio.
Louis C. Kelley, Carbon Hill.
Richard C. Jones, Camden.
Clifford R. Rankin, Brewton.
Jacob E. Hood, Cordova.
Robert B. Evans, Elkmont.
Robert Stephens, jr., Fairfield.
M. W. Camper, Florence.
Leona Randall, Fort Morgan.
Stephen D. Fulford, Georgiana.
Theresa C. Spink, Grand Bay.
Walter Whisenhunt, Hanceville.
Sarah M. Salley, Hayneville.
Daniel W. McLean, Headland.
Robert L. O'Neal, Huntsville.
Nannie S. Coleman, Jasper.
Joseph S. McCain, Lineville.
Ruth K. Conerly, Lockhart.
Jake E. Wallace, Maplesville.
William T. Rutledge, Quinton.
Bays D. Cather, Pell City.
Jesse G. Turner, Slocomb.
Bettie T. Forster, Thomasville.
Lillian L. Irygley, Town Creek.
Maggie Winningham, York.

ALASKA.

Robert S. McDonald, Nenana.
George W. Robbins, Valdez.

DELAWARE.

Frederick L. Willey, Bridgeville.
J. Frank Starling, Dover.
George R. Mears, Georgetown.
Edwin V. Ocheltree, Greenwood.
Effie M. Truitt, Rehoboth Beach.

FLORIDA.

James F. McKinstry, Gainesville.
Milton D. Bell, Inverness.
George L. Drew, Jacksonville.
Dona H. Weaver, Mayo.
James L. Stokes, Micanopy.
William C. McLean, Orlando.
Samuel T. Ward, Panama City.
John W. Jackson, Palmetto.
John R. Thompson, St. Andrew.
Orlando E. Hannah, Tavares.

GEORGIA.

Josephine M. Gray, Adairsville.
Barbour C. Warnock, Brooklet.
Thomas B. Perry, Camilla.
Anna A. Addison, Carnesville.
William D. Wallace, Chamblee.
Frank L. Asbury, Clarksville.
Wilbur S. Freeman, Claxton.
Henry M. Miller, Colquitt.
William T. Thurmond, Commerce.
Thomas D. O'Kelley, Conyers.
Harry B. Maxwell, Cornelia.
John L. Dorris, Douglasville.

William T. Adkins, Edison.
Abbie F. Beacham, Glenwood.
Walter L. Turner, Lagrange.
Jane M. Wilkes, Lincolnton.
Thomas W. Allgood, Loganville.
Robert L. Horne, Ludowici.
Clement C. Moseley, Lyons.
Albert S. J. McRae, McRae.
George C. Thompson, Manchester.
Julien V. Frederick, Marshallville.
Thomas Davis, Meigs.
George G. Brinson, Millen.
Joseph B. Williams, Rhine.
Agnes Wells, Smithville.
Freeman R. Hardisty, Statesboro.
Sam Tate, Tate.
John Q. West, Thomson.
Emory F. Boyd, Tignall.
Josephine H. Lunceford, Union Point.
Tilden A. Adkins, Vienna.
Rebie I. Corbin, Warrenton.
James C. Newsom, Washington.
James H. McWhorter, Wrightsville.

HAWAII.

Mary Mitchell, Fort Kamehameha.
Caesar R. Jardin, Kohala.
I. Ching How, Paia.

INDIANA.

Francis M. Fultz, Akron.
Charlie E. Heiney, Andrews.
Henry E. Snyder, Atlanta.
Miles Baxter, Auburn.
Charles L. Berg, Bremen.
William L. McMillen, Brook.
J. Bruce Pessell, Butler.
Merrimon Straughn, Cambridge City.
Harry C. Wesner, Campbellsburg.
Frank E. Parker, Colfax.
John W. Brand, Columbia City.
Peter F. Hein, Crown Point.
Marley Kendall, Dana.
Benjamin F. Houseman, Dunkirk.
James J. Littrell, Elkhart.
Oren S. Hurst, Farmland.
Charles J. Metzger, Ferdinand.
Walter M. Engle, Francesville.
Henry B. Snyder, Gary.
William L. Denman, Greencastle.
George J. Richman, Greenfield.
George E. Erdmann, Greensburg.
William W. Drake, Greenwood.
John L. Rohde, Hammond.
Edward E. Cox, Hartford City.
Herbert J. Harris, Hillsboro.
Burt E. Kimmel, Howe.
Louis G. Trixler, Huntington.
Charles Van Arsdall, Hymera.
John P. Huther, Jasper.
William H. Morey, Lowell.
John Postma, Milford.
Amasa S. Robinson, Monroeville.
Rudolph F. Schneider, Montpelier.
Frank Billings, Morocco.
Alvin E. Hauk, Morristown.
John A. Cody, New Albany.
Frank A. Keller, Newburg.
Thomas C. Dowling, New Haven.
Charles F. Ill, Notre Dame.
Alfred M. Hiatt, Pennville.
Charles C. Rickard, Pekin.
Clarence E. Skelton, Orleans.
Frank E. Campbell, Redkey.
Charles A. Wall, Ridgeville.
James E. Turner, Roann.
Charles K. Lewis, Russiaville.
Allen Swope, Seymour.
Levi T. Pennington, Spiceland.
Verado W. Bigney, Sunman.
James H. Roy, Topeka.
Don C. Ward, Union City.
Charles W. Reed, Upland.
Burr Atkinson, Vanburen.
R. William I. Boggs, Veedersburg.
Eugene Kelley, Waterloo.
George A. Dalton, West Baden.
Winfield S. Sanders, Westport.
Charles R. Carrette, Whiting.
William Marmaduke, Wingate.
Benjamin H. Knapp, Wheatfield.

KANSAS.

Horatio C. Duckworth, Altoona.
George S. Hartley, Arkansas City.
Louis C. Orr, Atchison.
Frank E. Munger, Atwood.
William A. McClure, Baldwin City.
Harlan W. Marmon, Barnes.
Charles D. Wyatt, Beloit.
Clarence Coulter, Blue Rapids.
William S. Twist, Bonner Springs.
Sol A. Pack, Burden.
Richard F. G. Hepworth, Burlingame.
Frank H. Higley, Cawker City.
Thomas Pore, Cedar Vale
John W. Lapham, Chanute.
Granville S. Hoss, jr., Cherryvale.
Frederick M. Murphy, Clyde.
Elmer E. Scott, Council Grove.
Carl E. Hallberg, Courtland.
John E. Hare, Cunningham.
Isaac N. Richardson, Delphos.
Henry F. Schmidt, Dodge City.
Thomas P. Mannion, Eldorado.
Harrison Parkman, Emporia.
John A. Lindahl, Enterprise.
Joseph A. Carson, Erie.
Robert Focht, Eureka.
Virginia H. Kinyon, Fall River.
John J. Germann, Fairview.
Daniel E. Pease, Greeley.
P. J. Murphy, Gardner.
Clayton K. Simon, Goff.
John F. Hostetler, Great Bend.
Hiram R. Fulton, Hanover.
Lee Bledsoe, Herington.
Arthur C. Inlow, Hill City.
Ferdinand Scharping, Hillsboro.
John H. Roemer Hoisington.
Samuel T. Osterhold, Holton.
Samuel S. Graybill, Hutchinson.
Michael A. Frey, Junction City.
Benjamin F. Tatum, Kinsley.
Charles A. Taschetta, Leavenworth.
Anna J. Miller, Lebanon.
Wenslow Cipra, Lincoln.
Lloyd E. Jackson, McPherson.
Henry R. Honey, Mankato.
Harry M. Brodrick, Marysville.
Ernest Bray, Neodesha.
William L. D. Hagan, Newton.
George A. Milliman, Oakley.
James H. Cosgrove, Olathe.
Edwin F. Moody, Onaga.
William C. White Osage City.
Aldamar P. Elder, Ottawa.
Claud Alley, Oxford.
Lula Ferrell, Peru.
William L. Scott, Sharon Springs.
Thomas J. Ryan, St. Marys.
William F. Grosser, Salina.
Richard D. McCliman, Seneca.
Henry R. Payne, Spring Hill.
Henry Block, Syracuse.
Timothy D. Seeley, Tonganoxie.
Frank A. Moore, Tribune.
Everett R. McGalliard, Troy.
Julia B. Temple, Valley Center.
Joseph J. Keraus, Wakeeney.
Oscar L. Clarke, Washington.
Catharine E. Simmons, Wellsville.
Claude J. Wood, Wetmore.
Thomas Torgeson, White City.
Althea C. Curry, Winchester.

LOUISIANA.

Omar G. Goldsby, Amite.
Florence A. Stuckey, Boyce.
Moise Bellard, Church Point.
Jacob Seiler, Covington.
Joseph Muth, Elizabeth.

Vera M. Canady, Eros.
Harry Preaus, Farmerville.
Henry C. Baldwin, Franklin.
Hardy C. Richardson, Franklinton.
Katherine J. Moynagh, Harvey.
Thomas E. Wright, jr., Houma.
Lee Kiblinger, Jackson.
Shep B. Hanes, Jena.
James M. Callaway, Jonesboro.
Felicien H. Toups, Lafourche (late Lafourche Crossing).
W. Randolph Morgan, Mandeville.
J. Wiley Miller, Many.
Ellet B. Jewell, New Roads.
Joseph P. Trosclair, Opelousas.
William P. Willett, Pollock.
Simon Kahn, Raceland.
William T. Oliver, Rayville.
Irvin P. Duke, Rochelle.
Samuel L. Barksdale, Ruston.
Robinson M. Leake, St. Francisville.
William W. Drake, St. Joseph.
Frederick H. Gosman, Shreveport.
Henry J. Nelson, Vinton.
A. Mabelle Oaksmith, Welsh.

MASSACHUSETTS.

John McGrath, Amesbury.
John T. Dolan, Avon.
Daniel M. O'Leary, Baldwinsville.
James T. Wheelan, Ashburnham.
John T. King, Ashland.
James J. Gorman, Bridgewater.
John F. Shea, Bondsville.
John J. Downey, Blackstone.
Edward Gilmore, Brockton.
Andrew J. Maguire, Randolph.
Joseph Metras, Southbridge.
Wesley G. Rose, South Deerfield.
Maurice Williams, South Easton.
Susan F. Twiss, Three Rivers.
Benjamin P. Edwards, Topsfield.
Maynard N. Wetherell, Chartley.
William E. Chaffin, Scituate.
Aloysius B. Kennedy, Rochdale.
Frank E. Gibbs, Petersham.
Alonzo W. Jones, Orleans.
Willie S. Smith, Onset.
Frederic W. Brown, North Scituate.
Michael O. Haggerty, North Adams.
George L. Olivier, New Bedford.
Charles D. Streeter, Mount Hermon.
Frederick J. Sullivan, Monson.
Bernard Campbell, Millville.
Edward M. Bent, Medfield.
Frank A. Foster, Manchester.
Edward E. Hoxie, Lee.
Joseph F. Lapine, Hudson.
George P. Sheldon, Hopedale.
Edward F. Dannahy, Holliston.
Albert F. Newell, Holden.
J. Francis Megley, Holbrook.
Patrick R. Mullany, Hatfield.
Thomas F. Donahue, jr., Groton.
Nicholas J. Lawler, Greenfield.
Charles D. Smith, Gloucester.
Bernard F. Callahan, Franklin.
Margaret E. Lindsey, Fort Andrews.
Richard A. Cronan, Chicopee.
John R. Smith, Fitchburg.
George W. Jones, Falmouth.
J. Wentworth Earle, Cohasset.
Daniel J. Driscoll, Chicopee Falls.
Otis J. A. Dionne, Walpole.
James T. Hennessy, Wareham.
Thomas F. Hederman, Webster.
Thomas G. O'Connell, Wakefield.
William B. Mahoney, Westfield.
W. C. Arthur Herbert, West Warren.
Willard H. Howell, Wrentham.

MICHIGAN.

Willard R. Noyes, Albion.
Claud E. Firestone, Allegan.
Vincent P. Cash, Alma.
John F. McInerney, Wyandotte.
Malcome D. McPhee, Wolverine.
John D. Burgess, West Branch.
James Fraser, Webberville.
John B. Murphy, Wayne.
Bert R. Miller, Vulcan.
John C. Downing, Vermontville.
Leo L. Johnson, Union City.
Samuel McClellan, Springport.
Adelbert L. Stebbins, Sheridan.
Julius C. Armbruster, Sebewaing.
William H. Van Consant, St. Johns.
Thomas H. Sawher, St. Clair.
Eddy W. Fleming, Rose City.
Henry J. Klee, Rogers.
Charles Davidson, Richmond.
Charles A. Lahser, Redford.
Arthur L. Francis, Portland.
William E. Murphy, Pinckney.
Ira E. Bush, Ontonagon.
Will L. Tinham, Northville.
Merton N. Wolcott, North Adams.
Benjamin G. Oosterbaan, Muskegon.
Duncan D. Stewart, Munising.
Sidney E. Younglove, Monroe.
James C. Beckwith, Marshall.
William G. Howard, Marion.
Clyde O. Barrett, Mackinaw.
Mark Boyd, McBain.
Earl Hunter, Lowell.
Charlie W. Beier, Lenox.
Irwell Brody, Lawton.
Anna C. Kulish, Minden City.
Sadie Wheeler, Manton.
Clara E. Benedict, Lawrence.
Salem F. Kennedy, Lakeview.
Robert M. Smith, Kearsarge.
Edward G. Scott, Iron River.
William O'Riley, Hudson.
William H. S. Wood, Howell.
James J. Byers, Houghton.
Patrick Garvey, Hemlock.
John Anderson, Gwinn.
Henry C. Hemingsen, Grant.
Charles E. Hogadone, Grand Rapids.
Peter Van Lopik, Grand Haven.
Fred J. Hohn, Frankenmuth.
Mary E. Chadwick, Frankfort.
Ellis T. Jermin, Ewen.
Judson E. Richardson, Evart.
John Dunham, Daggett.
Ward J. Kelly, Crystal Falls.
James I. Galbraith, Croswell.
James J. Jones, Clio.
Vernon E. Johnstone, Chesaning.
John Noll, Cheboygan.
Patrick H. Schannenk, Chassell.
Myron E. Miller, Charlotte.
John G. Ulrich, Ceresco.
Frederick J. Kruger, Centerville.
Jacob C. Rough, Buchanan.
William A. Atyeo, Belleville.
Angus M. Miller, Bay City.
Edward Austin, Battle Creek.
Arthur G. Creevy, Barryton.
Fred W. Hild, Baraga.
Albert E. Millett, Armada.
Horatio J. Abbott, Ann Arbor.

MINNESOTA.

Charles F. Cook, Austin.
Agnes H. Christenson, Beardsley.
Joseph Haggett, Bird Island.
Eugene N. Smith, Blackduck.
Frank Plotts, Blooming Prairie.
Sophus A. Nebel, Braham.
Henry P. Dunn, Brainerd.
Prudence M. Crosbie, Brewster.
James Adlard, Brown Valley.
Oswald C. Brunius, Carver.
Frank L. Gorenflo, Cass Lake.
Charles W. Mobeck, Center City.
Egbert J. Sutherland, Chatfield.
Charles E. Seeley, Coleraine.
George C. Hompe, Deer Creek.
William Reid, Deer Wood.
Theresa E. Thoreson, East Grand Forks.

Eliza O'Hara, Fairfax.
Martin A. H. Taggatz, Winthrop.
John L. Sammons, Westbrook.
John F. McDonnell, Waverly.
Chauncey W. Bulen, Walnut Grove.
Theodore C. Radde, Truman.
John Margan, Thief River Falls.
F. Verne Langdon, St. Louis Park.
Patrick H. Grogan, St. James.
Anthony J. Malmquist, Rushmore.
John L. Harwick, Rochester.
John I. Nasett, Robbinsdale.
Emily F. Peake, Remer.
Henry E. Day, Raymond.
Patrick McCabe, Proctor.
Charles R. Frazee, Pelican Rapids.
George Neumann, Osseo.
Olger P. Oseth, Olso.
Charles S. Dougherty, Northfield.
Thomas Zeien, North Branch.
Frederick Pfaender, New Ulm.
Andrew Rotegard, New Richland.
Alvin A. Ogren, New London.
Isaac I. Bargen, Mountain Lake.
James McGinn, Minneota.
Alfred E. Haskell, Maple Plain.
Edwin L. Gove, Madelia.
Patrick B. Jude, Maple Lake.
Mads W. Jensen, McIntosh.
John Butler, Lesueur Center.
Jacob Gish, Le Sueur.
Michael J. Rowan, Lakeville.
Engebret T. Vigen, Lake Park.
Martin J. O'Laughlin, Lake City.
John B. Hughes, Lake Benton.
William P. Marston, jr., Lake Crystal.
Carl F. Peterson, Kennedy.
James H. Parker, Kasson.
William H. Nevin, Ivanhoe.
Samuel G. Anderson, jr., Hutchinson.
Horace B. Lyon, Hinckley.
John Wicker, Hayfield.
Nels J. Thysell, Hawley.
Clarence O. Madson, Halstad.
Frank X. Eickmann, Glencoe.
James J. Daly, Frazee.
Judge D. Whaley, Fosston.
Knute Nelson, Fertile.
George W. Owens, Elmore.
Fred H. Baldwin, Edgerton.

MISSISSIPPI.

Rose Walley, Richton.
Virginia B. Duckworth, Prentiss.
Lewis M. McClure, Ocean Springs.
Hattie McLeod, Moss Point.
Richard H. Coke, Mendenhall.
William W. Robertson, McComb.
Benjamin R. Trotter, Lucedale.
Alfred F. Cook, Leakesville.
Edgar G. Harris, Laurel.
Lallie H. Humphreys, Greenwood.
Willie Herring, Bude.
Joseph E. Saucier, Bay St. Louis.
Minnie S. Sudduth, Mount Olive.

NEVADA.

James H. Causten, Lovelocks.
James D. Wallace, Ely.
Charles E. Southworth, Manhattan.
George T. Nugent, Yerington.

NEW MEXICO.

Belle B. Sellars, Cloudcroft.
Frank J. Zengerle, Socorro.
George U. McCrary, Artesia.
George Hoffmann, Belen.
Louis L. Burkhead, Columbus.
Harriet C. Butler, Farmington.
Charles M. Samford, Hagerman.
Bliss Freeman, Las Cruces.
Martin Q. Hardin, Lordsburg.
James L. Seligman, Santa Fe.

NORTH CAROLINA.

Thomas S. Booth, East Durham.
Clarence B. Daniels, Faison.
Royall D. Jones, Fayetteville.
Sophie H. Adams, Four Oaks.
Samuel Y. Bryson, Hendersonville.
Charles W. Bagby, Hickory.
Thomas C. Frisbee, Hot Springs.
Arthur G. Walton, Jacksonville.
Rosse D. Edgerton, Kenly.
Cyrus L. Linville, Kernersville.
William M. Hanner, Liberty.
William M. Goodson, Marion.
Thomas J. Orr, Matthews.
Benjamin A. Summerlin, Mount Olive.
Lacy F. Clark, Raeford.
Bartholomew M. Gatling, Raleigh.
Stephen L. Ross, Robersonville.
Walter S. Thomas, Rockingham.
Benjamin F. Dalton, Rutherfordton.
Joseph B. Cullipher, Saluda.
Archibald H. Boyden, Salisbury.
William J. Roberts, Shelby.
Robert V. Brawley, Statesville.
Thomas L. Smith, Stoneville.
N. Henry Moore, Washington.
David T. Clark, Weldon.
Millard F. Hales, Wendell.
Junius Bridger, Windsor.
Charlie F. Mitchell, Winton.
St. Elmo Pearce, Youngsville.
Lonnie E. Stevens, Benson.
John E. Brown, Boone.
William M. Henry, Brevard.
William E. Elmore, Bryson City.
Albert W. Colwell, Clinton.

NORTH DAKOTA.

Minnie S. Abelein, Anamoose.
Jessie J. Davy, Antler.
Michael J. Gurnett, Balfour.
Robert B. Stewart, Bottineau.
Evan S. Brown, Buffalo.
Mabel Nelson, Cando.
Emeline A. Milde, Douglas.
Robert J. Moore, Drayton.
Hugh H. Parsons, Fessenden.
Ole B. Johnson, Forman.
James A. Foley, Grafton.
Walter P. Osborne, Hunter.
Henrietta Rooks, Linton.
Charles S. Ego, Lisbon.
Nettie A. Isham, Manning.
Samuel Loe, Northwood.
Patrick H. Long, Page.
Bernive R. Pottorf, Plaza.
Henry W. O'Dell, Reeder.
Franklin E. Ellickson, Regent.
Helen D. Thompson, Reynolds.
Alexander R. Thompson, Rolla.
Albert A. J. Lang, Sanborn.
Carl L. George, Sarles.
Thomas J. McCully, Sheldon.
Martin L. Vick, Sheyenne.
John P. Shahane, Souris.
Percy F. Meharry, Starkweather.
William W. Smith, Valley City.
Benjamin L. Fraser, Wales.
Robert R. Zirkle, Westhope.
Willis L. Armstrong, White Earth.
Mabel E. Otis, Wildrose.
Waldo Leonhardy, Williston.
Bernhard Ottis, Wyndmere.

SOUTH DAKOTA.

John D. Evans, Alpena.
John W. Rydell, Rosholt.
Lena Salomo, Orient.
Leslie I. Bingham, Bison.
Leroy A. Gage, Bryant.
Marjorie A. Slemmons, Canistota.
Edward H. White, Castlewood.
Herman F. Mettler, Colome.
John R. Fegan, Edgemont.
George F. Davis, Estelline.
Alma J. McCormack, Faith.
Anthony J. Littig, Flandreau.
Hattie L. Meyer, Florence.
Mabel H. Godron, Gary.
Emma K. Biehn, Gregory.
Calista M. Hall, Harrold.

Patrick H. Murphy, Henry.
Anton Koch, Isabel.
Linville Miles, Langford.
John L. Davis, Letcher.
William Lowe, Madison.
John T. McCullen, Miller.
Albert J. Johnson, Murdo.
Ruth M. Dahlen, Oldham.
Charles H. West, Presho.
Frank Morrow, Pukwana.
Theodore B. Werner, Rapid City.
Demetrious S. Billington, Spearfish.
Rhoda S. Owen, Vienna.
Victor M. Dalthorp, Volga.
Martin M. Judge, Webster.
Rose B. Flahart, White Lake.
Hiram J. Hobart, Woonsocket.

TEXAS.

Robert E. Rankin, Abilene.
Era M. Dellinger, Annona.
Jack Dies, Beaumont.
Charles A. Taylor, Bertram.
Edwin Forrest, jr., Blum.
Edith M. Dudley, Brackettville.
A. Burton Reagan, Brady.
James E. Davis, Bullard.
Robert G. Bransom, Burleson.
Bryant H. McKinnon, jr., Canton.
May E. Perry, Carlsbad.
Robert A. Smith, Carlton.
Ranson A. St. John, Cisco.
Currie C. Powell, Clarendon.
Thomas A. Boothe, Cleveland.
Ben H. Pittman, Coleman.
Charles F. Goodman, Collinsville.
Charles J. Debenport, Commerce.
Georgie B. Welch, Corpus Christi.
Robert H. Davanay, Cross Plains.
Kenneth W. Alger, Crystal City.
Jefferson A. Davis, Dawson.
Aubrey L. Banks, Denton.
Samuel H. Bell, Deport.
Sam. H. Little, Eagle Lake.
Andrew B. Carder, Electra.
Roger Q. Kennedy, Elkhart.
Eugene A. Shelton, El Paso.
Lonnie Childs, Fairfield.
Charles H. Cmajdalka, Fayetteville.
Becton G. Edwards, Forney.
O. Waldo Williams, jr., Fort Stockton.
William A. Smith, Gatesville.
John R. Folkes, Giddings.
Virgil E. Todd, Gilmer.
Nathan E. Porter, Gladewater.
John T. Cox, Groesbeck.
James T. Tarlton, Gunter.
William F. Miller, Happy.
Samuel L. Erwin, Honey Grove.
Dyson L. Lunn, Humble.
Robert N. McMullen, Huntington.
Sam H. Lane, Jacksonville.
Tilman L. D. Richardson, Jourdanton.
Charles T. McConnico, Kerens.
Crown Dickson, Kilgore.
Hugh R. Park, Krum.
Mary K. Hartson, Kyle.
Albert H. Wolfe, Ladonia.
Paul L. Alexander, Lamesa.
George D. Zivley, Lampasas.
Charles A. Hall, La Porte.
Jerry N. Worsham, Laredo.
Walter C. Blalock, Linden.
Oscar W. Gallman, Longview.
Horace C. Blalock, Marshall.
Roger W. Bass, Mart.
Betty Ramey, Mathis.
Cicero Harper, Moran.
Hattie M. Culpepper, Palmer.
Bessie L. Rorex, Panhandle.
Annie H. Hughes, Woodville.
Tom W. Shank, Winona.
George A. Barnett, Post.
Oswald Garrett, Wharton.
Robert H. McCormick, Weimar.
Joseph W. Singleton, Waxahachie.
Ernest G. Keese, Stamford.
J. Philomel Cox, Sierra Blanca.
James L. Sandel, Saratoga.
William T. Jackman, San Marcos.
James L. Crawford, San Benito.
William E. Bellah, St. Jo.
Herman Beyer, Rosenberg.
Horace B. Cooper, Quinlan.
George A. Barnett, Post.
Dandridge A. Bibb, Port Neches.
William P. Stockton, Plainview.
Augustus G. Hubbard, Paris.

TENNESSEE.

James E. Nelms, Kingsport.
Joseph W. Nichols, Trenton.
Mamie E. Perkins, Selmer.
James R. Jetton, Murfreesboro.
William P. Chandler, Knoxville.
Thomas P. Rucker, Franklin.
Cobey D. Carmack, Columbia.
Fannie J. Branch, Collierville.

WYOMING.

Sherman D. Canfield, Sheridan.
Arlan W. Coons, Basin.
Ruby E. Rimington, Guernsey.
Thomas H. Baxter, Jackson.
John McNamara, Kemmerer.
Alvah J. Macy, Moorcroft.
Ira S. Bowker, Newcastle.
Thomas W. Keenan, Pinebluff.

REJECTIONS.

Executive nominations rejected by the Senate July 28, 1919.

POSTMASTERS.

Alson C. Patton to be postmaster at Bells, Tenn.
Ulysses S. Rose to be postmaster at Crossville, Tenn.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 28, 1919.*

The House met at 12 o'clock noon.

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

Our Father in heaven, we would praise and magnify Thy holy name for the God-like faculties Thou hast bestowed upon Thy children, illustrated in the work displayed by our doctors and surgeons in the late war—snatching men from the jaws of death by their skillful application of science, restoring them to life and health.

We thank Thee that the Government is furnishing ways and means to alleviate the suffering and needs of our wounded, especially the maimed and blind, by furnishing vocational schools and skilled educators to fit them for useful members of society and the business world, giving them new hope and happiness. Hear us and let the good work go on. In the name of the world's Great Redeemer. Amen.

The Journal of the proceedings of Saturday, July 26, was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States, by Mr. Sharkey, one of his secretaries, was announced, who also informed the House of Representatives that the President had approved and signed joint resolutions and bill of the following titles:

On July 19, 1919:

H. R. 7343. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes.

On July 21, 1919:

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.

On July 26, 1919:

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.

SWEARING IN OF A MEMBER.

The SPEAKER. The Member elect from the fourth district of Minnesota is present and his certificate of election has been presented in due form. Without objection, the gentleman will present himself and take the oath of office. [Applause.]

Mr. OSCAR E. KELLER, Member elect from the fourth district of Minnesota, appeared at the bar of the House and took the oath of office.

CHANGE OF REFERENCE.

Mr. LEHLBACH. Mr. Speaker, on July 22 I introduced H. R. 7708, for the purchase or condemnation of a site for a target range by the War Department. This bill, through an error in the indorsement of it, was referred to the Committee on Appropriations. It is the same as a Senate bill which passed the Senate in the last Congress and was considered by the Committee on Military Affairs of the House. I have consulted the chairman of the Committee on Appropriations and the chairman of the Committee on Military Affairs, as well as other gentlemen, and there is no objection to the change of reference. Therefore I ask unanimous consent that this bill be referred to the Committee on Military Affairs.

The SPEAKER. Is there objection to the change of reference?

There was no objection.

GEN. PERSHING.

Mr. MADDEN. Mr. Speaker, I have a copy of the London Post of June 28, 1919, in which is set forth a historical sketch of Gen. Pershing's activities in the war. It is very laudatory, and ought to be made a matter of history. I ask unanimous consent that it be published in the RECORD.

Mr. WINGO. Mr. Speaker, we can not hear what the gentleman says the article is.

Mr. MADDEN. A historical sketch of Gen. Pershing's activities in the war on the other side, and well worth while preserving as a matter of history.

Mr. CLARK of Missouri. Whose article is it?

Mr. MADDEN. An article printed in the London Morning Post.

The SPEAKER. Is there objection?

There was no objection.

The article is as follows:

We are very glad that Gen. John J. Pershing, the distinguished commander of the American Army in France, should have accompanied Marshal Joffre to Oxford and should have shared in the honors which Oxford reserves for men of mark. We have not always been able to see eye to eye with President Wilson in matters of policy, but in relation to the conduct of operations by sea and land, and the preparations in the United States itself, we freely allow that the President merited well of his country and of the great cause, and set, indeed, an example which other of the allied and associated Governments might have followed with advantage. We believe it to be correct that on no single occasion did the President and his advisers transmit to Gen. Pershing any plans of campaign, suggestions, or criticisms, and we can almost say that this constitutes a record, and that no commander in the field was ever left so free a hand. Gen. Pershing merited this great and sustained confidence that was reposed in him. When he reached France in June, 1917, he was faced by a task which might well have appalled the stoutest heart. He had first to create his own general headquarters from elements which, though trained in the fine school of West Point, were unacquainted with modern war on a large scale and had no practical knowledge of the war of masses nor of the vast and complex administrative problems with which they were immediately confronted on landing. He had to prepare the coast bases and lines of communication so that they might become capable of receiving and transporting the troops, horses, carriages, guns, supplies, hospitals, munitions, aircraft, and scores of other things which constitute the provision of armies. He had to negotiate laboriously with the French at almost every step, to supplement their deficient rolling stock, and to establish vast training schools at Langres and elsewhere to fashion the leaders in subordinate grades. He had so to select the place for the eventual American effort that his armies could there not only be deployed but sustained and enabled to intervene effectually in the war. With the utmost energy and perseverance Gen. Pershing and his staff laid themselves out to carry out a work of which the magnitude and difficulty have been little understood in England, or even in the United States, and it is their title to fame that they accomplished it.

From first to last Gen. Pershing had determined to unite a great American Army in the northeast of France, and he held to his plan with iron resolution. The allied defeats in the spring of 1918 turned him only temporarily from his plan. He then lived very hard days. All his program of arrivals was changed, and in place of complete divisions there arrived masses of infantry and machine guns at the rate of 300,000 men a month. Pershing, with grand good comradeship, placed all his resources at the disposal of the Allies. There was a moment when not a single division remained under his command, but the moral and material support given by the American troops to us and to the French was of inestimable value in those days of trouble. This value can best be reckoned by the vexation caused, when things quieted down, by Pershing's withdrawal of most of these troops for the purpose of his original plan. But we all held firm, while Pershing at St. Mihiel first, and then in the Argonne, gradually accustomed his staffs and troops to the terrible ordeal of the modern battle, and with implacable resolution created that American instrument which would, by the spring of 1919, which was Marshal Foch's original date for the decisive effort, have proved worthy in every way of the mighty Nation which had joined for an ideal in the great crusade. We honor Gen. Pershing because he looked to the end, and attained it successfully in spite of frightful difficulties. His competence and his character have stood the test of trial in the seven-times heated furnace of the war, and he richly deserves all the honors that can be bestowed upon him. For all time to come we shall remember those American troops who fought so valiantly shoulder to shoulder with us on the British front, and stood ready in rear to support us in case of need. These things go very deep into the hearts of nations, and Gen. Pershing will always personify for us the fine spirit of soldierly comradeship in which America fought the Great War in France.

RECESS FROM AUGUST 2 TO SEPTEMBER 9.

Mr. MONDELL. Mr. Speaker, I submit a privileged resolution.

The SPEAKER. The gentleman from Wyoming submits a privileged resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Saturday, the 2d day of August, it stand adjourned until 12 o'clock meridian, Tuesday, the 9th of September.

Mr. MONDELL. Mr. Speaker, the House has been in session for over two months, during which the daily sessions have been very continuous and, considering the heat of the summer and the importance of the matters we have had to pass upon, somewhat trying. In that time much has been accomplished, not only in the way of legislation but in the way of preparation for legislation. The more important committees of the House are now at work on legislative proposals of the greatest importance. The Committees on Ways and Means, Interstate and Foreign Commerce, and the Merchant Marine and Fisheries are at work, the first having to do with the many and important questions of taxation and revenue; the second, the great railway problem; the third, the great problem of the future shipping policy of the country. These and other committees are now steadily at work on important legislative propositions. The more important of the problems which the House will be called to pass upon are the problems that will be primarily proposed and presented to the House by these committees. I think we all realize that these and other committees under existing conditions can prosecute their work and bring it to an early and successful conclusion very much better if they are not continually called from their committee labors to attend the sessions of the House. I believe that an overwhelming majority of the Members are of the opinion that the work of the session will be advanced and promoted by taking a recess such as has been suggested. At the end of the proposed recess these committees, some of them at least, will undoubtedly be ready to present their legislative proposals to the House. We can then proceed earnestly to the consideration of these measures.

It has been suggested that the taking of a recess by the House might have some effect upon the prohibition legislation now pending in the Senate. My information and understanding is that that is not likely to occur. In fact, it is hardly possible that it shall occur. The Senate is now so busily engaged in other matters that there is little likelihood that they can give attention to these and other matters of legislation until they have further advanced the consideration of the great treaty questions now before them. No important questions, no public business will suffer, as I see it, through a recess of the House, and, on the contrary, I believe the public business will be advanced by a five-week adjournment such as is proposed. [Applause.]

Mr. FERRIS. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman.

Mr. FERRIS. Does the gentleman not think we might make some progress in the advancement of soldiers' legislation if we went ahead and put that through the House now?

Mr. MONDELL. I think that is possible.

Mr. FERRIS. Eighty-five per cent of the soldiers have been demobilized, and the balance are being demobilized rapidly, and these ex-soldiers are wandering around over the country. I wonder whether six weeks or two months' delay might jeopardize the chances of our doing anything for them.

Mr. MONDELL. The adjournment proposed is for only five weeks; and while it is true that if the House were in session during that time there are various measures that might be taken up and considered, I think the gentleman will agree with me that perhaps after all, after these rather arduous two months, the House might be in a better frame of mind to legislate on the return from a short period of recess. I think that is true, at least with regard to those who will be privileged to leave. As to that very considerable number who will remain here attending to the public business, by that time they will have settled and determined, so far as they are concerned, a number of important questions, and therefore will be in a better frame of mind and better qualified to pass upon other questions.

Mr. FERRIS. Will the gentleman yield me four or five minutes after he has concluded?

Mr. MONDELL. I will be glad to do so.

Mr. BAER. Will the gentleman yield right there?

Mr. MONDELL. I yield to the gentleman from North Dakota.

Mr. BAER. Is it not true that many of these soldier bills have not been reported by the committees, and that it will take five or six weeks before they are ready to be considered by the House?

Mr. MONDELL. That is true of all manner of legislation. Many of the most important measures that have been presented have not as yet received thorough and careful consideration by the committees to which they have been referred, and they can not receive that thorough and careful consideration so long as the House is constantly in session, particularly under conditions that have required, as they have in the past, the constant attendance of the majority of the Members on the floor during the entire period of the daily sessions.

Mr. GARNER. Is it not also a parliamentary fact that the Senate is now considering the peace treaty, and that it is not likely that the Senate is going to take up any important legislation until it disposes of that very essential matter?

Mr. MONDELL. That is entirely true. There is no probability of the Senate taking up these measures; and even if the House should pass certain bills, it is doubtful if that would advance their consideration in the other body and their final enactment.

Mr. GARNER. And it does not look like the Senate will more than have completed its work on the treaty in five weeks.

Mr. MONDELL. That is true.

Mr. HUMPHREYS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HUMPHREYS. Does the gentleman agree with the statement of the gentleman from Oklahoma that 85 per cent of the soldiers are wandering about over the country wondering what Congress is going to do for them?

Mr. MONDELL. I have taken no responsibility for the statements of gentlemen who have made the statements on their own responsibility.

Mr. HUMPHREYS. I dare say that there are not 5 per cent of the soldiers wandering about the country and wondering what the Congress is going to do for them. [Applause.]

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MOORE of Pennsylvania. The gentleman from Mississippi has asked the question I intended to ask the gentleman from Wyoming. The gentleman from Oklahoma left the impression that "85 per cent of the soldiers were wandering aimlessly around the country wondering what Congress was going to do for them." The gentleman from Wyoming does not subscribe to that statement?

Mr. MONDELL. I do not, as far as the soldiers are concerned that I am acquainted with or know anything about. The very large majority of the returned soldiers from my part of the country are busy about their own affairs and actively employed.

Mr. MOORE of Pennsylvania. I desire to make the same statement as to the soldiers in Pennsylvania. They are being employed about as rapidly as they present themselves.

Mr. KNUTSON. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. KNUTSON. The gentleman from Mississippi would seek to convey the idea that he is opposed to the recess——

Mr. HUMPHREYS. Oh, no; I simply rose to say that I did not think that 85 per cent of the soldiers were wandering around the country.

Mr. BLANTON. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BLANTON. Is it not a fact that the House is about five weeks ahead of legislation in the Senate all the time?

Mr. MONDELL. That is true at this particular time, beyond all question, but perhaps it is not always true.

Mr. BLANTON. And we will not lose anything at all by this recess?

Mr. MONDELL. Not at all, in my opinion.

Mr. WELTY. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. WELTY. Why not take a recess for a longer period of time while they are considering the treaty?

Mr. MONDELL. I will say—and I think the House is entitled to know about it—that the question of the period of the recess has been discussed with many gentlemen on both sides and in the other Chamber, and the time proposed, five weeks and one day, seems to be a fair average between the extreme views on the subject.

Mr. WELTY. How long does the gentleman think they will debate the treaty?

Mr. MONDELL. I think the Senate will be debating the treaty at least that length of time.

Mr. WELTY. If we are five weeks ahead of them now, why not take a recess for 10 weeks?

Mr. MONDELL. Because, having consulted with a good many gentlemen on both sides, the time suggested is about the approved happy medium, as near as we can reach it. Some gentlemen wanted a recess for a longer and some for a shorter period.

Mr. HASTINGS. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. HASTINGS. Will the gentleman outline the legislative program for the rest of this week?

Mr. MONDELL. That is difficult to do definitely, but I will say that there will be matters from the Committee on Ways and Means. Just what measures they will bring up I do not know. There will be at least one bill from the Committee on Merchant Marine and Fisheries, and I trust there will possibly be a measure or two from the Committee on Banking and Currency. There are some District matters. We hope to get along as fast as possible with bills now on the calendar.

Mr. HASTINGS. Does the gentleman expect to be in session all day Saturday?

Mr. MONDELL. That will depend on how well we have dispatched the public business up to that time. And that raises the interesting and important question as to attendance. If we are all in constant attendance on the sessions of the House this week, we can make excellent progress in the dispatch of public business. If we are not, it may not be possible to adjourn as is proposed.

Mr. WINGO rose.

Mr. MONDELL. I yield to the gentleman.

Mr. WINGO. I want 10 minutes.

Mr. MONDELL. Would not the gentleman be satisfied with five? I have promised to yield to the gentleman from Oklahoma. I yield five minutes to the gentleman from Oklahoma.

Mr. FERRIS. Mr. Speaker, evidently an agreement has been made to adjourn the House for about five weeks. I do not know what the agreements are, only what I have seen in the papers, and it was not necessary that I should know. I have asked for this time to state my own position on this proposed adjournment. My position is that 85 per cent of the soldiers are demobilized and all the soldiers are expecting Congress to do something for them in the way of providing homes. My own notion is that the House ought to deal with that proposition prior to this five weeks' vacation or any other vacation. There is some difference of opinion on just what should be done for them. But it can be and should be worked out. Surely there can be no difference of opinion that some relief should be accorded. But if there is any difference of opinion on that subject I would like to hear from the gentleman who holds that opinion. In other words, if there be Members who are opposed to any relief for them I do not know of it.

Mr. WHEELER. Mr. Speaker, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. WHEELER. If we should pass some legislation now on this subject of relief for the soldiers, does the gentleman think the Senate would consider that before the latter end of October?

Mr. FERRIS. I think the gentleman and I have both been here long enough to know that every step forward you can take with legislation always progresses it that much, and to wait and wait and let the soldiers get scattered, and let their minds become scattered, and let the Congress get scattered, only delays it just that much longer. It ought not to wait longer. Something ought to be done now.

Mr. GOOD. Mr. Speaker, will the gentleman yield?

Mr. FERRIS. I do not. I have a few ideas of my own. What is the proposition?

Mr. LITTLE. Mr. Speaker, will the gentleman yield?

Mr. FERRIS. I hope the gentleman will permit me to go on. I have a very short time. There is another question that is a burning question. I do not think either side of the House is to blame for it, but I state on my own responsibility as a Member here that the high cost of living must have some attention from somebody, and have it very quickly. [Applause.] Men and women working for $75 or $100 or $150 a month say they can not make ends meet. Men working for small wages are not able to make enough to take care of their families. I do not know what the solution will be, but it deserves the best efforts of all of us, and if we adjourn it will not get it. The laboring men are here now before these boards, and I talked with some, talked with both sides on the question last night.

They are here trying to get their wages raised—the railroad men—insisting that they can not make both ends meet. One of two things is certain, either we will have to raise their wages or raise the railroad rates, or keep the railroads and go on subsidizing the railroads. The Republican Party is in control in both ends of the Capitol. The problem is theirs. They ought not to delay. It has been delayed too long now.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. FERRIS. No. The Public Lands Committee have authorized a bill to remedy this and to deal with the soldier question. I do not think it sufficient, but it is a start. It can be amended. It can be made acceptable. It ought to be made acceptable. There are bills to deal with other important questions—the railroads, the modification of the War Risk Bureau insurance, so as to make it applicable to peace times and make it acceptable to the soldiers; and whether they ought to take a recess at this time and let all these questions go unsolved is the question for the majority to decide. For my own part, while I do not carry the responsibility at all for the Congress, except my own, I am not in favor of neglecting those salient things for any sort of a recess, for five weeks or five days or one day or two days or any other time.

Mr. LITTLE. Mr. Speaker, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. LITTLE. I just wanted to ask if the gentleman does not think the President made a great mistake when he did not call us together 60 days earlier than he did? [Applause on Republican side.]

Mr. FERRIS. Oh, we are here now, and on the job. I am not the President's keeper. Personally, I am willing to deal with things in front of me, not behind me. I repeat I make no effort to shape the course of other than my own—but to me there is too much left undone that can not wait to take this long recess.

Mr. MONDELL. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, the gentleman from Kansas, Col. LITTLE, who just asked a question of the last speaker, recalls to my mind the fact that the Republican Party in the last Congress defeated the great supply bills deliberately through their leaders at the other end of the Capitol, in order to force the President to call this Congress together to meet the alleged urgent needs for reconstruction legislation——

Mr. LITTLE. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Oh, no; I can not yield in five minutes.

Mr. LITTLE. For just one small question?

Mr. WINGO. Oh, the gentleman could ask questions forever. If the gentleman will get me 30 minutes I will answer all his questions. I would like to have 30 minutes to put into the RECORD some magazine articles that appeared respecting this matter, particularly that which appeared in a Sunday magazine issue of a Washington paper a few days before the adjournment of the last session of Congress, by one of the great Republican leaders of this House, pointing out the great reconstruction legislation that should be enacted and which the Republicans would enact should we have an extra session of Congress. What has happened? You have been in session now for some time, and what have you done? The net result of months of your work is to report a bill to repeal the tax on soda water. What is your program on the railroad problem? What is your program on the soldiers? What is your program on taxes and tax legislation? Have you got one? Nobody but that mysterious body known as your steering committee knows; your own side does not know. You went to the country upon the plea that you would repeal a lot of taxation. [Cries of "Oh, no!" on the Republican side.] Oh, yes, you did; and I have a lot of literature and at the right time I shall put it into the RECORD—the campaign arguments of some Republicans sitting on this floor, as to the reason why the Republican House should be elected, promising to lower taxes and lower cost of living. And what happened? The gentleman from Michigan [Mr. FORDNEY] came in here with certain repeal legislation, and what happened to that? Why, the steering committee took him by the seat of his parliamentary breeches and yanked him and his bill off the floor, and nobody knows where that bill is. Oh, yes; you are sick and tired and you want a recess. You do not want to go to the golf links. Oh, no; you want to be able to settle your differences and map out a program, because you have not any, notwithstanding the promises you made the voters. You got this House on false pretenses. [Applause on Democratic side.]

What are you going to do? Go and read some of your literature; go read what the gentleman from Iowa [Mr. GOOD] said in his magazine article—that it was necessary to bring this Congress together in order to enact important legislation; and yet you have been here for months and what have you done? You have organized a few smelling committees and have growled at the President, and you are investigating the high cost of the war, but you are dodging like a skittish mule the question of the high cost of living. What are you going to do about it? The responsibility is yours. You now attempt to lay it on the Senate, saying that you are five weeks ahead and that the Senate is going to debate the treaty question. You know that that is not the reason. Men on the Democratic side and on the Republican side say that they want to rest, because it is too hot, but there is another reason, and that is on account of your steering committee. It might be a good thing for you to give you this five weeks, so you can settle your differences and frame some of the legislation you promised, but I predict it will take you longer than five weeks to settle the petty differences and jealousies of your leaders in your party, to quell the rising spirit of the West that realizes that it has been bunkoed by the Republican organization of this House. [Laughter and applause.]

You will not do it in five weeks. You voted down in your caucus the other night a proposition to give the West representation on your steering committee. What is this Republican steering committee? Nobody knows what it is. Nobody can name who it is. I asked a leading Republican to state who the members were the other day, because I had forgotten, and he could not tell me. But we know that when committees of this House meet before they will take final action in the committee the chairman of the committee goes to the telephone, calls up the steering committee, and gets an order as to what they shall do. Then talk about the caucus of the Democratic Party, and yet you have got a secret committee that gives orders. [Laughter on the Republican side.] Oh, gentlemen may laugh, but I notice the Members from the West do not laugh; it is too serious a matter for them. And gentlemen to-day are laughing, leaders whom that Progressive Republican, Theodore Roosevelt, denounced in days gone by—and at some later day I shall put his denunciation in the RECORD—you are laughing now, but it is in a hollow, metallic tone, because you laugh as men going through a graveyard. [Applause on the Democratic side.] You have been here for months, in control of both the House and the Senate, and what have you done? Absolutely nothing but pass the supply bills that would have passed in March if it had not been for your Republican filibuster. Nothing else have you done but growl and abuse the President and organize your smelling committees. Not one single constructive measure have you reported to the House, and now you are running away under the pretense that you must wait on the Senate and that it is too hot. If you do not quit growling at the President and quarreling among yourselves, it is going to get hotter for you, and no five weeks' recess will cool you off. Let us stay here and make an effort to solve the great problems that confront us. Do not recess, but bring out your bills and get to work. [Applause.]

Mr. MONDELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, it is certainly very agreeable to witness the performance of the self-appointed conservator of the Republican Party from Arkansas. I am very glad to see the solicitude with which he witnesses the harmony that exists on the Republican side of the House. He need not worry about what the party will do for the soldiers, or with all the great problems that are confronting the country. The Republican Party has always stood for the development of the country and all its great enterprises. It has always stood for a proper compensation to labor. It has always stood for proper treatment of men who have given their blood that the country might exist, and there need be no fear anywhere but that legislation will be enacted in proper time to meet any emergency that may arise. There ought not to be any doubt about the wisdom of a recess at this time. We have reached the stage in the proceedings of legislation of the country where we can afford to take a recess. The Members of the House are all tired as the result of the hard work we have already done. They will be much better qualified to legislate when we return after they have been in the sunlight for awhile mixing with the people and understanding the sentiment of the country better than they may understand it now. It applies to Democrats as well as to Republicans. There is no serious division upon this question of the sides of the House. Everybody who has given thought to the question realizes that we ought to get away for a short period. The enactment of any legislation at this time can not advance its final passage. The Senate is busy in the consideration of the great problems affecting the peace of the world. They are not going to be able to adjust those problems without more serious consideration than they have already been able to give. Time is bound to be consumed in its consideration. Whatever the legislation we pass from this day on until the completion of the ratification of the treaty will re-

ceive no serious consideration on the other side. It can not be otherwise. It must be understood by the American people that it is so, and while we are waiting for the completion of this important work on the part of the Senate and with the House itself in the preparation of important legislation that affects the future of the Nation we can well afford to recess and meet our constituents and learn their wants to the extent that mixing with them will enable us to do. These committees will be better able to proceed while we are away on the important work they have under consideration and it will be of an advantage to the Nation to permit them to proceed with their work unhampered by roll calls, compelling them to report on the floor of this House 10 or 15 times a day. [Applause].

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I yield three minutes to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. Mr. Speaker, I regret to differ with my friend from Oklahoma [Mr. FERRIS] and my distinguished friend from Arkansas [Mr. WINGO] with respect to adjournment. If I thought, as the gentleman from Oklahoma [Mr. FERRIS] seems to think, that if we stayed here the next five or six weeks a Republican House and a Republican Senate would reduce the high cost of living, why, of course, I would not vote for adjournment, but I have not the confidence in the Republican House and Senate which the gentleman seems to have. [Laughter and applause.] And if I thought, as he seems to think, that this Republican House within the next five weeks would pass a genuine, sincere, helpful soldiers' relief bill, I would stay here and fight until I was as "bloody as an ox" before permitting the Republicans to adjourn this House [laughter], but I know the Republicans will not pass any such bill in the next five or six weeks. I know that if we did pass a proper soldiers' relief bill now it is impossible for the Senate to consider it a moment before the last of September or 1st of October, and an adjournment for five or six weeks will not delay the passage of a soldiers' bill. I know the Senate will not consider either the prohibition-enforcement bill, which has been referred to, or the soldiers' bill, or the reduction of the high cost of living, or any other important bill, before September 15 or October, because from now until that time, if not longer, it will be discussing the league of nations, with which, of course, the House has nothing whatever to do. But how about the soldiers' bill? The bill which the Republican committee considered is the Mondell bill.

Gentlemen, when the House adjourns, if Mr. MONDELL and other Republicans in favor of that bill, and all of us who are considering that bill, will go home and talk to the soldiers in every section in our districts, I believe we will find that the soldiers do not approve that bill—that they prefer a different plan and bill. If we go back and talk to the soldiers and our people, when we come back here we will report and pass a better bill. [Applause.] I want to tell you how I look at this thing of adjournment. I have not as much confidence in the Republicans of this House as those two gentlemen have. I am one of those gentlemen who believe the less time the Republicans stay in session and in control of this House the better it is for the country. [Applause on the Democratic side.]

I am one of those Democrats who believe that every day the Republicans are out of this Capitol they have one day less opportunity to do harm to this country. [Applause.] The big mistake of that resolution is that it does not provide for adjournment until the first Monday in December. [Applause on the Democratic side.]

Mr. BANKHEAD. Will the gentleman yield for a question in line with what has been stated in reference to the bill? I have been informed that the committee before which this has been pending has reached a conclusion on the terms on which the bill will be reported, and it will probably be reported before we adjourn. Can the gentleman from Wyoming confirm that information?

Mr. MONDELL. The bill has not yet been reported and is not on the calendar.

Mr. FERRIS. The committee has authorized it.

Mr. MONDELL. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. CLARK]. [Applause.]

Mr. CLARK of Missouri. Mr. Speaker and gentlemen of the House, my own judgment about it is that we ought to pass this resolution. I would like to see it extended a week or two. A few more days like yesterday in this town will put a good many people in the hospital. There is no question about it. I believe men work better when they are in good physical condition, and this intense heat of Washington puts everybody in bad physical condition. Such days as these a man is only partially efficient—not over 50 per cent. There is wisdom in the old saying that a bow constantly strung soon loses its resiliency. It is also true of the human mind. There is such a thing as brain fag.

I thoroughly sympathize with the speeches made by the gentleman from Arkansas [Mr. WINGO] and the gentleman from Oklahoma [Mr. FERRIS]. It was very unfortunate that those three Republican Senators held up necessary legislation in the last Congress and thereby compelled this extra session of Congress. [Applause on the Democratic side.] While I am not the political adviser of the Republicans in this House, my judgment is that for the purposes of 1920 you would have been better off if you had let us keep the House and the Senate of the United States in this Congress. One thing dead sure, you have not made any political capital in this House in this session. [Applause on the Democratic side.] As a matter of fact, you have lost caste. [Applause on the Democratic side.]

I am as much in favor of doing something for the soldiers as any man living. There is nothing too good for them. I think the suggestion of the gentleman from North Carolina [Mr. KITCHIN] was very wise—that we get home and consult with our soldiers about this so-called Mondell bill, or Lane bill, or whatever you want to call it, and about certain amendments gentlemen have in their heads to offer to it, or perhaps to offer as a substitute for it.

So far as the cost of living is concerned, it must be remedied soon or there is going to be all sorts of trouble in this country. Individually, I am in favor of penitentiaring every profiteer in the land [applause]—I do not care whether he is a big profiteer or a little one. He is on a par with thieves and robbers. I received a letter from a very good man in my district this morning, and in it he said that nobody ought to object to the packing houses making a profit. I wrote and told him that I did not object to any man making money honestly, provided he did not skin me and the rest of the people by the money he was making. And that is the way I feel about it.

These bills have not been perfected. Some of you have forgotten a thing or two. Congress has been practically in session ever since Taft was elected President in 1908. We never have had but one long vacation in all those years, and that was in 1915, and we expected every day then to be called together all during that nine months. No one dared to make a contract that would take very much time during that period. Everybody knows the habit of the United States Senate. There is no harm to talk about that. It seems to have taken originally for its motto festina lente—hasten leisurely.

When I was a boy down in Kentucky one of our amusements was to catch dry-land terrapin. They would draw up in their shells, but when we would put a coal of fire on it they would light out like Ten Broeck or Mollie McCarty. The Senate is the same way. When it gets too hot for those elderly gentlemen over there to stay here they speed up a little. Everybody on earth knows that the one thing the American people have their minds fastened on, whether they are for or against it, is this proposition the Senate is debating now—the league of nations. The people themselves would not be willing for the Senate to sidetrack that thing in order to get at any other species of business that is pending over here. I am as certain of the fact that I have just stated as I am that I have got to die some day.

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

Mr. CLARK of Missouri. Mr. Speaker, I would like to have a couple of more minutes.

Mr. MONDELL. Mr. Speaker, I yield two minutes more to the gentleman.

Mr. CLARK of Missouri. Whether they think it is a universal cure-all or whether they do not think it is a cure-all, or whether they think it is a humbug, the people want it settled. [Applause.] If the Senate really wanted to commend itself to the American people, they would get through with the debate over there in as short order as it is possible for the Senate to get through with a debate on a great question.

Individually, I want to go home. Of course the Speakership is a very confining office. There is an idiotic rule in this House that should be repealed, to the effect that the Speaker can not appoint a Speaker pro tempore for more than one day. Consequently he must stay here almost constantly. Eight years is a long time, and I want to get home and get reacquainted with my constituents. [Applause.] All the rest of you who have been here during all these years are very much of the same opinion. There is no use to haggle about it. Even if the Democrats did not want to adjourn, the Republicans have the votes with which to pass this resolution. So far as I am individually concerned, I am going to vote for it. [Applause.]

Mr. MONDELL. Mr. Speaker, the gentleman from Missouri seems to be of the opinion, speaking from a strictly political standpoint, as I understand it, that our party would have been advantaged had the Democratic Party remained in power in both branches of Congress. Well, that is a matter of opinion. It is always a question of opinion as to whether a party gains more political advantage by the continued mistakes of the other party than by meritorious legislation on its own part and for the benefit of the American people. [Laughter and applause.] But forgetting for the moment, as I hope we shall forget continually, the partisan side of it, and thinking of the matter only from the standpoint of the good of this great country and its people, of course it is much better for them that they be spared the continued mistakes of the Democratic Party and have the benefit of the wiser legislation of the Republican Party. And evidently that was the thought of the American people when they rendered their decision last November. [Applause on the Republican side.]

We have the responsibility, and we shall not shirk it; but we expect a considerable amount of assistance from gentlemen on the other side in the discharge of our responsibility, although from time to time gentlemen will talk and act otherwise. Just now we agree with them, as they agree with us, that as matters now stand the public business will be advanced and advantaged and benefited by the recess we propose.

Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Wyoming moves the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. MAPES, Mr. DOWELL, Mr. DALLINGER, and Mr. CAMPBELL of Kansas rose.

Mr. BLANTON. Mr. Speaker, I move to reconsider the vote whereby the resolution was passed, and move to lay that motion on the table. [Laughter.]

The SPEAKER. The gentleman from Texas moves to reconsider and lay that on the table and, without objection, it will be so ordered.

There was no objection.

DISTRICT OF COLUMBIA BUSINESS.

Mr. MAPES. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. MAPES. Mr. Speaker, inasmuch as under the rules of the House this is District day I had hoped that the day would be devoted to the consideration of bills on the calendar reported by the Committee on the District of Columbia. There are some important bills on the calendar reported by that committee. I recognize, however, the superior importance of bills on the calendar reported by other committees, and in recognition of that fact, and after consulting with those more responsible for the transaction of the business of the House, I have determined not to ask the House to take up District bills to-day. But it is hoped that later in the week a day may be set aside for the consideration of District bills, and with that in mind I shall not ask the House to take up District bills to-day. [Applause.]

CONTESTED-ELECTION CASE OF WICKERSHAM AGAINST SULZER.

Mr. DOWELL. Mr. Speaker, I ask leave to call up House resolution 105, a privileged resolution, in the case of Wickersham against Sulzer, the contested-election case from Alaska.

The SPEAKER. The gentleman from Iowa calls up a resolution which he states is privileged, which the Clerk will report.

Mr. BLAND of Indiana. Mr. Speaker, will the gentleman yield to me to file a privileged report?

Mr. DOWELL. Yes.

PENSIONS.

Mr. BLAND of Indiana. Mr. Speaker, the gentleman from Iowa has yielded to me for the purpose of submitting a privileged report from the Committee on Invalid Pensions.

The SPEAKER. The gentleman from Indiana submits a privileged report from the Committee on Invalid Pensions. The Clerk will report it by title.

The Clerk read as follows:

Mr. BLAND submits a report from the Committee on Invalid Pensions to accompany the bill (H. R. 7539) to provide for monthly payment of pensions, and for other purposes.

The SPEAKER. Referred to the Committee of the Whole House on the state of the Union and ordered to be printed. The gentleman from Iowa [Mr. DOWELL] submits a privileged report.

Mr. MANN. Mr. Speaker, is the last report a privileged report?

The SPEAKER. So the gentleman from Indiana stated. The Chair did not examine it. It is a general pension bill.

Mr. BLAND of Indiana. It is a general bill from the Committee on Invalid Pensions.

Mr. MANN. Just to save rights, I reserve all points of order.

The SPEAKER. The gentleman from Illinois reserves all points of order on the bill H. R. 7539.

CONTESTED-ELECTION CASE OF WICKERSHAM AGAINST SULZER.

The SPEAKER. The gentleman from Iowa [Mr. DOWELL] sumbits a privileged report from the Committee on Elections No. 3, which the Clerk will report by title.

The Clerk read as follows:

Resolution (H. Res. 105) authorizing an extension of time for taking testimony, arranging orderly procedure, and providing other relief in the Alaska contested-election cases.

The SPEAKER. The Chair calls the attention of the gentleman from Iowa to the fact that this resolution is on the Union Calendar.

Mr. DOWELL. Mr. Speaker, I move that the resolution be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Iowa moves that the resolution be considered in the House as in Committee of the Whole. The question is on agreeing to that motion.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman a question. What is this?

Mr. DOWELL. It is a resolution for the purpose of extending the time for taking testimony in the Wickersham-Sulzer contested-election case. It is the unanimous report of the committee, and I think it can be disposed of in a very few moments.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Iowa.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Does this resolution belong on the Union Calendar? It is a House Calendar resolution.

The SPEAKER. The Chair has not looked at the resolution, but the Chair is informed that it involves a charge on the Government in forwarding election returns and in calling soldiers for testimony, thereby involving expense.

Mr. DOWELL. I think it does involve expense.

The SPEAKER. The question is on the motion of the gentleman from Iowa to consider it in the House as in Committee of the Whole.

The motion was agreed to.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved (1) That the time for taking testimony in the contested-election case from Alaska, James Wickersham, contestant, wherein the contestee, Charles A. Sulzer, died on April 15, 1919, two days before the issuance of the certificate of election to said Sulzer, be, and the same is hereby, extended for 90 days from the date of the passage of this resolution; (2) that contestant, Wickersham, shall have the first 40 days thereof in which to take his necessary additional testimony, which shall be taken as near as may be in the manner provided by the present statutes governing the taking of testimony in contested election cases by notice served on the successful candidate in the special Alaska election of June 3, 1919; (3) the candidate who is successful in said special election to have the next 40 days in which to take testimony in opposition to contestant's claim to the election of November 5, 1918, and in support of his own right to be seated by virtue of said special election; (4) the contestant, Wickersham, to have the final 10 days in which to introduce rebuttal in both elections; (5) that the successful candidate at the special election may, if he wishes, on notice to contestant, cross-examine all those witnesses whose testimony the contestant has heretofore taken without notice, which testimony shall stand as contestant's examination in chief of said witnesses; (6) that the governor of Alaska and the custodian of the election returns and attached ballots of the election of November 5, 1918, be, and he is hereby, commanded and required forthwith to forward by registered mail to the Clerk of the House of Representatives the whole of the election returns and all attached papers and ballots of the election of November 5, 1918, for inspection and consideration as evidence by the House of Representatives in said contested-election case; (7) and if either the contestant or the successful candidate at said special election of June 3, 1919, desires the returns of that election introduced in evidence, it may be done under the same authority and in the same manner as is provided by this resolution for securing the returns of the election of November 5, 1918; (8) that any notice which contestant would be required to serve on said Sulzer, deceased, to take testimony of any witness mentioned herein, or to be called to sustain any allegation in contestant's case or any other notice which contestant might be required to serve on contestee, if living, may be served with the same legal effect on the successful candidate at the said special election; (9) and any notice which the successful candidate at said special election might find necessary to serve to present his case under either said elections may be served on contestant; (10) that the Secretary of War be, and he is hereby, requested and required to order by telegraph immediately on the passage of this resolution that said 40 soldiers named and whose Army status is described in the certified list, dated June 11, 1919, signed by the War

Department officials, and which list is attached to the application of contestant for the passage of this resolution, be assembled at the office of the commanding officer of the United States military cable and telegraph in the town of Valdez, Alaska, within the 40 days' period for taking testimony by the contestant, then to be examined under oath by contestant or his attorney or agent in the manner provided herein touching the matters and things alleged in the notice and statement of contest on file in this House and in this cause, and that each of said soldiers be, and he is hereby, required and commanded to state on said examination if he voted at said election on November 5, 1918, for any candidate for Delegate from Alaska to Congress, and if so, to state specifically which candidate he voted for, and the testimony of all witnesses shall be reduced to writing, signed by the witness, verified, and returned to the Clerk of the House of Representatives for use in these causes in the manner provided in the laws of the United States relating to contested elections as modified by this resolution.

With committee amendments, as follows:

On page 1 of the printed resolution, amend by striking out, in line 9, the words "necessary additional," and by striking out, at the end of said line 9 and the beginning of line 10, the words "as near as may be."

On page 1 amend by adding after the word "on," in line 12, the words "George B. Grigsby."

On page 2 amend by striking out, in line 1, the words "the candidate who is successful in said special election to," and by inserting in lieu thereof the words "said George B. Grigsby shall."

On page 2, line 6, amend by striking out the word "to" and insert in lieu thereof the word "shall."

On page 2 amend by adding after the word "rebuttal," in line 7, the word "testimony."

On page 2 amend by striking out all of paragraph 5 which includes the figure "5" at the end of line 7, and all of lines 8, 9, 10, 11, and 12 down to and including the semicolon following the word "witnesses."

Also amend by renumbering the paragraphs accordingly.

On page 2 amend by adding after the word "candidate," line 21, the words "said George B. Grigsby."

On page 3 amend by adding after the word "on," line 7, the words "said George B. Grigsby."

On page 3 amend by adding after the word "which," in line 9, the words "said George B. Grigsby."

On page 3 amend by adding after the word "either," in line 11, the word "of."

On page 3 amend by striking out the words "and required," in line 13.

On page 3 amend by striking out the word "said," in line 15, and inserting in lieu thereof the word "the."

On page 3 amend by striking out the words "in the manner provided herein," in lines 23 and 24.

On page 4 amend by striking out, in line 1, the comma after the word "cause" and insert in lieu thereof a period, and by striking out all after the word "cause" in said line 1, and by striking out all of lines 1, 2, 3, 4, and 5.

On page 4, line 6, amend by inserting before the word "the," in line 6, the figure "10" and by capitalizing the word "the."

Mr. DOWELL. Mr. Speaker, if no one desires time on this resolution, I desire to make a brief statement, and then I shall move the previous question.

It appears that in the election of 1918 James Wickersham and Charles A. Sulzer were both candidates for Delegate from Alaska. On the 17th of April the canvassing board determined that Sulzer was elected and issued to him a certificate of election. It appears, however, that Sulzer died two days prior to the issuance of the certificate. Thereafter Wickersham, who desired to make a contest, served notice upon the Clerk of this House of his desire to make a contest, and afterwards proceeded to take testimony ex parte for the purpose of establishing his right to a seat as Delegate. However, at the time of the expiration of the 90 days from the serving of notice upon the Clerk he had not secured sufficient testimony, and a resolution was introduced in the House and referred to the Committee on Elections No. 3 asking for further time to take testimony in the case. The facts were set forth in an affidavit filed by Mr. Wickersham upon which the resolution was based. To this resolution the committee made two important amendments, the others being mostly corrections and to make the resolution comply with the conditions existing after a special election was held in Alaska and Mr. Grigsby was elected as a Delegate to fill the vacancy caused by the death of Sulzer.

On page 2 the committee struck out paragraph 5, which relates to ex parte testimony.

Mr. GARD. Will the gentleman yield for an inquiry there?

Mr. DOWELL. Certainly.

Mr. GARD. The gentleman refers to this as "ex parte" testimony. Paragraph 5, which the committee have recommended to be stricken out, merely confers upon the successful candidate the right to cross-examine witnesses. How can such testimony be called ex parte testimony?

Mr. DOWELL. The purpose of the committee was not to use the ex parte testimony already taken in the case.

Mr. GARD. I do not understand how testimony can be called ex parte where there is the right of cross-examination.

Mr. DOWELL. The gentleman will notice that on page 1 the words "necessary additional testimony" are stricken out also.

Mr. GARD. I understand that.

Mr. HUDSPETH. It is the testimony taken prior to the special election that the committee propose to strike out—the ex parte testimony taken prior to the special election—in the contest of Wickersham against Sulzer.

Mr. DOWELL. If the gentleman will read the paragraph on page 2, line 11, he will notice that it says:

Which testimony shall stand as contestant's examination in chief of said witnesses.

Mr. GARD. I do not think that is a very good expression; but I think the phrase—

that the successful candidate at the special election may, if he wishes, on notice to contestant, cross-examine all those witnesses whose testimony the contestant has heretofore taken without notice—

should be allowed to remain.

Mr. DOWELL. But all the testimony must be taken hereafter.

The SPEAKER. The time of the gentleman has expired.

Mr. GARD. I ask unanimous consent that the gentleman be given 10 minutes' additional time.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the time of the gentleman from Iowa be extended 10 minutes. Is there objection?

There was no objection.

Mr. GARD. I think the gentleman is probably in full accord with what I am trying to arrive at. It seems to me that there should be no restriction on the part of either of these persons in the cross-examination of any witness.

Mr. DOWELL. There certainly is none in the law or in this resolution. There is a provision here in this resolution which permits notice to be given under the same conditions and in the same manner as provided in the statutes. The only thing that will be done by striking out this paragraph will be to prevent the contestant from using ex parte affidavits and to permit the contestee to cross-examine these witnesses.

Mr. GARD. I do not think the gentleman's resolution goes to the extent of prohibiting the contestant from using these affidavits as testimony, but it does go to the extent of prohibiting the successful candidate from cross-examining the witnesses. There is nothing in this resolution, as I see it, which prevents the contestant from using this testimony which the gentleman calls ex parte testimony. If that is the intention, it should be expressed clearly.

Mr. DOWELL. The only thing we are trying to do here is to permit the contestant and contestee to proceed to take the testimony for the next 90 days as though no contest had been made heretofore.

Mr. HUDSPETH. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. HUDSPETH. Under this resolution no testimony taken heretofore can be introduced before the committee. The first 40 days the contestant is to have for the taking of his testimony, and after that is the contestee. Is not that the fact?

Mr. GARD. I desire to make further inquiry. I call the gentleman's attention to line 3 on page 3 of this resolution, where this language appears:

That any notice which contestant would be required to serve on said Sulzer, deceased.

Does not the gentleman think it would be better to say—

any notice which contestant would be required to serve on said Sulzer, if living—

rather than "deceased"?

Mr. DOWELL. I will consent to that amendment.

Mr. GARD. There could not be any notice under the terms of the resolution, because Mr. Sulzer is now dead, and you can not serve notice on a dead man.

Mr. DOWELL. I will ask unanimous consent that the amendment suggested by the gentleman be made.

The SPEAKER. The gentleman asks unanimous consent for the adoption of an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GARD: In line 3, page 3, strike out the word "deceased" and insert in lieu thereof the words "if living."

The SPEAKER. Is there objection?

There was no objection.

Mr. HUDSPETH. For the benefit of some gentlemen on this side I will ask this question: If the taking of this testimony should force Mr. Grigsby, the contestee, into the cold period, then it was the unanimous understanding of the committee that they would give the contestee, Mr. Grigsby, further time. Is not that the fact?

Mr. DOWELL. That was on the theory, as I understood it, of 60 days; but now it is only 40.

Mr. HUDSPETH. I understood from the committee that if Mr. Grigsby did not complete his testimony under the time given for the resolution the committee would give him further time.

Mr. DOWELL. They did consider that, if further time was needed; but I think there was no agreement. If the gentleman desires to amend by giving him more time, I have no objection.

Mr. HUDSPETH. No; but I believe they will give him that time if he needs it.

Mr. DOWELL. I think the committee has not agreed to that, and I would not make any such agreement now.

Mr. HUDSPETH. That is my understanding—that they would give him additional time if needed—if the cold period set in before he could take his testimony.

Mr. MANN. Mr. Speaker, I do not propose to talk on the merits of the pending resolution. Apparently we have Alaska on our hands for the future, and may have an election contest from that far-away place every two years, or oftener if it is possible, and it might be just as well to consider the question of procedure. This is a simple House resolution, introduced and referred to the Committee on the Judiciary, which had no jurisdiction, reported back to the House, and placed on the Union Calendar, where it did not belong, and is now up for consideration. These things are not material, but at some time they might be very material. The Committee on the Judiciary was not entitled to consider a resolution of this sort. It does not change and can not change the law. A simple House resolution can not change the law.

Mr. GARD. Will the gentleman yield?

Mr. MANN. Yes.

Mr. GARD. I do not believe it was ever reported by the Committee on the Judiciary. I may be mistaken, but I do not think so.

Mr. DOWELL. It was never before the Committee on the Judiciary.

Mr. MANN. I do not know; all I know is what the pending resolution says:

Mr. VESTAL submitted the following resolution, which was referred to the Committee on the Judiciary and ordered to be printed.

Reported with amendments, committed to the Whole House on the state of the Union, and ordered to be printed.

If nobody knows where it came from, still worse.

Mr. VESTAL. Will the gentleman yield?

Mr. MANN. Yes.

Mr. VESTAL. This resolution was introduced and referred to the Committee on the Judiciary.

Mr. MANN. That is what I said.

Mr. VESTAL. This morning I found it was referred to the Committee on the Judiciary and I asked for a rereference, and it was referred to the Committee on Elections No. 3.

Mr. MANN. They have not found it out in the Clerk's office, and there is another mistake. I do not know where it is.

I want to say that in my judgment it did not belong to the Committee on the Judiciary, nor does it belong on the Union Calendar. It may involve an expenditure of money, but the House can not make an appropriation of money, the House can not involve the Treasury Department in an expenditure of money which is not already authorized to be expended. Sometime this contested election might be in a case highly partisan, with a very even division in the House, and it might make a great deal of difference as to how it was considered. Considering a bill in the House and considering a proposition in Committee of the Whole House on the state of the Union sometimes is a very important distinction. While there has been no ruling by the Speaker that this is a Union Calendar proposition, I do not want it to go as a precedent either that the Committee on the Judiciary has jurisdiction of a matter relating to the election of a Member or that the Union Calendar is to consider resolutions which may provide for taking testimony in contested-election cases.

Mr. LONERGAN. Mr. Speaker, I would like to ask the chairman one question. Can the gentleman refer me to any case parallel to this?

Mr. DOWELL. I can not; I have not found one exactly like it.

Mr. CHINDBLOM. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 3, line 21, after the word "Valdez," insert the words "Sitka and Fairbanks."

Mr. CHINDBLOM. Mr. Speaker, in Alaska, as everybody knows, the distances are very great between centers of population. Since the committee reported this resolution we are advised that it would be very desirable that the soldiers mentioned in the resolution, who are to be used as witnesses, might be assembled at three different points—Valdez, Sitka, and Fairbanks—rather than at Valdez alone. I will say that Valdez is 600 miles distant from Sitka, and Fairbanks is 450 miles distant from Valdez.

Mr. GARD. I would suggest to the gentleman that he make a further amendment by striking out the word "town" and inserting the word "towns."

Mr. CHINDBLOM. Mr. Speaker, I am glad of the suggestion, and I ask unanimous consent to add that as a portion of my amendment, that in line 21 on page 3 the word "town" be stricken out and the word "towns" be inserted in lieu thereof.

Mr. DOWELL. Mr. Speaker, I think that amendment should be adopted. I move the previous question on the amendments and the resolution.

Mr. GARRETT. Let us first vote on the amendment.

Mr. VESTAL. Mr. Speaker, will the gentleman yield for a question? I did not hear all of the discussion.

The SPEAKER. The Clerk will report the addition to the amendment.

The Clerk read as follows:

Page 3, line 21, strike out the word "town" and insert in lieu thereof the word "towns."

The SPEAKER. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

Mr. VESTAL. Mr. Speaker, I have another amendment that I desire to offer. On page 1, line 6, I move to strike out the word "ninety" and insert in lieu thereof the words "one hundred and forty," and in line 8 strike out the word "forty" and insert in lieu thereof the word "sixty"; on page 2, line 4, strike out the word "forty" and insert the word "sixty," and in line 8 strike out the word "ten" and insert the word "twenty." I think, in view of the fact that this testimony must be all taken at this time, more time should be given to both the contestant and contestee.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. GARD. I have no criticism of the extension of time, but is it not a fact that an additional contest notice has been now served by Mr. Wickersham on Mr. Grigsby, so that there are two of these contests before the committee?

Mr. VESTAL. This is really, I think, all one contest.

Mr. GARD. And there is not anything to prevent a full consideration of that which is put in in the second contest, is there?

Mr. VESTAL. No.

Mr. DOWELL. I think the resolution permits all the testimony to be taken to be used in either of those cases.

Mr. VESTAL. Both elections.

Mr. GARD. But, as a matter of fact, since Mr. Grigsby has been seated in the House there has been another notice of contest served on him, and that in effect takes over all this, does it not, so that really this resolution is not very necessary?

Mr. DOWELL. I doubt that. I think the Sulzer-Wickersham contest should have a resolution to continue the time for taking testimony.

The SPEAKER. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 6, strike out the word "ninety" and insert in lieu thereof the words "one hundred and forty"; line 8, same page, strike out the word "forty" and insert "sixty." Page 2, line 4, strike out "forty" and insert "sixty"; line 8, same page, strike out "ten" and insert "twenty."

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

Mr. HUDSPETH. Mr. Speaker, I rise to oppose this amendment. I want to state that this report is a unanimous report from the Committee on Elections No. 3. I would state further that this amendment was discussed in the committee, and if it is adopted it will force Mr. Grigsby, the contestee, to take his testimony during the cold weather that prevails in Alaska, and he will not be able to do it in the time allotted to him. As the resolution reads, the contestant, Mr. Wickersham, is given 40 days and the contestee, Mr. Grigsby, 40 days, and the last 10 days of the 90 days Mr. Wickersham has to offer his rebuttal testimony. This amendment is unfair to the contestee, and it was voted down in the committee. I therefore oppose the amendment of the gentleman from Indiana. I want to state, further, that on this committee I saw no evidence of partisanship on the part of any member. As the resolution is reported it is with a unanimous report from the Committee on Elections No. 3. I think it ought to be adopted as it was reported.

Mr. VESTAL. Mr. Speaker, I did not suppose that the offering of this amendment simply extending the time to both the contestant and the contestee would raise such a rumpus. I supposed it would be simply giving them both more time in which to take testimony.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. VESTAL. Not now. All that the House cares about and all that I care about is to have the matter thoroughly understood and the proper man seated. It does not make any difference to me which man wins. If there is any objection on the other side to having more time, I ask unanimous consent to withdraw my amendment.

The SPEAKER. The gentleman from Indiana asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I suggest an amendment on page 3, line 8, to strike out the word "may" and insert the word "shall" and to make the same amendment on line 13, so that the contestee and the contestant must serve their notices on the respective parties without question.

Mr. DOWELL. The language proposed is not as it might be, and I think there is no special necessity for the amendment, although I have no objection to it.

Mr. RAKER. Then I offer that as an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 3, line 8, strike out the word "may" and insert the word "shall," and in line 13, at the end of the line, strike out the word "may" and insert the word "shall."

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

The amendment was agreed to.

Mr. DOWELL. Mr. Speaker, I move the previous question on the resolution and all amendments to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution was agreed to.

On motion of Mr. DOWELL, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

LEAVE TO SIT DURING RECESS OF THE HOUSE.

Mr. DALLINGER. Mr. Speaker, I desire to offer a resolution.

The SPEAKER. Is this a privileged resolution?

Mr. DALLINGER. It is from the special committee appointed to investigate the eligibility of Victor L. Berger to a seat in the House.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the special committee authorized under House resolution No. 6 to investigate the right of Victor L. Berger to be sworn in as a Representative from the State of Wisconsin, be authorized to sit during the sessions and recesses of the present Congress.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of the resolution. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

PARTIAL REPORT FROM COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That it be in order for the Select Committee on Expenditures in the War Department, on Tuesday, July 29, 1919, immediately after the reading of the Journal and the disposition of the business upon the Speaker's table, to present a partial report, together with a House resolution accompanying the same, which resolution is as follows:

"*Be it resolved by the House of Representatives of the United States of America*, That the Secretary of War be and is hereby requested to place on sale, without delay, the surplus food products in the hands of or under the control of the War Department now stored in the United States, under such plan as will safeguard the interests of the Government and insure an opportunity to the people of the United States to purchase the same directly from the Government."

That said report and resolution, together with the minority report accompanying the same, shall be thereupon read, after which there shall be four hours allowed for debate, one-half to be controlled by the chairman of said committee and one-half by the ranking minority member thereof, Mr. FLOOD, of Virginia, and said debate to be confined to the subject matter of the report and resolution. At the conclusion of said general debate, the resolution shall be read for amendment, and upon the conclusion thereof the previous question shall be considered as ordered upon said resolution and any amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, it is estimated that there is over $200,000,000 worth of food in the possession of the War Department that is a surplus, and that this surplus is accumulating from day to day as soldiers are discharged. The purpose of this resolution is to direct the Secretary of War to sell that surplus food now held by the War Department. This, I trust, will reach the question raised by the gentleman from Oklahoma [Mr. FERRIS], who manifested so much anxiety this morning about the high cost of living. He stated that no action was being taken with a view to reducing the cost of living. This is for the purpose of aiding immediately in the reduction of the cost of living, and it is hoped that a measure of relief may be effected by placing this surplus food upon the market.

Mr. ASWELL. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. ASWELL. Is not the Secretary of War selling these foodstuffs now as rapidly as he can find purchasers?

Mr. CAMPBELL of Kansas. That is a matter that will probably be discussed to-morrow.

Mr. ASWELL. But the fact is he is selling them wherever he can find purchasers.

Mr. CAMPBELL of Kansas. And yet many people have endeavored to get some of these foodstuffs and can not get them. Mr. Speaker, I move the previous question——

Mr. GARRETT. Will the gentleman yield to me one minute?

Mr. CAMPBELL of Kansas. I yield the gentleman one minute.

Mr. GARRETT. Mr. Speaker, there is no contest so far as the minority is concerned upon this resolution. The necessity of the resolution will be discussed when to-morrow comes.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The question was taken, and the resolution was agreed to.

SARAH LOUISE IRBY.

Mr. IRELAND. Mr. Speaker, I offer the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 202.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Sarah Louise Irby, clerk to the late Hon. J. W. RAGSDALE, a Representative in Congress from South Carolina, at the time of his death, July 22, 1919, the sum of $220, being an amount equal to one month's salary of a clerk of a Representative in Congress designated, under the resolution now regulating the same, at $2,400 per annum and bonus.

The following committee amendments were read:

In line 6, strike out the figures "220" and insert in lieu thereof "120," and in line 9 strike out the figures "2,400" and insert in lieu thereof "$1,200."

The committee amendments were agreed to.

The resolution as amended was agreed to.

MESSENGER FOR COMMITTEE ON THE JUDICIARY.

Mr. IRELAND. Mr. Speaker, I offer the following privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 92.

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided for by law, compensation at the rate of $1,000 per annum for the services of a messenger to the Committee on the Judiciary, in lieu of a janitor at $720 per annum now authorized, such messenger to render services to said committee both as messenger and janitor.

The question was taken, and the resolution was agreed to.

ADDITIONAL MESSENGERS, HOUSE POST OFFICE.

The Clerk read as follows:

House resolution 138.

Resolved, That there shall be paid out of the contingent fund of the House of Representatives, until otherwise provided for by law, compensation at the rate of $1,200 per annum each for the services of four additional messengers in the House post office for the collection and delivery of mail in the House wing of the Capitol.

The committee amendments were read as follows:

Line 4, strike out the word "four," and in lines 5 and 6 strike out the words "for the collection and delivery of mail in the House wing of the Capitol."

So the resolution will read:

Resolved, That there shall be paid out of the contingent fund of the House of Representatives, until otherwise provided for by law, compensation at the rate of $1,200 per annum each for the services of additional messengers in the House post office.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Certainly, sir.

Mr. GARRETT. Why the necessity for the committee amendment? Is this to leave it possible to have an unlimited number of messengers?

Mr. IRELAND. Oh, no; no, sir. Three. We reduce it from four to three.

Mr. GARRETT. Perhaps I misunderstood the reading of the resolution. I understood it just struck out the four and left it unlimited.

Mr. MONDELL. Mr. Speaker, I think the reading by the Clerk perhaps left the impression——

Mr. GARRETT. I did not hear anything about three.

Mr. MONDELL. That the number was not limited, but evidently it is intended, of course, to limit the number to three.

The SPEAKER. The Clerk tells the Chair that apparently by an inadvertence the amendment inserting the "three" was not inserted.

Mr. IRELAND. Then, Mr. Speaker, that is a clerical error, and I ask unanimous consent to amend it as amended by the committee, in order to make the resolution conform to the action of the committee.

The SPEAKER. The Clerk will report the resolution as amended by the committee.

The Clerk read as follows:

Line 4, after the word "of," strike out the word "four" and insert in lieu thereof the word "three"; strike out all of the remainder of the resolution after the word "office," in line 5, so that it will read:

"*Resolved*, That there shall be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, compensation at the rate of $1,200 per annum each for the services of three additional messengers in the House post office."

Mr. FERRIS. That is the amount that the messengers are receiving at present, the regular messengers there?

Mr. ASWELL. What is the necessity for the additional messengers?

Mr. IRELAND. A heavier mail in the post office, and just at present the postmaster is throwing mail himself, and he is paying three additional men there out of his own pocket, amounting to $12 a day, and at the compensation the postmaster receives he can not stand that very long. I might say further that the postmaster has no adequate additional help.

Mr. ASWELL. How has he managed heretofore?

Mr. IRELAND. Last year we granted one additional employee, I am sure, if not more than that. I remember one. Of course, the mail service has become a great deal heavier.

Mr. GARD. Will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. GARD. This contemplated increase of messengers means those who deliver mail around to the offices in parts of the House Office Building?

Mr. IRELAND. They are so assigned, I believe.

Mr. GARD. Does the gentleman think that at this time, in view of the near approach of the adjournment, we should go ahead with these three additional messengers, when the Members will not be here for five weeks?

Mr. IRELAND. I think the gentleman will be convinced, if he will go over the situation, that they are necessary. I was really very much surprised.

Mr. GARD. I merely made that expression in view of the fact that we are going to quit for five or six weeks. Now, we bring in a resolution for three messengers at a time when no Members will be here.

Mr. RAKER. Will they not need the additional messengers because the Members will leave?

Mr. CAMPBELL of Kansas. Mr. Speaker, I have never noticed a diminution of my mail because I was not here, and it takes more clerks to handle the mail and jacket it and send it to me than for the ordinary delivery when Congress is in session and Members are here.

Mr. GARD. These messengers will have to do the actual delivery around the corridors and offices?

Mr. CAMPBELL of Kansas. It will be delivered to their offices, as their secretaries will be there, no doubt.

Mr. RAKER. In addition to that, where you request the mail to be sent home these messengers will send it.

Mr. IRELAND. Yes.

Mr. RAKER. How long has the postmaster been paying this out of his own pocket? Two weeks?

Mr. IRELAND. I do not know.

Mr. RAKER. Will this resolution protect him for what he has paid out?

Mr. IRELAND. No.

Mr. RAKER. Is that fair?

Mr. IRELAND. I hardly know how it can be handled.

Mr. RAKER. I wish to say that he has been giving very efficient service.

Mr. IRELAND. He has been performing about 18 hours a day of actual work.

Mr. PARRISH. If the gentleman from Illinois will permit, I would like to ask him if that is a unanimous report?

Mr. IRELAND. It is not. I know that there was an amendment offered to make it two additional instead of three.

Mr. PARRISH. I was called out and was not there.

Mr. IRELAND. There was not a record vote on it. I can not recall accurately or positively about it, but do not believe the committee report was unanimous.

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

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the adoption of the resolution.

The resolution as amended was agreed to.

REPEAL OF TAXES ON ICE CREAM AND SODA WATER.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent that the House resolve itself in the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 2837) to repeal the tax on ice cream and soda water.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the House resolve itself in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2837. Is there objection?

Mr. GARRETT. Does that require unanimous consent?

The SPEAKER. It does not, but the gentleman asked unanimous consent. Is there objection?

Mr. GARRETT. Mr. Speaker, will the gentleman proceed in the regular way?

The SPEAKER. The gentleman can make a motion.

Mr. FORDNEY. I move, then, Mr. Speaker, that the House resolve itself into the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2837.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. KITCHIN. Pending that, let us see if we can not get an agreement as to time.

Mr. FORDNEY. Pending that, Mr. Speaker, I want to agree upon the time. The gentleman from North Carolina [Mr. KITCHIN] wishes to have 40 minutes on a side on general debate. I will agree to that.

Mr. KITCHIN. To be confined to the bill.

Mr. FORDNEY. And one half of that time to be controlled by myself and the other half by the gentleman from North Carolina, the general debate to be confined to the subject matter of the bill.

Mr. CANNON. Mr. Speaker——

The SPEAKER. The gentleman asks unanimous consent that debate be limited to 40 minutes on a side, half to be controlled by himself and half by the gentleman from North Carolina, to be limited to the bill.

The gentleman from Illinois [Mr. CANNON] is recognized.

Mr. CANNON. The motion is not to go into Committee of the Whole, then?

The SPEAKER. Pending that. Really, the House had voted to go into committee.

Mr. CANNON. Mr. Speaker, this is a matter of such importance that I desire to not obstruct the consideration of it, but it comes fresh for the first time in print this morning. The House ought to have a quorum here, and every man ought to stay here, so that we can understand it. However, it can be made on the motion to go into the Committee of the Whole House on the state of the Union.

The SPEAKER. The motion has been made. The Chair stated that the motion to go into the Committee of the Whole had been agreed to.

Mr. CANNON. Well, I can make the point, then, if that has been done, that there is no quorum present, and I am going to insist that there be a quorum present in good faith, in order that we may act understandingly. I do not understand what this bill proposes to do.

Mr. GARRETT. Mr. Speaker, I do not care to raise any technical points of order to delay matters, but if the Chair had announced that the House had resolved itself into the Committee of the Whole House on the state of the Union, it would not then be in order to put the request of the gentleman from Michigan [Mr. FORDNEY]. But I have no desire now to interfere with the request, but I suggest in the interest of orderly procedure that——

The SPEAKER. The Chair will state the exact condition. The gentleman moved that the House resolve itself in the Committee of the Whole House on the state of the Union, and the Chair put the question, and stated that the ayes had it; and then if the gentleman wished to ask unanimous consent it should have been done earlier, pending that motion. But the Chair, thinking it was the unanimous desire of the House to

accommodate him, allowed the gentleman to put his unanimous-consent request, although technically it was too late.

Mr. GARRETT. I will make no point of order, Mr. Speaker. Has his request been put?

The SPEAKER. Is there objection to the request of the gentleman from Michigan that there shall be debate of 40 minutes on a side?

There was no objection.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] makes the point of no quorum on the motion to go into Committee of the Whole.

Mr. CANNON. I will make the point that there is no quorum. I would rather have the doors closed than to put the gentleman to the trouble of moving a call of the House.

The SPEAKER. Therefore the call is automatic. The Doorkeeper will close the doors, and the Sergeant at Arms will notify the absent Members. Those in favor of going into Committee of the Whole——

Mr. DOWELL. Mr. Speaker, that motion has been adopted.

The SPEAKER. The Chair misunderstood the gentleman from Tennessee.

Mr. GARRETT. I made no point of order, Mr. Speaker, on the request of the gentleman coming at the time it did.

The SPEAKER. The Chair misunderstood the gentleman. If the gentleman makes a point of order, the Chair sustains it, that it is too late to make the point of no quorum. The House goes into Committee of the Whole House on the state of the Union, with the gentleman from Kansas [Mr. CAMPBELL] in the chair.

Mr. CANNON. Mr. Speaker, I gave notice that I wanted a vote on the proposition that the House go into Committee of the Whole before unanimous consent was given.

Mr. ASWELL. The gentleman made that request after the vote had been announced.

The SPEAKER. The Chair thinks the gentleman did not understand the Chair. The Chair stated that the motion to go into Committee of the Whole House had been agreed to, and was so stated by the Chair, so that it was too late. Then the gentleman from Michigan [Mr. FORDNEY] asked unanimous consent. The Chair understood the gentleman from Tennessee [Mr. GARRETT] to say that he would not make the point of order, so that the Chair put the question and allowed the gentleman to make the point of no quorum. The Chair misunderstood the gentleman.

Mr. GARRETT. Mr. Speaker, in order to put myself correct——

The SPEAKER. It was a misunderstanding entirely. The Chair is not criticizing the gentleman.

Mr. GARRETT. I did not make the point of order against the gentleman from Michigan requesting unanimous consent after the House had voted.

The SPEAKER. The Chair misunderstood the gentleman. The Chair supposed he would not make the point of order that the House had already voted to go into Committee of the Whole. The House automatically goes into Committee of the Whole House on the state of the Union, and the gentleman from Kansas [Mr. CAMPBELL] will take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2837, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2837, which the Clerk will report by title.

The Clerk read the bill, as follows:

A bill (H. R. 2837) to repeal section 630 of the revenue act of 1918, approved February 24, 1919.

Be it enacted, etc., That section 630 of the revenue act of 1918, approved February 24, 1919, be, and the same is hereby, repealed.

Mr. CANNON. Mr. Chairman, I want the gentleman from Michigan [Mr. FORDNEY] to have a full attendance when he makes his remarks. I do not know whether there are a hundred Members here or not, but I will make the point of no quorum.

The CHAIRMAN. The gentleman from Illinois makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and eight gentlemen are present, a quorum. The gentleman from Michigan [Mr. FORDNEY] is recognized.

Mr. FORDNEY. Mr. Chairman and gentlemen, the Committee on Ways and Means have reported this bill, which, if enacted into law, will repeal section 630 of the so-called new revenue bill. It repeals nothing else in the law but the tax on ice cream and soda water at the fountain.

The estimated amount of taxes that will be collected from those two items is $21,000,000; $9,000,000 on ice cream and $12,000,000 on soda water. The Committee on Ways and Means have also reported a separate bill to repeal taxes upon fruit juices, loganberry juice, grape juice, and apple juice. The committee also wish to take up in succession, after this bill has been disposed of, a bill to place an import duty upon chemical glassware, optical glassware, surgical glassware, and surgical instruments. The committee have had hearings for several weeks on those bills, and find that those articles are the products of what might be called war industries, and that it is very necessary that speedy action be taken to protect those interests from destruction by ruinous competition from Japan and Europe.

The committee have also reported favorably upon a bill to repeal Canadian reciprocity. Canadian reciprocity was passed by Congress in 1911. That same year or early the next year that bill was rejected by the Canadians, but it remained upon our statute books, and at any time that Canada wishes to accept the provisions of that treaty it would become a law, which would practically mean free trade between the United States and Canada. The Committee on Ways and Means have thought it advisable at this time to repeal that act, it having remained on our statute books since 1911.

Mr. HULL of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman from Tennessee.

Mr. HULL of Tennessee. Is it not true that the Underwood Act by implication repealed the Canadian reciprocity measure?

Mr. FORDNEY. No; it is not. But it does place upon the free list some articles that would have been placed on the free list by Canadian reciprocity if that act had been accepted by the Canadians. The Underwood tariff law has put on the free list wood pulp and print paper and many other things.

Mr. HULL of Tennessee. I am not sure but that the gentleman will find one or two decisions of the courts holding that the Underwood bill at least by implication repealed the Canadian reciprocity law.

Mr. FORDNEY. My opinion is that it does not repeal the law, and if there is any doubt about it we should make it plain and positive that this bill will repeal Canadian reciprocity.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. GREEN of Iowa. With all due deference to my friend from Tennessee [Mr. HULL], to whom the gentleman from Michigan just yielded, and for whose legal opinions I have the highest respect, I can hardly see how a court could make such a decision, because the Canadian reciprocity provision never could go into force and effect until accepted by Canada, and therefore there would be nothing, it seems to me, for the court to base such a decision upon.

Mr. FORDNEY. And it has not been accepted by Canada, and so far as I am concerned I do not want it to be accepted by Canada. I was always opposed to Canadian reciprocity, and am more clearly of the opinion now that it was a mistake and would be a mistake to enact it into law. Our tariff rates to-day are the lowest of those of any principal country in the world. The ad valorem rate on imports to-day is about 5 per cent. Some months it runs a little more, some months a little less. In the month of April the average ad valorem duties collected were 4.85 per cent on imports coming into the United States. That, in my opinion, borders very closely on free trade.

I want to make a very brief statement, and then I will yield to some other gentleman.

Mr. WOOD of Indiana. Is the committee considering the advisability of taking the tax off of moving-picture show tickets?

Mr. FORDNEY. All those matters are before the committee, but have not been acted upon. Several bills for the repeal of the so-called luxury taxes are pending before the Committee on Ways and Means, but these two are the only ones that have been acted upon.

Further, the committee have reported a bill to put an additional import duty upon tungsten, and several other bills are pending; for instance, a bill for a duty on dyestuffs, and the committee expects this week to make a report on an increased duty upon imported dyestuffs. The question is being considered as to whether or not a licensing feature shall also accompany the bill affecting the duties on dyestuffs. So far we have been unable to agree, but we expect to report a bill of some kind before the end of the week.

Mr. ROSE. Does the committee have under consideration a tax on the importation of Mexican fuel oil?

Mr. FORDNEY. I believe there is such a bill before the committee. We have not had hearings upon it, but expect to consider it in the near future.

Mr. ASWELL. Will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman from Louisiana.

Mr. ASWELL. Has the committee considered the repeal of the tax on mixed flour, filled cheese, and oleomargarine?

Mr. FORDNEY. In the last Congress a very determined effort was made to repeal the tax on mixed flour. I opposed it very strenuously, and will do so as long as I live, because if that tax is repealed it will open the door wide to fraud. To-day under existing law the tax on mixed flour is under the supervision of the Government. I will say to the gentleman from Louisiana that nothing has ever been mixed with wheat flour for the purpose of making bread which was not a cheaper article than the flour itself, and it never will be.

Mr. ASWELL. Does not the gentleman believe that now is the good time to give some cheaper food articles to the people of this country and those of other lands?

Mr. FORDNEY. Oh, I will say to the gentleman that when his party came into power six years ago there was no complaint about the high cost of living, and now gentlemen are shouting at the top of their voices asking the Republican Party to lower the cost of living which was brought about by the gentleman's party. [Applause.]

Mr. ASWELL. And your party voted for all the bills.

Mr. FORDNEY. We will attend to these matters when we reach them. We are going to remain in power. We have the confidence of the people, and we are going to show you how to run this Government in a practical manner.

Mr. ASWELL. The gentleman's party had that opportunity once for 16 years, and did not succeed.

Mr. FORDNEY. We were getting along admirably until you fooled the people into putting you into power, but you could not fool them all the time.

Mr. McPHERSON. Will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman from Missouri.

Mr. McPHERSON. I should like to ask the gentleman if the committee have considered and will report out, at an early date, a bill that has been introduced providing for a duty on zinc ore and the products of zinc?

Mr. FORDNEY. Such a bill is before the committee, and I am very heartily in favor of putting the necessary tax upon imported zinc ores, in order to revive the zinc industry in Missouri and Wisconsin, where the mines have been closed down because of free trade on zinc ore. I pledge the gentleman my unwavering support to revive that industry by putting an adequate tax upon imported zinc ore coming into this country from Mexico, which has closed down the mines in Missouri.

Mr. GARNER. Will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman from Texas.

Mr. GARNER. When does the gentleman hope to accomplish that result?

Mr. FORDNEY. I should like to see the Democrats of the committee join with us in a meritorious act like that, but whether they do or not time will tell, and the Republicans are going to report a bill which will do that, mark what I say.

Mr. GARNER. I repeat my question. When may we hope for the "meritorious measure" that the gentleman speaks of?

Mr. FORDNEY. Ask me something easy. There are many bills before the committee, and I do not know when we can report these bills. I have but one voice and vote among 25 men on that committee, and I expect to see the undivided opposition of the gentleman's party to the proposition for a duty on zinc ore. Am I right or wrong? I will ask the gentleman that question.

Mr. GARNER. I can not speak for the party or for anyone except myself. It depends on the rates that you put on.

Mr. FORDNEY. We will put a reasonable rate on.

Mr. GARNER. If he will put a reasonable rate on, I will join with the gentleman.

Mr. FORDNEY. Good.

Mr. GARNER. Of course, the term "reasonable" is somewhat elastic.

Mr. FORDNEY. I do not wish to discuss this matter any longer, but would yield to some one else, unless some one desires to ask a question.

Mr. MONAHAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. MONAHAN of Wisconsin. This morning I received signed petitions representing practically all of the lead and zinc industries of southern Wisconsin, Illinois, and Iowa asking for a tariff on lead and zinc ores, which I filed with the committee.

Mr. FORDNEY. I thank the gentleman for his statement.

Mr. GARNER. May I ask the gentleman a question before he takes his seat, in order that the committee and the House may understand the policy of the Committee on Ways and Means with reference to internal-revenue taxation? This is a proposition to repeal section 630?

Mr. FORDNEY. Yes.

Mr. GARNER. What will be the policy with reference to the repeal of other provisions of the internal-revenue law, such as the candy tax and other bills that have been introduced?

Mr. FORDNEY. I can not speak for the committee. I do not know what the committee will do in respect to reporting any other taxes, except that we have reported favorably a bill to reduce the tax on loganberry juice and grape juice and apple juice—fruit juices.

Mr. GARNER. May I get the gentleman's individual opinion about his policy with respect to these measures?

Mr. FORDNEY. I can hardly give it to the gentleman at this time. I will cross that bridge when I come to it.

Mr. GARNER. May I inquire in reference to the zinc-ore proposition? The gentleman says that he is willing to give adequate protection to Wisconsin and Missouri and Oklahoma and Kansas zinc-ore interests.

Mr. FORDNEY. On zinc ores.

Mr. GARNER. May I ask the gentleman what the policy of his committee will be with reference to a general revision of the tariff?

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Texas [Mr. GARNER] is a member of the committee himself; and all this is out of order.

Mr. GARNER. The gentleman from Michigan has the floor, and I think he can take care of himself without the assistance of the gentleman from Iowa.

Mr. FORDNEY. Mr. Chairman, I reserve my opinion upon those matters until later on. I will ask the gentleman from North Carolina to use some of his time now.

Mr. KITCHIN. Mr. Chairman, I yield such time to the gentleman from Louisiana as he desires.

Mr. ASWELL. Mr. Chairman and gentlemen of the committee, I am heartily in favor of the bill under consideration to repeal the taxes on ice cream and soda water; but there are other taxes whose repeal is vastly more urgent and important. The cost of food products is rising higher and higher and still higher. The price the producer receives as compared with the price the consumer pays reveals clearly that thieves, robbers, and highwaymen, under the euphonious name of profiteers, are still abroad in the land, rampant at our very doors. The remedy for this evil is pitiless publicity through the Department of Agriculture, which is not functioning in this important matter now. Yet the Congress sits supinely by and takes no drastic action. If there were ever a time, that time is now, when the Congress should strike straight for the protection of the consumers and the toilers of the country. There are prices of food products that can be easily and directly reduced. I refer to the reductions proposed by H. R. 7160, which is as follows:

A bill (H. R. 7160) to repeal the internal-revenue taxes upon wholesome foods and the special license taxes imposed upon producers and dealers in such wholesome foods.

Be it enacted, etc., That all laws and parts of laws which impose internal-revenue taxes upon wholesome foods and special license taxes upon the producers of and dealers in such foods be, and the same are hereby, repealed: *Provided*, That such wholesome foods shall be produced and distributed in compliance with the provisions of the Federal food and drugs act approved July 1, 1906, and the Federal meat-inspection act approved July 1, 1906, and the food-control act approved August 10, 1917, and the regulations made pursuant to said acts.

This bill or similar bills have been pending before the Committee on Ways and Means for years, and still the Committee on Ways and Means refuses to act. These wholesome and nutritious foods—oleomargine, filled cheese, and mixed flour—are by inexcusable taxes kept out of reach of the poor people of the country. Why does the Congress sit here inactive on this subject and permit millions of people literally to suffer for the want of food when these outrageous, obnoxious, inexcusable, and indefensible taxes can be and should be immediately repealed by this Congress? I for one am not willing for the blood of starving children to rest upon my hands. Gentlemen of the Committee on Ways and Means may refuse to report this or similar bills to the House and the House may refuse to act, under Republican control, but let the responsibility rest where it belongs and let the country know the facts.

The purpose of the bill to which I refer is to enlarge the production and distribution of wholesome foods.

The items particularly affected are:

First, oleomargarine; second, filled cheese; third, butter; fourth, mixed flour.

Oleomargarine is universally declared to be a wholesome and nutritious food.

The internal-revenue law does not concern itself in any way with the sanitary or wholesome qualities of this food. The taxes imposed on the product and the special license taxes imposed upon producers and dealers yield an insignificant net revenue to the Government. In fact, this law was not intended as a revenue producer, but was intended to prevent the production of this food altogether, or compel its production in unpopular forms.

How well these purposes are accomplished appears from a comparison with the annual per capita production in countries which import our oils and cattle feed, but which impose no taxes or licenses:

Holland produces 66 pounds, Denmark 44 pounds, Norway 35 pounds; America produces 3½ pounds per capita of this wholesome and nutritious food.

Our Government and foreigners may withdraw tax free either colored or uncolored as they may choose. They take all colored, while our own people, who are compelled to choose between a pleasing food and extraordinary taxes and licenses on the one hand and a less pleasing food and lower taxes and licenses on the other, take all uncolored.

It is impossible to understand any just reason why our own people should be practically forbidden the use of this wholesome food in the most desirable form which science and skill can produce it. It is confidently believed that if our own people had the same free access to this food which the Government and foreigners have, much larger quantities of it would be consumed, and much of the edible oils which now go into other uses and much of the skim milk which is now wasted would be conserved for its production. In many sections of the country small surpluses of milk are produced, but not sufficient to sustain creameries. If freed from the revenue burdens and dangers, these localities could establish oleomargarine plants, which would have sufficient volume to sustain overhead expenses, and furnish good market for the milk surplus and large quantities of edible oils.

Drs. Vernon Kellogg and Alonzo E. Taylor have probably given as wide and patriotic study to the question of human food as any other two living men. In their book, The Food Problem, published by the Macmillan Co., they point out:

(Pages 148–149.)

An intensive development in dairying in the indirect sense has been evolved in Europe, but has received little attention in this country. This is the combining of the processes of making butter and margarine. In this country butter is made from cream secured by the centrifugation of milk, and the skimmed milk is then either fed to swine or thrown away—thrown away, unfortunately, to a very considerable extent. In Europe this skimmed milk is used for the further manufacture of margarine. Vegetable and animal fats in proper proportion, largely vegetable fats, are mixed with the skimmed milk and churned out just as butter would be. In this way a very good product is obtained, which has flavors derived from the milk. * * *

(Page 150.)

It is necessary in the United States to increase the consumption of vegetable oils. * * * They must be passed through some sort of a fabrication in order to give them physical qualities that are in themselves desirable. There is not enough butter to go around. * * *

(Page 151.)

Viewed properly, margarine and butter are not competitive; they are supplementary. * * * The dairyman and creamery should manufacture margarine, just as they manufacture butter, butter being the product of the primary churning, margarine the product of the later churning.

II.

Filled cheese is an excellent substitute for meat. It is made by coagulating a mixture of skimmed milk and edible oils in the usual manner of making cheese.

The act of June 6, 1896, utterly destroyed this industry. Here is a so-called revenue law from which the Government collects not a cent of revenue and a needed wholesome food is outrageously outlawed.

More than 15,000,000,000 pounds of skimmed milk is practically wasted every year. Half the food value of the milk is thus lost. Large quantities could be profitably conserved by combining it with the edible oils. Filled cheese will remain fresh and palatable for long periods of time and may be easily transported long distances. There can be no patriotic or economic reason for prohibiting the production and distribution of this wholesome food. There should be a filled-cheese factory in connection with or in the vicinity of every creamery.

III.

Butter is defined by the act of May 9, 1902, as the food product made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter.

The pure-food law declares that a food is adulterated: If any substance has been mixed with it so as to reduce or lower its quality; or if it consists in whole or in part of a filthy, decomposed, or putrid animal substance; or if it is the product of a diseased animal.

So far as the provisions of the revenue law relating to butter are concerned, it does not matter how filthy, decomposed, or diseased butter is, nor how variegated the color and shape of different lots. It may be bought and sold in such forms free from tax and license; and an examination of the market reports will convince that low grades constitute a large percentage of the available supply.

But if one melts or clarifies this butter, so as to put it into uniform packages, and so forth, then he must pay licenses, give bonds, and subject himself to extraordinary penalties, and pay a tax of one-fourth cent per pound and call his product "renovated butter." Curious inducement for improving food.

If, furthermore, one mixes, reworks, rechurns in milk or cream, refines, or in any way produces a uniform, purified, or improved product from different lots or parcels of butter or butter fat in which any substance is used with the effect of deodorizing or removing rancidity, then he must call this purified and improved product "adulterated butter." He must pay annual license, as manufacturer, $600; wholesaler, $480; and retailer, $48, and give heavy bonds. This phase of the revenue law is such an assault upon the common sense that, I understand, it is practically ignored by both the Departments of the Treasury and of Agriculture and the public. So that practically all the great cream centralizers constantly use both substances and methods for deodorizing and neutralizing the different lots or parcels of butter fat which they buy and mix and refine so as to produce a uniform purified product.

If such uniform, purified, or improved product is still unclean, unwholesome, or unnutritious, then its production and distribution ought to be and is prohibited by the pure-food law.

If it is a safe and beneficial food, then no burdens should be laid upon it.

I understand from the report of the Commissioner of Internal Revenue that no one voluntarily takes out a license to manufacture or distribute "adulterated butter." On the contrary, this license is used as a sort of refuge for those who, without moral turpitude, are discovered to have incorporated excessive moisture in otherwise good butter.

The dual responsibilities imposed by law upon the Departments of the Treasury and Agriculture respecting butter have produced much confusion in the industry. I believe the provisions of the pure-food law will give reasonable protection to consumers against excessive moisture, filth, and disease, and that the Bureau of Internal Revenue should not be troubled with a law not intended to produce revenue, but intended, and having the effect, to restrain the increased production of improved food.

IV.

Mixed flour is not permitted, under the pure-food law, to contain any impure, unnutritious, unclean, or unwholesome product. The highly nutritious corn, cottonseed, peanut, and other flours are more pleasing and better preserved when backed with a considerable percentage of wheat flour.

The tax burdens imposed upon mixed flour yield but little revenue and greatly restrict the enlarged use of this improved food.

GENERAL OBSERVATIONS.

If any of these foods are unclean or unwholesome or fraudulent, their production and distribution is prohibited by the pure-food law. The Department of Agriculture, in conjunction with the Department of Justice, is authorized and equipped to enforce this law. An excellent system of cooperative inspection of foods is being rapidly developed between the Department of Agriculture and the several State and municipal bureaus of inspection.

If these foods are clean and wholesome, the Government should lay no restraining hand upon their production and distribution in the most scientific and economical methods and in the most palatable forms.

They are all specially adapted to the needs of the toiling masses, who not only need good, cheap foods, but who have the least time and facilities for the proper preparation of food.

Taxes upon food must be borne not according to ability to bear but according to necessity to eat, which is an inhumane basis of taxation.

The pure-food law prohibits false or misleading labels and brands.

The revenue provisions add nothing to the protection of the consumer; they add nothing substantial to the revenues; their enactment was procured by selfish interests before the value of

these foods was understood by the public and before the development of the more scientific and practical methods of the pure-food law.

They therefore ought to be repealed, and repealed now. Let the country know the man who opposes such repeal and thus withholds food from hungry children!

Mr. KITCHIN. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, the Civil War lasted four years, and the Federal Government during that time had approximately 3,000,000 men in the field. Yet the cost of the Civil War was not quite $5,000,000,000. In the present war we have spent approximately $19,000,000,000. I have never made the calculation myself, but I have been informed that not more than a billion minutes of time have elapsed since the birth of Christ. The Secretary of the Treasury, Mr. Glass, last week issued a statement in which he said that our public debt is approximately $30,000,000,000; that is, our debt is $30 for every minute of time that has passed since Jesus walked upon the blue waters of deep Galilee. That is a vast sum, an appalling sum, but it has to be paid or repudiated, and the United States will not repudiate any debt. In order that this principal sum may be reduced and the interest paid, it is necessary that we raise taxes. In order to raise taxes for that purpose, almost, if not quite, every article which is used and consumed by the American public must pay a tax. The proposition here is to repeal the tax upon soda water and ice cream. I believe that if a man deliberately fills his stomach full of such stuff he should pay a tax on it, in order to help pay the debt that we have incurred during this war, and the man who sells it should also pay a tax.

If Members of Congress could investigate the filthy, insanitary condition of many soda fountains and ice-cream receptacles, particularly in cities and summer resorts, and then take into consideration the enormous profit made on the sale of these products, I do not believe this tax would be repealed.

A soda fountain is primarily an apparatus for storing, cooling, and drawing carbonated water and for storing flavoring material for such water and for keeping what is called ice cream. There are also receptacles for washing glasses, spoons, and other utensils used in operating a soda fountain.

The whole is usually surrounded by attractive bars of mirrors and marble to give a fetching setting to the entire thing. There is a base, called a refrigerator base, in which is stored ice to cool the extras, usually beverages that are sold in bottle form and called soft drinks. These fountains vary in length from 6 to over 100 feet and will average about 20 feet in length. The price of soda fountains varies from $500 up, and some manufacturers claim to have received as much as $25,000 for a single apparatus.

Soda water is purely an American drink and has never become popular in foreign countries, although much money has been spent in attempting to introduce it in other lands.

My information is that the first soda fountain was made by John Matthews in New York in 1860, and ice cream soda was first introduced to the public by Robert M. Green at the Philadelphia Exposition in 1876.

The basis of soda water is carbonated water, a mixture of carbonic acid gas and water. This is mixed in an apparatus which usually is placed in the cellar of the store where soda water is sold. The carbonic acid is contained in a steel tube and placed under a pressure of about 1,200 pounds, and this tube is attached to a carbonator, which is a steel tank, either lined or washed with block tin. Attached to this tank is an automatic pump usually operated by electricity. The water is pumped into the steel tank into which the carbonic acid gas has previously been allowed to enter. Only a small amount of this gas is allowed to enter at a time, until the pressure gauge shows a pressure usually from 100 to 225 pounds, according to the will of the operator. After the water has become impregnated with the gas it passes through a block tin pipe to the coolers in the soda fountain, and these coolers are made of brass tubing, lined on the inside with block tin and washed on the outside with tin. The water stays in these coolers until—sometimes—it is cooled, and then passes into a block tin pipe which connects with the draft arm, from which it is drawn into the glass for the drinker.

The flavors are usually kept in porcelain jars and the sirup is forced out of the jars by a metal pump consisting of a spout and plunger rod and a sirup cup. The ice cream (so called) is kept in a cabinet insulated with cork, lined usually with tinned copper, with a galvanized-iron jacket to hold the ice cream can, which is usually made of steel and washed with tin. Tin is used wherever carbonated water comes into contact with metal so as to prevent forming of verdigris. Such is my information as to soda fountains from a reliable source.

My information is also to the effect that the insanitary condition of soda fountains is appalling. They can be kept clean, and generally are on the outside, but if one will examine the inside of them, especially in cities, most of them will be found to contain slime, especially around the sirup jars and wherever ice is, and especially around the ice cream the dirt that generally accumulates around the storing of ice will be found, and if the fountain be opened up a dirty, sour odor can be detected. If soda fountains are not given the proper attention the tin wears off, the water comes in contact with the other metal and forms verdigris, a deadly poison. It is rare that a sufficient amount of verdigris gets into the system to cause death, but numerous cases of ptomaine poisoning have been traced to soda fountains. Just imagine a steel tank tested to 500 pounds steam pressure being allowed to rust away—the shell becomes thin and then the explosion. Numerous persons have been killed or injured by these explosions. Soda water is often dispensed by an incompetent class, who think of profits only and are not particular about their own cleanliness, and the drink is usually dispensed in glasses not always well washed and seldom washed in hot water, only dipped in cold water, which often becomes dirty and greasy from repeated using.

Most any competent physician will state that milk is one of the greatest producers of germs, and epidemics of typhoid fever have been traced to the improper keeping of ice cream.

Some persons claim that the business can not stand taxation. That seems to be what every business claims.

The present system of taxing soda water and ice cream is a poor system, and the matter of how much tax a dealer shall collect is left to his honesty or dishonesty, as the case may be.

It is preposterous to talk about repealing this tax, but I presume it will be done. The sale of ice cream and soda water and soft drinks generally will greatly increase when the prohibition law becomes effective, and if the tax is properly laid and collected it will eventually yield nearly or quite as large a revenue as was collected from the taxes on liquor. Various estimates have been made as to the amount of money spent in this country for ice cream and soda water, and it has been placed as high as $500,000,000 annually. I have been informed that one concern which makes a sirup to be used at soda fountains claims to sell $6,000,000 worth of this sirup annually. This drink is retailed at 5 cents and costs 2 cents a glass, so about $15,000,000 annually must have passed over the counters for this one drink alone.

In the cities especially, the soda-fountain proprietors are among the worst and most conscienceless profiteers.

Prior to 1914 numerous places in this and other cities sold ice-cream sodas at 5 cents a glass, and now they have a minimum price of 15 cents a glass, and at some places it is 20 and 25 cents a glass.

The average price of a gallon of ice cream is from $1 to $1.25, and a quart of ice cream usually makes 12 glasses and sometimes 20 glasses of soda water. An average of 2 cents for the ice cream will cover that cost, and add to this 1 cent for flavor and a quarter of 1 cent for carbonated water, and the cost of the material contained in a glass of soda water is 3¼ cents, and it is sold for from 15 to 25 cents a glass, and the dispensers of soda water have the unlimited nerve to ask for the repeal of the tax.

Maybe some of you gentlemen think the soda-fountain proprietors are poor and should not be taxed. There are many such places where $100 per day is counted a poor day's receipts. In New York, in the Wall Street section, there is a man who makes a business of opening soda-fountain places in office buildings. Fifteen years ago the proprietor was a poor man, but now he and his son own apartment houses in New York and Brooklyn, bought with profits from the business.

The receipts of the soda fountain in Broad Street Station, Philadelphia, are estimated to be from $150 to $250 a day. Go down town in Washington and look at the people that daily and nightly, and more especially at night, crowd these places, and then say if you think a tax should not be levied on soda water and ice cream. The soda-fountain proprietors are the people most benefited by closing the saloons, and they, as well as the consumer, should be made to pay a tax. The consumer is lining the pockets of the soda-fountain profiteers with gold in this and other large cities. The soda-fountain proprietors should pay a tax, and the public should be safeguarded so that the price can not be raised. Soda fountains should be inspected by the Federal Government and not by local boards of health, because too often boards of health have friends in the business and permit dirty soda fountains to do business for years.

Many soda fountains are so old and out of date that they should have been discarded years ago. My information is that

at a public park or summer resort near this city there is a type of fountain that the manufacturer discarded 25 years ago.

There is another branch of this business that should bear a part of the burden of taxation, and that is the dispenser of soft drinks in bottles. His goods are, to a great extent, taking the place of bottled beer, and he should pay a license and be compelled to bottle his goods in sanitary places instead of cellars and stables, as is often the case.

The manufacturers of ice cream and soda fountains and fountain sirups and other supplies and the manufacturers of carbonic acid gas should all be made to pay a tax, and the public should not be compelled to pay one penny more for ice cream and drinks.

The profits of the business will bear heavy taxation. The proposition in this bill is to repeal the tax on soda water and ice cream and retain the tax on bottled soft drinks. That is a rank discrimination against country people and people distant from soda fountains. Bottled soft drinks are largely sold in small villages and at country stores, and the farmer boy, who labors hard all the week and goes to the country store on Saturday afternoon and buys a bottle of soft drink, is compelled to pay a tax on it, while his city brother, who usually dresses in fine linen and works but little, if at all, may buy his soda water and ice cream, if this bill is passed, free of tax.

Any night in the cities one can see vast crowds of beautiful girls clad in silks and lingerie, whose hues outshine the rainbow or a Roman trireme decorated in fadeless Tyrian dyes, wending their ways to divers soda fountains and ice cream parlors, to the evident delight and large gains of the profiteering proprietors, who ply their business tax free.

And then there are the "Chollies," who are constant patrons of these places. It is delightful to see them gliding along the streets clad in the latest style corset-cut hand-me-down suits on their way to eat ice cream and drink soda water with Geraldine and Phyllis. They spend their substance in riotous ice cream and moving-picture living and other useless diversions, and if they work for the Government expect to be cared for when they become aged through such legislation as a retirement bill at Government expense, which, in my opinion, will discourage thrift and economy and place a premium on shiftlessness and extravagance. If they would dress like human beings they would look better.

In my opinion, no man in this House has in Washington City or any other city ever tasted any pure ice cream at a soda fountain, but merely a frozen mixture of thin milk and cornstarch bearing the misnomer "ice cream." We are told we must have untaxed soda water and ice cream on account of the babies. I believe soda fountains, as usually conducted, are disease breeders among children, and they are better off and healthier without patronizing such places.

I believe that in the large cities many a mother has looked for the last time at the face of her dead baby as it lay in its casket with its little hands folded in snowy grace across its breast because of disease contracted at insanitary soda fountains.

I am proud to say that no druggist or soda-fountain proprietor in my district has ever requested me to vote to repeal this tax. They are patriotic men and willing to do their part to support the Government, and willing to go to the small trouble necessary to collect this tax. In addition to that, they keep sanitary fountains and sell "sure enough" ice cream and soda water at reasonable and not profiteering prices.

A necessity is a thing indispensable to some purpose and a luxury is that, among other things, which is delightful to the taste or senses, as a delicious drink. Clothing, sugar, shoes, and other such articles are necessities and, if possible, should not be taxed at all, while ice cream and soda water are luxuries and should be taxed to help pay the burden of debt under which this Republic is now staggering.

The distinguished chairman of the Ways and Means Committee [Mr. FORDNEY] admits that if the tax on soda water and ice cream is repealed the Government will lose on that account $21,000,000 per annum in revenue, but he and the gentleman from Ohio [Mr. LONGWORTH], and all other Republicans, are eloquently silent as to what articles will be taxed to supply this deficiency. Will they put more tax on shoes, on sugar, on clothing, and other necessities? They do not say. They do not know, and are stumbling about in taxation darkness or are afraid to say. Taxed sugar, taxed clothing, taxed food, taxed shoes, taxed necessities generally, and free soda water and ice cream will, I presume, be the shibboleth and rallying battle cry of the Republican Party, and at the end they will find themselves where Moses was when the light went out—left and in the dark.

Our Republican friends are inclined to mix soda water and ice cream and politics all in one hotchpotch and seem to want to fling the soldiers in for good count. They arrogate to themselves a corner on all the wisdom and patriotism of this Republic.

One Republican Member on the floor of this House, as a sop to the soldiers, "ariz" from his seat and with the apparent wisdom of a tree full of owls solemnly proclaimed in a hark-from-the-tomb tone of voice that the soldiers are the greatest patronizers of soda fountains and, of course, he is for the repeal of the tax for that alleged reason.

The soldiers of this Republic are brave men. Their courage has been fully tested on bloody battle fields. They are willing to perform to the utmost their civil as well as military obligations. Our soldiers are not infants in swaddling clothes crying for the Republican Party as a wet nurse to feed them untaxed ice cream and soda water out of its political spoon. Such claptrap will not catch the soldier vote and is a reflection on their intelligence.

Other Members have bewailed alleged Democratic extravagance and have joyfully boasted how a Republican senatorial filibuster saved the Government a million and a half dollars that had been appropriated by the last Democratic House, when they know full well that filibuster had no such purpose in view, but its purpose was, if possible, to embarrass the President. The Republicans have made much noise over this matter, but verbal gymnastics and bodily contortions do not produce evidence, and loquacious vehemence is not argument. Nearly or quite every mothers' son of them in the House at that time, and most of them are here now, voted for this same appropriation of a million and a half dollars, which they claim was saved to the Government by the patriotism of a Republican senatorial filibuster, and therefore it logically follows as the night follows the day, according to their contention, that they rejoice and are exceeding glad that a Republican senatorial filibuster saved them from the consequences of their own folly in voting for these appropriations.

Mr. Chairman, in view of the fact that our Government is $30,000,000,000 in debt and it will require more than a billion of dollars annually to pay even the interest on this vast sum, and in view of the further fact that $21,000,000 in revenue per annum will be lost by the repeal of the tax on ice cream and soda water without any known articles other than necessaries to tax to supply the deficit, I do not believe this tax should be repealed, but, on the other hand, should be increased. I believe that necessaries as far as possible should not be taxed, and that luxuries should be taxed to bear the expenses of the Government.

Mr. GARNER. Mr. Chairman, I yield three minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, I am in favor of repealing this section 630 of the revenue law. I would further vote to repeal these taxes they put on patent medicines and drugs. The gentleman from Kentucky [Mr. THOMAS] stated that we had spent a great deal of money. We spent more than he said. The facts are that, not including the loans of $10,000,000,000 to our Allies abroad, this Government spent $22,000,000,000 as war expenditures, and the Secretary of the Treasury has notified the American Government that three and a half billion dollars more is to come in the way of loan certificates. Of course, there will be heavy expenses in the future if a halt is not called. I contend that Congress can adopt some economic methods without taxing poor little children that go to the soda fountains to get 5 cents' worth of ice cream or chocolate. You have put a war tax on every town and hamlet in the United States in the hot summer days when these little fellows want to get a refreshing drink of soda water. The Federal Government reaches out its strong arm into the little fellow's pocket and not only takes the tax from him but it may make him go home without his soda water or ice cream, because daddy did not give him more than 5 cents.

I am going to vote to repeal this obnoxious taxation. The idea of continuing a tax, after the war is over, to take from every woman and child in the United States who wants a little refreshing drink or cone of ice cream in hot weather 1 cent or 2 cents as a tax is to me very obnoxious.

I would vote to take off the tax on bottled soft drinks. You put a tax on Coca-Cola and various kinds of bottled goods. Why do you not propose to repeal that tax? This taxing of the soda fountain when you can sit in a hotel or restaurant and eat your fill of ice cream with no tax on it is wrong. If a person goes to the soda fountain or in a drug store to get a refreshing drink or a little ice cream, the Government taxes the person that does it, and I am going to vote for the repeal. The trouble and expense in collecting this form of tax is too heavy for the revenue received thereby. It is a direct tax on the poor people of this country after the war has ended.

The Government should not tax the medicines that the poor and helpless must have. [Applause.]

Mr. MOORE of Pennsylvania. Will the gentleman from North Carolina use some more of his time?

Mr. KITCHIN. We have used on this side about 15 minutes in three speeches.

Mr. MOORE of Pennsylvania. The gentleman has used 13 minutes, and we have used 15.

Mr. KITCHIN. I yield five minutes to the gentleman from Illinois [Mr. HENRY T. RAINEY].

Mr. HENRY T. RAINEY. Mr. Chairman, I am simply addressing the House for the purpose of congratulating the Republican Party. This extra session has lasted now through two months of time. It commenced with a tremendous flourish. For the first time in eight years the majority sits on the Republican side of the aisle. Reconstruction questions of tremendous importance present themselves. The question which presents itself as most important of all these questions is the question of reducing the high cost of living. It devolved upon the majority of this House to devise some method to meet that question. In eight weeks of time you have splendidly succeeded in passing those bills which you yourselves killed in a filibuster in the other House—those bills and nothing else. Framed originally by the Democratic departments of this Government, whipped into shape by Democratic committees, they were defeated in the Senate by a Republican filibuster.

You have followed Democratic leadership in passing these bills again, but it has taken you eight weeks to do it. We have just been told that the country can hope for nothing in the matter of a repeal of the tax on mixed flour. That would make cheaper bread, and the Republican Party can not rise to any emergency like that. You propose now triumphantly to repeal the tax on ice cream, and you can go back to the country and say, "We have labored strenuously for eight weeks, and we have this to our credit—we have repealed the tax on ice cream." [Laughter and applause on the Democratic side.]

Of course, it is an unscientific method of repealing a tax, but it is the best you can do. You pay no attention, in repealing the soda-water tax, to the tax you put on bottled waters; you offer no substitute, because the only substitute you could offer is a substitute which will tax the rich, and you are not going to do that any more than you can help.

You propose to repeal the Canadian reciprocity act in your efforts to reduce the cost of living. Potatoes, wheat, and vegetables are selling higher than they ever were before, and yet you are proposing that they shall have no competition in our markets. You propose to repeal the Canadian reciprocity act and charge up against Canada the same tariffs that you charge against any other nation.

The time of Mr. HENRY T. RAINEY having expired, he was given two minutes more.

As a matter of fact, the country knows what is the matter. The leadership on that side has failed, absolutely failed. You can not agree with each other on any proposition. But you sent out to Illinois and brought back my distinguished friend and colleague, the former leader of the Republican Party in this House, Mr. MANN, and he suggested to you something that you could all agree on. He is reported to have said that you have been in session long enough and you had better adjourn. [Laughter and applause on the Democratic side.] That is the only advice any leader has submitted on that side that has been accepted on that side, and you have been able, all of you, to agree on that proposition, and you have just voted to take a recess until the 8th of September. That is the best thing you can do for the country and the most statesmanlike thing you have done up to the present time.

The time will come, and it will come in the near future, when the country will understand that the President was right when he said that he wanted a Democratic Congress. He wanted a Congress that would be able to do something in this period of reconstruction. We will get that kind of a Congress in the election of next year, and the more you recess and the oftener you adjourn, with your divided leadership and your inability to accomplish anything that will reduce the high cost of living, the better for the country. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I feel that I will have to ask the indulgence of Members on this side and ask them kindly to excuse our friends who have just been talking in opposition to this bill with so much rancor and ill feeling, on account of the general situation. After all, we could not expect the Democratic Members to come here good-humored. They lost the election last fall. They lost a number of old war horses. They came pretty near losing our beloved former Speaker, and I would have been loath myself to have lost him. And, as things went on, it looked as if we had lost the President over abroad, and, indeed, the lost battalion at that time, I think, had nothing on the President, surrounded as he was by the 14 points directed at him from every direction by some German, and I wondered how he could ever be rescued. Why, they lost everything they had to lose and we could not expect them to come in here good-natured. But I hardly expected they would go to the extent of telling us what we ought to do and telling us they did not like what we had done. Why, bless your souls, gentlemen, we never expected what we were doing or what we were going to do would be satisfactory to you. That is not what concerned us, but whether what we are doing is satisfactory to the American people, that is what we want to hear at the present time, and what we are doing in reference to this bill will be satisfactory to the American people. Gentlemen talk about the failure of the Republican Party to reduce the high cost of living. Why, their party ever since it went into power has been engaged in raising the cost of living, and do they expect us in a few short months to undo all that they have done in the last six years? That is a good deal too much to ask from us at this time. We can hardly be expected to do that, although we are making a start in that direction and expect to continue further.

One of the best things we have done in that way and one thing they attempted to head off was the reduction of the burdens which were upon the people by the taxation of the last Congress. That was one of the results the so-called filibuster succeeded in doing. It reduced the amount of taxes, it reduced the burden upon the American people, and this particular bill will reduce them also.

Now, with reference to this bill we have here, in the first place this ice-cream and soda-water tax is a consumption tax. It is one of the few consumption taxes that we lay. The Committee on Ways and Means in the past had a very difficult problem in levying the taxes which are necessary to carry on the Government through the war. The expenses which were incurred at that time seemed to me in many respects to have been very much higher than they ought to be—money spent, squandered, and wasted.

We wanted, if possible, to better the scheme of taxation which somewhat in haste and yet somewhat with deliberation was prepared at the last Congress, and the law which we seek to repeal, as I have said, provides for a consumption tax. It is one of the few of all our revenue measures that provide for a tax of that kind. It is the only tax that is imposed upon the poor. Of all the taxes that we impose this is the most obnoxious, the most exasperating, and the one that costs the most to collect in proportion to the amount which is received, and these are the reasons why it should be repealed.

There probably ought to be a tax in some direction levied in connection with the ice-cream and soda-water business, but it ought not to be in this form. This tax levies a cent upon the 3-cent ice-cream cone which is bought by the small children in the city, a tax of some 33⅓ per cent. It levies only the same tax upon the 10-cent sundae that is sold over the counter as a luxury perhaps, and yet, in a measure, as a food. It is unequal in its distribution of the tax. It is unjust and unfair in the way it is imposed, and it takes a great deal of trouble and pains necessary to keep track of each little penny item that is disposed of over the counter in this kind of a way, and it has added hundreds of inspectors and hundreds of agents who are the collection force. Now, if there is any tax that ought to be reviewed, that ought to be remodeled, it appears to me it is this one.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Does the gentleman want more time?

Mr. GREEN of Iowa. Yes; I would like to have a minute more.

Mr. MOORE of Pennsylvania. I yield the gentleman a minute more.

Mr. GREEN of Iowa. We have selected this particular tax to repeal for the reason that it is a tax on the children in a petty way, because it is exasperating and provoking to the parents, and because it does not amount to any great sum in its aggregate returns, because it is expensive to collect, and because it is unfair in its terms.

Mr. DEWALT. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. DEWALT. Has your committee estimated as to what the expense is of collecting this $21,000,000?

Mr. GREEN of Iowa. We inquired of the Commissioner of Internal Revenue, and, as I understand it, he reported that it was almost impossible to separate it, because the agents who

were engaged at times in the collection of this tax also were engaged at other times in the collection of other taxes.

Mr. DEWALT. Was there any truth in the estimate which I saw at one time that it is less than one-tenth of 1 per cent for the collection?

Mr. GREEN of Iowa. That statement can not be correct, in my judgment.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GREEN of Iowa. Give me one more minute.

Mr. MOORE of Pennsylvania. I yield two minutes to the gentleman from Iowa.

Mr. GREEN of Iowa. We had one of our Democratic friends, the gentleman from Arkansas [Mr. WINGO], coming in here and wanting to know why we did not repeal this particular tax and criticizing us because we had not done something in this direction. Now our friend from Illinois [Mr. HENRY T. RAINEY] comes in and objects because we are repealing it, and said to us, when we objected to the enormous burdens that have been laid upon the people and the unnecessary waste and extravagance that was going on in the past, we are simply raising a growl. What is this that we have heard to-day from the other side but a growl?

Mr. KITCHIN. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. EMERSON].

Mr. MOORE of Pennsylvania. Mr. Chairman, how much time did the gentleman from Iowa consume?

The CHAIRMAN. Seven minutes.

Mr. EMERSON. Mr. Chairman and gentlemen of the committee, we are asked in this resolution to repeal the tax upon soda water. I think before we repeal the tax upon soda water we might repeal the tax upon some of the necessities of life; we might repeal the tax of a cent a pound upon sugar, upon vegetables, and other necessities of life; and I think you will find when you go back home that you will be asked some questions on this subject.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. EMERSON. I can not yield.

Mr. GREEN of Iowa. The gentleman is making statements that are not correct at all.

Mr. EMERSON. I can not yield, Mr. Chairman. I do not know why the gentleman wants to butt in on my speech. I could not get time from the Republican side of the House and had to ask it from the Democratic side.

I do not think this resolution should have come in here at this time. It is inopportune. We should have repealed the tax upon freight rates, upon the necessities of life. I want to say that the most burning question before this House to-day is the question of the high cost of living, and if this House adjourns without passing some legislation upon that subject we will have some new questions to answer when we go back home.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. EMERSON. I can not yield.

Mr. JOHNSON of Washington. What legislation have you in mind?

Mr. EMERSON. I can not yield in three minutes, I regret to say. But, as I said before, that is the most burning question before the people of this country. More important than the peace treaty itself is the question of the high cost of living, and you will find when you go back to your homes on this vacation that they will want to know why you have not done something upon that subject. And before we repeal this tax upon soda water, which I expect we will have to do, we had better repeal taxes upon those commodities that will lessen the cost of living.

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

Mr. MOORE of Pennsylvania. Mr. Chairman, I object to the gentleman's extending his remarks in the RECORD, or I reserve the right to object, and in reserving the right to object I desire to say that the gentleman from Ohio [Mr. EMERSON] does so much lecturing of this House in his extended remarks that, for one, I am tired of giving him permission to continue the practice. He endeavors to lecture this body, and does more of it and less acting than any other man in the House. I want it understood that this kind of buncombe does not go with all of us.

Mr. EMERSON. I want to say if I had followed some of the so-called leaders on the Republican side of the House I would not be here now.

Mr. MOORE of Pennsylvania. And I want to say that this country gets many false impressions with regard to Members of Congress. Much of this is due to the fact that some gentlemen, seeking notoriety, are constantly introducing resolutions which they never follow up. Thus the people get a false impression as to what we do here. It is the easiest thing in the world for a man who wants to bluff the public and his own constituents to come here and talk a minute and then run away when the vote is taken. I want to say that I am prepared, for one, to object to this kind of bunk whenever I see it, whether it is undertaken by a Member of the House or is put over by somebody outside. [Applause.]

Mr. KITCHIN. Mr. Chairman, I yield to the gentleman from Ohio [Mr. EMERSON] one minute.

Mr. EMERSON. Mr. Chairman, I want to say this: If the gentleman from Pennsylvania [Mr. MOORE] will watch my vote, he will find that I generally vote about right. During the war session of Congress I voted 100 per cent correct.

Mr. MOORE of Pennsylvania. He told the public that.

Mr. EMERSON. I was nominated without any opposition at the Republican primaries in 1916, and there was no Democrat or Socialist candidate against me, and there was not a single vote cast against me in the twenty-second district of the State of Ohio; and as a Member of this House I propose to do and think and act as I believe is right. I am a Republican in principle, but when the question comes between my country and the party I am an American first. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I yield myself two minutes additional. It is to say that if the Democrats would like to have join them the gentleman who has just spoken, they are perfectly welcome to him, so far as I am concerned. They can take him to their bosom. We might be very glad to exchange him for some gentleman on the other side who has given trouble there. So far as the intense and burning patriotism of the gentleman who has just spoken is concerned, I would say that under "leave to print" he probably gets more stuff of this kind into the RECORD than any other man on this floor. He probably gets more buncombe in the RECORD on which he never votes or expects to vote than any other man on either side. If he has a constituent who wants to get a poem into the RECORD or a song which he desires to sell, the gentleman from Ohio is amenable and solicitous to get it in the RECORD and boost it. I ask Members of the House who have looked over the RECORD and the patriotic resolutions put in here by the gentleman from Ohio whether he has brought any of them up for consideration? I ask that question of the gentleman from Ohio—whether, after having from time to time introduced patriotic resolutions here, to prove his intense Americanism, he has ever gone to a committee to get action upon a single one of them?

Mr. THOMAS. We will trade Mr. BLANTON for him. [Laughter.]

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

Mr. MOORE of Pennsylvania. Does the gentleman from North Carolina desire to use some more of his time?

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

Mr. MOORE of Pennsylvania. Does the gentleman care to use more time?

Mr. KITCHIN. How much time have I, Mr. Chairman?

The CHAIRMAN. The gentleman from North Carolina has 16 minutes and the gentleman from Pennsylvania [Mr. MOORE] has 15 minutes.

Mr. KITCHIN. When I have spoken 10 minutes, let me know, Mr. Chairman.

The CHAIRMAN. Very well.

Mr. KITCHIN. Mr. Chairman, you have no idea how much I regret that in this debate the gentleman from Pennsylvania [Mr. MOORE] has injected political and parliamentary personalities. I saw no harm in the world in what the gentleman from Ohio [Mr. EMERSON] said, except from the Republican standpoint. He only said that he thought this Republican House, before relieving the luxury drinkers, the soda-fountain drinkers, from any tax, ought to relieve the people of the taxes on necessities. The minute the gentleman from Ohio announced that view the gentleman from Pennsylvania [Mr. MOORE], the distinguished member of the Republican steering committee, the gentleman who carries in his vest pocket 25 votes on all questions in the Republican committee on committees, with his big influence in the House, with his high standing on the steering committee, and on the committee on committees, and on the Ways and Means Committee, at once denounces him and denies him the right to have any opinion contrary to the opinion of the House machine. He lets every Republican here who has a thought of his own, who has a conviction, who does his own thinking, know that the very minute that he crosses a decision of this Republican steering committee, the very minute that he questions the infallibility of the Republican membership of the Ways and Means Committee, the very minute he hesitates to obey the order of the Republican ring or bosses of the House, that minute

some of the bosses, like Mr. MOORE, is going to condemn and denounce him on the floor and point to what MOORE did to EMERSON. [Applause on the Democratic side.] That is the motive and object of the gentleman's attack. Everybody knows that EMERSON was right. Many of us take the position—and there are scores of Republicans over there in their hearts who take the position—that if, in the face of the Treasury necessity, we propose to reduce taxes, before we reduce any taxes on luxuries we had better reduce some of the taxes on the necessities which the plain millions of people must pay.

Everybody in this House knows that the gentleman from Pennsylvania [Mr. MOORE] did not have anything personal against the gentleman from Ohio [Mr. EMERSON]. Everybody knows that Mr. EMERSON made a patriotic speech expressing his sincere conviction, and that what he said was right and proper. But the gentleman from Pennsylvania, speaking for the Republican bosses of the House, made the vicious attack on the gentleman from Ohio as a warning to every other Republican that when he dares to express an opinion or raise his voice contrary to the opinion or orders of the bosses he is going to catch what EMERSON caught. [Applause on the Democratic side.]

I regret exceedingly that the gentleman from Pennsylvania should see fit to make that speech. But, gentlemen, I am glad that there is one Republican—and I know there are more—who has got the courage to make a statement like that made by the gentleman from Ohio [Mr. EMERSON] on this floor. [Applause on the Democratic side.]

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

Mr. KITCHIN. Oh, do not take up my time.

Mr. MOORE of Pennsylvania. Did the gentleman from North Carolina read the speech of the gentleman from Ohio before he gave him permission to make it?

Mr. KITCHIN. I did not.

Mr. MOORE of Pennsylvania. Was it satisfactory to the gentleman from North Carolina?

Mr. KITCHIN. I did not know what was in his speech or what he was going to say.

Mr. MOORE of Pennsylvania. Does the gentleman know why the gentleman from Ohio went to the Democratic side to get time to make his speech?

Mr. KITCHIN. Yes; I understood he came to the Democratic side because the Republican side—his own side—did not have the common fairness to let him—one of their own members—have even a minute's time.

Mr. MOORE of Pennsylvania. He wanted one minute in which to extend his remarks.

Mr. KITCHIN. I hope the gentleman will not interrupt me any more.

The CHAIRMAN. Gentlemen will not interrupt the Member having the floor without his consent.

Mr. KITCHIN. Now, about the bill. I want every Republican and every Democrat to know that this bill is nonpartisan; that is, Democrats can vote for it, if they wish, and violate no Democratic principle, and Republicans can vote for it, if they want to, but if they vote against it they will know what will come to them from Mr. MOORE and the other bosses. [Laughter.]

The real purpose of this bill reported out by the Republican members of the Committee on Ways and Means is not economic; it is not to reduce revenue, though the reduction will be $21,000,000. It is political. It is to get the votes of the fountain soft-drink dispensers. If anybody on this side thinks that the Republicans should not have a monopoly in playing politics with a few druggists and other soft-drink venders, he, of course, has the right to play politics, too; that if he wishes to support a Republican political measure whose result will be to further increase the deficit, which will necessarily be very large, between expenditures under the appropriations passed in this Congress and receipts during the fiscal year, by at least $21,000,000, he can do so. But some of us do not favor this bill just as it is. Some of us know that the condition of the Treasury does not justify reduction of taxes at this time. Some of us believe, just like the gentleman from Ohio [Mr. EMERSON], that if you are determined to reduce taxes now; that if you are determined to further increase the deficit, instead of reducing or repealing the taxes on luxuries, you should reduce or repeal the taxes on the necessities. Why not first take the tax off of freight bills? The freight tax is a tax upon the necessities of life. Every man, woman, or child that consumes or wears an article of any kind has to pay that tax. It is charged to him in the price of the article purchased. Whether it is meat, or bread, or hats, or shoes, or any other article, he pays that tax. The freight tax is a direct tax upon the commerce of the people. Why not repeal the tax on passenger fares? This, in most cases, is a tax on a necessity. The poorest widow in this country may be forced to take a train to visit some sick person in her family—a daughter or a son or other member of her family—and yet she has got to pay 8 per cent tax on the price of her railroad ticket, regardless of how far she is going or the price of the ticket.

Why not take the tax off toilet soap, which the people must use as a necessity, and which the Republicans ought to use more than others? [Laughter.] Why do you Republicans want to put an obstacle in the way of a man or woman washing himself or herself? [Laughter.]

If you are bent on reducing the taxes and making wider the deficit between collections and expenditures, why not take off the tax from medicines, which the people, especially the poor people, use? To many of the poor these taxable medicines are necessities. Whenever the necessities of the revenues and the condition of the Treasury will justify a reduction of taxes, these taxes which I have mentioned should be first repealed, and certainly before we repeal the tax on pure luxuries, such as this bill does. The whole propaganda for this bill was sent out from Chicago. They sent out printed petitions for such a bill to all druggists and soft-drink fountain proprietors, with request that they get the signatures of their customers. These were signed on request by people who never thought about the condition of the Treasury or how badly the tax was needed by the Government. All know that one can get up a petition for anything—that everyone almost without exception will sign any petition.

The CHAIRMAN. The gentleman has used 10 minutes.

Mr. KITCHIN. These printed petitions were sent to these soda-fountain people and druggists, and every fellow who came in to buy a drink was asked to sign this petition, but the fellow who signed the petition never thought one moment what it meant, or of the Government's revenue necessities, or the increase of deficit the repeal would make.

Otherwise I do not believe the druggists and soda-fountain proprietors in my State or in any other State and I do not believe the people who pay this little 1 or 2 cent tax would have signed the petitions. They did not know that the Treasury Department says that to meet the necessary expenditures of the Government this year it needs all the taxes that can be collected under existing law and strongly advises Congress not to repeal any tax unless it can supply the amount to be lost by such repeal from some other source. It knows and every intelligent man in this House knows that if the Government expends the amount appropriated by this Congress for this year there is going to be a deficit of more than $1,000,000,000 between the receipts from all taxation under existing law and from all other sources and such expenditures. How can we, as honest, patriotic legislators, justify a reduction of taxes, especially on luxuries, in the face of this deplorable fact?

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. KITCHIN. I can not yield now. This tax which you propose to repeal for political purposes, like other taxes, goes into the common fund not only to support the Government in maintaining its necessary functions, but to pay war debts, interest on war debts, to relieve the widows and orphans of the boys who fell in France, to help out the boys who returned home maimed and crippled for life—the boys who had their legs and arms shot off and their eyes shot out on the fields of Europe, while those who are protesting against the tax remained home, out of danger, making money.

Some druggists came to my office the other day, one of whom I happened to know, to protest against this tax. They said they came as the representatives of their association. I said, "Do your customers, the people who buy the drinks, protest against it?" They said, "No; not that." I asked if their trade was falling off by reason of the tax. They said "no." I said, "Then what is the matter with it?" They said, "Oh it is so much trouble to collect and separate the tax money—to make out the report to the Government and send in the money." I then explained the amount of our estimated expenditures for the year, the amount of receipts we will have from all sources, and the amount of the big deficit we will have.

I then said, "Did it ever occur to you that this money which you collect from your customers, who do not object, goes into the general fund to help pay the expenses of the Government, to help pay the huge war debt we incurred for supporting the Army in France and the interest on it, that it goes into the common fund to help support the widows and orphans of the brave boys that lost their lives in France, to help support and make life tolerable for the boys who return home maimed and crippled for life?

"As you say, the tax is simply a question of trouble with you. Did you ever think of the trouble these boys went to for our country in leaving their homes and families and friends, going

2,000 miles across the sea to face German guns, who went to the trouble of having their legs and arms shot off, who went to the trouble of having their eyes shot out and their bodies blown to pieces for you and me, who remained at home? Do not you believe that it is only fair that you should go to a little trouble for these heroic boys by collecting this small tax from the people who are willing to pay and sending it to the Treasury in Washington?"

One of them said, "Mr. KITCHIN, we never looked at it this way. We did not know the facts. We are going back and tell our people that it ought not to be repealed, that the Government needs every cent of the tax, that 'the boys' need it, and that we ought to be glad to take the trouble of its collection." Not a druggist in my district, not a man in my district who indulges in soft drinks, has urged the repeal of this tax.

It would be a reflection on the druggists in my district and the men and women and children in my district who drink at the fountains, after they know the facts, to say that they oppose this little tax. When they know the facts the druggists will be proud to collect the tax. The purchaser of soft drinks will be proud to pay the tax. The people in my district know what these boys did. They know the glory with which these boys covered the Nation. They know the trouble that these boys went to, 2,000,000 of them, across the sea. They know what their country did in this tremendous war. Our druggists and soft-drink dispensers are willing to go to the trouble of collecting the tax and sending it to the Treasury, and our people are willing to pay the little 1 or 2 cents tax.

Mr. Chairman, how can any man in this House justify taking this tax off the city fellow who goes to the fountain to get his drink there while leaving the tax on the bottled drinks that the country grocery man keeps to sell to those who are not accessible to the city fountains? How can one justify his vote in keeping the tax on the bottlers—on the soft drinks put up in bottles—and exempting from the tax their competitors, the fountain-drink vendors? The argument for exemption of the bottlers is stronger, if anything, than that of the fountain-drink makers.

Mr. Chairman, let me say that no one appeared before our committee to give us any reason why this tax should be repealed. This is legislation by petition. When it is learned by voters throughout the country whose product bears an excise tax that the Republican Ways and Means Committee and the Republican House can be persuaded for political purposes or be intimidated by stereotyped petitions to repeal a tax for the special benefit of a few protesters, the offices of Members, and especially the rooms of the Ways and Means Committee, will be filled with petitions secured by all the producers and manufacturers and dealers to repeal the tax on their products. The candy, the bottled drinks, the chewing gum, the sporting goods, the musical instrument, the automobile, the toilet soap, the cosmetics, and proprietary medicines, producers and manufacturers and dealers will be here with their protests and petitions. The jewelers will be here. The moving-picture proprietors will be here. They all can show the Republicans the good politics in the repeal of their tax. If not, they can do as much intimidation as the soft-drink fellows did. Every reason and argument that can sustain or justify a vote for the repeal of the tax on soft drinks proposed in this bill can be made with equal force and justice for the repeal of every one of these luxury or semiluxury taxes. I can not see how any fair-minded Member can vote for the repeal of the one and not of the other. [Applause.]

Mr. MOORE of Pennsylvania. I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH], a member of the Committee on Ways and Means.

The CHAIRMAN. The gentleman from Ohio [Mr. LONGWORTH] is recognized for five minutes.

Mr. LONGWORTH. Mr. Chairman and gentlemen, I sincerely regret that any ill-nature should have developed during the course of the debate on a bill like this. Why, gentlemen, this is a bill designed to bring sunshine into the home. It is a bill to dispel the dark clouds hovering over these poor little children who want to get a small ice-cream cone or perchance a glass of soda water on hot days and have to pay the Government a tax of 10 per cent on it. I am sure this ill-nature which has developed upon my side is only preliminary to a shaking of hands and a restoration of the complete Republican harmony that always prevails between Ohio and Pennsylvania. [Applause.] I also greatly regret that anyone should have taken occasion to inject any politics whatever into this debate. I have been in this House 16 years, and never have I consciously injected politics into the debate on any great question [laughter on the Democratic side], unless possibly somebody started something.

Mr. LANKFORD. Or thought they would. [Laughter.]

Mr. LONGWORTH. The gentleman from Illinois [Mr. HENRY T. RAINEY] said that the Republican Party in this Congress had found it impossible to get together on any matter. I might call his attention to the fact that every Republican Member of this Congress was united on saving one billion and a half dollars to the American people in the first two months of the session. [Applause on the Republican side.] I could further call his attention to the fact that the Republicans on this side of the House will shortly show that they are united in the abolition of this most obnoxious of all consumption taxes placed in the last revenue bill when our friends were in the majority.

But I am not discussing this matter from a partisan standpoint. I agree with the gentleman from North Carolina that in the repeal of any of these taxes we must have serious thought ahead of how we propose to pay the Government's bills. I think the gentleman from North Carolina and I are almost in accord on the proposition that the actual expenses of the fiscal year 1920, the year upon which we have embarked, will be greater than the total amount of revenue that will be raised by the law under which we are now operating, much less the law which for the coming year reduces automatically the income on profit taxes and others of the largest revenue-producing taxes by one-third.

I think the gentleman from North Carolina and I agree that there will be a deficit in the fiscal year of 1920 of over one billion dollars. In my judgment it will be nearer two billion, and perhaps more than two billions. I do not myself look forward with any degree of pleasure to going out six months from now and making Liberty-loan speeches. The public is not going to take very kindly to Liberty-loan speeches so long after peace is concluded.

Mr. GARNER. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. GARNER. What is the gentleman's remedy for the situation? You are proposing to repeal certain taxes and in justice to the country you and your associates should give us some idea of how you are going to run the Government for the fiscal year.

Mr. LONGWORTH. That is a legitimate question which the gentleman asks. That is why I said we must go slowly and carefully in the repeal of any tax. I know that the gentleman from North Carolina is not in favor of the repeal of freight and passenger taxes. He was induced by a distinguished member of my delegation, who gave him the inspiration to make the speech he did, of repealing the freight and passenger tax, but the gentleman knows it would cost hundreds of millions of dollars, and he is not able to offer any substitute for it.

Mr. KITCHIN. I am prepared to vote for the repeal of the freight tax before voting for the repeal of this.

Mr. LONGWORTH. I did not say that. The gentleman said he was in favor of repealing that tax. The gentleman, who is one of the great authorities in this country on matters of revenue, can not offer a substitute.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman from Ohio recollect what particular substitute the gentleman from North Carolina offered for the loss of the hundred million dollars due to the repeal of the luxury tax put through the last Congress?

Mr. LONGWORTH. I do not recollect that the gentleman offered any substitute. I think that we ought to repeal some of these very onerous consumption taxes. I am not prepared to offer an alternative, but I can offer an alternative which will raise about half of what we will lose by this law, and that is the bill the committee is now considering on the question of dyestuffs. The higher protective revenue features of that bill united with the license system will bring in, in my judgment, a revenue of seven or eight million dollars, and it might be more.

Mr. GARNER. Will the gentleman allow me to ask him a practical question aside from politics?

Mr. LONGWORTH. Certainly.

Mr. GARNER. Does the gentleman realize that in the repeal of this law it is going to create in the country an idea that you can get consumption taxes repealed and every Member of Congress is going to be deluged with petitions and letters asking that taxes be taken off baseball bats, baseballs, automobiles, candy, patent medicines, and so forth, and is it desirable to have Congress flooded with these requests by virtue of the repeal of a little tax of $21,000,000 because it is a hardship on the soda-fountain people to make the reports?

Mr. LONGWORTH. The precedent to be set by the repeal of this tax does not warrant anyone to request the repeal of the tax on jewelry, automobiles, or any of the other things the

gentleman mentions, or any tax on manufacturers' sales. This is purely a consumption tax. It is not paid by the soda-water-fountain proprietors, as the gentleman from North Carolina would have you believe; it is paid by the little girl who goes and buys a glass of soda. The manufacturer does not pay it, the soda water proprietor does not pay it; it is paid by the people that can least afford it.

You may say that an ice-cream cone and a soda water are not absolute necessities of life, but on a hot day like this to the girls who have been working in the factory or in some of the hot office buildings a glass of soda water or a cone of ice cream comes precious near to being an absolute necessity.

Mr. BAER. And the gentleman might add that the soldiers, for whom the gentleman from North Carolina [Mr. KITCHIN] is pleading, are the greatest patronizers of these soda fountains.

Mr. LONGWORTH. I have not the least doubt of that, and they have to pay anywhere from 20 to 100 per cent extra on every purchase they make.

Mr. EVANS of Nebraska. Mr. Chairman, is it not a fact that the gentleman from North Carolina favored the repeal of the tax on a $100 trunk before he favored a repeal on articles like this?

Mr. LONGWORTH. I was with the gentleman upon the repeal of that law, not because I desire to relieve anyone in this country from the payment of the luxury tax but because that law was not founded on a peace-time basis. It was on a war-time basis, and the intention was to discourage the sale and production of such things.

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

Mr. LONGWORTH. Yes.

Mr. GARNER. I think that side of the House and this side of the House ought to understand once and for all what a luxury tax is. The repeal of the revenue tax was brought about by virtue of the conditions that existed in the country, and the Republicans and the Democrats here are both responsible for it. An agreement was made by the conferees that they would repeal that, and that is the reason the committee reported that, and everyone ought to understand why it was.

Mr. MOORE of Pennsylvania. Then why chide us for trying to keep faith?

Mr. GARNER. The gentleman from Pennsylvania was one of the conferees. I did not believe in the repeal of that tax, and a great many Republicans did not, but in honor bound we were compelled to stand by our agreement.

Mr. MOORE of Pennsylvania. Why chide us when we are trying to keep faith?

Mr. GARNER. But not on this bill.

Mr. MOORE of Pennsylvania. This is practically the same proposition.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I yield two minutes more to the gentleman from Ohio.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. NEWTON of Minnesota. Does the gentleman know how much of the tax that is collected from the consumer upon the ice-cream cone and the soda water actually gets to the Government? In other words, what method does the Government have in collecting the tax to keep a check on the storekeeper, so that the Government knows it gets every penny collected from the consumer?

Mr. LONGWORTH. The gentleman's question is illustrative of the exact situation that faces us. This is the most difficult tax on earth to collect. It is a tax that can not be collected, as a matter of fact. You have to depend upon the honesty of each particular man, and it is virtually impossible to say how much escapes and how much does not. I could not guess the actual cost of the collection, and I do not think the Secretary of the Treasury could.

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

Mr. LONGWORTH. That is the very best reason for the elimination of such a tax as this in time of peace. I yield to the gentleman from Georgia.

Mr. CRISP. Is it not exactly the same method by which the taxes on admissions to picture shows and theaters and a number of other taxes are collected, which you do not propose to repeal? They have to be collected under exactly the same method.

Mr. LONGWORTH. I can not agree with the gentleman.

Mr. CRISP. Is it not just as easy to keep a check on taxes from this source as from picture shows and automobiles and numerous other taxes which you are not proposing to repeal?

Mr. LONGWORTH. Oh, no. One of the easiest taxes to collect in the world is the tax on automobiles. Any manufacturer's tax is a cinch. It is the easiest thing in the world to collect. A consumption tax is difficult.

Mr. CRISP. How about picture shows?

Mr. LONGWORTH. A picture-show tax gives some difficulty, but at any rate they can keep tab on the number of tickets sold, the number of people in the show, and they have a very good way of checking that up. It is not an annoying tax either. If the gentleman from Georgia [Mr. CRISP] wants to go to a moving-picture show which costs 10 cents, I am sure he is perfectly willing to pay 11 cents.

Mr. CRISP. Are not the taxes collected in exactly the same way?

Mr. LONGWORTH. It is a very different situation.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. FORDNEY. Mr. Chairman, I yield three minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, the range of this debate seems to be one of the best arguments that could be brought forth for the recess which we have agreed to take. This is a hot weather afternoon debate, unproductive of anything of any particular value, but productive of a lot of partisan feeling and spirit in the House which would simmer out very quickly if the thermometer were not soaring up in the neighborhood of the 100 mark. The gentleman from Texas [Mr. GARNER], one of the ablest members of our committee, has criticized the repeal of this law as directly affecting the soda-water-fountain manufacturers. It seems to me that is an erroneous attitude to take. The person who goes to the fountain to get refreshment and nourishment in this hot weather is the one who pays the tax, and not the owner of the store nor the manufacturer of the fountain. So far as the resemblance between this and other forms of taxes, the repeal of which has been under consideration, is concerned, the amount of money that might have been secured or is being now secured through the luxury tax, which, as was said, we were in honor bound to make the effort to repeal, is far more than is involved in this little matter of the soda-fountain tax to-day. There will be practically no deficiency perceptible in the amount that this decreases our revenues.

This will be a mere bagatelle if there is a deficiency that will run into the figures to which the gentleman from North Carolina has referred. It is absolutely an inconvenience and a very great deprivation to the younger element of our land as well as the toilers and workers. Rather than agree to the suggestion of the gentleman from North Carolina that we repeal the luxury tax, let us reach the very bottom of the ladder rather than the top. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 630 of the Revenue Act of 1918, approved February 24, 1919, be, and the same is hereby, repealed.

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

The CHAIRMAN. The gentleman from Georgia, a member of the committee, offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRISP: Page 1, line 3, strike out the word "section" and insert "section 628 and."

Mr. LONGWORTH. Mr. Chairman, I make the point of order against that amendment as violating paragraph 3 of Rule XXI. I would be very glad to reserve the point of order.

Mr. CRISP. I do not care for the gentleman to reserve it, although I appreciate his willingness to do so. I have no desire unnecessarily to ask for time, and if the amendment can not be voted on I do not care to consume time upon it.

Mr. LONGWORTH. I should be opposed to permitting the amendment to pass.

Mr. CRISP. Will the Chair hear me on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from Georgia.

Mr. CRISP. Mr. Chairman, to be frank with the Chair, I have in mind a decision that where a bill was reported amending one section of a revenue act it was not in order to offer an amendment dealing with some other section of the revenue act. That statement was based on the idea that you were dealing with an item in that section and you can not take up anything else in the revenue bill. Now, I presume that is the decision my colleague, the gentleman from Ohio [Mr. LONGWORTH], had in mind when he makes the point of order, and I recognize that decision. But it seems to me there is this difference in this case. In that decision you were amending the provision by changing the law relating to the duties on certain articles enumerated in that

section. Now, this bill does not propose to change and deal with different items in that section, but it proposes to strike out entirely from the revenue act section 630. Now, the amendment I have offered proposes also to strike out another section—628—which taxes the bottlers of soft drinks; and as this bill before the House proposes to strike out one section of a revenue act, an amendment to strike out another section which is related to revenue items, dealing with the same class of matter as drinks, it seems to me ought to be in order and not subject to the point of order.

Mr. LONGWORTH. Mr. Chairman, any Member of this House will always proceed with some hesitation to argue a point of order in contest with the distinguished gentleman from Georgia, perhaps one of the very best parliamentarians that has been in this House for many years.

Mr. CRISP. My friend is so complimentary I suppose I will have to forgive the gentleman for making the point of order.

Mr. LONGWORTH. But, Mr. Chairman, this rule is very clear. It provides that not only can no amendment be made which is not germane to a revenue bill but also that no amendment can be offered that is not germane to the particular paragraph to which it is offered.

The CHAIRMAN. May the Chair ask the gentleman from Ohio, who is familiar with both of these sections, what relation section 630 has to section 628?

Mr. LONGWORTH. It bears no sort of relation in my judgment. Section 630 is a consumption tax payable at the time of retail sale by the consumer, while section 628 is a manufacturers' tax. It is a tax paid on the value for which the manufacturer sells it. It provides for a number of different things besides soda water and ice cream. Now, I did not think I would even have to quote in this case the leading decision on the subject referred to by the gentleman from Georgia, which was the case where an additional subject was added to the number contained in the bill. The Chair will recall, I think, that that was a bill to put certain specified items on the free list. As I recall it, it was wool, cotton, and a number of other things, and an amendment was offered adding a provision to put glass on the free list. The Chair held that that was out of order as not being germane to the paragraph, because it introduced a new subject. Now, in this case the gentleman from Georgia undertakes to add to the repeal of this law the repeal of a law which puts a tax on certain articles entirely apart from the articles referred to in section 630 in this bill, the only item of the bill, and undertakes a different sort of policy and an entirely different sort of taxing system. I submit to the Chair that it is contrary not only to the spirit but the letter of paragraph 3 of Rule XXI.

The CHAIRMAN. The Chair is ready to rule. Paragraph 3 of Rule XXI reads:

> No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill; nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

The item in the bill to which the amendment is offered proposes to repeal section 630, which relates to a consumption tax, the sale of soft drinks at retail, and so forth. The section that it is proposed to amend, section 628, relates to a tax upon manufactured products, as the Chair is informed. The Chair thinks that the amendment is not germane and sustains the point of order.

Mr. TINCHER. Mr. Chairman, to-day we have heard some very familiar expressions in this House. The high cost of living has recently assumed a serious place in the minds of Members on that side of the House.

I heard that expression this morning, and I think I have heard it somewhere before. So after a careful research in some volumes preserved here in the library I find it is not entirely new. The Democratic platform, adopted in 1912, at Baltimore, Md., treated of that subject, and said that the high cost of living was the most serious problem in every American home. If I——

Mr. MOORE of Pennsylvania. What is that the gentleman is reading from?

Mr. TINCHER. From the platforms of the two great political parties.

Mr. MOORE of Pennsylvania. Was that a plank of the Democratic platform of 1912 on which Woodrow Wilson ran for President and which promised to bring the high cost of living down?

Mr. TINCHER. Absolutely.

Mr. MOORE of Pennsylvania. Has it come down?

Mr. TINCHER. I was going to give my view of it. I do not understand exactly that we should be criticized now for voting for adjournment when you have had all the time from 1912 to the 4th of March this year to reduce the high cost of living. As a matter of fact, that is a joke. As a matter of fact, no one voted against the motion to adjourn. One gentleman on that side asked another gentleman how we would stop the expense. Do not forget, my friends, that while this Congress, a Republican Congress, has the power to appropriate money to carry on the expenses of this Government, that your departments, Democratic departments, are still spending the money. And I would suggest, if you want a really serious suggestion of how to stop this expense, that you elect a Republican President and fill every one of the departments with good, competent, Republican officers. And we might start by sending a few trainloads of useless employees from Washington to their homes now.

Some of you are opposing the taking off of this little tax. It would be just the same with any other tax. You are not going to be satisfied with a tax that is repealed first.

I have heard a good deal this session about the filibuster that was conducted by three or four Senators at the other end of this Capitol. If they feel like I do, they will feel proud that when this session has adjourned we will have saved a billion and a half by that filibuster. You are disgusted with the fact that your old Congress would not let you have a billion and a half of dollars to spend which this Congress has proved to you it was unnecessary to have. And if you keep talking about that filibuster you will get the people of the United States to believe that it was a billion and a half filibuster for the benefit of the taxpayers of the United States. [Applause.]

Mr. STRONG of Kansas. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman and gentlemen of the committee, I have been greatly surprised at the speech made by the gentleman from North Carolina [Mr. KITCHIN]. A few weeks ago when I was, if anything, a little more green as a Member of this House than I am now, I heard him make a most appealing and eloquent speech in favor of taking the tax off trunks that cost over $50 and off of women's waists that cost over $15, women's hats that cost over $15, and suit cases and traveling bags that cost over $25, pocketbooks that cost over $7.50, and articles of that kind that only the very rich buy and which it was acknowledged would take out of the Treasury of the United States $100,000,000 which is now collected and placed there by the tax on those 20 articles. He made such an appealing address that I became very much afraid that this House would pass that bill. I knew that the people out in Kansas were not worried about the tax on trunks that cost over $50, and silk stockings that cost over $2, or about the tax on shoes that cost over $10, and silk neckties that cost over $2, but they were tired of the penny tax at the soda fountains. And I went around among the Members of the House to get somebody to oppose the splendid speech of the gentleman from North Carolina, and finally went down to the dining room and got "Uncle Joe" CANNON to come up and make the speech in opposition which killed the bill. And now I find after some weeks have gone by, the same gentleman from North Carolina, with the same eloquence and the same appeal, comes before us and tries to retain the tax on the soda-fountain drinks, on ice cream, and ice-cream cones the children buy. He tells us that it takes $20,000,000 out of the Treasury, and that he is opposed to it for that reason. I do not understand the logic of gentlemen who will insist upon taking the tax off of trunks that cost over $50, and so forth, and off of all those articles that only the very rich use, when it will deprive the Government of a revenue of $100,000,000, and then stand up and fight against taking the tax off of soda water and ice cream, when it will deprive the Government of an income of only $20,000,000. [Applause on the Republican side.] And I can not understand why, in order to make his appeal the more eloquent, he should say we need this $20,000,000 for the purpose of taking care of the soldiers. Why, bless your soul, gentlemen, the Republican Party has always taken care of the old soldier that fought for this flag, and will also take care of the new soldier that fought for the same flag. [Applause on the Republican side.]

The people of my district and State, and, I believe, all over the Nation, want the penny tax taken off of soda water and ice cream, because it produces $10 worth of annoyance to every $1 of revenue it produces; because it is a tax on the children and on that which is dear to their hearts and happiness.

We in Congress know that this tax is a very expensive one to collect; in fact, it is more bother than it is worth, and we Republicans can run this Government and raise sufficient revenues without taxing the children and the poor to whom ice cream and the soda fountain is a blessing during the hot summer days. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise and make a favorable report——

Mr. GARNER. Mr. Chairman, the gentleman from Texas [Mr. JONES] has an amendment he desires to offer to the bill.

The CHAIRMAN. Does the gentleman from Michigan [Mr. FORDNEY] withhold his motion?

Mr. FORDNEY. I withhold it.

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

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 1, line 3, after the figures "630" in line 3, insert "and that part of section 628 which levies a tax equivalent to 10 per cent of the sale price of all unfermented grape juice, ginger ale, root beer, sarsaparilla, pop, artificial mineral waters (carbonated or not carbonated), other carbonated waters or beverages, and other soft drinks sold by the manufacturers, producer, or importer in bottles or other closed containers."

Mr. LONGWORTH. Mr. Chairman, I make a point of order for the same reason as I did before.

Mr. JONES of Texas. Will the gentleman withhold it?

Mr. LONGWORTH. I will.

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

Mr. JONES of Texas. Will the gentleman reserve it for a moment?

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] makes the point of order. The Chair sustains the point of order.

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise and report the bill back with favorable recommendation.

The CHAIRMAN. The gentleman from Michigan moves that the committee do now rise and report the bill to the House with the recommendation that it be passed. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, 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. 2837) to repeal section 630 of the revenue act of 1918, approved February 24, 1919, had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

Mr. FORDNEY. On that, Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. LONGWORTH. Mr. Speaker, I ask for a division.

The SPEAKER. A division is called for.

Mr. LONGWORTH. No, Mr. Speaker; I withdraw that request.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

On motion of Mr. FORDNEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PRESIDENT'S MESSAGE—TELEGRAMS FROM THE SPANISH AND BRAZILIAN CONGRESSES (H. DOC. NO. 166).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, was referred to the Committee on Foreign Affairs and ordered printed:

To the House of Representatives:

I transmit herewith a report of the Secretary of State enclosing a copy of a telegram sent by the Spanish Congress of Deputies through the Spanish Embassy at Washington to the House of Representatives, and a telegram sent by the President of the National Brazilian Congress to the President of the North American Congress, intended evidently for the House of Representatives.

WOODROW WILSON.

THE WHITE HOUSE,
28 July, 1919.

REPORTS FROM WAR EXPENDITURES COMMITTEE.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask unanimous consent to address the House for one minute?

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for one minute. Is there objection.

There was no objection.

Mr. GRAHAM of Illinois. Mr. Speaker, I am filing to-day a report from the Select Committee on Expenditures in the War Department, which will be printed under the rules. In order that the Members may have the opportunity to get at it when it comes up to-morrow, as I understand it, under a special rule, I ask unanimous consent that the report may also be printed in the CONGRESSIONAL RECORD. I am informed by the minority Members that they have not yet prepared their minority report, and I therefore ask unanimous consent that the minority may have until midnight to-night in which to file their report, and that it be printed together with the majority report.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the report from the Select Committee on Expenditures in the War Department may be printed in the CONGRESSIONAL RECORD, and that the minority report from the same committee may be printed accompanying it if it be filed with the Printing Office before midnight to-night. Is there objection?

There was no objection.

The reports are as follows:

Mr. GRAHAM of Illinois, from the Select Committee on Expenditures in the War Department, submitted the following report:

The select committee of 15, appointed under the resolution of the House of the 4th day of June, 1919, for the purpose of investigating the contracts and expenditures of the War Department and for certain other purposes expressly stated in said resolution, have had under consideration certain of the matters committed to it by said resolution and now present the following partial report.

The committee is continuing its investigations of the matters and things submitted to it by said resolution and will make further reports from time to time hereafter until it shall have completed its labors:

The present high prices of food products and the need of the Government for money suggests to your committee the necessity of a preliminary report relating to the War Department's nonactivities in the sale of the very large quantities of food supplies now held in storage in the United States.

At the time of the signing of the armistice the Army was composed of approximately 3,700,000 men, 2,000,000 of whom were in France and about 1,700,000 in continental America. An increase of this force to 5,000,000 men had been agreed upon by the War Department and food for this enlarged army for eight months in advance was being contracted for and accumulated at the time active hostilities suddenly ceased.

The demobilization of the Army began immediately upon the signing of the armistice and 800,000 soldiers were discharged by January 11, 1919. This demobilization continued at the approximate rate of 80,000 per week, so that on the 24th of May, 1919, 2,252,000 of the soldiers had been discharged and were definitely out of the service.

In view of the tremendous quantities of food the Government had on hand on November 11, 1918, and the demobilization of the armed forces, it at once became apparent that the War Department possessed an immense quantity of food beyond the needs of the Army.

Actuated by this condition, Gen. Peyton C. March, Chief of Staff, on November 30, 1918 (19 days after the armistice), issued an order authorizing the declaration of a surplus on all perishable food products.

The next step was the declaration of surplus by the Quartermaster General; and the last step was the sale of the surplus supplies by the Director of Sales. Notwithstanding the authorization of surplus by the Chief of Staff on the 30th of November, no action was taken with reference to declaring a surplus, until the month of May, 1919, or six months after the declaration was authorized. In the meantime, the food was deteriorating and becoming of less value to the Government, and the high cost of living for the American people continued. This inexcusable delay resulted in the spoiling of millions of pounds of ham and bacon to the great loss of the Government and the people, who were in need of the meat food products. The inactivity of the Government in the disposition of these food supplies was, and is, the result of a well-defined policy of the Secretary of War to withhold them from the domestic market and to protect the interests from which these products had been purchased with the ultimate intention of disposing of them abroad so far as circumstances would permit.

This policy finds expression not only in the testimony given to the committee by the officers of the War Department, but in documentary evidence as well. As an instance of such intention to prevent the American people from purchasing these products, the Quartermaster General's Department, through Gen. R. E. Wood, Quartermaster General, entered into an agreement with the canners' association that some 200,000,000 cans of canned vegetables would be kept off the domestic market during this season; this agreement was subsequently extended by an order of the Quartermaster General adding these canned vegetables to the soldiers' ration in the expressed hope that they would be entirely consumed and that none would be left for sale. This order would have resulted in a loss to the Government of millions of dollars to be derived from the sale of this surplus, as well as depriving the American people of a large quantity of food.

The purpose, as shown by the testimony, was to protect the canners who had sold the produce from competition with the governmental surplus.

On July 8, 1919, the surplus of food stored in the United States over and above the needs of the Army was as follows:

Corn beef	$24,000,000
Bacon	23,000,000
Hash corn beef	10,000,000
Roast beef	20,500,000
Fresh frozen meats and poultry	20,000,000
Canned vegetables	23,000,000

This surplus is constantly growing larger, because of the continued demobilization of the Army. In addition to these items there is a surplus of millions of cans of fish and milk, and tons of sugar, coffee, and tea. It is utterly impossible to estimate the exact amount of the tremendous quantity of food supplies in the hands of the department, a large portion of which is deteriorating and becoming less valuable.

During the eight months which has elapsed since the signing of the armistice only $12,000,000 of food supplies has been sold by the War Department in the United States, and a very large quantity of that sold was spoiled and unfit for the general market; otherwise, it would not have been placed on sale.

On July 11 of the present year, and after the War Expenditures Committee was appointed, the Director of Sales issued to the press a publicity statement with reference to the sale of meats and vegetables. This statement provides that meat and vegetables shall be purchased only by municipalities, and municipalities to pay the freight from the nearest warehouse, and to have 10 days in which to make payment to the Government. This plan adopted by the Government will not result in the sale of these products to any great extent, for the reason that most municipalities under their charter have no legal authority to

purchase food products for sale. Many municipalities which have indicated a desire to purchase this food for the benefit of their people have been met with the threat of injunction on the part of local dealers, which threat has been sufficient to prevent a purchase of the goods.

This committee makes recommendation that these food supplies be sold without delay on the domestic market to the American people, who, at great sacrifice, bought and paid for them, and the committee looks with disfavor on the policy of exporting them from America to foreign nations for sale and consumption. The committee further recommends that plans be devised by the Secretary of War, through the War Department, for the early disposition of all surplus food products on the domestic market under a system which will grant to the American people the opportunity to secure the same for food purposes.

The committee therefore recommends the adoption of the following resolution:

Be it resolved by the House of Representatives of the United States of America, That the Secretary of War be, and is hereby, requested to place on sale, without delay, the surplus food products in the hands or under the control of the War Department now stored in the United States, under such plan as will safeguard the interest of the Government and insure an opportunity to the people of the United States to purchase the same directly from the Government.

W. J. GRAHAM, *Chairman*,
CLARENCE MACGREGOR,
C. F. REAVIS,
OSCAR E. BLAND,
WALTER W. MAGEE,
ALBERT W. JEFFERIS,
JAMES A. FREAR,
ROYAL C. JOHNSON,
JOHN C. MCKENZIE,
ROSCOE C. MCCULLOCH,
Committee.

VIEWS OF THE MINORITY.

The undersigned members of the Select Committee to Investigate Expenditures in the War Department respectfully submit that the resolution proffered by the majority, if it is to be in any degree helpful, must have certain amendments modifying to a certain extent what we understand to be its meaning, and giving the assurance which should be given, if the House deems it proper to make such a request as is therein embodied, of a readiness to cooperate in all things essential to enable compliance with it.

The majority have not favored us in their report accompanying the resolution with any interpretation of its terms or explanation of its purport.

Indeed, were its sponsors other than they are, it would be difficult to repress the suspicion that the resolution was offered, not so much in an effort to aid in the solution of one of the complex and involved problems following in the wake of the tremendous war brought to successful and sudden end by the force of our Nation's arms and aid the people in securing food, as it is to furnish an opportunity for a sinister criticism in an official report, primarily, of him who bore the stupendous burdens of Secretary of War during all the time from its beginning to its unstained, unsullied, and glorious end; and, secondarily, of such of his advisers as fall within the scope of their dislike.

Without having an expression from them, we must, as we should have to do in any event, look closely to the instrument itself for its interpretation.

The resolution reads:

"*Be it resolved by the House of Representatives of the United States of America*, That the Secretary of War be, and is hereby, requested to place on sale, without delay, the surplus food products in the hands, or under the control, of the War Department now stored in the United States, under such plan as will safeguard the interests of the Government and insure an opportunity to the people of the United States to purchase the same direct from the Government."

We take this to mean that the request is that plan, or plans, be immediately developed whereby the remainder of these surplus food products shall be sold directly to the consumers without any intervening agency, or agencies, save those of the Federal Government; otherwise we are unable to give intelligent construction to the words "direct from the Government," and the resolution requests the doing of nothing other than that which the department is now and has for some time been doing.

Undoubtedly, there are portions of these foods that may be so sold and distributed if the proper organization be established and proper agencies created. It has been suggested that the parcel post could be utilized, and agents of the Government could be distributed throughout the country for the handling and disposition of these goods.

All will agree, we take it without hesitation, that if the Government itself attempts the disposition in this manner it should be general, and whatever of benefit may accrue should inure, so far as is humanly possible, to all persons and sections.

It will, as of course, require for such a plan a large organization and will involve an expense impossible now to determine, and some delay in the distribution under such plan will be inevitable.

We realize very acutely the conditions which exist to-day with reference to the high cost of food products. In whatever may be done intelligently and justly to alleviate, even in slight degree, this condition we are anxious to cooperate, as we feeel sure are the Secretary of War, his advisers and subordinates.

All recognize that under the law itself, and in morals if there were no law, the interests of the Government must be safeguarded, and that it is the duty of the Secretary to see that this is done so far as lies within his power.

We feel, therefore, that if the House of Representatives is to request by resolution that present plans be changed and that sales be made only to consumers direct from the Government rather than through municipalities or individuals or associations to whom they are now being sold in quantities for resale to consumers that the House should also by resolution indicate its willingness to do what it would have to do were it expressing itself in legislation and say that it is ready to appropriate the funds essential to the organization and development of those plans. We therefore respectfully recommend that at the end of the resolution the proper punctuation be inserted and that there be added the words "and the Committee on Appropriations of the House is requested to ascertain without delay and report to the House the sum necessary for the development and execution of such plan."

Unless the House shows a willingness to cooperate in this way the country will undoubtedly conclude that we are merely trifling with serious conditions and expressing a request in the hope that it may not be complied with rather than in the hope that it will. Because all understand that the Secretary of War has no funds available for carrying out such a policy, and only the Congress can provide these funds.

We beg also to call attention to another phase which assuredly must challenge the attention of all reasonable men familiar with conditions.

If this resolution of request were made law and the Secretary were without power to sell other than to consumers, undoubtedly great embarrassment would ensue, because there are large quantities of these surplus food products so packed and arranged as that few consumers would desire to purchase a full package, and when opened the contents would deteriorate and it would eventuate in very heavy losses. We think it should be made clear, therefore, that in making the request the House does not desire to go on record as wishing to interfere with the discretion of the Secretary to dispose of such products in some other intelligent and just manner.

We, therefore, suggest as a further amendment that after the word "delay," in line —, all the remainder of the resolution be stricken out and the following inserted, to wit:

"Under such plan as will safeguard the interests of the Government and insure an opportunity to the people of the United States to purchase the same direct from the Government such part of the surplus food products in the hands or under the control of the War Department now stored in the United States as is reasonably capable of being so distributed and sold."

The resolution in full, if the amendments we suggest shall be adopted, will then read as follows:

"*Be it resolved by the House of Representatives of the United States of America*, That the Secretary of War be, and is hereby, requested to place on sale, without delay, under such plan as will safeguard the interests of the Government and insure an opportunity to the people of the United States to purchase the same direct from the Government, such part of the surplus food products in the hands or under the control of the War Department now stored in the United States, as is reasonably capable of being so distributed and sold, and the Committee on Appropriations of the House is requested to ascertain, without delay, and report to the House the sum necessary for the development of such plan."

So much for the resolution.

We turn now to a discussion of the majority report, and at the outset feel compelled to call attention to the precipitant haste with which the majority report was railroaded into the House.

The hearings before House Subcommittee No. 4, on the subject of surplus food supplies of the Army, were concluded at 4.45 o'clock p. m. of July 22. On the 24th of July, one day having intervened, the chairman of the subcommittee submitted his report to the general committee. Only the members of the subcommittee had heard the testimony. The other 12 members of the committee have not even had an opportunity to read the testimony, because a large portion of it had not been printed. We are advised that it has not been printed yet.

At the session of July 24, notwithstanding the minority members protested they had had no opportunity to read the testimony, the majority report was adopted and the minority reserved the right to file a minority report.

On the following day, July 25, Mr. FLOOD, acting for the minority, presented the following letter to Mr. GRAHAM:

JULY 25, 1919.

Hon. W. J. GRAHAM,
Chairman Select Committee on Expenditures in the War Department.

MY DEAR MR. CHAIRMAN: You will recall that when the question of reporting the resolution requesting the Secretary of War to place on sale without delay the surplus food products in the hands or under the control of the War Department with the report accompanying it was up for discussion in the committee yesterday the minority challenged the accuracy of many of the statements in the report.

Since the adjournment of the committee yesterday I have conferred with several War Department officials in connection with this matter and have become satisfied that the statements in the report can not be sustained. The committee itself took no evidence on these questions, all the evidence having been taken by subcommittee No. 4, and I feel that there are a number of witnesses who have had control of the sale of these surplus food products who should be heard by the committee. I here point out some of the erroneous statements in the report which I believe an examination of witnesses will show to have no foundation in fact:

1. On page 2 of the report this statement is made: "Notwithstanding the authorization of surplus by the Chief of Staff on the 30th of November, no action was taken with reference to declaring a surplus until the month of May, 1919, or six months after the declaration was authorized."

My information is that this statement is incorrect, and that foods were declared surplus as rapidly as the taking of inventories would permit in small quantities during months preceding the month of May, 1919, and certain quantities of surplus foods were sold prior to this time.

2. The report further states that in the meantime food was deteriorating and becoming of less value to the Government.

I am informed that very little food was permitted to deteriorate, namely, 1,500,000 pounds of ham at Norfolk, which was awaiting shipment to France on requisition, and which was promptly sold when released from shipment. Any other items of deteriorated food are very minor and inconsequential in comparison with the large quantity of food available.

It is my information that the Government has suffered no financial loss through the holding of these surplus foods, for the reason that markets have been stabilized to the extent that the Government is receiving better returns from the sale of these foods than could possibly have been received in the earlier months of this year.

3. The report further states that "the inactivity of the Government in the disposition of these food supplies was and is the result of a well-defined policy of the Secretary of War to withhold them from the domestic market and to protect the interests from which these products had been purchased, with the ultimate intention of disposing of them abroad so far as circumstances would permit."

I had a conversation with the Secretary of War this morning, and he informed me that he had no such policy as indicated in this statement.

4. With regard to the paragraph beginning, "This policy finds expression not only in the testimony," etc., may I call your attention to the fact that this paragraph is in conflict with the preceding paragraph, which states that the surplus stocks are to be held for export. This particular paragraph to which I call your attention states that Gen. Wood entered into an agreement with the canners whereby the canned vegetables will be kept off the domestic market and will be used as soldiers' rations. This paragraph goes on to state that in feeding these surplus vegetables to the Army the Government would lose millions of dollars derived from the sale of such vegetables. Obviously, if these vegetables are required by the Army as rations, the use of the vegetables in such a manner would not result in a loss to the Government, since the soldiers must be fed.

I do not think the statement in the next paragraph, that this action of the War Department was for the purpose of protecting the canners who sold their products from competition with the governmental surplus, is a fair statement of the case.

6. I note the report says there are millions of cans of surplus fish. My information is there is no surplus of fish. All canned salmon has been turned back to the canners at cost to the Government. The reason for this was the fact that this salmon did not come up to Government specifications, and consequently the War Department compelled the canners to take it back at the price the Government paid for it.

7. I had taken up the question of sugar, which is greatly needed by the farmers now for their canning and preserving, and am informed that there was a surplus of sugar. I also ascertained that there was no surplus of coffee and tea, as stated in the report.

With regard to the latter part of this paragraph, I am informed that the War Department does know pretty definitely the total value of the surplus materials on hand, while there is very little, if any, food permitted to deteriorate, and that food is more valuable to-day than it would have been in the early spring had it been dumped on the market.

8. With regard to the statement made that only $12,000,000 worth of food supplies have been sold, I am informed that this figure is incorrect, as large quantities of food have actually been sold, but reports of sale have not been made to the War Department for the reason that considerable time must intervene between the date of making the sale and the time that the report passes through channels to the central record bureau. I am informed that the actual reports of sales are largely in excess of $12,000,000.

9. The committee report states that on July 11 a publicity statement was issued by the director of sales providing that meats and vegetables could only be purchased by municipalities. I am informed that, as a matter of fact, this publicity statement did not state that meats and vegetables could be sold only to municipalities, but was intended and did convey information having to do with the details whereby municipalities could obtain surplus meats and vegetables for sale; that it was not the purpose of this article, nor has it been the practice of the director of sales, I am informed, to confine sales of meats and vegetables to municipalities. I am informed that a number of sales have actually been made to wholesale grocers and other concerns and to individuals which represents a distribution of surplus foods through normal channels.

In view of the many errors in this report, some of which I have pointed out above, I respectfully request that this report be withdrawn from the House and your committee take evidence on the questions dealt with by this report, so that the facts in connection with the sale of these surplus food products can be ascertained and the proper report made to this House.

And in this connection I would suggest that you summon the following witnesses: Secretary of War Baker; Col. C. G. Harvey, General Staff, Chief of the Requirements and Statistics Branch, Purchase, Storage and Traffic Division; Col. Clyde B. Crusan, assistant to Gen. Rogers; Col. Morris Stayton, Assistant Director of Storage; Col. Clarence R. Day, Assistant Director of Storage; Col. Julian R. Schley, Director of Purchase; Mr. E. C. Morse, First Assistant Director of Sales; Maj. E. E. Squier, chief, quartermaster stores section, Office Director of Sales; Capt. Clement, Chief Subsistence Branch, Surplus Property Division, Office of Director of Purchase and Storage; Maj. A. L. Mercer, Assistant Director of Sales.

With much respect, I am,

Very truly, yours,

H. D. FLOOD.

Upon the presentation of this letter to the chairman he called a meeting of the committee for 4 o'clock p. m. on July 25 and laid before it the letter from Mr. FLOOD. The committee, by a strict party vote, refused to comply with what the minority believed to be a reasonable request and rejected the motion to reopen the hearings and subpœna the witnesses named in the letter. Because of the distribution of the work of the general committee among five subcommittees, upon each of which there are two majority members and one minority member, four of the minority members could not hear the testimony taken by subcommittee No. 4, and were denied the privilege of reading it before action was taken. With unseemly haste the majority report was forced through the committee, the protest of the minority was disregarded and their plain rights were ignored.

In view of these facts the minority felt not only justified but compelled in the interest of justice and fairness and for the information of the House the ex parte statement of those whom we had requested should be called and placed upon oath. These have been obtained and are filed as an appendix hereto, and we feel that every statement of fact presented by us is substantiated by the testimony taken by the subcommittee and the documents so filed.

In our judgment the majority report is so inaccurate in its statement of facts and so unjust in its inferences we feel a fair consideration of the subject matter can not be had without specific consideration of a number of the statements made in said report.

DELAY IN DECLARING SURPLUSES.

The report states:

"Notwithstanding the authorization of surpluses by the Chief of Staff on the 30th of November, no action was taken with reference to declaring a surplus until the month of May, 1919, or six months after the declaration was authorized."

On the 1st of December, 1918, the day following the order that the surplus be determined, 178 officers were called to Washington and the special organization necessary to carry on this work was created. On the 17th of December these officers were sent to the various zone supply offices and camps throughout the country and assumed charge of the work in the various supply offices.

On December 31 the taking of the inventory began throughout the United States. A physical count was completed in 10 days. The inventories covered 16 zone supply depots, 3 Army reserve depots, 4 large terminals, and over 200 posts. One hundred and eighty thousand different items were reported. Ten thousand people were engaged in the work. The inventory and lists for use in declaring surpluses were completed on the 30th of April.

When the armistice was signed supplies for the Army were being gathered from all the productive sources of the country. Warehouses were filled, countless thousands of cars were on the way to the ports, property was accumulated at the wharves. The Quartermaster's Department had over 15,000 contracts outstanding, involving a money value of $1,800,000,000. The amount of supplies eventually received under these incomplete contracts required months for determination, because it involved the determination of the amount of property, including where percentages of the products of factories were commandeered, the cancellation and partial cancellation of a vast number of contracts, the final validation of informal contracts, and also the rejection of supplies not conforming to specifications.

Accurate inventories had to await the determination of these uncertain quantities. The uncertainty as to the amount of surplus of various materials was further intensified by the possibility that military operations might be resumed and that the total amount of men to be rationed has several times been materially reduced since last November, due to the fact that demobilization proceeded more rapidly than anticipated, and also that the size of the permanent Army fixed by the department last January was in June reduced materially by Congress.

In many instances accurate inventories required repiling of supplies. In others the inventories sufficient for Army purposes lacked details necessary to be supplied in order to declare surpluses and inform the trade of what was offered.

The food supplies, vast as they were, were in the aggregate only a small proportion of the materials to be inventoried. Surpluses were declared and sales made of some food supplies as early as February 12, 1919 (hearings, p. 94), but a surplus in meats, the principal food product, was not declared until the 26th of March, and, as finally revised, not until the 1st of May. Instead of consuming six months, as stated in the report, the actual time was five months and one day.

It must be borne in mind that it was about February 1 before Gen. Pershing advised that it was unnecessary for the forwarding of additional meats to the American Expeditionary Force, and that shipments had been constantly made up to that time (p. 94).

These facts are a sufficient refutation of the statements of the majority report that "no action was taken."

ALLEGED DETERIORATION BY DELAY.

The report further asserts:

"This inexcusable delay resulted in the spoiling of millions of pounds of ham and bacon to the great loss of the Government and the people."

The evidence does not sustain this charge.

The effective general answer to this charge is that out of the first $12,000,000 worth of food supplies sold, including the supplies to which the criticism is directed, the Government received over 85 per cent of the cost to the Government. There was evidence (p. 9) that 2,000,000 pounds of bacon sold at Baltimore was deteriorating, but the Government sold it for 28½ cents a pound. This price was larger than the Government had been offered at an earlier date for bacon (p. 20).

The only other instance of deterioration in meats shown by any substantial evidence was 1,487,905 pounds of sugar-cured hams at Norfolk, Va. This meat was ordered to Norfolk for overseas shipment, where it arrived in January, February, and March. The inspector's report made a few days prior to the sale states that the hams are "sweet and sound, but surfaces are affected by mold, and that if reconditioned at once there would be no loss from trimming, as mold in its present condition can be removed by thoroughly washing and cleaning same" (p. 29).

This ham was sold for 20 cents a pound (p. 61).

The evidence as to meat shows "the meat is sound to-day and very palatable" (p. 26).

Mr. Hare, the director of sales, says:

"I do not want to get the impression out that we are trying to sell canned stuff that is not good, because I think they are" (p. 26).

Also:

"My belief is that the vast majority of all our canned stuff is in excellent condition and we will find a market for it" (p. 35).

In this connection we protest against the injury to the finances of the Government that is now being suffered because of the unwarranted charges that these food products are not in good condition. Such reports have a strong tendency to hamper the Government in the sale of these goods to the best advantage.

There is no evidence of "millions of pounds" of bacon or ham having been spoiled, and obviously it must have been in condition to meet the requirements of the pure-food law.

POLICY OF GOVERNMENT IN SALE OF FOOD SUPPLIES.

The report states that:

"The inactivity of the Government in the disposition of these food supplies was and is the result of a well-defined policy of the Secretary of War to withhold them from the domestic market to protect the interests from which these products had been purchased, with the ultimate intention of disposing of them abroad so far as circumstances would permit."

The policy of the War Department in the disposal of surplus supplies has changed with changing conditions, but there has never been any secrecy about it and it has constantly been well known to the public. Mr. Hare was appointed director of sales in January, 1919, and on the 27th of that month he gave out a statement (p. 50) in which, in substance, the policy to be pursued was defined as follows:

1. So as to disturb the industrial conditions of the country as little as possible and to obtain the best returns for the Government.

2. Surplus property is to be transferred to another War Department bureau, if it can use the same.

3. To sell surplus property to another Government department if needed before the same is put on the market.

4. In general, where there is any considerable surplus property it is desired, where practical, that an attempt be made to dispose of this material to the original manufacturer or vendor in order that he may distribute the same to the trade.

5. The last-mentioned method failing, it will be advisable where practicable to approach the local board of trade or chamber of commerce or similar organizations to see if it will not be possible to dispose of this surplus property to the dealers in that class of material in that particular locality where the surplus is located.

6. If a deal is not consummated by either of the above methods the Government will then be at liberty to dispose of it to the public at large.

Dealers having had goods commandeered protested that a distinction should be made in their case and that they should have the opportunity of taking the goods back at the price paid by the Government if they so desired. The director of sales disapproved this policy (p. 51). The director declared the goods were commandeered at a fair profit to the producer, and that under the plan they suggested the party from whom they were commandeered would take them back only if the present market price was higher than the commandeered price; that as the Government could not compel the dealer to take them back if the commandeered price was higher than the market price it would obviously be "a one-sided arrangement" to permit such a course.

The packers offered the use of their distributing facilities and to act for the Government in selling canned meats at prices dictated by the Government, they to be paid the expense involved. This offer was rejected (p. 22).

Mr. Hare testified that when it was found the packers would not pay a decent price "we said we are through with you" (p. 27).

Throughout the war it was the announced policy of the Government to confer with the trade in the line of industry affecting the war to secure its cooperation and support in the production and delivery of supplies required for the prosecution of the war. Most war industries were worked to their capacity. The same policy was pursued in reference to the producers of food materials. In the main the efforts of the industries were commendable, patriotic, and effective. At the beginning of the war the canners were called into conference. Representatives of the War and Navy Departments attended each annual convention of the National Canners' Association and urged a maximum production of canned vegetables. The association itself engaged in a publicity campaign to that end. Enormous production was obtained for the season of 1918. The seasonal pack for 1918 was complete at the signing of the armistice. Large amounts had been delivered or were in course of delivery to the Government on contracts. Government orders, of course, have been for Army consumption. As usual, the local trade had been provided for by advance orders.

There was a comparatively large pack of canned corn and canned peas and especially of tomatoes for the season of 1919. Less than one-fourth of the canned tomatoes, for instance, remained in the hands of the canners on the 1st day of January, 1919, the great bulk of the pack having gone into the hands of the wholesalers, jobbers, and retailers, with a view of supplying the domestic market. The prices of these goods had been fixed by the Government. The wholesale dealers had been restricted in their profits on a percentage basis of the turnover. With these conditions confronting the canned-vegetable trade, the Government was forced to determine its course in disposing of its surplus vegetables, having in mind the best return to the Government and the effect of the Government's policy upon the general industry of the country. While fundamentally the duty of the responsible officials of the Government was to sell at the prices and at the times that would bring the best returns to the Government, the responsible officials justly took into consideration the situation of the industries and labor of the country. On the 4th of June, 1919, Mr. Hare, the director of sales, appeared before the Military Affairs Committee of the House and gave a statement of "everything that we have done to date." He further said:

"I shall appreciate it very much, if it is agreeable to the chairman, to get any advice from the committee that they may care to offer."

In response, the chairman of the committee stated:

"I have seen accounts in newspapers suggesting that this stuff ought to be put upon the market and be sold for what it will bring. That would probably result in selling it for a very low figure. What effect would it have upon those thousands of small tradesmen throughout the country who carry on their shelves the commercial canned stuff, and what would be the result to business in general if you were to carry out such a policy?"

After some discussion, the chairman further stated:

"Answering your question, and speaking for myself alone, I think the people of this country will expect you to get the most money you can for the commodity." (Hearings, Army appropriation bill, pp. 469, 471.)

Unquestionably an immediate sale to the highest bidder of all the supplies would have meant a sacrifice of the Government's interest, as the returns would have been nominal. It seems apparent that from the standpoint of Government revenues a plan permitting a gradual absorption of the Government's supplies was the preferable course.

We also believe that the trade of the country had a legitimate interest in the situation that to a large degree was not inconsistent with the duty of the officials to secure the most favorable returns to the Government.

In this connection it should be borne in mind that the Government had surplus properties following the war aggregating nearly $2,000,000,000. The mere statement of the fact makes it apparent to anyone having only a meager idea of business conditions following the war that justice to the Government and the trade alike requires that these goods be disposed of on a plan of gradual absorption instead of forced sales. The Government that had encouraged and secured the cooperation of the industries in the production of its war necessities could not in common fairness immediately turn around at the conclusion of the war and demoralize prices and market conditions which the Government's own activities had created and drive the price of stocks in the hands of merchants below the price the Government had fixed.

The policy of the Secretary of War is clearly stated by himself in his letter addressed to Hon. H. D. FLOOD, published in the appendix to this report.

WITHHOLDING OF CANNED VEGETABLES.

In this connection the report refers to "an agreement with the canners' association that some 200,000,000 cans of canned vegetables would be kept from the domestic market during this season."

On the 6th of last December Gen. Wood, Acting Quartermaster General, wrote a letter to a representative of the National Canners' Association, which was given publicity at the time, declaring, in substance, that the surplus of canned vegetables would not be placed on the market during "this season." However, the fact is that canned vegetables were sold beginning in February, and the Wood policy was wholly abrogated on the 23d day of May, 1918 (p. 310, 55), and offers of sales and sales of canned vegetables have proceeded since that date.

In so far as the majority report intimates that the public has been deprived of the opportunity to buy canned vegetables of the Government since that date it is erroneous. A reference to the record will show that the chairman of the subcommittee making this report elicited evidence showing that on the 20th of June competitive bids were opened on a portion of these canned vegetables. Bids calling for the sale of these vegetable supplies as well as canned meats were issued beginning in May. Over 1,500 bids were opened on the 20th of June.

ORDER MAKING ADDITIONAL VEGETABLES RATIONS.

The report criticizes an order of the Quartermaster General adding canned vegetables to the soldiers' ration. It is asserted "This order would have resulted in a loss to the Government of millions of dollars to be derived from the sale of this surplus, as well as depriving the American people of a large quantity of food."

No such results followed the making of said order. On the 17th of March Col. Davis, of the Quartermaster Corps, wrote a letter to the president of the canners' association stating that, acting in line with his suggestion, canned peas, corn, squash, and string beans would be added to the ration list, which has always contained canned tomatoes.

The effect of this order was not to add to the rations or to waste any food product; it simply furnished our soldiers a greater variety of vegetables without adding to the total quantity they received. It provided for the consumption of the vegetables the Government had, and to that extent relieved the Government of the necessity of replacing that quantity of foodstuffs by purchases in the market. It did not diminish the food supply of the country one pound. It was an advantage to the Government and an advantage to the soldier, as it gave him a more varied ration which he could not have obtained except at the expense of his mess fund. The declaration that it resulted in a loss to the Government of millions of dollars is without the slightest foundation in fact. The statement that it deprived the American people of a large quantity of food is equally groundless.

The report further states that the purpose of the above order "was to protect the canners who had sold the produce from competition with the governmental surplus." As a matter of fact, the 1918 pack had practically passed from the hands of the canners before the order was made. The order had the effect of contributing to the stabilization of the market and relieving the Government of the necessity of a forced sale.

OTHER SURPLUSES.

The report states "there is a surplus of millions of cans of fish and milk and tons of sugar, coffee, and tea."

We are reliably informed that the fact is there is no surplus of fish and that the quantities of fish which would have constituted a surplus were rejected and returned to the packers, because it did not conform to Government requirements. There is a small surplus of milk, only 680,000 cans, and to date there has been declared a surplus of 52,000,000 pounds of sugar, all of which has been turned over to the United States Sugar Equalization Board and is being distributed to meet the needs of the American people. There is no surplus whatever of coffee or tea, nor is any anticipated. (See letter of A. L. Mercer, assistant director of sales, in appendix to this report.)

SALES TO MUNICIPALITIES.

The report charges that the Director of Sales has issued a publicity statement "that meat and vegetables shall be purchased only by municipalities," they to pay the freight and have a 10 days' credit. There is no evidence whatever that the department has in any way limited the sale of food products to municipalities, and the fact is that it has not. This method of sale was simply adopted as a means of giving to the consumers of the country an additional opportunity, with the help of municipal officers, to take advantage of the Government's offerings in small quantities which on account of the lack of a retail distributing system the Government has been unable to furnish directly to the small purchaser.

Evidence taken before the subcommittee and in the record shows that for many weeks past and at the present time the Government has been pursuing independent methods of sale, both by bids and direct sales, to purchasers other than municipalities. This fact is established by the records of sales, advertisements in hundreds of newspapers, and circulars distributed throughout the country by thousands.

In this connection, the report further states:

"Many municipalities which have indicated a desire to purchase this food for the benefit of their people, have been met with the threat of injunction on the part of local dealers, which threat has been sufficient to prevent a purchase of the goods."

The plan of the department permits the consummation of the sale to the consumer without the necessity of municipal funds being used. The 10-day credit was extended to permit the municipalities to reimburse themselves from the retail sales before being required to transmit the cost to the Government.

Any threats of injunction that may have been made against municipalities have undoubtedly been inspired by profiteers, who would like to handicap the Government in making an advantageous sale of these goods as well as deny the consuming public the benefit of the Government's plan.

H. D. FLOOD.
FINIS J. GARRETT.
FRANK E. DOREMUS.
CLARENCE F. LEA.

APPENDIX TO MINORITY REPORT.

WAR DEPARTMENT,
Washington, July 26, 1919.

Hon. H. D. FLOOD,
House of Representatives, Washington, D. C.

DEAR SIR: My attention has been called to the statement contained in a report of the Select Committee on Expenditures in the War Department, with reference to the disposition of the surplus food supplies held by the War Department. I have also your request that I advise you what my policy in this matter has been and is.

On the 11th of November, 1918, when the armistice was signed, a suspension of hostilities took place. Under the terms of the armistice, a resumption of hostilities was made possible and a more or less prolonged period followed during which there was from time to time suggested the possibility of the armistice being denounced. Nevertheless the War Department discontinued the transportation of foods to Europe, discontinued the mobilization of further forces in this country, and began at once a progressive demobilization of men. It suspended existing contracts for the procurement of supplies and took all possible steps to bring about a reduction of war expenditures. In the meantime, vast quantities of supplies already manufactured were in hand and a continued stream of deliveries from manufacturers and producers daily increased the stock of the department.

These supplies were of practically every nature, foodstuffs, clothing, implements, machinery, vehicles, thousands of items, some having little usefulness in civil life by reason of their special adaption to Army use, many of them being equally valuable for peace-time and war-time usefulness. The data in the hands of the department with reference to the speed with which demobilization could be effected were necessarily speculative. How large an army should be retained, and for how long, required to be carefully determined. The situation in Europe, the rapidity with which transportation home could be supplied, industrial conditions in the United States were all elements to be considered. As a result it was not possible instantly to place upon the market for sale to the general public the supplies held in storage by the department. It was necessary first to make an accurate forecast of the Army's needs; second, by proper inventory and examination to determine quantities on hand; and, third, to devise methods of disposing of these commodities which would take into consideration the perishable nature of some of them and the effect of their sale upon producers of raw material and labor conditions in the country. It will be recalled that the country was at the moment called upon to readjust itself industrially and commercially. The major part of the industrial force of the Nation had been summoned to the making of war supplies. Its resumption of peace-time occupations required markets for the products of labor. The commerce of the country was under a system of war conditions involv-

ing price fixing and centralized distribution, so that if at such a period the War Department had inconsiderately tendered its vast accumulations of supplies to the public consumption while it was demobilizing its industrial and military forces there would inevitably have resulted perhaps a momentary cheapening of the market price of certain commodities, but a concurrent and complete paralysis of industry, whereby the producers of raw material would have been discouraged and the manufacturers of finished products unable to resume peace-time occupations.

In December I directed that three principles be followed in the disposal of the Army surplus—

1. The disposal of supplies, as far as possible, through other Government agencies and relief commissions.

2. To take up with the original producer who furnished the article to the Government the question of repurchase, in order that materials might be distributed through their original and customary channels.

3. To offer the remaining surplus in the best market, or to the public at large, with full publicity.

This policy I stated in a letter to the Hon. WILLIAM E. BORAH, of the United States Senate, in a letter, December, 1918, a copy of which letter I herewith inclose.

From that time until now I have conferred frequently with those immediately in charge of the sales of these products. Careful surveys and resurveys of the Army's probable needs have been made, surplus was declared, and efforts made to devise effective ways of placing our surplus on the market, avoiding, wherever possible, their disposition to speculators. The War Department did not have and has not the means of building a widespread retail system of sale and distribution for these products. It would require an elaborate and costly organization, reaching over the entire country. Much progress has been made in effecting sales. Of that, however, the acting director of sales has informed you in detail. With the considerations above stated in view, I can only summarize by saying that it has been and is the policy of the department to sell its surplus in the best markets, and as speedily as possible, relieving the burden upon the Public Treasury by securing as adequate a price as we can and avoiding the incidental disturbances which unconsidered action would cause. So far as foodstuffs are concerned, I have given my personal attention to the devising of ways to place the Army's surplus of foods in the hands of consumers at the lowest possible price, in order to relieve, even if but temporarily, the high cost of living, an object with which I have the deepest sympathy.

Respectfully, yours, NEWTON D. BAKER,
Secretary of War.

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WAR DEPARTMENT,
PURCHASE, STORAGE AND TRAFFIC DIVISION,
OFFICE OF THE DIRECTOR OF SALES,
Washington, July 26, 1919.

Hon. H. D. FLOOD,
House Office Building, Washington, D. C.

MY DEAR MR. FLOOD: At the request of the Secretary of War, I have collected certain data with reference to the subsistence situation in the Army since the signing of the armistice.

This report covers the following principal points: The attitude taken by the director of purchase at the time of the signing of the armistice, the reasons for any delay in declaring food surplus, as well as evidence bearing out the fact that there has been no financial loss to the Government because of the apparent delay.

I believe you will find this report complete, but will be glad to furnish you with any further information which you may desire.

By authority of the director of sales.

Sincerely, E. C. MORSE,
First Assistant Director of Sales.

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WAR DEPARTMENT,
PURCHASE, STORAGE AND TRAFFIC DIVISION,
OFFICE OF THE DIRECTOR OF SALES,
Washington, July 26, 1919.

Memorandum for Mr. E. C. Morse, first assistant director of sales.

1. As you requested, I am submitting a complete report on the canned meat and vegetable situation. You asked me to determine the status of contracts, the reason for delay in reporting surplus, and whether the Government lost in dollars and cents return because of the apparent delay.

2. Attached marked "Exhibit A" is a statement from Col. Julian L. Schley, director of purchase, which explains the contract situation. Attached marked "Exhibit B" is a statement from Col. Norris Stayten, assistant director of storage, which explains some of the difficulties in obtaining inventories and consequent reports of surplus.

3. Having by way of these memoranda explained the problem confronting the War Department in obtaining complete inventories and of knowing accurately what the requirements would be, your attention is invited to the fact that surplus canned meats were declared beginning in January and running through to March 26, when the surplus meat figures were given us in reasonably correct form. On May 5 a conference was held, at which time the surplus figures were corrected, as follows. The present figures are also given.

Commodity.	May 5.	Present.
	Pounds.	*Pounds.*
Bacon	47,000,000	91,178,671
Roast beef	38,000,000	49,323,768
Corned beef	36,000,000	53,231,216
Corned-beef hash	20,000,000	37,314,995
Total	141,000,000	231,048,650

These meats cost the Government average prices as follows:

Bacon issue, ser. 8, crates	per pound	$0.40
Bacon issue, ser. 10, 12-pound cans	do	.46
Beef, roast, 6-pound cans	per can	2.70
Beef, roast, 2-pound cans	do	.82
Beef, roast, 1-pound cans	do	.51
Beef, roast, 12-ounce cans	do	.35
Beef, corned, 6-pound cans	do	2.09
Beef, corned, 24-ounce cans	do	.70
Beef, corned, 1-pound cans	do	.45
Beef, corned, 12-ounce cans	do	.38
Hash, corned beef, 2-pound cans	do	.48
Hash, corned beef, 1-pound cans	do	.28

4. It is next advisable to present to you the efforts made to sell as having particularly to do with the statement that it was our desire to export all our foodstuffs rather than to place them on the American market. To discuss nothing but canned vegetables for the moment, your attention is called to a letter written on December 6 to the American Canners' Association by Gen. Wood, then director of purchase and storage. This letter stated that canned vegetables would not be placed on the American market during the canning season. This letter was written upon the urgent request of the American Canners' Association, claiming that if the Government's surplus canned vegetables were immediately placed on the market it would stop jobbers of canned vegetables from placing orders with the canners, which in turn would react upon the farmers, who would not plant vegetables, and thus workmen be thrown out of work. Orders are placed by jobbers in January, February, and March for the coming crop. These orders are used as a basis of credit with banks by canners. Crops planted are predicated upon these orders placed with canners by jobbers. At this time it was anticipated—in any event, it was generally thought by canners and farmers—that we had a considerably greater surplus than it later developed we actually had. This was having a rather demoralizing effect upon the market.

5. It was assumed by Gen. Wood's organization, in view of the fact that it was proposed not to place surplus stocks of vegetables on the American market so quickly, that it might be best for the Government to develop foreign markets, particularly in view of the food requirements of European nations. The purchase and storage organization thought that, in view of the need for food, it would have to be supplied either by American jobbers or from Army reserve stocks. In any event, it was thought this demand, however met, would have the same influence upon price, and that the Government's problem was to move the surplus in accordance with existing economic conditions, to realize the best return for the Treasury.

6. In endeavoring to develop a foreign market purchase and storage was unable to secure from the sale of this surplus the price it was thought these foods should bring. This was largely due to the fact that in the early months of the year no credit arrangements could be made by foreign governments which would satisfy the American bankers. Attention is also called to the fact that purchase and storage endeavored to interest representatives of foreign governments in the purchase of certain surplus canned vegetables, but was unsuccessful, largely because of the matter of credit.

7. When we began to get reasonably correct inventories of surplus it was realized that our surplus was not as great as was anticipated. It was further realized that jobbers had already placed their orders; that the canning season was approaching; and that, in view of the worldwide demand for food, the time had come when the Government's surplus could be placed on the market without interfering with market conditions to the extent of reducing the year's pack and to bring the dollars and cents return. Therefore Gen. Wood's letter of December 6 to the canners, and which was written before the director of sales was appointed, was abrogated on May 23. On June 3, as indicated above, a reasonably complete and accurate report of surplus vegetables was received by the sales organization.

8. In the next place the statement is made that large quantities of these vegetables deteriorated because of delay. Your attention is invited to the fact that canned goods are supposed to keep for a considerable period. Any swells or deterioration in canned vegetables should become evident in 90 days, and the manufacturers agree to replace defective goods if the defects present themselves within a period of approximately nine months, or before June 30, for the previous year's pack. As a matter of fact, no canned vegetables deteriorated, or, at least, have been sold on a deteriorated basis of price. Newspaper articles to the effect that our vegetables are deteriorated have interfered more than any other one thing with the sale of vegetables at a good price.

9. Had the War Department placed its surplus vegetables on the market in the early spring we would have suffered a sacrifice in price, because of the fact that speculators expected to buy Government surplus at a greatly reduced figure. The people certainly could not have benefited had a speculator been able to get hold of this surplus, and otherwise should this surplus have been placed on the market at this time the canners and the producers would not have proceeded with normal plans for the 1919 crop. As a result of this fact, there would have been a great shortage in canned vegetables, which would have forced the price considerably higher than it is at the present time.

10. It has never been the intention of the Secretary of War to export these canned vegetables as against placing them on the American market. It is our policy to sell our surplus in the best market that we may place in the Government Treasury the maximum dollars and cents return with the idea of lessening taxes that much. It naturally follows that where there is a good American market we would most certainly sell in that market rather than export.

11. With regard to canned meats, certain small quantities were reported surplus up to March 26 and until May 5, when a very complete and comprehensive report was submitted as to that date. Obviously this report was not absolutely accurate in view of the difficulty in obtaining inventories and in view of the rapidly demobilizing army in France and in this country.

12. On May 5 a meeting was held with the meat packers, as similar meetings have been held with the producers of various commodities, with the idea of receiving benefit from their knowledge and experience in the industry. If you will refer to the minutes of this meeting, you will observe that the meat packers suggested that our meats were not standard commercial goods in the standard commercial package altogether suitable for resale. You will further find in the minutes a statement to the effect that these meats might be exported to good advantage. Attention was called to the fact that the bacon is of a special Army cure. Therefore this particular bacon was represented as being not altogether suitable to meet domestic demands and difficulties might present themselves in attempting to export this particular commodity. You will further observe that the meat packers offered to dispose of this surplus on behalf of the Government, returning to the Government the full dollars and cents return from the sale of this surplus less whatever their operating expenses might be.

13. After considerable discussion it was determined best to attempt to dispose of these meats in this country by sealed bid, thereby permitting all possible purchasers to obtain these commodities. In formulating this policy we had in mind the thought that the American public, having virtually paid for these canned meats, were entitled to benefit were there any benefits to be received by the sale of these meats in this country. It was not deemed expedient to export until domestic markets were exhausted, neither was it deemed expedient to sell through the packers, owing to the fact that the packers are being criticized by the general public.

14. There was never any agreement with them to withhold canned meats from the market. Any seeming delay in placing meats for sale

is the result of the difficulty in obtaining accurate inventories and reports of surplus, our desire to aid in stabilizing industry with good wages to workmen, together with our keen desire to obtain the maximum dollars and cents return from the sale of canned meats by placing on the best markets at the most opportune time.

15. As in the case of vegetables, there were rumors current in the early months of this year to the effect that our surplus was considerably greater than it later proved to be. Consequently stock growers were in communication with us, as was the Farmers' Grange, requesting that we dispose of our surplus meats in such a way as to affect stock growing as little as possible. Attached, marked "Exhibit C," are copies of certain telegrams received by this office. The economic solution of the problem is to be found in the fact that there is a certain amount of surplus which the market must absorb. In view of the tremendous demand for foodstuffs from abroad there is obviously a market for this surplus. It then becomes a question of placing the surplus on the market in quantities over a period of time so as to disturb economic conditions as little as possible and avoid a panicy condition. The foregoing thoughts explain the reasons why we have been in no haste to indiscriminately dump surplus meats on the market regardless of consequences.

16. Again, statements have been made in publicity articles to the effect that millions of dollars worth of surplus meats have been allowed to deteriorate. The only case of this kind which has come to our attention is 1,500,000 pounds of ham which was delivered to Norfolk upon requisition from the American Expeditionary Forces in October. Of the 12,000,000 pounds of ham requisitioned, the Army was only able to secure 6,000,000 pounds, of which the 1,500,000 pounds at Norfolk was a part. Shipments were made from Chicago during the months of January, February, and March. This ham remained in Norfolk until the requisition from the American Expeditionary Forces was canceled, at which time the Surplus Property Division of the office of the Director of Purchase and Storage was advised of the cancellation. Consequently, on May 18, each surplus property of each zone office was telegraphed to offer this meat for sale. Sales on the whole lot were consummated on June 2 at a price of 20 cents per pound and sold by sealed bid to Harris Bros., of Chicago.

17. In stating that this meat was deteriorated attention should be called to the fact that it was slightly moldy and required reconditioning to put it into first-class salable condition. Obviously this meat could not have been in poor condition or the pure-food law would have prevented its resale. There is no question but what we sacrificed somewhat because of the unpresentable condition of this meat. We paid 40 cents per pound for it, and the market price at the time of sale was 35 cents per pound. Your attention is further called to the fact that this market price as quoted represents the price at which the packers sell to the dealers under guaranty. We can not hope to sell our surplus at the full market price for the reason that we expect cash and do not extend any guaranty. So far as we know, no other meats have deteriorated or have been sold in a deteriorated condition.

18. Your attention is invited to the fact that we have a surplus of 680,000 cans of milk. As you appreciate this but represents a drop in the bucket in so far as the daily production of milk is concerned. This commodity does not deteriorate rapidly.

19. In so far as surplus fish is concerned, your attention is invited to the fact that approximately 32,000,000 cans of salmon was turned back to salmon canners at cost, the reason being that the salmon did not come up to Government specifications, and we required them, therefore, to take back these goods.

20. To date there has been declared surplus a total of approximately 52,000,000 pounds of sugar, all of which the Army has turned over to the United States sugar equalization board, branch of the Food Administration, for distribution throughout the United States. In this connection you are advised that offers have been made for this surplus sugar by exporters at prices in excess of 2 cents per pound above that at which the sugar was being allocated by the sugar equalization board in this country. The sugar has been handled in this manner owing to a sugar shortage in certain sections of the United States. This sugar is being sold by the equalization board for the account of the Government at 0.0879 cents per pound, which represents the actual cost to the Army. In view of the fact that America imports considerable sugar, we considered it advisable to take care of the American markets before exporting.

21. Your attention is called to the number of publicity articles which have appeared to the effect that we have millions of pounds of tea and coffee. This information is absolutely contrary to fact, for we have absolutely no surplus tea or coffee, nor do we anticipate having any.

22. Sales of flour total approximately 70,000,000 pounds, on practically all of which cost to the Army has been recovered. Most of the flour sales above referred to have been made to the United States Food Administration Grain Corporation and to the Navy and Marine Corps at cost. At the time of the lifting of the regulation requiring the use of certain percentage of flour substitutes in the manufacture of bread the Army had left on hand a considerable amount of flour substitutes. Owing to the fact that everyone in the trade, from the miller down to the retailer, and even the householder, were stocked up with flour substitutes, there was absolutely no demand for these substitutes for human consumption, and it has been necessary to develop a market among the feed manufacturers in the country. Naturally some of these substitutes have deteriorated on account of hot weather and storage conditions, but this deterioration has not affected the price obtainable for these for the manufacture of cattle and chicken feed.

23. In disposing of these surplus foods in this country, we were face to face with the practical question of distribution. We have neither the personnel nor the time necessary to sell these foods direct to the consumer on a retail basis. Our limited personnel and our desire to expedite the sale as promptly as possible to take advantage of the present market conditions necessitated that these foods be sold in reasonably large quantities. As a result of the foregoing thought, we decided that it was advisable to give municipalities an opportunity to purchase surplus meats at approximately 20 per cent below cost and vegetables at cost, the idea being that municipalities could in turn sell these foods at cost to the people, thereby helping out somewhat with the high cost of living.

24. It is our thought that considerable quantities of canned foods can be sold to advantage through municipalities, as we are receiving a number of inquiries from them, as covered by exhibit D attached, possibly through large department stores, who are willing to dispose of Government surplus at the same price which they pay for these stocks and the balance to be sold on the American market at a fixed price set, or at this same price for export.

25. For your information we are attaching a tabulated report of sales of surplus subsistence or food, marked "Exhibit E," as our records indicate to date. Your attention is invited to the fact that reports of sales do not come to rest in the office of the Director of Sales until possibly two or three weeks after the sales are made. Consequently this report is not absolutely complete to date, but it will give you a complete and comprehensive idea of the classes of commodities being sold and the period over which these sales have been made. Below is a digest taken from the weekly report of sales made by the Surplus Property Division as follows:

Week ending—	Sales per week.	Sales to date.	Percentage recovery.
			Per cent.
Apr. 19	$197,926	[1] $1,257,849	102.09
Apr. 26	991,296	2,249,145	100.84
May 3	924,165	3,173,310	100.58
May 10	1,472	3,174,782	100.48
May 17	1,301,560	4,476,342	100.4
May 24	582,920	5,059,262	100.3
May 31	258,516	5,317,778	100.34
June 7	677,691	5,995,469	94.8
June 14	765,167	6,760,636	99.2
June 21	384,858	7,145,494	98.7
June 28	3,778,227	10,923,721	90.9
July 5	179,033	11,102,754	89.5
July 12	29,568	11,132,322	89.3
July 19	1,485,740	12,618,063	85.7

[1] All sales made to Apr. 19 included.

The following sales have been or are being made, but reports of sales have not reached this office: Sugar, $4,570,000; bacon, $2,242,900; corned beef, $1,668,750; canned vegetables, $2,600,000; canned tomatoes, $3,000,000. Total, $14,061,650. Therefore, the grand total sales of subsistence to date amounts to $26,679,712. This very clearly establishes the fact in our minds that sales are being made just as rapidly as possible and as conditions warrant. The grand total surplus subsistence in possession of the War Department as of July 12, amounts to $123,703,504, a part of which has been recently declared surplus. For your information we have received not less than 85.7 cents on the cost dollar on all surplus foodstuffs sold to date.

26. On July 9 a publicity article was issued to the effect that the War Department would sell surplus food to municipalities. On July 11 a second statement was issued amplifying the first to the extent that this article explained the method whereby municipalities could obtain surplus food. This article went on to state that municipalities might have 10 days' credit, thereby permitting cities to obtain surplus foods, sell them, and return the proceeds to the Government in those instances where the city charter would not permit an outright purchase. This publicity statement did not state as issued from this office nor was it intended to imply that food would be disposed of entirely through municipalities.

27. As an illustration of the truth of this statement we want to call to your attention the fact that in May it was decided to offer for sale in the United States by advertisement and sealed bids all surplus canned meats. About 20,000 circular letters, giving information regarding this sale, were sent to all State, municipal, and charitable institutions, as well as dealers, jobbers, and exporters. In addition to this newspaper advertising was used. Bids were received and opened June 20. Abstracts thereof were made and submitted to the Secretary of War, with recommendations that all be rejected due to the fact that they did not show an adequate recovery. The Secretary approved these recommendations, and authorized sale of bacon and canned meats at not less than certain minimum prices, also to municipalities in not less than carload lots at prices approximating 80 per cent of the original cost.

28. Likewise, of our total quantity of canned meats we have sold approximately 5,000,000 pounds of bacon at a price above the minimum price set by the Secretary of War at which bacon and other meats on which a minimum price was set could be sold to purchasers such as Louis Leavitt, of New York; Kurtz-Wilson, commission merchants, of Baltimore; and W. S. Sawrie & Son, meat dealers, of Nashville, Tenn. These parties have purchased the total of 5,000,000 pounds of bacon having been sold out of our entire surplus.

29. Likewise, final determination of surplus canned vegetables was arrived at June 3, and instructions were immediately given to offer same for sale in the United States by advertisement and sealed bids to be opened June 30. Due notice of this was given not only by newspaper advertising but by circular letters to all State, municipal, and charitable institutions and dealers, jobbers, and exporters, as a result of which 1,572 different bids were received from all zones throughout the country.

30. These bids were forwarded to Washington by each zone, where a master abstract was made and recommendations of awards prepared, which was submitted to the Secretary of War and approved by him. The bids on canned vegetables were received as a whole from the leading wholesale grocers throughout the United States, as well as department stores and retailers. As a whole, the bids received were not of a speculative character, and no speculative bids were accepted.

31. The following table shows the quantities of vegetables disposed of by sealed bids recently opened and the balance remaining for sale:

Recommended sales.	Left from offering.	To be declared surplus.	Total available surplus.
Corn, cans, 17,442,890	1,611,951	12,749,803	14,361,754
Peas, cans, 6,439,316	4,224,383	13,943,959	18,168,342
Beans, stringless, cans, 351,955	1,894,801	1,054,064	2,948,865
Beans, baked, No. 1 cans, 3,262,890	92,496	5,853,216	5,945,712
Beans, baked, No. 3 cans, 13,416,310	52,464	1,178,095	1,230,559
Beans, baked, No. 2 cans, none	(1)	833,289	833,289

[1] None.

32. The foregoing report has been presented in great detail that you may have in your possession the facts as I find them. I want to advise you that I feel personally indebted to Col. Schley, Col. Stayton, Maj. Squier, and Capt. Clement for their splendid assistance and invaluable cooperation in obtaining the facts embraced herein.

A. L. MERCER,
Assistant Director of Sales.

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EXHIBIT A.

WAR DEPARTMENT,
PURCHASE, STORAGE AND TRAFFIC DIVISION,
OFFICE OF THE DIRECTOR OF PURCHASE AND STORAGE,
Washington, July 26, 1919.

From: Director of Purchase.
To: A. L. Mercer, assistant director of sales.

1. Probably never in the history of the world has a production approached that which was obtained in this country and which was at its height in November of 1918. Based on requirements furnished by the General Staff, purchases of foodstuffs were in progress for 5,000,000 men for the coming year. Many manufacturers of commercial articles had been persuaded to transform their plants into production of war materials, and their commercial production of commodities not needed for war had been reduced to an absolute minimum.

2. Relative to canned vegetables and fruits, attention is invited to the fact that these are seasonal products and that allotments of the possible output of the country for the use of the military forces was made by the Food Administration a year in advance and covering the requirements for a year. Of the 1918 pack, this resulted in reservations for the Army of 45 per cent of the tomato pack, 25 per cent each of the peas and corn packs, and 15 per cent of string beans pack. It so happens that, in the early part of November, the canning season had just closed, and therefore the canning of the allotment for the coming year was practically completed and the delivery of these goods to the Army was at its height.

3. On November 7, immediately upon the receipt of the rumor in this country that an armistice had been signed, telegrams were sent from the office of the director of purchase to suspend all purchases except food, forage, and other necessary articles until further orders. On the same date telegrams were sent from the subsistence division to stop all purchasing of canned vegetables and canned and dried fruits allotted by the Food Administration. The object of this immediate action was to stop promptly the tremendous production of war material which had been developed during the war.

4. An order was issued by the director of purchase on November 9 directing that all purchases for immediate needs be first referred to his office for approval, and that all orders and contracts which had not yet been placed be submitted to his office for action. The purpose of this order was to place in the hands of the director of purchase himself complete control of further production in order to be certain that it would not exceed the needs of the Army under the changed conditions.

5. The purchase service then proceeded to inspect the outstanding contracts in order to determine which should be canceled immediately and which should be permitted to continue. In the case of foodstuffs and forage it must be remembered that the Army was still in existence in spite of the armistice, and that the men and horses had to be fed. The purchase of perishable foodstuffs, therefore, which were being bought from time to time and not stored for future consumption, as in the case of canned goods, was continued and was tapered off as demobilization reduced the requirements.

6. The outstanding contracts might be divided generally into two classes: First, those for articles not needed because of the cessation of hostilities; and second, those which would be needed. Contracts for articles not needed may again be divided into two classes: First, those which could be terminated immediately; and second, those which could not be terminated immediately. This second class includes contracts, the immediate cancellation of which would have disrupted the industry, doing material damage to the contractor, to the farmer, and to labor. The tremendous production of war materials which the country had entered into had acquired a momentum which could not, in the case of some classes of supplies, be stopped at once without doing irreparable damage to the industries of the country. Production was stopped as quickly as it was possible to do so, in the opinion of those in charge at the time, without seriously damaging the industries of the country.

7. Every effort has been exercised since the armistice to prevent purchase of articles already in the possession of the Army, and such purchases have been made only in case of great emergency or where shipment of articles already in stock would have involved a greater expense than the additional procurement, and in such cases the purchase was confined to immediate needs.

8. The outstanding contracts of the Quartermaster Department at the time of the armistice numbered approximately 16,000, involving a total money value of $1,800,000,000.

9. Machinery was immediately set up for negotiating termination proceedings and for the consideration of the claims which naturally arose out of the cancellation of these outstanding contracts. This work is progressing satisfactorily.

J. L. SCHLEY,
Colonel of Engineers, United States Army, Director of Purchase.

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EXHIBIT B.

WAR DEPARTMENT,
PURCHASE, STORAGE AND TRAFFIC DIVISION,
OFFICE OF THE DIRECTOR OF PURCHASE AND STORAGE,
Washington, July 25, 1919.

Memorandum for Mr. A. L. Mercer, assistant director of sales.

In compliance with your request for information as to the delay in declaring food surpluses, the following is submitted:

The first point to be considered is that on November 11 the entire production of munitions and food supplies of this country can be likened to an enormous engine, that was built to go in one direction only, with no brakes or reverse for stopping.

On November 11, when the hostilities ceased, due to the signing of the armistice, the first task that confronted the authorities charged with the supply of the Army was to bring this enormous engine to a stop the best way they could. The enormous production built up was caused by the fact that those in authority had to go on the assumption that the war would last for years, and in no way could slacken up until the armistice was signed. It was impossible to stop at once the forward tendency of this engine. As it was gradually brought to a standstill, the problem became one of rebuilding, so as to reverse the process and dispose of the vast amount of stores that had accumulated.

Due to the speed of production and inherent confusion accurate record of the amount and location of this vast quantity of stores was not possible. It was, therefore, necessary before any attempt could be made to dispose of surplus stocks that a complete inventory had to be taken in order to determine our stocks. For this purpose it was decided that rather than trust to the usual inventory required by Army Regulations, due to the greatness of the problem involved, that a special organization be set up for the purpose of taking this inventory as of December 31.

For this purpose 178 officers were called to Washington on December 1, and received instructions in the methods to be used in taking this inventory. On December 17 this body of officers was sent to the various zone supply offices and camps. An officer was designated by the commanding officer of each post and military station for the purpose of taking the inventory at his station. These officers were assembled in the zone supply office of their zone for the purpose of receiving the instructions from the officers sent from Washington, mentioned above.

On December 31 this inventory started throughout the United States. The physical count was completed in 10 days at all posts, stations, and depots. These reports were then brought to Washington and consolidated. When it is considered that this vast quantity of P. & S. supplies was scattered throughout the country in 16 zone supply depots, 3 Army reserve depots, 4 large port terminals, and from 200 to 300 posts, it is obvious that the task of determining the amount and location of these supplies was a problem in itself. To illustrate, there were some 180,000 different items to be counted, reported, and consolidated. To do this it took approximately 10,000 people to complete this work. Inventory was completed on April 30, and a list prepared for the use of declaring surpluses.

Naturally the time involved changed the condition of some of the stocks, principally subsistence items. A system of monthly stock reports continuing from December 31 on enabled this list to be made of value. The above involves only the articles handled by the Purchase and Storage Service, and was exclusive of our property in France.

Instructions of Gen. March, issued on November 30, to dispose of surplus perishable foods in the possession of the War Department were obeyed as rapidly as information could be obtained as to their location. For your information, it has never been considered that canned vegetables and meats were of a perishable nature. In fact, they have always been considered articles to be kept for from one to two years. Any deterioration taking place in these articles usually takes place within 90 days.

Aside from the article of smoked ham, which somewhat deteriorated in storage at Norfolk, there has been practically no deterioration of food supplies in the Army. It is safe to say that the total loss from all causes which includes spoilage of individual cans of canned goods, the loss through leakage and breakage throughout all the commissaries in the country, averages approximately $13,000 per month. This is a remarkably good showing when it is considered that the average amount of subsistence stores handled during a month runs considerably into millions of dollars.

Your attention is also invited to the fact that the Army program as announced, giving the rate of demobilization, was considerably greater in actual practice. This continued to increase the amount of surplus stocks of these food supplies and made it difficult to obtain accurate data upon which to declare surpluses. One point to be considered in the time elapsing between the signing of the armistice and the actual declaration of surplus food supplies is the fact that an armistice did not necessarily mean a cessation of hostilities. In fact, on several occasions between the signing of the armistice and the actual signing of the peace treaty by the German nation it looked as if hostilities might be resumed, and while this will probably be answered by the statement that we were demobilizing men, your attention is invited to the fact that to recall the men would be a comparatively easy task when compared with the task of obtaining food if we had gone blindly about selling what might be considered surplus. It was absolutely necessary that these surpluses be accurate when making this declaration, for it would have been fatal had hostilities been resumed and no food available for the Army necessary to continue overseas.

I believe the above explanation gives the reason for the apparent delay in the declaration of surplus food supplies on the part of the War Department.

From the above it can readily be deduced that there was no way in which this declaration could be hastened, except by blindly selling food that may have been needed by the Army had conditions changed.

There is one other point that occurs to me. That is that in order to enable articles of food to be placed upon the market there is certain commercial information that must be obtained before any selling organization can dispose of the same, and that this information was never made a matter of record by the War Department, as it was not a selling organization. For instance, a can of bacon was a can of bacon, irrespective of as to by whom it was packed or by what brand it was commercially known.

NORRIS STAYTON,
Colonel, Quartermaster Corps,
Assistant Director of Storage.

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EXHIBIT C.

[Telegrams re sales canned vegetables received by director of sales' office.]

BROOKLYN, N. Y.

C. W. HARE,
Director of Sales, Munitions Building, Washington, D. C.:

Having no reply to my letters 9th and 13th, am uncertain regarding recent developments in sales surplus canned vegetables. Understand canners conferring with you to-day. Wholesale grocers have stated to you in detail their opinion regarding the distribution of these goods. Can only add without question the sale of the surplus tomato stock at this time will have a disturbing effect upon the market, probably more so than the sale of other vegetables. Will appreciate information as the situation develops. Wholesale grocers of the United States are greatly interested in this matter, both financially and for economic reasons.

WALTER B. TIMMS.

—

DENVER, COLO.

C. W. HARE,
Director of Sales, United States Army Munitions Building,
Washington, D. C.:

On March 17, this year, and under direction of Gen. Rogers, of the United States Army, a letter was written embodying in it that there would be no canned vegetables dumped on the market. Canners in the

United States have relied absolutely upon this letter and have gone ahead with acreage for this year. It is very disastrous to canners now if you allow Army goods to go on the market at less than reproductive costs or until domestic market will consume them. We feel it imperative to ask that you withhold the tomatoes until they are needed for the domestic market.

THE COLORADO CANNERS' ASSOCIATION.

—

HURLOCK, MD., *June 17, 1919.*

WILLARD G. ROUSE,
Care of Col. Glover, Surplus Property Division,
Munitions Building, Washington, D. C.:

In my judgment, the Government should sell tomatoes on hand and relieve the cloud hanging over the business. Have talked other canners who approve plan. I pack about 50,000 cases yearly.

ROLAND WEBSTER.

—

BALTIMORE, MD., *June 17, 1919.*

WILLARD G. ROUSE,
Care of Col. Glover, Surplus Property Division,
Munitions Building, Washington, D. C.:

If stock of canned tomatoes carried by Army to be sold, we favor of disposing of them immediately.

ROBERTS BROS.

—

SALISBURY, MD., *June 17, 1919.*

WILLARD G. ROUSE,
Care of Col. Glover, Surplus Property Division,
Munitions Building, Washington, D. C.:

By all means insist on War Department selling surplus stock tomatoes before canning season. All canners here want this stock sold at once.

J. D. ELLIOTT.

—

PRESTON, MD., *June 17, 1919.*

WILLARD G. ROUSE,
Care of Col. Glover, Surplus Property Division,
Munitions Building, Washington, D. C.:

By all means sell immediately the Government tomatoes if they are to be sold before December, 1919. Other packers think same.

W. M. WRIGHT.

—

FEDERALSBURG, MD., *June 17, 1919.*

WILLARD G. ROUSE,
Care of Col. Glover, Surplus Property Division,
Munitions Building, Washington, D. C.:

All Government tomatoes should be sent Europe if sold. This country should be used to stabilize prices slightly above present level. Our houses pack 107,000 cases.

S. D. & R. W. MESSENGER.

—

PRESTON, MD., *June 17, 1919.*

WILLARD G. ROUSE,
Care Col. Glover, Surplus Property Division,
Munitions Building, Washington, D. C.:

Majority of canners we talk to think Government should hold goods until January 1 if only 2,000,000 cases now. Probably Government can dispose of considerably more by that time at much higher price than they can obtain at present time. Furthermore, if Government goods put on market now there is no question that some of them will be unsold when our new pack comes on. Sold on sealed bids will undoubtedly sell at below to-day's market and utterly demoralize prices from now through packing season.

N. H. FOOKS & CO.

—

SEAFORD, DEL., *June 17, 1919.*

WILLARD G. ROUSE,
Care Col. Glover, Surplus Property Division,
Munitions Building, Washington, D. C.:

If it is the intention of the Government to sell surplus stock tomatoes, we think sooner this is done the better for the business. These are also the views of H. P. Cannon & Son, Bridgeville. We usually pack about 70,000 cases.

GREENABAUM BROS. (INC.).

—

RIDGELEY, MD., *June 17, 1919.*

WILLARD G. ROUSE,
Care Col. Glover, Surplus Property Division,
Munitions Building, Washington, D. C.:

Would advise unloading canned corn and tomatoes at once.

SWING BROS.

—

EAST NEWARK, N. J., *June 17, 1919.*

WILLARD G. ROUSE,
Care Col. Glover, Surplus Property Division,
Munitions Building, Washington, D. C.:

It is my judgment the Government should sell surplus tomatoes at once. I believe this action will be to the best interests of the packing business. I pack usually about 100,000 cans. Urge Government to sell.

CHAS. WEBSTER.

—

DOVER, DEL., *June 17, 1919.*

WILLARD G. ROUSE,
Care Col. Glover, Surplus Property Division,
Munitions Building, Washington, D. C.:

By all means Government should dispose holdings immediately if do intend to redeem promise not to dispose of them. We packed last year 135,000 cases tomatoes; if held until later menace will have very serious effect on operations for coming season, and we shall not attempt more than one-third. Views of neighboring packers coincide with ours.

C. M. SCOTT PACKING CO.

—

SALISBURY, MD., *June 17, 1919.*

WILLARD G. ROUSE,
Care Col. Glover, Surplus Property Division,
Munitions Building, Washington, D. C.:

Think Government goods should be sold immediately. Other packers have same opinion.

J. CLEVELAND WHITE.

PHILADELPHIA, PA., *June 17, 1919.*

WILLARD G. ROUSE,
Care Col. Glover, Surplus Property Division,
Munitions Building, Washington, D. C.:

We feel that if the Government must sell their surplus stocks of canned goods in this country that it should be done at once, as a continual cloud is hanging over the entire canning industry, which produces anything but a healthy condition. We usually pack about 150,000 cases per year.

TALBOT PACKING & PRESERVING CO.

—

DOVER, DEL., *June 17, 1919.*

WILLARD G. ROUSE,
Care Col. Glover, Surplus Property Division,
Munitions Building, Washington, D. C.:

Evidently the same sense of moral justice which prompted a zone price of $1.95 for Maryland against a zone price of $1.87 for Delaware will govern, so what difference does it make what the "goats of the war," the packers, think would be equitable? We fail to see any equity, justice, or law by which a country, which went abroad to make the world safe for democracy, can autocratically commandeer for a specific purpose, in a great many instances at less than actual cost, and then use these commandeered goods to put these same industries out of business.

JAMES F. ALLEE, Jr.,
President Liberty Brand Canning Co.

—

VIENNA, MD., *June 17, 1919.*

WILLARD G. ROUSE,
Care Col. Glover, Surplus Property Division,
Munitions Building, Washington, D. C.:

The Government last year stimulated production and took the goods by allotment at bare profit over cost. We think it distinctly unfair and grossest bad faith to sell these goods in any manner calculated to break this year's market and ruin packers' business probably for several years. Packers not only ones affected. All farmers and foremen in packing districts would be damaged. Government should market at this time only such quantity as can be absorbed without upsetting stability of market conditions. Every effort should be made to find export market and lay foundation for future export business. Balance should be reserved at least 12 months or until required to make up scarcity.

WINFIELD WEBSTER & CO.

—

KANSAS LIVE STOCK ASSOCIATION,
July 15, 1919.

Hon. CHARLES CURTIS, Hon. ARTHUR CAPPER, Hon. D. R. ANTHONY, Jr., Hon. EDWARD C. LITTLE, Hon. PHILIP P. CAMPBELL, Hon. HOMER HOCH, Hon. JAMES G. STRONG, Hon. HAYS B. WHITE, Hon. J. N. TINCHER, Hon. W. A. AYRES, *Washington, D. C.*

DEAR SIRS: I am writing you regarding the much-talked-of Government-owned meat. We have made some investigation regarding this matter and find there is quite a supply of frozen beef in storage in this country that was purchased by the Government during the war for shipment abroad. We also find there is a considerable quantity of canned meats owned by the Government. We have noticed through the press that the Government is offering quantities of this meat in this country for sale and that the bids for same aggregated from 25 to 50 per cent of the actual cost of the meat, and it appears that there have been a few sales made of this product at these reduced prices.

To our mind there are only two ways of disposing of this meat by the Government: First, if it is to be disposed of in the United States it should be handled through some Government distributing agent in the cities where the population is composed of employees of manufacturers, etc. In other words, we feel that if the Government is going to make a sacrifice of the prices of this Government-owned food that it should make the sacrifice direct to the consumer and thereby give the laboring people and poorer people an opportunity to buy this food at the reduced price.

It is evident that if this meat is sold to packers or to traders that it will not reach the consuming public at a price commensurate with what the Government received for same and, therefore, would be to no advantage to the consuming public, but a great disadvantage to the producers of meat products.

Second. If the Government can not arrange to distribute this meat in line as above indicated and will necessarily have to sustain a material reduction in the cost price, that they should make arrangements to export these products to feed the hungry people of foreign countries.

By shipping this product out of the country it will be surely to the advantage of the meat producers of the country.

The farmers and producers in the United States responded patriotically to the call of the Government for increased production, and the consumers of meat also responded to the demands of the Government for conservation in the eating of meats. This, of course, on account of the war. Now that the war is over the Government surely should lend every aid and assistance possible to the producer in protecting him against the slaughter of the prices of his product.

It is evident, however, by turning loose in the markets all the Government supplies they may have had in store when the armistice was signed would not be safeguarding the producers' interests.

Speaking for the members of the Kansas Live Stock Association and also as a member of the National Producers' Committee, I protest against the War Department selling to packers, traders, or distributors of meat of any kind the supply of meat owned by the Government at this time.

I earnestly urge you as the Representatives of Kansas in Congress to use your influence in this matter in safeguarding, as best as possible, the producers of beef and mutton of our State and, in fact, the producers of the entire country.

Yours, very truly, J. H. MERCER, *Commissioner.*

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EXHIBIT D.

WAR DEPARTMENT,
PURCHASE, STORAGE AND TRAFFIC DIVISION,
OFFICE OF THE DIRECTOR OF SALES,
Washington, July 25, 1919.

Memorandum for Mr. Mercer.

Subject: Sales of the canned meats and vegetables to municipalities and negotiations inaugurated by the cities for such supplies as reported by surplus property offices.

1. At the request of Mr. Morse, Col. Nixon sent telegrams on July 22 to the 18 surplus property officers detailed to the zone supply offices and

depots at which supplies of canned meats and vegetables are available, asking a report on sales made to date to municipalities and an enumeration of the cities by which negotiations had been inaugurated.

2. Appended is a summarization of the reports received from the surplus property officers at the following posts:

3. Boston, July 23. No canned goods shipped to date to municipalities. Negotiations are under way with 14 New England cities. (Names not given.) Facts relative to these negotiations are embodied in letter en route to Washington.

4. Baltimore, July 23. Sales to municipalities to date are as follows:

Baltimore: One hundred and fifty cases roast beef, 175 cases corned beef, 200 cases corned beef hash, 100 cases pumpkin, 15,000 cans tomatoes, 15,000 cans peas, 13,600 cans corn, 11,300 cans pork and beans, 2,100 packages cornstarch, and 60 gallons sirup.

District of Columbia: Two hundred cans bacon, 4,000 cans baked beans, 2,000 cans corn, 2,000 cans peas, 6,000 cans tomatoes, 100 dozen cans corned beef, 100 dozen cans roast beef, and 100 dozen cans corned beef hash.

Cumberland, Md.: Eighty cases bacon, 300 cases tomatoes, 200 cases corn, 25 cases corned beef, 4,000 packages cornstarch, 50 cases peas, 50 cases pork and beans, 50 cases pumpkin.

Altoona, Pa.: Five tons bacon, 200 cases tomatoes, 200 cases corn, 200 cases peas, 100 cases pork and beans.

5. Negotiations are now being conducted by that office with the cities of Pittsburgh, Pa.; Reading, Pa.; Scranton, Pa.; Bradford, Pa.; Latrobe, Pa.; Butler, Pa.; Allentown, Pa.; Keyster, W. Va.; Suffolk, Va.; and Frederick, Md. The quantities embraced in these negotiations approximate 25 carloads.

6. The Baltimore office is also in communication with approximately 50 other cities by which definite negotiations have not yet been inaugurated.

7. Philadelphia, July 23. No canned goods stored in that zone. Inquiries from municipalities received at Philadelphia are referred to Washington.

8. Columbus, Ohio, July 23. No canned goods have been shipped to municipalities. No negotiations are in progress.

9. Atlanta, Ga., July 23. The following goods have been sold to municipalities:

Three thousand pounds bacon, 706 1-pound cans roast beef, 2,200 2-pound cans roast beef, 2,000 2-pound cans corned-beef hash, 1,600 No. 2 cans corn, 3,000 cans hominy, 2,200 No. 2 cans peas, 3,600 No. 3 cans sweet potatoes, 75,000 No. 2 cans tomatoes, 11,000 No. 3 cans tomatoes.

Negotiations are being conducted with the mayors of Pittsburgh, Pa.; Mobile, Ala.; Florence, S. C.; Greenville, S. C.; Daytona, Fla.; and Gainesville, Ga. No definite quantities have yet been specified for by these cities.

10. Omaha, Nebr., July 23. No canned goods have been sold to municipalities. No bids have been received from municipalities.

11. San Francisco, Calif., July 23. No sales of canned goods have been made to municipalities. No negotiations are reported.

12. New Orleans, July 23. No goods have been shipped to municipalities. None are being negotiated for. Inquiries have been received from Birmingham, Ala., and Houston, Tex.

13. Jeffersonville, Ind., July 23. No negotiations with municipalities have been inaugurated. No canned goods in storage at this depot.

14. Newport News, Va., July 24. The following sale has been made to the city of Newport News: Thirty-two cases corned beef.

15. St. Louis, Mo., July 24. No goods have been sold to municipalities. No negotiations are now being conducted with cities. Several inquiries from cities have been received.

16. New Cumberland, Pa., July 23. No canned goods have been shipped to municipalities. Negotiations for approximately 10 carloads are now being carried on with the cities of Wilkes-Barre, Scranton, Harrisburg, York, Pittsburgh, Johnstown, and Warren, Pa.

17. According to the incomplete report received by the Surplus Property Division from zone supply offices and depots, sales to 6 municipalities have been consummated; negotiations are being carried on with 37 other cities; and inquiries as to the commodities offered, the quantities available, and the prices asked have been received from 52 additional communities. Six of the zone supply offices and depots to which Col. Nixon addressed his telegram of inquiry have not yet responded. Included in this number is the Chicago zone supply office. I am unofficially advised that Chicago has received numerous inquiries from central western cities.

B. A. MATTINGLY,
Acting Chief, Sales Promotion Section.

P. S.—Baltimore reported to-day (Saturday, July 26) by telephone that, in addition to the sales reported in the telegram of July 23, it has consummated sales with the cities of Wilmington, Del.; Pittsburgh, Pa.; and Allentown, Pa., and is now negotiating with 30 or 40 other cities.

The surplus property officer at New York reported to-day that he has begun negotiations with 10 cities, the names of which were not given.

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EXHIBIT E.

Recapitulation of sales and transfer of subsistence by months.

February	$207,330.85
March	91,195.16
April	1,869,602.33
May	1,904,445.76
June	4,568,677.36
July	604,835.40
Grand total	9,246,086.86

This tabulation has been hurriedly prepared and is not complete.

Attention is directed to the fact that the bases of our records are formal reports received through channels after sales are consummated, and that due to the limited personnel and tremendous quantity of such reports covering all items some are not finally entered on our records until two or three weeks after sales are finally completed.

We, of course, get informal reports which show that the total of sales of foodstuffs according to our records of July 19 are $12,618,063 on sales which have been made, of which official report has not been received, amounting to $14,061,650, a total of $26,679,712.

Date.	Buyer.	Commodity.	Quantity.	Unit.	Unit price.	Total.
1919.						
May 12	Marine Corps	Beans, baked	9,000	Tin	$0.0775	$744.00
8	M. S. Yathes	Apples, fresh	30	Box	2.40	72.00
9	Mansbach Kane & Co., New York City	do	948	do	1.35	1,279.80
14	Marine Corps	Bacon, issue, canned	19,800	Pound	.4525	8,959.50
15	do	do	21,600	do	.4525	9,774.00
3	E. N. Dupre Ft. & Prod., Columbia, S. C	Beans, Navy	19,362	do	.04	774.48
14	Marine Corps	Beef, corned, No. 6	1,200	Can	2.75	3,312.00
15	do	Beef, corned, No. 1	4,800	do	.3914	1,878.72
22	Paul E. Mary, New Orleans, La	Bread, hard	245,700	Carton	.00325	1,535.63
22	Pelican Cracker Factory, New Orleans, La	do	442,800		.005	2,214.00
22	do	do	118,232		.0025	295.58
15	National Biscuit Co., New York City	Butter	2,166	Pound	.4830	1,046.18
15	Wisconsin Butter, Egg & Poultry Co., Milwaukee	do	38,958	do	.4830	18,816.71
15	do	do	14,938	do	.4930	7,409.25
15	Swift & Co., Kansas City, Kans	do	27,336	do	.4830	13,203.29
15	Fox River Butter Co., Chicago, Ill	do	2,261	do	.4930	1,459.77
15	Hind & Harrison Plush Co., Clark Mills, N. Y	do	10,432	do	.4947	5,160.71
15	Fairmont Creamery Co., New York City	do	26,460	do	.4947	13,089.76
15	do	do	35,591	do	.4947	18,101.56
15	Oneida County Creamery Co., Utica, N. Y	do	62,336	do	.4947	30,837.62
15	do	do	14,472	do	.4947	7,159.30
15	do	do	25,080	do	.4947	12,407.07
15	Cooper & Sisson, Providence, R. I	do	143,799	do	.4968	71,439.34
15	do	do	148,755	do	.5142	76,489.83
15	do	do	143,799	do	.4968	71,439.34
26	British ministry of food in United States, New York City	do	161,433	do	.52367	84,537.74
28	do	do	121,620.9	do	.53859	65,504.63
26	Depot Quartermaster, Marine Corps, Philadelphia, Pa	Cinnamon	2,000	Tin	.095	190.00
14	Schmidt & Zeigler (Ltd.), New Orleans, La	Corn meal, white	10,000	Pound	.03	300.00
14	Paul E. Mary, Board of Trade Building, New Orleans, La	do	130,000	do	.0235	3,055.00
14	do	do	191,000	do	.026	4,966.00
14	El Paso Grain & Milling Co., El Paso, Tex	do	110,000	do	.032	3,520.00
15	do	Corn meal, yellow	60,000	do	.0341	2,046.00
2	Jacob Thurman, Bethlehem, Pa	Fish, cod, dried	1,840	do	.09	165.60
21	Food Administration Grain Corporation, New York City	Flour, civilian relief	165,816	do	.05411	8,972.64
15	Stagmeier & Co., Chattanooga, Tenn	Flour, cornstarch	37,660	do	.0325	1,223.95
26	National Jobbing Co., Boston, Mass	do	3,000	do	.045	135.00
26	Stein Hall & Co. (Inc.), Boston, Mass	do	96,020	do	.0425	4,080.85
26	do	do	1,403	do	.0425	59.63
26	do	do	1,899	do	.0425	80.70
26	do	do	515	do	.0425	21.88
13	Eastern Grain Co., Bridgewater, Mass	Flour, Cream of Maize	87,000	do	.024	2,088.00
25	Market Warehousing Co	Flour, graham	5,194	do	.025	129.85
25	do	do	4,593	do	.025	114.83
25	do	do	3,430	do	.025	85.75
25	do	do	6,762	do	.025	169.05
25	do	do	631	do	.025	15.78
14	United States Food Administration	Flour, wheat	22,680,000	do	.053	1,202,040.00
14	Marine Corps	do	500,000	do	.053	26,500.00
14	do	do	500,000	do	.053	26,500.00
9	Olipant & Kreh, Vincennes, Ind	Flour, oatmeal	36,000	do	.0275	990.00
11	United States Public Health, Perryville headquarters	do	5,000	do	.045	225.00

Date.	Buyer.	Commodity.	Quantity.	Unit.	Unit price.	Total.
1919.						
May 29	Elinger & Co., Louisville, Ky	Hominy, coarse	170,800	Pound	$0.0305	$5,209.40
16	C. H. Finley Co., El Paso, Tex	Oatmeal	65,000	24-ounce cartons.	.0445	2,892.50
27	do	Pickle cucumber	18,025	Gallon	.15	2,703.75
12	Burlington Vinegar Co., Burlington, Iowa	do	4,575	do	.1666	762.20
22	Robt. Weigand Pickle Co., New Orleans, La	do	9,000	do	.20	1,800.00
21	Alart & McGuire, New York City	do	41,000	do	.1666	6,847.26
22	do	do	9,000	do	.1666	1,664.35
22	Budlong Pickle Co., Chicago, Ill	do	4,500	do	.1666	749.70
22	John Sexton & Co., Chicago, Ill	do	4,500	do	.1666	749.70
22	Squire Dingee Co., Chicago, Ill	do	4,500	do	.1666	749.70
22	Glazer Crandall Co., Chicago, Ill	do	4,500	do	.1666	749.70
22	M. Wolff Sons, Chicago, Ill	do	4,500	do	.1666	749.70
22	Squire Dingee Co., Chicago, Ill	do	36,000	do	.1666	5,997.60
22	Budlong Pickle Co., Chicago, Ill	do	9,000	do	.1666	1,499.40
22	Burlington Vinegar Co., Burlington, Iowa	do	8,088	do	.1666	1,347.46
22	Squire Dingee Co., Chicago, Ill	do	3,975	do	.1666	662.24
21	John Sexton Co., Chicago, Ill	do	9,000	do	.1666	1,459.40
21	Hirsch Pickle Co., Louisville, Ky	do	18,000	do	.1666	2,998.80
22	Harbeaner Co., Toledo, Ohio	do	22,500	do	.1666	3,748.50
22	Stohrers Keystone Pickle Co., Philadelphia, Pa	do	45,000	do	.1666	7,497.00
22	A. Gohl & Co., Chicago, Ill	do	4,500	do	.1666	749.70
22	C. F. Claussen, Chicago, Ill	do	9,000	do	.1666	1,499.40
22	Squire Dingee Co., Desplaines, Ill	do	13,500	do	.1666	2,249.10
23	Alart & McGuire, Williamstown, N. J	do	67,500	do	.1666	11,245.50
22	Marshall Vinegar Co., Marshalltown, Iowa	do	4,256	do	.15625	665.00
15	Urguhart Bros., Boston, Mass	Pickles, sour	2,205	do	.37	815.85
21	Depot Quartermaster, Marine Corps, Charleston, S. C	Sugar	200,000	Pounds	.0879	17,580.00
9	Croswell Co., Atlanta, Ga	Vinegar	6,000	Gallon	.17	2,245.53
June 23	Stewart Borne Co., Dallas, Tex	do	13,209	do	.17	2,245.53
25	Shenandoah Valley Apple Cider & Vinegar Co., Winchester, Va	Vinegar, cider	3,869	do	.25	967.25
25	Maddox Coffee Co., Atlanta, Ga	do	8,829	do	.16524	1,458.95
25	Hiller-Heyd Vinegar Co., New Orleans, La	do	2,302	do	.1825	420.12
26	Russell Jobber's Mills, Oklahoma City, Okla	do	62,000	do	.18	11,160.00
13	Aschner Bros. Manufacturing Co., Dallas, Tex	do	4,290	do	.175	464.55
21	Supply Officer, navy yard, Mare Island	Sugar	310,000	Pound	.0879	27,249.00
2	Depot O. M. M. C. storehouse, Philadelphia	do	500,000	do	.0879	43,950.00
4	Supply officer, navy yard, Mare Island, Calif	do	500,000	do	.0879	43,950.00
13	Provision and clothing officer, Navy, Brooklyn, N. Y	do	441,000	do	.0879	38,763.90
23	United States Sugar Equalization Board	do	7,490,000	do	.0872	660,618.00
10	Boren & Stewart, Dallas, Tex	Sirup	33,600	Can	.445	14,952.00
18	do	do	39,000	do	.46	17,940.00
10	L. A. Mousseau, Baltimore, Md	do	31,000	do	.50	15,500.00
10	McCord-Stewart Co., Atlanta, Ga	do	164,000	do	.555	9,102.00
2	Hitchcock, Hill & Co., Chicago, Ill	Pickles, cucumbers	2,830	Gallon	.17243	488.00
10	L. Lehman's Ford Markets, Newark, N. J	Prunes	1,700,000	Pound	.22125	376,125.00
10	A. O. Anderson Trading Co. (Ltd.), New York City	do	50,000	do	.23	11,500.00
4	United States Public Health Service	Hominy, coarse	2,000	do	.0379	75.80
12	do	Oatmeal	5,550	do	.042	233.10
12	do	do	7,500	do	.1527	1,145.77
12	W. P. Tanner Gross & Co., New York City	do	265,390	do	.0309	8,200.55
25	Albert Mackie Co., New Orleans, La	do	10,000	Carton	.06	600.00
25	do	do	75,000	Can	.085	6,375.00
30	Roach-McLymont Co., Del Rio, Tex	do	360	do	.1225	44.10
12	Alart & McGuire, Williamstown, N. J	Pickles, cucumber	6,016	Gallon	.15625	940.00
12	do	do	1,980	do	.16666	330.00
12	United States Public Health Service	do	4,214	do	.425	1,790.95
25	Stein, Hall & Co. (Inc.), Boston, Mass	Flour, rice	2,400	Pound	.035	84.00
25	do	do	2,100	do	.035	73.50
25	do	do	100	do	.035	3.50
25	do	do	1,600	do	.035	56.00
26	American Grain Products Co., New York City	do	255,890	do	.0326	8,342.01
18	Gross Bros. Produce Exchange, New York City (lot 43)	do	1,200	do	.021	25.20
18	Gross Bros. Produce Exchange, New York City (lot 61)	do	297	do	.021	6.26
18	Gross Bros. Produce Exchange, New York City (lot 64)	do	568	do	.021	11.93
26	Market Warehousing Co., Boston	Flour, rye	33,885	do	.04	1,355.40
12	Devine Grain Co., Cheyenne, Wyo	Flour, substitute corn	4,200	do	.0245	102.90
12	Board of Control of State Institutions, Des Moines, Iowa	Flour, substitute graham	16,000	do	.03	480.00
12	Devine Grain Co., Cheyenne, Wyo	Flour, substitute potato	8,100	do	.0245	198.45
11	Modern Flour Mills, Macon, Ga	Flour, issue No. 9	500,000	do	.0525	26,250.00
11	McCord Stewart Co., Atlanta, Ga	Flour, issue	1,000,000	do	.0475	47,500.00
18	Habig Bros., Indianapolis	Flour, oatmeal	46,400	do	.02	928.00
26	Market Warehousing Co., Boston	do	41,520	do	.025	1,038.00
18	Atlanta Trading Co., Atlanta	do	118,000	do	.02	2,360.00
18	American Grain Products Co., New York City	do	192,400	do	.0250	4,906.20
18	do	do	45,000	do	.0255	1,147.50
18	do	do	43,200	do	.0255	1,101.60
18	do	do	10,400	do	.0255	265.20
18	do	do	30,000	do	.0255	765.00
18	do	do	34,800	do	.0255	887.40
17	Adler Export Co., New Orleans, La	Flour, corn, lot 31	18,500	do	.023	425.50
26	Jacob Thurman, Boston, Mass	Flour, corn, white	43,700	do	.02625	1,147.13
26	do	do	2,437	do	.02625	63.97
26	do	do	3,800	do	.02625	99.75
9	W. L. Fain Grain Co, Atlanta, Ga	Flour, cornstarch	280	do	.02	5.60
9	do	do	1,120	do	.02	22.40
9	do	do	3,142	do	.02	62.84
12	United States Public Health Service	do	5,000	do	.0403	201.50
12	Printing, Treasury Department, Washington, D. C	do	50,000	do	.054	2,700.00
5	W. L. Fain Grain Co., Atlanta, Ga		6,797	do	.02	135.94
11	Modern Flour Mills, Macon, Ga	Flour, issue lot No. 6	70,000	do	.0525	3,675.00
11	do	Flour, issue lot No. 8	350,000	do	.052	18,200.00
11	do	Flour, issue lot No. 3	500,000	do	.052	26,000.00
11	McCord-Stewart Co., Atlanta, Ga	do	300,000	do	.0475	14,250.00
4	United States Food Administration Grain Corporation, New York City	do	3,941,400	do	.055003	216,790.76
11	Virginia Normal and Industrial Institute, Petersburg, Va	do	30,000	do	.0475	1,425.00
25	United States Food Administration Grain Corporation, New York City	do	2,151,700	do	.056	120,495.20
25	do	do	11,299,780	do	.056	632,787.68
25	do	do	5,686,645	do	.056	318,452.12
11	R. L. Freidler, Produce Exchange, New York City	Corn meal, white	430,500	do	.0216	9,298.80
21	Will J. Van Meter, Parsons, Kans	do	50,000	do	.0237	1,185.00
11	W. P. Turner, Gross & Co. (Inc.), New York City	Corn meal, yellow	155,878	do	.0309	4,816.63
11	do	do	122,800	do	.02	2,456.00
11	do	do	1,921,322	do	.0273	52,452.09
21	Will J. Van Meter, Parsons, Kans	do	40,000	do	.021	840.00
18	Ace. Jones Co., Louisville, Ky	Corn meal, lot No. 14	30,000	do	.0249	747.00
18	do	Corn meal, lots Nos. 20-21	10,370	do	.0244	253.03
18	do	Corn meal, lot No. 25	29,900	do	.0246	735.54

Date.	Buyer.	Commodity.	Quantity.	Unit.	Unit price.	Total.
1919.						
June 17	Adler Export Co., New Orleans, La	Corn meal, lot No. 30	19,100	Pound	$0.023	$439.30
18	Acme Jones Co., Louisville, Ky	Corn meal, lots Nos. 49, 50, 51	52,600	do	.02585	1,359.71
18	Atlanta Trading Co., Atlanta, Ga	Flour, barley	6,700	do	.02	134.00
26	Lubskin Bros., New York City	do	85,000	do	.0256	2,176.00
18	Atlanta Trading Co., Atlanta, Ga	Flour	25,000	do	.021	525.00
18	do	do	28,500	do	.02	570.00
18	do	do	36,960	do	.02	739.20
18	do	do	28,734	do	.021	603.41
18	do	do	58,200	do	.02	1,164.00
18	do	do	235	do	.0175	4.11
18	do	do	2,693	do	.02	105.14
12	W. S. Duncan, Atlanta, Ga	do	73,600	do	.026	1,913.60
18	Morrow & Co., Produce Exchange, New York City	do	133,200	do	.02	2,664.00
4	British Ministry of Food in United States, New York City	Butter	299,523	do	.54989	164,707.37
23	M. Auginblick & Bros. (Inc.), Newark, N. J	Butter, in tins	500,000	do	.44875	673,125.00
5	Swift & Co., El Paso, Tex	Cheese, half skimmed	5,500	do	.136	748.00
21	Portland Market, Portland, Oreg	Cherries, canned	1,757	Cans	.25	439.25
12	United States Public Health Service, Perryville, Md	Corn, sweet, No. 2	5,000	do	.1475	737.50
12	R. L. Friedler Produce Exchange, New York City	Corn meal	74,460	Pounds	.0203	1,51..54
13	W. L. Fain Grain Co., Atlanta, Ga	do	500	do	.02	10.00
13	do	do	1,875	do	.02	37.50
18	Atlanta Trading Co., Atlanta, Ga	do	19,000	do	.0225	427.50
18	do	do	23,756	do	.021	498.88
18	do	do	32,403	do	.021	680.46
18	do	do	20,172	do	.021	423.61
18	do	do	16,725	do	.02	334.50
18	do	do	19,008	do	.01898	361.04
18	do	do	6,400	do	.0175	112.00
11	Louis Leavitt, Brooklyn, N. Y	Bacon, issue, canned	2,493,836	do	.28625	713,860.56
30	Thos. Roberts Co., Philadelphia, Pa	Beans, pink	60,800	do	.0501	3,046.08
30	do	Beans, red	85,000	do	.0401	3,408.50
30	Habig Bros., Indianapolis	Beans, white	20,000	Cans	.065	1,300.00
30	Gibbs Preserving Co., Baltimore, Md	do	168,500	do	.085	9,272.25
30	Southgate Co	do	1,004,453	do	.0577	57,956.94
30	do	do	1,715,440	do	.0542	92,976.85
30	Thos. Roberts, Philadelphia, Pa	do	61,600	do	.0601	3,702.16
30	National Wholesale Grocery Co., Fall River, Mass	do	40,000	do	.06	2,400.00
July 16	Kurtz Wilson, Baltimore, Md	Bacon, issue, canned	166,666.66	do	3.60	600,000.00
1	E. W. Kirkland, San Antonio, Tex	Oatmeal	75,000	do	.064472	4,835.40
Feb. 15	Baldwin (Inc.), Bethlehem, Pa	Beans, baked, pork	40	Dozen cans	1.45	58.00
15	do	Peas, No. 1	40	do	1.30	52.00
15	do	Catsup, Reiters brand	24	Dozen bottles	1.45	34.80
12	Willick & Co., New York City	Rice	510,802	Pounds	.0575	29,371.12
12	do	do	2,360,980	do	.0575	135,756.34
12	do	do	686,663	do	.0481	33,028.49
15	Baldwin (Inc.), Bethlehem, Pa	Fish	1	Keg	8.00	8.00
21	Acme Vinegar Co., Fort Worth, Tex	Vinegar, distilled, colored, 100-gr.	9,600	Gallons	.15	1,440.00
21	Wallave Vinegar Co., Savannah, Ga	do	16,920	do	.15	2,538.00
15	Baldwin (Inc.), Bethlehem, Pa	Jelly, assorted flavors	24	Dozen jars	1.25	30.00
15	do	Milk, con., Marvel brand	3	Cases	5.50	16.50
15	do	Mustard, pre., 8-ounce bottle	6	Dozen bottles	.95	5.70
15	do	Prunes, No. 1	20	Dozen cans	.90	18.00
15	do	Salmon	4	do	2.00	8.00
15	do	Salt backs	305	Pound cans	.24	73.20
3	New York American Emas Fund	Soup, vegetable	11,500	do	.085	977.50
6	E. S. Shelby Co., Savannah, Ga	Vinegar	22,380	Gallons	.175	3,916.00
Mar. 24	Walker Bros., Boston, Mass	Vinegar, cider, 40 gr	4,110	Gallon	.16	657.60
24	Ascher Bros., Dallas, Tex	do	4,770	do	.21	1,001.70
24	Wallace McLean Vinegar Co., Memphis, Tenn	do	25,500	do	.16	4,080.00
22	Wayne Co. Products Co., N. Y. (Newark)	do	62,426	do	.155	9,676.03
24	E. S. Shelby Vinegar Co., Savannah, Ga	do	24,297	do	.175	4,236.23
14	Wallace Vinegar Co., Savannah, Ga	Vinegar, cider, 95 gr	9,000	do	.15	1,350.00
14	Maddox Coffee Co., Atlanta, Ga	do	6,000	do	.16	960.00
19	A. Schapp & Son, New York City	Sardines	85,296	do	.1225	10,448.76
29	do	Turkey	36,000	Pound	.3025	10,890.00
8	Interstate Fruit Product Co., Baltimore, Md	Vinegar	4,500	Gallon	.17	765.00
12	A. Schapp & Sons, New York City	Jam	5,490	Pound	.05	274.50
10	United States Marine Corps	Milk, evaporated, Borden's	48,000	Can	.1218	5,850.00
25	Mathieson Alkali Works Store, Saltville, Va	Oats	625	Bushel	.72	45.00
26	Austin, Nicholas & Co. (Inc.), Brooklyn, N. Y	Peaches, evaporated	1,100	Case	[1] .161	8,855.00
15	Depot quartermaster, Marine Corps, storehouse, Philadelphia, Pa	Pepper, black, 4-ounce tins	9,600	Tin	.0874	839.04
12	A. Schapp & Sons, New York City	Pepper, white	824	Pound	.21	173.04
29	Maryland Poultry Co., Hagerstown	Flour, oatmeal	2,500	do	.03	75.00
29	Mountain City Mills Co., Chattanooga	Four, rice	7,600	do	.0175	133.00
29	do	do	55,100	do	.0175	964.25
17	Aschner Bros. Manufacturing Co., Dallas, Tex	Vinegar, distilled, colored, 100 gr.	5,000	Gallon	.19	950.00
26	Lubetkin Bros., New York City	Flour, issue	500,000	Pound	.044	22,000.00
29	Mountain City Mills Co., Chattanooga, Tenn	Flour, corn	26,400	do	.0175	462.00
12	A. Schapp & Sons, New York City	Capers	1,967	do	.105	206.54
12	do	Chicken, canned	448	Can	.175	78.40
12	do	Citron	3,383	Pound	.225	761.18
12	Lubon & Sitomer, New York City	Coconut	5,500	do	.1025	358.75
12	A. A. Brager & Co., Baltimore	Coffee, roasted and ground	12,000	do	.12	1,440.00
12	A. Schapp & Sons, New York City	Curry powder	1,200	Bottle	.0575	69.00
29	Mountain City Mills Co., Chattanooga, Tenn	Corn meal	40,600	Pound	.0175	710.50
15	Marine Corps	Beans, baked	2,400	Tin	.1875	450.00
26	Austin Nichlos Co., Brooklyn	Apricots, evaporated	1,136	Case	[1] .2125	12,212.00
12	A. Schapp & Son, New York City	Barley, pearl	13,996	do	.02	279.92
12	Lubin & Sitomer, New York City	Bay leaves	1,802	do	.0675	121.64
12	Thos. Roberts Co., New York City	Beans, lima	21,600	do	.08	1,728.00
12	Lubin & Sitomer, New York City	Peas, dried	1,354½	do	.06875	93.12
Apr. 21	Jas. Hamilton, Philadelphia, Pa	Apricots, dried	1,081	do	.15	163.15
14	Marine Corps	Beans, stringless	12,000	Can	.13333	1,600.00
28	do	do	24,000	do	.13333	3,200.00
16	United States Navy	Rice	1,619,210	Pound	.0875	133,584.83
12	Marine Corps	Beef, corned, No. 2	24	Can	.7385	17.72
11	do	Beef, corned, 1-pound	24,000	do	.4825	11,580.00
24	Swift Co., Philadelphia, Pa	Beef, corned, Libby's	22½	Case	24.00	523.00
12	American Red Cross, Washington, D. C	Peas, canned, No. 2	24,000	Can	.104166	2,500.00
12	do	Corn, canned, No. 2	24,000	do	.10	2,400.00
16	Gambrill Grain Produce Co., Baltimore, Md	Flour, barley	10,000	Pound	.0205	205.00
23	Food Administration Grain Corporation, New York City	Flour, civilian relief	13,336,999	do	.054193	721,148.41
16	Gambrill Grain Produce Co., Baltimore	Flour, graham	100	do	.0205	2.05
9	Treasury Department, Bureau of Engraving and Printing, Washington, D. C	Flour, cornstarch	56,700	do	.035	1,984.50
29	C. W. Zaring & Co., Jacksonville, Fla	do	16,670	do	.04	665.80

[1] Per pound.

Date.	Buyer.	Commodity.	Quantity.	Unit.	Unit price.	Total.
1919.						
Apr. 18	United States Marine Corps, Charleston, S. C	Flour, issue lot No. 6	500,000	Pound	$0.05681	$28,405.00
30	United States Food Administration, Grain Corporation New York City	do	17,150,606	do	.0511608	877,439.02
16	Gambrill Grain Flour, Victory Produce Co., Baltimore	Flour, Victory	100	do	.0205	2.05
16	Gambrill Grain Co., Baltimore	Flour, potato	1,680	do	.0205	34.44
16	Gamble Grain Products, Baltimore	Flour, rice	28,200	do	.0205	578.10
12	United States Marine Corps	Lard	1,377	do	.285	392.45
7	Hong. Bros. & Rice, Seattle, Wash	Onions, fresh	29,093	do	.025	727.32
10	A. Schaap & Sons, New York City	Peaches, No. 10, pie fruit	14,178	Can	.275	3,898.95
26	do	Prunes, dried, 40-50's	118,890	Pound	.14125	16,793.21
26	do	Prunes, dried, 50-60's	74,470	do	.115	8,564.05
17	Marine Corps, Charleston, S. C	Salt	60,000	do	.00655	393.00
24	Irwin Bros., Chicago, Ill	Turkey	500	do	.405	202.50
12	American Red Cross, Washington, D. C	Tomatoes	48,000	Can	.095833	4,600.00
28	Officer in charge naval station, Hampton Roads, Va	Vinegar	20,000	Gallon	.305	6,100.00
28	United States Navy provision and clothing depot, Brooklyn, N. Y	do	40,000	do	.305	12,200.00
18	Duffy Mott Co	Cider vinegar	167,665½	do	.15	25,149.98
4	Holbrok Grocery Co., Keene, N. H	Vinegar, cider, 40 gr	13,770	do	.19	2,616.30
3	Empire Bottling Works, Newark, N. J	do	4,800	do	.19	912.00
17	Maddox Coffee Co., Atlanta, Ga	Vinegar, distilled, 95 gr	6,000	do	.17	1,020.00

TAX ON PURE FRUIT-JUICE BEVERAGES.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House bill 7840, a bill to reduce the tax upon fruit juices.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into Committee of the Whole House for the consideration of House bill 7840.

Mr. KITCHIN. Pending that, how about the time?

The SPEAKER. The Clerk will report it.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7840) providing for a tax on pure fruit-juice beverages.

Mr. FORDNEY. We take up this bill, Mr. Speaker, with the understanding between the gentleman from North Carolina [Mr. KITCHIN] and this side of the House that at the conclusion of the consideration of this bill we shall adjourn for the day.

Mr. KITCHIN. In other words, this is the last bill that will be taken up to-day?

Mr. FORDNEY. Yes.

Mr. CANNON. Does the gentleman anticipate that we will pass this bill to-day?

Mr. FORDNEY. Yes. It is a small bill.

Mr. CANNON. Yes; but sometimes a small baby has trouble in teething. [Laughter.]

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7840. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7840, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7840, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That there shall be levied, collected, and paid upon all nonalcoholic fruit-juice beverages, whether carbonated or not, whether consisting of pure fruit juice or of pure fruit juice to which sugar or water or both have been added, when sold by the manufacturer, producer, or importer, in bottles or other closed containers, a tax of 2 cents per gallon, and such beverages shall not be deemed soft drinks. All provisions of any act or acts inconsistent with the provisions of this act, or imposing any other or different tax on the articles taxed herein, are hereby repealed.

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Oregon [Mr. HAWLEY].

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

Mr. HAWLEY. The bill proposes a modification of existing revenue laws in so far as they affect nonalcoholic pure fruit-juice beverages, which so far as they were presented at the hearing include loganberry juice, grape juice, and apple juice. These are food products made from fruits grown on the farm by expressing the juice and putting it into closed containers in an unfermented state.

The manufacturers of these products showed that the present rate of tax is so great as to consume all the profit and threaten the extinction of the industry. The relief afforded by this bill will enable them to continue in business, preserve for domestic uses as excellent articles of food vast quantities of fruit that otherwise would be lost to consumption.

It is believed that this tax of 2 cents per gallon in addition to the income and profits taxes to be paid by the manufacturers will produce on the whole a larger amount of revenue than would be obtained by continuing the present rates and impairing or destroying the industry. The growers of fruit from thousands of acres of loganberry and grape vineyards and apple orchards will be afforded a steady and profitable market.

No other article in the nature of a sirup is taxed under the law.

The loganberry grows well on the Pacific coast of the United States. It does not thrive under climatic conditions of extreme heat or extreme cold. It is a cross between the western wild blackberry and the red raspberry, and because of its large juice content does not stand shipment, especially for long distances.

It must be used within a short time after picking. It is made into jams and jellies, or dried, but can not be canned because of the extreme acidity of the fruit. The principal method of preserving the product is in the form of juice, which is pressed out and bottled in an unfermented state. This is the backbone of the industry. Some years ago, when the berries were first grown, after a short term of experimentation, many growers dug up their vines because of insufficient means of marketing the product, but with the establishment of the juice business thousands of acres have been replanted and the acreage is continually growing.

Under the present revenue law the tax is levied upon the gross sales, which include the items shown in the table below.

The evidence before the committee showed that with the present tax imposed, the industry would be eliminated or seriously damaged, and that it could not survive.

SUMMARY OF LOSS IN SALES FOR FOUR MONTHS SINCE 10 PER CENT REVENUE TAX ON GROSS SELLING PRICE WENT INTO EFFECT.

This is the showing of the Pheasant Northwest Products Co., of Salem, Oreg., and Olympia, Wash. The sales in question are approximately two-thirds loganberry juice and one-third unfermented apple juice.

	1918	1919
March	$82,407.07	$32,237.97
April	163,130.21	39,515.89
May	145,109.54	60,650.00
June	182,772.22	90,250.00
Total	573,419.04	222,653.86
Loss		350,755.18
Tax payable		22,265.39

In the first few years they made no profit, but operated at a loss while establishing the business, building their plant, organizing their selling agencies, and advertising their products; 1918 was the first year they made any noticeable profit, which amounted to less than $70,000. The gross sales were approximately $1,387,000. Ten per cent tax on gross sales would produce a tax of $138,700, and had the tax been collected during 1918 it would have taken all their profits of $70,000 and $68,700 more to pay this tax. No business can exist on that basis.

The total sales for the months March, April, May, and June of 1918 were $573,419.04. The tax took effect March 1, 1919, and during the four months following the taking effect of the tax—March, April, May, and June, 1919—the sales decreased to $222,653.86, a decrease of $350,755.18 in the four months in gross sales, due to the imposition of the tax.

We believe that the condition of these industries necessitates the passing of this bill; and, as stated above, that by permitting the industries to continue the Government will receive, on the whole, more revenue from the 2 cents per gallon tax and the income and profits taxes than under existing law.

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

Mr. HAWLEY. Yes.

Mr. MOORE of Pennsylvania. Let us have that clear, because a number of questions are being asked about it. This new tax of 2 cents a gallon does not apply to such compounds as Coca-Cola or any mineral water or any soft drinks chemically prepared, but applies only to fruit juices. Is that correct?

Mr. HAWLEY. I took the matter up with the Treasury Department, and they agree with the gentleman's construction, that it is confined to pure fruit juices.

Mr. MOORE of Pennsylvania. That is, the product of the farm exclusively, without any compound whatever?

Mr. HAWLEY. Yes; except that they may be carbonated and a little sugar may be put with it.

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

Mr. HAWLEY. Yes.

Mr. MADDEN. But on the carbonated waters and other commodities of that sort, and ginger ale and all that, there is a tax of 10 or 15 per cent?

Mr. HAWLEY. Yes; on synthetic beverages.

Mr. MADDEN. That, of course, permits this commodity to go for a less tax than water, does it not?

Mr. HAWLEY. No.

Mr. MADDEN. Two cents a gallon is less than 15 per cent.

Mr. HAWLEY. On synthetic beverages the tax is as in section 628, but this proposes that on pure fruit beverages the tax shall be 2 cents a gallon.

Mr. MADDEN. That is less than 15 per cent, is it not?

Mr. HAWLEY. That I could not say offhand.

Mr. MADDEN. They are taxing water at 15 per cent.

Mr. MOORE of Pennsylvania. This is simply to separate the fruit juices from the other compounds that go into what are denominated soft drinks. Is that correct?

Mr. HAWLEY. Yes.

Mr. MOORE of Pennsylvania. That is all the gentleman seems to want to do.

Mr. HAWLEY. Yes.

Mr. MOORE of Pennsylvania. It does not pertain to products like Coca-Cola. It does not pertain to mineral waters. It does not pertain to any soft drinks except those which come exclusively from the berry, the grape, or the fruit.

Mr. HAWLEY. That is correct, and no other sirups are taxed.

Mr. GREEN of Iowa. Will the gentleman from Oregon yield?

Mr. HAWLEY. Certainly.

Mr. GREEN of Iowa. Was it not shown by the testimony before the committee that if this tax was continued those engaged in the loganberry and grape juice business would be forced to go out of business and the Government would get no revenue whatever?

Mr. HAWLEY. Yes; and if the business is allowed to continue under the 2-cents-a-gallon tax, that, together with the income taxes that they will pay the Government, will earn more revenue in the long run than if the present tax is continued, to the injury of the industry.

Mr. GREEN of Iowa. More revenue than it gets now.

Mr. HAWLEY. Yes; on the whole.

Mr. BLACK. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. BLACK. The gentleman is a member of the Ways and Means Committee. Does he not know that practically every interest that has been taxed has come before that committee and claimed that if the tax remained it would be driven out of business?

Mr. HAWLEY. Will the gentleman allow me to give just one practical illustration? One corporation that sold $1,387,000 worth would have to pay $138,000 under the 10 per cent tax. That corporation made about $70,000. If they had been taxed 10 per cent it would have taken all their profit and $68,000 beside. They are in a worse condition this year, because in the four months of March, April, May, and June of this year their sales decreased from $573,000 in the corresponding months of 1918 to $222,000. Their sales have fallen off $350,000 in four months on account of the imposition of the tax. If the tax is continued they must go out of business, and that is true of the whole industry.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I hope the gentleman may have further time. I ask unanimous consent that the gentleman have time to conclude his remarks.

Mr. MOORE of Pennsylvania. Was any agreement made as to the time?

The CHAIRMAN. No agreement has been made as to the time. We are proceeding now under the five-minute rule.

Mr. CLARK of Missouri. How are we proceeding under the five-minute rule? Is not this general debate, Mr. Chairman?

Mr. CANNON. On second thought, I guess this is general debate.

The CHAIRMAN. The Chair is informed that the reading of the bill was the first reading. The gentleman is recognized for one hour.

Mr. MOORE of Pennsylvania. Mr. Chairman, I yield five additional minutes to the gentleman from Oregon.

Mr. CLARK of Missouri. How did the gentleman from Pennsylvania [Mr. MOORE] get control of the hour?

Mr. MOORE of Pennsylvania. As the representative of the committee, I assume.

Mr. CLARK of Missouri. Did the gentleman take the floor?

Mr. MOORE of Pennsylvania. I take the floor now. I addressed the Chair, and the Chair recognized me and said I had an hour.

Mr. CANNON. But the gentleman from Oregon has talked for five minutes already.

Mr. MOORE of Pennsylvania. I will say to the gentleman from Missouri that it is hoped that the debate will not continue very long.

The CHAIRMAN. The Chair recognized the gentleman from Michigan [Mr. FORDNEY]. The gentleman from Michigan yielded five minutes to the gentleman from Oregon. The Chair assumes that the gentleman from Pennsylvania has been requested by the gentleman from Michigan [Mr. FORDNEY] to assign the time, and the Chair recognizes him to yield the time.

Mr. MOORE of Pennsylvania. I yield five minutes to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. I am ready to answer any questions that may be asked. If there are no questions, I will proceed with my statement.

Mr. JOHNSON of Washington. While the gentleman from Oregon [Mr. HAWLEY] has mentioned three fruit juices, I think it might be made clear to the House that this would be a tax on all fruit juices when sold. Juices made at home and not sold would come under no tax whatever. The industry which the gentleman from Oregon [Mr. HAWLEY] has spoken of, the loganberry industry, was growing by leaps and bounds, not only in Oregon but in the State of Washington, but as shown in the report here the business began to fail because of inability to pay the 10 per cent tax.

Mr. MOORE of Pennsylvania. Will the gentleman from Oregon yield for a suggestion?

Mr. HAWLEY. Yes.

Mr. MOORE of Pennsylvania. The gentleman from Illinois [Mr. CANNON] is very much interested in this bill, and I think if the gentleman would explain the effect of section 628 upon this industry, it would probably meet the expectations of the gentleman from Illinois.

Mr. HAWLEY. I started out with the intention of doing that, but was interrupted by questions on other lines.

Mr. GREEN of Iowa. Will the gentleman yield before he proceeds?

Mr. HAWLEY. Yes.

Mr. GREEN of Iowa. Is it not correct that as this section is now drawn it imposes a very high tax, in some instances more than 100 per cent, upon the original amount of loganberry juice or grape juice which may be in the bottle, by reason of the tax imposed upon the bottle and the case, so that it makes an extremely high rate?

Mr. HAWLEY. Yes. If the gentleman will allow me to proceed for a minute, while I make an explanation, I will be glad to answer his question. The situation is this: A tax was imposed upon this commodity, which is put up in glass containers. In order to get the bottles West they have to be shipped from the East, and the freight paid on them, and a war tax paid on the freight. Then the juice is bottled and the bottles crated. On the value of these as well as on wages paid for labor employed, on the overhead, the insurance, the freight East, the advertising, and all the machinery of doing business, which amounts to nearly three-fourths of the selling price, they are to pay the 10 per cent tax, as well as on the juice, which is what they have to sell and constitutes only about one-fourth of the selling price. This table shows the items upon which they are to pay the tax:

	2½ gallons; 3 dozen, 8 ounces.	2½ gallons; 2 dozen, 12 ounces.	2½ gallons; 1 dozen, 24 ounces.	4½ gallons; 9 only, 64 ounces.
Bottles	$0.95	$0.80	$0.74	$0.74
Cases	.15	.15	.15	.18
Crowns	.115	.077	.038	.036
Labels	.014	.01	.005	.004
Wrappers		.062	.031	
Excelsior pads				.103

	2½ gallons; 3 dozen, 8 ounces.	2½ gallons; 2 dozen, 12 ounces.	2½ gallons; 1 dozen, 24 ounces.	4½ gallons; 9 only, 64 ounces.
Labor	$0.14	$0.14	$0.14	$0.14
Overhead supplies	.04	.04	.04	.04
Breakage allowance, 2 per cent	.028	.026	.021	.025
Juice cost	1.96	1.96	1.96	3.80
War tax, 1 cent per gallon	.02½	.02½	.02½	.045
Cost f. o. b. platform	4.42	3.288	3.048	5.113
Freight:				
Transcontinental, 90½ cents	.396	.362	.362	.634
War tax, 3 per cent	.012	.11	.011	.019
From warehouse to jobbers, including war tax, 35 cents	.154	.14	.14	.245
Warehouse charges, 5 cents	.05	.05	.05	.05
Selling and advertising, 15 per cent	1.24	1.20	1.125	1.837
Brokerage, 5 per cent	.35	.34	.32	.511
Administrative, 5 per cent	.413	.40	.375	.613
Total costs	6.045	5.791	5.43	9.022
Selling price (list, less discounts)	6.88	6.66	6.24	10.205

This table was prepared some months ago, before the close of their fiscal year, and it was ascertained afterwards that the costs were materially higher. From this table it will be seen that the total cost of the product delivered by the manufacturers, for 3 dozen 8-ounce bottles, is $6.045, which are sold to the trade for $6.88, leaving an apparent profit of $0.835. But had the selling price of $6.88 been taxed at 10 per cent, producing a tax of $0.688, this taken from the $0.835 would have left an apparent selling profit of $0.147 for 3 dozen 8-ounce bottles. But, as stated above, the costs ascertained at the close of the fiscal year show that with the tax added the product would have been sold at a loss. No business can continue on that basis. Of this selling price of $6.88, the juice, which is the article the manufacturers are in the business of selling, costs $1.96, or about one-fourth of the whole selling price. It will be noted in the table above that there are 15 items other than the juice upon which the 10 per cent tax is to be paid. These items include bottles, freight charges, to which a war tax is added, warehousing, and other administrative items, so that nearly three-fourths of the tax is on items other than the product they have to sell. The present tax is 29 cents a gallon, and the business can not bear it and prosper. There are thousands of acres planted to loganberries. If this tax is permitted to take the backbone out of the juice business, the result will be the abandonment of a very great proportion of this acreage.

The time of Mr. HAWLEY having expired, he was given five minutes more.

Mr. BANKHEAD. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. BANKHEAD. Does this only affect the loganberry-juice industry?

Mr. HAWLEY. All pure fruit beverages.

Mr. BANKHEAD. What consistency is there as a matter of principle in taking this tax off the products of loganberry and grape juice and leaving an apparent discrimination against other soft drinks?

Mr. HAWLEY. As the distinguished gentleman from North Carolina [Mr. KITCHIN] suggested, sirups are not taxed, and these are in the nature of sirups, and ought not to be taxed following that principle.

Mr. BLACK. Will the gentleman permit a question?

Mr. HAWLEY. Certainly.

Mr. BLACK. The language of the bill reads that there shall be levied, collected, and paid upon all nonalcoholic fruit beverages, whether carbonated or not. Now, some of the carbonated bottling journals of the East advertise a preparation to make a loganberry carbonated beverage. It is advertised in the National Bottlers' Gazette, in the Southern Carbonator and Bottler, at Atlanta, and, I presume, several others. By the language of this bill you will have this situation: When your soda-water bottler makes a carbonated beverage which he calls loganberry drink, because it is made partly of loganberry juice, you will have him paying 2 cents a gallon on that, and on the rest of his carbonated drinks, like lemon soda pop, ginger ale, you will have him paying 10 per cent on the gross sale. I think the bill would be much better if it struck out the carbonate provision, because you are going to make a clear discrimination in favor of grape flavors and loganberry flavors when you pass a bill of this sort.

Mr. HAWLEY. Under the present bill pure juice pays 2 cents a gallon tax. That is all the industry can stand, and if they are taxed more they are going out of business. I stated a moment ago that a concern can not pay $138,000 tax on $70,000 profit. If this bill is passed, we will save to the farmer an opportunity to sell a great quantity of products otherwise unsalable and provide the people of the country with an agreeable, healthful commodity.

Mr. BANKHEAD. Does the gentleman know how much alcohol there is in loganberry juice?

Mr. HAWLEY. None at all; it is supposed to be nonalcoholic.

Mr. CANNON. Mr. Chairman, I must confess that I am not a revenue expert and I do not know just what this bill means. Speaking without full knowledge in the premises, I would like to ask a question or two. Section 628 reads as follows:

That there shall be levied, collected, and paid in lieu of taxes imposed by sections 313 and 315 of the revenue act of 1907 upon all beverages derived wholly or in part of materials or substitutes therefor and containing less than one-half of 1 per cent of alcohol sold by the manufacturer, producer, or importer in bottles or other closed containers a tax equal to 15 per cent of the price for which so sold—

Now, it is not proposed to repeal that, is it? Fifteen per cent tax of the price sold is a pretty comfortable tax I take it for the production of revenue.

Now, what is the next? I call attention again, "wholly or in part from materials or substitutes therefor." A very large part of these I take it are manufactured.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. GREEN of Iowa. The gentleman asked a moment ago whether section 628 was repealed and correctly answered in a general way that it is not. At the same time this bill would have the effect to repeal such portion of section 628 as provides a pure fruit juice and grape juice.

Mr. CANNON. Yes; as it is now. But reading further—

and upon all unfermented grape juice, ginger ale, root beer, sarsaparilla, pops, artificial mineral waters, carbonated or not carbonated, other carbonated waters or beverages, and other soft drinks sold by the manufacturer, producer, or importer in bottles or other closed containers a tax equivalent to 10 per cent.

As I understand, this bill just strikes out unfermented grape juice and loganberry juice.

Mr. REED of New York. And blackberry juice.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes. First let me read the bill:

That there shall be levied, collected, and paid upon all nonalcoholic fruit-juice beverages whether carbonated or not, whether consisting of pure fruit juice or of pure fruit juice to which sugar and water or both have been added—

And sugar and water will ferment—

when sold—

By whom?

by the manufacturer, producer, or importer in bottles or other closed containers a tax of 2 cents per gallon, and such beverages shall not be deemed soft drinks.

This singles out the manufacturer, and I would spell that word in large letters of living light, because it is not the grower of the grape or the loganberry, so far as I know, who has been asking day and night for this legislation.

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

Mr. CANNON. Yes.

Mr. HAWLEY. In answer to that suggestion it was testified before the committee that before the loganberry-juice industry started in the West the grower of the berry dug up his vineyard, and it was also testified before the committee by many producers of grapes that they had not made any profit out of their vineyards and were going to dig them up unless the grape-juice business succeeded.

Mr. CANNON. Let me ask the gentleman a question. Would he consent to strike out the words "manufacturer" and "or importer"? That would leave the word "producer" in the bill. Now, this tax is reduced from what? From 15 per cent or 10 per cent as now levied upon value. If you strike out those words, then the individual who owns the vineyard would know that it is 2 cents a gallon he has to pay and the loganberry man would have to pay only 2 cents a gallon. But I believe that this great industry of producing and putting upon the market by the manufacturer, if you choose, and the importer, if you choose, of these products that are found everywhere, that are sold everywhere, will find itself in the position where the manufacturer and the importer will be relieved of 10 per cent of the burden that they now bear and pay only 2 cents a gallon.

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

Mr. CANNON. Yes.

Mr. HAWLEY. If we strike out the word "manufacturer," which would include the corporation that assembled the capital and built a very extensive plant necessary to produce the juice, then that manufacturer or corporation would have to close the plant, and the man who raises the berry—and this is the back-

bone of the market for the fruit—would have no place to sell the berry, and it would affect him just as much as the manufacturer.

Mr. CANNON. Where are these manufacturers located? Who knows? I guess in New York, I guess in the West. I should not wonder if some of them are not in Cincinnati, or in Chicago, and I dare say that they have large amounts of capital invested in the business.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. JOHNSON of Washington. The situation is stated in the report as applying to these three marketable juices. They have built up a great trade, and there is a 10 per cent tax upon them, and they find themselves in the position where they are declining to the point where the Government will not get any revenues from them if it continues to charge 10 per cent, or will not get nearly so much as if they let the industry go on and charge only 2 cents per gallon, as the figures will show. In our country, where the loganberry is grown, the 10 per cent tax reaches the whole industry, and it can not pay that 10 per cent tax, but it can pay the tax of 2 cents.

Mr. CANNON. I know that when you take up the great newspapers or the magazines and look at the advertising sections you will find the most expensive advertising in the magazines to be for grape juice, and yet you say it is going to hurt the poor manufacturer.

Mr. JOHNSON of Washington. Yes; and that matter of advertising is just a matter of putting the juice upon the market. The loganberry was unknown until a few years ago.

Mr. CANNON. Well, strike out the grape juice and leave in loganberries—and God knows that I do not know what a loganberry is—and if it wants to run and glorify then strike out the grape juice. I never was much for grape-juice politics anyway.

Mr. JOHNSON of Washington. If the gentleman would permit, I would like to send him a case of loganberry juice.

Mr. CANNON. I think there is a concealed individual in this; I am inclined to think so.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. GREEN of Iowa. I will say that the committee did not understand, or at least I did not understand, when we passed section 628, that we were putting any tax on loganberry juice at all, but the Treasury Department thought in some way that the tax was imposed. I think that all this money that has been collected from the loganberry people will be recovered back, but, of course, there will be a tax imposed upon grape juice. The grape growers, however, depend upon the grape-juice factory for a market; they will get just whatever the factory will pay them, less the amount of this tax, and it brings it down to such an amount where, according to the testimony, they could not carry on their business.

Mr. CANNON. Who could not?

Mr. GREEN of Iowa. The grape growers, the farmers.

Mr. CANNON. Did any grape-growing farmer appear before the committee?

Mr. GREEN of Iowa. Yes; the representative of the Grape Growers' Assocation of New York appeared before us.

Mr. CANNON. Oh, of New York. What is the name of that?

Mr. GREEN of Iowa. The name of what?

Mr. CANNON. Of the Grape Growers' Association of New York.

Mr. GREEN of Iowa. I do not remember the precise title, but that was substantially the title—the Grape Growers' Association.

Mr. MOORE of Pennsylvania. Mr. Chairman, I will answer that if the gentleman will permit. The gentleman from New York [Mr. REED] presented a number of grape growers, and the gentleman from Pennsylvania [Mr. SHREVE] also appeared and addressed the committee, and the man who made the principal address was, I think, named Chamberlain. I have not his first name at hand, but he made an illuminative address, and it was followed by several others in the grape-growing business.

Mr. CANNON. Oh, yes.

Mr. MOORE of Pennsylvania. Some one spoke for the Welch legislative committee of Chicago & Lake Erie Fruit Growers' Association and also a member of the National Grange.

Mr. CANNON. Yes; any manufacturers before you?

Mr. MOORE of Pennsylvania. Some one spoke for the Welch grape juice concern.

Mr. CANNON. Where is that located?

Mr. MOORE of Pennsylvania. It is a New York concern, and, I think, possibly Pennsylvania.

Mr. CANNON. I want to ask the gentleman, in his opinion, whether in the name of the man who grows the grapes, the man who plants the vines and gathers together the grapes and the loganberry, to relieve him, whether these great grape manufacturers that do this extensive advertising are not seeking to use them under false pretenses to avoid the 10 per cent tax and put it at 2 cents a gallon?

Mr. MOORE of Pennsylvania. If the gentleman will read carefully section 628, which I had hoped the gentleman from Oregon [Mr. HAWLEY] would explain, he will see that these grape raisers are up against a 15 per cent tax on one hand and a 10 per cent tax on another. It has been doubled up on things of that kind, and the matter was explained to the committee. It appeared to me from the facts that these grape growers would possibly not be able to continue their business if they are obliged to pay the burdensome tax that is imposed by section 628, and I think it was the disposition of the committee——

Mr. GARNER. My recollection of the testimony before the Ways and Means Committee, at least as far as it convinced me, was that the loganberry people made out a good case, and there the case stopped.

Mr. CANNON. And the grape-juice individuals——

Mr. GARNER. Did not.

Mr. CANNON. Did not make a case?

Mr. GARNER. In my judgment, did not.

Mr. CANNON. The loganberry is a struggling new industry?

Mr. GARNER. Out in California or somewhere—out in Oregon or some place like that.

Mr. FORDNEY. A Member of this House—I think the gentleman from Ohio—appeared before the committee and made it very clear to me that the industry was about to be destroyed unless we gave this relief.

Mr. CANNON. Which industry?

Mr. FORDNEY. The grape juice. He pointed out that the people in his district were pulling up the grapevines because there was no money in the business.

Mr. CANNON. Well, the grandfather of the gentleman from Ohio—NICHOLAS LONGWORTH—did make wine from grapes; but I do not understand that the grape industry runs and glorifies in the State of Ohio to any great extent, as compared with the grape industry in California and perhaps other parts of the country—I think in Missouri, and so on.

Mr. GREEN of Iowa. Will the gentleman yield there?

Mr. CANNON. Yes.

Mr. GREEN of Iowa. I think my colleague from Michigan misspoke himself—that he meant a gentleman from New York. The great grape-growing region of the country is in New York, and more grapes are raised there than anywhere else. I will say to the gentleman from Illinois, it is not the manufacturer of grape juice who appeared seeking to get away from this tax. He simply takes and adds the tax to what he has to pay for the grapes from the grape grower. The grape grower is the one who says he can not go on raising grapes unless this tax is taken off.

Mr. MOORE of Pennsylvania. Will the gentleman permit me to read an extract from the testimony of Mr. Walter W. Chamberlain, chairman of the American Fruit Juice Producers and Manufacturers' Association? I have just found it.

Mr. CANNON. Certainly; I have an hour.

Mr. MOORE of Pennsylvania (reading):

The business was originally started by the Welch Co. in about 1897. At that time grape growing had just become of some consequence in the grape belt, and grapes were selling at that time for $8 or $10 a ton, which was much less than the cost of raising them.

Now I will skip a little.

That business has gradually developed, but not very fast. It has been very hard to get the public to consume sufficient grape juice so as to make the business of either grape growing or grape manufacturing profitable.

He states that it has been very difficult to popularize grape juice. He confirms the political fears of the gentleman from Illinois with regard to grape juice.

I have for 15 years had 90 acres of vineyards and I have never yet had $1 dividend out of them, and I maintain them with the best judgment that I know how to use and with the advice of the State agricultural department, following the best-known methods that I could follow. And when I say I have never had $1 out of those 90 acres of vineyards I am stating a positive fact; that is, over the production cost and maintenance——

Mr. CANNON. Who is this man—a manufacturer or a grape grower?

Mr. MOORE of Pennsylvania. He is a producer.

Mr. CANNON. A manufacturer also?

Mr. MOORE of Pennsylvania. He goes on to say that he was obliged, in order to protect a bank, to become a manufacturer,

because of the inability of the grape-juice borrowers to carry on their business.

Mr. CANNON. Well, I undertake to say you can go anywhere in this country, in a little village of 2,000, anywhere on the railway and off the railway, for all that, and you can get all the grape juice you want, and they never sell it in large quantities——

Mr. MOORE of Pennsylvania. I will say to the gentleman that the gentleman from Pennsylvania [Mr. SHREVE] will state when he gets an opportunity that the grape growers were actually beginning to pull up their vines, and will state that they can not go on with their business because of the burden of this tax.

Mr. CANNON. Grape growers where?

Mr. MOORE of Pennsylvania. Pennsylvania, New York, Ohio—wherever the industry extends.

Mr. CANNON. Since this war commenced galore all over the country there has been $2.26 a bushel for wheat and $1.75 for corn, and $20 for pork. Who would not, in a great State like Pennsylvania, perhaps, while these prices last devote themselves to wheat and corn or the raising of hogs?

Why, bless my soul, out in the great State of Illinois, in the great State of Ohio, the great State of Iowa, according to my information, and according to my observation in Illinois, other crops have become negligible on account of the great demand for the food that supports life to feed our own people and to feed our allies, and, to some extent, the hungry people of the world.

Mr. MOORE of Pennsylvania. Will the gentleman yield further?

Mr. CANNON. Certainly.

Mr. MOORE of Pennsylvania. Mr. GREEN of Iowa asked Mr. Chamberlain:

How much will the reduction of this tax on the container amount to?

This is one of the things of which they complained.

Mr. Chamberlain answered:

It reduces it a very great deal; it reduces it more than 50 per cent. Less than 50 per cent of our tax is paid on the product. One grievance is especially the tax on the container. Now, on the apple juice, for instance, I think the discrepancy is very much greater, only about 20 or 25 per cent of the tax being on the juice itself. Our first tax was 1 cent a gallon. Now it has gone up on grape juice to 20 or 25 cents a gallon, because of the tax paid on the container; so the tax has been increased from a very small tax more than 2,500 per cent on grape juice.

Mr. CANNON. What is the container?

Mr. MOORE of Pennsylvania. That is the box in which the bottles are packed, or any other kind of container.

Mr. CANNON. Where do the bottles come from? Are they not made in this country?

Mr. MOORE of Pennsylvania. The bottle is made by workingmen in the State of Illinois, the State of Indiana, the State of New Jersey, and in some other States, and it is a very large industry.

Mr. CANNON. And everything else is made by the workman who works with his hands or his brain, or both. I do not think you can make any case now.

Mr. JOHNSON of Washington. And that labor gets caught in this tax.

Mr. CANNON. It is caught by every tax. You tax them on income, if they are single, of over $1,000.

Let me reply to a few other things that the tax is not relieved from in this very section. It says:

Upon all beverages derived wholly or in part—

From what? Cereals of all kinds or substitutes therefor.

Do they not have containers? Do they not have to have bottles and jugs?

And containing less than one-half of 1 per cent of alcohol, sold by the manufacturer, producer, or importer, in bottles or other closed container, a tax equivalent to 15 per cent of the price for which so sold.

Now, then, right in there:

And upon all unfermented grape juice.

That is stricken out. What is left in?

Ginger ale, root beer, sarsaparilla, pop, artificial mineral waters (carbonated or not carbonated).

Do not they bottle mineral water which is sold all over the country? Do they not have to have bottles? Do they not have to pack them and put them in boxes and all that kind of thing? That is all the grape-juice men have to do.

And upon all unfermented grape juice.

Grape juice is stricken out. It is the only thing that is stricken out. And the loganberry juice, while it is not here by name, is, it is said, construed to be in; but concerning that I do not know. Not 10 per cent, not 15 per cent, but 2 cents a gallon.

I believe that the concealed individual is in this proposed amendment to this section 628, if that is the section, and so believing—how much revenue it produces I do not know—but so believing I will vote, so far as my vote is concerned, against the enactment of this amendment to this bill.

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

Mr. KITCHIN. Will the gentleman yield to me 10 minutes?

Mr. CANNON. I yield 10 minutes to the gentleman from North Carolina. But before the gentleman commences I will say that I am not on this committee. My legislative function has been to spend money by appropriation for the public service. Therefore I am not an expert on revenue measures. And although I may be sometimes unadvised, I sometimes think I can discover perhaps from the surroundings and the company in the legislation—I do not mean personally the people that propose the legislation—that there is a concealed individual in it.

Mr. SHREVE. Will the gentleman yield to me five minutes after the gentleman from North Carolina has finished?

Mr. CANNON. With pleasure.

Mr. SHREVE. I live in the grape belt, and know all about this matter.

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] is recognized for 10 minutes, yielded to him by the gentleman from Illinois [Mr. CANNON].

Mr. KITCHIN. Mr. Chairman, I want to say to the gentleman from Illinois [Mr. CANNON], who has had the audacity to say he is not going to vote for the bill reported out by the Republican majority of the Ways and Means Committee, that he is the most fortunate individual in this House in that the gentleman from Pennsylvania [Mr. MOORE] was not present when he made his speech. [Laughter.] If he had been present, I fear he would have given him as sound a lecture and criticized him as harshly as he did the gentleman from Ohio [Mr. EMERSON] when he dared to differ with the gentleman from Pennsylvania [Mr. MOORE]. Where is the gentleman from Pennsylvania [Mr. MOORE] and his committee?

Mr. LONGWORTH. He is just going out of the Chamber.

Mr. CANNON. If the gentleman will allow me—and I will extend additional time to him—this debate has been largely "leather and prunella," as to whether the Democrats did this or whether the Republicans did the other, and, whoop-la, what are you going to do about it? Possibly I am mistaken about the merits of this proposition.

Mr. KITCHIN. The gentleman is right on the merits of the proposition. I am going to vote with him against the bill.

Mr. CANNON. That is all right.

Mr. KITCHIN. I see the gentleman from Pennsylvania [Mr. MOORE]. I want to dare him to say now about the distinguished gentleman from Illinois [Mr. CANNON] what he said about the gentleman from Ohio [Mr. EMERSON]. Both committed the same offense. Both dared to express an opinion contrary to that of the Republican committee. He has not the nerve to do it; that is all. [Laughter.]

Mr. MOORE of Pennsylvania. The gentleman from North Carolina can not draw me into a trap that way. [Laughter.]

Mr. KITCHIN. Well, then, the gentleman can take his seat and let me proceed. [Laughter.]

This bill abounds in discriminations. I do not think that we are justified in voting for this bill in its present shape. Now, what the gentleman from Oregon [Mr. HAWLEY] desired, what was first put before our committee with respect to the loganberry juice, was just, namely, that the loganberry-juice industry could not profitably exist with the tax of 10 per cent; that it was a sirup and not a finished drink; that it should not be taxed 10 per cent while other sirups for soft drinks were exempt. When we first began to meet in the committee room to consider internal taxes and the tariff these were the propositions of the loganberry-juice producers. They contended that the act, if rightly construed, did not apply to loganberry juice, as that was a sirup and not a soft drink, but the department had construed it to be a soft drink and that the soft-drink tax applied to it. There is merit in their contentions. The members of the Ways and Means Committee recognized this and that relief should be had.

But, finally, in some way or other, in order to strengthen, as they felt, their position, the loganberry-juice producers were persuaded to hook up with other juice-producing concerns, and all these various concerns are taken care of in the bill before you, whether entitled to relief or not. I want to say to you that it is one of the most discriminatory bills that I have ever been called upon to vote on. As I said, the loganberry-juice proposition has merit in it. The loganberry juice is made into a sirup—that is, into a sweetened juice, out of which is made the drink—and not into a drink, like grape juice or ginger ale or sarsaparilla, or any of these other light drinks, or like apple

juice. When they put it up in bottles or other containers it is really a sirup, like Coca-Cola sirup or like lemon cola sirup or pepsin cola sirup and other sirups, on which no tax is imposed under the revenue act. We get the tax on the drinkable articles, not the sirup, whether sold at the soda-water fountain or sold in bottles under the existing law.

The loganberry sirup should be put on an equality with the Coca-Cola sirup or other sirups. If one pays a tax, the other should. If one is exempt, the other should be. How the department could rule that the loganberry sirup should be taxed while all these other sirups were not taxed I can not see.

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

Mr. KITCHIN. Yes.

Mr. FORDNEY. If the grape juice and loganberry juice are identical with Coca-Cola, why is it that one is taxed and the other is not?

Mr. KITCHIN. I say I can not see how the department can construe loganberry juice, that, according to the hearings, is a sirup, as a soft drink and contend that Coca-Cola and other sirups are not soft drinks. Neither is a soft drink under the act. You take Coca-Cola sirup and put in three times as much water. It then becomes a drink—a soft drink—and such drink is taxed as a soft drink. You can have it made or compounded at the soda fountain or get it put up in bottles. Both pay a tax, that at the soda fountain and that in bottles. Both are taxable drinks. Now, you use this loganberry juice just exactly as you do the Coca-Cola or lemon sirup. You take sweetened juice and add water in the proportion of two or three to one. The better drink is two to one. Otherwise it is not drinkable.

Here is what the loganberry gentlemen ought to have insisted on, and then they would have been right, and would have had a unanimous vote in the committee and in this House. They should have insisted on amending section 628, providing that any sirup made from fruit juices not in a drinkable state, but to which at least an equal amount of water must be added to make it a drink, a soft drink, shall be considered as a sirup and not as a soft drink. Such an amendment would have exempted it from the tax as other sirups are exempted.

Grape juice does not stand on the same footing. Grape juice is made sometimes that way, and sometimes it is made to drink without adding anything to it. They have now begun to make grape juice to which a certain proportion of water must be added in order to make it drinkable—something like a sirup. But a great deal of the grape juice is made to be drunk in the manufactured state, without adding water or anything to it. That ought to be taxed, and it is now taxed under section 628. The bill before us would tax it only 2 cents per gallon. In some cases that would amount to 1 per cent, in none over 2 per cent, while ginger ale and sarsaparilla and other drinks, put up in identically the same way and carbonated in the same way and put in the same sized bottles, must pay 10 per cent. Why should this great discrimination be given in favor of grape juice?

Another trouble that the committee got into by going into "cahoots" with the loganberry-juice gentlemen, after they went into "cahoots" with the apple-juice men and nonintoxicating-wine men and all other fruit-juice producers, was that it included in the relief provisions of the bill so many other soft drinks that were never contemplated at first. Let me show how this reads:

There shall be levied, collected, and paid upon all nonalcoholic fruit-juice beverages, whether carbonated or not, whether consisting of pure fruit juice or of pure fruit juice to which sugar or water or both have been added.

And so forth.

This includes all the nonintoxicating wines that are now being made or will be made hereafter in great quantities. That is the way of drinks made from apples, and the same with respect to drinks made from lemons and limes and oranges, and scores of other drinks made from fruit juices, and all drinks put up in bottles or other containers made from any kind of fruit that you can think of.

The committee did not intend to go that far. Certainly the loganberry-juice men did not intend to go that far. But when they came to Washington somebody convinced them that it would be better for them to go into a combine with all those other producers of fruit drinks and pull together for relief from taxation of all of them.

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

Mr. KITCHIN. Yes.

Mr. GARNER. As a matter of fact, the testimony before our committee made a fairly good case for the loganberry but for no other juice.

Mr. KITCHIN. Yes; no other juice. I want to be candid. There is no politics in this juice business. [Laughter.] There must be something more substantial than nonalcoholic juices to have any politics in it. [Laughter.] We ought to face the facts just as they are. There is not a word of evidence before the committee that the nonintoxicating wines and the orange and lemon juice fruit drinks, and so forth, need a reduction of this tax at all in order to live profitably. The only evidence before the committee where the industry needed remission of the tax so that it could survive with reasonable profit is in the case of the loganberry-juice sirup, and what they require is relief from the discrimination to which I have referred.

Let us see about grape juice. Let me tell you what the evidence is from a man who represented the grape-juice industry. I questioned him myself. After paying the tax under existing law the retailers who buy from the producer of this grape juice make out of the consumer, you and me and other people who drink this liquid, 60 per cent profit; after paying the tax which is charged up to them by the producer they make 60 per cent profit.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. CANNON. Mr. Chairman, I ask unanimous consent that the gentleman may have such additional time as he may desire.

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

There was no objection.

Mr. KITCHIN. I thank the gentleman. Think of an industry coming before a committee of this House——

Mr. MOORE of Pennsylvania. Will the gentleman from North Carolina indicate who made that statement?

Mr. KITCHIN. I can not recall the gentleman's name. I can not recall all the names of the gentlemen who come to get favoritism before our committee.

Mr. MOORE of Pennsylvania. I do not recall that statement.

Mr. KITCHIN. I asked one in the business who appeared before the committee what the profit was.

Mr. MOORE of Pennsylvania. It was the soda-water maker.

Mr. OLDFIELD. Chamberlain, was it not?

Mr. KITCHIN. I do not recall his name. But I know he was one of the producers or one of the producers' witnesses; but the gentlemen will remember what it was.

Mr. MOORE of Pennsylvania. That was the man at the fountain, whom we have just relieved.

Mr. KITCHIN. No; he was a producer. I am not talking about the fountain man. I asked him how much he sold his grape juice for to the retailer with the 10 per cent tax added. He told me the figures. Then I asked him how much the retailer sold that same case of goods to the consumer for. He told me. I figured it up right before the committee, and it was 60 per cent profit that was made after paying this tax. Then they hold up their hands and say they can not exist unless this tax is reduced. Gentlemen, I never knew of any retailer who needed any help from us if he makes 60 per cent out of the consumer.

Mr. MOORE of Pennsylvania. I have found the "60 per cent" testimony, and I ask the gentleman to let me read it.

Mr. KITCHIN. Is that after it was revised? Go ahead, I know exactly what took place before the committee.

Mr. MOORE of Pennsylvania. I will read it:

Mr. CHAMBERLAIN. No; I do not live out West. I live in Buffalo. I have just returned from a trip, and I have been all over the United States a number of times.

Mr. CRISP. I think I know more about Coca-Cola than you do.

Mr. CHAMBERLAIN. Probably so; but grape juice and apple juice are natural products. The manufacturers are trying to get along, struggling to get along—and it is a struggle—and if they have got to pay a tax equal to 60 per cent of the product itself, in addition to the cases and all of the things that go into the manufacture, they are going to have a pretty hard time.

Mr. KITCHIN. I will ask the gentleman not to read any more of that, because that is not in the connection at all. I am talking about another matter entirely. He said he made 60 per cent profit.

Mr. MOORE of Pennsylvania. That is the testimony, and the 60 per cent is not a profit.

Mr. KITCHIN. That does not apply to what I am talking about. It was figured before the committee how much was paid, after paying the tax, when the producer sold to the jobber or retailer, per case of 36 bottles. We put that down. Then I asked, "Now, how much does the retailer sell to the consumer for?" He figured it out. Then we figured it out together, and it was 60 per cent. I asked him if it was not 60 per cent, and he said "Yes."

Mr. SIMS. The retailer or the jobber?

Mr. KITCHIN. The jobber made 60 per cent. He pays the tax and passes it on, and makes 60 per cent profit. That was the point I had in mind in examining him. We discussed it around the table and said, "That industry is not going to die

if they make 60 per cent out of the consumer." If they made 30 per cent out of the consumer it would not die.

Now, take the wine manufacturers throughout the United States. I want you gentlemen to pay attention to this. I know something about wine manufacturing, because the biggest wine bottler in the United States is a man with whom I was born and raised in the same county. We played together when we were boys and worked together when we were young men. Now, these wine producers and wine manufacturers are going to make the same alcoholic wine which they have been making, and under the law that we passed here the other day and under the revenue law they have a right to do it, and it is right that they should do it. Then they are going to extract the alcohol from it. That will relieve this one man of $500,000 taxes. These gentlemen will be relieved of $1,000,000 or $2,000,000 taxes when they extract this alcohol from the wine. Then they will sell it as nonalcoholic wine. I have got some in my office, and it is just like the wine that they used to sell, except that as the colored man said it has not got the authority that the other wine had. It tastes exactly like the wine that you drank before the alcohol was extracted. Now, they hooked up with these loganberry-juice gentlemen. They have not kicked against it. I never heard of them kicking against it, but they knew how to get it out of this Republican committee. They knew how to get it from a Republican Ways and Means Committee and save $500,000 or $1,000,000 of taxes. So the grape-juice sirup fellows are hooked up with these wine makers. I never heard a protest against that 10 per cent tax. Now, if they can get it down to 2 cents a gallon instead of 10 per cent, these nonalcoholic-wine producers are going to get rid of paying it. And here is another thing. It is barely possible, reasonably probable, that all of the kinds of pop put in bottles, made of lemon extract that gives it a flavor or orange extract that gives it a flavor, will be taxed 2 cents a gallon, while pop made out of sarsaparilla, and ginger ale, and other flavors except fruit-juice flavors, will have to pay 10 per cent.

That is a discrimination that we ought not to tolerate. Now, gentlemen, what ought to be done—and I tried to get the committee to do it—is that we ought to have a proviso saying that loganberry sirup and grape juice sirup will not be construed as soft drinks, and whenever you make it potable or drinkable by adding 50 per cent of water they shall be considered as sirups and not drinks. That is a suggestion I made before our committee and that would be right.

Mr. FORDNEY. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. FORDNEY. Did the gentleman suggest to the committee any such change or substitute in this bill for sirup?

Mr. KITCHIN. I suggested it before the committee, and that is the reason I voted against it.

Mr. FORDNEY. That is the first time I have heard it mentioned.

Mr. KITCHIN. The gentleman from Oregon will not say that; I talked with him about it. I said the only thing the bill ought to contain was this little proviso.

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

Mr. KITCHIN. I think the bill could, if the committee desired, give relief to the loganberry juice and leave out other beverages.

Mr. FORDNEY. Why did not the gentleman suggest it in committee?

Mr. KITCHIN. I suggested it to the gentleman from Oregon, and when I voted against it I said it could be taken care of in that way.

Mr. GARNER. I will say that here is an amendment that I am going to offer: In line 4 strike out the words "fruit juice" and insert after the word "beverages" the words "made from loganberry juice." Strike out all of line 5 and all of line 6 down to and including the word "added."

Mr. KITCHIN. I made that proposition to the committee.

Mr. GARNER. I call the attention of the gentleman from North Carolina and the committee to this, so that you can take care of loganberry juice, which made out a good case before the committee.

Mr. KITCHIN. You ought to put on loganberry juice, from which the drink is made. That is all you want; and while that would cover a little more than was intended, that would be fairer than this bill. The fair thing to do would be to put at the end of section 628: "*Provided*, That any juice made from berries or fruit to which there must be added for a drink to make it potable at least 50 per cent of water shall be considered a sirup and not a soft drink."

Mr. TINCHER. If the gentleman's amendment is adopted, Coca-Cola would not be taxed and grape juice would be taxed.

Mr. KITCHIN. No; not under my proposition; neither one would be taxed. This proposition is to let Coca-Cola sirup—and you voted for a bill to untax it at the soda fountains, which would take the tax off all Coca-Cola——

Mr. TINCHER. Let me see if I understand. You are objecting to taking the tax off of grape juice and not proposing to put the same tax on Coca-Cola.

Mr. KITCHIN. No, no. Here is what my proposition is—and I think everybody else understands it except the gentleman from Kansas; if he had waked up while I was talking, he would have understood it. [Laughter.] Let me say my proposition is this: That loganberry juice really is sirup, because you add water to make it drinkable. There is no tax on Coca-Cola sirup, lemon sirup, or any other kind of sirup. Now, the department has ruled that they tax this sirup because it is a drink instead of a sirup. My proposition is to add to section 628 "any fruit juice to which at least 50 per cent of water must be added to make a drink must be considered a sirup and not a soft drink." That would put the loganberry and the grape-fruit sirup all on the same equality with Coca-Cola, pepsa-cola, lemon cola, and so forth. Does the gentleman from Kansas thoroughly understand the position of the gentleman from North Carolina?

Mr. TINCHER. I can—the last statement that the gentleman makes, which I do not think at all agrees with the statement he formerly made.

Mr. KITCHIN. Oh, the gentleman was not listening. Of course, it was not his fault, for I do not blame him for not listening to me.

Mr. LONGWORTH. Does not the gentleman think that what he seeks to accomplish could be accomplished by striking out the words "whether carbonated or not"? I do not speak from knowledge, but it is possible that in order to preserve these sirups some sugar must be added.

Mr. KITCHIN. The sugar is all right. The gentleman's suggestion would not accomplish it.

Mr. LONGWORTH. I think the gentleman and I mean the same thing. All these drinks that come in the way of a sirup, which are practically not drinkable until you mix water or soda water with them——

Mr. KITCHIN. Or perhaps to add the words "to which sugar may be added and at least 50 per cent of water."

Mr. LONGWORTH. I think if you strike out the words "whether carbonated or not," you will accomplish the purpose.

Mr. KITCHIN. What I want to do is to accomplish what the committee started out to accomplish, and that is to put the loganberry people on an equality with all of the others, and the proposition that I suggest I think will do it.

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

Mr. KITCHIN. Yes.

Mr. MOORE of Pennsylvania. I have found the testimony to which the gentleman refers, and I want to set the gentleman right. Mr. Chamberlain was being interrogated by the gentleman from North Carolina [Mr. KITCHIN]. I read from the testimony:

> Mr. KITCHIN. That is $8.85. The retailer sells this six dozen, or 72 bottles, at 20 cents each; the retailer here would get the case for $8.85, with the war tax paid, and he would sell it for $14.40.
>
> Mr. CHAMBERLAIN. That is true.

Mr. KITCHIN. Oh, that is over 60 per cent. You do not need to go any further. That more than substantiates what I said.

Mr. MOORE of Pennsylvania. Let me finish:

> Mr. KITCHIN. So he makes a little over 60 per cent?
>
> Mr. CHAMBERLAIN. Well, he has his fountain, and he has all his cost of disposing of this, a bottle at a time; and I think on the other manufactured soft drinks they make even more money than that, because I understand that they buy some of those as low as 1 or 2 cents.
>
> Mr. KITCHIN. I rather think you are right about that.

So the reference was entirely to the profits of the retailer.

Mr. KITCHIN. Just give me that, please. Did I say that this man, after paying his clerk hire, after paying the janitor for sweeping his floors, after paying the interest on borrowed money, and other overhead charges was going to make 60 per cent in clear net profits? If he did, he would make more than any retailer in the country ever made. I said that he made 60 per cent profit; that is a big commercial profit. When a merchant buys a pair of shoes for $5 and sells them for $8, we say, in the commercial world, he is making 60 per cent profit on his selling charge, but all of his expenses in the sale must, of course, be taken out of that before he finds his clear net profits. In speaking of profits on such sales we know the difference in the purchase and selling. The gentleman stated exactly what I said to the House. Any business which can after paying the tax so sell to a retailer that the retailer can

so sell to the consumer at a 60 per cent profit can not be destroyed by such a tax or materially affected. It is passed on to the consumer.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. FORDNEY. Mr. Chairman, how much more time have I reserved by the gentleman from Pennsylvania [Mr. MOORE] out of the hour?

The CHAIRMAN. Forty-five minutes.

Mr. FORDNEY. I yield 10 minutes to the gentleman from Pennsylvania [Mr. SHREVE].

Mr. SHREVE. Mr. Chairman and gentlemen of the House, this is one of the most important measures that has been before this Congress. We are going to determine this afternoon whether we will wipe out an important agricultural industry or to allow it to continue. I know nothing about this camouflage that has been thrown in our faces here this afternoon about the manufacture of grape juice, but having been a grape grower myself for more than 10 years, I think I know something about the business. I might add that my farmer friends think I am a better lawyer than I am a farmer, and that my lawyer friends think I am a better farmer than I am a lawyer, but the fact remains that I do know something from practical experience about the troubles of the grape grower. If this bill is not passed in the form in which it is offered this afternoon you will simply wipe out 35,000 acres of vineyards in the Chautauqua and Erie grape belts. We had 42,000 acres, but during the last few years we have pulled out about 7,000 acres, and why? Because the business is unprofitable, and those of you who were in the Sixty-third Congress will remember when I offered an amendment one day for the appointment of an entomologist at northeast Pennsylvania that the great chairman of the Committee on Agriculture [Mr. LEVER], recognizing the importance of this industry in New York State and Pennsylvania, rose on the floor and told the Members that he was in favor of the passage of that amendment giving us an entomologist in that section.

And so for years the United States Government has been assisting us in every possible way. In the early days we put the grapes in small baskets. We found that was not profitable, and since then we have been selling to the wine manufacturer. Well, you know what has happened to the wine maker; he has gone out of business. And the time has come when we have to shift and look for other markets. Fortunately there are a number of grape-juice manufacturers in New York State and Pennsylvania and I want to say that up to the present time there is not a single one of those great plants to my knowledge that has made a dollar. Right in my district, within a mile from my farm, there is one grape-juice plant where the manufacturer lost a half million dollars in trying to build up a business. It was afterwards taken over at a bankrupt sale by another concern from over the line in New York State and is now meeting with some success. But it is not the manufacturer that I am interested in. I am interested in those men there who for 25 or 30 long years have built up and established this business. The boys have grown up on the farm. It is a business all by itself. You can not go back over the hills and find a man to run a grape vineyard. He must be trained. He must be first trained to the preparation of the soil. He must be trained in the planting of the vineyards, the right time of putting up the wires, the right time to trim and how they should be trimmed, so that the crop of next year might not be ruined. It takes a scientist, it takes an expert to handle this grape situation, and the farms are owned in 4 acres, 5 acres, 6 acres to 10 acres and sometimes 20 acres or more. I presume the average of the grape belt would be possibly from 25 or 30 acres. The vineyardist in the Chautauqua-Erie grape belt for years have been going along quietly building up a business. And why did they build it up on the south shore of Lake Erie? I will tell you gentlemen why; because it seems that as the lake receded spots of sand and gravel were left and you will find that in terraces as you go back a couple of miles from the lake shore. These lands are specially adapted to raising the Concord grapes and there are probably about 45,000 or 50,000 acres of that land along the south shore of Lake Erie. At one time a few years ago there were 42,000 acres of grapes under cultivation, but we found that the business was not profitable and a large acreage has been taken out. Then as I said before the sons of the grape farmers found that the business was not profitable, that their fathers were not making money, and as a result they went to the city and so the help has left us and it is almost impossible now for us to continue the business. The report of the committee tells you that the passage of this bill will make a difference of $27 a ton in taxes that is proposed to be put upon these poor innocent agriculturalists.

I want to ask you gentlemen, do you think it is fair, do you think it is fair to the farmers who were there for 25 years building up a business and are just at the point where they are getting their enterprise fairly started, when along comes the Government with a tax to destroy that industry? It is not in the States of Pennsylvania and New York alone, but over in Michigan. Concord grapes are also grown in parts of that State. They are grown in another part of the State of New York up on the Lakes and up on Lake Keuka and in that vicinity. I will not undertake to state the number of millions of dollars invested in the business in my district, but when I say to you there are over 42,000 acres of land covered with vineyards and that those vineyards are worth from $300 to $500 and $600 and up to $1,000 an acre, in a few minutes you can by mathematical calculation figure out what you propose to do here this afternoon—whether you are going to render these farms valueless and these people homeless. I wish the testimony had been printed so that you could read it. The testimony before the committee the other day from a banker was that the grape growers were not able to pay their notes in bank from last year.

I imagine that about the same system obtains there that obtains in the cotton district. The storekeepers and merchants carry the grape grower until the fall, until he gets returns from the grapes, and then he settles up and soon borrows again from the banks until he gets returns along in the next November. The bankers told us here that these farmers have not paid their notes for last year. And yet you propose to destroy their business. That is the proposition we are up against, gentlemen, and I appeal to all the men in this Congress, all the men here who stand for fair play, all the men who want to be square to this great industry, to support this bill this afternoon. [Applause.]

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

Mr. FORDNEY. Mr. Chairman and gentlemen, yesterday I sampled a bottle of loganberry juice that sells in the retail market of Washington for 35 cents a bottle. There were three glasses of the beverage. When you mix the juice in that bottle in the proportion of one part juice to two parts of water it makes three glasses for 35 cents. That is the price that loganberry juice must be sold at now to avoid greater loss than is being sustained by the people that make the juice.

They made a very good case before the committee to the effect that their industry is losing money and that the sales of loganberry juice have fallen off two-thirds or more from the sales of the year 1917. I want to say to my good friend from North Carolina that the Democrats are not playing fair here to-day. There was no proposition offered before the Committee on Ways and Means by the Democrats to class loganberry juice and grape juice and other fruit juices as sirups. There was no such motion made by them.

Mr. KITCHIN. Will the gentleman permit an interruption?

Mr. FORDNEY. In just one minute.

Coca-Cola, however, escapes all tax because it has been classed as a sirup. It is not a product of the State of Washington or of Oregon, if you remember. And the office of the Commissioner of Internal Revenue has ruled that those fruit juices are beverages and not sirups.

Now I yield to the gentleman from North Carolina.

Mr. KITCHIN. The gentleman says the Democrats are acting unfairly——

Mr. FORDNEY. The gentleman did reserve the right, let me say, to vote as he saw fit on this bill, and stated that he wanted to offer some amendment, but that is as far as he went, so far as sirups are concerned.

Mr. KITCHIN. Now, this question was not considered as a party question at all. Some Democrats voted for it and some against it in the committee. And while the gentleman has not a record, of course, of what I said when the vote was taken I did state that loganberry juice had a good, meritorious case, and ought to be considered as sirup.

Mr. FORDNEY. I think the gentleman did make that statement, but he did not offer it as an amendment to the bill.

Mr. KITCHIN. The gentleman saw that we did not offer any amendments at all.

Mr. FORDNEY. No; you did not.

Mr. KITCHIN. Let me ask the gentleman from Michigan, since we are pretty nearly agreed to what I said a while ago was true. I am going to make him admit that what I said was true. We have not any record of what was said when the vote was taken. We have a record of the hearings, and you will find in the hearings that I did state the loganberry juice men, or one of the talkers, had a good case, and it ought to be put in the act that it should not be considered as a soft drink, but should be

considered as a sirup. That is in the hearings. I was not speaking for the Democrats at all.

Mr. FORDNEY. There are two things to-day that I admit, namely, that he did talk about it and that he did not offer an amendment.

Mr. KITCHIN. I did not offer an amendment.

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

Mr. GARNER. Will the gentleman answer a question?

Mr. FORDNEY. I will.

Mr. GARNER. The gentleman has referred to the sirup out of which Coca-Cola is made. The gentleman will remember that Coca-Cola has been discussed a number of times, and we have all sought to reach it, I think the gentleman will agree, both Democrats and Republicans. I know that I have and I know that the gentleman has. I want to say now that I will join the gentleman as one member of the Ways and Means Committee on a proposition to tax to the limit the sirup out of which Coca-Cola is made.

Mr. FORDNEY. Thank you. I agree with you. I will help you on that.

Mr. GREEN of Iowa. I will state to the gentleman that he will have an opportunity later on.

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

Mr. FORDNEY. Yes.

Mr. JEFFERIS. Does the passage of this bill in effect amend section 628 in so far as grape juice alone is concerned?

Mr. FORDNEY. No. It reduces the tax upon loganberry juice, grape juice, apple juice, and fruit juices.

Mr. JEFFERIS. The thing I had in mind was that in section 628 of the present law a tax is levied upon unfermented grape juice, sarsaparilla, ginger ale, and so forth. The passage of this act would simply lift out grape juice and leave the other items?

Mr. FORDNEY. It reduces the tax on fruit juices, and fruit juices are entirely different from mineral waters and the other beverages, Coca-Cola and sarsaparilla and so on. Fruit juice is a food article.

Gentlemen, I want to see this bill passed without amendment or I want to see it defeated. I move now that the committee do rise.

Mr. GARNER. Mr. Chairman, will the gentleman permit an amendment to the bill?

The CHAIRMAN. The bill has not yet been read for amendment.

Mr. FORDNEY. I move that the committee rise and report the bill back with favorable recommendation.

The CHAIRMAN. The question is on agreeing to that motion. If the gentleman can get unanimous consent from the committee to terminate general debate, the bill can be read for amendment. It has been moved that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Mr. KITCHIN. Mr. Chairman, we do not have to get unanimous consent in order to close debate.

The CHAIRMAN. Does the gentleman from Michigan ask unanimous consent to set aside the action of the committee in determining to rise?

Mr. KITCHIN. The gentleman from Texas [Mr. GARNER] has a bona fide amendment. Let us have it read under the five-minute rule.

The CHAIRMAN. The Chair put the motion of the gentleman from Michigan. Does the gentleman ask to vacate or set aside or suspend the action of the committee in determining to rise?

Mr. FORDNEY. Yes. I ask unanimous consent that the action be set aside.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the action of the committee in determining to rise be set aside. Does the gentleman ask that the general debate be terminated now?

Mr. FORDNEY. Yes.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That there shall be levied, collected, and paid upon all nonalcoholic fruit-juice beverages, whether carbonated or not, whether consisting of pure fruit juice or of pure fruit juice to which sugar or water or both have been added, when sold by the manufacturer, producer, or importer, in bottles or other closed containers, a tax of 2 cents per gallon, and such beverages shall not be deemed soft drinks. All provisions of any act or acts inconsistent with the provisions of this act, or imposing any other or different tax on the articles taxed herein are hereby repealed.

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

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

The Clerk read as follows:

Amendment offered by Mr. GARNER: Strike out, in line 4, the words "fruit juice" and all of line 5 and that part of line 6 including the word "added," and insert in line 4, after the word "beverages," the words "made from loganberry juice," so that as amended the lines will read "That there shall be levied, collected, and paid upon all nonalcoholic beverages, whether carbonated or not, when sold by the manufacturer, producer, or importer."

Mr. GARNER. If gentlemen have the bill before them they can get the language very easily as it would read if amended.

The Clerk read as follows:

Be it enacted, etc., That there shall be levied, collected, and paid upon all nonalcoholic beverages made from loganberry juice, whether carbonated or not, when sold by the manufacturer, producer, or importer, in bottles or other closed containers, a tax of 2 cents per gallon, etc.

Mr. GARNER. That simply means that instead of including all fruit juices you include the loganberry juice alone. That is the only thing that in the committee made a showing that it needed protection. That is in keeping with the hearings had before the committee.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

Mr. RANDALL of California. Mr. Chairman, I would like to be heard against the amendment.

The CHAIRMAN. The gentleman from California is recognized.

Mr. RANDALL of California. Mr. Chairman, I have not been in the habit of representing the California wine-grape growers on this floor, but for a moment I do. The State of California has 310,000 acres in grapes; 150,000 acres are devoted to table grapes and 160,000 acres are devoted to wine grapes. As you well know, grape juice so far in history has been made entirely from Concord grapes. The California wine-grape growers are about to discontinue business as a result of the action of Congress, and the California wine-grape growers are endeavoring to perfect a process of making grape juice from wine grapes.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. RANDALL of California. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. Grape juice was sold here last year that was not made from Concord grapes, but from some light-colored grapes.

Mr. RANDALL of California. Practically all the grape juice so far has been made from Concord grapes. Now, the California wine-grape growers are endeavoring and probably will succeed in making grape juice from the wine grape, and I appeal to the Members of this House who have heretofore voted to protect the California wine-grape growers, as well as the others on the other side, to vote to protect and assist the California wine-grape growers who are now about to change their business.

Mr. MOORE of Pennsylvania. Is it not a fact that the action of Congress having virtually put out of business the grape growers of California, this is about the only way in which they may be able to continue to develop their industry?

Mr. RANDALL of California. I will say to the gentleman from Pennsylvania that this is one of the very few ways in which they can still make a profit out of their grapes. Another method is to make some other product from the wine grapes.

Mr. MOORE of Pennsylvania. What would become of their farms if the grapevines should have to be torn up?

Mr. RANDALL of California. They would be planted to some other product, but that would be an expensive process and would involve delay.

Mr. MOORE of Pennsylvania. That would be confiscating all the capital which they now have invested.

Mr. RANDALL of California. I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. GARNER].

The amendment was rejected.

Mr. JONES of Texas. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 1, line 12, after the word "repealed," strike out the period, insert a semicolon and the following: "and that part of section 628 of the act entitled 'An act to provide revenue, and for other purposes,' which levies a tax equivalent to 10 per cent of the price for which sold upon all unfermented grape juice, ginger ale, root beer, sarsaparilla, pop, artificial mineral waters (carbonated or not carbonated), other carbonated waters or beverages, and other soft drinks sold by the manufacturer, producer, or importer, in bottles or other closed containers, be, and the same is hereby, repealed."

Mr. LONGWORTH. Mr. Chairman, this amendment is not in order. I make the point of order, but will reserve it for a moment if the gentleman wishes to explain his amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. JONES of Texas. My amendment refers to the same section that this bill covers—section 628 of the same act.

The CHAIRMAN. This bill does not refer to section 628. This is an act to raise revenue.

Mr. JONES of Texas. But by its very terms it repeals part of section 628 and inserts instead a tax of 2 per cent on the very articles that are named in section 628, and then it says that all provisions of any act or acts inconsistent with the provisions of this act, or imposing any other or different tax on the articles taxed herein are hereby repealed. In other words, it repeals section 628 and inserts another tax; and I offer an amendment repealing other portions of section 628. I think my amendment is in order.

The CHAIRMAN. The Chair thinks otherwise. The Chair sustains the point of order.

Mr. JONES of Texas. All right.

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

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

The Clerk read as follows:

Amendment by Mr. BANKHEAD: Line 4, strike out the word "fruit juice," and strike out all of line 5 and all of line 6 to and including the word "added," and in lines 8 and 9 the words "and such beverages shall not be deemed soft drinks."

So that as amended it will read: "That there shall be levied, collected, and paid upon all nonalcoholic beverages, whether carbonated or not, when sold by the manufacturer, producer, or importer, in bottles or other closed containers, a tax of 2 cents per gallon. All provisions of any act or acts inconsistent with the provisions of this act, or imposing any other or different tax on the articles taxed herein, are hereby repealed."

Mr. BANKHEAD. Mr. Chairman, as I understand, the proposition involved in the bill is for the purpose of removing the tax, or at least reducing the tax, on each article named in the report, the loganberry raised in the West, apple juice, and grape juice, from 28 cents down to 2 cents a gallon. I can not see any good reason why, if you are going to reduce the tax that is supposed to be levied on fruit-juice beverages, that you should discriminate in favor of those three particular items, one particular item which has been discussed being the loganberry, and leave the tax on all the other nonalcoholic beverages put up in bottles.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. JOHNSON of Washington. Does not the gentleman think it possible that fruit juices intended for the table have an element of food value, whereas these waters do not?

Mr. BANKHEAD. I was discussing the question from the justness and justice of the proposition. You propose by the pending legislation to reduce the tax on certain favored articles. Here is the legitimate result of that: You give a distinct commercial advantage to certain people who are engaged in the production of certain commodities and levy a penalty on their competitors, who are producing other nonalcoholic beverages. It seems to me that there can be no justification for a discrimination of that character. As I see it—and I have tried to look at it fairly—the measure does make an unwarranted discrimination in favor of certain producers of these commodities.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. GREEN of Iowa. I think the gentleman wants to look at it fairly, but he has not considered this phase of the situation: The fruit juices grown to make sirup have to be grown with particular care, have to be manufactuured with great particularity, handled with a great deal of care, and are much more costly and difficult to produce than this mere sweetened wine that other manufacturers put out.

Mr. BANKHEAD. Does the gentleman know of any fruit which is made into a beverage that does not have to be produced with care and discrimination?

Mr. GREEN of Iowa. But this applies to all fruit beverages.

Mr. BANKHEAD. No; there are beverages that are manufactured from fruits that you are not reducing the tax on and which, if this bill is passed, will still be required to pay 28 cents a gallon. By this legislation you are seeking to reduce the tax on loganberry juice and on grape juice, and I can not see any justice in that proposition, because you certainly are showing favoritism in the legislation. If you are going to reduce it on one nonalcoholic beverage it ought to be reduced on all.

The amendment which I have offered to the bill would reduce the tax on all nonalcoholic bottled beverages to 2 cents a gallon. This would include Coca-Cola, Chero Cola, soda pop, and ginger ale. If you propose to reduce the tax on loganberry and grape juice sirups to a rate equal to 2 cents a gallon on such juices when bottled, in all fairness you should include all other juices and sirups out of which other sorts of bottled beverages are made to the same rate. As a matter of fact, the rate of tax levied on bottle beverages under the present revenue law, which is 10 per cent on gross sales, is too high. I protested against it when the bill was passed and I protest against it now. The cost of producing bottled soft drinks has increased enormously in the last two years. Every single element that goes into its production—sugar, sirups, bottles, caps, labor, trucks, express charges—has gone up from 25 to 50 per cent, if not more. Under the present tax plus the increased cost of production it is almost impossible for the owners of bottling plants to come out even, much less to earn an honest and legitimate profit. The loganberry raisers of the Northwest and the grape growers of New York were given a hearing before your Ways and Means Committee, now under Republican control, but I understand that no other class of people interested in the bottling business were invited to appear and present their case for a reduction of the existing tax. Is not that discrimination? Is not that favoritism of the grossest sort? That same Ways and Means Committee has reported and you have just passed a bill taking all the tax off soda water and ice cream sold at fountains not sold in bottles, and that was all right; but the matter as it is now left allows the men, women, and children who get soft drinks and ice cream at town soda fountains to do so tax free, and the operator of the soda fountain in town tax free, but the thousands of people who want to buy a pleasant drink of bottled Coca-Cola or pop out in the country at a store or soft-drink stand—at places where there is no soda fountain—you leave a 10 per cent tax on them by taxing the bottler that amount, and which the consumer must absorb. And remember many of the States also levy a tax on the business.

Gentlemen, that sort of discrimination can not be defended. It is incapable of defense.

My amendment reduces the tax on all bottled beverages to a reasonable basis. It would levy a fair and reasonable tax.

But I insist that if you are going to relieve one class of beverages from the existing tax you should relieve all. If you are going to tax one you should tax all on the same rate and basis. That would be fair; it would be just. Not to do so is scandalous.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman from Alabama has introduced here a mighty interesting proposition, and one I think that ought to be explained to the committee. He proposes that all soft drinks, whether made of fruit juices or not, shall be included in this amendment intended to relieve the farmers' products purely from the operation of section 628, which, with the tax on containers and other things, makes the tax very high and burdensome.

He would not add to the word "beverages" the word "sirup" for the very good and sufficient reason that Coca-Cola, the greatest offender of them all, which every one of us ordinarily believed to have been taxed along with other soft drinks, is not taxed one single cent. Why? Because it has been held that it is not a beverage as it leaves the great Georgia manufacturing plant, but is a sirup, and therefore the biggest manufacturer of them all escapes upon a technicality of definition.

Mr. BANKHEAD. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. BANKHEAD. Do I understand the gentleman to assert that Coca-Cola in no form, either in its original sirup or its manufactured form when put into bottles, pays a tax to the Treasury of the United States?

Mr. MOORE of Pennsylvania. Coca-Cola pays nothing. It comes from the factory under section 628 and pays nothing. I leave it to the author of this magnificent, monumental revenue bill, the gentleman from North Carolina, to disprove my statement if it is incorrect.

Mr. BANKHEAD. If that is a correct assertion, I agree with the gentleman that it ought to be taxed.

Mr. MOORE of Pennsylvania. The gentleman from Alabama and I agree that the gentleman from North Carolina is eloquent in his silence. Coca-Cola, the great Georgia product, is not taxed at all, because it is not a beverage as defined here, and so it escapes taxation.

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

Mr. MOORE of Pennsylvania. Yes.

Mr. BANKHEAD. Does the gentleman assert as a member of the Ways and Means Committee and one who speaks with authority that there is no tax levied or collected by the Government on bottled Coca-Cola as sold to the ordinary consumer?

Mr. MOORE of Pennsylvania. There is no tax on the manufacturer.

Mr. BANKHEAD. Will the gentleman answer the question "yes" or "no."

Mr. MOORE of Pennsylvania. I said on the manufacturer.

Mr. BANKHEAD. But there is a tax levied and collected in its bottled form, is there not?

Mr. KITCHIN. Just like all others.

Mr. MOORE of Pennsylvania. The law reads:

Upon all beverages derived wholly or in part from cereals or substitutes therefor, and containing less than one-half of 1 per cent of alcohol, sold by the manufacturer, producers, or importers, in bottles or other closed containers, a tax equivalent to 15 per cent of the price for which so sold.

And you get nothing out of it from the manufacturer down in Georgia, because he sells a sirup. He does not sell a beverage.

Mr. BANKHEAD. Mr. Chairman, I do not represent anyone in Georgia.

Mr. MOORE of Pennsylvania. Oh, I know that; and I was not accusing the gentleman from Alabama, but I said it was very interesting that he should offer this amendment at this time, because it would tend to relieve the manufacturer of Coca-Cola from the 2 cents that is levied in this amendment. The only tax the Coca-Cola business pays in any way is the 1 cent at the fountain, where the retailer made the profit to which the gentleman from North Carolina [Mr. KITCHIN] referred awhile ago, and that 1 cent has now been taken off Coca-Cola by the passage of the repealer of section 630.

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

Mr. MOORE of Pennsylvania. So Coca-Cola goes scot-free, and I am glad to hear the gentleman from Iowa [Mr. GREEN] say that gentlemen on the other side who want to reach Coca-Cola will be given an opportunity very soon to make it pay its fair share of the burden of running this Government in war time.

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

Mr. FORDNEY. Mr. Chairman, I move that all debate upon this bill and the amendments thereto——

Mr. KITCHIN. Oh, Mr. Chairman, I desire to offer an amendment and to speak on the amendment now before the committee.

Mr. FORDNEY. Mr. Chairman, I am going to ask that all debate upon all amendments and the bill itself close in 10 minutes.

Mr. BLACK. Mr. Chairman, I have an amendment which I desire to offer.

Mr. JONES of Texas. Mr. Chairman, I have a germane amendment which I desire to offer.

Mr. FORDNEY. I know, but gentlemen have been offering amendments and talking for some time. I will make it 15 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all debate upon the amendments and the bill itself end in 15 minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. KITCHIN. Mr. Chairman, I have an amendment here carrying out what I suggested and I will offer it, though I may withdraw it, for it seems it is impossible to get through any amendment this afternoon.

The CHAIRMAN. The Chair without other arrangement will recognize members of the Committee on Ways and Means.

Mr. KITCHIN. I will ask that the reading of my amendment be withheld for the present. I want to speak especially to my good friend and colleague from Pennsylvania [Mr. MOORE]. There is no gentleman that I am more fond of than I am of my old friend from Philadelphia, and I shall address him in the affectionate terms of J. HAMP. MOORE. When Mr. J. HAMP. MOORE makes a speech in which he talks about the Democratic Party, he becomes so partisan that he can not see the facts and the truth to save his life. If my good friend J. HAMP. could see the truth, if he was not so blinded with partisanship, he would be the last man in the world who would refuse to tell the truth.

He tells this House and tries to give the impression, because he refused to see the facts, that there is no tax on Coca-Cola, and that we Democrats over here did not want to tax Coca-Cola. I beg his especial attention so that he may see the truth, which is this: Coca-Cola sirup is taxed in the present act just like every other sirup made or produced in the United States that goes into a soft drink is taxed. It pays the same tax exactly, and in exactly the same manner.

There is no tax on any sirups, but the way we get the tax on Coca-Cola, on lemon sirup, on all other sirups made, is in the drink which the consumer uses. First, if it is put in bottles like ginger ale, pop, sarsaparilla, or Coca-Cola or lemon cola or pepso cola or anything else, because in making Coca-Cola you must make it out of the sirup, and if it sells in bottles made out of the sirup it has a tax of 10 per cent under the present law. That is true of Coca-Cola as of any other sirups. Again, if you compound Coca-Cola like any of the other sirups anywhere at a soda fountain and make a drink of Coca-Cola, that pays identically the same tax as a drink made of any other sirup made in the United States. Now, that is the fact, the truth, and the law. But my good friend J. HAMP. can not see it. Now that is the truth——

Mr. MOORE of Pennsylvania. Does the gentleman say the manufacturer pays under section 628?

Mr. KITCHIN. The manufacturer pays just like any other manufacturer of sirup. When it is made into a drink on that drink is imposed a tax.

Mr. MOORE of Pennsylvania. That is what I said, that after it gets away from the factory——

The CHAIRMAN. The time of the gentleman has expired.

Mr. KITCHIN. I will ask for one minute.

Mr. MOORE of Pennsylvania. The gentleman has a complicated case and I think he ought to have a minute.

Mr. KITCHIN. I will ask unanimous consent for one minute more time.

The CHAIRMAN. The gentleman from North Carolina, notwithstanding the order already entered into, asks unanimous consent to speak for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. Now, the only relief from taxation that Coca-Cola has when mixed into a drink was made by the House this afternoon when the House relieved Coca-Cola from it as a drink compounded at the fountain. That was relieved of all taxation this afternoon, and that is one of the reasons I opposed the relieving of soft drinks, because I believe that Coca-Cola ought to be taxed, sometimes I almost feel like saying it ought to be taxed out of existence, and I as a Democrat voted against relieving Coca-Cola as a drink of any tax, but you gentlemen voted to relieve it. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GREEN of Iowa. Mr. Chairman, the only one practical way of equalizing this tax is in the form of the bill which we have before us. The suggestions made by the gentleman from North Carolina are utterly impossible. Fruit juices are not a sirup. You can not call them a sirup and put them in the law as a sirup. That would introduce all sorts of difficulties with the Treasury Department the moment you undertake it. The loganberry juice can be drunk in the form in which it is originally pressed from the berry. It does not have to be diluted unless you like it better. The same thing is true with these grape juices. There is a difference, notwithstanding the argument made by the gentleman from Alabama, between fruit juices, expensive to make, difficult to keep, hard to handle, and some concoction of carbonic-acid gas and water with a little sugar in it, and there is almost the same difference with regard to all these beverages made from cereals from which you can make a whole barrel of beverage for the same expense as to make a quart of loganberry juice. There is no question about that, and that is the reason there should be a distinction, should be a difference, in the rate of tax upon those different kinds of beverages. Now, Mr. Chairman, the time is very much limited and I do not want to cut off these gentlemen entirely, so I will only use these two minutes.

Mr. BLACK. Mr. Chairman, I have an amendment which I would like to offer.

The CHAIRMAN. The gentleman from Texas offers an amendment——

Mr. LONGWORTH. Mr. Chairman, I think there is an amendment pending.

The CHAIRMAN. There are amendments pending. The question is on the amendment offered by the gentleman from Alabama [Mr. BANKHEAD].

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

Mr. BANKHEAD. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 18, noes 57.

So the amendment was rejected.

Mr. BANKHEAD. Mr. Chairman, I would like to get unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES of Texas. Mr. Chairman, I have an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 1, line 9, after the word "drinks," insert "and there shall be levied, collected, and paid upon all unfermented grape juice, ginger ale, root beer, sarsaparilla, pop, artificial mineral waters (carbonated or not carbonated), other carbonated waters or beverages, and other soft drinks sold by the manufacturer, producer, or importer in bottles or other closed containers, a tax equivalent to 1 per cent of the price for which so sold."

Mr. LONGWORTH. Mr. Chairman, I make the point of order the amendment is out of order.

The CHAIRMAN. The gentleman from Ohio makes the point of order the amendment is out of order.

Mr. LONGWORTH. And I want to say this about the point of order.

Mr. JONES of Texas. I would like the gentleman to state it.

Mr. LONGWORTH. I make the point of order that the gentleman's amendment is out of order as conflicting with paragraph 3 of Rule XXI.

In the first place, it is clearly out of order because the paragraph and bill are the same in this case. It would be out of order in either case, I think, but in this case the paragraph and the bill to which this amendment is offered are the same. This bill deals only with nonalcoholic fruit-juice beverages. The gentleman endeavors to add an entirely different subject, to wit, cereal beverages.

Mr. JONES of Texas. Those are not included.

Mr. LONGWORTH. Ginger ale and all that sort of thing, at any rate.

Mr. JONES of Texas. The part that deals with cereal beverages I left out.

Mr. LONGWORTH. It deals with ginger ale, at any rate.

Mr. Chairman, under paragraph 3, Rule XXI, you can not introduce into a tariff or revenue bill dealing with certain specific articles another and a different article. Let me refer the Chair to page 521 of the Manual. The Chairman in that case was interpreting the meaning of this rule. It was the first decision where the full meaning of that paragraph was considered. At the bottom of page 520 the Chair says:

> It is clear to the mind of the Chair that this rule was intended to further limit the right of amendment, and to make it clear that to be germane the amendment should relate to the subject matter in the bill, and to the particular item in this bill sought to be amended.

This is a bill entitled:

> A bill to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles.

And a little further on he says:

> While the bill relates to the free list, does the amendment proposing to put glass on the free list in any proper sense relate to the subject matter in the bill, or to any item in the bill?

And proceeded to rule the amendment out of order.

Now, Mr. Chairman, that was the bill of almost the broadest conceivable sort. A very large number of articles were sought to be placed on the free list in that bill, and even though the bill was as broad as that, an effort to include glass among these specified articles was held to be out of order.

The CHAIRMAN. The Chair would like to hear from the gentleman from Texas [Mr. JONES] on the point of order.

Mr. LONGWORTH. Let me add this statement, Mr. Chairman, and briefly refer to the history of this rule. At the time it was adopted it had been the custom on this side of the House in considering tariff bills to offer a rule making out of order amendments to revenue bills under consideration. We were a good deal criticized for that.

In 1911, when the other side got the majority, they put in this rule, paragraph 3 of Rule XXI. It is an exception to all rules theretofore or thereafter provided as to germaneness. It was intended to limit germaneness to the least possible extent, and so it was very easy for our friends on that side of the House to bring in a tariff or revenue bill without bringing in a rule, and it seemed perfectly fair on the surface, though the right to amend was absolutely destroyed. Paragraph 3 of Rule XXI was established, and just behind the gentleman from North Carolina [Mr. KITCHIN] is the gentleman [Mr. ALEXANDER] who announced the first comprehensive ruling, and with absolute correctness, as I believe. It prevents absolutely the amendment of any item of a tariff bill by introducing some new subject, and it is proper, Mr. Chairman, that that should be so, because if the gentleman who now offers this amendment to include ginger ale would have the right to include ginger ale, he would have the right to include automobiles, jewelry, and almost everything else that has upon it a manufacturer's tax, and it would inevitably lead to chaos.

I submit again that both under the spirit and under the letter of paragraph 3 of Rule XXI the gentleman's amendment is out of order.

The CHAIRMAN. The Chair will hear the gentleman from Texas.

Mr. JONES of Texas. Mr. Chairman, if I understand correctly the precedent which is cited by the gentleman from Ohio [Mr. LONGWORTH], it refers to an appropriation bill.

Mr. LONGWORTH. Oh, no; to a revenue bill.

Mr. JONES of Texas. But that makes no difference. His proposition is not parallel to the one which the Chair has before him at the present time. This particular bill levies on nonalcoholic fruit juice beverages a tax of 2 cents per gallon. The present law taxes such beverages 15 per cent of the price for which they are sold.

Now, the first amendment, as I understand, was ruled out by the Chair on the theory that such amendment undertook to repeal a tax measure; that is, to add a repealing amendment to a taxing measure. I have simply added, instead of 10 per cent of the price, a tax of 1 per cent of the price, making it a taxing amendment. The repealing provision, of course, would apply to it as it does to the other portion of the bill.

Now, I have not included in this amendment the first part of the old law which refers to cereal beverages or substitutes therefor, containing less than one-half of 1 per cent of alcohol as sold by the manufacturer. It would probably be subject to a point of order if I had included that in the amendment, because this particular tax bill which we have before the House at the present time is a tax referring to nonalcoholic beverages. I have therefore, in my amendment, simply included those items which are named in the old bill as "nonalcoholic," and are named in the same paragraph which cover the items contained in the bill.

The CHAIRMAN. The Chair will ask the gentleman from Texas whether or not he thinks that a bill placing a tax upon nonalcoholic fruit juice could be amended by a germane amendment that would propose to add ginger ale, root beer, sarsaparilla, pop, and artificial mineral waters?

Mr. JONES of Texas. Well, it includes grape juice as well. It includes those articles that are named in the same paragraph. I think it is a question of beverage rather than the particular adjective that is attached to the word "beverage." They are nonalcoholic beverages, and the principal word is the word "beverage," rather than the adjective "fruit juice" attached before the word "beverage." They are the nonalcoholic beverages that are named in the same paragraph. Now, being beverages, and being nonalcoholic beverages, it seems to me they would go in with these other beverages. It is simply adding another adjective to the noun. The noun is the principal word in the sentence. It is the word in the sentence that gives the sentence its meaning, and the adjective is simply the qualifying word to the noun. The effect of my amendment is simply to add some qualifying words to that noun. The word "beverage," as I say, is the principal word. "Nonalcoholic" refers rather to the class and type of beverages. I have simply added one more nonalcoholic beverage. They are specifically designated as unfermented.

The CHAIRMAN. The gentleman, then, under his theory, could add an alcoholic beverage?

Mr. JONES of Texas. No. I do not know whether you could or not, but I do not think that is important. That issue is not in the case.

The CHAIRMAN. The Chair is ready to rule. The Chair thinks the amendment is in violation of both section 3 of Rule XXI and of section 7 of Rule XVI, and therefore sustains the point of order.

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

The CHAIRMAN. The Clerk will report it.

Mr. BLACK. After the word "beverage," in line 4, strike out the words "whether carbonated or not."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. BLACK: In line 4, page 1, after the word "beverage" strike out the words "whether carbonated or not."

Mr. FORDNEY. Mr. Chairman, I hope the amendment will not prevail. I shall ask for a vote.

Mr. BLACK. Mr. Chairman, how much time remains?

The CHAIRMAN. Five minutes.

Mr. BLACK. I would like to explain in a very brief way the reason for offering my amendment, and I see no reason why it should not be accepted by those who are friendly to grape juice, loganberry juice, and other fruit juices and are seeking to encourage those industries. I know that we are all familiar with the fact that these fruit juices are put up in bottles without carbonation. The method by which these juices are used as a home beverage is to take the juice and mix it with sugar and water and serve with plenty of ice.

The only place where they are carbonated is at the soda fountain, and this afternoon we have taken off the tax from soda-fountain drinks. Now, the reason I have offered the amendment is this: In section 628 of the war revenue bill we placed a tax of 10 per cent on the sale price of all carbonated beverages. Let us take Coca-Cola. The sirup is not a beverage. The gentleman from Pennsylvania [Mr. MOORE] dwelt at considerable length upon that proposition; but we are all familiar with the fact that you can not take Coca-Cola sirup and use it as a beverage. The only way in which it can be used

as a beverage is to carbonate it, either at the soda fountain or in the bottle with carbonated water, and when that was done, under section 630 you put a tax on it at the soda fountain and under section 628 all the bottlers of Coca-Cola have paid 10 per cent on the sale price. Now, what will be the result if you leave in this bill these words "whether carbonated or not"? The manufacturers of these fruit juices will take loganberry juice and grape juice and possibly some other juices and make them up in sirup form and sell them to the bottler, and when the bottler carbonates that beverage, under this provision if it stays in, "whether carbonated or not," he will pay 2 cents a gallon on those beverages instead of 10 per cent. Now, what difference will it make as to the amount of his tax? A case of soda water that is ordinarily sold to the dealer contains 24 half-pint bottles, which would be 12 pints or 1 gallon and a half. Under the present law there would be about 8 cents collected on that case of soda water, because I think the average price would be about 80 cents for a case of 24 half-pint bottles. Now, suppose you make these carbonated drinks from loganberry sirup or other fruit juice sirup. You would have a gallon and a half of carbonated drink made from fruit juice sirup, and you would pay 3 cents on it instead of 8 cents. Now, is there any better reason why you should pay 8 cents on other sirups and only 3 cents on carbonated loganberry drink?

Mr. JOHNSON of Washington. Now, take a case of 24 half-pint bottles of soda water, made from a sirup. They pay 8 cents to the Government.

Mr. BLACK. Yes.

Mr. JOHNSON of Washington. The bottler absorbs that, and the retailer charges 6 cents a bottle under the guise of a tax, and places that onto the public.

Mr. BLACK. The bottler does not absorb the tax. He charges it up to the retailer. At least it is my understanding that it has been done in most cases.

Mr. JOHNSON of Washington. Charges 8 cents?

Mr. BLACK. Yes.

Mr. JOHNSON of Washington. And the retailer gets 24 cents, 1 cent on each of the 24 bottles, and that is something we want to get rid of.

Mr. BLACK. I advocated on the floor this afternoon that if you repeal the tax on any of the soft drinks, you ought to repeal them all. But, gentlemen, if you are only wanting to protect the buyer of fruit juices, you do not need to have the word "carbonated" in here, because we all know that grape juice, loganberry juice, and drinks of that sort are put up by the manufacturers in half pints, pints, quarts, and gallons, and without carbonation. But if we are going to permit the making of loganberry sirup or grape sirup and make carbonated beverages out of it as is done with lemon and orange and sarsaparilla sirup, then I do not see any reason why all such drinks should not pay the regular 10 per cent tax. I do not see any just reason for discrimination in favor of the one and against the other. It is for this reason I have offered my amendment.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. FORDNEY. All I want to say is that I hope that amendment will not prevail. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BLACK].

The question being taken, on a division (demanded by Mr. BLACK) there were—ayes 20, noes 47.

Accordingly the amendment was rejected.

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] sent an amendment to the desk.

Mr. KITCHIN. Let the amendment go into the RECORD.

The amendment is as follows:

Amendment by Mr. KITCHIN: Strike out all of the enacting clause and insert the following: That section 628 of the revenue act of 1918 be amended by adding, at the end of such section, the following: "(c) Fruit juices, whether consisting of pure fruit juice or of pure fruit to which sugar has been added, to which an equal amount of water or more must be added to make a potable liquid of the soft-drink class, shall be construed as a sirup and shall not be taxed under this section.

Mr. KITCHIN. I withdraw that amendment, because there is no chance in the world of getting this House to pass it, and it is no use to take up the time.

Mr. FORDNEY. I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7840) providing for a tax on pure fruit-juice beverages, had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

Mr. FORDNEY. I move the previous question on the bill to the final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FORDNEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. RUCKER, for this week, on account of sickness in the family.

To Mr. KRAUS, at the request of Mr. VESTAL, indefinitely, on account of illness in family.

To Mr. DAVEY, for two days, on account of important business.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 147. Joint resolution to ratify and confirm from and including July 1, 1919, obligations incurred pursuant to the terms of certain appropriations for the fiscal year 1920.

ADJOURNMENT.

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

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Tuesday, July 29, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy transmitting views of the Navy Department in connection with certain aspects of radio communication (H. Doc. No. 165), was taken from the Speaker's table, referred to the Committee on the Merchant Marine and Fisheries, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

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

Mr. TIMBERLAKE, from the Committee on Ways and Means, to which was referred the bill (H. R. 4437) to provide revenue for the Government and to promote the production of tungsten ores and manufactures thereof in the United States, reported the same with amendment, accompanied by a report (No. 161), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND of Indiana, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 7539) to provide for monthly payment of pensions, and for other purposes, reported the same with amendment, accompanied by a report (No. 162), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 7110) extending the time for the construction of a bridge across Flint River, in the State of Georgia, reported the same without amendment, accompanied by a report (No. 163), which said bill and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 7706) to extend the time for the construction of the Broadway Street bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark., reported the same without amendment, accompanied by a report (No. 164), which said bill and report were referred to the House Calendar.

Mr. SANDERS of Indiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 7707) to extend the time for the construction of the Main Street bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark., reported the same without amendment, accompanied by a report (No. 165), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARLAND, from the Committee on Mines and Mining, to which was referred the joint resolution (H. J. Res. 150) to suspend the requirements of annual assessment work on mining claims during the year 1919, reported the same with amendment, accompanied by a report (No. 170), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VAILE, from the Committee on Immigration and Naturalization, to which was referred the joint resolution (H. J. Res. 163), authorizing the Secretary of Labor to lease the Charleston immigration station and dock connected therewith, reported the same without amendment, accompanied by a report (No. 172), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII. the Committee on Pensions was discharged from the consideration of the bill (H. R. 3586) granting a pension to Martin L. Stokesberry, and the same was referred to the Committee on Invalid 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. JOHNSON of Washington: A bill (H. R. 7914) providing for the manner of appointment of commissioners of immigration at the several ports; to the Committee on Immigration and Naturalization.

By Mr. TIMBERLAKE: A bill (H. R. 7915) to amend section 800 of the revenue act of 1918, approved February 24, 1919; to the Committee on Ways and Means.

By Mr. DICKINSON of Missouri: A bill (H. R. 7916) authorizing the Secretary of War to donate captured German cannon to the city of Eldorado Springs, Mo.; to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 7917) to commission retired pay clerks; to the Committee on Military Affairs.

By Mr. KLECZKA: A bill (H. R. 7918) authorizing the Secretary of War to donate to the city of Milwaukee, Wis., 12 German cannons or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 7919) authorizing the Secretary of War to donate to the city of West Allis, Milwaukee County, Wis., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7920) authorizing the Secretary of War to donate to the city of South Milwaukee, Milwaukee County, Wis., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7921) authorizing the Secretary of War to donate to the city of Cudahy, Milwaukee County, Wis., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 7922) authorizing the Secretary of War to donate to the city of Wauwatosa, Milwaukee County, Wis., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota: A bill (H. R. 7923) granting additional pay, according to length of service, to officers and enlisted personnel of the Army, Navy, and Marine Corps; to the Committee on Ways and Means.

Also, a bill (H. R. 7924) to provide for the relief of officers of the United States Army; to the Committee on Military Affairs.

By Mr. CURRY of California: A bill (H. R. 7925) to establish the department of aeronautics, and for other purposes; to the Committee on Military Affairs.

By Mr. McGLENNON: A bill (H. R. 7926) authorizing the Secretary of War to donate to the town of Bloomfield, N. J., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. SHERWOOD. A bill (H. R. 7927) to restore to the colors and granting amnesty to soldiers, sailors, and marines, and to certain other persons, and for other purposes; to the Committee on Appropriations.

By Mr. ASWELL: A bill (H. R. 7928) to repeal the internal-revenue taxes upon wholesome foods and the special license taxes imposed upon producers and dealers in such wholesome foods; to the Committee on Ways and Means.

By Mr. OSBORNE: A bill (H. R. 7929) to authorize the Secretaries of War and of the Navy to sell to honorably discharged officers and enlisted men of the United States Army, Navy, and Marine Corps certain clothing and subsistence supplies at the prices at which such supplies are sold to officers and enlisted men in the active service, and for other purposes; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 7930) to provide for the treatment in hospital of diseased alien seamen; to the Committee on Immigration and Naturalization.

By Mr. CAMPBELL of Pennsylvania: A bill (H. R. 7931) to repeal section 8 of the act of August 2, 1886, as amended by section 3 of the act of May 9, 1902; to the Committee on Ways and Means.

By Mr. SMITH of Michigan: A bill (H. R. 7932) granting a pension to certain widows of soldiers, sailors, and marines of the Civil War, and relating to the construction of the pension laws in relation thereto; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 7933) authorizing and directing the Director of the Census to collect and publish at certain intervals statistics concerning hides, skins, and leather; to the Committee on Appropriations.

By Mr. RICKETTS: Resolution (H. Res. 203) requiring the Committee on Military Affairs to investigate and report to the House at once the question of whether or not the shell-shocked soldiers are being kept in hospitals with the criminal insane, and for appropriation, etc.; to the Committee on Appropriations.

By Mr. JOHNSON of Washington: Resolution (H. Res. 204) authorizing the Committee on Immigration and Naturalization of the House of Representatives to make an investigation relative to smuggling and other unlawful entries into the United States through the Pacific coast ports and other places and over the Mexican and Canadian borders; to the Committee on Rules.

By Mr. EMERSON: Joint resolution (H. J. Res. 162) repealing taxes and import duties on sugar and foodstuffs and on freight rates; to the Committee on Ways and Means.

By Mr. WHALEY: Joint resolution (H. J. Res. 163) authorizing the Secretary of Labor to lease the Charleston immigration station and dock connected therewith; to the Committee on Immigration and Naturalization.

By Mr. GRIFFIN: Joint resolution (H. J. Res. 164) proposing an amendment to the Constitution taking away from the United States Senate the exclusive power to ratify treaties and vesting that power in both the Senate and House of Representatives; to the Committee on the Judiciary.

By Mr. KAHN: Joint resolution (H. J. Res. 165) to allow the payment of bills lawfully incurred for construction work actually performed or construction material actually purchased and delivered prior to the approval of an act approved July 11, 1919 (Public, No. 7, 65th Cong., H. R. 5227); to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ALMON: A bill (H. R. 7934) granting a pension to Mabron Van Gibbs; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 7935) granting an increase of pension to Angeline McVicker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7936) granting an increase of pension to Rebecca J. Kaylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7937) granting an increase of pension to Ezra L. Eckis; to the Committee on Pensions.

By Mr. BROOKS of Illinois: A bill (H. R. 7938) granting an increase of pension to Nettie S. Moore; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 7939) granting a pension to Clara V. Ransom; to the Committee on Invalid Pensions.

By Mr. CARAWAY: A bill (H. R. 7940) granting an increase of pension to James A. Childers; to the Committee on Pensions.

Also, a bill (H. R. 7941) granting a pension to Thomas W. Breckenridge; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 7942) granting an increase of pension to Huston Summers; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Iowa: A bill (H. R. 7943) granting an increase of pension to Theodore Walker; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 7944) granting a pension to Isabella Burns; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 7945) for the relief of A. C. Russell; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 7946) granting an increase of pension to Walter J. Wall; to the Committee on Invalid Pensions.

By Mr. KLECZKA: A bill (H. R. 7947) granting an increase of pension to W. Y. Richardson; to the Committee on Invalid Pensions.

By Mr. LANHAM: A bill (H. R. 7948) for the relief of A. L. Utley, his wife, and minor children; to the Committee on Claims.

By Mr. McKINLEY: A bill (H. R. 7949) granting a pension to Reuben I. Seibert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7950) granting an increase of pension to George Deland; to the Committee on Invalid Pensions.

By Mr. MAJOR: A bill (H. R. 7951) granting an increase of pension to Joel Rider; to the Committee on Invalid Pensions.

By Mr. MASON: A bill (H. R. 7952) granting a pension to Lizzie Keen; to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 7953) granting an increase of pension to J. M. McKenzie; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 7954) granting an increase of pension to Laura S. Gilkey; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 7955) granting an increase of pension to Paul E. Hyatt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7956) granting a pension to Elmer S. Baker; to the Committee on Pensions.

Also, a bill (H. R. 7957) granting a pension to Adolph V. Gompf; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 7958) granting an increase of pension to Willis Anderson; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 7959) authorizing the cancellation of the Indian trust patent which issued to Justine Sayers; to the Committee on the Public Lands.

By Mr. SMITH of Michigan: A bill (H. R. 7960) granting a pension to Eliza C. Spears; to the Committee on Invalid Pensions.

By Mr. THOMPSON of Ohio: A bill (H. R. 7961) granting a pension to Oscar McPike; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 7962) granting a pension to Louisa Jane Holmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7963) granting a pension to Frances A. Boody; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 7964) granting a pension to Thomas N. Pray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7965) for the relief of Richard A. Schwab; to the Committee on Claims.

By Mr. WELTY: A bill (H. R. 7966) granting a pension to Phoebe Williams; to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 7967) granting a pension to Anna M. Neill; to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 7968) granting an increase of pension to Mary Ann Gettings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7969) granting a pension to Lucinda J. Smith; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By the SPEAKER (by request): Petition of the Chinese Student National Federation of Shanghai, urging justice in future ratification of treaty; to the Committee on Foreign Affairs.

By Mr. BARBOUR: Petition of certain citizens of Atwater, Calif., for the repeal of sections 630 and 900 of the revenue act imposing a tax on ice cream, soft drinks, candy, etc.; to the Committee on Ways and Means.

By Mr. BLAND of Missouri: Petition of Mrs. Thomas Brackett and others, to repeal tax on sodas, ice cream, etc.; to the Committee on Ways and Means.

By Mr. ELSTON: Petition of Liscum Camp No. 7, United Spanish War Veterans, of Oakland, Calif., urging establishment of a naval academy in San Francisco Bay region; to the Committee on Naval Affairs.

Also, petition of the United Brotherhood of Carpenters and Joiners of America, Local Union No. 36, of Oakland, Calif., relative to prohibition legislation; to the Committee on the Judiciary.

By Mr. ESCH: Petition of Wisconsin State Federation of Labor in convention assembled in Appleton, July 16 to 19, 1919, protesting against this abrogation of the fundamental democratic rights of the American people and demanding that the man elected by the voters of the fifth congressional district of Wisconsin be seated; to the Committee on Elections No. 1.

Also, petition of Wisconsin State Federation of Appleton, Wis., asking the repeal of the espionage act; to the Committee on the Judiciary.

Also, petition of Charles J. Hatfield, M. D., of New York City, against the repeal of the so-called daylight-saving law; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER of Illinois: Petition of the Illinois Pharmaceutical Association, favoring the standard-price bills, H. R. 44 and H. R. 212; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Illinois State Federation of Labor, favoring House bill 3149, for the retirement of Federal employees; to the Committee on Labor.

Also, petition of A. J. Lovejoy & Son, of Roscoe, Ill., opposing the bills to regulate the packing industry; to the Committee on Interstate and Foreign Commerce.

Also, petition of Myron Wood, of Youngstown, Ohio, favoring the increase of pensions for the maimed soldiers of the Civil War; to the Committee on Invalid Pensions.

By Mr. GRIFFIN: Petition of 1,125 citizens of New York City, 750 of whom are residents of the twenty-second congressional district of New York, for the repeal of the tax on sodas, soft drinks, and ice cream; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: Petition of various citizens of Vancouver, Wash., urging the repeal of the tax on soft drinks, etc.; to the Committee on Ways and Means.

By Mr. KINKAID: Petition of T. A. Smith of Burwell; George E. Anderson and 24 other citizens of Bristow; and C. H. Barker and 28 other residents of Burwell, all in the State of Nebraska, asking for the repeal of the tax on candy, soda-fountain foods and drinks, etc.; to the Committee on Ways and Means.

By Mr. McKEOWN: Resolution adopted by the high-school conference at the University of Oklahoma July 18, 1919; to the Committee on Education.

By Mr. MANN: Petition of sundry citizens of Chicago, Ill., favoring repeal of section 907 of the war revenue act; to the Committee on Ways and Means.

By Mr. O'CONNELL: Petition of Lamont, Corliss & Co. and Peter Cailler Kohler Swiss Chocolates Co. (Inc.), both of New York, for the repeal of the 5 per cent tax on candy, etc.; to the Committee on Ways and Means.

Also, petition of Polish National Alliance of the United States of North America, of Chicago, Ill., protesting against the enactment of Senate bill 2099; to the Committee on Printing.

By Mr. OSBORNE: Memorial of Hamilton S. Hawkins Auxiliary No. 29, United Spanish War Veterans, Sawtelle, Calif., in support of House bill 1715, Sixty-fifth Congress; to the Committee on Pensions.

By Mr. ROWAN: Petition of George B. Wills & Co. (Inc.), of New York, favoring House bill 6323; to the Committee on Public Buildings and Grounds.

Also, petition of MacArthur Bros. Co., engineers and contractors, of New York, against the passage of House bill 503; to the Committee on Immigration and Naturalization.

Also, petition of C. K. Chang, asking the return of the leased territory, Kiaochow; to the Committee on Foreign Affairs.

Also, petition of Peter Cailler Kohler Swiss Chocolates Co. (Inc.) and Lamont, Corliss & Co., both of New York, for the repeal of the 5 per cent tax on candy, etc.; to the Committee on Ways and Means.

Also, petition of Harold R. Young, of New York, containing approximately 250 signatures, requesting the repeal of section 904 of the revenue act of 1918; to the Committee on Ways and Means.

Also, petition of United States Customs Inspectors' Branch K, Federal Employees' Union, No. 4, of New York, favoring House bill 6577; to the Committee on Ways and Means.

Also, petition of the National League Baseball Grounds, at Chicago, Ill., urging upon the Congress of the United States to recognize the Irish republic as now established; to the Committee on Foreign Affairs.

Also, petition of R. H. Alcorn, of Washington, D. C., favoring the Lelhbach retirement bill (H. R. 3149); to the Committee on Reform in the Civil Service.

Also, petition of Polish National Alliance of the United States of North America, of Chicago, Ill., protesting against the enactment of Senate bill 2099; to the Committee on Printing.

Also, petition of the Louisville & Nashville Railroad Co., Milton H. Smith, president, relating to Senate bill 5679; to the Committee on Interstate and Foreign Commerce.

By Mr. TIMBERLAKE: Petition of B. F. Kabel, of Colorado, urging Congress to stand by the guaranteed wheat prices for the 1919 wheat crop; to the Committee on Agriculture.