The SPEAKER. The gentleman from Virginia makes the point of order of no quorum present. It is clear there is no quorum present.

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

Mr. KELLEY of Michigan. Mr. Speaker, a parliamentary inquiry. Will this vote——

The SPEAKER. It is too late now for a parliamentary inquiry.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 7417. An act to amend an act of Congress approved March 12, 1914, authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

ADJOURNMENT.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, October 7, 1919, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9223) granting a pension to Ezra Shanks; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7425) granting a pension to Martha J. Comstock; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. RAMSEY: A bill (H. R. 9752) for the purchase of a site and erection of a public building at Englewood, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. GREENE of Massachusetts: A bill (H. R. 9753) to prevent deception in the sale of baled cotton in transactions in interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. HUSTED: A bill (H. R. 9754) to create a national monetary commission; to the Committee on Banking and Currency.

By Mr. VESTAL: A bill (H. R. 9755) to establish the standard of weights and measures for the following wheat-mill and corn-mill products, namely, flours, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. PARKER: A bill (H. R. 9756) to amend the Judicial Code to permit terms of the district court for the northern district of New York to be held in Rensselaer County; to the Committee on the Judiciary.

By Mr. HULL of Tennessee: Resolution (H. Res. 323) providing for the appointment of a select committee to consider all legislation relating to honorably discharged officers, soldiers, sailors, and marines of the present war; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ASHBROOK: A bill (H. R. 9757) granting an increase of pension to George W. Willard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9758) granting an increase of pension to Johanna Dowling; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 9759) granting a pension to John Pennington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9760) granting an increase of pension to James M. Foss; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 9761) for the relief of David C. Bays; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 9762) for the relief of certain settlers in Oregon for losses sustained during the Rogue River Indian outbreak in southern Oregon in 1855; to the Committee on Indian Affairs.

Also, a bill (H. R. 9763) granting a pension to John J. Moll; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 9764) granting a pension to Charles C. Chilson; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 9765) granting an increase of pension to Rebecca Johnson; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 9766) for the relief of the estate of George W. Lee, deceased; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 9767) granting an increase of pension to William W. Blachly; to the Committee on Invalid Pensions.

By Mr. REED of West Virginia: A bill (H. R. 9768) granting an increase of pension to Jacob P. Marling; to the Committee on Pensions.

Also, a bill (H. R. 9769) granting a pension to Worthy Poling; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 9770) granting an increase of pension to Joseph W. Santee; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 9771) granting a pension to William C. Jacobs; to the Committee on Pensions.

Also, a bill (H. R. 9772) granting a pension to Lucy A. Dodson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9773) granting an increase of pension to Harman B. Benton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9774) granting an increase of pension to Josephus McMurtrey; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 9775) granting an increase of pension to Margaret I. Reider; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By Mr. ESCH: Petition of the Anti-Saloon League of America, protesting against legislation granting liquor permits to pharmacists; to the Committee on the Judiciary.

By Mr. FOCHT: Papers to accompany House bill 9549, granting a pension to Mrs. Sadie Doan; to the Committee on Invalid Pensions.

By Mr. HERSEY: Petition of sundry citizens of Brownville, Me., urging repeal of tax on soda, ice cream, etc.; to the Committee on Ways and Means.

By Mr. KIESS: Papers to accompany House bill 9076, for the relief of James A. Roche, alias James Brady; to the Committee on Invalid Pensions.

By Mr. OSBORNE: Petition of Angel City Court, No. 579, Catholic Order of Foresters, Los Angeles, Calif., protesting against the enactment of the Smith-Towner bill, to provide for a department of education, and for other purposes; to the Committee on Education.

By Mr. WASON: Petition of Maxwell Grey and 21 other residents of Whitefield, N. H., urging the repeal of motion-picture taxes; to the Committee on Ways and Means.

By Mr. WHITE of Maine: Petition of American Legion of Maine, praying for an investigation of alleged unjust punishments and other wrongs to members of the American Expeditionary Forces and for the punishment of officers responsible therefor; to the Committee on Military Affairs.

SENATE.

TUESDAY, *October 7, 1919.*

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

Almighty God, we seek Thy favor and guidance for the tremendous duty that is upon us this day, with far-reaching influence, that we may have the divine sanction upon that which we say and do, and that out of all our planning and purposing there may come a sweeter comradeship in a common service and a unity of faith and purpose and ideals among all the people of this land, that we may live and serve and sacrifice for the advancement of Thy kingdom of righteousness and truth in the world. We ask it for Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Beckham	Chamberlain	Cummins
Ball	Borah	Colt	Dial
Bankhead	Brandegee	Culberson	Dillingham

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Edge	Kendrick	New	Smith, Ariz.
Elkins	Kenyon	Newberry	Smith, Md.
Fletcher	Keyes	Norris	Smoot
France	King	Nugent	Spencer
Frelinghuysen	Kirby	Overman	Stanley
Gay	Knox	Page	Sterling
Gerry	La Follette	Penrose	Sutherland
Gronna	Lenroot	Phelan	Townsend
Hale	Lodge	Poindexter	Trammell
Harding	McCumber	Pomerene	Underwood
Harris	McKellar	Robinson	Wadsworth
Harrison	McNary	Sheppard	Walsh, Mass.
Hitchcock	Moses	Sherman	Watson
Jones, Wash.	Myers	Shields	Williams
Kellogg	Nelson	Simmons	Wolcott

Mr. NEWBERRY. The Senator from Wyoming [Mr. WARREN], the Senator from Kansas [Mr. CURTIS], and the Senator from Colorado [Mr. PHIPPS] are engaged in a committee hearing.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH of South Carolina] is absent on account of illness in his family. I will let this announcement stand for the day.

Mr. GAY. The senior Senator from Louisiana [Mr. RANSDELL] is detained from the Senate by illness.

Mr. GERRY. The Senator from Virginia [Mr. SWANSON] is detained from the Senate by illness in his family. The Senator from Nevada [Mr. PITTMAN] and the Senator from Montana [Mr. WALSH] are absent on official business. The junior Senator from Oklahoma [Mr. GORE], the senior Senator from Oklahoma [Mr. OWEN], the junior Senator from Nevada [Mr. HENDERSON], and the Senator from New Mexico [Mr. JONES] are detained from the Senate on public business.

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

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. 9. An act to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes; and

S. 2100. An act authorizing the Union Pacific Railroad Co., or its successors, to convey for public-road purposes certain parts of its right of way.

The message also announced that the House had passed the bill (S. 425) to establish the Zion National Park in the State of Utah, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 794) granting lands for school purposes in Government town sites on reclamation projects, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 55) to authorize the Secretary of the Interior to adjust disputes or claims by entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from faulty surveys in townships 36, 37, and 38 south, ranges 29 and 30 east, Tallahassee meridian, in the State of Florida, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 2945) to authorize the sale of certain lands at or near Minidoka, Idaho, for railroad purposes, in which it requested the concurrence of the Senate.

REPUBLICAN PLATFORM IN MASSACHUSETTS.

Mr. BORAH. Mr. President, yesterday I stated, in response to an interrogatory, that I would have inserted in the RECORD the Republican platform adopted at Boston, Mass., a few days ago, which I now ask leave to do. I also ask permission to have inserted in the RECORD an account in the Boston Herald of the adoption of the platform in the convention, and also the speech of the Senator from Massachusetts [Mr. LODGE].

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

[From the Boston Herald, October 5, 1919.]

SPEEDY RATIFICATION IS FAVORED, BUT WITH RESERVATIONS—SENATOR'S STAND FULLY INDORSED.

The delegates to the Republican State convention, held yesterday in Tremont Temple, adopted resolutions on the league of nations designed to satisfy those of their party who desire speedy ratification of the peace treaty and its integral covenant. They then proceeded by tumultuous applause and deafening cheers to express themselves in heartfelt accord with Senator LODGE in his leadership against the treaty in its present form, even though he and his associates in the United States Senate may by their opposition finally cause the death of the plan by which the peace council at Paris hopes to bring about practically the cessation of war in the world. * * *

The determination of a majority of the delegates to stand by Senator LODGE was first indicated when Speaker Joseph E. Warner, chairman of the committee on resolutions, began reading the all-absorbing resolution. "We therefore favor prompt ratification of the treaty of peace without amendment—" He got no further, for his unusually strong voice was drowned by the shouts of "No!" "Never!" "Nothing of the sort!" and similar expressions of disapproval that came from all parts of the great auditorium. A few cries of "Yes" were heard, but they were as nothing compared with the volume of hostile demonstration.

EXTRACT FROM PLATFORM.

"We therefore favor prompt ratification of the treaty of peace, without amendment, but with such unequivocal and effective reservations as will make clear the unconditional right of the United States to withdraw from the league upon due notice; as will provide that the United States shall assume no obligation to employ American soldiers or sailors unless Congress shall, by act or resolution, so direct; as will make it clear that no domestic questions, such as the tariff and immigration, will be taken from the control of the United States, and that the United States shall be sole judge as to the interpretation of the Monroe doctrine. There must be no abridgment of the sovereignty of the Nation, of the control of its own domestic affairs, or of the maintenance of its national policies.

COMMENDS SENATOR LODGE.

"The Republican Party commends the broad and far-sighted statesmanship of its senior Senator, HENRY CABOT LODGE, whose experience, integrity, and wisdom continue to reflect honor upon the State, which is proud to regard him as its senior and foremost representative in the Congress of the United States, and heartily indorses his efforts to bring about prompt action on the treaty."

SENATOR HERO OF THE HOUR IN CONVENTION—ACCEPTS PLATFORM IN SPEECH THAT STIRS HEARERS—BOUND BY HONOR TO WAGE BATTLE—DECLARES SHANTUNG ARTICLE MORALLY INDEFENSIBLE—POLITICAL ERROR—WOULD GIVE UNITED STATES EQUAL VOTE—SAYS TREATY CAN NOT BE HURRIED THROUGH SENATE LIKE A BRIDGE BILL.

Senator HENRY CABOT LODGE was given a tremendous ovation in the Republican State convention yesterday when he arose to explain to the delegates his attitude toward the peace treaty and its accompanying covenant of the league of nations. The convention had earlier adopted the compromise plank on the subject, as printed in another column. His address was frequently interrupted by cheers and applause.

"I know that the hour is late—I will try to be as brief as possible—but there are a few words that I must say," he began. "I am glad you have adopted that platform of principles without debate. With the statement in regard to reservation, it is needless to say that I am in full accord. I accept the platform. I have no desire to discuss it. But there is one single point on which, in simple honesty to you and to myself, I must make a statement.

"The words are there, 'without amendment'—'ratification without amendment.' That is the opinion of the convention—of the committee first, then of the convention. I did not contest it, but I must express my own opinion upon it, in justice to you as well as to myself.

"I have already voted for amendments. I voted for the only amendments that have been presented by the Committee on Foreign Relations. I voted for them as chairman of that committee, and I am bound, not only by custom, but also by honor, to keep faith with the committee. I can not reverse or change what has happened, even if I desired to, and I do not so desire, for I should not have voted for the amendments in the committee or the Senate on Thursday unless I thought they were right.

AMENDMENT VS. RESERVATION.

"Far too much emphasis is placed, I think—both in the Senate and elsewhere—on the difference between an amendment and a reservation. There is a difference, of course. But the amendment requires the assent of every signatory, and the argument is made that it would cause great delay—the reconvening of the conference. You can not reconvene it, for it has never adjourned," he said, amid laughter. "It is sitting in Paris now.

"Every nation which signed the treaty is there fully represented today, and I had a letter from one of our delegates the other day saying he had hoped to get home at an earlier date, but saw no prospect of it yet. They are still rearranging the map of Europe. The Turkish treaty is not yet made; the Bulgarian treaty, so far as I know, is not yet made. As they are there on the ground, no great time would be wasted.

"But I do not wish to argue that point. I wish merely to say to you that there are only two more amendments of consequence now before the Senate, which I voted for in committee, which I reported to the Senate. One is the amendment striking out the provision regarding Shantung from the treaty. In the very platform in which you have enbodied these words 'without amendment' you have condemned Shantung yourselves. Three of our delegates to Paris protested against it. The President himself had no word in its favor. He said that it was necessary to secure the adhesion of Japan. The Secretary of State testified on the stand that in his belief, even if it had been refused, Japan would have signed. The President said when we talked with him at the White House that he thought the Secretary of State was wrong.

GREAT WRONG TO CHINA.

"In the Shantung provision we turned over the control of a great Province with nearly 40,000,000 people to Japan—turn over a great and friendly people, a democratic people, who were allies and associates with us in the war against Germany, as was Japan. We take Shantung from China and hand it over to Japan with an indefinite promise that some time she will turn it back. It is a great wrong. It is morally indefensible as well as politically shortsighted.

"Gentlemen of the convention, I must vote against Shantung, whether it be by amendment or by reservation, whenever it is presented to me—I can not do otherwise. I would do it if I voted alone. Though I am drawing near the end, I will not leave as a legacy to my children and my grandchildren an apology for my having voted for the confirmation of a great wrong.

"The other amendment is to give the United States an equal vote in the league with any other nation. I think perhaps it is an old-fashioned idea, but I think that at whatever council table the United States may sit her vote should be the equal of any other nation there. ('Massachusetts will stand by you,' cried a voice in the audience.)

"Just a few words about delay. Yes, there has been delay. It is nearly a year now since the armistice was signed, and seven months of that time with the treaty has been passed in Paris. What caused the delay? Attaching the league of nations to the treaty with Germany. If the treaty with Germany had been taken up and disposed of we should have had peace with Germany last April. That treaty as it is, with

the league of nations tied to it, came into the hands of the Foreign Relations Committee for action on July 14. There it is," he said, holding up a bulky report. "How many of you have read it? How many of you have read article 1? Don't too many speak at once.

CAN NOT HURRY THE SENATE.

"Article 1 is the league of nations. That treaty, in 270 quarto pages, was put into the hands of the committee on July 14. We had 45 working days and we sat on 37; the intervals were caused by the failure to get witnesses. We had 42 sittings. We did all that men could do to get through with that treaty as rapidly as possible. We reported it to the Senate on September 4. I have kept it before the Senate every day from that time to this, and gentlemen who think that the United States Senate—and I am speaking of both sides—can be easily hurried had better try it.

"The debate is just as much from one side as the other, and it is fundamentally right. This is the greatest question ever presented to the Senate of the United States—the question of the future of the country, of the character of our Government. This is an agreement we are entering into for all time, and it certainly deserves the consideration of the United States Senate, whose responsibility is equal to that of the President of the United States. It has been pressed; it will be pressed. But you can not hurry it; you can not shove it through; you can not dispose of it as if it were a bridge bill. That is impossible and would be wrong.

"I want a league of nations. My idea of a league of nations was that we should start building on The Hague conventions, which did a great and good work. I wish to see, as Mr. Root himself desired above all things, a codification of the international law which has been torn to pieces and cast to the winds by Germany. I wish to see the great feature of an international court with judges. Those are the purposes which the league should serve first. What have we got? We have got a document that never mentions The Hague conventions, that never says anything about international law, and the only court is pushed into one article.

PURELY POLITICAL ALLIANCE.

"Who decides the questions before this league? Men politically appointed—every one of them. It is a political alliance and nothing more and nothing less. Every member of the council and in the assembly are political appointments, and they vote necessarily—I do not blame them—for expediency and in the interest of their own countries. But when we enter into a political alliance it is right that we should be careful. Remember that they all—I do not grudge them a thing they have got—but they all get great advantages in territory, in money, in commercial benefit. We have taken nothing, and I am proud of it. We ask nobody to guarantee our boundaries. We have no territory we want to seize. We have no commercial advantages we want to take. But as we ask nothing, surely we shall have a right to say what our burden shall be when we enter the league.

"I am not disturbed by the cry of isolation. You can not isolate the United States. It may be, as I heard an eloquent orator once say, that eminence is always isolated. It may be that we have a high level. But we shall have our share in the affairs of the world.

"Now I have told you briefly what this is—a political alliance. Here are the reservations—those you have indorsed and approved in your platform, for an agreement upon which I have been laboring all summer long. They are known by my name. I have not been willing to take less—I have not sought to get others, although others will no doubt be offered.

RIGHT OF WITHDRAWAL.

"The first refers to the right of withdrawal. In the first draft you could not withdraw at all. Owing to some expostulations on the part of Senators and of other perverse people outside, like Mr. Root, they came back with a provision giving the right of withdrawal on two years' notice. But they added to it a proviso that all international duties and all duties in the league must be fulfilled, and the vote would have to be unanimous.

"Under the rules of the league one vote could prevent withdrawal. The council is not only to see whether we had fulfilled our duties to the league, but, in case we asked to withdraw, whether we had fulfilled all our international obligations, and it would go over all our treaties and ask whether we had kept our faith. Now, we have never yet broken faith in a treaty, and I object to submitting the good faith of the United States on international matters to a council of nine members, of which we have one.

"The next is Article X—the famous article which provides for a guaranty against external aggression of the territorial integrity and political independence of all the members of the league. It is an individual guaranty; it requires no action on the part of the league to operate. We to-day are guaranteeing Panama for obvious reasons. If there were 10 other countries guaranteeing Panama joined with us, and Panama called upon us for the fulfillment of the guaranty, we are bound, no matter whether she calls on the other indorsers or not.

AS TO OBLIGATIONS.

"This Article X guarantees every boundary in the world, and the political integrity of every country, and once decided by this treaty, they can never be changed.

"Here is a case which might arise very easily: Suppose China wanted to aid the people of Shantung who had risen in revolt against the Japanese Government—and it is a harsh government—we should be bound under that treaty to send troops to aid Japan to put down China. I can not consent to give to any other nations the power to enter into war or to send American soldiers and sailors abroad without the consent of the American people and their representatives in Congress.

"The obligation, they say, is a moral one. Ah, Mr. President, I can draw no distinctions between moral and legal obligations when the United States sets her name to a treaty. All treaties, except those under duress—like the one imposed on Germany—rest on moral obligations, and I want it made clear as the sunlight that no foreign nations can ever order United States troops or United States ships anywhere without the free action of Congress, untrammeled by any obligation. I will vote—I say it to you frankly, for I have no secrets—I will vote to reject any treaty which contains a provision that gives to foreign nations any possible control over the United States.

DOMESTIC QUESTIONS.

"The next reservation covers domestic questions. There are contingencies in which the league would have the power to pass upon our domestic questions, and if we were a disputant we could not vote. I will take only one example. I can never vote to permit any country to say who shall come into the United States. The right regarding entrance is essential to any country, and the country which does not control admission to its citizenship and its shores is a subject and a conquered country, whether it is such by treaty or by arms. We can not assent to that. When the President—whose illness we all deplore—presented the article about the Monroe doctrine to the conference he said it was new, and that was all he said. The delegates of Great Britain explained—and it has never been contradicted—that if any question about the Monroe doctrine arose under article 22 the league would decide. It is called 'a regional understanding.' It never has been an understanding. An understanding requires more than one in international law. It is our policy—it is all our own. We never asked anybody to accept it. We have never asked anybody to share it. We have sustained it, and we propose to continue it, to have it our own doctrine, to be interpreted by us alone.

ONLY WAY TO SAVE TREATY.

"These are the reservations. When I studied the situation in Washington it became perfectly clear to me that that treaty could be saved in but one way, if it was to be saved at all, and that was by reservations. If those reservations I have described should fail to be put in, that treaty is dead. Three days ago that would have been merely my assertion, just as true three days ago as it is to-day, but on Thursday we demonstrated it.

"The Fall amendments were simply intended to take our commissioners—out of 30 or 40 commissions to settle boundaries—to take them out of the commissions in regard to business which did not concern us which were not vital. They will all be covered in the reservations. The first one was a very unimportant one, and, in a full Senate, even that amendment had 34 votes. If anyone takes the trouble to calculate one-third of 96 and then add two to 32, he will find there were two more than a third. The next one showed 37 on a full vote of the Senate, and the last one, which involved troops in Silesia—we have just sent two regiments to see to the plebiscite—that one on a full vote of the Senate would have shown 41 votes.

OBTAINED AN AGREEMENT.

"If those amendments, all to be covered by reservation, received such votes as that, what chance do you think that treaty has unless the reservations I have described are made? There would be nearly half the Senate voting against it without the reservations. People forget what is the truth with many Senators to-day on this question. They do not care a straw what becomes of them or their fortunes; personally, they have been deaf and are deaf to cries of party expediency either for or against. They believe, rightly or wrongly, down in the depths of their being, that that treaty as it stands puts America in danger. They will not let it live unless it is safe for the United States.

"There are men there, strong men, too, who would kill it at all hazards. I have stood there trying to get an agreement on these four reservations. I think I have succeeded completely, and if those reservations are adopted the treaty will be saved—saved probably with not more than one amendment. Why, Mr. Taft has come out twice last week, deploring the President's attitude and urging the adoption of reservations. And they must be real reservations—they must mean something. Shams—"interpretive" shams. The purpose of a reservation is distinct from an amendment in that it applies to the reserving power alone; it takes the reserving power out so far as the reservation defines it. Those reservations must make the United States safe. They must be real reservations. They will be.

NEVER A PARTY QUESTION.

"This is not a party question, never has been, can not be. It is an American question. At the same time, as the discussions have gone on, we have to-day practically all Republican Senators agreeing on these reservations. The chairman of the national committee is for them; an overwhelming number of the members of the national committee are for them. I am getting telegrams day by day from State committees all over the country who are for them. Even Mr. Taft has found them necessary, and the Republicans of Massachusetts, in my judgment, are strongly for them, too.

"One word more and I have done. The fight I have made has been in the interests of America, in the interests of the United States. If I have gone too far, that is the height of my offending, and I would rather go too far in defense of the interests of the United States than go too short a way.

"I wish for peace—no one more than myself. No one who has had to take the dread responsibility of declaring war can ever want anything but peace. But beware that a great and good name is not used for unhappy purposes, as a cover for evil methods. The highest aspiration of man is the religious aspiration by which he tries to lift himself from earth to heaven. And yet what crimes, what wars, what persecutions from the dawn of man's recorded history have been made in the name of religion.

LEAGUE ENDANGERS INDEPENDENCE.

"A great French woman, we are told, stood on the guillotine in the French Revolution and said, 'O, liberty, what crimes are committed in thy name.' There is no nobler impulse in the human heart, no finer desire than liberty. Tacitus, the great Latin historian, in his 'Life of Agricola,' puts into the mouth of a British chieftain trying to rouse his people against the Roman Empire the words, said of the Romans, 'They make a solitude and call it peace.' That is one bad method by which to get peace. There are others almost equally bad.

"There may be bad methods for a noble purpose. I know thousands of good men and women who desire peace, the peace of the world, who ask for this league, but who have not stopped to study it. This league, this political alliance, as it stands, will, in my judgment, cause more wars than would have ever come without it. But however this may be, it is certain that it will endanger the welfare, the sovereignty, and the independence of the United States.

"We can do more for the world, strong, free, disinterested, than we can by tangling ourselves in every quarrel in Europe. They say the world looks to us. The world looked to us in 1917. Did we fail? We went in and turned the wavering scale. No league sent us there. The United States will always go to the defense of human liberty and civilization. Under the pressure of the great menace of German autocracy, I helped to send the United States on that mission. On a like demand I would do it again, much as I hate war. But I will not, if I can prevent it, have my beloved country tangled in every petty broil of Europe. We shall all be better liked by them, stronger to help them, if we are true to ourselves. That is not selfish. Keep the United States strong, keep her free, keep her untrammeled. I tell you that is the best service we can render to the peace of the world, for when the United States fails, the world and peace fail with her."

INDUSTRIAL DISTURBANCE.

Mr. SHERMAN. I present an editorial from the Manufacturers' News, of Chicago, relating to some labor agitation. I ask to have it read.

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

The Secretary read as follows:

[From the Manufacturers' News.]

"WHY SHOULD THEY BE TOLERATED.

"Why a few people are permitted to create the industrial disturbance that now exists in this country without being locked up is something no man can answer. Such is the case, however, and as long as such conditions do obtain it is the duty of every decent citizen to recognize his obligation to the community, put his shoulder to the wheel and do his part toward maintaining peace and quiet. We have had all the 'safe for democracy' talk we want. We would like to see some kind of a government where each citizen recognizes the right of each and every other citizen; a government where property and the individual rights of each and every other citizen are recognized, and a government that gives protection.

"The Fitzpatricks, and the Fosters, and the Gompers, and their kind of people are a very small portion of the community. Why should they be tolerated? Why should they have the power to stop a great business like the steel industry, starve a lot of people, break up homes, ruin families, deprive babies of their milk, and bring on as much distress and suffering as the plague brought to the children of Israel? Yet Mr. Fitzpatrick has the entree to the Executive Mansion. He is recognized by other public officials and men in authority and yet, politically, he can not lift a pound. There is not a politician of any note in the State of Illinois who gives 2 cents for what John Fitzpatrick thinks or does from a political standpoint.

"He was brought before the bar of the house of the Illinois Generaly Assembly a few years ago, sputtered and stewed, made threats—and never carried out one of them. No one was defeated. No one was the worse off and Fitzpatrick was forced to take his medicine like a spoiled child. In Illinois, from a political standpoint, he is a joke and a shining example of the biblical saying, that a prophet is not without honor save in his own country."

STRIKE OF STEEL WORKERS.

Mr. MYERS. Mr. President, in a recent issue of the Washington Post appeared the following Associated Press dispatch, which I will read:

PITTSBURGH, PA., *October 3, 1919.*

While the virtual deadlock continued to-day in the steel strike in the Pittsburgh district, leaders of the organized workers were making plans to finance a prolonged struggle.

The 24 international presidents of the unions involved in the strike will meet with the executive council of the American Federation of Labor at Washington Monday for the purpose of discussing plans for the paying of strike benefits, it was announced at national headquarters here. The federation is expected to levy assessments on all its members to aid the benefit fund, it was stated. The individual international unions are reported to have large defense funds available for paying benefits.

The average benefit paid by some unions is $7 per week for single men and $9 for married men, H. C. Hughes, international president of the coopers' union, said. The amount varies in the different unions. He estimated that $2,000,000 per week will be necessary to cover the benefit fund.

From this article I suppose that every Federal employee who is a member of the Federal Employees' Union, which is affiliated with the American Federation of Labor, will soon be paying money that he has drawn from the taxpayers of the country, through the United States Government, to keep up a strike which is actively led in part by William Z. Foster, who was recently, if, indeed, he be not now, a notorious syndicalist, revolutionist, and enemy of organized government and of all orderly society.

It was testified recently, I understand, before the Senate Committee on the District of Columbia that the police forces of 37 cities in this country are now unionized and affiliated with the American Federation of Labor. If this article be true—and I suppose it is, coming from an authentic source—I assume that very soon each one of the policemen of the police forces of those 37 cities of the United States will be contributing money to maintain a strike and maintain industrial unrest and disorder, led by a man who has been very recently an acknowledged enemy of all organized government, and it is generally believed that he has not changed his heart on that subject any more than he has changed the color of his skin, and that he is now just what he was recently, in that respect. I do not believe he has changed a particle, and I think few others, if any, believe it.

I see the steel strike is resulting in riot, lawlessness, and defiance of the duly constituted authority of the land; that the United States armed forces have been called out in two States—Indiana and Illinois—to preserve the peace and to defend peaceable people against the attacks of strikers who resort to lawlessness. Yet if this article be true—and I have no doubt it is—the policemen who are affiliated with the American Federation of Labor and every employee of the Government who belongs to the Federal Employees' Union, which is affiliated with the American Federation of Labor, will soon be paying taxpayers' money, which they have drawn through appropriations by law, to support those strikers who are indulging in rioting, lawlessness, and disorder, and who are led by a man who was very recently, if he is not now, an enemy of this Government and of all organized society.

I simply mention these matters in order to call attention to some of the results of the unionization of Federal employees when affiliated with the American Federation of Labor, and especially to the result of policemen being affiliated with the American Federation of Labor. The police force of the District of Columbia is now affiliated with the American Federation of Labor; it has a charter from that organization, and the affiliation is complete. It is true a good many of the policemen, doubting the wisdom of the action, have withdrawn, but I am informed the majority of them remain affiliated with the American Federation of Labor, and, based on this information, I suppose that those policemen of the District of Columbia who are now affiliated with the American Federation of Labor will very soon be contributing money out of their pockets, which Congress has voted to them, taxpayers' money, in order to keep up this industrial unrest, this disturbance, this strike, which is led by a man who is generally believed to be just as much an enemy of this Government and of organized society to-day as he ever was—William Z. Foster, acknowledged former syndicalist and revolutionist, now active in the steel strike, which, in my opinion, is one of the most unjustifiable strikes which was ever precipitated upon the American people.

PEACE TREATY AND LEAGUE OF NATIONS.

Mr. BRANDEGEE. Mr. President, on yesterday morning the Senator from Nebraska [Mr. HITCHCOCK], with the consent of the Senate, had inserted in the RECORD several pages of a telegram sent to him by the California branch of the League to Enforce Peace. I now send to the desk a letter received from that organization by a constituent of mine and ask that the Secretary may read it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

"LEAGUE TO ENFORCE PEACE,
"*New York, September 29, 1919.*

"*To friends of the league of nations:*

"In the past the nations of the world have been organized for war; the league of nations proposes to organize them for peace. It proposes to substitute the rule of international justice for the rule of force. Without the league of nations the world faces a crushing race of armaments, another war more destructive than all former wars, and the suicide of civilization.

"And yet in the face of these alternatives the league is now facing a bitter partisan attack in the United States Senate. The next few weeks must decide whether or not the United States shall enter the league of nations, whether or not, indeed, there shall be a league of nations; for as the opposing Senators themselves have said, 'Without us the league is a wreck, and all the gains from a victorious peace are imperiled.'

"There must be courageous action. Public opinion in every State must be organized and trained on Washington. The campaign must go on until the Senate vote on ratification is taken.

"All this will require funds, immediate and adequate. We are going ahead with our work, confident that the real patriots of America—those who understand why our country fought this war—will rally to the call. Are you one of them?

"We are not asking you to sign a pledge card; the time is too short for that. Won't you send your check to-day? Next month may be too late.

"Yours, very truly,

"HERBERT S. HOUSTON,
"*Treasurer.*"

Mr. BRANDEGEE. Mr. President, the "suicide of civilization" is, of course, of some interest, but I think comparatively slight as compared to the "coin"; certainly the exhortation to send a check to-day is extremely interesting. That communication was preceded by a telegram which I will now ask the Secretary to read. This league lets no grass grow under its feet, Mr. President.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

"NEW YORK, *September 17, 1919.*

"Personal and confidential.

"Humanity, commerce, industry, labor, and the whole social order need immediate ratification of the peace treaty and the covenant of the league of nations. It is vitally important that you shall communicate with your Senators, preferably by telegraph, urging them to ratify promptly and unreservedly. If you have already done so, do it again in a positive and conclusive manner, get others to do the same. This is the time for us to strike straight from the shoulder with all our strength behind the blow. There is no time to lose.

"LEAGUE TO ENFORCE PEACE."

Mr. BRANDEGEE. Mr. President, if you have done it already, "hit 'em again." Mr. President, here is the sequel. They do not "weary in well-doing," and it is profitable to the telegraph companies, I have no doubt. I ask that the Secretary read the telegram which I send to the desk.

The VICE PRESIDENT. In the absence of objection, the Secretary will read the telegram.

The Secretary read as follows:

"NEW YORK, *October 2, 1919.*

"Mr. EDWIN BINNEY,
"*Sound Beach, Conn.:*

"The League to Enforce Peace—William Howard Taft, president, A. Lawrence Lowell, chairman—is conducting an active and necessarily expensive campaign to secure an expression of public opinion that will compel ratification of the peace treaty without reservations that would require resubmission to the Paris conference or a separate treaty with Germany. Will you not help the cause by a substantial contribution?

"HERBERT S. HOUSTON,
"*Treasurer,*
"GEORGE W. WICKERSHAM,
"VANCE MCCORMICK,
"CLEVELAND H. DODGE,
"OSCAR S. STRAUS,
"*Finance Committee.*"

Mr. BRANDEGEE. Mr. President, of course it is necessarily "very expensive," but such poor men as Cleveland H. Dodge and Mr. Straus have to be helped out in time of trouble. I ask the Secretary to read the response of my constituent to that pathetic appeal.

The Secretary read as follows:

"THE LEAGUE TO ENFORCE PEACE,
"*Bush Terminal Sales Building, New York:*

"I'm strongly opposed to league of nations covenant unless it be properly amended to protect America.

"If quick action is necessary, suggest you appeal to President Wilson to remove his objections to proper amendments.

"EDWIN BINNEY."

Mr. BRANDEGEE. They will not take no for an answer, Mr. President, so they come again. This is the way the money they ask for is being spent. I ask the Secretary to read the communication I send to the desk.

The Secretary read as follows:

"LEAGUE TO ENFORCE PEACE,
"*New York, October 3, 1919.*

"MY DEAR MR. BINNEY: This is to confirm the telegram of our finance committee, as follows:

"'The League to Enforce Peace—William Howard Taft, president, A. Lawrence Lowell, chairman—is conducting an active and necessarily expensive campaign to secure an expression of public opinion that will compel ratification of the peace treaty without reservations that would require resubmission to the Paris conference or a separate treaty with Germany. Will you not help the cause by a substantial contribution? Herbert S. Houston, treasurer; George W. Wickersham, Cleveland H. Dodge, Vance McCormick, Oscar S. Straus, finance committee, Bush Terminal Sales Building, New York.'

"The alternative to a league of nations is a crushing race for armament, another war more destructive than all former wars, and the suicide of civilization. The crisis is at hand. We must act quickly, and trust that you will send us the largest check convenient by return mail.

"We need your help and cooperation at this time if we are to overcome the vast amount of studied and intentionally confusing misinformation with which the country is being flooded regarding the provisions and working of the league of nations as organized in the Paris covenant. All this will require funds, immediate and adequate. We can go ahead with our work only as those who understand why our country fought this war rally to the call.

"Yours, very truly, HERBERT S. HOUSTON,
"*Treasurer.*

"Mr. EDWIN BINNEY,
"*South Beach, Conn.*"

Mr. BRANDEGEE. Mr. President, it is too bad, the rate at which civilization is committing suicide. I thought, once dead, it would stay put; but no; the "suicide of civilization" has become a weekly occurrence. Mr. President, I have another letter written by Mr. Binney to me, which I ask the Secretary to read.

The Secretary read as follows:

"NEW YORK, *October 6, 1919.*

"Hon. FRANK B. BRANDEGEE,
"*United States Senator,*
"*Senate Chamber, Washington, D. C.*

"MY DEAR SIR: While I presume you have seen all this stuff, I am handing you the circular letter, folder, etc., from the League to Enforce Peace, which followed the telegrams I mailed to you on the 4th instant.

"Very truly, yours, EDWIN BINNEY."

Mr. BRANDEGEE. Mr. President, it is very edifying to observe public opinion in the process of being manufactured by the contributions of patriotic and deluded citizens. I do not know how many people in other parts of the country have been taken into camp by this persistent and expensive propaganda, but I think there are a few in my section of the country who estimate this sort of an appeal at about what it is worth. For the people who contribute their hard-earned money to this sort of scheme I have little sympathy, because if their money is not taken from them by this organization they are sure to have it taken from them by somebody else. It helps the telegraph companies and the printers and stationers. Col. Sellers said that there was "a sucker born every minute," and I presume the birth rate in that line continues uniform. I judge it must, from the constant output of this sort of literature.

Mr. President, we are all familiar with the character of propaganda. Hardly a measure comes before the Senate that somebody does not appoint himself a solicitor of funds to ask the "come on" people who are scattered throughout the country to please help finance the propaganda. So far as I am concerned I shall pay no more attention to this matter; but I simply wanted the Senate and the country to realize that this sort of stuff, as my constituent so well calls it, will not change a vote in this body. Votes in the Senate are not affected in that way.

Mr. SHERMAN. Mr. President, I should like to add something to the Senator's statement. Connecticut is not the only sufferer from this foray. My own mails are filled with literature of the same kind. It all makes frantic appeals for instant contributions to relieve a depleted exchequer. It varies in the form of circular letters, telegrams, and typed letters, but it all amounts to the same thing—that they are in urgent need of funds, and now.

Mr. SMITH of Arizona. Mr. President, I send to the desk, and ask to have read, a telegram which explains itself.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

MESA, ARIZ., *October 6, 1919.*

Senator SMITH,
Washington, D. C.:

We, the members of the Methodist Episcopal Church in congregation assembled, representing a membership and constituency of 500, do declare in favor of a league of nations as the most feasible plan to prevent war and promote the Christian democracy and brotherhood for which Christ and His Church stand. We therefore urge our Representatives in Congress to vote to ratify the peace covenant, thus taking immediate steps in the name of God and humanity to allay the unsettled condition now confronting the world.

FIRST METHODIST CHURCH,
W. R. STEWART,
Special Committeeman.
D. H. REID, *Pastor.*

Mr. POINDEXTER. Mr. President, in explanation of the resolution of the church in Arizona that the Senator from Arizona has just introduced, in order to show the origin of it, and that it was not altogether spontaneous interest in the league of nations on the part of that congregation, I submit and ask to have read a letter from the national committee on the churches and the moral aims of the war, signed by Henry Atkinson, secretary. I will say that this, also, will explain the flood of letters and telegrams from ministers throughout the country on this subject.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

NATIONAL COMMITTEE ON THE CHURCHES AND THE MORAL AIMS OF THE WAR,
New York, September 22, 1919.

DEAR SIR AND BROTHER: This committee, as you undoubtedly know, carried on a very extensive campaign in behalf of the war. It has been clear from the very beginning that the war would not be won, and the moral aims for which it was fought achieved, until a league of nations is established. A determined effort is now being made, however, within the United States Senate to defeat this necessary end.

Public sentiment alone will convince our Senators that America is resolved to help put an end to war by helping to control the forces which make war inevitable.

It would seem that the churches had done everything possible to impress the Senate with their determination to have the covenant adopted, but in the present exigency we feel that they must make one final effort. Anything less than this would be to fall short of our duty.

There are four things which can be done which will be of inestimable value in this crisis, and which may turn the scale and save the covenant:

(1) Write to your two Senators and send a copy of the letter to the Hon. HENRY CABOT LODGE, chairman of the Foreign Relations Committee. Make your letter brief but emphatic, asking for speedy ratification of the peace treaty, including the covenant for a league of nations without any amendments which would send the treaty back to Paris.

(2) Influence at least 10 of your most influential friends to do the same thing.

(3) Arrange for a community meeting or a meeting in your church, where the matter may be discussed, and a new set of resolutions adopted to be sent to the Senators and to the Hon. HENRY CABOT LODGE.

(4) Preach one more sermon on the subject.

Inclosed you will find copy of statements made by leading church bodies and a leaflet by Dr. Frank Crane.

I am also inclosing a postal card asking for your signature and permission to use it in a monster petition that is to be sent to Congress. If you will sign this card and mail it so that it will reach me by return mail, we shall very greatly appreciate your cooperation.

Yours, in behalf of a league of nations,
HENRY A. ATKINSON, *Secretary.*

P. S.—Please sign and mail the inclosed postal card at once.

Mr. HITCHCOCK. Mr. President, I am very glad the Senator from Washington has had this letter inserted in the RECORD, because I am glad to know that a new organized effort is being made among the churches of the country for this great purpose. It is very true that religious sentiment may be overwhelmingly in support of a measure and yet may not make itself felt without an organized effort. Even the great work of the Red Cross and the universally supported work of selling bonds during the war had to be organized; and so it seems to be necessary in this case to make an effort to show what the real religious sentiment of the people is on this great moral question now before the country. The Senator from Washington has done a distinct service in showing that an organized effort is now being made among the churches to develop the sentiment.

One thing is very evident. There will be no organized effort among the churches of the country to oppose the league of nations. There is not enough sentiment of that sort to organize; and the fact that the churches are being appealed to to organize anew for this great work is very good evidence that the sentiment is there. It may not reach some of the Senators here who have made up their minds to stand through thick and thin, but it is going to show and it is going to be shown in the future development of sentiment on this subject in this country.

Mr. President, it is not only the churches, but it is the women of the country, it is the business men of the country, it is the laboring interests of the country, it is the public-spirited sentiment of the country, that is making itself felt, and it will make itself felt more and more the longer this fight lasts. I send to the desk a telegram from the Woman's Club of Central Kentucky, which I ask to have read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

LEXINGTON, KY., *October 6, 1919.*

Hon. G. M. HITCHCOCK,
United States Senate, Washington, D. C.:

At the opening session of the Woman's Club of Central Kentucky the following resolution was passed:

"*Resolved*, That the Woman's Club of Central Kentucky request the United States Senate to ratify without delay and without amendment the peace treaty and the covenant of the league of nations, and that a telegram to that effect be sent to HENRY CABOT LODGE, leader of the majority, and to G. M. HITCHCOCK, leader of the minority of the United States Senate."

Mrs. SAMUEL HAMPTON HALLEY,
President.
Miss N. ISABEL SCHMIDT,
Recording Secretary.

Mr. HITCHCOCK. Mr. President, it is very significant that these various organizations, representing the various elements of society, are speaking for the league of nations, and nowhere against it. Everywhere it is the women speaking for the league of nations; everywhere it is the churches speaking for the league of nations; everywhere it is the business organizations like the chambers of commerce speaking for the league of nations; everywhere it is the labor organizations speaking for the league of nations, and the bar associations. All of the high-class and intellectual and vital organizations of the country, wherever they speak, speak for the league of nations and for the ratification of the treaty.

Mr. President, I ask unanimous consent to have printed as a Senate document the various addresses of the President on his recent trip, already printed in the RECORD. I ask to have them printed as a Senate document.

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

Mr. POINDEXTER. Mr. President, in reply I should like to say to the Senator from Nebraska that my purpose in introducing the appeal from Mr. Atkinson, secretary of the Church Union on the Moral Aims of the War, was to show that this sentiment which is being expressed in telegrams and resolutions from church congregations and ministers is not indicative of any interest in the league of nations, or any information in regard to the contents of the covenant for a league of nations on the part of those persons who are communicating these telegrams and resolutions, but that on the contrary it is a manufactured propaganda, that it is being sent in at the request of this permanent organization, of which the Church Peace Union founded by Mr. Andrew Carnegie, whose name appears on the letterheads, is one of the principal agencies; that it is in response to requests sent out by a paid official, who is not a minister of the gospel in the sense that he is preaching the gospel in a church, but who is a man who earns his living by the activities of this organization, and that it is in response to his appeal from that one central source that this great propaganda has manifested itself.

Mr. HITCHCOCK. Mr. President, in partial answer to what the Senator says, I want to call his attention to the fact that it was necessary, even in organizing the Red Cross for the great work that it performed, to spend money on organization. It was necessary to organize and pay men in selling bonds of the United States in that great campaign. No organization that can be nation wide can be operated without the expenditure of money.

I received a telegram yesterday giving important news from California—a telegram comprising nearly 2,000 words. That had to be paid for by somebody. What is done is done openly; what is done is done legitimately and very properly.

I want to say to the Senator, in conclusion, if he wants to see the organized effort against the league of nations, let him look at the socialist and anarchist meetings of the country, the Bolshevik meetings of the country, the newspapers published in the interest of the anarchists and socialists and Bolshevists of the United States. Every one of them, without exception, is fighting the league of nations. They are his allies. They are his organs in this fight.

Mr. POINDEXTER. Mr. President, the Senator talked a great deal about the Bolsheviki and it is not very long since he was talking about the pro-Germans being opponents of the league. It seems to be quite a bold attitude for a Senator to take who, while the fighting was good between the Allies and Germany, was doing what he could to retard it instead of forwarding it, at least up to the point where the United States declared war; who on various occasions introduced bills and resolutions in Congress for the purpose of thwarting the efforts of our allies in their war with Germany and to cut off the supplies of munitions that were necessary for them in order to carry on the war; who declared on various occasions in Congress that he sympathized with the Germans, and on other occasions that he was neutral in this war; who was not conspicuous at any time, even after we entered the war, in this great campaign that he speaks of, which was carried on for the purpose of waging it to a victorious conclusion. He only becomes prominent in his anti-Germanism and his denunciation of pro-Germanism after the fight is over, after the victory has been won.

There is always a certain type of men who safely place themselves on the very outskirts of a fight while the fight is going on, to observe, apparently, how it is going, and after it is over they immediately take the center of the stage and become exceedingly belligerent.

I remember also, while this great contest for civilization that the Senator from Nebraska speaks of was being waged, when one of the nations that were allied in the struggle against Germany abandoned the fight, made peace with Germany, and deserted its allies, those who are now advocating continued animosity toward Germany, who are launching their philippics against pro-Germans and Bolshevists, leaders, I may say, in this movement for a league of nations, were eulogizing the Bol-

sheviks, were then proposing that we should make peace with Germany ourselves on the same terms that the Bolsheviks made peace with them, quoting the language of the Bolsheviks, saying that the terms that they stated were the terms which appealed to reasonable men everywhere.

It is quite enlightening to refresh our minds on the attitude of these gentlemen by looking back over the records of Congress for a few months, comparing their attitude when the war was on with their attitude after the war is won.

Mr. HITCHCOCK. The Senator's reply is no answer to my statement that all the Bolshevists of the country, all the anarchists of the country, all the lawless elements of the country, are opposing this league of nations.

The Senator has charged me with being pro-German. He has charged me with not being a sincere supporter of the war. The Senator should remember that it was I who conducted the fight here in the Senate for the resolution for armed neutrality. The Senator should remember that it was I who conducted through to its passage the resolution declaring war on Germany. The Senator has no ground for saying that during the war which has passed I did not support the war to the uttermost of my strength, doing everything that I could to add to the efficiency of our departments fighting the war. The Senator knows that very well.

The Senator knows very well also that I have not charged him with being pro-German. I am talking about socialism and anarchy and Bolshevism organized to defeat this league of nations, not only in the United States but in every country in the world.

The Senator lugs in here the question of my record before the war. It is true that I did not get into the war until Congress voted the war. It is true that I was not a participant in the war when the United States was neutral. I stood for the neutrality of the United States, and I stood for it in my own way, independently. But when it came time for the United States to act, the Senator knows very well that I was one of those who did act here in the Senate, and I think the Senator will not find another Senator who acted more promptly or more energetically. He simply drags in now the charge of pro-Germanism, when I have not talked about pro-Germanism. I have not denounced Germany. I have not charged anybody with pro-Germanism. The time has passed to be either pro-German or pro-British. Now is the time when the question is whether we are going to stand for peace, a peace settlement that is going to be permanent.

I repeat my assertion that all the splendid elements of this country, the religious element, the high professional element, the organized working element, the organized women of the country, the organized laboring element of the country, all the organizations of the country that are nonpartisan and struggling for the good of the country, have spoken.

The Senator says we are organizing them. Why does not the Senator and some of the bitter-end fighters against this treaty seek to organize them? It can not be done, because the overwhelming sentiment of the country among all those nonpartisan organizations is for the league, and they know it. They can not organize them; they can not appeal to them. The influence that they can appeal to, and the only organizations in this country they can appeal to, are uncompromising, bitter partisanship, the anarchists, the Bolshevists, and the lawless elements of the country, which, like the lawless elements of all other countries, are against any effort to stabilize government and make the peace settlement secure and permanent.

Mr. PENROSE. Mr. President, may I inquire of the Senator whether he included the Friends of Irish Freedom in the list of imposing organizations mentioned by him? I did not quite catch whether he did.

Mr. HITCHCOCK. I did not include that. I will be very glad to include it if the Senator has any evidence.

Mr. PENROSE. I have no evidence. I was interested in knowing whether he had included them in the brilliant galaxy of associations that had indorsed the league.

Mr. McCORMICK. Mr. President, I ask unanimous consent that the letter which I send to the desk be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

"CHICAGO, ILL., *October 3, 1919.*

"The Hon. MEDILL McCORMICK,
"*United States Senator,*
"*Washington, D. C.*

"HONORABLE SIR: Propaganda which seems quite unfair is being carried on by an organization calling itself 'The National Committee on the Churches and the Moral Aims of the War.' As a clergyman, I have received some communications from this committee, and inclose one just received, thinking you might be especially interested in it, and that possibly some counterpropaganda in favor of the proposed amendments to the league document might be carried on.

"I was at the Auditorium at the meeting on the league of nations over which you presided, and greatly admire the splendid stand which you and your colleagues have taken.

"Respectfully, yours,

"PERCY W. STEPHENS."

Mr. McCORMICK. Mr. President, I send up another letter from a clergyman, one of a great many, and ask that the last paragraph be read.

The Secretary read as follows:

"I am a Christian minister, but I would rather give up my church, take a gun and fight than see the United States knuckle down to the present half-baked 'covenant.' My best wishes to you in your efforts to secure a square deal for China and for the United States.

"Very sincerely, yours,

"EDWARD J. WEBSTER."

Mr. McCORMICK. Mr. President, I merely wish to call the attention of Senators who have received copies of these letters of the League to Enforce Peace and of the National Committee on Churches and the Moral Aims of the War to the duplication, the overlapping, of the names of the distinguished gentlemen who are on the staff of the two organizations, Hon. William H. Taft, Alton B. Parker, Hamilton Holt, Sydney Gulick, of pro-Japanese fame. The same gentlemen patriotically enough, earnestly enough, generously enough, are engaged in the organization of the League to Enforce Peace and the National Committee on the Churches. They are within their rights, availing themselves of the funds supplied to them by other patriotic gentlemen, like Mr. Lamont and his colleagues in that house. Those of us who differ from the proponents of the league have not the financial resources to carry on this tremendous propaganda; but I venture to state that other Senators have received, as I have, letters from very many clergymen objecting to the propaganda as carried on.

Mr. SPENCER. Mr. President, the Senator from Nebraska inadvertently referred to the bar association of the Nation twice in his eloquent remarks. I assume he referred to the American Bar Association, which is the great national bar association of the Nation.

Mr. HITCHCOCK. I did not really refer to the national bar association, because I understood it was only the executive committee of that association which reported in favor of the league.

Mr. SPENCER. May I say to the Senator that he is mistaken about the executive committee. The fact of the matter is that the president of the association, perhaps without authority, appointed an independent committee of five to make a report on the league of nations. This committee of five reported three in favor of a league of nations and two opposed to it. One of the three, at the meeting of the bar association in Boston, which I had the pleasure of attending, was prompt in telling me that he did not agree with the report which he had signed with a majority of the committee. When that report came before the association, the association promptly refused to consider it, and postponed the entire matter for a year.

PETITIONS AND MEMORIALS.

Mr. TRAMMELL presented a petition of sundry citizens of Tampa, Fla., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Hastings, Starke, Baldwin, and Palatka, all in the State of Florida, praying for Government regulation of the meat-packing industry, which was referred to the Committee on Agriculture and Forestry.

Mr. PENROSE. I present a memorial from the Philadelphia Board of Trade opposing the so-called Plumb plan for the ownership and management of the railroads of the country. I move that it be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. TOWNSEND presented a petition of sundry citizens of Croswell, Mich., and a petition of sundry citizens of Dimondale, Mich., praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

He also presented a memorial of Local Grange No. 697, Patrons of Husbandry, of Kalkaska, Mich., remonstrating against the ratification of the proposed league of nations treaty unless amended to meet certain requirements, which was ordered to lie on the table.

He also presented a petition of Local Union No. 431, Brotherhood of Railway Carmen of America, of Bay City, Mich., and a petition of the Odd Fellows Lodge, of Bay City, Mich., praying for the granting of a Liberty bond to each discharged soldier, sailor, and marine for every month of service, which were referred to the Committee on Military Affairs.

He also presented a petition of Iron Post, No. 17, American Legion, of Iron River, Mich., praying for an investigation into the alleged unnecessary wrongs inflicted against officers and soldiers of the American Expeditionary Forces, which was referred to the Committee on Military Affairs.

He also presented a petition of the National Association for the Advancement of Colored People, of Lansing, Mich., praying for an investigation into the recent race riots throughout the country, which was referred to the Committee on the Judiciary.

He also presented a petition of the Common Council of Detroit, Mich., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a petition of Artesia Chapter No. 253, Order of the Eastern Star, of Artesia, Calif., and a petition of the Parent Teachers' Association, of Burbank, Calif., praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

Mr. ROBINSON presented a petition of sundry citizens of Black Rock, Ark., praying that a tax be placed on the importation of pearl buttons, which was referred to the Committee on Finance.

Mr. NEWBERRY presented a petition of sundry citizens of Grand Rapids, Mich., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a petition of the National Association for the Advancement of Colored People, of Lansing, Mich., praying for an investigation into the recent race riots in the United States, which was referred to the Committee on the Judiciary.

He also presented a petition of the Common Council of Detroit, Mich., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. TOWNSEND, from the Committee on Post Offices and Post Roads, to which was referred the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service and making an appropriation therefor, reported it with an amendment and submitted a report (No. 253) thereon.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 2323) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States," reported it with amendments and submitted a report (No. 254) thereon.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (S. 1356) for the relief of Patrick Savage, reported adversely thereon, and the bill was postponed indefinitely.

ISSUANCE OF SECURITIES.

Mr. OWEN. On September 26 I reported favorably from the Committee on Banking and Currency the joint resolution (S. J. Res. 88) to amend an act entitled "An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to supervise the issuance of securities, and for other purposes," which is now on the calendar, being Order of Business No. 187. I desire at this time to submit, from the Committee on Banking and Currency, a report to accompany the joint resolution.

The VICE PRESIDENT. The joint resolution will be placed printed.

THE POSTAL SERVICE.

Mr. TOWNSEND. From the Committee on Post Offices and Post Roads I report back favorably, with an amendment, the joint resolution (H. J. Res. 151) to provide additional compensation for employees of the Postal Service and making an appropriation therefor, and I submit the majority and minority reports thereon.

I desire to say that to-morrow morning, or as soon thereafter as possible, I shall call up this joint resolution for consideration.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

POSTAL SERVICE IN HAWAII.

Mr. TOWNSEND. From the Committee on Post Offices and Post Roads I report back favorably, with amendments, the bill (H. R. 7972) to improve the administration of the Postal Service in the Territory of Hawaii, and I submit a report (No. 252) thereon. This is an emergency measure brought to our attention by the Postmaster General and calls for no appropriation. I ask for its immediate consideration.

The VICE PRESIDENT. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, in line 4, after the words "Islands of Hawaii," to insert "in Porto Rico and the Virgin Islands," and in line 6, after the word "Honolulu," to insert "San Juan and Charlotte Amalie, respectively," and at the end of the bill to insert the following proviso: "*Provided*, That the Postmaster General be authorized to fix the salary of the postmaster at Honolulu at not to exceed $4,000 per annum," so as to make the bill read:

Be it enacted, etc., That the Postmaster General is hereby directed to establish in the Islands of Hawaii in Porto Rico and the Virgin Islands, under appropriate regulations to be prescribed by him, such branch offices, nonaccounting offices, or stations of Honolulu, San Juan, and Charlotte Amalie, respectively, as in his judgment may be necessary to improve the service and as may be required for the convenience of the public: *Provided, however*, That such branches, nonaccounting offices, and stations shall be conducted under the name of the existing post offices affected so as to maintain the identity of the offices concerned: *Provided*, That the Postmaster General be authorized to fix the salary of the postmaster at Honolulu at not to exceed $4,000 per annum.

The amendments were agreed to.

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

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

The bill was read the third time and passed.

The title was amended so as to read: "A bill to improve the administration of the Postal Service in the Territory of Hawaii, in Porto Rico and the Virgin Islands."

RED RIVER BRIDGE.

Mr. JONES of Washington. From the Committee on Commerce and for the Senator from New York [Mr. CALDER] I report back favorably, without amendment, the bill (S. 3096) to authorize the construction of a bridge across the Red River at or near Moncla, La., and I submit a report (No. 251) thereon. This is a bridge bill, and I ask for its immediate consideration.

The VICE PRESIDENT. Is there 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, and it was read as follows:

Be it enacted, etc., That the Parish of Avoyelles, in the State of Louisiana, be, and is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Red River at a point suitable to the interests of navigation, at or near Moncla, in said parish and State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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.

COURT IN RENSSELAER COUNTY, N. Y.

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably, with an amendment, the bill (S. 2999) to authorize the holding of terms of the United States district court in Rensselaer County, N. Y. I call the attention of the Senator from New York [Mr. WADSWORTH] to the bill.

Mr. WADSWORTH. I ask for the consideration of the bill reported by the Senator from North Carolina.

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 amendment of the committee was to strike out all after the enacting clause and insert:

That section 97 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and it is, amended so as to read as follows:

"SEC. 97. The State of New York is divided into four judicial districts, to be known as the northern, eastern, southern, and western districts of New York. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Albany, Broome, Cayuga, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Tioga, Tompkins, Warren, and Washington, and with the waters thereof. Terms of the district court for said district shall be held at Albany on the second Tuesday in February; at Utica on the first Tuesday in December; at Binghamton on the second Tuesday in June; at Auburn on the first Tuesday in October; at Syracuse on the first Tuesday in April; and, in the discretion of the judge of the court, one term annually at such time and place within the counties of Saratoga, Onondaga, St. Lawrence, Clinton, Jefferson, Oswego, Frank-

lin, and Rensselaer as he may from time to time appoint; such appointment to be made by notice of at least 20 days, published in a newspaper published at the place where said court is to be held. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Richmond, Kings, Queens, Nassau, and Suffolk, with the waters thereof. Terms of the district court for said district shall be held at Brooklyn on the first Wednesday in every month. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Columbia, Dutchess, Greene, New York, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester, with the waters thereof. Terms of the district court for said district shall be held at New York City on the first Tuesday in each month. The district courts of the southern and eastern districts shall have concurrent jurisdiction over the waters within the counties of New York, Kings, Queens, Nassau, Richmond, and Suffolk, and over all seizures made and all matters done in such waters; all processes or orders issued within either of said courts or by any judge thereof shall run and be executed in any part of said waters The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates, with the waters thereof. Terms of the district court for said district shall be held at Elmira on the second Tuesdays in March and November; at Rochester on the second Tuesday in May; at Jamestown on the second Tuesday in July; at Lockport on the second Tuesday in September. The regular sessions of the district court for the western district for the hearing of motions and for proceedings in bankruptcy and the trial of causes in admiralty shall be held at Buffalo at least two weeks in each month of the year, except August, unless the business is sooner disposed of. The times for holding the same and such other special sessions as the court shall deem necessary shall be fixed by rules of the court. All process in admiralty causes and proceedings shall be made returnable at Buffalo. The judge of any district in the State of New York may perform the duties of the judge of any other district in such State upon the request of any resident judge entered in the minutes of the court, and in such cases such judge shall have the same powers as are vested in the resident judge."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The title was amended so as to read: "A bill to amend section 97 of the act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911."

THE COMMITTEE ON IMMIGRATION.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 204 submitted by Mr. COLT on the 2d instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Immigration, or any subcommittee thereof, be, and hereby is, authorized, during the Sixty-sixth Congress, to send for persons, books, and papers, to administer oaths, and to employ a stenographer at a cost of not exceeding $1 per printed page, to report such hearings as may be had on any subject before said committee, the expense thereof to be paid out of the contingent fund of the Senate; and that committee, or any subcommittee thereof, may sit during any session or recess of the Senate.

BILLS INTRODUCED.

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

By Mr. LODGE:

A bill (S. 3172) to authorize the President of the United States to arrange and participate in an international conference to consider questions relating to international communication; to the Committee on Foreign Relations.

By Mr. CALDER:

A bill (S. 3173) to provide for increasing the rank and grade of officers and enlisted men of the Army on retirement, and for other purposes; to the Committee on Military Affairs.

By Mr. KENYON:

A bill (S. 3174) granting a pension to Ella Blake (with accompanying papers); to the Committee on Pensions.

By Mr. FRELINGHUYSEN:

A bill (S. 3175) granting an increase of pension to Cecelia B. Chauncey; to the Committee on Pensions.

By Mr. DIAL:

A bill (S. 3176) to authorize the President of the United States to appoint Marion C. Raysor an officer of the Army; to the Committee on Military Affairs.

By Mr. POINDEXTER:

A bill (S. 3177) authorizing commercial service by naval radio plants; to the Committee on Naval Affairs.

A bill (S. 3178) for the establishment of a light vessel to mark the entrance to Grays Harbor, Wash.; to the Committee on Commerce.

By Mr. NEW:

A bill (S. 3179) granting an increase of pension to William A. Downs; and

A bill (S. 3180) granting a pension to Louis J. Boling (with accompanying papers); to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 3181) granting an increase of pension to John Walton; and

A bill (S. 3182) granting an increase of pension to George W. Lyons; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 3183) authorizing and directing the Interstate Commerce Commission to conduct investigations and to make orders relating to warehouse facilities of certain common carriers at certain ports; to the Committee on Interstate Commerce.

A bill (S. 3184) to provide for the punishment of officers of United States courts wrongfully converting moneys coming into their possession, and for other purposes; to the Committee on the Judiciary.

EXCESS IMPORTATIONS OF FOREIGN GOODS.

Mr. SMOOT. I introduce a bill and ask that it be read, and then I am going to ask the Senate to indulge me for just a few moments to speak upon it.

The bill (S. 3171) to promote domestic industry by prohibiting the dumping of foreign goods in the United States, and for other purposes, was read the first time by its title, and the second time at length, as follows:

A bill (S. 3171) to promote domestic industry by prohibiting the dumping of foreign goods in the United States, and for other purposes.

Be it enacted, etc., That this act may be cited as the antidumping act.

SEC. 2. That when used in this act—

The term "person" includes an individual, partnership, corporation, or association.

The term "cost of production" means the average cost, within a period to be prescribed from time to time by the Tariff Commission, of producing by the same producer at the same place of production merchandise of the same kind as that offered for importation.

The term "foreign market value at the place of production," when used in reference to any imported merchandise, means the average price, within a period to be prescribed from time to time by the Tariff Commission, at which merchandise of the same kind is freely sold or offered for sale for local consumption in wholesale quantities at the principal markets of the country where such imported merchandise was produced. If the Tariff Commission finds that such merchandise has no foreign market value at the place of production or that such market value is less than the cost of production as above defined, the term "cost of production" shall be substituted for "foreign market value at the place of production" wherever used in this act.

The term "foreign market value at the place in which purchased," when used in reference to any imported merchandise, means the average price, within a period to be determined from time to time by the Tariff Commission, at which merchandise of the same kind is freely sold or offered for sale for local consumption in wholesale quantities in the principal markets of the country in which such imported merchandise is purchased. If the Tariff Commission finds that such merchandise has no foreign market value at the place in which purchased, or that such market value is less than the cost of production, then the term "foreign market value at the place of production," shall be substituted for "foreign market value at the place in which purchased," wherever used in this act; except that if the Tariff Commission finds that such merchandise has no foreign market value at the place of production, or that such market value is less than the cost of production as above defined, then the term "cost of production" shall be substituted for "foreign market value at the place in which purchased" wherever used in this act.

The terms "foreign producer" or "importer" include any person acting for, in combination with, or accounting to, the foreign producer or importer, respectively.

The term "United States" includes the possessions of the United States except the Philippine Islands, the islands of Guam and Tutuila, the Virgin Islands, and the Isthmian Canal Zone.

The term "comparable domestic merchandise" means merchandise produced in the United States which is closely comparable to foreign produced merchandise imported or offered for importation, as respects the process of production, value, quality, or use to which it is applied.

SEC. 3. That the dumping duty provided in section 4 shall be levied, collected, and paid, under the provisions of existing law, upon any merchandise imported from any foreign country into the United States whenever the Tariff Commission certifies to the Secretary of the Treasury that an industry in the United States is being or likely to be injured or is prevented from being established, by reason of the application of any of the following methods in connection with such merchandise:

(1) The purchase of such merchandise in any foreign country by or for the importer at a price below the foreign market value at the place of production or purchase;

(2) The offering for sale of such merchandise in the United States by or for the importer, at a price which gives the importer less than a fair profit over and above the sum of (a) the foreign market value at the place in which purchased, or in case the importer is the foreign producer, the foreign market value at the place of production of such merchandise; (b) the value of any wrapping, package, container, or covering; (c) the value of packing materials; (d) the value of other costs, charges, or expenditures incident to placing such merchandise in condition for shipment; (e) the cost of transportation to the United States, including insurance; and (f) customs duties and excise tax upon such merchandise;

(3) The importation of such merchandise into the United States under any agreement, understanding, or condition that any person shall not use, purchase, or deal in or shall be restricted in his use, purchase, or dealing in the merchandise of any other person; or

(4) The employment in connection with any such merchandise of any other method which places at an unfair disadvantage purchasers in the United States as compared with foreign purchasers of the same kind of merchandise.

SEC. 4. That if the imported merchandise is purchased by or for the importer previous to importation, the dumping duty shall be twice the difference between (1) either the foreign market value at the place of production if purchased from the foreign producer, or the foreign market value at the place in which purchased if purchased from a person other than the foreign producer, and (2) the purchase price.

If the imported merchandise is imported by or for the foreign producer, the dumping duty shall be twice the difference between (1) the foreign market value at the place of production plus the sum of the

items in clauses (b) to (f), inclusive, of subdivision (2) of section 3, and (2) the price at which such merchandise is offered for sale in the United States by or for the foreign producer or at which other imported merchandise of the same kind is sold or offered for sale in the United States by or for the same foreign producer.

Any dumping duty shall be in addition to any other duty or excise tax now or hereafter imposed by law.

Any dumping duty in respect to imported merchandise shall continue in effect until the Tariff Commission certifies to the Secretary of the Treasury that the conditions which led to the certification to the Secretary of the Treasury in respect to such merchandise no longer exist.

SEC. 5. That whenever the Tariff Commission is of the opinion that merchandise offered for importation may be made subject to a dumping duty as provided in section 3, but has not information sufficient to determine whether it should certify the necessary facts to the Secretary of the Treasury, the Secretary of the Treasury shall forbid entry to such merchandise until the Tariff Commission completes such hearings, investigations, and proceedings as it deems necessary.

Whenever any importer or producer refuses to make available to the Tariff Commision in respect to merchandise imported or offered for importation such information as may be necessary for its hearings, investigations, and proceedings under this act, the Secretary of the Treasury shall forbid entry to such merchandise until the Tariff Commision notifies the Secretary of the Treasury that such information has been made available.

The Secretary of the Treasury may release under such bond as he deems sufficient and permit temporary entry of any merchandise forbidden entry under this section.

SEC. 6. That the Tariff Commission shall give such notice and afford such hearings with opportunity to offer testimony, oral or written, as it deems sufficient to a full presentation of the facts involved in any proposed certification under section 3. No certification under section 3 shall be made to the Secretary of the Treasury until after due notice and hearing. Any such certification to the Secretary of the Treasury shall include such facts as will aid such officer in ascertaining the rate of the dumping duty to be levied, collected, and paid upon the imported merchandise in dispute and upon similar importations.

SEC. 7. That the Tariff Commission is authorized to hold such hearings and enter upon such investigations and proceedings as may be necessary to the administration of this act, under such rules and regulations as such commission may prescribe. The powers granted the Tariff Commission under section 706 of the revenue act of 1916 shall also be available for carrying into effect the provisions of this act.

SEC. 8. That the Tariff Commission is authorized to make all rules and regulations necessary for determining (1) that a method has been employed in respect to any merchandise imported or offered for importation that is or is likely to be injurious to or prevents the establishment of an industry in the United States, and (2) what constitutes comparable domestic merchandise.

The Secretary of the Treasury is authorized to make any rules or regulations necessary in connection with levying, collecting, or paying any dumping duty or in administering the provisions of section 5.

Mr. SMOOT. Mr. President, just a moment. I promise the junior Senator from Pennsylvania [Mr. KNOX] that I will occupy but a few minutes of the time of the Senate.

Mr. President, the House of Representatives has passed five bills covering certain commodities which are manufactured and produced in this country. On September 26, 1919, the House passed a bill to regulate the importation of coal-tar products and to promote the establishment of the manufacture thereof; on August 21, 1919, a bill to promote the production of tungsten ore and manufactures thereof; on September 2, 1919, a bill to establish and maintain the production of zinc ores and manufactures thereof; on September 2, 1919, a bill for the increase of tariff on buttons of shell and of pearl; and on August 2, 1919, a bill to establish and maintain the manufacture of laboratory glassware, laboratory porcelain ware, optical glass, scientific and surgical instruments.

I presume every Member of the Senate is receiving untold numbers of letters from manufacturers of the articles which are enumerated in the bills to which I have just referred, and asking for favorable action on them. I thought this would be a proper time to have Congress consider an antidumping bill and enact it into law, even though the bills referred to shall be placed upon the statute books. We should have had an antidumping law years ago, but never in the history of the country has one been so necessary as at the present time. I simply desire to refer to two of these bills, but, perhaps, what I shall say in relation to those two bills will be equally applicable to the other three.

In reference to the manufacture of coal-tar products, I desire to state that since the beginning of the war wonderful strides have been made in that industry in the United States; in fact, at the present time, with the exception of a very few of the very finest and most delicate colors, the manufacturers of such dyes in the United States are producing all that are required in this country; but to-day there are stored at the ports of embarkation in Germany coal-tar products sufficient to furnish the United States with all we shall need for at least two years to come.

The policy of Germany in the past has been whenever coal-tar products were successfully produced in the United States to sell the German product for very much less than the cost of their manufacture, if necessary, until they could thereby close the American establishments. If the American manufacturers of such products to-day are compelled to close their factories for two years—and I have no doubt that Germany would gladly place such goods upon the market at far below the cost of manufacture in order to do so—the American industry, Mr. President, will be destroyed. The enactment of an antidumping law would prevent such an undertaking on the part of Germany, or at least prevent such an action from becoming successful. It is for that reason that I hope the legislation suggested in the bill which I have just introduced will be enacted into law at a very early date.

Take, for instance, the manufacture of scientific and surgical instruments. The House has passed a bill to take care of the manufacture of those articles. Before the war America made none of those instruments worth speaking of, the amount manufactured in the United States being so small that it was but a fraction of 1 per cent of what was required of that class of goods. Since the war industrial establishments manufacturing surgical and scientific instruments have sprung up in different parts of the United States, until to-day there is manufactured in this country a sufficient quantity of this class of articles to furnish all of the needs of the people of the United States; but I have recently seen copies of at least 50 orders which have been placed with Germany for such instruments at prices which make it absolutely impossible for the American manufacturer to compete; and if we are going to maintain this industry, either the bill which was passed by the House must be enacted into law or an antidumping law must be placed upon our statute books.

Mr. FLETCHER. May I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. FLETCHER. The Senator made the statement that Germany is willing to sell certain products at a loss, and will do so for a period of years, if necessary, in order to run out the American manufacturer. Whatever the condition in that respect might have been before the war, does the Senator think that at present Germany can afford to manufacture and sell articles at a loss?

Mr. SMOOT. I will say to the Senator that so far as coal-tar dyes are concerned they are already manufactured. Germany required the by-products of coal-tar manufactures for the munitions of war; she had to manufacture coal-tar dyes; and such dyes have piled up, as I have said, at ports of embarkation to-day in Germany in quantities sufficient not only to furnish the general trade of the world, but to furnish enough of these products to the United States to fill the requirements of all the manufacturers of the United States for two years.

I simply wanted to say this much upon the bill which I have introduced.

The VICE PRESIDENT. The bill will be referred to the Committee on Finance.

TREATY OF PEACE WITH GERMANY.

Mr. WALSH of Massachusetts. Mr. President, I desire to give notice that on Thursday next, when the Senate goes into open executive session, I shall submit some remarks on the pending treaty with Germany.

Mr. NELSON. Mr. President, I shall ask the indulgence of the Senate to-morrow, not to exceed one-half hour, to submit some remarks on the treaty of peace.

THE RAILROAD SITUATION.

Mr. SHEPPARD. Mr. President, I present and desire to have inserted in the RECORD two articles on the railroad question.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Dallas Morning News.]

"THE CUMMINS BILL.

"Judge Cowan, of Fort Worth, speaking as chairman of a joint committee created by the Southwestern Traffic League and the Texas Industrial Traffic League to make a study of the several measures which have been proposed for the solution of the railroad problem, issued the other day what may be called a preliminary criticism of the Cummins bill. Whether this bill was chosen for that kind of treatment because of the belief that it enjoys an advantage in having for its author the chairman of the Senate Committee on Interstate Commerce or because of the belief that it is the most pernicious of all the proposals that have been made one is left to conjecture. Our own guess would be that it is to this last-named circumstance that it owes the distinction of being singled out for attack. Certainly one must infer from Judge Cowan's statement that he and the committee of which he is chairman regard it as the worst and most indefensible measure on that subject that has been offered, excepting, of course, the Plumb plan.

"With some of the criticisms of Judge Cowan the News can not agree. For example, it is not a fault of the bill, in the News's opinion, that it provides for the consolidation of all the railroads in the country under the ownership of from 20 to 35 corporations to be chartered by the Federal Government. The

News believes that even a greater consolidation than is thus contemplated could be effected without depriving the country of any competition that is desirable. Neither is it a fault of the bill, in the News's opinion, that it recognizes and affirms the supremacy of the Interstate Commerce Commission's authority in rate making, even to the extent of permitting it to readjust intrastate rates when it finds them to be out of alignment with interstate rates. The News thinks that some such centralization of authority is essential and that if exercised as this bill contemplates only on such occasions as that which was presented in the Shreveport rate case the States will have no just reason to complain.

"But while not in harmony with these criticisms of Judge Cowan's, and perhaps some others, the News is much inclined to concur in his judgment that the Cummins bill is defective in ways so fundamental as to render it doubtful if it can be made a foundation for such a structure of railroad regulation as needs to be built. These defects, if fundamental, are also varied in character. It seems to the News, for example, that it is at least questionable if the Constitution could be cajoled into countenancing either that section which provides for compulsory consolidations or that which would empower the Government to expropriate all earnings in excess of the 'fair return,' which is left to the determination of the Interstate Commerce Commission. Whether constitutional or not, that provision would be unjust, for the reason that, in addition to the fact that what constitutes a fair return is left to the determination of the Interstate Commerce Commission, it affords no guaranty that any of the railroads would be allowed to earn a 'fair return.' For, while the commission is specifically directed to make such rates as will enable them to earn a fair return, it provides no redress for the railroads in the event the rates should fail to yield such a return. In essence, the Government would become the lessee of the railroads without giving a guaranty that the lessors would receive a fair compensation for the use of their property. Such an inequitable proposition is unjust, and it ought to be unconstitutional.

"It is evident, and rather painfully so, that Senator CUMMINS has tried to make his bill strike a compromise as between those who have proposed that the Government guarantee a fixed rate of return to the owners of the railroads and those who have proposed that the employees shall share in the earnings of the railroads. But it is doubtful if his bill would realize one or the other of those proposals to a degree that would reconcile either group to it. There is no guaranty in it for the owners of the railroads, but only a promise, and one which, although specific, will command no great confidence in the money markets; and since the problem is largely that of restoring railroad credit, it is there that any bill must win approval if it is to be successful. Neither does it afford employees an assurance that they would derive anything from the operation of the railroads in excess of their wages. Its stipulation is that if earnings for any year should be above the amount decided to be a 'fair return,' plus 'a just allowance to provide reasonably for future years in which there may be insufficient earnings'—a surplus, namely—the excess shall accrue to the Government. Of that excess, half is to be the portion of the employees. But it would not inure to them in the form of additional wages, necessarily, nor even probably, one might think. That half of the excess earnings—assuming always there would be any—is to be used '(a) for the promotion of invention and research to ameliorate the conditions of labor and lessen the hazards of employment; (b) to extend and improve hospital relief; (c) to supplement existing systems of insurance and pensions; (d) to afford opportunities for the technical education of employees; (e) to establish a system of profit sharing by employees.' A promise so phantom-like as that is not likely to excite a more attractive expectation among the proponents of the Plumb plan than will the promise of a 'fair return' among those owners of the railroads whose demand is for a guaranty of a fixed rate of earning.

"In thus criticizing this overture to the employees, the News does not mean to commit itself to the idea that the employees are entitled to share in the earnings of the railroads beyond the extent that they would do so in receiving liberal wages for their services. Ethically, the proposal to give a share of railroad earnings to the employees in the form of a bonus is at least questionable. For that additional remuneration can not be given to them except at the cost either of the owners of the railroads or of the patrons of them, the general public, whose industry is the source of both wages and dividends. To create a fund for distribution among the employees without depriving the stockholders of anything they are entitled to, rates of transportation must be above the fair cost of the service. There may be some reason of expedience for making that exaction of the public, but what moral warrant is there for doing so? If the employees are fairly paid for their services—and assuredly they should be not only fairly but liberally paid—what ethical reason is there for levying an additional tax on the commerce of the country in their behalf and for their profit? This is not to say that some such partnership scheme may not be advisable; considerations of expedience may show it to be desirable. It is merely to challenge the notion of growing popularity that the employees have inherently a moral right to share in the earnings of the railroads without themselves contributing more toward their success than they are obligated to in return for their wages and without sharing in the losses to which the railroads would be liable under the provisions of the Cummins bill."

RAILROAD MEASURE OPPOSED BY COWAN—PROPOSED CONSOLIDATIONS WOULD ELIMINATE COMPETITION, HE DECLARES.

"The following statement relative to the Cummins bill has been received from S. H. Cowan, of Fort Worth:

"'Referring to your editorial of the 21st regarding my statements about the new railroad bill recently introduced by the subcommittee of the Committee on Interstate Commerce, by Senator CUMMINS, the chairman, I desire to say:

"'The News states that in the opinion of its editor it is not a fault in the bill that it provides the consolidation of the railroads of the country under the ownership of 20 to 35 corporations to be chartered by the Federal Government, and that even a greater consolidation could be effected without depriving the country of competition, if desirable. Thus the issue on that point is squarely drawn, and that is the most dangerous part of the bill. It would scarcely be denied that there is no precedent whereby Congress can compel the railroads, simply because they perform a transportation service in interstate commerce under a charter granted by the State, to become incorporated under an act of Congress. Many States have aided the construction of railroads in the beginning, by donations and otherwise, and in many instances have exacted a promise, at least, that when the earnings exceeded a certain per cent the same should be paid to the State in one form or another. Your idea seems to be that the Government can spit on the slate and wipe them off.

CAN NOT COMPEL OPERATION.

"'That the Government can provide for the incorporation of railroads there is no doubt. The Government may have the power to acquire the railroads, but it can not compel one railroad company, whether it is chartered by the Government or by the State, to take over and operate another road, to purchase it, or to sell a part of its property to another. To my mind, that is very clear, unless, of course, it would be in case where a railroad was incorporated under an act of Congress reserving to the Government that right or providing for it by charter. I proceed upon the belief that only such consolidations as both or all of the consolidated railroads entering into the arrangement shall see fit to make can take place under this bill or any other bill that falls short of exercising the powers of the Government to take over the railroads in the first instance.

"'If I am correct in that, then it need not be expected that these separate railroad corporations will take the opportunity of permissive consolidation, except for some advantageous reasons. The only one that I have observed and that has been put forward at all, wherein the public would be benefited, is the reduction of expenses of operation and increased efficiency. A correct analysis of the situation or respective lines of railroads which may choose to consolidate will demonstrate that such benefit is more imaginary than real. The stronger companies naturally do not want to take over the weaker ones unless it would benefit them. The weaker company would not want to sell out unless it gets a price that suits the owners of it.

ELIMINATE COMPETITION.

"'The elimination of competition or the equivalent of pooling earnings is certain to be the objective in all such consolidations as do not amount to the acquisition of lines which merely extend the geographical area to be served by the stronger company which acquires the smaller lines. There is no obstacle now to accomplishing that if both parties see fit to do it. When it comes to an analysis of what goes to make up the operating expenses of the railroads, we find that unless the traffic can be increased so as to have a greater number of units of traffic for a given cost, consolidation does not lessen the expenses per unit, unless it involves large investments of capital in the improvement of the line, so as to reduce expenses in that way.

"'Presently there is no disposition to enter that field, nor does this law require it after such consolidation may have been

made. The matter of improvements to better the condition of transportation or service on the weak lines is missing.

"'The operating expenses consist of the five subdivisions, viz: First, maintenance of way and structures; second, maintenance of equipment; third, the conducting of transportation; fourth, the traffic expenses; and fifth, general expenses, to which should be added taxes, not precisely as an expense but as a fixed charge.

NO REDUCTION IN EXPENSES.

"'Space forbids an analysis of each one of these, but there are more than 100 accounts in making up these grand subdivisions, and if any one will examine he will find so little that can be eliminated or reduced by consolidation that it would not amount to anything. Furthermore, if he will examine into the consolidations which have taken place he will find there was no reduction in expenses. In Texas, for example, take the Texas Central, which was taken over by the Missouri, Kansas & Texas. There is a possible elimination of a small amount in the matter of superintendence and general expenses. I don't mean a reduction that has, in fact, taken place in such instances, but that which is possible, and which might amount to one-half of 1 per cent. Did the Government reduce expenses on any line by unification? Just tell us about that.

"'Now, this bill permits the consolidation of competing lines and leaves it to the board of transportation to determine what will be permitted, and there is no remedy to prevent it. Who selects these systems? Answer: The railroads themselves. There is also a provision in this bill prohibiting the construction of any new line except by permission of this board or the Interstate Commerce Commission. Looking at past experience and viewing the matter from a rational standpoint with full knowledge that the expectation in all consolidations will be to make money out of the transaction, I am willing to indulge myself in the prophecy that only those consolidations will take place which eliminate competition and ultimately will be injurious to the public interest if permitted. Where does the demand for it come from? If the Government would now provide to lend money to railroads for extensions or the purchase of physical property of lines which will extend existing systems further, and thus enable them to concentrate under one head and one control the aggregate of tonnage from a wider geographical area that will enable the extension of railroad systems in such way as will benefit the public interest by the economies resulting from the concentration of a large volume of traffic on their trunk lines and not abolish the incentive for the development of the country to produce that traffic it would create the incentive. The plan proposed will not accomplish that; it will retard it.

"'My effort in behalf of live-stock interests in these remote places is to wake them up in time to stop this thing.

"'The man who thinks there has been a change of heart in the railroad world so that they now have become benevolent institutions looking to benefit the public interests when it does not at the same time benefit their own is simply making a mistake.

SHOULD NOT TAKE SURPLUS.

"'There is one section to the bill and that is the taking of the surplus from the railroads that earn more than what may be denominated by the commission as a fair return to be devoted one-half to the purchase of equipment and facilities to be rented out to the roads that need it and the other to be put into an employees' welfare fund.

"'It would seem preposterous to turn the roads back to private ownership when they must pay a reasonable wage for all services performed and then make use of the surplus of roads that have been wisely constructed and are efficiently operated for any such purpose or to take it away from the roads which earn it. What they earn belongs to the corporations operating the properties, and it is nothing less than confiscation to take it. If the rates are too high, then they should be reduced, but the carrier should not have its revenue taken and devoted to some purposes, however benevolent.

"'The constitution of Texas makes many provisions in regard to the incorporation and operation of railroads in this State and their rights, duties, and liabilities, and prohibits the railroads from owning or having under their control parallel or competing lines, and prohibits the consolidation of any railroad company organized under the laws of this State and any railroad organized under the laws of any State or the United States, and it provides that no railroad corporation which was in existence at the time of the adoption of the constitution should have the benefit of any future legislation except on condition of complete acceptance of all of the provisions of the constitution applicable to railroads.

"'If this bill becomes a law, then Congress will have by the enactment placed it within the power of every railroad company in the State of Texas to abolish the constitution as applicable to them and to escape any and all manner of regulation by the State. Of course, they would do that. Does the News advocate that, I wonder? The purpose of the bill can not be carried out without accomplishing that.

TO AVOID STATE CONTROL.

"'The plan for this legislation was propagated by a conference participated in and under the control of those connected with the railroads themselves, their securities, finances, and manufacturing interests, which interests have from the beginning opposed the regulation by the State, the enactment of the Hepburn bill, or extending the powers of the Interstate Commerce Commission for the shippers. They held 22 meetings between December, 1918, and June, 1919. Their plan is set out in the CONGRESSIONAL RECORD, together with the bill that they propose, of date September 15. This bill is very largely the same as the Senate bill in the superstructure and practically the same in its effect in abolishing State control. The Senate bill, however, has a proviso in section 43 reflecting the view against the abolishing of State control of the Senate subcommittee, as follows:

"'"Nothing in this act shall be construed to amend, repeal, impair, or affect the existing laws or powers of the States in relation to taxation or the lawful police powers of the several States, including the power to make and regulate intrastate rates, except as in this act otherwise provided." The exception, however, destroys the reservation. The bill was proposed in its essence by this aggregation that stands behind this legislation and the prime object of it was to get away from State control and regulation rather than preserve it as this proviso does. So it comes to the point that you must favor abolishing the State constitution or oppose this consolidation and national incorporation. It is a matter of paramount concern.

"'I can not believe that this revolutionary method of abolishing the State constitution, even if the railroads see fit to comply with the requirement, without question should be considered for a moment, and I have no idea that the subcommittee of the Senate or Senator CUMMINS, its chairman, intends to accomplish that end, because the foregoing proviso in the bill expresses a negative idea, but I am perfectly satisfied that it is the intention of the proponents of the scheme and superstructure on which the bill is founded to accomplish that end.

"'Lest there might be the misconception from the criticism I have made of the bill that the criticism extends to Senator CUMMINS and the subcommittee which reported the bill, I wish to say that I know of no man in public life more alive to the public interests or better qualified than Senator CUMMINS, as evidenced by his record of years in the public life. Both in point of ability and high standing, the same can be said of the other members of the subcommittee, and hence it may appear presumptuous to challenge this bill, but those who have made a study of it from the shippers' viewpoint are constrained to conclude that the necessary results would be to accomplish the complete dethronement of the States as factors in regulation which is the prime purpose of the proponents of the bill, as they admitted in their statements recently made before the House committee in proposing the same scheme.'"

ARTICLE BY GEORGE W. PERKINS.

Mr. OWEN. Mr. President, I ask to have printed in the RECORD an article on profit sharing by George W. Perkins, which I think is a very important and interesting contribution.

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

PROFIT SHARING, OR THE WORKER'S FAIR SHARE.

[By George W. Perkins.]

"'The worker's fair share' has been a real problem ever since the world began. It has changed greatly as civilization has progressed, and has crowded harder and harder for solution as intelligence and education have spread and broadened.

"The worker's fair share was an unsolved problem when the expression that designated the relationship between the man of capital and the man of labor was 'owner and slave.'

"It still existed when the expression of relationship became 'master and man.'

"It still exists in these days when the expression of relationship is 'employer and employee.'

"These very changes in the expressions used to designate the relationship between capital and labor show that steady progress has been made toward solving the problem of the worker's fair share.

"I take it that everyone believes that we can not go back to the old conditions; that we must move forward to an even better relationship than that expressed by the term 'employer and employee.'

"You ask, 'What is this newer relationship to be and what term will express it?' I answer that I believe it must be 'partners.'

"If I am right, then the next question is how can this relationship be worked out so as to bring the best results to all concerned?

"This problem has greatly interested me for 30 years. I have studied it earnestly, not from books but from experience obtained in the hard knocks of everyday work in the various business undertakings with which I have been connected.

"Twenty-five years ago I became convinced that only through profit sharing that was real, honest, and open could we hope to find anything like a satisfactory and permanent method of arriving at the worker's fair share.

"Ever since that time I have improved every opportunity to spread the gospel of profit sharing and to have its principles adopted by business organizations, and I have greatly appreciated the honor of serving as chairman of your profit-sharing committee since it was organized.

"I recall that I read a profit-sharing paper before this organization about 12 years ago, and I find little, if anything, to change in the basic principles then laid down. I believe the work that has been accomplished meanwhile has been worth while and that the time is now ripe for us to push it harder than ever along constructive lines.

"I have found that my views on profit sharing, and my beliefs as to how to apply it, differ radically from those of many other people; that the plans I have been instrumental in having adopted are very different in application and in results from many other so-called profit-sharing plans. I want, if possible, to point out wherein these differences lie.

PROFIT SHARING NOT PHILANTHROPY.

"In the first place, I do not look upon profit sharing as philanthropy or a form of benevolence.

"I do not put it in the same class with gifts at Christmas time or bonuses at the end of the year. I do not approve or believe in any plan that even savors of giving a man something for nothing.

"I do not believe any self-respecting man wants any such arrangement, and I do not believe that any broad-minded, self-respecting employer can, in the long run, afford to have any such arrangement.

"The profit sharing I believe in is the kind that is real; the kind that promotes thorough and efficient cooperation between employer and employee; the kind that makes partners of employees; the sort of profit sharing that is practiced between partners in a business.

"Anything short of this is bound to result in failure and will widen rather than narrow the breach between employer and employee.

"Close observation, coupled with considerable experience, has convinced me that practically all the many failures in profit sharing, both in this country and in Europe, have occurred because at bottom the plans were not honestly devised nor equitably worked out.

"In nine cases out of ten, at some point in the practical application of the plans that have failed, the fact has developed that they were not mutually beneficial; they either did not enhance the efficiency of the men in such a way as to satisfy the employer, or else did not distribute profits in such a way as to benefit and satisfy the employees.

"No partnership where the profits are shared by two or a half dozen partners could last any length of time unless mutually beneficial, and the same rule holds good in a larger partnership where the profits are shared among many partners.

"No man or firm or corporation that is thinking of adopting profit sharing can hope for success, unless prepared to approach the subject in this spirit and deal with it in an absolutely honest, open, and broad-minded manner.

"As I have said, the relation between employer and employee has changed with the centuries.

"Originally it was owner and slave; then it was master and man; now it is employer and employee, each stage of development bringing the employer and employee into closer cooperation. What has caused this change in relationship?

"In my judgment, the cause is found in the vast and broad educational forces that have been at work in the world.

"Since we founded this country we have spent approximately as much money on our educational systems as on our railroad systems.

"We consider our railroads financially successful if they earn dividends.

"If our educational systems are successful the dividends we get from them are minds that think better, more clearly, more independently.

"Right now this country is getting such dividends from its vast investments in educational plants.

"In the industrial world, in the relations between capital and labor, between employer and employee, we are getting these very dividends, and getting them direct and in cumulative fashion on the wage question.

"In the past the man who was not educated or trained to think independently struck because he wanted $2 a day if he was only getting $1.75; and for quite a period labor differences were settled on this basis.

"I believe that we are rapidly passing out of that period, for our laboring people are so well educated and so able to think independently that, in many cases, they are no longer striking for a definite increase in wages, but for what they regard as a fairer proportion of the profits of the business in which they are engaged.

"If I am right about this, then we are rapidly leaving behind the period when labor disputes could be settled by a mere increase in wages and are entering the period when profit sharing in some form must be practiced.

"Therefore the question is, How can it be practiced effectively?

OUTLINE OF A CORRECT PROFIT-SHARING PLAN.

"A good many years of actual experience have made me very optimistic regarding profit-sharing plans worked out along the following lines:

"First. Every business has, first of all, to earn operating expenses, depreciation, and fair returns on honest capitalization.

"Second. I believe that every business should consider that the compensation paid employees is for the purpose of earning a sum of money sufficient to pay the above-mentioned items.

"Third. I believe that any profits over and above such sum should, on some percentage basis, be divided between the capital used in the business and the employees engaged in the business.

"Fourth. I believe that in neither case should these profits be immediately withdrawn from the business; that they should be left in the business for a reasonable length of time, to protect and increase its financial strength and safety; that, in the case of capital, its share of these profits should be carried to surplus; that, in the case of employees, their share of these profits should be distributed to them in some form of security representing an interest in the business, and that each employee should be required to hold such security for a reasonable length of time, say three to five years.

"Fifth. I believe that the employees' share of these profits should be allotted to them as nearly as possible on the basis of the compensation they receive. Up to date, this has proved to be the best method.

RESULTS ATTAINED BY A PROPER PLAN.

"Now, let us see what such a plan means: In the first place, it means that under such an arrangement each employee becomes a working partner in the business.

"He is on the same footing as the financial partners, for if the concern is a partnership with, say, four or five members, the partners themselves are drawing out each year what, in a way, might be called salaries, namely, approximately the amount of money necessary to meet their general living expenses, leaving their surplus profits in the business.

"Any partnership or any profit-sharing plan that divided up the profits and withdrew them in cash at the end of every year could not last very long.

WHY SOME PROFIT-SHARING PLANS FAIL.

"Many profit-sharing plans have divided profits with employees on a cash basis, and turned the money over to the employees every so often, usually once a year.

"The result has been that if a man earning $1,000 a year received $200 at the end of the year from a profit-sharing plan, he promptly lifted his living expenses from a $1,000 basis to a $1,200 basis, and began to look upon his income as $1,200 rather than $1,000, and the extra $200 did little to increase his activity and efficiency, or to promote his intellectual efforts in the business concerned.

"Then, if a period came when business was dull or poor and he did not get the extra $200, he found fault with the owners of the business and became grouchy and inclined to lose interest in his work.

"If he did not use the $200 for his living expenses, he probably invested it in a suburban lot or in some stock that was recommended to him, or in something that he knew little or nothing about.

"Then, if his investment began to go wrong, he worried about it, and part of the time which he was being paid to devote to the business in which he was engaged would be expended in worrying about his investment in the business in which he

was not engaged; whereas, if his money were invested in the business in which he was engaged, his desire to see his investment succeed and bring him further profits would be converted into efforts that would be of some practical benefit, not only to himself, but to the stockholders and his coworkers.

"In short, little real substantial benefit comes from a profit-sharing plan where the profits are paid out in cash, except perhaps where a man uses the money toward buying a home.

"There is therefore a serious weakness somewhere in such a plan, and the weakness lies in the fact that profit sharing can not be really beneficial, either for employer or employee, unless conducted on a partnership basis and coupled with profit saving.

"Looking at it from the viewpoint of capital, the object to be accomplished through the adoption of profit sharing is added interest in the business on the part of employees, which in turn brings higher efficiency.

"Looking at it from the standpoint of the employee, the object to be accomplished is a fairer remuneration for services rendered.

"Therefore any profit-sharing plan that fails to accomplish both of these results breaks down sooner or later.

FULL PUBLICITY NEEDED ABOUT THE BUSINESS.

"In establishing profit sharing it is of the utmost importance that the entire organization, the wage and salary earners, know in advance exactly what they are expected to accomplish.

"I mean by this that, on entering a new year, they should know exactly what the preceding year's accomplishments have been. The annual statement of the concern should be full and explicit, so that every man engaged in the enterprise will know what business was done in the preceding year and on what basis profits were and are to be distributed.

"An honest, detailed annual statement tells him officially what the profits were, if any, and this fixes a minimum goal for the coming year, which everyone, individually and collectively, will bend every energy to reach and exceed by as large an amount as possible.

"Under such an arrangement as this, each man, in place of working solely for himself in his own department, will pass on to other departments any ideas that occur to him that might help that other department, and in that way benefit the organization as a whole.

"In my judgment, some profit-sharing plans are radically wrong in this respect. They distribute profits by departments or in some way other than on the basis of the company's success as a whole.

"This narrows the vision of the individual, and he lacks the proper incentive to help wherever he can, whether in his own or another department.

"The right kind of profit sharing offers definite goals that an organization, individually and as a whole, can buckle down and work for, and it is astonishing how such a plan of profit sharing will heighten the esprit de corps.

"It removes petty jealousies; it makes a man eager to pass his ideas on to the man in the next department, and causes them to vie with one another to reach and exceed the figures reached in the preceding year.

"A detailed annual report by the company is not only necessary to show the organization in prosperous years how the profits were arrived at and what they amounted to, but equally necessary in lean years to show how the losses were arrived at, what they amounted to, and why there are no profits to distribute. Gradually, as the employees in the organization become part owners in the business, you broaden and deepen their interest in their work.

"They begin to think and speak of the business as their business; they work for it as their business, not your business or somebody else's, and in place of 'knocking' it they praise it and 'boost' it in every way they can, for they have become part owners through being security holders and are receiving their interest or dividends at the same time and in the same manner as other security holders receive theirs.

"In other words, once the employees become security holders, they share in interest or dividend distributions and other profits, not only as security holders but as employees.

SOME OBJECTIONS TO THE PLAN ANSWERED.

"Many people have said to me: 'Oh, but it takes a long while for a man who is only saving a small sum each year to acquire much of a financial interest in the concern by which he is employed.'

"I have always found that such criticism comes from some one who has not given sufficient thought to the subject, for a small interest means as much to the man having a comparatively small salary as a large interest does to the man of large affairs.

"Let us summarize some of the advantages of this method of profit sharing:

"First. It is real; it is genuine. The organization, as a whole, and each individual in it has a definite goal for the year's work;

"They know at the beginning of the year how much money must be earned to cover what we will call fixed charges;

"They know that they are being paid salaries to earn those fixed charges;

"They know that they share in all profits over and above those fixed charges; and

"They know the basis on which they share, and that the amount of such profits largely depends on the individual and collective effort of each individual in the organization.

"This in itself is of great practical value to the business from a dollar-and-cent standpoint. There is no philanthropy about it.

"The employees have a certain definite goal to reach. If they reach it, they are paid a definite percentage for doing so.

"It is a definite business proposition, based on the principle of profit sharing as practiced in partnerships.

"Second. Having reached the goal set, the money over and above the salaries they are paid—in other words, their profits—is invested in the business in which they are engaged and on which their whole time and thought and energy should be centered.

"What a great advantage this is to the employer and what a spur and incentive to the employee!

"What more valuable insurance policy could an employer have against a year of poor earnings?

"What a real, genuine interest it arouses in the worker for the business in which he is engaged!

"The whole atmosphere, the whole relationship is changed.

"The employer need give little thought to whether or not his men are 'soldiering' on him, whether or not they are really giving to their work the best that is in them; and the employee need spend little time wondering whether or not he is being properly compensated.

"The whole relationship is placed on a new basis, not antagonistic as heretofore, but cooperative.

"This plan is vastly different from the one now practiced by which one set of men working in a business, viz, the capitalists and partners, leave most of their profits in the business, while another set of men, working shoulder to shoulder with them, viz, the employees, each year take their profits out of the business and put them somewhere else.

THE KIND OF A PROFIT SHARING THAT DOES HARM.

"It is also vastly different from the many bonus schemes in vogue.

"It differs greatly from the plan of arbitrarily setting aside in a prosperous year a certain lump sum of money and dividing it on a percentage basis among the employees.

"Under such an arrangement no man who gets any of the money has any very definite idea of what he did to earn it, what it represents, or what he individually can do to insure the receipt of some such sum during the following year.

"In fact, I am convinced that such bonus giving, erroneously called profit sharing, has done more harm than good, for in many instances it has caused employees to feel that said bonuses were given them because the business was earning fabulous sums of money, a tiny little bit of which was thrown to them as a sop to make them feel kindly disposed toward the owners or in order to ward off a demand for a general increase in wages.

"In short, such bonus giving simply stirs up trouble rather than alleviates it.

"Profit sharing on the basis I favor is sometimes objected to by men or concerns who do not wish to let even their own employees know how little or how much money they are making each year.

"To such men I always say—and each year I am more and more certain that I am right in saying it—that they are very shortsighted if they do not hasten to change their policy.

"If they are not making enough money and the business is running on a close margin each year, then by all means they should set their situation before their men, adopt such a profit-sharing plan as I have outlined, and get the genuine cooperation of every man toward increasing the profits and putting the business in a prosperous condition.

"They are now paying wages and salaries, and many a night go home wondering whether the employees are really earning their salaries.

"Under such a profit-sharing plan as I have outlined they have a substantial guaranty that the salaries will be earned because in aiming to share in profits over and above fixed

charges the men are all the more certain to earn at least the fixed charges.

"And would any proprietor or manager hesitate to pay a handsome premium each year for an insurance policy guaranteeing that every employee in the business would have the business on his mind and work as hard for its success as the proprietor or manager does?

"One more thought in this connection.

"The man who is running on a small margin and making little profit may object to making his business affairs public property, on the ground that he would be putting a weapon into the hands of his competitors.

"Such a man's best protection against his competitors is a loyal, closely knit organization of the highest efficiency, and this important advantage he can only secure through a bona fide profit-sharing plan.

"As for the man who is making so much money that he is afraid to let even his own employees know how much he is making, to that man I say that he is the man who, more than any other, is responsible for the serious differences to-day existing between capital and labor, for with the growing intelligence of the masses, how can he expect such a situation to continue?

"Every year, yes, every day, it becomes clearer and clearer that such a condition will no longer be tolerated and must speedily pass away.

"Would it not be better for him to use some intelligent foresight and meet what clearly are to be the immediate future demands of public opinion?

"As for the man who is making large profits, but who objects to profit sharing on the ground that he wants to put those profits away against the day when business may be poor.

"To such a man I say that he had better use some of those profits to more deeply interest his men in his business, and do this to such an extent that if the dark days come he can be pretty certain that his men will stand by the business in a way that capital alone never can.

"Profit sharing on the basis I favor is also sometimes objected to by concerns whose securities are closely held. There are many ways to obviate this difficulty.

"Some concerns can increase their capital.

"Others that can not, or can not do so for a time, can obviate the difficulty by issuing certificates of participation that will draw the same percentage of profit as the regular securities of the business.

"In other words, where there is a genuine desire to share profits a way can always be found.

"The day of secretive methods is passing rapidly. The day of publicity is at hand. The change is a perfectly natural evolution due to broader education and improved intercommunication, and has also come about because it is second nature to be less suspicious and afraid of that which is known than of that which is unknown.

"Any profit-sharing plan without an open, honest balance sheet and detailed annual report will never succeed.

"I am convinced that labor is entirely willing that capital should have its fair reward and proper protection, but in this country we have had too many instances where capital had demanded improper protection and taken exorbitant reward; and one of the main reasons why the serious problems confronting us to-day are so difficult of solution lies in the fact that too many men of capital are still arrogant and unreasonable, and absolutely unwilling to look with sufficient care and fairness into the causes that are producing the views and opinions so largely held by our people at this time.

"On the other hand, one of the most serious drawbacks to increased output and economical production is the listless, indifferent service rendered by a large percentage of employees.

"Making partners of employees, through profit sharing, would correct this as nothing else could.

PROFIT SHARING THAT HAS BEEN A SUCCESS.

"Some companies with which I am connected have realized the trend of the times and have for some time been practicing profit sharing along the lines I have indicated.

"They believed that profit-sharing plans based on such principles would so knit their vast organizations together, and would so strengthen and develop the esprit de corps, as to make it possible for the companies to increase their business and their earnings, and they were willing to share this increased success with their employees.

"So far they have every reason to congratulate themselves on the results.

"In all parts of their business, at home and abroad, in the office force, in the factories, in the sales department, everywhere, the individual employee's interest in the business is much greater than formerly.

"The saving in waste everywhere is noticeable.

"The employees are vying with one another more and more to improve their respective and other branches of the business.

"All this means success for the company, profits for the stockholders, extra compensation for the employees.

"It means getting men on salaries and wages to have a live, keen interest in the management of the business.

"It means getting an organization of men to work as real partners.

"It means recognizing the right of the employee to a fairer share of the earnings of the business in which he is engaged.

"In short, it means cooperation that is complete, in that it benefits stockholder, employer, and employee.

"While all this can more readily be accomplished in a large business, it can also be successfully accomplished in a small business if approached in the proper spirit; and if applied generally it would remove to a considerable degree the dangers that are menacing modern industry, and which are largely caused by the feeling on the part of the masses that, through wages, they are not getting their proper proportion of the money earned in a given industry.

"An industrial democracy of the most ideal sort is found in true profit sharing; an industrial democracy that makes real partners of capital and labor, and yet preserves the right of private property; that preserves and promotes the great business asset that comes from individual initiative; that retains the capitalist's incentive to enterprise, while giving the worker a new inspiration for effort that humanizes large organizations of men; that promotes good will and industrial peace.

"All these things this country of ours needs now as never before.

"The shelves of the world are bare. The entire world needs supplies—supplies of food, clothing, building material, everything.

"As long as the supply of these things is so low and the demand for them all over the world is so great, the cost to the consumer will remain high.

"Therefore one of the surest paths leading to a reduction in cost to the consumer is to raise and manufacture a large supply of these necessities as quickly as possible.

"Linked with the desire to supply ourselves with food, clothing, and other necessaries at low cost is our desire to furnish the world with these and other articles, in order to extend our trade and foster the prosperity of our people as a whole.

"But as practically every other nation hopes to secure a large part of this trade for herself, is it not a certainty that competition among the nations will be keener and sharper in the immediate future than it has ever been in the history of the world?

"How can we possibly meet this increased competition if we are divided among ourselves?

"Could there be two more potential reasons why we Americans should have the closest possible cooperation between capital and labor?

"Could anything bring higher efficiency, greater production?

"The only way to secure this cooperation in the highest degree is by eliminating the distrust that has existed between capital and labor for so many years and establishing confidence in its place.

"Nothing will do this except frank, open dealing, publicity as to earnings, and a fair division of earnings.

"Since the beginning of time no country has ever had such an opportunity to extend its trade, increase its prosperity, and better the material condition of every one of its people as has the United States of America at this very hour.

"The only factor missing is that of close cooperation here at home among ourselves.

"It seems inconceivable that we will fail to realize where our weakness lies and fail to adopt the one and only remedy for it.

"In the strenuous competition with the rest of the world that this country is on the eve of facing, could we have a stronger weapon than complete cooperation between capital and labor at home?"

ZION NATIONAL PARK, UTAH.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 425) to establish the Zion National Park in the State of Utah.

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

The motion was agreed to, and the Vice President appointed Mr. SMOOT, Mr. FALL, and Mr. MYERS conferees on the part of the Senate.

LANDS FOR SCHOOL PURPOSES.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 794) granting lands for school purposes in Government town sites on reclamation projects, which were: On page 1, line 3, after the word "be" to insert "and he is"; and on page 1, line 7, after the word "lands" to insert "not exceeding 6 acres in area."

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

The motion was agreed to.

LANDS IN FLORIDA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 55) to authorize the Secretary of the Interior to adjust disputes or claims by entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from faulty surveys in townships 36, 37, and 39 south, ranges 29 and 30 east, Tallahassee meridian, in the State of Florida, and for other purposes, which were: On page 1, line 7, after the word "in" to insert "township 29 south, range 28 east; also in"; on page 3, to strike out lines 20 to 24, inclusive, and on page 4, lines 1 and 2, and to amend the title so as to read: "To authorize the Secretary of the Interior to adjust disputes or claims by entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from faulty surveys in township 29 south, range 28 east; also in townships 36, 37, and 38 south, ranges 29 and 30 east, Tallahassee meridian, in the State of Florida, and for other purposes."

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

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 2945. An act to authorize the sale of certain lands at or near Minidoka, Idaho, for railroad purposes, was read twice by its title and referred to the Committee on Public Lands.

RETIREMENT AS LIEUTENANT GENERAL.

The VICE PRESIDENT. Is there any further morning business?

Mr. KING obtained the floor.

Mr. KNOX rose.

Mr. KING. I yield to the Senator from Pennsylvania, if he desires to call up the measure which was under consideration yesterday.

Mr. KNOX. That was my purpose in rising.

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

Mr. KNOX. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 173, being Senate bill 2867.

The VICE PRESIDENT. Morning business is closed. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2867) to authorize the President, when Maj. Gen. Crowder retires, to place him on the reired list of the Army as a lieutenant general.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. CHAMBERLAIN. Mr. President——

Mr. THOMAS. May I ask the Senator whether his amendment contemplates retiring men with the rank of lieutenant general who have only reached the grade of major general or brigadier general?

Mr. CHAMBERLAIN. If they desire to retire; and I am including only those men who have distinguished themselves in the war.

Mr. THOMAS. I am aware that some of those named by the Senator's amendment are major generals, and one or two of them brigadier generals. That is the reason of my inquiry.

Mr. CHAMBERLAIN. If it comes to that, I may say that but for the act of April 27, 1914, 38 Statutes at Large, 356, Gen. Crowder himself, after his retirement from the office of Judge Advocate General, would have gone back to the rank of colonel in the Judge Advocate General's department.

Mr. THOMAS. I had in mind one of the names included in the list in the Senator's amendment just read by the Secretary. I think he was a brigadier general.

Mr. CHAMBERLAIN. I will give the Senator from Colorado the rank of each of these gentlemen:

Lieut. Gen. Liggett and Lieut. Gen. Bullard; permanent rank, major general.

Maj. Gen. McAndrew, Chief of Staff, American Expeditionary Forces; permanent rank, brigadier general.

Maj. Gen. Harbord, Chief of the Supply Service, American Expeditionary Forces; permanent rank, brigadier general.

Maj. Gen. Ernest Hinds, Chief of Artillery, American Expeditionary Forces; permanent rank, colonel of Field Artillery.

That, possibly, is one of the names the Senator from Colorado has in mind.

Maj. Gen. Merritte W. Ireland, chief surgeon, American Expeditionary Forces, now Surgeon General of the Army under a four-year commission; permanent rank, colonel of the Medical Corps.

Maj. Gen. Harry L. Rogers, chief quartermaster, American Expeditionary Forces, now Quartermaster General of the Army under a four-year commission; permanent rank, colonel, Quartermaster Corps.

Maj. Gen. Langfitt, chief engineer, American Expeditionary Forces; permanent rank, colonel, Corps of Engineers.

Maj. Gen. Kenly, American Expeditionary Forces, Chief, Air Service, United States Army; permanent rank, colonel, Field Artillery.

Maj. Gen. McCain, The Adjutant General of the Army under a four-year commission; permanent rank, colonel, The Adjutant General's Department.

Maj. Gen. Charles P. Summerall, who commanded the First Division and later a corps; permanent rank, colonel, Field Artillery.

Maj. Gen. Leonard Wood, senior major general of the Regular Army.

So the Senator from Colorado will see that some men whose rank is below that of major general—as low as the rank of colonel—are included in my amendment for retirement as lieutenant generals when they do retire. As I said a while ago, but for the saving grace of the act of April 27, 1914, Thirty-eighth Statutes at Large, page 356, Gen. Crowder would, upon his failure of reappointment, either have gone back into private life, if his place had been filled, or he would have gone back, if a place had been left open for him, to the rank of colonel in the Judge Advocate General's Department. That would have been his status.

But the act of 1914 provided that "whenever the President shall deem it inadvisable to reappoint, at the end of a four-year term, any officer who, under the provisions of section 26 of the act approved February 2, 1901, or acts amendatory thereof, has been appointed for such a term, in any staff corps or staff department, to an office with rank above that of colonel, but whose commission in the lower grade held by him in said staff corps or staff department at the time of his appointment under said act to an office of higher grade has been vacated, the President may, by and with the advice and consent of the Senate, appoint said officer to be an officer of the grade that he would have held, and to occupy the relative position that he would have occupied, in said staff corps or staff department if he had not been appointed to said office with rank above that of colonel; and if under the operation of this proviso the number of officers of any particular grade in any staff corps or staff department shall at any time exceed the number authorized by law other than this act, no vacancy occurring in said grade shall be filled until after the total number of officers therein shall have been reduced below the number so authorized."

I can not see any reason for the recognition of the services of Gen. Crowder over and above the services of the distinguished men whom I have named, and I might say others in the service who are equally entitled to the distinction. I myself voted at one time to increase the rank of Gen. Crowder. I have no disposition to minimize the services he has rendered the country. But by his very preferment, under the terms of this bill, we do minimize the services of other men who did as great service as he, if not greater.

The basis for this proposed distinction is the service that he rendered the country as Provost Marshal General. It is true that those services were valuable from more points of view than one. It is true that Gen. Crowder, or Gen. Crowder's office, prepared the original or groundwork of the so-called selective-service act, which was submitted to the House of Representatives and to the Senate in 1917. But he was not the author of the idea of compelling every man of military age and fitness to serve, because the idea had been advanced by many men in the country before Gen. Crowder ever thought of it or at least ever urged it. Washington urged it in the Revolution, as has every military leader since. I remember very well that Mr. Gardner, of the House of Representatives, from Massachusetts, who later gave up his life in the service of his country, was a most ardent advocate of the system long before Gen. Crowder prepared the bill. There were other Members of the House and Senate who advocated not only compulsory service but universal compulsory military training as

one of the steps necessary for the preparation of this country for defense, or, if need be, for offensive war. The President of the United States, in his war message, advocated compulsory service, and all of this, if you please, was before Gen. Crowder had prepared the bill, and long before any utterance of his upon the subject that I remember.

But the selective-service act, as it finally passed, did not require a man of any peculiar brains or extraordinary capacity to carry into effect its provisions, and without attempting to minimize the service which Gen. Crowder rendered under it, I am going to call attention to this fact: The bill as it was prepared by Gen. Crowder in its substantial provisions, and particularly in the provision which made it a popular measure and which enabled the civilian population of the country to participate in the execution of the law, was prepared by the Military Committees of the House and Senate; and whenever the committee of the Senate or the committee of the House desired assistance and advice from the Judge Advocate General's department, who came to advise with them? Gen. Crowder? No. The man who came before the committee, both before it passed either body and after it got into conference, was Mr. Warren, a distinguished civilian lawyer from Detroit, Mich.

May I say, parenthetically, that the Secretary of War and the Judge Advocate General seem to have resolved themselves into a mutual admiration society, because whenever the Secretary of War has occasion to address Gen. Crowder it is in complimentary terms, and whenever the Judge Advocate General has occasion to address the Secretary of War it is practically in the same kind of terms.

[At this point a colloquy occurred, and the bill went over until to-morrow.]

Mr. CHAMBERLAIN. Mr. President, when the Senate went into executive session yesterday I was discussing the propriety of recognizing Gen. Crowder by having him appointed a lieutenant general after his retirement, while ignoring the men who abroad had done the actual fighting, and men in this country who had rendered just as efficient and just as effective service in the prosecution of the war as Gen. Crowder did as Provost Marshal General. Without any intent to minimize the service of Gen. Crowder, but rather commending him for what he did, it seems to me he is not entitled to any higher commendation than other men who, whether at home or abroad, did their patriotic duty in prosecuting this war to a successful conclusion.

The Secretary of War, in commenting upon the bill which is now before the Senate, says what I am about to read in a letter dated September 2, 1919, to the chairman of the Military Affairs Committee. After referring to the bill, he says:

> My own contact with Gen. Crowder, of course, began when I became Secretary of War in March, 1916, from which time until America's entry into the World War he continued actively in charge of the duties of Judge Advocate General and was in daily conference with me about difficult legal problems. I then conceived an admiration, which has daily increased, for his great range of knowledge and experience in questions of law, military and civil, and the detailed history of the Military Establishment of the United States. In 1917 Gen. Crowder prepared, in consultation with me, the selective-service law, and I appointed him Provost Marshal General to execute that law, a service delicate and intricate, requiring the institution of nation-wide machinery which would function harmoniously and with such visible and obvious justice as to commend both the law and its execution to public favor. This service he performed with conspicuous ability, and it is one of the outstanding features of America's military mobilization that, although we resorted to conscription there is a general consensus of opinion to the effect that the law was executed without fear or favor, and that justice and wisdom characterized its interpretations and applications.

That, Mr. President, may be all true; and yet why should Gen. Crowder, as I said awhile ago, be recognized over and above any of these other men who participated in the splendid work of prosecuting the war? I remember that the Secretary of War not very long ago sent to the Senate the names of Gen. Bliss, Gen. Liggett, Gen. March, and several other officers, in a bill that would have had the effect of promoting these distinguished officers of the Army. That was before he sent in the bill in behalf of Gen. Crowder. Why are they omitted now, and why is Gen. Crowder's name singled out from all the rest?

Mr. President, I am going to show from the record that the part of the selective-service law that made it popular as well as possible with the American people was not prepared by Gen. Crowder. I am going to show from the record itself that if Gen. Crowder's bill had become the law not only would the selective-service law have been a failure, but it would have been one of the most unpopular laws that was ever passed by the Congress, because it might have left the conscripting of the youth of America largely in the hands of the Military Establishment. In order to prove what I say, I call the attention of the Senate to the so-called selective-service law as introduced in the House of Representatives on the 19th of April, 1917.

In that bill, in section 3, is this proviso:

> That the President is authorized and empowered to constitute and establish throughout the United States tribunals for the purpose of enforcing and carrying into effect the terms and provisions of this act, together with such regulations as he shall prescribe and determine necessary for its administration. A majority of the members of each tribunal shall be citizens of the United States not connected with the Military Establishment: *Provided further*, That upon the complaint of any person who feels himself aggrieved by his enrollment or draft as is herein provided, any court of record. State or Federal, having general jurisdiction in matters pertaining to the writ of habeas corpus, according to local laws or by act of Congress, shall have jurisdiction, by proceedings in the nature of the writ of habeas corpus, to hear summarily and determine the rights of such person.

In other words, it left to the Judge Advocate General the power to appoint the men who were to pass upon the qualifications of these young men; and if there was any appeal at all, it had to be to the several courts rather than to tribunals in the locality from which the young men came.

That bill was introduced by Mr. DENT in the House, and that particular provision was amended in committee. The House tried to popularize what might have been entirely a military measure by modifying it so as to bring it a little nearer to the people; but the provision as amended by the House Military Affairs Committee and as adopted by the House did not bring it entirely within the jurisdiction of the local civilian authorities. When the bill came into the Senate, the Senate still further undertook to amend it so as to remove its enforcement as far as it was possible to do so from active military control.

Now, Mr. President, I am going to read the provision as it passed the Senate:

> The President shall make rules and regulations to carry out the terms and provisions of this section, and provide for the issuance of certificates of exemption or partial or limited exemption, and for a system to exclude and discharge individuals from selective draft.

Now, note:

> There shall be created under the direction of the President local tribunals in the several States or subdivisions thereof, composed of the members of the local civil government, to decide all questions of exemption under this act, and also all questions arising under the draft for partial military service or for including or discharging individuals or classes of individuals from the selective draft, which shall be made under the rules and regulations aforesaid, and shall also provide for an appeal tribunal.

That amendment for the first time provided that local tribunals should have to do with the young men who were being taken into the Army under the selective draft. Now, that was not sufficient to do it.

Mr. STANLEY. Mr. President, will the Senator yield for a question?

Mr. CHAMBERLAIN. Yes, sir.

Mr. STANLEY. What was the date of the introduction of that bill?

Mr. CHAMBERLAIN. The 19th of April, 1917.

Mr. President, that provision was not entirely satisfying to the Military Affairs Committee, and I think my colleagues will bear me out in that statement. However, when the bill passed the House and was referred to the Military Affairs Committee of the Senate, the Senate committee substituted this bill for the measure as it passed the House. It went back to the House, and the Senate amendments were disagreed to, and the bill, of course, went into conference.

Now, Mr. President, the one thing in that measure that was discussed in conference with great deliberation was the question of local tribunals where the young men could have their claims for exemption properly adjudicated.

Did Gen. Crowder come before the conferees to assist them? Not at all. It was recognized by some of the members of that committee, at least, that Gen. Crowder was not the man to undertake to popularize that measure. The man who was called into consultation was Mr. Charles Warren.

Mr. BRANDEGEE. Charles Warren, of Detroit, Mich. He afterwards went into the service.

Mr. WARREN. Mr. President, I think the Senator will remember that Mr. Warren was in the Provost Marshal General's Department, and really was the next man and ranked next to Crowder, and came before us by direction of Gen. Crowder.

Mr. CHAMBERLAIN. Yes; that is right.

Mr. WARREN. I think he was a lieutenant colonel.

Mr. CHAMBERLAIN. He was when he went out of the service. I am not criticizing that. I am suggesting the fact that the man who was sent before the committee for the purpose of assisting in perfecting this bill and bringing the local communities into touch with the Military Establishment was a civilian lawyer of distinction from Detroit, Mich., as I have before stated; and I want to pay him the compliment of saying here and now that there never was a man who appeared before the committee who tried harder to give to the country the best service that was in him, without fear or favor.

and without any regard to what effect his course might have upon himself.

Now let us see what the conferees did in reference to that matter.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. CHAMBERLAIN. Yes, sir.

Mr. FLETCHER. The whole plan of the draft was all settled, decided on, arranged for, and prepared before Mr. Warren came to the department at all, was it not?

Mr. CHAMBERLAIN. I do not know whether that is a fact or not. The bill may have been prepared long before it was introduced on the 19th day of April, 1917, and it may be that Mr. Warren was not in the department. It may be that he did not participate in its framing. It is claimed, however, by the Secretary of War that practically all credit is due to Gen. Crowder after consultation with him. However that may be, the man who did assist the conferees in order to try to get a tribunal that would not only be fair but whose decisions would satisfy the communities in which these young men lived was Mr. Warren.

Now, Mr. President, let us see what the conferees did.

Mr. STANLEY. Mr. President, at this point, referring to the contention made by the Senator that popularizing the draft was due to the introduction of the Dent bill to control the discretion of the draft boards, while it is perfectly true that Mr. Dent did introduce that bill, which was a most exemplary measure, it appears from the records that it carried out the preconceived notions of Gen. Crowder. There was no difference of opinion between them.

In a letter prepared several days beforehand—because it was sent to all the governors of the United States, and to me among them—he said, if the Senator will permit me to read just a line:

A permanent board in each county, composed of citizens who could be relied upon * * * to provide for avoiding the misery that war brings to dependents at home and for a choice of those whose military service the Nation most needs and whose civil and domestic service can best be spared—

Should be selected.

He not only suggests a civilian board, but he suggests the exercise of that power in such a way as to entail no unnecessary hardship upon the people of the country.

I thought it was due to Gen. Crowder that I should make that statement.

Mr. CHAMBERLAIN. Of course, Mr. President, I can best judge what was in Gen. Crowder's mind by the bill that he is said to have prepared, and I have read that particular section to the Senate. Under that bill he might or might not have carried out the things that he had in his mind, and, judging from some of the things to which I shall refer a little later on, I am disposed to believe that he never would have done anything to take away from the strong arm of the military any modicum of power that he might see fit to exercise. I am willing to do him the credit of saying that he had in his mind the appointment of distinctively civilian boards in the various counties, but the bill did not compel him to do it, and that is what I am complaining about. Neither did the Senate bill compel him, although the Senate bill as amended did provide that there should be civil local tribunals to handle the situation. When the conferees of the House and Senate got together here is what they provided:

The President is hereby authorized, in his discretion, to create and establish throughout the several States and subdivisions thereof and in the Territories and the District of Columbia local boards, and where, in his discretion, practicable and desirable, there shall be created and established one such local board in each county or similar subdivision in each State, and one for approximately each 30,000 of population in each city of 30,000 population or over, according to the last census taken or estimates furnished by the Bureau of Census of the Department of Commerce. Such boards shall be appointed by the President and shall consist of three or more members, none of whom shall be connected with the Military Establishment, to be chosen from among the local authorities of such subdivisions or from other citizens residing in the subdivision or area in which the respective boards will have jurisdiction under the rules and regulations prescribed by the President. Such boards shall have power within their respective jurisdictions to hear and determine, subject to review as hereinafter provided, all questions of exemption under this act and all questions of or claims for including or discharging individuals or classes of individuals from the selective draft, which shall be made under rules and regulations prescribed by the President, except any and every question or claim for including or excluding or discharging persons or classes of persons from the selective draft under the provisions of this act authorizing the President to exclude or discharge from the selective draft "persons engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment, or the effective operation of the military forces, or the maintenance of national interest during the emergency."

Mr. President, there was the bringing home to the citizens of a community the power to pass upon the claims of the young men who went from that community to fight for their country.

Further:

The President is hereby authorized to establish additional boards, one in each Federal judicial district of the United States, consisting of such number of citizens, not connected with the Military Establishment, as the President may determine, who shall be appointed by the President. The President is hereby authorized, in his discretion, to establish more than one such board in any Federal judicial district of the United States, or to establish one such board having jurisdiction of an area extending into more than one Federal judicial district.

Mr. President, there was an appeal to no military satrap, to no military autocrat, but an appeal from a local board that passed upon the claims for exemption of these young men, and then an appeal to another tribunal of the same State, both entirely civilian boards.

One would think, from the encomiums passed upon the Judge Advocate General, acting as Provost Marshal General, that he was entitled to all of the credit for formulating as well as for putting the law into execution. I say that the American people are entitled to at least a little of that credit. The law itself was written in terms so plain that anybody might have carried out the provisions of it. It did not require any excess of brain to enforce it. If a man had the money furnished him by the Government of the United States and had the men under him to do what he desired to have them do, there was not any question about how it should be carried out, because the law said exactly what should be done.

What was done—not under the bill as written by Gen. Crowder but under the bill as it was finally passed by Congress—and who did it? Let us see.

Referring to the second report of the Provost Marshal General in 1918, page 478, Appendix, Table 91-A, we find that the force that was at work to make this law successful were the following:

In State headquarters: 54 governors, 49 adjutants general, 49 assistants to the adjutants general, 49 medical aids, 624 civilian clerks, 174 enlisted clerks.

District boards: 155 district boards, 915 members of district boards, 124 additional members, 944 civilian clerks, 145 enlisted clerks, 411 industrial advisers.

Local boards: 4,648 local boards, 14,416 members, 9,227 civilian clerks, 3,218 enlisted clerks, 4,679 Government appeal agents, 12,039 additional examining physicians.

Legal advisory boards: 3,646 legal advisory boards, 10,915 members, 108,367 associate members.

Medical advisory boards: 1,319 medical advisory boards, 9,577 members, 411 civilian clerks, 246 enlisted clerks.

Boards of instruction: 2,952 boards, 16,055 members.

A total civilian personnel of 192,688, most of them acting without pay, and all for much less than their services were worth.

These distinguished citizens who gave their services and neglected their business for months at a time in order to serve their country I do not believe have been recognized even by a vote of thanks. I may be mistaken about that, and if I am I hope some Senator will correct me. The question of their fitting recognition has been before Congress a number of times. It may be, as the Senator from Kentucky [Mr. STANLEY] says, that Gen. Crowder had it in mind to do the very things that were done. But there was nothing in his proposed bill to compel it. The law as passed by the Congress compelled it, and these men were volunteers to assist in putting it into execution. They are the people who made the law popular. They are the men who made the carrying out of the law possible.

Mr. President, may I digress here to remark that there was a time under the old volunteer system where whole communities were unrepresented in the Army, and in those communities where there was no such representative, treason sometimes dared rear its head. But under this system, where every community in the United States had one or more representatives in the Army of the United States, treason became practically impossible, because every man, whether of military age and fitness or not, as well as every woman and child, saw to it that those who were guilty of anything that squinted toward treason were promptly brought to the bar of public opinion and sometimes to the bar of justice and punished for their disloyalty.

When it is claimed by the partisans of Gen. Crowder that he conceived the idea of the draft for the raising of an army I call attention to the fact that the Southern Confederacy resorted to the draft in the first days of the War Between the States, and the Union Congress followed very shortly after-

wards, because it learned, as all countries have learned by experience, that an army the size of that proposed to be raised by the United States could not be raised to carry on the war except under some form of compulsion.

I think the ablest paper I ever read in support of the draft, its feasibility, its advisability, and its constitutionality, was written by President Lincoln himself. I do not think it can be successfully contended that Gen. Crowder was the author of the idea, and I think I have shown, that he did not frame that portion of the law which gave every community a voice in passing upon the qualifications and claims of the young men who went to make up the Army.

I think, without detracting from Gen. Crowder's efforts, that his supporters might at least be willing to concede some of the glory to the men from civil life who were acting from purely patriotic motives. I believe it was Admiral Schley who, in speaking of the battle in Santiago Harbor, said there was glory enough for all. There is glory enough for all who participated in making this war a success, and in making the draft law a success as well.

Passing over that, what is Congress going to do for men like Gen. McCain, who rendered such signal service as Adjutant General of the Army, a man who could always be approached by civilian and soldier alike, and one who could always be found at his post ready to give information and advice to all comers without any military red tape to be cut in order to approach him?

Gen. McCain was removed from his post as Adjutant General almost between suns and another put in his place. I doubt if there is a man in either branch of Congress who will claim for a moment that Gen. McCain did not render splendid service to his country as Adjutant General and did not do as much in a more quiet way as Gen. Crowder or anyone else. You never saw his name in print; you never saw him out undertaking to get eulogistic letters from the Secretary of War or anybody else; but he was at his post just the same all the time, undertaking to and doing his duty as a gallant and splendid soldier. The military conscience, as well as the civilian conscience, was shocked at the removal of this distinguished man. The Committee on Military Affairs of the Senate called on the Secretary of War and the Chief of Staff to find out why a man who had discharged his duty so efficiently, so promptly, and so well was removed from a post when there seemed to be no complaint against him. These gentlemen, in a hearing before the committee, testified to his splendid work, testified to his efficiency, and assured the committee he was not being removed because of inefficiency, but the lame excuse, which everybody who heard the testimony believed was a subterfuge, was given that they wanted fighting men, and they sent him up to train and command a division in Massachusetts, I believe, a duty that he had never performed before; but, like a soldier, he did not raise his voice in protest or complain to anybody for the injustice being done him. I think I may say, without violating any confidence, that I talked to Gen. McCain and asked him if possibly any of his friends might speak a kindly word to the Secretary of War or the Chief of Staff in his behalf, and he said: "No; I am a soldier. I go wherever I am ordered, and I shall try to make good, no matter where I may be called to serve."

Mr. BRANDEGEE. Mr. President——

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

Mr. CHAMBERLAIN. I yield.

Mr. BRANDEGEE. I should like to ask the Senator from Oregon who were the officials of the War Department who resorted to what the Senator calls a subterfuge?

Mr. CHAMBERLAIN. I will say to the Senator that I do not hesitate to give names when I make a statement to the Senate. The men responsible were the Secretary of War and the Chief of Staff, of course. If that be treason, make the most of it.

Mr. BRANDEGEE. I am not so much interested in whether it is treason or not; I assume it is true, and it was the source of my regret, that it is true there was such a charge.

Mr. CHAMBERLAIN. We called the men up who we thought were responsible for it and had them give Gen. McCain a clean bill of health as to efficiency, courage, and soldier-like conduct and character.

Now, Mr. President, Gen. McCain has only the temporary rank of major general, I believe, and will in due course revert to the rank of a colonel. There is no saving grace for him in the act of 1914. Why pass him by while we are granting distinguished certificates to gentlemen who rendered service for our country at home? It hardly seems right to me. And what of Gen. Liggett, who commanded troops on the firing line in France, and whose name was at one time presented in the form of a bill by the Secretary of War for higher and permanent rank in the Army because of his distinguished service? Why pass him by? And then, too, what of Gen. Bullard, who commanded over there and rendered distinguished service, baring his breast to the bullet of the Hun? Why pass him by? And Gen. Summerall? I think he is recognized in the Army as one of the most distinguished men who ever commanded a division or corps. Why pass him by?

It is not necessary, if it is intended to honor these, to retire them as a condition to conferring such honor upon them. All that is necessary is to adopt the amendment I suggest and provide for the retirement, and let them retire or not as they please. Many of them are young men and probably would not avail themselves of it by retiring.

It is necessary to dwell upon all the names indicated in the proposed amendment of mine. Everyone knows of their services. My proposition is not to leave heartburnings in men who have rendered distinguished service to their country in emergency by recognizing the merits of one and discriminating against all others.

Mr. President, I sometimes fear that some of the swivel-chair artists here in Washington receive greater recognition than some of the officers and men who were on the firing line and doing their duty overseas. I might name some who were on the battle front and who received the croix de guerre, who came back to America and were promptly reduced to their original rank in the Army. Why pass those men by? And now, by the recognition of the services of one man, say to the balance of the Army, "He stands par excellence the man that ought to be promoted in this magnificent Army of ours."

But, Mr. President, if for the sake of the argument we concede to Gen. Crowder the right above all others to be recognized by this distinguished rank upon his retirement, if we concede that he was not only the author of the idea of the selective draft, but that he prepared the law, if we concede that he put it into effect, if we concede that he has done all that was necessary to raise the army which was raised, then, Mr. President, there ought to come with it and he ought not to attempt to share the greater responsibility for the proper care and attention and protection of the young men for whose service in the war he was so absolutely responsible under the contention of some of his friends. If all these things be conceded, the man who was able to accomplish so much and the man who was responsible for raising the Army ought to have seen to it, if it was humanly possible, that the Army which was raised by him received justice at the hands of those who administered the law in the Army. I do not hesitate to say that the man who had the power to do that was Gen. Crowder himself.

I see one of my colleagues upon the Committee on Military Affairs smiling. I know he differs from me.

Mr. WADSWORTH. I was not smiling.

Mr. CHAMBERLAIN. I thought the Senator was smiling. I was not offended by it, even if the Senator was. I have too high a regard for the Senator. We may differ quite radically occasionally, but they are always friendly differences, and out of differences there ought sometimes to come the proper adjustment of conditions.

But I say the one man who was responsible, the one man who by his word might have changed the conditions with regard to the administration of military law in the Army, was Gen. Crowder. I entertained a very different opinion of Gen. Crowder up to the time the controversy about the court-martial system arose from the opinion which I have reluctantly formed of him since that controversy arose. Gen. Crowder, while he was acting as Provost Marshal General, was holding down pretty tight another job of equal if not greater importance, and that was the position of Judge Advocate General of the Army. It is true, he had a distinguished officer as Acting Judge Advocate General a part of the time while he was Provost Marshal General, but when the differences over the administration of military law became acute between the Judge Advocate General and the Acting Judge Advocate General, the latter had to step aside and finally step out of the Army of the United States, occupying, as he did, a position which no honorable man could occupy under the situation that developed in the differences to which I am going to allude.

Let us see about that. There were men in the Judge Advocate General's Department who looked upon a court-martial as simply an executive agency. There were others in the Judge Advocate General's Department who looked upon the courts-martial as courts under our system of jurisprudence, but the later decisions of the courts are that they are, in fact, courts under our system of jurisprudence, just as much so as the civil courts. But, however that may be, I am going to call the

attention of the Senate to the text of the provision of the law about which all the storm has raged about the court-martial system, and incidentally the harshness of the sentences and the cruelties practiced against American troops.

Section 1199 of the Revised Statutes provides as follows:

The Judge Advocate General shall receive, revise, and cause to be recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and perform such other duties as have been performed heretofore by the Judge Advocate General of the Army.

The construction placed upon that statute by the Judge Advocate General was that the power to revise gave no other or greater power than to advise the commanding officer who appointed the court in all cases where the court had jurisdiction and the trial was regular. While those who differed from him held that the power to revise gave power to the Judge Advocate General as an appellate tribunal to reverse and to modify and to change the decisions in cases where prejudicial error was disclosed by the record.

Mr. President, this matter was first brought to the attention of the department of military justice by a flagrant case or flagrant cases that happened in the administration of military law in Texas prior to November, 1917. That was where 12 or 15 noncommissioned officers of Battery A, of the Eighteenth Field Artillery, who were charged with mutiny, were tried and sentenced to dishonorable discharge and long terms of imprisonment. Those cases came up to the office of the Judge Advocate General, and it was conceded by everybody—there was not any difference of opinion, I believe, upon the subject—that those men ought not to have been convicted of mutiny. But it seemed that the court had jurisdiction and the trial was regular, and in that view there was no appellate relief for the accused except clemency.

Here were 12 or 15 honorable men, who had been faithfully serving their country, charged with a crime, of which they were not guilty under the law. In view of that, on the 10th day of November, 1917, the Acting Judge Advocate General prepared a memorandum of great length and of distinguished ability urging upon the Secretary of War for his personal consideration that the authority vested in the Judge Advocate General of the Army by section 1199 of the Revised Statutes to "receive, revise, and cause to be recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and perform such other duties as have been performed heretofore by the Judge Advocate General of the Army" carried with it the power to modify and to change the decisions.

Gen. Ansell, in the brief which he presented for the consideration of the Secretary of War and the Judge Advocate General, reasoned it out, showing by analogous decisions in connection with other legislative acts where courts had been called upon to determine the meaning of the word "revise" that the word meant more than simply the power to take up a record by the four corners, look at it, and send it back to the commanding officer and say that he was the reviewing and revising authority and alone had the power to revoke, modify, or set aside the sentence of a court-martial. I am not going to read that brief, but I hope that some of the Senators at least will read it.

It will be found in the hearings, part 2, on the Establishment of Military Justice, held by the Committee on Military Affairs, United States Senate, on S. 64, at page 57. I do not think, Mr. President, that any impartial lawyer can read that opinion and come to any other conclusion than that the power to revise meant more than the mere power to look over the papers and to say that the only power granted under the statute was the power to send a case back to the commanding officer who appointed the court.

Let us see who agreed with the opinion of Gen. Ansell when the memorandum was prepared by him and presented to the Secretary of War for his personal consideration. Gen. Ansell expressed the preference and hope that each one of the distinguished officers in his department would read the record and express their concurrence or dissent. These are the men who read it, assented to it, and concurred with Gen. Ansell: James J. Mays, lieutenant colonel, judge advocate; George S. Wallace, major, judge advocate, Officers' Reserve Corps; Guy D. Goff, major, judge advocate, Officers' Reserve Corps; William O. Gilbert, major, judge advocate, Officers' Reserve Corps; Lewis W. Call, major, judge advocate, United States Army; Edward S. Bailey, major, judge advocate, Officers' Reserve Corps; William B. Pistole, major, judge advocate, Officers' Reserve Corps; E. M. Morgan, major, judge advocate, Officers' Reserve Corps; Eugene Wambaugh, major, judge advocate, Officers' Reserve Corps; E. G. Davis, major, judge advocate, Officers' Reserve Corps; Maj., later Lieut. Col. Alfred E. Clark, judge advocate, Officers' Reserve Corps; R. K. Spiller, whose rank is not given, judge advocate, Officers' Reserve Corps; Herbert A. White, lieutenant colonel, judge advocate.

These men all concurred in that opinion; and on the 27th day of November—just 17 days afterwards—Gen. Crowder prepared for the Secretary of War a memorandum in opposition to the contention that a revisory power was reposed in the Judge Advocate General.

There is no question that the opposition brief of Gen. Crowder was ably written, but he harks back to the days of the Civil War and undertakes to extract—and I think rather unsuccessfully—opinions of former Judge Advocates General and of the courts, if you please, that sustain his view of the proposition that the power to revise only means the power to look over a record and, where the court had jurisdiction, only to advise the commanding officer who appointed the court.

On the 11th day of December, 1917, Gen. Ansell prepared another brief on the subject. The incident which brought the matter to the attention of these men was the cruelty that had been practiced against the 12 or 15 sergeants in Texas. Oh, say some of them, there is only an occasional injustice, just as there is in the civil courts. Mr. President, if it is possible because of the system that any injustice may be done, something ought to be done to remedy the situation.

Mr. OWEN. They are not rare exceptions, either.

Mr. CHAMBERLAIN. They are not rare exceptions. I may say to the Senator that, although I have not done so, I have been threatening to place in the RECORD, and I am going to put in the RECORD, the cases to show that instances of injustice are not of infrequent occurrence. Without going into the subject, take the case of the negro soldiers in Houston who were convicted and sentenced to be shot. Without discussing the question of their guilt or innocence—for I assume that they were guilty—these men were executed, Mr. President, without anybody ever having seen the record except the commanding officer and those connected directly with the trial.

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

The PRESIDING OFFICER (Mr. GERRY in the chair). Does the Senator from Oregon yield to the Senator from Indiana?

Mr. CHAMBERLAIN. Yes, sir.

Mr. WATSON. Does the Senator claim that Gen. Crowder had knowledge of all of these cases, or that they were all brought to his attention?

Mr. CHAMBERLAIN. Of course, for they happened during his term as Judge Advocate General.

Mr. WATSON. Yes; but I was wondering whether or not in the midst of the many burdens he was bearing and the many difficulties there were to encounter he had personal knowledge of the various transactions of which the Senator speaks.

Mr. CHAMBERLAIN. He had the time to prevent any reform of conditions. He had the time to write a very able brief in order to sustain the position he was taking, and I am referring to one right now. If he could not take care of both jobs he ought to have gotten out of one. I say that if he was responsible for organizing our huge Army—and he is given credit for it—he was responsible for these cruelties as long as he held the other position.

The execution of those colored men in Texas led to the adoption of a regulation—not a law but a regulation—that in cases where the death sentence was imposed the sentence should not be carried into effect until the reviewing authorities had an opportunity to pass upon it; but the cases of these men did not reach the reviewing authority until the daisies were growing over the graves of the convicted men. Anything permitting such a thing in America is outrageous. It makes no difference what the color of an American soldier's skin is, he is an American citizen just the same, fighting for his country, and he is entitled to have the benefit of a fair, honest, and impartial trial.

Gen. Crowder wrote a brief, as I have said, in opposition to the views of Gen. Ansell. That was perfectly proper; I make no objection to that—and he presented the subject ably. I am merely calling attention to these matters, Mr. President, to show you that the subject has been a storm center.

Again Gen. Ansell prepared a memorandum in answer to the latter brief, which was concurred in by the distinguished officers associated with him. Maj. Wambaugh prepared a separate brief suggesting regulations that would measurably protect the soldier. Then Gen. Ansell prepared a special brief to show that the Judge Advocate General had reviewing and appellate power. Then, on the 17th day of December, 1919, Gen. Crowder presented another brief, and, without calling attention to the number of them, I ask Senators who are interested in the subject—and they will become interested in it because their hearts will become involved—to read the arguments pro and con by these distinguished Army officers and civilian officers temporarily in the Judge Advocate General's department.

Mr. President, to get down to a concrete proposition everybody in the Army recognized, Gen. Crowder amongst the rest,

that there ought to be some appellate jurisdiction somewhere in somebody to cure the radical wrongs which all conceded to exist. Now, let us see whether or not I state the fact when I make that statement. I am going to dwell on it just a little while, because I have been criticized somewhat in connection with it, and I think I can justify the position which the Committee on Military Affairs of the Senate took in reference to it.

The Secretary of War, after all these discussions had been had that I have been calling attention to about the power of the Judge Advocate General's office, sent up a letter to the Military Affairs Committee of the Senate, on the 19th day of January, 1918, just a month after the last brief had been submitted to him on the subject, and inclosed to me, as the chairman of the Military Affairs Committee, a bill that was to do what—to vest in some authority the power to revise and to reverse and to modify these unjust sentences. Now, I am going to read that letter to the Senate. It is very short. It shows, first, a recognition of the necessity of vesting appellate jurisdiction in some forum somewhere, with power to relieve these men; but it does more than that, Mr. President. It retains in the Military Establishment, which was responsible for these cruelties, instead of in some civilian or partly civilian tribunal, a power it ought not to have.

Now, let us see if I am stating it correctly. It was a proposed amendment to section 1199 of the Revised Statutes. It is as follows:

> The Judge Advocate General shall receive, revise, and cause to be recorded the proceedings of all courts-martial, courts of inquiry, and military commissions—

That is an exact copy, so far, of section 1199, as it is to-day. Then it goes on:

> And report thereon to the President, who shall have power to disapprove, vacate, or set aside any finding, in whole or in part, to modify, vacate, or set aside any sentence, in whole or in part, and to direct the execution of such part only of any sentence as has not been vacated or set aside. The President may suspend the execution of sentences in such classes of cases as may be designated by him until acted upon as herein provided, and may return any record through the reviewing authority to the court for reconsideration or correction. In addition to the duties herein enumerated to be performed by the Judge Advocate General he shall perform such other duties as have been heretofore performed by the Judge Advocate General of the Army.

Mr. President, there is provided an appeal from Philip drunk to Philip sober. On the face of it, it is an appeal to the President of the United States. As a matter of fact, it is an appeal from the Judge Advocate General and through the Judge Advocate General to the Chief of Staff. It was keeping the control of military justice within the power of a military autocracy.

Mr. President, that bill was introduced in the Senate by me at the request of the Secretary of War. The distinguished chairman of the committee will agree with me when I say that we usually introduce these bills in the Senate at his request, whether they meet our approval or not. Then the bill goes to the committee for discussion. That bill was introduced in the House by the then chairman of the House committee, Mr. DENT, and was then referred to the committee. The House held some hearings on it, and never reported it out. The Military Affairs Committee of the Senate did not act on it, for the simple reason that it was not necessary. It not only did not relieve the situation that then existed, about which there was so much complaint, but it made the situation actually worse.

I want to call attention to the fact that the proposed amendment sustains me in charging that the Judge Advocate General was turning over the subject of military justice to the Chief of Staff. Now, the Chief of Staff might on occasion be a very just, a very learned, and a very tender-hearted man, but there may be occasions when he may be a very hard-hearted man, wholly unskilled in the law. Let us see what the power of the Chief of Staff is under the General Staff act of 1903. It provides:

> The Chief of Staff, under the direction of the President, or of the Secretary of War under the direction of the President, shall have supervision of all troops of the line and of The Adjutant General's, Inspector General's, Judge Advocate's, Quartermaster, Subsistence, Medical, Pay, and Ordnance Departments, the Corps of Engineers, and the Signal Corps, and shall perform such other military duties not otherwise assigned by law as may be assigned to him by the President.

In other words, Mr. President, the Chief of Staff, in the last analysis, has jurisdiction and power over the Judge Advocate General. So that the addition which was intended to be put on section 1199 of the Revised Statutes made the last condition of the soldier worse than the first condition. It simply meant that these appeals that professed to be taken to the President of the United States went from the Judge Advocate General to the Chief of Staff, and never reached the President at all; and, in the very nature of things, we know that it is a physical impossibility for the President of the United States to consider or to revise these hundreds of thousands of court-martial cases—a physically, humanly impossible thing to be done. It proposed to place the jurisdiction over the life, liberty, and limb of the private soldier in the hands of the Chief of Staff, and practically gave him, as the military adviser of the President and the Secretary of War, the right to say whether or not these cases should be even considered by the President of the United States.

Mr. President, if anybody doubts the effect of this in practical life, I call his attention to the fact that the Chief of Staff now is practically the only man who can reach the Secretary of War, while men who come here with honorable and honored service can not reach him. The thing must go through military channels or it does not go there at all. So these poor, unfortunate fellows against whom harsh sentences have been rendered can only reach the President through the Judge Advocate General first, and then through the Chief of Staff; but even if they all reached the President, as the Secretary of War said in one of his letters the other day in referring to his own position, it is impossible for him to look over all of these cases.

But this is not all. Look again at that bill and you will see that in other respects it perpetuates the very worst features of the existing system. It expressly authorizes the Chief of Staff, acting for the President, (a) to set aside an acquittal and have the accused, though acquitted, tried again; (b) to substitute a conviction of a more serious offense for a less serious one; (c) to increase the punishment; and (d) to return the proceedings to the court, with directions to reconsider, for the purpose of doing all these things. Of this Gen. Crowder expressly approved in his statement before the House committee.

Now, Mr. President, if the Judge Advocate General and the Secretary of War, when they proposed that amendment to the Congress in 1918, really wanted a revisory power that meant something, all in the world they had to do was to construe the law as the Acting Judge Advocate General and his corps of assistants construed it, and say that the power to revise gave the power to modify and to change the sentence in the court below. In order to sustain his position, the Judge Advocate General had to go down into dusty tomes and shelves and dig out dicta of courts and dicta of Judge Holt and others who had acted in the distinguished capacity of Judge Advocate General.

That was all he needed to do, Mr. President. In view of the fact that he saw fit to place a harsher construction upon the statute, in view of the fact that he has constantly held, and the Secretary of War has stood by him, that where the court had jurisdiction the Judge Advocate General could only send the record back to the commanding officer with his advice upon it, which the commanding officer could pay some attention to or disregard, as suited his own sweet will, I make the suggestion, and sustain my position by the record, that that proposed amendment was not offered in good faith. Now, I am going to show you why, and I appeal to the record to sustain the suggestion I now make.

That proposed amendment came to the Military Affairs Committees of the House and Senate at a time when this storm had not only brewed but was raging around the cruelties that were being practiced against American troops in France, and not only in France but in the United States. About the time that that proposed amendment was presented to Congress by the Secretary of War, Gen. Kreger was sent over to France as the representative of the Judge Advocate General, and was later appointed acting judge advocate there, so that he could be on the ground as the representative of the Judge Advocate General, and hear these cases, and, may I say, revise the sentences in France, and advise the commanding officers appointing the courts. The only effect that appointment had was to save the time necessary to send records of courts-martial from France to the United States. It meant no change in the court-martial system, and no change of policy in the course of the Judge Advocate General with regard to the law.

In other words, it quickened action, whether it was just or unjust. It did not help the soldier who had been unjustly convicted or who had been harshly sentenced.

The suggestion I make is that that acting judge advocate general was sent to France as the representative of Gen. Crowder as a piece of camouflage, because trouble was brewing here, both in and out of Congress, as to the views and course of the Judge Advocate General, and an investigation of the system was threatened, and therefore something had to be done, and that, too, promptly, to allay the feeling that was being engendered, because these boys, notwithstanding the strict censorship, were writing to their homes; and this was done to act as oil upon the troubled waters in the discussion which was taking place within the department itself, and discussions which were suggested by the very cruelties themselves.

Now, here is what happened: It seems, from the correspondence which followed, that Gen. Pershing did not like this new

policy very well. As a good soldier—and he was a good soldier—he did not say, "I will not have it," but he rather disliked the idea of having a man come over there to practically supplant a man like Gen. Bethel, who was the chief judge advocate on his staff. That is what it amounted to. Crowder then wrote a letter to Gen. Bethel, the judge advocate over in France on Gen. Pershing's staff, and that letter leads me to make the suggestion that this proposed amendment was not made in good faith, and I am going to read it.

It is not very long, Mr. President; but on the 5th day of April, 1918, shortly after this proposed amendment to section 1199 had been submitted to Congress, Gen. Crowder wrote the letter referred to to Gen. Bethel. It is as follows:

APRIL 5, 1918.

Brig. Gen. WALTER A. BETHEL,
American Expeditionary Forces, France.

MY DEAR BETHEL: I am going to spend the necessary time out of a very busy day in an attempt to clear up the situation in respect to the establishment in France of a branch of the Judge Advocate General's office, regarding which matter there seems to have been more or less misapprehension at your headquarters. You are, of course, familiar with the cable correspondence which has passed on the subject.

I would like to see that cable correspondence. We have never had it.

For your convenience in reference, however, I inclose a copy of a memorandum that I have had prepared for the Chief of Staff—

Reporting always to the Chief of Staff, which was proper in his view of the matter—

in which that correspondence is reviewed and set out in sequence.

First, let me say that it is difficult for me to understand why, upon receipt of the two cablegrams of January 20, 1918—

Bear that in mind, Senators. The proposed amendment was sent to the House and Senate on the 18th day of January, 1918, and the cablegrams having reference to sending over a representative of Gen. Crowder were sent over to France on the 20th day of January, 1918—

one cabling Gen. Pershing the contents of General Order No. 7, and the other designating you as Acting Judge Advocate General, the branch office of the Judge Advocate General was not immediately established. I assume that it was in operation from that time, and continued of this view until the receipt of Gen. Pershing's cablegram of February 25, 1918, wherein he says:

"Brig. Gen Walter A. Bethel has not established branch office and will not do so pending further instructions."

You see, Gen. Pershing did not want it. He had a good man over there as his staff judge advocate.

This leads me to comment upon the situation which is presented by Gen. Pershing's cablegram No. 779, which seems to imply some dissent from the action here taken in establishing the branch office. He appears to view it as a possible obstruction to the administration of military justice and as a mistake of judgment.

I do not blame Gen. Pershing for not wanting to have the affairs of this chaotic office here transferred to his command.

I wish you would assure Gen. Pershing (whom I would address directly but for the reason that I know he has no time to read letters) that every thought of this office, and I believe every thought of the War Department, is directed toward the discovery of ways and means to help him in his enormous task; that our idea was to expedite and not delay, and that he will understand better the occasion for this order if he will consider the following:

This is what I call the attention of the Senate to, and this is what makes me suggest that the proposed amendment in January, 1918, was not made to Congress in good faith. I continue reading:

Prior to the issue of General Order No. 7 it had become apparent that, due to the large increase in commissioned personnel, which included many officers with little or no experience in court-martial practice, *a large number of proceedings were coming in which exhibited fatal defects. A congressional investigation was threatened and there was talk of the establishment of courts of appeal.*

Think of it!

The remedy for the situation was immediate executive action which would make it clearly apparent that an accused did get some kind of revision of his court-martial proceedings other than the revision at field headquarters, where these prejudicial errors were occurring. At this point permit me to say that very few errors have been discovered in cases coming up from your headquarters. It was primarily with reference to errors occurring at field headquarters other than in France that this step was taken.

Accordingly we formulated the scheme of General Order No. 7. The Secretary of War gave personal consideration to the matter, and on three or four occasions discussed it exhaustively with this office. He finally approved the order and contemplated, as I did, the establishment of the branch office promptly upon the receipt of our two cables of January 20. I may say here that at other headquarters the scheme has worked beautifully It has silenced all criticism, and I believe that no invalid sentences are now beyond the reach of remedial action.

Your own intimate knowledge of court-martial procedure makes it quite unnecessary for me to enter upon a lengthy discussion of the merit of the new system which, I feel quite sure, will not fail to commend itself to you as a substantial step in the right direction. As stated in my memorandum to the Chief of Staff, it is believed that had Gen. Pershing fully understood the purpose and operation of General Order No. 7 his cablegram No. 779 of March 24, 1918, would not have been sent. I trust that the cablegram which I have recommended be sent him in reply, a draft of which is contained in the concluding paragraph of the inclosed memorandum, will serve to convince him of the wisdom and propriety of the issue of this order and that the procedure it contemuplates will materially aid rather than obstruct the prompt and efficient administration of military justice in the American Expeditionary Forces.

With best wishes, I am,
Very truly, yours,

E. H. CROWDER,
Judge Advocate General.

The italics are mine.

Think of the Judge Advocate General of the Army sending a letter the information contained in which was to be communicated to Gen. Pershing, giving as a reason for his proposal to create a branch of his office in France that an investigation was being threatened, that there was talk of the establishment of a tribunal of appeal, and that it was necessary, in this state of the public mind, to make it appear that an accused should get some kind of a revision of his court-martial sentence.

Mr. President, was there ever committed to paper a more outrageous proposition than that to mislead and to deceive the mothers and the fathers of the young men who were serving in France and the young men themselves who were suffering under the sentences of these courts-martial? That is the reason I say that when these investigations were being threatened, and this storm was raging about the power of the Judge Advocate General to review and to reverse these sentences, the proposition for an amendment to the existing statute was not made in good faith, but was intended to deceive the American youths, half a million of them, if you please, who had undergone sentence of court-martial, summary and general, and make them feel and believe that they were getting some sort of revision of court-martial sentences. It is not stated that they would get it, but to make it appear that they were getting it. But the American youths were not deceived by any such pretense as that, and the American people are not being deceived by any such pretense as that, and there are those in the Senate and in the House of Representatives who will undertake to undeceive those few who have been deceived by it.

That condition in the administration of so-called military justice from April 5, 1918, to and through the latter part of the year, both in France and here, continued, and the cases of injustice were so numerous and so flagrant that reports of them continued to come to me and to many other Members of Congress. I am frank to say that the whole situation touched my heart very deeply. I felt that there ought to be some way to correct them. I felt that I ought to call the attention of the Senate to the situation. On the 31st day of December, 1918, the situation had become so acute and the complaints so numerous of these injustices that I addressed the Senate on the subject, calling attention to the situation. That was only supplementing what Gen. Ansell and other men in the establishment had called attention to, only they were limited in their criticisms by restrictive rules of the Military Establishment. But I was not restrained by any such rules, and I gave a few cases, and only a few, of extremely arbitrary action of and severe sentences imposed by courts-martial.

The Secretary of War immediately took up the cudgels and inclosed me a letter written to him by Gen. Crowder criticizing my statements as to the cases that I had cited, and the letter was so full of misstatements that I did not undertake to make it public. I did not want even to place Gen. Crowder or the Secretary of War in a position where they would be embarrassed by statements contained in that letter; and before the ink was dry on the letter of the Judge Advocate General he was sending letters through the Secretary of War to me, correcting criticisms that he had indulged in, both as to form and substance.

But Gen. Crowder was evidently not satisfied with my course. He gave to the press either the letter or the substance of it. I thereupon issued a public statement, Mr. President, which I ask may be inserted in the RECORD.

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

STATEMENT BY SENATOR CHAMBERLAIN.

Gen. Crowder, Judge Advocate General, has seen fit in the press to attack me concerning my position on the present court-martial system in the Army, to criticize statements made by me concerning that system in my speech to the Senate on December 31, 1918, and at the same time to defend the system.

Gen. Crowder's reply to my charges was also contained in a memorandum from the Secretary of War to me, which I received several weeks ago. His reply contained so many misstatements of fact that I hesitated to make it public, because I did not care to embarrass the Secretary by having him stand sponsor and be responsible for such erroneous and false statements in an official communication from the War Department to the Senate of the United States.

Since Gen. Crowder himself has made his reply public, apparently with the Secretary's consent, I no longer have this feeling of hesitancy. I therefore propose to show his misstatements, and, further, the insincerity of the entire defense of the present court-martial system.

In my speech I called attention to certain specific cases which illustrated the unfairness of the court-martial trials and the excessive sentences imposed by these courts. I based my criticism of the present system and my constructive suggestions as to the changes that should be made in it on the strength of those cases.

Gen. Crowder now says that had I asked him for the facts and circumstances of these cases before making my speech he would have supplied me with the "authentic data that would throw light on the correctness of my complaints." He attempts to furnish such data in his published statement. This data is wholly incorrect and misleading and is furnished by the general either with an astounding lack of knowledge of the facts or with a deliberate intention to mislead the public.

The first case cited by me in my speech was the following:

"A soldier doing military police duty who entered a shop during the night, because, according to his own story, he heard a noise which he thought was made by a burglar, was found in the shop and himself accused of burglary. The court-martial which tried him found him not guilty. The commanding officer who had appointed the court disapproved the verdict and 'recommended' that the court reconsider the case. The court did 'reconsider,' and found the man guilty and imposed a long term of imprisonment. The evidence was wholly circumstantial. On final review of the record in this case it was recommended that the verdict of guilty be set aside and the man discharged. The commanding officer, disapproving of this recommendation, has allowed the verdict to stand, and the man is now serving his sentence. This case, while not typical, illustrates the control which the military commander exercises over the administration of military justice."

Gen. Crowder in his endeavor to furnish me "authentic data" in this case says nothing about the court-martial first acquitting this soldier at his trial, and then subsequently, at the direction of the commanding officer who appointed the court, reversing itself and finding the soldier guilty and imposing a long term of imprisonment. He simply states "that the accused soldier's story was disbelieved, and he was found guilty." This statement is wholly inaccurate; I have read the record and he apparently has not.

The story told by the accused boy in this case was believed by the court which heard his testimony and that of the other witnesses—and mark this very important fact in these proceedings which is omitted from Gen. Crowder's statement of the case—that court did not find him guilty; it found him not guilty, and did "therefore acquit the accused." It was what happened after the court-martial had rendered a verdict of not guilty that aroused my particular objections to the handling of this case by the military authorities. There followed the exercise of an arbitrary personal individual control over the proceedings of the court the like of which can not be found in any other criminal tribunal in our jurisprudence. The camp commander, seated in his office away from the trial, without contact with the witnesses or the accused, disapproved the verdict of not guilty returned by the court and ordered the court to reconvene and reconsider. In his indorsement ordering reconsideration and practically conviction Brig. Gen. Burnham, the camp commander, stated that the facts raised a presumption which he declared to be very incriminatory.

The next criticism I made of the court-martial system, as the result of this case, was that the Judge Advocate General's office had no power to revise the finding made by a court and approved by a commanding officer, even though the record contained serious irregularities and insufficient evidence on which to base a conviction.

Gen. Crowder now states, in regard to the review of this case by his office: "On revision of the record no legal error could be found; this office reached the opinion that there was sufficient evidence to sustain the finding."

That is not an accurate statement of what the record in the case clearly shows. The Judge Advocate General's review, written by Maj. Millar, concluded with this emphatic statement: "After a careful consideration of the evidence, this office is firmly convinced of the absolute innocence of the accused." In the face of this declaration of the innocence of the accused Gen. Crowder's report says that his office reached the conclusion that "there was sufficient evidence to sustain the finding of guilty." This action may be negligent statement, but it looks like misrepresentation. This case throws an interesting light on the nature of the review which the Judge Advocate General's office makes of a record of this sort Despite the fact that the reviewing officer states that the evidence convinced the officer of the "absolute innocence" of the accused, the Judge Advocate General made no recommendation to the camp commander. Col. Mayes was then acting judge advocate. He but performed the function of his office as laid down by Gen. Crowder when he addressed the following note to the camp commander:

"At this stage of this case the matter of the sufficiency of the evidence to sustain a conviction is wholly within the discretion of the reviewing authority, the court having already passed thereon. However, since, in examining the case as to its legality, one of the assistants in this office has made a study of the sufficiency of the evidence, it is deemed to be in the sphere of propriety to say that this office entertains grave doubts whether the guilt of the accused is established by the evidence. This doubt seems to have been shared by the court in its first finding and acquittal. The guilt of the accused must, of course, be established beyond a reasonable doubt. In order that the reviewing authority may have the benefit of the study referred to, a copy thereof is inclosed herewith for such consideration as the court may deem advisable to give it."

It should be noted that the Acting Judge Advocate General himself refers to the result of his review, not as a decision, not as a recommendation, but as a "study," and in the subsequent papers filed in the record in this case there are many contemptuous references by the military authorities at the camp to this "study."

Continuing the statement of what happened in this case, Gen. Crowder's report says: "In such a situation no supreme court in the United States would interfere and set aside a jury's verdict." It is a fortunate fact that we are able to say for our civil jurisprudence at least that no supreme court ever gets a chance to pass upon a verdict of not guilty. Aside from this, however, I think it fair to say that no court would permit a finding of guilty to stand in the face of its conclusion from a review of the evidence that it was "firmly convinced of the absolute innocence of the accused."

It would seem difficult for anyone, in the brief statement of the facts of this case which is contained in Gen. Crowder's report, to make more misstatements of the important steps which were taken in the railroading of this soldier to the penitentiary than those which have already been outlined. But this is not all. That report says: "It (the verdict) was in fact reconsidered; but the court adhered to its finding." This can not be other than a deliberate misrepresentation. After the Acting Judge Advocate General had finished his "study" of the case it never went back to the court. That "study" was simply sent to the camp commander. The court which had tried and acquitted and then, under instructions from the commander, had convicted, never saw or considered this case or the record. What really happened was that the Acting Judge Advocate General's "study" went to the camp commander, who declined to be influenced by it and who eventually sustained and ordered executed the sentence which had been imposed. It is true, as Gen. Crowder's report states, that the judge advocate on the staff of the camp commander wrote a memorandum sustaining the conviction, but he was the same judge advocate who had recommended the trial, who had advised the camp commander to disapprove the verdict of not guilty, and of course the subordinate officer of the camp commander. Even in this review, however, the camp judge advocate refers to the fact that the court-martial was impressed "with the ring of sincerity" in the accused soldier's story when it voted for his acquittal, and he added that he himself had been similarly impressed when he first examined the accused.

As if determined to miss no opportunity for misrepresentation of the circumstances of this extraordinary case, Gen. Crowder's report proceeds to say that this judge advocate on the camp commander's staff who wrote this memorandum endeavoring to justify the conviction is a judge advocate "not commissioned in the Regular Army" but an "experienced lawyer fresh from civil practice." It is hard to believe that Gen. Crowder could have known the contents of this report when he attached his signature to it. The evident purpose of this description of this judge advocate was to indicate that he still retained the judicial views that characterize lawyers who have recently come from civil life. The facts are these: That judge advocate on the staff of the camp commander was commissioned in the Army from civil life in 1898. He served as a line officer from that time until 1916. Indeed, he was a typical line officer, a graduate of military schools at Leavenworth, where he was taught the military view that a camp commander absolutely controls his staff. Upon the opinion of this line officer, transferred to the staff as a camp judge advocate, Gen. Crowder relies for his statement that "the case is a good illustration of a feature in which the system of military justice sometimes does even more for the accused than a system of civil justice." Surely it may be admitted that in some cases military justice does more for the accused than does civil justice. It does it hard and a plenty.

But the most remarkable part of the effort made by Gen. Crowder's report to becloud and belittle the criticisms which I had made in this case and the conclusions which I had drawn from it lies in the fact that on the very day on which he signed that report he also signed a memorandum directed to The Adjutant General in which he recommended that the victim of this miscarriage of military justice should be released from the penitentiary and restored to his previous status in the Army. When I brought this case to the attention of the Senate this boy was in the penitentiary. He was there despite a court-martial's verdict acquitting him of the charge against him. He was there despite the Acting Judge Advocate General's emphatic declaration that he believed him absolutely innocent. He remained there until a few days ago, when as the result of my criticism the circumstances of his case were again reviewed, and as the result of this enforced review he has to-day been recommended by Gen. Crowder for restoration to his previous status. In his memorandum, which as I have said, he signed on the same day he signed the report in which he attempts to justify the sentence in this case, Gen. Crowder said: "This office is strongly of the opinion that an injustice may have been done to this man and that it should be righted as far as possible." Think of it. Arguing on the one hand, against my criticisms, that there was no injustice in this case and at the very moment entering this solemn declaration in another document that he believes injustice was done. It is a terrible indictment of so-called military justice that this man, whom everyone now seems to believe was the victim of rank injustice, served for nearly a year his penitentiary sentence. Such things happen in civil punishment, but not after a jury has acquitted the accused and not after a careful review has held the facts insufficient to sustain the verdict of guilty. These were the very features of this case which had impressed themselves on my mind and which seemed to me so forcibly to illustrate the defects and the dangers of our court-martial methods. At no point in the procedure in this case did the law intervene to assert its majesty for the protection of the accused. At no point was there a responsible law officer who had the power to break the purpose of the camp commander to send this boy to the penitentiary.

I have gone at length into the misstatements of Gen. Crowder concerning this case, so as to show conclusively how unworthy of acceptance his reply to me is. In regard to other cases cited by me, it is sufficient to state that the same false answers are made. If Gen. Crowder pursues his attack, I shall have more to say concerning these fabrications.

But there is one point in his reply which I must not overlook. He states with great emphasis that one of the virtues of the present court-martial system, as compared with the system of civil courts, is that it costs the accused nothing to be tried by these courts. Certainly this statement shows the utter incomprehension of the military mind to the spirit which prompts the present attack on the court-martial system—the blindness of that mind to all the considerations of humanity of administering real justice by which our soldiers shall be tried fairly and convicted according to their deserts. Certainly no mind which is not blind to the human side of military justice could in all seriousness make the statement that it costs the accused nothing to be convicted and sentenced to years of confinement in the military prison.

In making my original attack on the present court-martial system, I said that I did not regard the injustices done by courts-martial as directly chargeable to the Secretary of War, because I realized that he inherited the present system and did not himself create it. He came to the department heralded as a humanitarian, and I believed that if the facts of this system were made known to him he would without delay change the system. I have been much disappointed that he has permitted himself to be guided by the reactionary elements of the Army, and that he seems to be so completely under their domination that he can not acquaint himself with conditions as they really exist. Acting on their advice, he has placed himself in opposition to this most important and necessary reformation. But he has done more, judging by his reply to Congressman GOULD'S letter in reference to the demotion of Gen. Ansell. He is determined to demote Gen. Ansell by recalling Gen. Bethel, so that Gen. Ansell can not act as the Judge Advocate General during Gen. Crowder's absence in Cuba. The next step will be to reduce the rank of Gen. Ansell. No man who is not wholly impervious to the inhumanity of the court-martial system and to the opinion of the country could not only refuse to change the conditions but also punish the man who is responsible more than anyone else for the conditions being made known and for such steps as have been taken by the military authorities to change and correct them.

Mr. CHAMBERLAIN. There is not a word or a sentence in that public statement that I desire to retrace or retract.

I have been charged with inconsistency in criticizing the court-martial system, because I opposed adopting the amendment suggested in 1918 by the War Department. The man who could have approved of such an amendment, Mr. President, with the knowledge I had of conditions in France and in America, would have been false to the interests of our soldiers at home and abroad. Notwithstanding the views of the Secretary of War and of Gen. Crowder, the purpose of that amendment was to deceive the American people and to confer upon the military authorities absolute and unconditional jurisdiction over the men composing the Army of the United States. Of course I did not stand for it; neither did the House stand for it; nor was it ever insisted upon again, because the people had come to understand just what it meant.

That did not end the controversy. No question is ever settled in law or in morals until it is settled right. This question has not been settled right, and the American people are not going to be satisfied until it is settled right.

The matter dragged along during the year 1918, and it is being considered and discussed in both branches of Congress still. It will continue to be discussed until it is finally and properly adjusted.

Now, I am going to call the attention of the Senate to the unusual methods adopted both by the Secretary of War and by the Judge Advocate General as well. It was determined by them that by fair means or by foul they were going to keep in force a system that was concededly unjust to the American soldier. I make that as a charge, and I think I can convict the gentlemen whose names I mention out of their own mouths and by the most convincing testimony that any man can offer, and that is the evidence of their own handwriting and over their own signatures.

Mr. President, I am going to call, as my first witness to sustain the charge that the War Department intended, by fair or by foul means, to maintain and sustain the system of military injustice, Mr. Baker himself. The Secretary of War addressed a letter to Gen. Crowder under date of March 1, 1919, couched in language that would indicate that the Secretary of War had not been in touch with the situation and did not know what was going on in the War Department when it had been under discussion for more than a year.

He starts out not by investigating but by prejudging the situation and by saying:

> I have been deeply concerned, as you know, over the harsh criticism recently uttered under our system of military justice. During the times of peace, prior to the war, I do not recall that our system of military law ever became the subject of public attack on the ground of its structural defects. Nor during the entire war period of 1917 and 1918, while the camps and cantonments were full of men and the strain of preparation was at its highest tension, do I remember noticing any complaints, either in the public press or in Congress or in the general mail arriving at this office.
>
> The recent outburst of criticism and complaint, voiced in public by a few individuals whose position entitled them to credit, and carried throughout the country by the press, has been to me a matter of surprise and sorrow. I have had most deeply at heart the interests of the Army and the welfare of the individual soldier, and I have the firmest determination that justice shall be done under military law.

How beautifully that is expressed! The whole letter is couched in tenderest language!

The criticisms referred to came from my humble self in the Senate, and from some Members of the House, and from the daily press. I have no apologies to make for those criticisms. I shall show that they compelled the reluctant War Department to loose the chains and tear off the manacles from the hands and feet of a splendid body of young men both in France and in America.

I ask that the letter may be printed in the RECORD without reading, Mr. President.

The PRESIDING OFFICER (Mr. GERRY in the chair). Without objection, it is so ordered.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington March 1, 1919.

MY DEAR GEN. CROWDER: I have been deeply concerned, as you know, over the harsh criticisms recently uttered upon our system of military justice. During the times of peace, prior to the war, I do not recall that our system of military law ever became the subject of public attack on the ground of its structural defects. Nor during the entire war period of 1917 and 1918, while the camps and cantonments were full of men and the strain of preparation was at its highest tension, do I remember noticing any complaints either in the public press or in Congress or in the general mail arriving at this office. The recent outburst of criticism and complaint, voiced in public by a few individuals whose position entitled them to credit and carried throughout the country by the press, has been to me a matter of surprise and sorrow. I have had most deeply at heart the interests of the Army and the welfare of the individual soldier, and I have the firmest determination that justice shall be done under military law.

I have not been made to believe by the perusal of these complaints that justice is not done to-day under the military law, or has not been done during the war period. And my own acquaintance with the course of military justice (gathered, as it is, from the large number of cases which in the regular routine come to me for final action) convinces me that the conditions implied by these recent complaints do not exist and had not existed. My own personal knowledge of yourself and many of the officers in your department and in the field corroborates that conviction and makes me absolutely confident that the public apprehensions which have been created are groundless. I wish to convey to you here the assurance of my entire faith that the system of military justice, both in its structure as organized by the statutes of Congress and the President's regulations, and in its operation as administered during the war, is essentially sound.

But it is not enough for me to possess this faith and this conviction. It is highly important that the public mind should receive ample reassurance on the subject. And such reassurance has become necessary, because all that the public has thus far received is the highly colored press reports of certain extreme statements, and the congressional speeches placing on record certain supposed instances of harsh and illegal treatment. The War Department and its representatives have not been in a position to make any public defense or explanation and have refrained from doing so. The opportunity recently afforded the members of your staff to appear before the Senate Committee on Military Affairs has been an ample one, and it has furnished, I hope, entire satisfaction to the members of that committee. But of the proceedings of that committee I perceived no general public notice; the testimony, when published, will be somewhat voluminous, and its publication will not take place for some time yet, and it will certainly not reach the thousands of intelligent men and women who read the original accounts. And yet it is essential that the families of all those young men who had a place in our magnificent Army should be reassured. They must not be left to believe that their men were subjected to a system that did not fully deserve the terms law and justice. And this need of reassurance on the part of the people at large is equally felt, I am sure, by the Members of Congress in both Houses, who have, of course, not yet become acquainted with the proceedings before the Senate committee. It is both right and necessary that the facts should be furnished. It is indeed a simple question of furnishing the facts; for when they are furnished I am positive that they will contain the most ample reassurance.

Those facts are virtually all in your possession, on record in your office. I am aware that they are voluminous, and that a complete explanation and answer to every specific complaint is impracticable. But I believe that you are in a position to make a concise survey of the entire field and to furnish the main facts in a form which will permit ready perusal by the intelligent men and women who are so deeply interested in this subject.

I have been asked by a Member of the House of Representatives to furnish him with such a statement. And I am now calling upon you to supply it to me at your early convenience.

Faithfully, yours,

(Signed) NEWTON D. BAKER,
Secretary of War.

To Maj. Gen. E. H. CROWDER,
Judge Advocate General,
War Department, Washington, D. C.

Mr. CHAMBERLAIN. Note this language in the body of the letter:

> I wish to convey to you here the assurance of my entire faith that the system of military justice, both in its structure as organized by the statutes of Congress and the President's regulations and in its operation as administered during the war, is essentially sound.
>
> But it is not enough for me to possess this faith and this conviction. It is highly important that the public mind should receive ample reassurance on the subject. And such reassurance has become necessary, because all that the public has thus far received is the highly colored press reports of certain extreme statements and the congressional speeches placing on record certain supposed instances of harsh and illegal treatment. The War Department and its representatives have not been in a position to make any public defense or explanation, and have refrained from doing so.

How innocently does the Secretary get around the situation! And no opportunity to make any public defense in explanation! And yet every once in a while and as often as they expressed a desire to come before any committee of the House or Senate they had an opportunity to do so.

On the 8th day of March, 1919, Gen. Crowder answered the letter of the Secretary of War. In that letter he undertook again to criticize those who complained of the system and to insist again that everything was lovely in his department and even and exact justice done to all. I ask that that letter be printed in the RECORD without reading.

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

The letter referred to is as follows:

WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, March 8, 1919.

MY DEAR MR. SECRETARY: I was very glad to receive your letter of March 1, calling upon me for a brief statement of the facts concerning the organization for and the practice of the administration of military justice during the war. I agree heartily with you that there has been no opportunity for our people to hear through the press more than reports of fragmentary and inflamed criticisms based on sensationalized allegations, and that they are entitled to a statement of the case as it is recorded in and viewed by the department.

The circumstances that have most amazed me in my following of the press reports are that the public interest has been carried and sustained by a supposed controversy between myself and an officer of my department, Gen. Ansell, and yet that the exceedingly small margin of actual controversy is entirely lost to sight in a murk of supposed instances of harsh or unjust treatment of soldiers which bears little or no relation to Gen. Ansell's lack of concurrence with the views of the War Department. I think, therefore, that a clear statement of the organic basis of that difference of opinion will go far to clear the atmosphere and

leave us in a position to discuss separately the allegations of harshness or injustice.

Gen. Ansell contends that there is a fault in the organic structure of the court-martial system in the fact that after a man has been tried by court-martial and the record of trial has been reviewed by the authority that appointed the court (usually a military officer of high rank) and by him finally approved and carried into execution there is no further appellate body or officer who can review the appointing officer's review and modify, affirm, or reverse his action.

With this I agree, and there is no controversy about it. I submitted and you approved in January, 1918, a draft of legislation vesting such a further appellate or reviewing power in the President. The draft was introduced, and died in the Senate Military Committee, which no doubt considered it of less actual importance than other pressing business of the war. If this were the only alleged difference of opinion within the department, therefore, it vanishes with this simple statement, and it is difficult to perceive a cause for unusual interest.

The storm centers, however, about three briefs—two from Gen. Ansell and one from myself—to you. Strange to say, these briefs were not addressed primarily to the desirability of such a power of review. That is conceded. They were addressed solely to the question of whether that power had not actually been granted by section 1199, Revised Statutes—a law that had been on the statute books for 55 years, with but a single attempt to deduce from it the grant of so broad a power in any officer of the Government. That single attempt was made in a desperate effort to obtain the release of a convicted soldier by habeas corpus. The precise question on which Gen. Ansell and I do not agree was carried into a circuit court of the United States and there decided once for all in a manner binding on all administrative officers sworn to execute the law as they find it. I shall not prolong this statement by discussion of that question. That any administrative officer would be justified in finding in the unequivocal language of a statute so old, against the reasoned judgment of a Federal court and the administrative practice of 55 years, a hidden meaning revolutionizing the entire system of military justice is simply preposterous. Gen. Ansell's argument was an eager, earnest plea for a forbidden short cut based on expediency rather than on reason. With the desirability of such an appellate power in the President you agreed, and forthwith requested it of Congress, which alone could grant it. Countenance of a plan to play ducks and drakes with a statute of the United States you refused. The briefs are in the CONGRESSIONAL RECORD or in the reports of committee hearings, and they may confidently be left to the reading of any fair-minded man—lawyer or layman. That thread of the story is at an end.

But if the controversy is not over the advisability of such an appellate power and not in a substantial sense in the famous briefs, where is it? It lies in this: First, that Gen. Ansell believes that the power, when granted, should be vested in the Judge Advocate General, and that a complete judicial system with faithful analogies to the organization and procedure of civil courts should be substituted for the present simple and direct system of Army discipline, while the department believes that the power should be vested in the President; that with such a grant of power the faults of the existing system will be completely removed with the exercise of those powers and with the improvements that have been instituted in the last two years.

These are the real issues and the only ones.

The case is one of technical ramifications, and I am sorry that limitations of space will not carry to the American people the wealth of fact and argument to be found in the files of the department. Each of the points of controversy must be discussed briefly and without avoidable technicality.

What is proposed is to carry the principles of the civil code and civil court principles of procedure into our military system. Appeal is made to the Anglo-Saxon conviction of the net desirability for the guarded procedure, the technicalities of indictment and pleading, and the stays, delays, and rights of appeal, which characterize our criminal courts. The real effect of such a change has not been examined, but it is, in fact, a divorcement of the power to control discipline from the power to command armies. Indeed, an analogy has been suggested between an army and a government, and it is urged that our governmental distinction and separation between the executive and judicial system must be carried into the Army, and that no commanding officer should be permitted to appeal to the disciplinary measure of trial by court-martial without the concurrence of his law officer or judge advocate, who should be, and usually is, a man learned in the technicalities of civil practice. Thus, if a division commander intrusted with a major part of the Argonne offensive had contumaciously declined to carry out his part of the general plan, he could not be brought to trial by Gen. Pershing unless the judge advocate of the American Expeditionary Forces concurred.

Our civil code is good. It protects our most sacred liberties, but gentlemen who contend that it should be substituted for our military code—which is also good—forget that the purposes of the two systems are diametrically opposed. The civil code is designed to encourage, permit, and protect the very widest limit of individual action consistent with the minimum necessities of organized government. The military code, and especially our military code, is designed to operate on men hurriedly drawn from the liberal operation of the civil code, and to concentrate their strength, their thought, their individual action, on one common purpose—the purpose of victory.

The common purpose is the plan of action. The plan of action can not be, as we have heard it is in the Bolshevik army, the debated sense of the Army. The plan of action is and must be the plan of the commander. Therefore individual liberty of action inconsistent with that common purpose must be restricted. The military code is designed to accomplish that purpose.

The truth is—and our people have lately seen it demonstrated in a thousand ways—that peace and war both demand sacrifices of individual liberty to a common purpose, but such sacrifices in war are infinitely greater in number and degree than they are in peace. The soldier, from the day he dons his uniform, must be prepared to sacrifice much of his old freedom of action, and, indeed, he swears to do so in his oath to obey the orders of his commander.

What is the essence of all this? It is that for the purposes of peace we demand an intricate legal system, even at the cost of technicalities, delays, and abstruse rules of law; we demand the admirable system of checks and balances that is illustrated by the divorce of our executive from our judicial system. We intrust ourselves to these devices rather than to the fairness and justice in the hearts of men. The very nature of war is such that men forget the sordid views that made those checks and balances necessary. They give the Nation, willingly and eagerly, their fortunes and their lives, and in such a time of patriotic exaltation we willingly give over, and the peril is such that we must give over, this adherence to artificial safeguard of complex rules and trust our individual rights more and more to the principles of humanity, honor, and justice in the breasts of our fellow citizens who are offering their lives and fortunes, as we are offering ours, to the perpetuation of our institutions and for the common good. On this theory the soldier is remitted to the simple and direct procedure for the enforcement of discipline in the Army. His court has its inception in the old courts of chivalry and honor and the essential principle remains. His conduct is taken before his comrades who determine whether it is the conduct of a soldier or no.

In this lies the difference between the systems for civil and military justice. The War Department naturally adheres to the latter system. It repels the thought of an army in the field with two commanders—one in charge of its discipline and one in charge of its strategical and tactical maneuver. The picture is, to the student of war or to the man with the slightest familiarity with things military, nothing less than ridiculous.

I should be willing to rest with this statement were it not that it has been said that without such a radical change as is proposed, we have witnessed atrocities of injustice, and that they are traceable to faults in the existing system of military justice. I have said that there is one such fault. That fault is imposed by a statute of the United States. I presented it to Congress for correction and it was not corrected. The fault lies not in the lack of a civil judicial system, but in the lack of a power to reverse, modify, or affirm the action of a military commander on the findings and sentence of a court-martial. I think we have disposed of the contention that the power should lie in the Judge Advocate General. It should lie in the President.

But what actual harm has resulted from this fault? I have covered the facts in my letter to you of February 13. I can not repeat them here. It is only the executed portion of a sentence that the present power of the President does not reach. In order that such power as he now has may reach every case of injustice, excessive sentence, and illegality appearing in a trial by general court-martial, a mechanism has been created in the office of the Judge Advocate General that gives, I venture to say, a scrutiny more far-reaching and exacting than is possible under any civil system under the sun. I shall not repeat its description or its record as shown in my letter to you of February 13, but I shall content myself with an assertion that I stand upon its record and that its record is complete and open to the public.

That mechanism added to the power of final review in the President asked for over a year ago will make the system such that I am willing to stand or fall by it.

So much for the controversy that has been magnified in the press and on the floor of Congress. This statement would not be complete, however, without reference to the allegations that have shocked the Nation and in respect of which the Nation is entitled, most of all, to assurance. It is asserted and attempted to be established by example that the sentences of courts-martial during the war have been atrociously severe.

Let me say, first of all, that the criticism that they are severe is not a criticism of the system of military justice, it is not a criticism of my administration of that system. It is a criticism of the officers who imposed, for instance, sentences of death for sentinels convicted of sleeping on post, for soldiers willfully and contumaciously refusing to obey the direct orders of their commanding officers, and for desertion in time of war, and it is a criticism of the Congress which authorized a death penalty, in plain statutory terms to be assessed on convictions for these offenses. I do not mean to say that if criticism in the connection is due I am immune. I am not. I agree with the statute and shall defend it, but I am not responsible for it.

Considering the charges from the standpoint of the officers who assessed the sentences, let us see who they are. Are they military zealots—men ground in an iron and heartless system until the liberal views of civil practice are ironed out of their souls? They are not. They are men taken in a general dragnet through the Nation so lately that the civilian clothes they left behind them are not yet out of style. They come from every walk of life. There are 200,000 of them. They comprise a faithful cross section of our whole people and our national life.

What is this charge of severity by them? We have seen that it can not be an indictment of the system. It is simply a difference between the opinions of well-meaning and humane critics far removed from the scene of the offenses punished and with only a partisan, inadequate, and highly colored statement of that case to guide them, and the opinions of men who considered the facts under the solemn obligations of an oath to be honest, impartial, and fair, who lived in the environment of the offense and were steeped in the reasons making it grave, and who assessed the sentence in the performance of the highest civic duty of man—the defense of home and country.

These men can not merit the indictment and diatribe that has been heaped upon their action. As Burke has said, you can indict a few individuals but you can not indict a nation. These men are a portion of the Nation—the portion that has been dedicated to death, if need be, to save the Nation from destruction. Their expression, and not that of men 3,000 miles from the field of action, is certainly the voice of the Nation on the punishments that should be meted out to men who imperil its honor and its safety.

Why should the offenses by a soldier of sleeping on a post of the guard, desertion, disobedience of orders, be punishable by death? Because cities and fortifications and armies have been lost through the drowsiness of sentinels; because armies have been disintegrated and nations humbled by desertion; because battles have been lost and peoples sold into captivity by the disobedience of soldiers.

I can not enter this discussion further. To us at home, in comfort and in present peace, it is next to impossible to reconcile the almost unanimous view of soldiers in the field or theater of war on the gravity of these and many other lesser offenses by their comrades. Therefore the execution of not one sentence of death for these things has been approved by me, and not one such sentence has been executed. Also, as I showed you in my letter of February 13, heavy sentences have been reduced comprehensively and uniformly. But even with that said, I can neither condemn the 100,000 officers who assessed the sentences, nor the law of Congress nor the system under that law that made them possible.

There, Mr. Secretary, are the main issues of principle. I shall discuss at this place neither individual cases nor minor principles that have been put in issue. They all come back to the essential bases that are here stated. I am willing at the proper time to take up either subject or any variation under either. I can defend them all to the satisfaction of any fair-minded citizen.

Hostile critics will undoubtedly assert that the observations I have submitted commit me to a support of excessive sentences, which, of course, is not true. I only speak the probable viewpoint of the officers who have assessed these sentences. But it may be said with entire accuracy that on the day the armistice was signed, November 11, 1918, no person was serving the sentence of a general court-martial who had

on that date entered upon the execution of the excessive portion of his sentence. As you are aware, shortly after my resumption of full charge of the office of the Judge Advocate General I recommended the convening of a board of clemency to undertake with the greatest expedition the adjustment of war-time punishments to peace-time standards, and that an admonition was issued, upon my recommendation, to courts-martial and reviewing authorities, both at home and abroad, to conform, unless special reasons influenced them to a contrary course, to the limits of punishment observed in time of peace.

I come now, with the utmost reluctance, to a few distasteful paragraphs of personal vindication. My motives and my actions have been attacked, and I have been advertised as having hampered the efforts of Gen. Ansell. I have been set off against him as reactionary.

It has been said that the present military code is archaic. I merely say that I began what proved a tedious and heart-breaking task of years to obtain a complete revision of the old military code early in my service, personally conducted that task beginning with my appointment as Judge Advocate General, and at the end of four annual disappointments obtained its complete revision in 1916.

During much of this time Gen. Ansell was one of the most promising and trusted officers in my office. During all the time that the code was in revision he never suggested to me, nor, so far as I can learn, to anyone else, any of the changes he is suggesting now. He participated in preparing the manual for courts-martial which was based upon the new code, but he advanced none of these new views.

Indeed, the first time that I was advised of such a view was in November, 1917, on the occasion of his presenting to you—not through me and entirely without consulting me—the first of the elaborate briefs about which so much has been made.

It has been charged that, as a result of that brief an order designating him as Acting Judge Advocate General was revoked, and further that he was relieved from his duties of supervising the administration of military justice. Nothing could be farther from the truth. He was never relieved from his duties supervising the administration of military justice except to take a trip to France, which he was eager to do, and this was considerably after the submission of the brief, and after the revocation of the order appointing him Acting Judge Advocate General and relieving me of my functions. That order was killed before I knew anything about the brief. It had never been published. It had been obtained by him from the Chief of Staff without consulting you and without your knowledge, and it was revoked by you because it was contrary to your wishes.

Gen. Ansell asked me in a formal written memorandum to help him secure an order appointing him Acting Judge Advocate General in charge of my functions. I did not wish to be relieved, but did not wish to embarrass you. I therefore replied in writing that he could take the matter up directly with the Secretary of War in his own way. He did not take the matter up with the Secretary of War at all. He took it up with the Acting Chief of Staff, with the remark that I concurred. Upon this showing the Chief of Staff marked the draft of an order that Gen. Ansell had prepared for suspended publication. By accident I learned of this order. This was before I had any intimation from any source of the preparation of the first brief, or any intimation that Gen. Ansell had reached a conclusion as to the desirability of an appellate power in the Judge Advocate General. I called your attention to the circumstance, and you directed that the order be not published.

While it is true that Gen. Ansell's attempt to secure an order giving him my functions as Judge Advocate General was concurrent with his preparation of a brief urging a revolution in the military system and his circulation of a document of such grave consequence among every officer in my office without giving me the slightest information of his efforts, it is not true that I knew of the brief until after you directed the rescinding of the unpublished order appointing him Acting Judge Advocate General. But I deem it unnecessary to enter this field of accusation further and discuss the many issues of fact which have been raised, as I am informed that the Inspector General of the Army has been designated to conduct a thorough investigation and make all the ascertainments of fact that are necessary to elucidate the administration of military justice during the war period.

(Signed) E. H. CROWDER,
Judge Advocate General.

Mr. CHAMBERLAIN. Notwithstanding the statement of the Secretary of War that they had no opportunity to come before the public with their views, while impulsive and uninformed Congressmen were indulging in criticisms which were not just, that letter of Mr. Baker to the Judge Advocate General and the letter of the Judge Advocate General to Mr. Baker were released on the 10th day of March, 1919, and printed in full in all the newspapers of the country. I have no objection to that, Mr. President. I do not consider it lese majesty to criticize either Gen. Crowder or Mr. Baker, and they have the same right to criticize their critics. It is the right of every American citizen to criticize the acts of a public servant, even if he wears a uniform.

The remarkable thing about this letter was this: Immediately upon its publication, and on the 11th day of March, 1919, Gen. Ansell, who was largely responsible for calling attention of the right of these soldiers to a fair and just trial, addressed a letter to the Secretary of War giving his views of the law and his version of the controversy and asking that it might be given the same publicity that Gen. Crowder's letter was given.

Now, Mr. President, if the Secretary of War had intended to be fair, he would have given it the same publicity as he did the Crowder letter, because as a great public servant administering the War Department he ought to have been interested only in getting the truth before the American people. Now, it happened that the Secretary of War, with his Chief of Staff, was visiting the cantonments throughout the country, a very laudable thing to do. I wish he might have visited the prisons here and in France; maybe he did; I hope that he did, but I have not heard of it if he did. I immediately indited a letter to the Secretary of War and asked that I might be furnished with a copy of Gen. Ansell's letter. The Assistant Secretary of War, Mr. Crowell, courteous at all times, sent me a copy of the Gen. Ansell letter, but stated he was not at liberty to publish it or to act on Gen. Ansell's request that it be given the same publicity as Gen. Crowder's letter. It was a complete answer, it seemed to me, to the letter of the Secretary of War and of the Judge Advocate General.

Then, in the hope that the Secretary of War might be induced to let this go to the public, so that the public might have an opportunity to hear both sides of the controversy, I wired to him on March 16 making the same request at San Francisco, Calif. Mr. President, Gen. Ansell's request was refused, my telegram to the Secretary of War was refused, and here is what he said in his answer to my telegram:

Your telegram received. More than a year ago I asked of the Military Committees, both Senate and House, legislation to correct the evils in present court-martial system. I shall renew request when Congress reassembles. There would seem to be, therefore, no controversy on the merits of the subject. Have not seen letter in question and can not imagine any reason why my consideration of it on my return will not be time enough.

In the meantime the Judge Advocate General had revised and much amplified his letter, and the Secretary of War was giving the greatest publicity to the Judge Advocate General's letter and his own view of the matter, and prejudicing the minds of the American people by stories in the press and by circular letters prepared by a coterie of officers of Gen. Crowder's selection, headed by a civilian lawyer in uniform at work at the Government expense, sending out over the country hundreds of thousands of these so-called Crowder and Baker defenses of the court-martial system. The Government was footing the bills for the work and for sending the matter through the mails in envelopes, in part at least, bearing the frank of a bureau which had gone out of existence with the ending of the war. I have no idea how much it cost the Government of the United States.

But we find the Secretary claiming that the military authorities had no way to get to the public, while he was expending public money maintaining a bureau in the War Department giving the people one side of this very much controverted question and paying no attention to the other side which had been submitted to him with equal force as had the side of Gen. Crowder.

His reason for not giving any other than one side of the controversy is the proposed amendment of January, 1918, which the Military Affairs Committees of the House and Senate declined to report out or to ask Congress to pass. He could see no reason, therefore, in view of the fact that over a year ago he had sent his famous amendment to Congress, why this letter of Gen. Ansell's should receive any consideration at his hands.

On the 19th day of March, 1919, after I got that telegram from Mr. Baker, I wrote him a letter, which I ask may be printed in the RECORD without reading.

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

The letter referred to is as follows:

MARCH 19, 1919.

Hon. NEWTON D. BAKER,
Secretary of War.

SIR: On the 16th instant I addressed you a telegram in which I asked that you give to the public a statement made by Lieut. Col. (formerly Gen.) Samuel T. Ansell, in reply to statements made by you yourself and by Gen. Crowder, the Judge Advocate General of the Army, in which you both gave warm support and approval to the present court-martial system, and in which Gen. Crowder besides indulged in severe personal criticism and accusation against Gen. Ansell, who in testimony recently given before the Senate Committee on Military Affairs had condemned the existing system of military justice and the administration under it. I asked you to make the statement public, primarily because it was a clarifying contribution to the subject now agitating the people, to which the people are entitled, and, secondarily, because it was only fair and just to this officer that you should do so. I believed that you would make this statement public, and do so immediately, in order that the people might have the opportunity of considering it as nearly contemporaneously as possible with the opposing views publicly expressed by you and the Judge Advocate General. In that I am disappointed.

I have just received from you the following telegram:

"Your telegram received. More than a year ago I asked of the Military Committees of both the Senate and House legislation to correct the evils in the present court-martial system. I shall renew the request when Congress reassembles. There would seem to be, therefore, no controversy on the merits of the subject. Have not yet seen the letter in question, and can not imagine any reason why my consideration of it on my return will not be time enough.

"(Signed) NEWTON D. BAKER,
"*Secretary of War.*"

It is painful to me, Mr. Secretary, to find you fencing upon a question which means so much to the tens of thousands of enlisted men who have suffered injustice under the present system, a question which means so much to you, the Army, the Nation. In the instant telegram you say that more than a year ago you recognized the evils of the present court-martial system and requested legislation to correct them, and that inasmuch as you intend to renew that request, there can be no controversy on the merits of the subject.

Your present recognition of existing evils of the court-martial system is strangely irreconcilable with your published statement no more remote than March 10. In that statement of warm approval of the existing system, you seemed blind to any deficiency. You say therein:

"I have not been made to believe by a perusal of these complaints that justice is not done to-day under the present law, or has not been done during the war period, and my acquaintance with the course of military justice—gathered as it is from the large number of cases which in the regular routine come to me for final action—convinces me that the conditions implied by these recent complaints do not exist and had not existed."

You further say that you are "absolutely confident that the public apprehensions which have been created are groundless." And then you put the capstone upon your monumental confidence in the system by further saying:

"I wish to convey to you here the assurance of my entire faith that the system of military justice, both in its structure as organized by the statutes of Congress and the President's regulations and in its operation as administered during the war, is essentially sound."

And finally you call upon the Judge Advocate General to make a statement for the purpose of reassuring the people who "must not be left to believe that their men were subjected to a system that did not fully deserve the terms of law and justice"; and then you conclude, rather lightly, that after all it is but "a simple question of furnishing the facts, for when they are furnished I am positive that they will contain the most ample reassurances." On March 10 you were blind to any deficiencies in the existing system, as, indeed, the evidence abundantly shows you have been deaf throughout the war to complaints about the injustice of this system, complaints which should at least have challenged your earnest attention rather than provoked your undisguised irritation.

But, as you say, you did propose certain legislation to the committees which they did not see fit to recommend for enactment and which, very fortunately, did not become law. I can hardly believe that that bill, prepared by the Judge Advocate General of the Army and submitted by you, was a bona fide effort to reform the existing system, and the slightest consideration of the bill will show that had it been enacted into law it would have made the system even more reactionary, if possible, than it is now. I can hardly believe that this was a bona fide effort at reform, because you already had had an opportunity to establish in your department a legitimate and necessary revisory power over and supervision of courts-martial procedure. Gen. Ansell was at that time Acting Judge Advocate General of the Army, and his opinions were entitled to be respected as such, and in all other matters they were so respected.

In order to keep courts-martial procedure within just and legal limitations he wrote an office opinion, in which he clearly demonstrated that this power of supervision was to be found in existing law, and in that opinion all the officers of the department, among whom were many most distinguished lawyers from civil life, concurred. And yet, in order that that opinion might be overruled and that you might rely upon the theory that you were entirely without power, you either ordered or permitted Gen. Crowder himself, who was not at that time connected with the office, to return thereto and write for you an overruling opinion, which you approved, and in doing so voluntarily denied that it was your right and duty under existing law to supervise the system. You approved the opinion of the Judge Advocate General, which was to the effect that this supervisory power did not exist, and, furthermore, ought not to exist, inasmuch as the law military is the kind of law that should be left to be executed at the will of the camp commander. If you had really desired to establish a legitimate legal supervision of courts-martial you could have done so simply by approving the opinion of the Acting Judge Advocate General, which was not a personal opinion, but was an office opinion, which in ordinary course of administration would have been adopted. Advised to do the proper thing by your chief law officer and having been shown by him the way to do it, you declined to do so upon some slight legal technicality. This is evidence to me that you did not desire to do so.

You supplanted the officer who had seen fit to call to your attention at the beginning of the war the necessity of keeping the strictest supervision over courts-martial procedure, by an officer who contended that such supervision was not necessary, and that such supervision would derogate from the power of the commanding officer and destroy discipline. You elbowed aside the one officer who even then had the courage to condemn the system and the prevision to point out its terrible results, Gen. Ansell, and took into the bosom of your confidence a trio of men who are pronounced reactionaries—Gen. Crowder, the then Acting Chief of Staff, and the Inspector General—the last named of whom is even this day engaged, by your order, in a so-called "investigation" designed, in my judgment, to destroy the man who exposed the injustice of the present system. You accepted those views. But, in order that any future responsibility might be shifted from your shoulders to Congress, you presented a bill which, even if you did not, your advisers did, know could not be passed. Your advisers did not wish any modification of the existing system. They and you declined to accept the views of the Acting Judge Advocate General that would have gone far toward alleviating the situation on the ground that those views were not fully justified by the letter of the statute. You were thus solicitous that your power be found in the letter of the statute. And yet in the very bill proposed you asked for the power of suspension of sentences, when you were already suspending sentences by administrative order without one word of legal authority therefor.

There is another evidentiary circumstance that indicates the effort was not made in good faith, but was simply designed to allay public apprehension and inquiry by the appearance of doing something. It is shown by the records of your department that the Judge Advocate General of the Army, in correspondence with the senior officer of his department in France shortly thereafter, said, with respect to an administrative makeshift which he had proposed for adoption, and which you did adopt, that it was necessary to do something to head off a threatened congressional investigation, to silence criticism, to prevent talk about the establishment of courts of appeal, and to make it appear to the soldier that he did get some kind of revision of his proceedings other than the revision at field headquarters. How can it be said that such an attitude of mind is consistent with an honest desire to alleviate the situation? It is significant also that your interest upon this subject was not such as to produce that active participation of the department which characterizes its efforts when it desires to secure legislation.

The bill to which you refer and the nonenactment of which you plead as shifting the responsibility for the maladministration of military justice from you to Congress, if honestly submitted, is conclusive evidence that you yourself are entirely reactionary or that you have been imposed upon and deceived by advisers who are. That bill is Senate 3692, and provides, so far as immediately pertinent to this discussion, that section 1199, Revised Statutes, be amended to read as follows:

"The Judge Advocate General shall receive, revise, and cause to be recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and report thereon to the President, who shall have power to disapprove, vacate, or set aside any finding, in whole or in part, to modify, vacate, or set aside any sentence, in whole or in part, and to direct the execution of such part only of any sentence as has not been vacated or set aside."

Do you really know, Mr. Secretary, the purpose and legal effect of that bill? In the first place, it would have to be construed together with that statute which makes the Chief of Staff the trusted military adviser of the President and Secretary of War, whose authority he habitually exercises, on the one hand, and places him in supervision and control of all bureau officers, including the Judge Advocate General of the Army, upon the other hand. The President's power, therefore, as a matter of law, over the control of courts-martial cases would under that bill be habitually exercised by the Chief of Staff, an ultramilitary official, without the slightest competency to pass upon those errors of law which prejudice the rights of the accused and thereby render it necessary to modify the judgment and with a disposition to disregard such rights. And also, the Chief of Staff, and not the President, would be the one to exercise this power, in fact. There were some 350,000 courts-martial from the time we raised the new Army until July 1 last. Nobody would expect the President to review such a number or any appreciable part of them. Nobody, indeed, could expect the Chief of Staff himself to do so. The work would have to be intrusted to some military minion, inexperienced in law and the administration of justice, and whose training had disqualified him for such functions.

The Judge Advocate General, when he appeared representing you before the Military Committee, admitted that this would be the course of administration and contended that the Chief of Staff ought to have that power. He said that that was necessary in order to maintain discipline.

But worse than this, that bill would authorize the Chief of Staff to disapprove, vacate, and set aside a finding of "not guilty" and substitute upon his review of the evidence a finding of his own. Notice the language is that he shall have the power to disapprove, vacate, or set aside "any finding" and also to modify, vacate, or set aside "any sentence." This is a power which ought not to be granted to any man, and I feel safe in saying will never be granted by Congress. This alone was sufficient not only to condemn the bill in the mind of Congress, but to show the attitude of those who proposed it. Do you believe, Mr. Secretary, that the President of the United States, the Secretary of War, the Chief of Staff, or any other official, should have the power to set aside an acquittal and substitute for it a conviction, or to set aside one sentence and substitute for it a harsher one, or to set aside a finding of guilty of a greater one? That is what the bill which you proposed authorizes.

But the bill further provides "that the President may return any record through the reviewing authority to the court for consideration and correction." This power is on a par with and supplemental to the absolute power which I have just referred to. If the Chief of Staff were not satisfied with a finding of "not guilty," he could return the record to the court-martial with instructions to make a finding of guilty. If not satisfied with a light sentence he could instruct the court to award a heavier one. If not satisfied with a finding of guilty of a minor offense, he could instruct the court to find the accused guilty of a more serious one. Do you believe that the President, the Secretary of War, or the Chief of Staff, or any other official, should have such power? If you stand for that bill you evidently do.

The Judge Advocate General, who appeared before the committee in representation of your views, testified:

"I want the President authorized to return the record which we get here, back through the convening authority to the trial court, and ask a reconsideration of their action, so that he may proceed, if he desires, upon the revised findings of the court, and thus make the court participate with him in the final judgment."

When asked the question whether a commanding general could disapprove a finding of not guilty and send it back, he said:

"Yes · when in his opinion the finding is not sustained by the evidence"; and he argued that that power was necessary to the maintenance of discipline, was now possessed by all commanding officers, and ought to be possessed by the President and Chief of Staff. In further argument sustaining that view he said with respect to cases in which very small sentences had been awarded:

"I do not know anything that could attack discipline more if the commanding general, who is also the reviewing authority, or the Secretary of War, or the President, who will become the reviewing authority of that class of cases under this legislation, could not invite the attention of the court to the effect of such a sentence upon the discipline of the Army generally. I do not think this power would have survived throughout the centuries if it were intrinsically wrong."

Obviously he was unaware that this is one of the few countries in which such a barbaric practice has survived. These views you doubtless approved, inasmuch as in your letter to the committee you invited it to hear the views of the Judge Advocate General in explanation and support of the proposed legislation.

For the moment, at least, you now conceive that there should be a power of revision. That, to use your language, is "structural," "organic." The lack of a proper revisory power is a lack of legal control at the top. There are many other deficiencies of the same character. There is an absolute lack of legal control at the bottom and throughout the proceedings. You have said that the cases that come to you in regular routine convince you that the complaints against the system are groundless. Unfortunately, Mr. Secretary, you are not in touch, and apparently do not desire to get in touch, with the administration of military justice. You must know that under the existing system the Secretary of War sees and takes action only upon that relatively insignificant number of cases which are required under existing law to go to the President for confirmation. He sees none others. These few cases consist in the far greater part of a few sentences of dismissal of commissioned officers. These are not the class of cases in which appears the injustice of which I have complained. The courts-martial system is such, and the regard for rank in the Army is such, that a commissioned officer appears before a court-martial to far better advantage than does a private soldier. You do not see the system in operation. You do not see its tragic results. When you denied the department the revisory power over all courts-martial cases you denied yourself the opportunity to keep in touch with the administration of justice throughout the Army. Your knowledge is obtained from this insignificant number of cases of commissioned officers and from those persons surrounding you who are interested in supporting the existing reactionary system.

The existing system does injustice—gross, terrible, spirit-crushing injustice. Evidence of it is on every hand. The records of the Judge Advocate General's Department reek with it, and upon proper occasion

I shall show the people that this is true. The organization of the Clemency Board, now sitting daily and grinding out thousands of cases, is a confession of it. Clemency, however, can never correct the injustice done.

You have, of course, adopted the statement of the Judge Advocate General, which you invited and published. That statement is involved in as inextricable confusion and patent inconsistencies as your own pronunciamentos upon this subject. In one and the same breath it declares the system unusually excellent, and then blames Congress because it has failed to enact the bill which you proposed and has heretofore been referred to; it declares that military law can best be administered finally in the field, but at the same time argues that the system would be much improved by the establishment of a departmental appellate power; it contends that courts-martial should be subject, not to legal control, but only to the power of military command, and at the same time objects to assuming responsibility for the outrageously excessive sentences awarded when courts and commanding officers go wrong, without legal restraint. It admits that our soldiery must be hurriedly drawn from civilian life and from the operations of the more liberal civil code, but assumes that for that very reason the military law ought to be more harshly applied in order to obtain discipline. It argues that courts-martial are not courts of justice, but "courts of chivalry and honor," and concludes that since the soldier must on occasion yield up his life on the battle field, he should not be heard to complain if it be taken away by these courts of chivalry; it places courts-martial in high esteem, though admitting that they apply not the modern rules of right, but medieval principles that govern over lord and armed retainer. It says that the officers who sit in judgment upon the private soldier can not be military zealots, because it was only yesterday that they got out of their civilian clothes, but in the next paragraph asserts that they are most competent to award military punishments because of their military appreciations. It argues that the primary purpose of a court-martial is to maintain discipline, as though discipline in any real sense could be maintained in our Army without doing justice.

I beg to assure you that there is controversy on the merits of the subject. There is great difference between you and me. That would be relatively unimportant. But there is great difference between you and Congress, and there is great difference between you and the American people. I do not believe that a court-martial should be controlled from beginning to end by the fiat of military command. I do not believe that a commanding officer should order the trial of an enlisted man on a charge that is legally insufficient. I do not believe that he should order a court to overrule pleas made in behalf of an accused which upon established principles of law would bar the trial. I do not believe that the court and the commanding officer can cast established rules of evidence to the winds and insist upon the conviction of a man upon evidence that no court for a moment would entertain. I do not believe that the court and the commanding officer should be permitted to deprive an accused of the substantial right of counsel and railroad him, unheard and unrepresented, to a conviction. It was only yesterday that I was shown a record in which the counsel for the accused was intimidated from examining his superior officer as a witness by a threat made in open court by the superior officer that any question asked him, reflecting upon his credibility, would promptly bring charges against the youthful counsel. I do not believe that the conduct of a court should be controlled by a commanding officer. I do not believe that a court should be directed or instructed to reverse its finding of innocence or to impose a harsher punishment than that originally awarded. On the other hand, I believe, and I insist that the courts-martial having in their care and keeping the lives and liberties of every single one of our soldiers shall be courts of justice, acting as judges, controlled by and responsible to no man controlled by and responsible to their own oaths, and to the great principles of law which have been established by our civilization to protect an accused wherever he is placed on trial.

Surely you have been misled. Officers of your department who have supported the iniquitous system and who have imposed upon you, or most unfortunately persuaded you, have been busy preparing their defense. You have been presented lengthy reports designed to controvert the speech which I made in the Senate on this subject, which reports I have shown you to be misleading and utterly unreliable. Volumes of statistics are being prepared to show that, after all, the system is not so bad. Whether you do or not, the American people see and have the evidence; Members of Congress have the evidence. You have taken a terrible stand upon a subject which lies close to a thousand American hearthstones. The American people will not be deceived by such self-serving, misleading reports and statistics. Too many American families have made a Pentecostal sacrifice of their sons upon the altar of organized injustice.

Very sincerely, GEO. E. CHAMBERLAIN.

Mr. CHAMBERLAIN. Mr. President, it is not a pleasant duty that I have undertaken to assume. It is unfortunate that in times of war Congress is so engrossed with the forward movement of troops and the preparations for their successful advancement that they forget or do not have time to take up the things that so intimately touch the homes and hearts of the American people. I have no criticism about that, but the thing that distresses me most is the fact that with the thousands of letters coming to us all Congress can not lend an attentive ear to the suggestions which are being made to reform the military code, which has been in force and effect practically since 1806, so that there may be less of injustice done to our fighting men.

But they say, "Why, as chairman of the Committee on Military Affairs in 1916, did you not suggest some of these remedies?" Mr. President, these things had not then been done; and besides the Military Affairs Committee was listening to suggestions of Gen. Crowder. That revision was, in the main, a recodification of the laws that were scattered through the statute books involving changes of phraseology and the collating of the laws upon the subject. There were only two things inserted in that recodification that really have been of great benefit to the morale of the Army, and they were the suspended-sentence law and the establishment of the disciplinary barracks, where these young soldiers can be sent instead of being sent to the penitentiary, and can restore themselves to the colors. Those changes have been of great benefit, but aside from those and one or two other minor changes there was very little done in the revision of the Articles of War in 1916.

Mr. President, I have trespassed too long upon the time of the Senate, but I want to call attention to the statement that has been made by the Secretary of War, by Gen. Crowder, and by many of those who sustain their views that there is no inherent imperfection in the system, and that no injustice is perpetrated against the soldier by the system. With at least the knowledge and indorsement of the Secretary of War, a committee of the American Bar Association was appointed to hold hearings and to make suggestions with reference to creating an appellate tribunal and to suggest proper amendments to the Articles of War. There evidently seemed to be some little fear on his part that that committee would not do its duty strictly from the military viewpoint, and so a little later on the Secretary of War, for some reason which I have not had explained to me—and I did not expect to have it explained to me—appointed a strictly military tribunal on the subject and for the same purpose. There was not so much danger from them, apparently, in the minds of the authorities as there was in the committee of the bar association. Both of those committees recommended some sort of an appellate tribunal. It is true they differed as to the constitution of that appellate tribunal, but they both recommended it, and even Gen. Crowder favored an appellate tribunal of some kind. So the very appointment and the recommendations of these distinguished men are admissions that there are defects in the system. If there are no defects in the system, structurally or otherwise, and if no injustices are perpetrated under it, why change the law at all? Why not let the system go on just as it is, with the power of life and death in the commanding officer?

Why, Mr. President, there is no stronger admission of the fact that there were and are injustices in the court-martial system than that made by Gen. Crowder when he testified before the Military Affairs Committee in February, 1919, in substance, that there would be practically a jail delivery made by him in 60 days. Why a jail delivery if there were no injustices, Mr. President? That is not done even in the case of State courts or the Federal courts; there is no general jail delivery, because there can be no assumption that the men are not being fairly punished. If these men were properly punished, there could be no need of a general jail delivery.

I commend the War Department for what it has done in releasing these young men. I commend them for having had a prison delivery. They could not let them out too quickly for me. Why, Mr. President, this Army of ours of 4,000,000 men was a cross section of the citizenship of America. It was no ordinary army. The American people are not going to stand for any system that will make possible these acts of injustice in the years to come.

Mr. President, some may say that the discussion upon which I have entered is not germane to the subject of retiring Gen. Crowder as a lieutenant general. I say if he is entitled to the credit of having made this Army possible, in view of the fact that he had the power to correct the evils and did not do it, he is responsible for the injustices that have been perpetrated against this Army, and any man from the highest to the lowest who is responsible for such things as have been done ought not to be recognized by the Congress of the United States over and above men who have performed gallant service at the front and equally with Gen. Crowder have performed gallant service in making it possible to win the war by their efforts on this side of the water.

So I conclude, Mr. President, with this summarization: First, I oppose this bill unless the amendment which I have suggested is placed on it that recognizes other distinguished soldiers. I think even then it is not a proper measure to be passed by the Congress until some committee or somebody somewhere has had an opporunity to weigh the records which have been made by the men in the Army and selections made for advancement either to the grade of lieutenant general or some other high rank. Second, I oppose the bill giving Gen. Crowder credit to the exclusion of the 192,000 civilians who stood behind him and helped him in the work of organizing our Army and making it possible. Furthermore, because he had it in his power to have adopted a system of hearing appeals and remedying the cruelties that were being practiced against the young men constituting the Army and did not do it, I oppose this measure with all the power that is within me.

Mr. McKELLAR. Mr. President, I regret very much to differ with the distinguished Senator from Oregon. For nearly three years I have served on the Military Affairs Committee

of the Senate with him. There is not an abler man on that commttee or in this body, and there is not a better man anywhere, than my good friend from Oregon. He has been a tower of strength in practically all of our war activities. He is safe, he is sane, he is honest, he is courageous, forceful in debate, logical, and one of the most lovable men in the world, and for these reasons I greatly regret to have to differ with him on anything; but I do differ with him as to the measure of honor and distinction that is due Gen. Crowder for his great services to the country in originating the draft law and in his remarkably successful execution of that law.

I want to say that I do not differ with him on the subject of courts-martial. As he knows, a measure introduced by me has been pending for quite a while to correct what I believe is the grievous defects in our court-martial system. I think the present court-martial system is a disgrace to a free and an enlightened people, and it ought to be corrected; but the fact that we have that system, and the fact that the officer at the head of the Judge Advocate General's Department has seen fit to enforce that system when it came before him, is no reason why this bill should not pass.

If I had my way, I would turn out of prison every young soldier who is there, except those who are there on account of felonies. I think we are entirely too technical in keeping them there, and the Congress ought to pass a bill changing the system; but before it even does that it ought to authorize and to require the Secretary of War to look into all courts-martial records with a view only of the equity and justice of the case, and turn out hundreds of young men who are there improperly now, or there because of small or technical violations of military law, many of whom have already served longer terms than they ought to have served. I agree with the distinguished Senator from Oregon on that subject.

This bill proposes the following:

Be it enacted, etc., That in view of the long and faithful services of Maj. Gen. E. H. Crowder, Judge Advocate General of the United States Army, and especially his conspicuous services as Provost Marshal General in conjunction with the various State and Territorial executives and the local and district boards in the execution of the selective-service law, the President is hereby authorized, when that officer retires, to place him on the retired list of the Army as a lieutenant general, with the pay of that grade as fixed by section 24 of the act of Congress approved July 15, 1870, and to grant him a commission in accordance with such advanced rank.

I say the bill ought to pass, and the reason why it ought to pass is because this officer has earned this recognition at the hands of Congress. His official record is second to none. From the very beginning he rose to the necessity of our military situation. He showed initiative. He showed a remarkable grasp of the situation. He had been well tranied for just such a task. He had the confidence of the President. He had the confidence of the Army. The people did not then know him, but they soon found him out, and he had their confidence and cooperation all along the line.

On yesterday the Senator from Oregon inadvertently, as I believe, made a mistake in saying that Gen. Crowder was not entitled to the credit for having adopted the plan of having civilian boards to pass upon and enforce the selective-draft law. As will be seen by a simple inspection of the bill, what is known as the draft bill, or the selective-service law, S. 1871, was introduced April 17, 1917, by the Senator from Oregon [Mr. CHAMBERLAIN]. That bill, as stated by the Senator, did not at that time have in it the provision for civilian boards. In section 5 it did give the President power to appoint such boards, but the civilian board provision was not specifically in the bill and was afterwards put there by the committee, as the Senator from Oregon recited, with one exception, and that exception is all important. That bill was reported from the committee on April 22. It was reported just as it was introduced. On April 23, nearly a month before the enactment of this selective-service law, Gen. Crowder wrote a letter of announcement to the governors of the States in which he set forth the plan that he had fixed to govern the selective-draft law. I am going to read an excerpt from that letter to the governors, which shows that Gen. Crowder was the real author of the plan of having civilian boards pass upon the selective-draft law—a plan that everyone admits was one of the principal reasons why the draft law was a success.

In this letter Gen. Crowder, among other things, says:

For the purpose of securing prompt replies and of orderly administration and centralization of control and for further execution of the law, a local authority supervising an appropriate number of precincts is necessary. The county is, without exception, I believe, the territorial and political subdivision into which all voting precincts integrate without overlapping. For this reason, registration in the precincts must be under supervision of a county board of control. Other reasons are these: After the registration is complete, selections of persons to be called to the colors must be made based upon the information found in the registration lists. While the class from which soldiers are to come is to be segregated by draft, the law is careful to provide for avoiding the misery that war brings to dependents at home and for a choice of those whose military service the Nation most needs and whose civil and domestic service can best be spared.

Now, listen to this:

The important duty of making the selection from the drafted class can best be performed by a permanent board in each county composed of citizens who can be relied upon to execute this solemn function with even justice and with apprehension of its gravity.

He elaborates the scheme. On April 23, or later, the very scheme that he elaborated in this letter was put in the bill. Now, I am a member of the Military Affairs Committee, and I do not want to take away from that committee one particle of credit that properly belongs to it. The committee did insert it, but it inserted it after it had been originated or created by Gen. Crowder, and he is entitled to the entire credit of it.

It has been suggested, as a reason why we should not give this honor to Gen. Crowder, that political reasons have actuated him at times. I do not know whether that is true or not. In my dealings with him I have never seen any suggestion of that in his conduct; but I want to say that that kind of an argument comes with poor grace at this time. A Democratic administration used the services of Gen. Crowder during the war; and surely after having used Gen. Crowder's services to organize the greatest army that was ever organized in the history of the world there is no reason why, as Democrats, we should not be generous enough to give him the credit that is due him. I want to say, looking at it in that light, and remembering what Gen. Crowder has done, that political considerations do not weigh with me in the matter. He has rendered a vitally patriotic service and rendered it in such a manner as to win the approval of thinking men all over the country, and he should receive his reward.

Now, Mr. President, what has Gen. Crowder done? Everybody who knows the history of his country is familiar with the draft law that was attempted to be put into force in the Civil War—a constant series of mistakes, one after another. It was the most difficult thing in the world to conscript men in the late Civil War on both sides. It was thought by many of us—and I was one of those who thought so—that it would be difficult to enforce the draft in this war, and I believe it would have been difficult to enforce in this war but for the peculiar genius of Gen. Crowder.

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

Mr. McKELLAR. I yield.

Mr. WARREN. Years ago, when I first knew Gen. Crowder, while he was yet a young junior officer, I talked to him about the very subject that the Senator has now mentioned—the draft in the Civil War. The subject of a possible draft thereafter was on his mind; and I know that he had gone over the subject years and years ago in all its particulars of application and minutiæ, so that, next to experience itself, he was prepared, to the very limit that any man could be prepared, for the exigency in which he did so well and for which he made such splendid provision.

Mr. McKELLAR. Mr. President, it was a great undertaking to draft into the service of the United States the nearly 4,000,000 men who were drafted into it. I believe nearly 5,000,000 either were drafted or prepared for the draft. It was a tremendous undertaking to select these men in such a way as not to break down the industries and the productive enterprises of the country. It was a task that seemed to many men almost impossible of successful carrying out. It was put into the hands of Gen. Crowder, and by his diplomacy, by his endeavors to be fair, by his building up of the local civilian boards, by his cooperation with the local authorities, by his cooperation with the various governors of the States, I say without fear of successful contradiction that that plan of conscripting our boys in the Army has succeeded as no other plan has done in the history of the world in any nation. The local draft boards and the district boards all over this country learned to admire and respect the fairness and the ability of Gen. Crowder. Almost to a man they have felt that he was entitled to honor at the hands of the Congress, and I have received many petitions from my State urging that some honor should be done Gen. Crowder. Mention is made that Gen. Crowder never has been across the seas in this war as a reason why this bill should not pass. That is not his fault. He performed a greater work here than he could have possibly performed across the ocean. There are few men who could have performed it in the satisfactory way that Gen. Crowder has performed it.

I say it was just as important to secure this Army at home, to build it up and put it in motion, as it was to use it and operate it after it had been built up and put in motion. The whole country a year ago was filled with praise for Gen. Crowder for the great work he had done. But since the war is over—like many people—Senators forget the great services that some of our officers actually performed in time of stress.

I do not know what the Senate is going to do with this bill. It may reverse itself. Men may go back on their records. I do not know. But more than a year ago I offered an amendment, as I recall, to one of the military bills, in which it was provided that Gen. Crowder should be promoted to the rank of lieutenant general, and this body overwhelmingly voted in favor of Gen. Crowder at that time. I think there were only 6 votes cast against the amendment. What has happened since to render him any less worthy? If he has faults, we knew them at that time. If there were objections, we were fully advised of the objections, because Gen. Crowder was then in the public eye as perhaps no other man in this country has ever been. There are no reasons why he should not be accorded this honor. I think the two outstanding officers of the Army in this war have been Gen. Pershing, who had charge of our Army on the other side, and Gen. Crowder, who created it on this side. I say that without reflection upon any of the other splendid officers who have earned great reputations in this war. But, preeminently and above all others, Gen. Pershing on the other side is entitled to the greatest credit and Gen. Crowder to the greatest credit on this side.

But it is said that, by reason of his acts as Judge Advocate General, he ought not to have the honor; that whatever of credit he was entitled to has been negatived by his acts as Judge Advocate General in court-martial cases. I do not subscribe to that view, and I want to say why. During the war Gen. Crowder practically had nothing to do with the Judge Advocate General's department. That was in the hands of the Acting Judge Advocate General, Gen. Ansell, in that department. He was responsible for its acts more largely than Gen. Crowder, and should be held responsible now if wrongs were committed in that department, because he virtually had charge of it all during the war.

An amendment has been offered to kill this bill. It is by way of proviso, and reads as follows:

Provided, That these officers of the Army who now hold, or previously during the recent war held, the rank herein set before their respect names, to wit, Lieut. Gens. Hunter Liggett and Robert L. Bullard, and Maj. Gens. James W. McAndrews, James G. Harbord, Ernest Hinds, Merritte W. Ireland, Harry L. Rogers, William C. Langfitt, William L. Kenly, Henry P. McCain, Charles P. Summerall, and Leonard Wood shall, when retired from active service, have the rank of lieutenant general and the pay hereinbefore provided for an officer retired with said rank.

Mr. President, no such amendment ought to be agreed to. There are some names here of men who are entitled to recognition by Congress. Certainly Gen. Liggett and Gen. Bullard, two of the ablest and best generals in the Army, who fought on the fields of France, are entitled to the highest rewards. But this is no way to give it to them. They ought to have it on their own merits, not as a proviso but in a bill introduced for the purpose, just as we have a bill for Gen. Crowder. I have known Gen. Bullard practically all his life, and there is not a better or more splendid soldier or man in this country, and no man for whom I would rather vote to honor. But this is not the way to honor him. It is a left-handed compliment at best, and a left-handed promotion. I want Gen. Bullard honored in the same manner this bill would honor Gen. Crowder.

Here is another on the list, Maj. Gen. Henry P. McCain, a splendid officer during this war, who made one of the best records of any officer of the Army, and who is entitled to be rewarded. But he ought to be rewarded on the merits of Henry P. McCain, and not as a sop thrown to him in any such manner as provided in this proviso. Some of these names on this list are not entitled to honors equal to those which should be accorded to Gen. Crowder. But even if they were, the honor should not be given in this way. I think the amendment ought to be defeated. I think the bill ought to be passed. I think it is a proper bill. I think Gen. Crowder has earned this reward by faithful, intelligent, and splendid service, and it makes no difference what we think of him personally, it makes no difference what we think of him politically, it makes no difference about what his shortcomings may be; he has served his country in one of the greatest crises that was ever before it, he has served it in such an unusual manner as to win the plaudits of the American people, and it is as little as Congress can do to carry out their will and give him this reward that he has earned for himself. I earnestly hope that this just measure will overwhelmingly pass the Senate, just as it did more than a year ago when I introduced it.

Mr. SPENCER. Mr. President, 24,234,021 men were enrolled in the selective-service draft of the United States. It was not only the greatest single achievement of the war, it was the most wonderful mobilization of man power in the history of the world. Back of every step of this great achievement was the patience and the courtesy and the efficiency of Gen. Crowder. It was the fact that we had this man power that enabled the United States to put 2,000,000 men in France in 18 months, when it took England three years to put the same number of men upon the fields of France.

Undoubtedly there are others who served in connection with the office of the Provost Marshal General who are entitled to share the honor with Gen. Crowder; and they are the men who, of all others, have been insisting that this just recognition of the service which that office rendered should be given to the chief, in whose name it was done.

Mr. President, it was my happy privilege, during almost the entire operation of the selective-service law, to be the chairman of the district board in the city of St. Louis. More than 25,000 appeal cases were acted upon by that board, and it is not only my duty but it is a pleasure to bear witness before my fellow Senators that in the execution of that work, in every step of the process, the genius and sympathy and guiding hand of Gen. Crowder made it possible. No one could better dispose of the amendment of the Senator from Oregon [Mr. CHAMBERLAIN] than did the eloquent Senator from Tennessee [Mr. MCKELLAR]. It has no place in the consideration of this bill. The bill is the recognition of the Provost Marshal General's Office, and as such we do credit to ourselves in passing the bill and defeating the amendment.

Mr. WADSWORTH. Mr. President, I have been compelled to be absent from the Chamber during a good portion of this discussion and therefore am not in a position to discuss all the points which have been referred to by other Senators, and particularly by the Senator from Oregon [Mr. CHAMBERLAIN].

I very much regret that the Senator from Oregon has offered an amendment to this bill which seeks to confer upon a large number of officers, 12 in number, an honor similar to the one sought to be conferred upon Gen. Crowder. I regret it, not because I am convinced that those officers are not worthy of recognition at the hands of Congress, but because I believe the Senate at this time is not in a position to weigh the arguments pro and con which might be offered in connection with the names submitted by the Senator's amendment.

I think the Senate should know that the Committee on Military Affairs, at the time the bill presented by the junior Senator from Pennsylvania [Mr. KNOX] was reported, instructed its chairman to appoint a subcommittee to take up the matter of conferring honors of this kind or of a similar kind upon other officers of the Army. The chairman of the committee has endeavored to consult with Senators who are members of the committee upon that very important question. A good many consultations have been had, and it is hoped that within a reasonable time the Military Affairs Committee as a whole may have some formal suggestions to make to the Senate as to what officers of the Army shall receive especial recognition, and as to the character of that recognition.

As the matter stands to-day, it is quite impossible, I believe, for Senators in open session, and, as it were, upon a moment's notice, to act upon the records and the qualifications of 12 officers whose names are suddenly submitted to the Senate for appointment on the retired list with the grade of lieutenant general.

Apparently the Senator from Oregon, in addition to naming the two officers who held the temporary grade of lieutenant general in the American Expeditionary Forces, and with two other exceptions, those of Gen. Summerall and Gen. Leonard Wood, has taken the officers who were at the head of the staff corps or services of the American Expeditionary Forces merely taking a list of all those names and submitting them en bloc to the Senate, and now requesting the Senate to act upon them. I shall not say at this time that any of those officers are unworthy of this recognition; but I do say that the Committee on Military Affairs of the Senate has not given these names any consideration at all, nor have the records of most of these officers been looked up, nor is the Senate itself in possession of the information.

I do not intend, Mr. President, to comment at length upon some of the arguments made by the Senator from Oregon. I know how strongly he feels about our system of military justice. Apparently he would give the Senate and the country to understand that Gen. Crowder is solely and entirely responsible for everything and anything that has occurred in the administration of military justice. I can not agree with that contention. I know the general well enough to know that he has spent many hours of careful study, and has exerted every atom of his great ability to a proper solution of that perplexing question, which is still undecided.

It seems to me verging upon unfairness at this time, while that legislation is pending, to attack the Judge Advocate General of the Army, the Provost Marshal General that was, and give that as the reason, apparently, why he should not be re-

warded by the Congress for the really remarkable work he did as Provost Marshal General, an office that has no connection whatsoever with the office of Judge Advocate General.

At one point in the remarks of the Senator from Oregon he interjected the observation that he saw one of his colleagues smiling. It so happened I was the Senator to whom he alluded, and I interjected the observation that I was not smiling. That may have been somewhat inaccurate. Perhaps I was smiling rather in deprecation of the assertion which the Senator from Oregon made in connection with Gen. Crowder. The Senator from Oregon stated to the Senate that Gen. Crowder, having been Provost Marshal General of the draft and having conducted these millions of young men into the Army, should thereafter have seen to it that they were properly treated in the Army, and attempted to give the impression that it was the duty of the Provost Marshal General in charge of the draft to follow the careers and treatment of millions of men after they were mustered into the service and placed under the command of line officers. It seemed to me that criticism was so far-fetched and so unwarranted as to legitimately give rise to the impression that the Senator from Oregon was stretching things to make a case against Gen. Crowder. However, it would take but a moment's thought to thoroughly understand that it would be quite impossible, and in fact illegal from a military standpoint, but certainly impossible for the Provost Marshal General to make himself in whole or in part responsible for the conditions in the cantonments or in the American Expeditionary Forces itself. It was at that point in the Senator's discussion at which it may be said I smiled deprecatingly.

It is true, as the Senator said, that he and I have gotten along splendidly in all the work we have had together in the Military Committee for many, many months. I have no purpose at this time, and certainly I have no intention in the future, of clashing with the Senator from Oregon, because I realize and admire the tremendously valuable and patriotic service he has rendered to his country as chairman of the Committee on Military Affairs at a most trying period in the country's history. He and I and the other members of the committee sat during the war and conducted what has been known as an investigation or inquiry into the operations of the War Department. The committee nearly always acted unanimously, and at no time during those investigations into the condition of the troops, into the condition of equipment, into the operations of the Army, as a whole or in detail—and those investigations of inquiry went into many details—at no time during those many, many months did either the Senator from Oregon or any other member of the committee suggest that Enoch Crowder was responsible for any of the shortcomings which may have existed in the Army itself.

I wanted to bring that point out, because I think the criticism is unwarranted and far-fetched in every way.

Mr. President, the Senator from Oregon, while I was still in the Chamber, seemed to be attempting to belittle the services of Gen. Crowder in connection with the operation of the selective draft law by creating the impression that the 192,000 civilians who were employed in one capacity or another in the enforcement of that law should share the credit with him. I heartily agree with that proposal, but at the same time I will not permit that, if I can help it, to detract from Gen. Crowder. Gen. Crowder himself has been most generous in his attitude toward the members of the local draft boards and the district boards. In fact it was he who sent word to the Military Committee, and I think told them personally, that the members of these draft boards should receive some recognition from Congress in the way of a bill extending the thanks of Congress to them. I happen to know, Mr. President, that he wanted that done before any suggestion came forward as to his receiving a reward. The services rendered by those men have been in his mind from the very beginning. I might say to the Senator from Oregon, and to other Senators who may be interested in this phase of the matter, that there is no more enthusiastic group of supporters of any man in public life than that represented by the men who worked in the local draft boards and in the district draft boards in their support of Gen. Crowder, who was their leader in the operation of that remarkable law. If there are any people in the country who will rejoice at the conferring of an honor upon Gen. Crowder, it is those very members of the draft boards who worked under him during all those months. It was he who guided them; it was he who answered the thousands and thousands of letters from them; it was he who kept in touch with the governors and adjutants general of the States and the chairmen of the district boards who were constantly writing to Washington to the office of the Provost Marshal General to get his opinion upon this thing and upon that thing down to the smallest detail; and in not one instance that I can remember did Gen. Crowder fail to respond to the demands made upon him; and his messages and opinions, his orders and suggestions, are models of clear statement coming from clear thinking, based in turn upon a complete comprehension of the spirit of the statute and of our institutions.

Mr. SHEPPARD. Mr. President——

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

Mr. SHEPPARD. Is it not a fact that recognition of Gen. Crowder in this way would, in a sense, be a recognition of those engaged in the draft service under him?

Mr. WADSWORTH. I believe so, Mr. President, and I say again that no group of people will rejoice so much as those very people who served on these boards.

Mr. KNOX. Mr. President——

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

Mr. KNOX. Following up the suggestion of the Senator from Texas [Mr. SHEPPARD], the Senator from Oregon mentioned but one name of a subordinate of Gen. Crowder who has been conspicuously useful. I know, because I visited the Senator from Oregon with Col. Warren, who urged upon the Senator from Oregon the proposition that in honoring Gen. Crowder they honored every man who had worked under him.

Mr. WADSWORTH. I am obliged for the interruption of the Senator from Pennsylvania.

Referring once again to the suggestion that this bill in some way reflects an attempt on the part of either Gen. Crowder or his supporters to seize all the credit for the operation of this law for Gen. Crowder alone and to deny it to other people, let me say to the Senate that this very Col. Warren, who did such remarkably good work at Gen. Crowder's shoulder, was recommended by Gen. Crowder for a distinguished-service medal, showing that the general appreciated the help Col. Warren had given him and was generous in his attitude toward all the men who by their teamwork made this thing possible.

Mr. McKELLAR. Mr. President——

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

Mr. McKELLAR. In that connection I desire to call attention to a mistake that I think was made by the Senator from Oregon in reference to Mr. Warren. It seems that the Senator from Oregon thought that Mr. Warren was the real author of the local district civilian board plan. That plan was given out in a letter of April 23, 1917, by Gen. Crowder, and the record shows that Mr. Warren came to the department—I have the date here and will give it—on April 27, or four days after the scheme of local boards or district boards had been adopted by Gen. Crowder. He came here after that time and became an officer in the department of the Judge Advocate General.

While I am on my feet, if the Senator from New York will permit me, I will call the attention of the Senate to the proviso that was passed by the Senate on June 29, 1918, to which I referred, but the actual proviso I had forgotten just when and how it had passed. On June 29, 1918, the Senate adopted this amendment introduced by me to the then pending bill:

Provided, That section 8 of the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, shall be held and construed to authorize the President, in accordance with the provisions of said act and for the period of the existing emergency only, to appoint as lieutenant general the officer detailed by the direction of the President to perform the duties of provost marshal general in the execution of so much of the aforesaid act as relates to the registration and the selective draft.

On page 8473 of the RECORD of that session that amendment was agreed to. In other words, the Senate has already, by an overwhelming majority, as I recall, gone on record as giving this honor and emolument to Gen. Crowder. I thank the Senator from New York for permitting me to call the attention of the Senate to it.

Mr. WADSWORTH. Mr. President, I think the only difference in the situation to-day as compared with that of the time referred to by the Senator from Tennessee is the attitude of the Senator from Oregon, which apparently in the interim has been changed. I know of no other Senator who has changed his attitude. I venture the opinion that the Senator's attitude has not been changed as the result of a revision of his opinion as to Gen. Crowder's management of the selective law. It has to do with something entirely different from the selective-draft law.

Something was said a moment ago about Col. Warren. The services which he rendered are deserving of the highest praise. I think it fair to say he was Gen. Crowder's right-hand man. He helped him in an infinite number of details. When Gen. Crowder could not come before the Military Committee on account of press of business in the Provost Marshal General's office—and Gen. Crowder was there day and night for months—he would put his memoranda and statements in the hands of Col.

Warren and send Col. Warren to the committee. He had absolute faith in him, and upon many occasions Col. Warren was given the responsibility and took the responsibility of giving us his opinion as to this or that amendment in the law or as to how it was operating in this way or that. There was a degree of trust and confidence between the two men which was inspiring and which incidentally helped the Military Affairs Committee tremendously. For that service rendered to his superior, Maj. Warren, who was originally a major, was promoted to lieutenant colonel, and the information which came to me just the other day is that as a further reward for this service Gen. Crowder endeavored to secure for him, by his official recommendation, the bestowal of a distinguished-service medal.

I assume the pending question is on the amendment offered by the Senator from Oregon?

The VICE PRESIDENT. It is.

Mr. WADSWORTH. Adding a list of 12 officers to receive similar honors. I know it is embarrassing for the Senate to vote "nay" upon an amendment of this sort, and yet, in the interest of a proper adjustment of the matter of awards and recognition to distinguished men in the United States Army, in the interest of having an intelligent comprehension of the records of the men who led our armies in the field as well as in the Staff Corps, I am constrained to ask that the Senate decline to accept the amendment and at the same time express the earnest hope that Gen. Crowder, by the passage of this bill unamended, shall receive the honor which he has so well deserved.

Mr. NEW. Mr. President, I do not know, really, that I can add anything to what the chairman of the Committee on Military Affairs [Mr. WADSWORTH] has said with reference to this matter. He has covered the case so completely, so clearly, and so admirably that I indorse every word that he has said with respect to Gen. Crowder and Col. Warren and the others to whom he alluded in the course of his remarks.

Yet, as a member of the Committee on Military Affairs, who served with that committee during the entire period from the declaration of war until the present time, I feel that it would be remiss in me if I were to fail now to say my word of commendation in behalf of Gen. Crowder. I have the honor of a personal acquaintance with him, which has permitted me to know some of his own thoughts and what his preferences would have been at the outbreak of the war if he could have had the privilege of indulging them. I know that it was his earnest desire to serve actively with the troops, and that it was a great disappointment to him that circumstances which were entirely beyond his control prevented his doing so. He was one of those who were kept at home to perform the service assigned them; and, Mr. President, no man connected in any capacity with the war, from its beginning to its end, performed his service better than did Gen. Crowder.

I have the very highest respect—in fact, it amounts almost to affection—for the Senator from Oregon [Mr. CHAMBERLAIN], the chairman of the Military Affairs Committee during most of the time I have been connected with that committee; and yet I can not share his view on this question. For the first time, I think, during my connection with that committee I part company with the Senator from Oregon in his opinions on the question now before the Senate, which came under the jurisdiction of that committee.

The committee had many complaints, directed at all classes of officers, military and semimilitary, connected with the management of the war, but never once, in my recollection, did we have anything but commendation for the administration of the office of the Provost Marshal General. I think, certainly, that Gen. Crowder as Provost Marshal General has earned any honor which the Senate and the Government of the United States can pay him. So I very earnestly hope that the amendment to the bill may be defeated and that the bill itself may be passed as a matter of justice to a highly deserving officer.

Mr. WARREN. Mr. President, I have only a few words to say. Perhaps I ought first to say that I am in favor of the bill with relation to Gen. Crowder and that I am against the amendment naming 12 other officers to be included, for all of whom I have the greatest respect and admiration, and on none of whom do I wish to reflect in any way. For that reason I think we ought not to undertake to change the bill, especially so since my good friend from Oregon [Mr. CHAMBERLAIN]—and he is my friend, and I am glad to say I am his friend—while going over a wide field in discussing this measure, is confessedly against the bill without adding these names and really against the bill even though they should be added.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Ohio?

Mr. WARREN. I yield.

Mr. POMERENE. I merely wish to ask the Senator a question. As I understand this amendment, it is proposed to confer certain honors on perhaps a dozen different officers. May I ask the Senator from Wyoming, as he is a member of the Committee on Military Affairs, whether the officers named in the amendment have been considered in this behalf by the committee, or has the committee taken any action in reference to them?

Mr. WARREN. They have not been considered; but I was about to say that the argument of the Senator from Oregon, when finally summed up, is simply against the bill. It seems to me unfair, both to Gen. Crowder and to the other 12 officers, that their names should be proposed here to be inserted in the bill for the purpose of killing the bill by making it top-heavy through the insertion of matter which has not yet been duly considered by the Military Affairs Committee.

Now, answering further the question of the Senator from Ohio [Mr. POMERENE], I will say that the matter of increased rank for Gen. Crowder has been once acted upon months ago in the Senate. He was then indorsed by the passage of a bill proposing to make him a lieutenant general on the active list. Gen. Crowder asked that his name be withdrawn; and that action was taken. It is now proposed to make him a lieutenant general when he retires.

When the matter was under discussion in the committee, I think I am permitted to say that, generally speaking, other names were mentioned as among those who might be considered; and the chairman of the committee was authorized to select and to act with, I think, four other members of the committee in making such selections of officers as they wished to present to the full committee as deserving of some special indorsement or promotion. I assume that that committee now has the matter under consideration.

On the other hand, the bill in charge of the Senator from Pennsylvania [Mr. KNOX] was supported without any opposition, so far as recorded votes were concerned, although it is true that the Senator from Oregon reserved the privilege of objecting to and opposing the bill on the floor of the Senate. So the question in reference to Gen. Crowder has been fully considered by the former committee, before the changes in membership during the last year, and by the existing full committee, and I may say that the proposition has had enthusiastic and earnest support.

There is a difference between Gen. Crowder and the other officers mentioned. Let us presume that they are equally entitled to the benefits of promotion; yet at the same time Gen. Crowder has had a service of some 42 years; he has arrived at an age when the President on any day can ask him to step aside and go on the retired list; and, of course, he has long since passed the time when he can in justice to the service and to himself ask for retirement. Many of the other generals, including some of those whose names are best known, are still very much younger than Gen. Crowder; and the question arises whether or not some of them should not be promoted on the active list and not wait until the time of retirement comes to receive this benefit. At all events, there is plenty of time for these matters to be considered and for the committee to take under advisement the other names and to report to the Senate their views as to the deserts of the different officers named without incurring any specific loss of time in any one of the other cases, because if this privilege is to be accorded only on retirement, it is presumed that no one of the others is at present seeking retirement.

So I may say that it seems to me in respect to the other names—and they are the names of some of the best generals of the Army—in fairness and in justice to them as well as to Gen. Crowder, we ought to vote down the amendment and let this matter of preferment come directly upon the promotion of Gen. Crowder himself, upon his reputation, upon his deserts, and upon what the Senate may think of him standing alone.

Mr. POMERENE. Mr. President, if I may say a word, I was prompted to ask the question which I did because I share with the Senator from Oregon the very highest opinion of Adjt. Gen. McCain. It was my privilege and pleasure to get into touch with him very frequently while he was serving as Adjutant General. I am very frank to say that I have the utmost confidence in his ability, his patriotism, and his very high character, and I felt I did not want to be put in the attitude of voting against the promotion of an officer of that character if the amendment was presented here with the recommendation of the committee.

Mr. WARREN. Mr. President, I know Gen. McCain well. I have known him long, just as I have known Gen. Crowder—since they were lieutenants, in fact. I have the highest regard for Gen. McCain, and under no circumstances would I vote against preferment for him were it a clean bill of health with a desire really to promote him. The other generals mentioned

in the amendment have my esteem, and I hope to support them from time to time, as I have done heretofore, when their cases are reviewed by the Committee on Military Affairs.

Mr. FLETCHER. Mr. President, just a word in regard to this matter. I feel that the country owes a debt to Gen. Crowder which it is impossible to pay. In the beginning of any important enterprise it is very necessary to start right. There is no question that Gen. Crowder outlined and spent infinite labor and time and skill in the development of the selective-draft system which resulted so advantageously in every way. We ought to recognize that service; the country has recognized it; the Senate has once recognized it; and we ought to-day, it seems to me, without hesitation to pass this bill.

As the Senator from Wyoming [Mr. WARREN] has said, I regret to be put in the position of voting against the preferment of the splendid officers who are named in the amendment. I would not say or do one single thing to detract from the glory which they have earned, and I am willing to admit our obligations and indebtedness to them in every way, for they have made magnificent records and all of them deserve preferment, but I think we ought to let each case stand upon its own merits. The cases of the other officers have not been considered by the committee. I do not even know, and I presume no member of the committee knows, what the preference of these officers would be. As the Senator from Wyoming has said, they may prefer, as undoubtedly some of them do, that they be continued on the active list and promoted there, and not be retired. Gen. Crowder has reached the age where there is involved the question of his retirement from the service, after the magnificent work he has done, which has resulted to our great benefit, in handling a problem which at the very inception of the war it was vitally essential to solve correctly. We have considered his case, and the bill deals with his case. He is about to retire, and when he does retire we simply recognize this obligation and vote this rank to him.

It means that the compensation to the retired officer with this rank will be about the compensation he is now receiving—very little more, if any.

I think we ought to pass the bill, without its being encumbered by these amendments, and I shall feel obliged to vote against the amendments, because I believe they endanger the bill. I shall be prepared to deal at the appropriate time with any measure intended to make proper provision for the splendid officers mentioned in the amendment.

Mr. BRANDEGEE. Mr. President, I am not a member of the Committee on Military Affairs, and so I know very little technically about Army matters; but it was my good fortune several years before this country entered the Great War to make the acquaintance of Gen. Enoch H. Crowder, and during the war my acquaintance with him continued and ripened into friendship; and I had occasion many times to advise and consult with him as to the legislation that became necessary for the prosecution of our part in the war.

I simply desire to say that I would not like to have this occasion pass by without my saying just a word to indicate my respect and affection for Gen. Crowder. As has been well said, he performed a magnificent and a peculiar service for this country. If I am not mistaken, there were very few men in the Army who had a special capacity for the peculiar service that he performed. He is an admirable lawyer, if I know one when I see him and talk to him. He is especially versed in constitutional questions in addition to his military knowledge. He is a man of great courage and of absolute fidelity to the Government and to his country. I should be glad to pay tribute to other generals, and I appreciate the fact that in the public mind many times there exists an impression that those who participate actively in the field in time of hostilities are entitled to more credit than those who give their learning and knowledge and work their brains in trying to make conditions possible for those who are in the field, so that they can use their efforts to the best advantage. But, Mr. President, I think Gen. Crowder is peculiarly entitled to this legislation. I do not consider it so much an honor to him, and I do not vote for this bill with the idea that I am conferring upon him any favor. I think such a measure should come from us as a tribute of our appreciation of the services rendered and a desire upon our part to do justice to the man who has done so much for his country.

I know that Gen. Crowder was indefatigable in his industry. He worked night and day. He wrestled with the most original and intricate problems, and, so far as I know, he succeeded in every problem which he attacked and accomplished a great work for this country. I shall vote with great pleasure for this bill without amendment.

Mr. KNOX. Mr. President, I have had no opportunity to say a word about this amendment, and I will say only a word.

There are a number of officers named in the amendment for whom I entertain as high an opinion, as gentlemen and as officers, as I do of Gen. Crowder; and on a separate measure, or where the relative claims as between themselves and other officers, have been thrashed out in the committee or in the Senate, I would with the greatest cheerfulness vote for equal honors with those we are proposing to confer upon Gen. Crowder. But it seems to me, Mr. President, a very doubtful compliment that is sought to be paid to these gentlemen by this amendment. I am perfectly certain that I would not want an honor from Congress that came as a rider on a proposition to reward some one else for services, and I doubt very much whether these officers would appreciate a compliment or reward that came in that way.

Mr. LODGE. Mr. President, I hope we can get a vote now, and dispose of the bill. I do not intend to ask for an executive session until this bill is disposed of, but I hope it will be disposed of to-night.

Mr. POMERENE. Mr. President, one of the Senators who is absent has asked that I suggest the absence of a quorum if there is about to be a roll call.

Mr. LODGE. All right; that is just what I want.

Mr. POMERENE. I do not care to do that if there is going to be any further debate.

Mr. LODGE. Certainly; I should propose it myself.

Mr. POMERENE. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Jones, Wash.	Nelson	Smith, Ariz.
Bankhead	Kellogg	New	Smoot
Borah	Kendrick	Nugent	Spencer
Brandegee	Kenyon	Overman	Stanley
Calder	Keyes	Owen	Sutherland
Capper	King	Page	Townsend
Chamberlain	Kirby	Penrose	Trammell
Colt	Knox	Phelan	Wadsworth
Curtis	La Follette	Phipps	Walsh, Mass.
Dial	Lenroot	Pittman	Warren
Dillingham	Lodge	Poindexter	Watson
Fall	McCormick	Pomerene	Williams
Fletcher	McKellar	Sheppard	Wolcott
Gay	McNary	Sherman	
Gerry	Moses	Shields	
Harrison	Myers	Simmons	

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present. The pending amendment is the amendment of the Senator from Oregon [Mr. CHAMBERLAIN].

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

The yeas and nays were not ordered.

The amendment was rejected.

The VICE PRESIDENT. The Secretary will state the amendments of the Committee on Military Affairs.

The SECRETARY. On page 2, line 1, strike out the words "and emoluments."

The amendment was agreed to.

The SECRETARY. On page 2, line 1, after the word "grade," insert "as fixed by section 24 of the act of Congress approved July 15, 1870."

The amendment was agreed to.

The VICE PRESIDENT. The bill is as in Committee of the Whole, and open to amendment.

Mr. KNOX. I offer the following amendment: On page 1, line 4, I move to strike out the capital "E" and substitute the word "Enoch," so as to read "Maj. Gen. Enoch H. Crowder."

The amendment was 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, and was read the third time.

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

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

Mr. TRAMMELL. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JONES of Washington (when his name was called). The junior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness in his family. I am paired with him during his absence, and therefore withhold my vote. If at liberty to vote, I would vote "yea."

Mr. OWEN (when his name was called). I transfer my pair to the Senator from Texas [Mr. CULBERSON] and vote "nay."

The roll call was concluded.

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a general pair with the Senator from Connecticut [Mr. McLEAN], and in his absence I transfer my pair to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. BANKHEAD. My colleague [Mr. UNDERWOOD] is absent on official business. He has a general pair with the junior Senator from Ohio [Mr. HARDING].

Mr. JONES of Washington. I transfer my pair with the junior Senator from Virginia [Mr. SWANSON] to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. DILLINGHAM (after having voted in the affirmative). I have already voted; but I find that the Senator from Maryland [Mr. SMITH], with whom I have a general pair, has not voted. I transfer my pair with the Senator from Maryland to the junior Senator from Michigan [Mr. NEWBERRY] and will allow my vote to stand.

Mr. LODGE (after having voted in the affirmative). I have a general pair with the Senator from Georgia [Mr. SMITH]. I transfer my pair to the Senator from Maine [Mr. HALE] and allow my vote to stand.

Mr. CALDER (after having voted in the affirmative). I have a pair with the junior Senator from Georgia [Mr. HARRIS]. I transfer my pair to the junior Senator from West Virginia [Mr. ELKINS] and let my vote stand.

Mr. TOWNSEND. I desire to announce the necessary absence of my colleague [Mr. NEWBERRY].

Mr. McCORMICK (after having voted in the affirmative). I note that the Senator from Nevada [Mr. HENDERSON], with whom I have a general pair, has not voted. I transfer my pair to the Senator from Maryland [Mr. FRANCE] and let my vote stand.

Mr. FLETCHER (after having voted in the affirmative). I have a general pair with the Senator from Delaware [Mr. BALL], who is absent. I am informed that if he were present he would vote the same way I voted. Therefore I will allow my vote to stand.

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

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

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from California [Mr. JOHNSON] with the Senator from Virginia [Mr. MARTIN];

The Senator from North Dakota [Mr. McCUMBER] with the Senator from Colorado [Mr. THOMAS]; and

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

Mr. GERRY. The Senator from Colorado [Mr. THOMAS], the Senator from Nevada [Mr. HENDERSON], and the Senator from Georgia [Mr. SMITH] are detained from the Senate on public business. The Senator from South Carolina [Mr. SMITH] and the Senator from South Dakota [Mr. JOHNSON] are detained by illness in their families. The Senator from Louisiana [Mr. RANSDELL] is detained by personal illness. The Senator from Kentucky [Mr. BECKHAM], the Senator from Georgia [Mr. HARRIS], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Maryland [Mr. SMITH], and the Senator from Arkansas [Mr. ROBINSON] are detained on official business.

The result was announced—yeas 49, nays 11, as follows:

YEAS—49.

Ashurst	Kendrick	Nugent	Smoot
Borah	Kenyon	Overman	Spencer
Brandegee	Keyes	Page	Stanley
Calder	Kirby	Penrose	Sutherland
Capper	Knox	Phelan	Townsend
Colt	Lenroot	Phipps	Wadsworth
Curtis	Lodge	Pittman	Walsh, Mass.
Dial	McCormick	Poindexter	Warren
Dillingham	McKellar	Pomerene	Watson
Fall	Moses	Sheppard	Wolcott
Fletcher	Myers	Sherman	
Jones, Wash.	Nelson	Simmons	
Kellogg	New	Smith, Ariz.	

NAYS—11.

Bankhead	Gerry	La Follette	Trammell
Chamberlain	Harrison	Owen	Williams
Gay	King	Shields	

NOT VOTING—36.

Ball	Edge	Frelinghuysen	Harding
Beckham	Elkins	Gore	Harris
Culberson	Fernald	Gronna	Henderson
Cummins	France	Hale	Hitchcock
Johnson, Calif.	McNary	Reed	Sterling
Johnson, S. Dak.	Martin	Robinson	Swanson
Jones, N. Mex.	Newberry	Smith, Ga.	Thomas
McCumber	Norris	Smith Md.	Underwood
McLean	Ransdell	Smith, S. C.	Walsh, Mont.

So the bill was passed.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of executive business in open session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. I ask that the reading of the treaty be continued.

Mr. MOSES. I would like to ask the Senator in charge of the treaty if he will attempt to proceed with the consideration of the treaty in the absence of the Senator from Nebraska [Mr. HITCHCOCK], who is in charge on the part of the minority of the committee?

Mr. LODGE. Yes, Mr. President, I shall go on with the reading for the present, if the Senate will permit.

The Secretary resumed the reading of the treaty and read as follows:

"Article 112.

"All the inhabitants of the territory which is returned to Denmark will acquire Danish nationality *ipso facto*, and will lose their German nationality.

"Persons, however, who had become habitually resident in this territory after October 1, 1918, will not be able to acquire Danish nationality without permission from the Danish Government.

"Article 113.

"Within two years from the date on which the sovereignty over the whole or part of the territory of Schleswig subjected to the plebiscite is restored to Denmark:

"Any person over 18 years of age born in the territory restored to Denmark, not habitually resident in this region, and possessing German nationality, will be entitled to opt for Denmark;

"Any person over 18 years of age habitually resident in the territory restored to Denmark will be entitled to opt for Germany.

"Option by a husband will cover his wife and option by parents will cover their children less than 18 years of age.

"Persons who have exercised the above right to opt must within the ensuing twelve months transfer their place of residence to the State in favour of which they have opted.

"They will be entitled to retain the immovable property which they own in the territory of the other State in which they were habitually resident before opting. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

"Article 114.

"The proportion and nature of the financial or other obligations of Germany and Prussia which are to be assumed by Denmark will be fixed in accordance with Article 254 of Part IX (Financial Clauses) of the present Treaty.

"Further stipulations will determine any other questions arising out of the transfer to Denmark of the whole or part of the territory of which she was deprived by the Treaty of October 30, 1864.

"Section XIII.

"HELIGOLAND.

"Article 115.

"The fortifications, military establishments, and harbours of the Islands of Heligoland and Dune shall be destroyed under the supervision of the Principal Allied Governments by German labour and at the expense of Germany within a period to be determined by the said Governments.

"The term 'harbours' shall include the north-east mole, the west wall, the outer and inner breakwaters and reclaimed land within them, and all naval and military works, fortifications and buildings, constructed or under construction, between lines connecting the following positions taken from the British Admiralty chart No. 126 of April 19, 1918.

"(*a*) lat. 54° 10′ 49″ N.; long. 7° 53′ 39″ E.;
"(*b*) — 54° 10′ 35″ N.; — 7° 54′ 18″ E.;
"(*c*) — 54° 10′ 14″ N.; — 7° 54′ 00″ E.;
"(*d*) — 54° 10′ 17″ N.; — 7° 53′ 37″ E.;
"(*e*) — 54° 10′ 44″ N.; — 7° 53′ 26″ E.

"These fortifications, military establishments and harbours shall not be reconstructed nor shall any similar works be constructed in future.

"*Section XIV.*

"RUSSIA AND RUSSIAN STATES.

"*Article 116.*

"Germany acknowledges and agrees to respect as permanent and inalienable the independence of all the territories which were part of the former Russian Empire on August 1, 1914.

"In accordance with the provisions of Article 259 of Part IX (Financial Clauses) and Article 292 of Part X (Economic Clauses) Germany accepts definitely the abrogation of the Brest-Litovsk Treaties and of all other treaties, conventions and agreements entered into by her with the Maximalist Government in Russia.

"The Allied and Associated Powers formally reserve the rights of Russia to obtain from Germany restitution and reparation based on the principles of the present Treaty.

"*Article 117.*

"Germany undertakes to recognize the full force of all treaties or agreements which may be entered into by the Allied and Associated Powers with States now existing or coming into existence in future in the whole or part of the former Empire of Russia as it existed on August 1, 1914, and to recognize the frontiers of any such States as determined therein.

"PART IV.

"GERMAN RIGHTS AND INTERESTS OUTSIDE GERMANY.

"*Article 118.*

"In territory outside her European frontiers as fixed by the present Treaty, Germany renounces all rights, titles and privileges whatever in or over territory which belonged to her or to her allies, and all rights, titles and privileges whatever their origin which she held as against the Allied and Associated Powers.

"Germany hereby undertakes to recognize and to conform to the measures which may be taken now or in the future by the Principal Allied and Associated Powers, in agreement where necessary with third Powers, in order to carry the above stipulation into effect.

"In particular Germany declares her acceptance of the following Articles relating to certain special subjects.

"*Section I.*

"GERMAN COLONIES.

"*Article 119.*

"Germany renounces in favour of the Principal Allied and Associated Powers all her rights and titles over her oversea possessions.

"*Article 120.*

"All movable and immovable property in such territories belonging to the German Empire or to any German State shall pass to the Government exercising authority over such territories, on the terms laid down in Article 257 of Part IX (Financial Clauses) of the present Treaty. The decision of the local courts in any dispute as to the nature of such property shall be final.

"*Article 121.*

"The provisions of Sections I and IV of Part X (Economic Clauses) of the present Treaty shall apply in the case of these territories whatever be the form of Government adopted for them.

"*Article 122.*

"The Government exercising authority over such territories may make such provision as it thinks fit with reference to the repatriation from them of German nationals and to the conditions upon which German subjects of European origin shall, or shall not, be allowed to reside, hold property, trade or exercise a profession in them.

"*Article 123.*

"The provisions of Article 260 of Part IX (Financial Clauses) of the present Treaty shall apply in the case of all agreements concluded with German nationals for the construction or exploitation of public works in the German oversea possessions, as well as any sub-concessions or contracts resulting therefrom which may have been made to or with such nationals.

"*Article 124.*

"Germany hereby undertakes to pay, in accordance with the estimate to be presented by the French Government and approved by the Reparation Commission, reparation for damage suffered by French nationals in the Cameroons or the frontier zone by reason of the acts of the German civil and military authorities and of German private individuals during the period from January 1, 1900, to August 1, 1914.

"*Article 125.*

"Germany renounces all rights under the Conventions and Agreements with France of November 4, 1911, and September 28, 1912, relating to Equatorial Africa. She undertakes to pay to the French Government, in accordance with the estimate to be presented by that Government and approved by the Reparation Commission, all the deposits, credits, advances, etc., effected by virtue of these instruments in favour of Germany.

"*Article 126.*

"Germany undertakes to accept and observe the agreements made or to be made by the Allied and Associated Powers or some of them with any other Power with regard to the trade in arms and spirits, and to the matters dealt with in the General Act of Berlin of February 26, 1885, the General Act of Brussels of July 2, 1890, and the conventions completing or modifying the same.

"*Article 127.*

"The native inhabitants of the former German oversea possessions shall be entitled to the diplomatic protection of the Governments exercising authority over those territories.

"*Section II.*

"CHINA.

"*Article 128.*

"Germany renounces in favour of China all benefits and privileges resulting from the provisions of the final Protocol signed at Peking on September 7, 1901, and from all annexes, notes and documents supplementary thereto. She likewise renounces in favour of China any claim to indemnities accruing thereunder subsequent to March 14, 1917.

"*Article 129.*

"From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them respectively:

"(1) The Arrangement of August 29, 1902, regarding the new Chinese customs tariff;

"(2) The Arrangement of September 27, 1905, regarding Whang-Poo, and the provisional suplementary Arrangement of April 4, 1912.

"China, however, will no longer be bound to grant to Germany the advantages or privileges which she allowed Germany under these Arrangements.

"*Article 130.*

"Subject to the provisions of Section VIII of this Part, Germany cedes to China all the buildings, wharves and pontoons, barracks, forts, arms and munitions of war, vessels of all kinds, wireless telegraphy installations and other public property belonging to the German Government, which are situated or may be in the German Concessions at Tientsin and Hankow or elsewhere in Chinese territory.

"It is understood, however, that premises used as diplomatic or consular residences or offices are not included in the above cession, and, furthermore, that no steps shall be taken by the Chinese Government to dispose of the German public and private property situated within the so-called Legation Quarter at Peking without the consent of the Diplomatic Representatives of the Powers which, on the coming into force of the present Treaty, remain Parties to the Final Protocol of September 7, 1901.

"*Article 131.*

"Germany undertakes to restore to China within twelve months from the coming into force of the present Treaty all the astronomical instruments which her troops in 1900–1901 carried away from China, and to defray all expenses which may be incurred in effecting such restoration, including the expenses of dismounting, packing, transporting, insurance and installation in Peking.

"*Article 132.*

"Germany agrees to the abrogation of the leases from the Chinese Government under which the German Concessions at Hankow and Tientsin are now held.

"China, restored to the full exercise of her sovereign rights in the above areas, declares her intention of opening them to international residence and trade. She further declares that the abrogation of the leases under which these concessions are now held shall not affect the property rights of nationals of Allied and Associated Powers who are holders of lots in these concessions.

"*Article 133.*

"Germany waives all claims against the Chinese Government or against any Allied or Associated Government arising out of the internment of German nationals in China and their repatriation. She equally renounces all claims arising out of the capture and condemnation of German ships in China, or the liquidation, sequestration or control of German properties, rights and interests in that country since August 14, 1917. This provision, however, shall not affect the rights of the parties inter-

ested in the proceeds of any such liquidation, which shall be governed by the provisions of Part X (Economic Clauses) of the present Treaty.

"Article 134.

"Germany renounces in favour of the Government of His Britannic Majesty the German State property in the British Concession at Shameen at Canton. She renounces in favour of the French and Chinese Governments conjointly the property of the German school situated in the French Concession at Shanghai.

"Section III.

"SIAM.

"Article 135.

"Germany recognises that all treaties, conventions and agreements between her and Siam, and all rights, title and privileges derived therefrom, including all rights of extraterritorial jurisdiction, terminated as from July 22, 1917.

"Article 136.

"All goods and property in Siam belonging to the German Empire or to any German State, with the exception of premises used as diplomatic or consular residences or offices, pass *ipso facto* and without compensation to the Siamese Government.

"The goods, property and private rights of German nationals in Siam shall be dealt with in accordance with the provisions of Part X (Economic Clauses) of the present Treaty.

"Article 137.

"Germany waives all claims against the Siamese Government on behalf of herself or her nationals arising out of the seizure or condemnation of German ships, the liquidation of German property, or the internment of German nationals in Siam. This provision shall not affect the rights of the parties interested in the proceeds of any such liquidation, which shall be governed by the provisions of Part X (Economic Clauses) of the present Treaty.

"Section IV.

"LIBERIA.

"Article 138.

"Germany renounces all rights and privileges arising from the arrangements of 1911 and 1912 regarding Liberia, and particularly the right to nominate a German Receiver of Customs in Liberia.

"She further renounces all claim to participate in any measures whatsoever which may be adopted for the rehabilitation of Liberia.

"Article 139.

"Germany recognizes that all treaties and arrangements between her and Liberia terminated as from August 4, 1917.

"Article 140.

"The property, rights and interests of Germans in Liberia shall be dealt with in accordance with Part X (Economic Clauses) of the present Treaty.

"Section V.

"MOROCCO.

"Article 141.

"Germany renounces all rights, titles and privileges conferred on her by the General Act of Algeciras of April 7, 1906, and by the Franco-German Agreements of February 9, 1909, and November 4, 1911. All treaties, agreements, arrangements and contracts concluded by her with the Sherifian Empire are regarded as abrogated as from August 3, 1914.

"In no case can Germany take advantage of these instruments and she undertakes not to intervene in any way in negotiations relating to Morocco which may take place between France and the other Powers.

"Article 142.

"Germany having recognized the French Protectorate in Morocco, hereby accepts all the consequences of its establishment, and she renounces the régime of the capitulations therein.

"This renunciation shall take effect as from August 3, 1914.

"Article 143.

"The Sherifian Government shall have complete liberty of action in regulating the status of German nationals in Morocco and the conditions in which they may establish themselves there.

"German protected persons, semsars and 'associés agricoles' shall be considered as having ceased, as from August 3, 1914, to enjoy the privileges attached to their status and shall be subject to the ordinary law.

"Article 144.

"All property and possessions in the Sherifian Empire of the German Empire and the German States pass to the Maghzen without payment.

"For this purpose, the property and possessions of the German Empire and States shall be deemed to include all the property of the Crown, the Empire or the States, and the private property of the former German Emperor and other Royal personages.

"All movable and immovable property in the Sherifian Empire belonging to German nationals shall be dealt with in accordance with Sections III and IV of Part X (Economic Clauses) of the present Treaty.

"Mining rights which may be recognised as belonging to German nationals by the Court of Arbitration set up under the Moroccan Mining Regulations shall form the subject of a valuation, which the arbitrators shall be requested to make, and these rights shall then be treated in the same way as property in Morocco belonging to German nationals.

"Article 145.

"The German Government shall ensure the transfer to a person nominated by the French Government of the shares representing Germany's portion of the capital of the State Bank of Morocco. The value of these shares, as assessed by the Reparation Commission, shall be paid to the Reparation Commission for the credit of Germany on account of the sums due for reparation. The German Government shall be responsible for indemnifying its nationals so dispossessed.

"This transfer will take place without prejudice to the repayment of debts which German nationals may have contracted towards the State Bank of Morocco.

"Article 146.

"Moroccan goods entering Germany shall enjoy the treatment accorded to French goods.

"Section VI.

"EGYPT.

"Article 147.

"Germany declares that she recognises the Protectorate proclaimed over Egypt by Great Britain on December 18, 1914, and that she renounces the régime of the Capitulations in Egypt.

"This renunciation shall take effect as from August 4, 1914.

"Article 148.

"All treaties, agreements, arrangements and contracts concluded by Germany with Egypt are regarded as abrogated as from August 4, 1914.

"In no case can Germany avail herself of these instruments and she undertakes not to intervene in any way in negotiations relating to Egypt, which may take place between Great Britain and the other Powers.

"Article 149.

"Until an Egyptian law of judicial organization establishing courts with universal jurisdiction comes into force, provision shall be made, by means of decrees issued by His Highness the Sultan, for the exercise of jurisdiction over German nationals and property by the British Consular Tribunals.

"Article 150.

"The Egyptian Government shall have complete liberty of action in regulating the status of German nationals and the conditions under which they may establish themselves in Egypt.

"Article 151.

"Germany consents to the abrogation of the decree issued by His Highness the Khedive on November 28, 1904, relating to the Commission of the Egyptian Public Debt, or to such changes as the Egyptian Government may think it desirable to make therein.

"Article 152.

"Germany consents, in so far as she is concerned, to the transfer to His Britannic Majesty's Government of the powers conferred on His Imperial Majesty the Sultan by the Convention signed at Constantinople on October 29, 1888, relating to the free navigation of the Suez Canal.

"She renounces all participation in the Sanitary, Maritime, and Quarantine Board of Egypt and consents, in so far as she is concerned, to the transfer to the Egyptian Authorities of the powers of that Board.

"Article 153.

"All property and possessions in Egypt of the German Empire and the German States pass to the Egyptian Government without payment.

"For this purpose, the property and possessions of the German Empire and States shall be deemed to include all the property of the Crown, the Empire or the States, and the private property of the former German Emperor and other Royal personages.

"All movable and immovable property in Egypt belonging to German nationals shall be dealt with in accordance with Sections III and IV of Part X (Economic Clauses) of the present Treaty.

"Article 154.

"Egyptian goods entering Germany shall enjoy the treatment accorded to British goods.

"Section VII.

"TURKEY AND BULGARIA.

"Article 155.

"Germany undertakes to recognise and accept all arrangements which the Allied and Associated Powers may make with Turkey and Bulgaria with reference to any rights, interests and privileges whatever which might be claimed by Germany or her nationals in Turkey and Bulgaria and which are not dealt with in the provisions of the present Treaty."

Mr. LODGE. Mr. President, the Secretary in the reading of the treaty has reached section 8, which relates to Shantung. The Committee on Foreign Relations has reported an amendment to that section, and there will be a number of speeches made on the amendment. As the hour is late, I now ask that the reading be discontinued, and I move as in legislative session that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate, as in legislative session, adjourned until to-morrow, Wednesday, October 8, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *October 7, 1919.*

The House met at 12 o'clock noon.

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

We approach Thee, our Father in heaven, because we believe in Thee and know that those who seek Thee in faith and confidence are not turned away enipty.

If it is wisdom sought, Thou dost give it; if it is strength to meet the temptations and responsibilities of life, Thou dost impart it; if it is a sorrowing heart, Thy loving arms are round about us.

Impart unto us the needs of the day, that at its close we shall have merited Thine approbation; and glory, and honor, and praise be Thine, in Jesus Christ our Lord. Amen.

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

LEAVE OF ABSENCE.

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

To Mr. ACKERMAN (at the request of Mr. BROWNING), for 30 days, on account of important business in Europe.

To Mr. O'CONNOR (at the request of Mr. DUPRÉ), for 10 days, on account of important business.

To Mr. LARSEN (at the request of Mr. CRISP), for two weeks, on account of important business.

To Mr. BRAND (at the request of Mr. CRISP), for 10 days, on account of sickness in family.

Mr. DUPRÉ. Mr. Speaker, in connection with the leave of absence that was granted to my colleague, Mr. O'CONNOR, I desire to state, for his protection as well as my own, that the request was left at the desk on yesterday. I understand why it could not be presented on yesterday, but I want to make this statement to carry out the facts.

LIST OF PRESENTS TO THE PRESIDENT.

Mr. BYRNES of South Carolina. Mr. Speaker, I desire to ask unanimous consent to have printed in the RECORD the statement of the Secretary to the President in reply to the resolutions introduced by the gentleman from Illinois [Mr. RODENBERG] and the gentleman from Iowa [Mr. RAMSEYER].

The SPEAKER. The gentleman from South Carolina asks unanimous consent to have printed in the RECORD a letter from the Secretary to the President. Is there objection? [After a pause.] The Chair hears none.

The following is the statement:

STATEMENT BY MR. TUMULTY.

While on his western trip the President's attention was called to the resolution of Representative RODENBERG, of Illinois, and the statements of Senators PENROSE and SHERMAN in regard to gifts received by the President and Mrs. Wilson while they were in Europe.

Senator SHERMAN indicated the basis of the various stories touching this matter when he said that "cloakroom gossip lays the value of these gifts at half a million dollars." Senator PENROSE said he had been informed that the presidential party "brought back to this country presents from crowned heads and foreign Governments amounting to several million dollars."

Here are the facts:

Outside of a considerable number of small gifts, such as books, walking sticks, an old silver dish found in the ruins of Louvain, war souvenirs made by soldiers or out of war material, and numerous medals struck off in his honor, the following are the only important gifts received by the President in Europe:

In England:

Photograph of the King and Queen of England.

A book relating to Windsor Castle.

The freedom of the city of London, presented in a gold casket, by the lord mayor at Guild Hall.

In Italy:

A water color picture, on bronze easel, presented by the Queen of Italy.

A bronze figure presented at the capitol in Rome—a gift from the people.

A figure of "Italia Victoria," sent to the train at Genoa, either by a school or by the citizens of Genoa.

A set of books from the citizens of Genoa.

A mosaic, presented by the pope.

In France:

A bronze figure, presented by a body of students.

The President also received numerous honorary degrees from nearly all of the countries of Europe, and many resolutions of respect and gratitude.

Knowing that there is a constitutional inhibition against the President receiving gifts from foreign rulers or States, the President, after consulting the Secretary of State, was preparing a list of the presents he intended to ask the permission of Congress to retain just before he started on his western trip.

In addition to the gifts received by the President, the following tokens were presented to Mrs. Wilson while she was in Europe:

In France:

A pin of Parisian enamel with tiny diamond chips, presented in Hotel de Ville by the city of Paris.

Linen hand-embroidered lunch set (small cloth and dozen napkins) in a case, presented through Madame Poincare and Madame Pichon by the working women of France.

In Belgium:

A small medal, by Cardinal Mercier.

A Belgian lace table cover, presented by the Queen.

A complete file of the Libre Belgique, the paper published during the German occupation, presented by the King, in leather folder.

In Italy:

A reproduction of the "Wolf and Romulus and Remus," in gold, presented by the people through private subscription.

A piece of lace in leather case, presented by Signor Orlando in behalf of "his colleagues."

A small reproduction in silver of a pitcher found in the ruins of Pompeii.

In making this statement I am acting upon the express direction of the President and Mrs. Wilson.

ENROLLED BILL 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 bill:

H. R. 7417. An act to amend an act of Congress approved March 12, 1914, authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

EXTENSION OF CREDITS.

Mr. PLATT. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 7478, and agree to the Senate amendments.

The SPEAKER. The gentleman from New York [Mr. PLATT] calls up the bill H. R. 7478, on the Speaker's table, with Senate amendments, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States, as amended by acts of June 22, 1906, and September 24, 1918.

The Senate amendments were read.

Mr. PLATT. Mr. Speaker, I move to concur in the Senate amendments.

Mr. CANNON. Mr. Speaker, what is this matter about?

Mr. WALSH. I think we ought to have the bill read with amendments.

The SPEAKER. The gentleman from New York will explain the amendments.

Mr. PLATT. I will say to the gentleman from Massachusetts that the only Senate amendment that is not merely verbal, or in the line of correction, is one to increase the security for loans. This is a bill which allows national banks to loan on readily marketable, nonperishable staples up to 25 per cent of their capital and surplus, and the only important Senate amendment is one increasing the security from 110 to 115 per cent, to which, I think, there should be no objection.

Mr. LONGWORTH. Mr. Speaker, when did it pass the House?

Mr. PLATT. It passed the House on July 31 and it passed the Senate on October 2.

Mr. CANNON. The bill is not here.

Mr. PLATT. It is on the Speaker's table. This bill is to amend section 5200 of the Revised Statutes, which restricts loans to one person, firm, or corporation to 10 per cent of a bank's capital and surplus. It is a bill chiefly of value just now in the marketing of the fall crops. It allows banks to loan up to 25 per cent of their capital and surplus to one per-

son, firm, or corporation, on the security of readily marketable, nonperishable agricultural, or other staples secured by warehouse receipts or shipping documents. It does not really extend any privileges which the banks have not been using as a rule, but is passed to meet certain rulings of the Comptroller of the Currency. It was fully explained and debated when it passed the House. The Senate amendment increases the security, which is required, by 5 per cent.

Mr. CANNON. So far as I am concerned, I am trying to find out what it is. I have a dim recollection of it having passed the House. But I have listened to the gentleman's explanation, and I know more about it than I did. I could not get any information at the desk here.

Mr. CLARK of Missouri. It was debated here for a couple of days.

Mr. CANNON. The gentleman's recollection is much better than mine. This happened in July.

The SPEAKER. The gentleman from New York moves to concur in the Senate amendments.

The Senate amendments were agreed to.

COMMUTATION OF QUARTERS FOR OFFICERS OF NAVY AT SEA.

Mr. KELLEY of Michigan. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. KELLEY of Michigan. To submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KELLEY of Michigan. Last night upon adjournment the question of the passage of a bill upon which I had moved to suspend the rules had reached the stage where the Speaker had put the question. I desire to inquire whether or not we had not reached the stage where it would be unfinished business for to-day?

The SPEAKER. Under the rules of the House that would not come up again until the next suspension day.

Mr. KELLEY of Michigan. May I just submit an observation or two, Mr. Speaker?

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. KELLEY of Michigan. I understand the rule to be when any of these special-day matters do not reach the voting stage and the previous question has been moved that in those cases they come up on the following day as unfinished business. But where the previous question has not been moved and further time of the House might be consumed they go over until the next special day.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. In just a moment. Now, the question we had up yesterday was brought up under suspension of the rules and was one of those questions where a second was demanded and 20 minutes on a side taken and the time entirely exhausted and the question actually put by the Speaker, and for all intents and purposes the previous question had been moved. Voting was the only thing in order at the time the adjournment was taken.

Mr. CLARK of Missouri. You can not move the previous question.

Mr. KELLEY of Michigan. You can not move it, but the time was exhausted and nothing was in order but voting.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. KELLEY of Michigan. In a moment. And not only that, but the procedure had gone further than if the previous question had been moved. The matter was fully disposed of. All time was exhausted. The Speaker had put the question. Therefore it was further advanced as a matter of legislative procedure than it would have been had the previous question been moved; so that every reason that exists for permitting a matter of this kind to come up as unfinished business on the next legislative day, when the previous question has been moved, exists in this case. I see no reason for a different rule where a second has been demanded than where the previous question has been ordered.

The SPEAKER. The difficulty is that the precedents of the House are well established, and it has long been determined that this can not come up until the next unanimous-consent day.

Mr. KELLEY of Michigan. I would like to have the Speaker refer me to some case where a matter of this kind, under a suspension, and the time fully exhausted, and the Speaker has put the question, where it has been held that it can not come up on the following day. What would have been the sense or reason for such a rule?

Mr. WALSH. That is covered by section 6814 of Hinds' Precedents.

The SPEAKER. The Chair refers the gentleman to section 6814 of Hinds' Precedents, which exactly covers the case. The Chair does not feel like overruling an established precedent.

Mr. KELLEY of Michigan. My understanding is that in that case adjournment was taken before the 40 minutes had expired.

Mr. LAZARO. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. LAZARO. Mr. Speaker and gentlemen of the House, some of the Members of Congress have complained about the high price of cotton; in fact, not long ago a bill was introduced in this House to fix the price of cotton at 20 cents a pound.

The trouble with a good many is that they fail to understand conditions outside of their districts. While it is true that we are here to represent our districts, we must not forget the fact that we are also here to represent the country as a whole.

When one section of the country prospers, the people of the entire country are benefited by it; and when one section fails, all of our people suffer from the effects of it. We know that the cotton crop last year was small. Last week the Department of Agriculture issued its last report on this year's crop, and the estimate is 10,696,000 bales, the shortest crop in the history of the country, if we take into consideration the acreage and population. This short crop was caused by bad weather, boll weevils, and shortage of labor.

Now, gentlemen of the House, I ask you to pause and think what this means to the cotton-producing section of the United States. All practical men who have had experience on the farm understand that the same work, the same expense for drainage, fertilizer, agricultural implements, seed, feed, and foodstuff are required to produce a small crop as is required to produce a large one. With these facts in mind, how can reasonable men outside of the cotton section claim that the price of cotton is too high? Not only that we of the cotton section are entitled to the present price but we are entitled to more in order to meet our expenses this year and start another crop next year. You gentlemen who represent northern and eastern constituencies, and who complain about the high price of cotton, leave your consumers under the impression that the producers of cotton are responsible for the price they pay for manufactured goods. If your people will take into consideration the price paid for the raw product and the price paid for the manufactured product, you will readily see that the gap between the two is entirely too wide and that some of the middlemen are making entirely too much out of it.

A good deal has been said on the floor of this House recently about the high cost of living, unrest, and strikes. Different remedies have been suggested for the relief of the people. Now, my friends, let us not deceive ourselves nor the people we represent here. Let us keep in mind the fact that after the profiteers will have been punished—and I am willing to go as far as anyone here in enacting a law that will not only fine them, but will give them jail sentences as well—we will still be face to face with the high cost of living.

Let us remember that before the war more than half of the people were living in the towns and cities, and that during the war many more from the farm went into the military service, which, of course, served to curtail production. It may be true that there was sufficient production in some places, but when we take into consideration that this is a world problem, because nations do business with one another, we must admit that there is a shortage. Now, gentlemen of the House, let us come together and see what the real remedy is.

Of course, we are enacting laws to punish the profiteers, to regulate the cold-storage business, and to prevent hoarding. But let us not forget that after all the main remedy is to get back to a peace basis as soon as possible, to go back to work and increase production and practice economy. Let us bear in mind, too, that it is not only a question of increasing production, but it is a question of transportation also. The Federal Government should cooperate with the States, so as to build a transportation system in this country that will keep up with the needs of the American people; so that the products of the farm, especially the perishable products, shall move as quickly as possible from the country to the city in order to supply all the people's needs. Goods, and not money, are the means of life. Better standards of living are impossible without increasing production. Man can not consume what has not been produced. High salaries and cheap money can not buy food or clothes when it has not been produced.

When I say a complete transportation system, I have in mind the good road from the farmers' farms to the railway station and to the waterway. I also have in mind the improvement of railway facilities and waterways. And, when we reach the seaboard, I have in mind an American merchant marine that

will move our surplus products to the foreign markets of the world. Pause and think what it meant to the cotton section when war broke out and cotton dropped from 14 to 6 cents because we lacked ships to carry our surplus cotton to the markets of Europe. In other words, in peace time they carried our surplus cotton to their countries, but when war broke out they looked after their own business and left us to suffer the consequences. It is just as foolish for a great country with the resources that we have to do business without an American merchant marine as it is for a great big department store to attempt to do business and depend on its competitors to deliver its goods to its customers.

In connection with transportation, I want to say a few words relative to the unrest and threatened railroad strikes. Let us pause and picture the unemployment, the loss in money and goods, and the suffering among the people that would result if we have a railroad strike. If ever there was a time in the history of the country when our people should keep cool and work together for a satisfactory solution of these problems it is now. We went through one of the most horrible wars in the history of the world. Reduced to its last analysis it was a war between two systems of government—autocratic government and democratic government.

The United States was forced into this war and gave the blow that won the victory. When war was declared the President, as Commander in Chief, appealed to the people and the greatest army in the world responded to the call of duty. Young men responded from the farms, from the factories, from the mines, and from the business houses. They were trained, equipped, and went to the firing line and won the greatest victory in the history of the world. The people at home responded to every call of the Government so that those who were in the military service could be furnished with all they needed.

The victory is won. To-day we are going through the reconstruction period. Why should not our people remain united and respond as well during the reconstruction period as they did during the war? Why should we not be able to get together in a calm, cool, and deliberate way and settle our difficulties without strikes and bloodshed, when we know that these things only paralyze the wheels of industry and cause unhappiness and suffering? Let us hope that organized capital and organized labor, in considering their difficulties, will brush aside all selfish motives, prejudices, and hobbies and be guided solely by a sense of justice, and take into consideration not only the interests of organized capital and organized labor but also the interests of the millions of people in this country who are not organized.

The interests of organized capital and organized labor are bound up with the interests of the community as a whole. One of the outstanding facts which they should keep in mind is that the interests of all are bound together in the interests of the Nation. It is impossible to separate the interests of any class or of any association. Mutual consideration is not only the manifestation of a Christian spirit but good business. We must have capital, labor, and genius in order to develop the resources of a country and make it possible for all the people to find employment and be happy and prosperous.

The man who sows the seed of discord between capital and labor is an enemy of society and good government. [Applause.] The Bolsheviki who have come from other lands and who are spreading their propaganda with the view of overthrowing our Government by revolution will fail in the United States. Our country is no place for any man or set of men who advocate the overthrow of its Government by revolution.

Of course, our Government is not perfect, because it is made by human beings, but when changes are necessary for the good of all, it must be done in an orderly way under its Constitution. And here is where lies the strength of our representative democratic Government, because here every citizen is a sovereign, here the man of humble circumstances and the man of wealth meet at the ballot box on terms of equality and the voice of the one is as effective as the voice of the other.

The trouble with these agitators who are constantly preaching revolution is that they do not understand or appreciate our form of government. For more than 100 years it has stood every crisis, and it will continue to do so as long as every true American does his duty. The arm of the executive branch of the Government has been made strong enough to meet these attacks by prosecutions and deportations, but we must not forget that the greatest danger is not from those who attack us in the open, but from those who spread the poison of Bolshevism and anarchy under cover and who seek to capitalize all forms of discontent in order to accomplish their purpose.

Besides enacting laws to deal with this condition, we must also appeal to the schools of the land to teach the youth that human liberty can only be obtained and enjoyed through the means of established government. An understanding of the fundamental principles of our Government must be inculcated in the heart of every child until it becomes a part of his very soul, so as to make him strong and impervious to the influences of those who would destroy this great American Government. [Applause.]

Mr. SEARS rose.

The SPEAKER. For what purpose does the gentleman from Florida rise?

Mr. SEARS. To ask unanimous consent to address the House for not exceeding 10 minutes.

The SPEAKER. The gentleman from Florida asks unanimous consent to address the House for not exceeding 10 minutes. Is there objection?

Mr. MONDELL. Mr. Speaker, I regret to object, but we have had a good deal of discussion of late, and I think it is very important that we should get to the legislation before the House.

Mr. SEARS. Will the gentleman reserve his objection?

Mr. MONDELL. I have no doubt but that what the gentleman has to discuss is very important, but it is still more important that we should get to the discussion of the bill reported by the Committee on Ways and Means.

Mr. SEARS. Yesterday the gentleman from New York [Mr. SIEGEL] made certain remarks in which he referred to me. The bill we are now considering has been before the House for six days. I agree with the gentleman that you should speed up, but I would like to have a few moments. If the gentleman wants to object, that is his privilege.

The SPEAKER. Is there objection?

There was no objection.

Mr. SEARS. Mr. Speaker, for four years and a half I have had the pleasure and privilege of serving in Congress with many of my colleagues who are here to-day. During those four years and a half I challenge any Member of Congress to point to one single instance where I have criticized the vote of another, or criticized his activities, either on or off the floor of the House of Representatives. I hesitate now to depart from that rule. Yesterday, after reading the remarks of the gentleman from New York [Mr. SIEGEL], I called him up over the telephone and called his attention to the fact he had done me an injustice, and that he had not stated exactly the facts in the matter, and requested him to correct the RECORD in order that the reflection, which was not deserved, would not appear in the RECORD against myself. The gentleman from New York kindly stated that he had made all the corrections he desired to make, but that if there was anything in the RECORD to-day to which I would take offense, he would gladly correct the RECORD. I replied that the RECORD having gone out all over the country it would be immaterial to me whether he made the correction after to-day or not.

Mr. Speaker, on the 4th of October I propounded to you a parliamentary inquiry, to wit: If that motion of the gentleman from Massachusetts [Mr. WALSH] to strike from the RECORD the extension of the remarks of the gentleman from New York [Mr. SIEGEL] had been disposed of, and if so, how? I neither indicated how I would vote nor what my attitude was on the matter. I simply say that during my term of office I have never made a motion to strike from the RECORD the remarks of any gentleman, nor have I objected to the extension of the remarks of any of my colleagues, either on the Republican side or on the Democratic side. Yet the gentleman from New York sees fit to severely criticize me and jokingly refers to the gentleman from Massachusetts [Mr. WALSH].

Now, the facts are that on the 2d day of October the gentleman from Massachusetts [Mr. WALSH] made the following motion:

> Mr. WALSH. Mr. Speaker, in view of the consent that was granted, and in view of what appears to me to be a plain infraction of the rules of the House in making this extension, I move that the poem in the RECORD of October 1, entitled "Our Own—A Cry Across the Atlantic," * * * be stricken from the RECORD.

If the gentleman from New York had any quarrel, it was with the distinguished gentleman from Massachusetts. But, in view of the remarks of the gentleman from New York yesterday, I doubt if he has any quarrel with the gentleman from Massachusetts, for he says, "I do not deny for a moment that he could have exercised his privilege to do so," and practically admitted that he had violated the confidence of this House in inserting the remarks in the RECORD which the House had not granted him permission to insert.

Now, Mr. Speaker, as I said, he only referred to the gentleman from Massachusetts in a jocular way; but in his remarks he referred to a speech I made about two years ago, quoting me, and I plead guilty to every word in that speech, wherein I endeavored to reduce the high cost of living. I made the remarks quoted by the gentleman from New York. I am glad

it made such a deep impression on the mind of the gentleman from New York, and now that he is on the majority side I still insist and repeat I trust he will try to reduce the cost of living; and, Democrat that I am, I will gladly cooperate with anyone in an effort to reduce the cost of living. But he says for two years I have done nothing to reduce the cost of living, either by introducing bills or resolutions or in any other way. The introduction of resolutions, Mr. Speaker, is nothing but a species of demagogy. Anybody can introduce a bill. I was not on a committee having that matter in hand, and to introduce a bill would accomplish nothing. But the House will recall that on the freight and express rates increase I made an effort to prevent the increasing of freight and express rates, because that would increase the cost of living. On the increase of postage I offered the motion that kept drop letters at 2 cents instead of 3 cents, and on every proposition made either on the Republican or the Democratic side where I thought it would reduce the high cost of living I voted for every such amendment, notwithstanding the statement of the most learned and most distinguished, but not careful, gentleman from New York.

Mr. Speaker, further on the gentleman goes back and refers to a certain paragraph in my speech in which I referred to the gentleman from California and stated that he was leading the fight for Prussianism. His remarks as they appear in the RECORD are not exactly as he stated them on the floor of the House, but either intentionally or unintentionally in the next paragraph he says these people to whom he refers left 3,100 of their dead over in France, thereby trying to imply that I had reflected on the Irish people or those of the Jewish faith. I deny any such accusation made by the gentleman from New York, and if he has been on the floor of the House he will verify my statement, or even if he has stayed in New York most of the time; if he has read the CONGRESSIONAL RECORD, he will have to verify my statement. I refuse to believe that the Jews of the district that the gentleman from New York represents have so far forgotten the teachings of their fathers and mothers and their forefathers as to forsake or forswear their religion and now worship at the shrine of the gentleman from California. They certainly have not in my district. The gentleman from California is broad-minded enough never to have taken exception to my remarks, because they were made in the heat of debate.

I want to say further to the gentleman that I sent my speech all over my district. It was made an issue in the last campaign. It was one of the principal issues, and I only carried 16 counties out of 16.

Ah, the gentleman says it will not do for anyone to reflect on the Irish or the Jew, again referring, no doubt, to myself, because it is just following my remarks in reference to the gentleman from California. I state emphatically I have never reflected on, neither have I criticized, the Irish or the Jew, and I am glad to say they have always been loyal and true to me.

Now, I want to make three guesses, Mr. Speaker; first, that a good many Jews reside in the district of the gentleman from New York; second, that some Irish reside in the district of the gentleman from New York; third, although I had believed to the contrary, I am almost forced to believe that the gentleman from New York is French, and that a few Frenchmen live in New York, and he is simply appealing to get their votes if he should run for reelection.

Now, as I said before, Mr. Speaker, the gentleman has practically admitted that the gentleman from Massachusetts was correct.

It was a beautiful poem, and well written. The sentiments in the poem were beautifully expressed, and not by a single word did I intimate to the Speaker—and the RECORD will bear me out—whether I was for striking same from the RECORD or not; and that motion having been made by a Republican colleague of a Republican, I believed the motion should be disposed of, and simply asked the Speaker what disposition had been made of that motion.

Mr. Speaker, again I regret exceedingly to have been called upon to make these remarks, but I felt that if I sat idly by, after giving the gentleman from New York a chance to correct his remarks; if I did not make some answer to the same it would naturally go out and be construed as a confession that everything this most learned statesman had said was admitted by me to be true.

Again, in conclusion, I urge upon this gigantic mind, this peer of the delegation from New York, this man who would not appeal to any particular race for votes, this man who has neither Irish nor Jew in his district, that he devote more of his time to reducing the cost of living and giving some relief to the people of this great country, rather than to devote so much of his time in incorrectly referring to me. [Applause.]

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

Mr. FORDNEY. My good friend, I will let you get in under the five-minute rule. Members have severely criticized the Ways and Means Committee for allowing so much time for outside debate.

Mr. SIEGEL. I think I ought to have the time, in justice to myself.

Mr. FORDNEY. Can not the gentleman take it under the five-minute rule? I shall have to object, Mr. Speaker.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

Mr. FORDNEY. I am compelled to object.

Mr. SIEGEL. I make the point of no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that no quorum is present. Evidently there is no quorum present.

Mr. FORDNEY. I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

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

Alexander	Ellsworth	Lesher	Rowan
Andrews, Md.	Emerson	Little	Rucker
Andrews, Nebr.	Evans, Mont.	Lonergan	Sabath
Anthony	Fields	Luce	Sanders, N. Y.
Babka	Fisher	Lufkin	Saunders, Va.
Bell	Fitzgerald	McAndrews	Schall
Benson	Flood	McArthur	Scully
Blackmon	Focht	McClintic	Sells
Blanton	Fuller, Ill.	McCulloch	Sherwood
Bowers	Fuller, Mass.	McGlennon	Shreve
Brand	Gallagher	McKiniry	Sinclair
Britten	Gallivan	McKinley	Sisson
Brumbaugh	Ganly	McLaughlin, Nebr.	Slemp
Burdick	Goldfogle	McPherson	Small
Burke	Goodall	MacCrate	Smith, Ill.
Butler	Goodwin, Ark.	Madden	Smith, Mich.
Byrns, Tenn.	Goodykoontz	Maher	Smith, N. Y.
Caldwell	Gould	Mann	Snyder
Cantrill	Graham, Pa.	Mason	Steele
Carew	Greene, Mass.	Mead	Stephens, Miss.
Chindblom	Hamill	Merritt	Stephens, Ohio
Classon	Hamilton	Mooney	Stiness
Cole	Harrison	Moore, Pa.	Sullivan
Collier	Haugen	Moores, Ind.	Swope
Costello	Hersman	Morin	Taylor, Ark.
Crago	Howard	Mudd	Taylor, Tenn.
Cullen	Hull, Iowa	Murphy	Thompson
Currie, Mich.	Hutchinson	Nicholls, S. C.	Tilson
Davey	Ireland	Nichols, Mich.	Tinkham
Davis, Minn.	Johnson, S. Dak.	O'Connor	Upshaw
Davis, Tenn.	Johnston, N. Y.	Overstreet	Vaile
Dempsey	Kahn	Paige	Vare
Dewalt	Kennedy, Iowa	Park	Vestal
Donovan	Kennedy, R. I.	Parker	Ward
Dooling	Kettner	Peters	Watson, Va.
Doremus	Kiess	Porter	Webster
Doughton	LaGuardia	Rainey, H. T.	Whaley
Drane	Langley	Ramsey	White, Kans.
Dyer	Larsen	Reed, N. Y.	Wilson, Ill.
Eagan	Lea, Calif.	Riordan	Wise
Edmonds	Lee, Ga.	Robinson, N. C.	Wood, Ind.
Elliott	Lehlbach	Robsion, Ky.	Woodyard

The SPEAKER. On this call 260 Members have answered to their names. A quorum is present.

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

The motion was agreed to.

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 further consideration of the bill H. R. 5218, the magnesite bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. ANDERSON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 5218) to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

1. Magnesite, commercial ore, either crushed or ground, three-fourths of a cent per pound.

Mr. KITCHIN. Mr. Chairman, has the Clerk read paragraph 1?

The CHAIRMAN. He has.

Mr. FORDNEY. The Clerk must have an old bill, because he read "three-fourths of a cent."

The CHAIRMAN. The Clerk has not yet read the committee amendment.

Mr. FORDNEY. I move the adoption of the committee amendment, on line 9, substituting "one-half" for the words "three-fourths."

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 9, strike out "three-fourths" and insert "one-half."

Mr. KITCHIN. I offer the following amendment to the committee amendment.

The Clerk read as follows:

Strike out the word "one-half" and insert "one-eighth."

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina to the committee amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the committee amendment.

The committee amendment was agreed to.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent to proceed out of order for five minutes.

Mr. FORDNEY. Mr. Chairman, unless the gentleman can confine himself to the subject matter of the bill I shall have to object. The gentleman has already consumed 40 minutes.

Mr. SIEGEL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the question of "pound" is important in a bill or a line, and still more important on an occasion for a man to get an opportunity to answer the gentleman who proceeded him. So I intend to say a few words about what the gentleman from Florida [Mr. SEARS] had to say this morning. As long as the gentleman from Florida confined himself to giving us the accurate facts, it was of very little interest to me what he might say about me personally.

Mr. FORDNEY. Mr. Chairman, I submit that the gentleman from New York is not talking on the subject matter before the House, and I object.

Mr. SIEGEL. I presume the gentleman from Michigan does not wish to have the subject of "pound" discussed.

Mr. FORDNEY. I object, Mr. Chairman. The gentleman from New York has not acted fairly on this matter. I offered to let him in, but he called for a quorum.

Mr. SIEGEL. Mr. Chairman, I ask that the words of the gentleman be taken down, as to whether I have acted fairly or not to this House.

The CHAIRMAN. The gentleman will proceed in order.

Mr. SIEGEL. It is very surprising to me to have the gentleman from Michigan [Mr. FORDNEY] act in the manner he is acting. I refer to his stating to the House that I have not acted fairly with it this morning. The fair proposition would have been to permit me to follow the gentleman from Florida [Mr. SEARS] and dispose of the matter. Let me add that I have taken less time on the floor of this House than many men on both sides, and I have had only one extension in the RECORD——

Mr. FORDNEY. Mr. Chairman, I insist that the gentleman is not talking to the amendment.

The CHAIRMAN. The gentleman from Michigan makes the point of order that the gentleman from New York is not discussing the amendment. The gentleman from New York will proceed in order.

Mr. CLARK of Missouri. Mr. Chairman, did not the gentleman from New York demand that the words of the gentleman from Michigan be taken down?

Mr. SIEGEL. Oh, I withdraw that request.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes out of order.

Mr. FORDNEY. I object. I will not permit it under the circumstances. If the gentleman will go on as I have requested him to do, I shall see to it that he gets the time, but I am not going to yield now.

Mr. SEARS. Mr. Chairman, I ask unanimous consent that the gentleman from New York may proceed for five minutes.

Mr. FORDNEY. I object.

Mr. SIEGEL. Mr. Chairman, there are some amendments in some of the bills brought to the attention of the House by gentlemen who are a little bit aged, who have been here a long time, and who at all times have been extremely friendly, agreeable, and genial, but who occasionally do get upset because they can not have their own way. I think I have acted——

Mr. FORDNEY. Mr. Chairman, if the gentleman will wait, I will let him have his five minutes, but I will not agree to it now.

Mr. SIEGEL. Let me say to the gentleman right now that I have a very important appointment at the State Department.

Mr. FORDNEY. Why did not the gentleman think of that before he made the point of no quorum?

Mr. SIEGEL. For the reason that I still believe that I had a perfect right to reply to the gentleman from Florida immediately after he vacated the floor.

Mr. WINGO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. Is this a part of a public proceeding, or is it a private conversation that is going on?

The CHAIRMAN. The gentleman will have to put his inquiry to the gentleman from New York [Mr. SIEGEL].

Mr. FORDNEY. I say to the gentleman that I am objecting to the gentleman from New York proceeding, except to discuss the amendment before the House.

Mr. SIEGEL. Mr. Chairman, if the gentleman is getting into a humor where he really believes that this bill may be passed more quickly by my discussing the amendments, I will discuss them. I will say to the gentleman that I think that no part of this bill should have been introduced or presented to the House at the present time, because the other body having jurisdiction will probably not take it up.

Mr. FORDNEY. Let me say, Mr. Chairman——

The CHAIRMAN. The gentleman from Michigan must not interrupt the gentleman from New York without his permission.

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

Mr. SIEGEL. Yes.

Mr. FORDNEY. I would say to the gentleman that I shall be more fair than he has been, and will permit him to proceed now, if he will not carry on this performance again.

Mr. SIEGEL. I say to the gentleman that I have always respected him for his age and ability.

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

Mr. SIEGEL. Yes.

Mr. KITCHIN. As I understand it, after the conclusion of the magnesite tariff bill, now under consideration, the gentleman from Michigan proposes to take up the repeal of the Canadian reciprocity?

Mr. FORDNEY. Yes.

Mr. KITCHIN. Why not let this gentleman and other gentlemen who desire to talk wait until that comes up?

Mr. FORDNEY. I am going to ask unanimous consent that the gentleman proceed now out of order.

Mr. SIEGEL. Mr. Chairman, let me say at the outset to the House that I have always tried to be fair and square with every Member. This is the first point of no quorum that has ever been made by me in the four or five years that I have been on the floor of this House. No man here or in any other place can say that I have not been as fair and square as every other man.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SIEGEL. Mr. Chairman, I ask that the five minutes be counted from the time when the gentleman from Michigan [Mr. FORDNEY] said that he would ask that I have five minutes.

Mr. FORDNEY. Mr. Chairman, I request that the gentleman have five minutes out of order.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the gentleman from New York may proceed for five minutes out of order. Is there objection?

There was no objection.

Mr. SIEGEL. Mr. Chairman, the gentleman from Florida [Mr. SEARS] undoubtedly has a very good memory. Memory, as I understand it, requires three things—the acquisition of knowledge, the retention of it, and the recollection of it—I am sure that if he will recollect what occurred yesterday he will immediately realize that he was mistaken, and very much mistaken, in what he told the House a few moments ago as to the occurrence of yesterday. The gentleman from Florida came to me while I was sitting over on the Republican side of the aisle and asked me whether I had any objection to his getting the reporter's transcript when it was returned to our friend here, Jake. The gentleman from Florida got the transcript and kept it for a couple of hours and around 4 o'clock I received it back from Jake. I revised it right here and made practically no changes at all. I discussed the matter from a jocular standpoint. The gentleman from Florida called me up on the telephone about half past 5 or a quarter to 6 o'clock, at my office, and he said, "Do you realize that you have treated Mr. WALSH, a Republican, in a very gentlemanlike manner, but that you have sailed into me, a Democrat?" I said that the question of

Democrats or Republicans had not entered my mind when I was discussing the matter, but I am more generous than the gentleman from Florida is or ever has been. I want to remind him that in April last his Key West project was up on the floor of the House. The chairman of the Rivers and Harbors Committee, the gentleman from North Carolina [Mr. SMALL] was opposed to it. The gentleman from Florida [Mr. SEARS] came over on April 16, 1918, and appealed to me and the other New York City Members to stand by him and put it through for him.

We told him we considered the project a fair one. Thirteen Members of the House from the city of New York here voted for the Key West project, regardless of party. With those 13 votes against it the project would have been badly beaten. With those 13 Members voting for it, there were 151 yeas and 133 nays. Now, the gentleman referred to the proposition of reducing the high cost of living. I quoted part of his speech two and one-half years ago on the floor of the House. I have introduced a bill or two in the House which have attracted considerable attention. Members of the Committee on Interstate and Foreign Commerce have been flooded with mail in reference to it. One gentleman from Massachusetts [Mr. WINSLOW] has had to employ two stenographers for the purpose of answering correspondence in regard to it. Now, the gentleman from Florida must have been worried very much about the ability of the gentleman from Massachusetts [Mr. WALSH] to take care of the motion to strike out the poem from the RECORD, because on Saturday, probably for the purpose of assisting the gentleman from the State of Massachusetts in this most gigantic legislative act to be performed, he rose and made inquiry. I am quite sure the gentleman from Massachusetts [Mr. WALSH] was capable of making the motion, for we all know his ability and capacity. The gentleman from Massachusetts had followed the usual procedure. Yesterday I referred to his western trip and his coming back full of humor and wit and geniality. I said perhaps during the night of Wednesday, September 30, he had not slept well, and when he woke up in the morning he found the RECORD containing this poem. The gentleman from Florida should realize that in public life one should have the skin of a rhinoceros, for if one is thin skinned he does not belong in the House of Representatives. Members are going to be criticized for what they know is right and for what they know in their hearts and souls is best for the American people. The destructive critic can be found everywhere. As far as my congressional district is concerned, let me say to the gentleman I was nominated by both parties, and I have stood for the Government of the United States, without sectionalism, every time on the floor of the House and throughout the country. I do not know sectionalism when I cast my vote here. Many times I have voted for western projects when Members from the East, as a whole, have voted against them. Members from the far West will bear that out. I know only one country; I know the whole of this country—not one part of it, but the whole country. When our boys went to the other side and fought their way through the Argonne Forest they were not fighting for Florida, they were not fighting for New York, they were fighting for these United States. They gave their lives away for this country as a whole; they did not give them for a solitary State. They have, I hope, by their heroic deeds united our people and cemented their love for our institutions. I will say to the gentleman from Florida, when he considers in years to come his part of this whole transaction, that I hope that his conscience may be clear. I earnestly hope that what I said yesterday may be true. That by day he may repose very quietly and at night he may rest very peacefully, and where'er he may be, in any part of the country, whether in New York, Florida, or anywhere else, I am always glad to help him, and any project of his which is deserving will receive my vote upon its merits. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BURROUGHS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 495. An act for the relief of Walston H. Brown, etc.;

S. 2300. An act for the relief of the estate of Henry A. V. Post; and

S. J. Res. 90. Joint resolution to readmit Frances Scoville-Mumm to the character and privileges of a citizen of the United States.

The message also announced that the Senate had passed with amendments the bill (H. R. 9203) to punish the transportation of stolen motor vehicles in interstate or foreign commerce, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 425) entitled "An act to establish the Zion National Park, in the State of Utah," had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMOOT, Mr. FALL, and Mr. MYERS as the conferees on the part of the Senate.

DUTY ON MAGNESITE ORE.

The committee resumed its session.

The Clerk read as follows:

2. Magnesite, calcined, dead burned, and grain, 1¾ cents per pound.

The committee amendment was read, as follows:

Strike out "1¾ cents" and insert "three-fourths of a cent."

Mr. KITCHIN. Mr. Chairman, I move to amend the amendment by striking out the words "three-fourths" and inserting "one-fourth."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KITCHIN: Page 1, line 11, strike out the words "three-fourths" and insert in lieu thereof "one-fourth."

Mr. KITCHIN. Mr. Chairman, magnesite embraced in paragraph 2, now under consideration, was on the free list under the McKinley Act, under the Dingley Act, under the Payne-Aldrich Act, and now under the Underwood Act. Three-fourths of a cent a pound provided for in the amendment of the gentleman from Michigan, or the committee amendment, means $15 a ton on magnesite. The normal prewar import price of magnesite was $10 a ton. The committee amendment imposed a tariff duty of $15 a ton, or an ad valorem rate of 150 per cent. It jumps from the free list under the McKinley Act, under the Dingley Act, under the Payne-Aldrich Act, under the Underwood Act to 150 per cent ad valorem based upon normal or prewar times price. I believe that this House will agree with me inside, though not by their vote, because the majority of the votes here are Republican, that this is an outrageously high tariff—150 per cent! I want to say it is absolutely prohibitive. I can not see, if you want to levy a tariff on the Republican theory of covering the difference in the cost at home and abroad, how any Republican can vote for this 150 per cent prohibitive rate. That rate more than pays for the whole labor cost. My amendment reduces the rate from the committee amendment from three-quarters of a cent to a quarter of a cent a pound. That one-quarter of a cent a pound will be $5 a ton. If we should get back to normal and normal prewar price, that will be 50 per cent ad valorem. While the one-fourth cent per pound, or 50 per cent ad valorem, is a very high tariff, I am offering this because it is so much better, it is so much less burden than the three-quarters of a cent, or 150 per cent ad valorem, provided for in the committee's amendment. Both Republicans and Democrats ought to vote for this amendment of one-fourth of a cent a pound, which is $5 a ton duty.

Mr. FORDNEY. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I wish to say to the committee that the rate of duty provided for, three-fourths of a cent per pound on dead-burned magnesite, does not compensate the difference in the cost between the price of dead-burned magnesite delivered at Atlantic coast ports and the price at which imported magnesite is sold for by the people who own the magnesite mines in Austria. The testimony before the committee is, Mr. Chairman, that the average cost of production of dead-burned magnesite at the mines in the States of Washington and California averages $25.13 per ton. The price to Atlantic coast ports is $16.07 per ton.

It makes a total cost, laid down at Atlantic and Gulf ports, of $41.20 a ton, whereas dead-burned magnesite imported from Austria, according to the statement of the gentlemen who claim to own the mines in Austria, has been sold in Philadelphia f. o. b. cars for less than $16 a ton. Therefore the rate of duty provided for by the committee, $15 a ton, is not sufficient to offset the difference between the cost of production in this country and the cost of production of magnesite produced in Austria, and no testimony has been presented to the committee on that subject except by the people who own the mines in Austria and want to bring in Austrian magnesite. The fight is absolutely between the people who own Austrian magnesite mines and the people who own the magnesite mines in this country. And my duty is, as I see it, to give adequate protection to American capital and American labor employed in the United States. I hope the amendment of the gentleman fails.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina to the committee amendment.

The question was taken, and the Chair announced that the noes semed to have it.

Mr. KITCHIN. Division, Mr. Chairman.

The committee divided; and there were—ayes 30, noes 65.

So the amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

Mr. KITCHIN. Mr. Chairman, I move to amend the committee's amendment by inserting in lieu of the word "three-fourths" the word "one-half."

The CHAIRMAN. The gentleman from North Carolina offers an amendment to the committee amendment, which the Clerk will report.

Mr. FORDNEY. Mr. Chairman, just one word.

The CHAIRMAN. The Clerk will first report the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Amendment offered by Mr. KITCHIN to the committee amendment: Strike out the word "three-fourths" and insert "one-half."

Mr. KITCHIN. Mr. Chairman, this rate which I have offered in this amendment is, in my judgment, much too high, but it is just 33⅓ per cent lower than the rate carried in the committee's amendment, and therefore just that much better than the committee's rate. The gentleman from Michigan [Mr. FORDNEY] said a moment ago that the evidence was that it cost $41.50 to put this magnesite from the northwest coast to the eastern coast, while the Austrian magnesite could be laid down on the east coast for $15.50 or $16. Why, there is no evidence of that. That $15.50 or $16 price testified to by witnesses was the price in 1914, before the war. Before the war the import price was $10, and ocean and rail freight and commissions made it $16. The fact is that the only evidence we had as to the probable price now was that it would cost $30 or more. The committee is assuming by its amendment that the cost conditions, the labor and transportation conditions, and all the abnormal conditions now existing in this country are going to remain forever, while the normal prewar conditions in Austria or other nations abroad are going to be at once restored. Of course, if that be true, the rate, from the Republican viewpoint, ought to be $15 a ton, or three-fourths of a cent per pound, as is provided in the committee's amendment.

Now, the normal price was $10 a ton—the import price. My amendment of one-half cent per pound makes it at normal prices 100 per cent ad valorem, when it had been on the free list for 25 or 30 years under both Democratic and Republican tariff acts. This amendment is entirely too high, but it is lower than the rate which the committee offer, and I am giving the Republicans a chance to vote to substitute this rate for the committee's prohibitive rates, even from the protective standpoint. The Government should not subsidize by a tariff any industry in this country that can not exist on a tariff of less than 100 per cent. [Applause on the Democratic side.]

Now, this rate—three-fourths of a cent a pound, or $15 a ton—proposed by the committee is going to put upon the people of this country an additional cost of nearly $3,000,000 a year. It will prove in normal times, and even now, absolutely prohibitive. It equals at normal prewar prices a duty of 150 per cent ad valorem. I would not discredit American ingenuity; I would not discredit American management; I would not discredit the efficiency of American labor by asserting here, as the Republicans do, that to maintain an American industry requires a tariff of 150 per cent ad valorem.

Mr. KREIDER. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. KREIDER. In the estimated cost of delivering this product to Atlantic ports, of $41 and some cents, what portion of that is freight charges?

Mr. KITCHIN. I am coming to that. The freight charges in that "claimed" cost are $16.07. All admit that the freight on magnesite is going to be greatly reduced. And now they can ship it by way of the Panama Canal for $7, the war freight rate. This will be reduced. Before the war the freight by the Panama Canal was $4 a ton. It went up during the war to $7, and now it is believed that it will go back to $4. But there was evidence before our committee that the president and manager of the largest magnesite industry in this country, who filed a paper before the committee saying his company could produce 75 per cent of the magnesite used by the steel companies, said he could produce magnesite for between $10 and $12 a ton. The freight through the Panama Canal will be $4, and if this company can produce at from $10 to $12, the cost to deliver in the East will be $16—the cost of delivery to Pittsburgh and Philadelphia. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

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

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. KREIDER. Mr. Chairman and gentlemen, it is not often that I oppose a tariff, but I am inclined to believe that the levying of almost a prohibitive duty on magnesite will be the same kind of an error that was made when the Underwood bill was passed and the tariff was increased on manganese ore. If I am correctly informed, the only place where they have magnesite is on the Pacific coast, and the reason I asked the gentleman from North Carolina what those freight charges were was to find out the cost of transportation.

Now, I believe that if you put too high a tariff on this ore it will entirely prohibit its importation. As I understand it, it is a very necessary ore, needed by all basic industries, such as in the manufacturing of steel, copper, and so forth, where it is used for the lining of the blast and other furnaces. I am reliably informed that at the present time the price of magnesite brick is $400 per thousand, and it has become quite a burden upon the users of the brick and certain other products to pay these exorbitant prices. I believe that if we laid a lower tariff and allowed our magnesite deposits to be developed, first, by sales near source of production it would not be long before the product could be sold in free and open competition with the product brought in from Austria or any other country. We want to develop this industry, but I do not believe that it is good business to shut out the Austrian product entirely. As I understand it, this product is an essential to many of our manufacturers and to many industries.

The tariff should be as low as we can make it, consistent with the development of our own resources. I am going to vote for the amendment offered by the gentleman from North Carolina [Mr. KITCHIN], because I believe a duty of $10 per ton will be sufficient protection to permit the magnesite industry to be fully developed. [Applause.]

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

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

Mr. FORDNEY. I expected Democratic applause from that side to a speech of that kind from a Republican. Mr. Allen, who is vice president of the Refractories Co., whose people own the mines in Austria that our magnesite comes in competition with, testified here, on page 45 of the hearings of the Ways and Means Committee:

However, I can say that before the war we sold magnesite at $15.75 per ton f. o. b. cars Philadelphia, and we could have furnished with our capacity all the magnesite that was used in the United States.

From Austria, produced by Austrian labor.

The gentleman from Pennsylvania [Mr. KREIDER] says that it will work a hardship on the people who use magnesite brick. The steel men of Pennsylvania! Pennsylvania has become famous in the manufacture of steel because of the protection given to that industry by the Republican Party. Who will deny that? The gentleman from Pennsylvania [Mr. KREIDER] will not deny that. And yet if all this duty provided—three-fourths of a cent per pound—is added to the cost of production of steel in Pennsylvania, how much does it amount to, to your steel manufacturers? Three and three-fourths cents per ton. Oh, my dear friends, just a little more than a 3-cent postage stamp on a ton of steel if all this duty is added to the cost of production, which the gentleman says will be such a great burden on the steel manufacturers of Pennsylvania.

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

Mr. FORDNEY. In a moment. How much magnesite was produced in this country before the war? We must expect to see normal conditions returning to this country after the war has been settled, and the league of nations has been adopted, and the President gets well, and everything goes along smoothly once more. We must expect normal conditions once more when the Republican Party gets into power, and that will be but a short time. [Applause on the Republican side.] There was but 1 producer of magnesite in this country before the war, and now there are 65. Nine thousand tons of raw magnesite was produced in the country before the war, and in 1917, 316,000 tons were produced. Oh! Three and three-fourths cents per ton—a great burden to the steel manufacturer. You can not make me believe it, gentlemen.

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

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Ohio?

Mr. FORDNEY. Yes.

Mr. COOPER. I would like to ask the chairman of the Committee on Ways and Means if the committee did not receive some

protest from the steel manufacturers on the ground that the American magnesite was of an inferior quality to the Austrian magnesite, and that was the reason why they were opposing a prohibitive tariff, because they would like to have the privilege of using the Austrian magnesite?

Mr. FORDNEY. There was such a protest. But, my good friend, the steel companies—and I do not know how many were represented—sent a gentleman to me after the hearings, and he asked to withdraw their opposition, and said, "We want to take no part in this matter at all, because the cost in the production of steel in this country is so insignificant that it is inconsistent with the interests of the steel men of this country to protest," and they withdrew their protest, I say.

Another thing. It was stated by Mr. Allen and his associates who created this opposition among the steel manufacturers, so I am informed—by the way, Mr. Allen is a manufacturer of magnesite brick—some of them said that the brick made from American magnesite was not as good as if made from foreign magnesite, and yet they came back afterwards and withdrew their opposition, and said they did not know whether the brick they had referred to was made from American magnesite or from foreign magnesite; and again, they did not know whether it was the fault of the manufacturer or the fault of the material in the brick.

Mr. COOPER. Mr. Chairman, will the gentleman yield for another moment?

Mr. FORDNEY. I yield.

Mr. COOPER. I have received a great many letters from the steel manufacturers in my district, protesting against a prohibitive tariff upon magnesite on the ground that the American product was of an inferior quality to the Austrian magnesite, and they wanted to be permitted to use the Austrian magnesite.

Mr. FORDNEY. My friend, the Geological Survey, the Bureau of Mines, and the Tariff Commission report—and we have their reports in these hearings—that there is no magnesite in the world superior to that produced in the United States, and that is the best authority we have. [Applause on the Republican side.] There is none in the world so good as that in the United States.

Now, let me go a little further.

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

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

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

There was no objection.

Mr. FORDNEY. Let me go further. Mr. Allen states here that he has sold and delivered, f. o. b. cars at Philadelphia, foreign magnesite, Austrian magnesite, for $15.75 a ton. I assume this was before the war in Europe he made such sales.

The freight at the present rate, which the gentleman from North Carolina [Mr. KITCHIN] refers to, is 25 per cent higher than it was in prewar times, $16.07, or a total of $31.82 a ton, including the price referred to of sales at Philadelphia. Will any man here with any common knowledge of the cost of production in this country and abroad say that our production in this country is as cheap as that of Austria? Mr. Allen admitted that the wages paid by his firm in his magnesite mines in Austria, the highest wages to male labor were $1.10 a day, while the wages in the magnesite mines of this country are $4.50 on an average. Will any gentleman say that we can produce magnesite in this country as cheaply as Mr. Allen can produce it in Austria? If so, please furnish the evidence.

Mr. TREADWAY. Is it not rather significant that the opposition to this tariff rate, as reported by the Ways and Means Committee, comes from the strongly protective tariff sections, in view of the fact that the Austrian mine is owned by a Pittsburgh concern?

Mr. FORDNEY. Absolutely, a Pittsburgh concern, which sells to the Steel Co.; and I have it from pretty good authority that the only opposition presented by the steel men of Pennsylvania came through the request of Mr. Allen and his associates in the manufacture of magnesite brick.

Mr. TREADWAY. In other words, it is not opposition to Austrian importation, but it is a question whether people in Pittsburgh owning an Austrian product can sell it in this country cheaper than the people on the Pacific coast can produce it. Is not that the question?

Mr. FORDNEY. Yes; that is the question. Magnesite is produced in three of the States of the Union. The gentleman from North Carolina [Mr. KITCHIN] says we can now bring it through the Panama Canal. I ask you, Is it practical to haul it from the mines in the northeastern part of the State of Washington to Spokane, transport by rail from 300 to 500 miles to the Pacific coast, then transfer the magnesite aboard ship, send it around the Horn or through the canal, unload it on the docks in an Atlantic seaport, and then ship it to the interior? Is that practical? Why, any practical man would never present such a fool proposition. [Laughter.]

Mr. ROSE. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. ROSE. Will the adoption of the committee amendment make the importation of the Austrian product prohibitive?

Mr. FORDNEY. No, sir.

Mr. ROSE. Then I would like to know what would be the cost of a ton of Austrian magnesite as compared with a ton of magnesite produced in this country after the adoption of the committee amendment?

Mr. FORDNEY. My good friend, this is the situation: The cost of production now in this country and in Austria undoubtedly is greater than in normal prewar times. We hope to see the costs come down; how much no man can tell until the time comes. We do know that the freight rate is 25 per cent higher than it was in prewar times, because the administration has advanced freight rates all over the country 25 per cent. We do hope to see the cost of production come down in this country. We do know from the reports of the Bureau of Mines and the Geological Survey and the Tariff Commission that we have enough magnesite in sight to-day in this country to furnish us with all the magnesite we will use, if we use the maximum amount that has ever been used in any one year, for the next 25 or 30 years. I hope the gentleman's amendment will be voted down.

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

Mr. HADLEY. Mr. Chairman, I move to strike out the last word. I discussed this matter at length in the general debate and shall not take much time upon it now; but in view of the discussion upon the amendment, I wish to make three or four observations.

In the first place, the gentleman from Michigan has definitely and correctly stated that the average cost of laying down dead-burned magnesite produced on the Pacific coast is $41.20 at Atlantic ports. That includes an item of $16.07 freight. Twenty-five dollars and thirteen cents is the mine production cost without profit, so that the $41.20 at Atlantic ports is without profit.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. HADLEY. I can not yield now. I will yield later, but I want to make this statement.

Mr. KREIDER. What is the cost of production in Austria?

Mr. HADLEY. The prewar cost of dead-burned magnesite in Austria, it is stated, averaged $16.15. Manifestly, if that cost of production should continue after the war the differential would be $25.05, and that would require a tariff rate of one cent and a quarter a pound, or $25 a ton on dead-burned magnesite. The committee did not reach the conclusion that the Austrian cost and the transportation cost would remain upon a basis that would justify the conclusion that that differential would continue. The committee will note the wide discrepancy between $25 and the $15 rate which the committee has reported here.

There was some testimony at the hearing that the labor cost of production in Austria was very low, as low as 20 cents a day for women and 40 or 50 cents a day for men. Mr. Allen testified, as stated by the gentleman from Michigan [Mr. FORDNEY] that they paid an average in their mines of $1.10 a day. All right; we will assume that they did. To-day the cost of labor in the magnesite mines in this country is stated by the gentleman from Michigan [Mr. FORDNEY] to be on an average $4.50 a day. As a matter of fact, my information is that the lowest cost of such common labor is $4.50 a day. It was $4 during the war, and it is $4.50 to-day for shovelers now, and it ranges from that to $10 a day in the mines in this country. I wish to call the attention of the committee to an extract in the Commerce Reports on the subject of wages which I have received at my desk since I spoke in general debate. This is the issue of September 29, which has come to the desk, I suppose, of all Members. This is a statement as to the cost of production in two coal-mining districts in Poland. Referring to one district, page 1667 of the Commerce Reports, it says:

> Wages are low, and the average laborer's purchasing power is insufficient to meet these needs. Laborers on public works are getting 15 marks (about 75 cents at the present rate of exchange), but are now asking that the wage be raised to 22½ marks ($1.12) per day. A special commission is to investigate the needs of the district and to consider the increase in the workmen's wages.

I called up the Department of Commerce to ascertain if they had any statistical figures on wages in Austria since the war and they said they had not. This is a report of wages in Poland since the war. I submit that the wages in Austria could not be

more favorable than they are in Poland. I think we need not debate that fact when the recent history of that war-stricken country is considered.

So we have in Poland under the existing rate of exchange a going rate of wages, in that neighboring country of Poland, of 75 cents at the present rate of exchange, and they are seeking to have it raised to $1.12, 2 cents higher than it was before the war in Austria, according to the statement of Mr. Allen.

Of course, the prevailing war freight rate was high from the Pacific to the Atlantic ports, but the trans-Atlantic rate was high, and these figures and deductions are made on the rates relatively high both across the Atlantic and across the country here.

The fact is that the committee's deduction of $15 a ton, when you take into consideration that profit is included in the $16.50 Austrian cost on the product laid down at the Atlantic ports, is barely adequate to cover the differential on recent quotations.

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

Mr. HADLEY. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HADLEY. Mr. Chairman, I do not wish to intrude on the time other gentlemen wish to take, but I want the gentlemen to bear in mind that this is a key, a basic industry underlying the production of steel. It did not exist to any appreciable extent before the war because it had not been developed. It has developed during the war that we have a self-sustaining industry in this country if adequately protected. Prior to the war we absolutely depended on Austria for the commodity. We ought not to strike down this industry and be again dependent on Austria when I have shown that the wages in the neighboring country of Poland are such that this industry can not compete with similar wages which undoubtedly prevail in Austria. If these rates of wages obtain in Austria, under the rate specified in the bill we can not compete, and much less under the rate proposed by the gentleman from North Carolina. I hope that the amendment will fail and that the committee amendment will be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY of Texas. Mr. Chairman, I ask unanimous consent that the gentleman be allowed time to answer a question.

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

There was no objection.

Mr. HARDY of Texas. Can the gentleman give any idea as to how much the output per miner is per day in tons?

Mr. HADLEY. We have no definite information on that subject.

Mr. HARDY of Texas. There ought to be some information.

Mr. HADLEY. It may be that there is, but I do not know.

Mr. HARDY of Texas. Is it as much as a ton a day?

Mr. HADLEY. I regret to say that I have no personal knowledge on that matter. I never saw it mined. It does not exist in my district, although it does in my State.

Mr. HARDY of Texas. Could a miner mine as much as a ton a day?

Mr. HADLEY. I am not an expert on the subject, and I am not qualified to testify on the production per man.

Mr. CANNON. Mr. Chairman, I will not use the five minutes. I am a Republican. I believe in the protective policy of the Republican Party, but not in spots. This is a little spotty as it strikes me, and I have listened carefully to all the debate. I suppose I have spent weeks in defending out in Illinois in my district and in the State, sometimes moving over into Indiana, and yelling to maintain a duty of $28 a ton on steel rails when they were selling from $100 to $150. Now the steel industry in the United States is immense, one company alone putting out a greater product, or did before the war, than all Germany. It was established under a protective policy. The steel industry is the greatest industry in the United States. Before the war prices were reduced. They did not get $120 and $130 for steel rails.

The evidence seems to be—I have not read the hearings—but it is not disputed that by the report, by a majority of the Democratic Tariff Board, and by the Bureau of Standards, that magnesite of this country is of good quality, as good as any magnesite in the world. When the war came we had to have magnesite, and it was developed that we had it in sufficient quantities in the United States, the flag of which, thank God, protects all the United States. Yet our good Democratic friends, many of them—yes, all of them—my personal friends, want to sell in the dearest and buy in the cheapest markets, when development under the protective policy of the Republican Party, the South has increased many times the production of its principal crop—cotton—and many times its price, and to-day is manufacturing in the South more of its cotton crop than is manufactured in the Northern States, and, strange to say, is still worshiping the ghost of free trade.

Mr. GARLAND, Mr. FOCHT, and other gentlemen rose.

The CHAIRMAN. The Chair would suggest that debate is exhausted on this amendment.

Mr. GARLAND. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. There is but one word in the amendment.

Mr. GARLAND. Then I move to strike out the section.

Mr. HARDY of Texas. Mr. Chairman, as there have been several speeches made on that side, I would like to have five minutes in support of the amendment.

Mr. KITCHIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KITCHIN. How does it occur that debate is exhausted on this amendment?

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] offered the amendment and discussed it. The gentleman from Michigan [Mr. FORDNEY] rose in opposition to the amendment, and the gentleman from Washington [Mr. HADLEY] moved to strike out the last word, and the gentleman from Illinois [Mr. CANNON] was recognized in opposition to that motion.

Mr. KITCHIN. Then the Chair is holding us down to a strict construction of the rule that we can have five minutes for and five minutes against?

The CHAIRMAN. That is the rule.

Mr. KITCHIN. That is true; but this is the first time I have ever known it to be invoked when there is a bona fide discussion going on.

The CHAIRMAN. The gentleman from North Carolina will bear in mind that with amendments usually there are four or five words, but in this case there is but one.

Mr. FORDNEY. Mr. Chairman, as several gentlemen wish to be heard further, I ask unanimous consent that debate upon this amendment close in 30 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all debate upon the pending amendment close in 30 minutes. Is there objection?

There was no objection.

Mr. GARLAND. Mr. Chairman, I am in exactly the same position with reference to the protective tariff as is the gentleman from Illinois [Mr. CANNON]. Protection to American labor is what we mean by the protective tariff. During the war it was discovered that a great many, about 30, different minerals, I believe, were shipped into this country from foreign countries, and that a great many of the States in the Union contained the ores out of which those minerals could be developed. The War Materials Board and the departments came before the Committee on Mines and Mining and asked for a bill that would appropriate $50,000,000 for the purpose of developing these ores that we must have and that we could not get because of the war and a lack of shipping facilities. Finally in the course of time the Congress did pass a bill appropriating $8,500,000 for the purpose of paying those who had laid out money in the development of these materials during the war, and a board was appointed for the purpose of allotting that sum, and they are still at the work.

Among the ores to which I refer was magnesite. As I understand it, we have magnesite in this country, and there has been in the neighborhood of $300,000 invested in the development of mines. They are getting good magnesite ore. The only opposition to the bill comes from or through an American firm whose interests are over in Austria, which firm about 10 or 12 years ago went over there and purchased mines, put up a large burning or drying plant, and hired Austrian labor to do the work. At that time—and I get this from one of the members of the firm who went over there each year—they hired a great many women for about 40 cents a day, children for less, and the miner got 80 cents a day, and the burner or furnace men got 80 cents a day. There may have been a few positions that paid more than that, but that was the general run of wages at that time. I understand that there has been some advance since. Whether Mr. Allen meant that the average wage was $1.10 to the men or that that average included all of the workers, I do not know.

Mr. FORDNEY. That was the wage paid to male labor, and he said that from 40 to 50 cents was paid for female labor.

Mr. GARLAND. Anyway, there is a material that is coming into this country without practically any tariff rate upon it. The Democrats have always claimed that they were for a tariff

that would equalize the cost of labor between a foreign country and this country.

SEVERAL MEMBERS. Oh, no!

Mr. JONES of Pennsylvania. They have been for a tariff for revenue purposes.

Mr. GARLAND. Well, that is what they said, many of them, on the outside—that they believed that that was good policy; but, as a matter of fact, here is a bill with proper amendments by the committee that does not do any more than take care of the difference in the cost of labor abroad and at home.

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

Mr. GARLAND. I would like to have about one minute more.

The CHAIRMAN. The time was limited by the committee to 30 minutes, and the Chair does not feel that it is in order to submit a request for an extension.

Mr. LONGWORTH. Mr. Chairman, I am entitled to five minutes, and I would gladly yield one minute of that time to the gentleman from Pennsylvania.

Mr. GARLAND. Mr. Chairman, that would be sufficient. All I want to do is to say this in closing, that here is a situation where American labor must be protected, and it is the difference between what is paid labor in that country and in this country and nothing else. If we are in earnest in trying to protect the American wage earner, this is the time for us to do it.

Mr. HARDY of Texas. Mr. Chairman, it seems to me that the question I asked a moment ago illustrates how utterly indifferent the labor problem is to gentlemen on the other side. They say this tariff is imposed to offset the difference in the cost of labor in production of this material abroad and in this country. I asked the gentleman from Washington [Mr. HADLEY] how much of this ore—in tons—can one miner produce in one day. He said he did not know, and that the committee had heard no evidence on that question.

The whole burden of the Republican song is that they want this tariff to protect American labor against cheap Austrian labor.

And yet we have not got a scintilla of evidence to show what the amount of the cost in this country of this material is labor. We do not know what is the labor cost of mining a ton of magnesite. Now, my judgment is that hardly any mineral that is mined requires much over a day's labor to mine a ton of it. Without knowing, and nobody else seems to know any more than I do as to what the cost of labor is that is involved in the mining of a ton of this ore, yet I would be willing to bet that a ton of ore does not cost in labor $15 to mine it in this country, and the tariff you put upon it is enough to pay over three full days' wages even at the price you say the mine owner pays.

Mr. GARLAND. Will the gentleman yield?

Mr. HARDY of Texas. I do.

Mr. GARLAND. The mining is not the only process this goes through.

Mr. HARDY of Texas. Do not you say that you base this tariff on the difference in the cost of this ore at the mine in Austria and here?

Mr. GARLAND. Oh, no; in this country.

Mr. HARDY of Texas. The gentleman from Michigan made a statement of what it cost at the mine.

Mr. FORDNEY. Dead-burned magnesite at the mine.

Mr. HARDY of Texas. And it takes 2 pounds of the raw crude ore to make 1 of dead burned?

Mr. FORDNEY. Yes.

Mr. HARDY of Texas. Now, if a man will mine 1 ton of crude ore per day, and it takes 2 tons of crude ore to make a ton of dead burned, that is two days' labor to produce a dead-burned ton of magnesite in this country at the mine, and for that labor you will pay on your own testimony $9, while you make the duty $15 per ton.

Mr. FORDNEY. Has the gentleman any evidence what a ton of magnesite here can be mined for by the miner in a day? If so, where does the gentleman get it?

Mr. HARDY of Texas. Certainly, I have not, because the gentlemen who are favoring this tariff professedly to protect labor told me they did not know how much labor there was in producing a ton of ore.

Mr. FORDNEY. There is no evidence presented.

Mr. HARDY of Texas. And if the gentleman was seeking to protect labor the first thing he would have done would be to inquire how much labor it required to mine a ton of this ore.

Mr. FORDNEY. On page 27 the gentleman will find the cost at the mine, but the labor is not segregated from the other costs.

Mr. HARDY of Texas. That is absolutely true, and demonstrates that you are protecting the profits of the mine owner and not labor. I asked the gentleman from Washington how much it cost in labor and he said nobody knew. No evidence was taken. You are very anxious about the laboring man, but you did not inquire——

Mr. HADLEY. The gentleman is mistaken if he asked me as to how much is labor. He asked how much one man could produce a day and the labor cost, and the statements varied, varied from 65 to 75 per cent as being the labor cost.

Mr. HARDY of Texas. I asked the gentleman this question: How much, in tons, can one man mine per day? And the gentleman said there was no evidence. That would determine how much labor there was in a ton of ore; and if we had the labor cost in mining a ton of ore here and in Austria we could tell what the difference is and so tell what tariff would surely protect American labor.

Mr. GARLAND. Will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. GARLAND. Does it make any difference what the labor cost is per ton when you have two people working together, one getting 80 cents and the other $5 a day?

Mr. HARDY of Texas. It makes this difference: If there is only $4.50 of labor in a ton of ore, and the tariff is made $15 per ton, then at least $11.50 of your tariff is protection of the profits of the mine owner, and that is how it is. [Applause on the Democratic side.]

Mr. GARLAND. Is not the ratio between 80 cents and $5 sufficient to warrant that?

Mr. HARDY of Texas. When you get a tariff that covers all the labor cost of the production of an article in this country you can not claim any higher tax for protection to labor. Even Republicans ought to see that a tariff higher than the whole labor cost here is not for the benefit of labor, but of the tariff baron, who levies his tribute upon the masses of the people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONGWORTH. Mr. Chairman, there is only one feature of this matter I want to discuss, and that was raised by the speech of the gentleman from Pennsylvania [Mr. KREIDER]. The gentleman, from one of the most highly protected districts in this country, stated it would cost a tremendous sum of money to the consumers of this dead-burned magnesite if the rates of duty provided by this bill should be maintained. Now, let us see just what amount that represents. The difference between the committee bill and the amendment offered by the gentleman from North Carolina [Mr. KITCHIN], which the gentleman from Pennsylvania supports, is one-quarter of a cent a pound. Now the fact is that it takes about 5 pounds of this material to make a ton of steel. What is the duty upon these 5 pounds at the rate of one-quarter of a cent a pound? It is 1¼ cents a pound. Take a ton of steel rails, which in ordinary times used to sell at $28 a ton. What is the additional cost by reason of this duty? One and a quarter cents, which would be about four one-hundredths of 1 per cent. Now, it is utterly absurd for any gentleman to come into this House and talk about the cost to the consumer in a matter of this sort. The difference between what the committee proposes and what the gentleman from North Carolina proposes is one-quarter of a cent a pound. It illy becomes, in my opinion, a gentleman from the State of Pennsylvania to talk about the tremendous amount that it is going to cost the manufacturers of his State. It is utterly absurd and beneath the dignity of this House to debate it for one moment. [Applause.]

Mr. KITCHIN. Mr. Chairman, how much time is there remaining? We had 30 minutes, and how much time is now remaining?

The CHAIRMAN. There are 18 minutes remaining.

Mr. KITCHIN. Let me say to the gentleman from Michigan there are 18 minutes remaining. Let me have 10 and the gentleman have 8.

Mr. FORDNEY. I only have five minutes. The gentleman from Pennsylvania [Mr. FOCHT] wants to divide time with me.

Mr. KITCHIN. Well, let the gentleman from Pennsylvania use three minutes.

Mr. FORDNEY. He wants five minutes.

Mr. FOCHT. Mr. Chairman and gentlemen, this bill has been characterized as piecemeal legislation. I agree with the gentleman from Illinois [Mr. CANNON] that if we are going to get broad and effective results in tariff legislation it must be done as a whole. That, I believe, is the theory of protectionists, and I am one. But, nevertheless, the bill is here in process of formation and for action. I have heard the observations made by the distinguished gentleman from North Carolina [Mr. KITCHIN]. He dwelt largely upon the question of percentages; that 180 per cent is too much and 150 per cent is too much; but, my friends, to me it is not a question of percentage at all, nor can it be to any person who is a protectionist and comprehends the force of the true theory. A protectionist is not one imbued with the idea of a tariff for revenue

only; that we want it graduated and standardized, so that we may get as much goods in as we can in order to get the revenue, and which means desolation and ruin to American industry and labor. As to this question here, and on similar occasions, I know that sometimes Democrats laugh and smile about the tariff. They think it is a dead issue. In this they are mistaken and hug a delusion. It is the livest thing to-day, following this war. Let me call your attention, as has been done many times, to the steel-rail issue. There are none here so young but can recall how that industry grew up in Pennsylvania. They can remember when there was paid $125 for a ton of unpunched rails, rails with no rivet holes in them, sent here from Europe. And, coming from Pennsylvania, I think I can not say too much in credit of that State, for from there has radiated all this prosperity throughout the Nation, all based upon the protective tariff. We had the issue of tin plate, but as to this what was the result?

The minute we put the tariff on it American industry and ingenuity mined the Black Hills, and we made all the tin used in America and can make sufficient to supply the markets of the world. It is not a question of percentage; it is not a question of 120 or 150 per cent. It is a question of protecting this infant industry, and I do not care if it is 10,000 per cent. If you have this magnesite in these hills of the Western States and other States, and a protective tariff mountain high will develop it, that is what I am for, and which everybody else in America ought to be for. [Applause on the Republican side.] And in this we do for industry and labor that thing which our boys did for our honor and safety when they went across the sea to fight for American homes and firesides. When we pass a bill like this, protecting an infant industry, what do we do? We make this particular industry absolutely secure and independent from the aggression and machinations of foreign profiteers who would first destroy our industries then fix their own price and leave us helpless.

Several years ago there was before Congress the question of reciprocity with Canada, and the biggest farce and blow aimed at our agricultural industry ever pulled off on the American people. There was passed a reciprocity bill that did not mean reciprocity at all, and I am glad to have spoken and voted against it. There was a big "snake" in that bill, which was an amendment attached to it repealing the tariff on wood pulp. I myself bought many a quantity of paper for less than 2 cents a pound, and now pay 6 cents a pound to the monopoly in Canada following the closing down of American mills.

There is no puzzle, no mystery, no black art about the tariff. It is the simplest thing in all the world. It is a difference, as suggested here, between the cost of production abroad and home, and that other fundamental and underlying principle, that of protecting American industries so that they may develop and we may be safe and free from the merciless foreigner who knows no pity when we must buy from him what by sane and sensible protective tariffs we might produce in America. [Applause on the Republican side.]

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] is recognized.

Mr. KITCHIN. Mr. Chairman, let me say before I discuss the merits of the pending amendment one thing in reply to the gentleman who has just taken his seat. He said that it was the Republican tariff that had made the great iron and steel industry in Pennsylvania and other States, that has radiated prosperity out through the length and breadth of this country, and that it was the Republican tariff that had protected American labor. I admit that "Republican protection" has done a great deal for the iron and steel corporations of the country, and especially the United States Steel Corporation, but it has done very little for American labor in the iron and steel industry, and especially in the industry of the United States Steel Corporation. Let me remind the gentleman——

Mr. FOCHT. Will the gentleman yield right there?

Mr. KITCHIN (continuing). That during the reign of "Republican protection" the poorest paid labor in any manufacturing industry in the United States was the labor in the iron and steel industry. That in this industry under Republican rule and Republican tariff, American labor—the red-blooded born and naturalized American employee—was forced into competition not abroad but here at home, at his very doorway, with the cheap, pauperized labor of every country on earth. [Applause. on the Democratic side.] The Republican Party put upon the high, dutiable list everything that the American laborer wore, everything that he ate, everything that he used, increasing thereby the price of every article of necessity, while it put upon and kept upon the free list every cheap, pauperized laborer of every nation in the world. [Applause on the Democratic side.] During its entire rule under high protective tariff the Republican Party and the protected manufacturers invited to these United States the pauper laborers from the four quarters of the globe to compete here with our honest, patriotic home laborer. [Applause on the Democratic side.] And they came; they were imported free and without restriction, and ran out of our markets, out of our manufacturing and mining plants, hundreds of thousands of red-blooded, honest, patriotic American laborers. [Applause on the Democratic side.] The United States Steel Corporation alone took into its employ over 200,000 of this foreign pauper labor, which the Republicans had "free listed," and now these Republican free-list foreign laborers are giving not only the Steel Corporation but the entire country much trouble.

I want to say that the Democratic Party under Woodrow Wilson was the first party, and the only party, that ever tried to protect American labor against the Republican free-list importation of the cheap pauper labor of all the world. [Applause on the Democratic side.] Ours is the only party that ever passed an immigration act that restricted the foreign pauperized labor from coming over here and competing with the real American labor. [Applause on Democratic side.]

Mr. FOCHT. I will ask you whether he is not the gentleman who vetoed the bill to prohibit this labor from coming in from foreign countries?

Mr. KITCHIN. The Democratic Party in the House and Senate was so strong in their position on the question, and the question was so strong, that we passed it over that veto and put it on the statute books, although your party, which had been in power for 40 years, had never dared to touch it. [Applause on Democratic side.] Why? Because the big iron and steel corporation and other big manufacturing corporations that wanted to employ this cheap foreign labor instead of American labor—to displace the American employee—opposed any restriction of immigration of foreign labor. [Applause on Democratic side.]

It remained for the Democratic Party in the House and the Democratic Party in the Senate to override the demands and the protests of the big tariff-fattened corporations, and pass a fair immigration act to protect American labor against this cheap, free-list pauper labor that had been, under the Republican control, flooding the American labor market for 40 years. [Applause on the Democratic side.]

Now, to the pending amendments. The gentleman from Ohio [Mr. COOPER] raised a very important question when he asked the gentleman from Michigan [Mr. FORDNEY] if the American iron and steel companies were not protesting against the prohibitive rates in the bill and in the committee amendments. The United States Steel Corporation is not protesting, because it is able to pay to the magnesite producers here any tariff you put on. This does not hurt them. They can pay $15 or $25 a ton. But it is the little independent steel and iron companies throughout the United States that have to compete with the United States Steel Corporation which are protesting against this unjust, prohibitive tariff. The gentleman from Ohio asked if the American companies did not prefer to buy the Austrian product, because it was a better and more suitable product than the American product. The gentleman from Michigan said, "Oh, NO; ours is better than any other on earth," and the Republicans applauded.

Gentlemen, here is the report on that question from the Tariff Commission. Listen now. Mr. COOPER is right. The independent iron and steel producers are willing to stand a protective tariff, and my amendment gives a high protective tariff, at least twice as high as it ought to be, but it is not prohibitive like that of the committee. They do not want a prohibitive tariff to prevent them from getting the material that is more adaptable and better suited to their business. Here is what the Tariff Commission says:

> On the other hand, there is a decided preference among the refractory users—

They are the concerns that make the brick from the magnesite and sell to the steel and iron companies; they are the direct consumers of magnesite—

> for the magnesite that carries a certain percentage of iron, as does the Austrian magnesite.

Mr. COOPER, of Ohio, was right in asking the question; not that these steel companies want it free, not that they do not want a protective tariff, but they do not want a prohibitive tariff. They want to pay a reasonable tariff and get what they have proven by experience is a superior product. They know this rate is absolutely prohibitive, and the evidence before the committee shows that it is absolutely prohibitive and so intended.

Now, let me show you the hypocrisy that is always shown here in the debates on the tariff in the Republican cry that they are levying the tariff to protect American labor, to equalize the difference in the cost at home and abroad. Why, gentlemen,

the rate proposed is $15 a ton. This rate not only pays the difference of cost between the Austrian labor and the American labor but it pays more than every cent these magnesite industries pay their labor here. Here is the evidence if you want it. Turn to pages 33 to 35 of the hearings. There you will find it. The total cost of this magnesite now, from the mouths of the magnesite producers, is there given.

This is what one company swears to: One company says it costs it $25.13 a ton to produce—total cost, labor, overhead charges, insurance, taxes, depreciation, amortization, and so on. They swear that 53 per cent of the total cost is for labor. Fifty-three per cent of the total cost is $13.75. That $13.75 is the total cost per ton which this company pays for all its labor. Yet this tariff that they propose is $15 a ton. That more than pays every cent of the labor cost here. Yet they say this rate is to equalize the difference between labor cost here and abroad!

The next company that exhibited its cost of production said it cost it $24.53 and that 53 per cent was labor cost. The total labor cost of that company is only $12.80. Yet this tariff is $15.

The next company, the biggest company, stated that the cost to produce a ton was $21.15. Fifty-three per cent of it is labor. Eleven dollars and twenty cents a ton is every dollar it pays labor for its production. And yet this tariff is $15, and that, they say, is to differentiate between the cost of labor abroad and the cost here. As a matter of fact, upon their own testimony this $15 tariff covers not only the difference between the cost abroad and here, but all the labor cost here, with a margin left of $3.80 per ton, enough itself to pay the difference between labor cost here and abroad.

Gentlemen, there never was a more hypocritical cry in this land—I hate to say it—than when you say this rate is levied to protect the labor in the magnesite industry. [Applause on the Democratic side.]

Mr. FORDNEY. Mr. Chairman, great applause on the Democratic side when they are advocating free trade! Always look for applause on that side when anything free is offered. [Laughter on the Republican side.] The gentleman from North Carolina [Mr. KITCHIN] has a conniption fit about doing something for American labor. Under existing law, the Underwood tariff law, which the gentleman from North Carolina helped to frame and voted for, 74 per cent of all the imports—$3,095,000,000 of imports last year—came in free. Free! Yes; free silver, free trade, free lunch, free souphouses, always! That is what gentlemen on the Democratic side of the House are in favor of. [Applause on the Republican side.]

What have they done for American labor? They have voted to rob American labor on every vote when a proposition is brought in here to increase a duty on imports. In every instance they have voted against American labor because free trade for the United States is always against American labor and in favor of foreign labor. Talk about the cost to the consumer! If all this duty that we are proposing in this bill, $15 a ton, is added to the cost of the producer of steel, for instance.

Take a mechanic, a carpenter who uses steel tools. It imposes on him an additional cost of 1 cent on 500 pounds of tool steel. Oh, what an awful burden upon the American people! I wonder that the House could stand any such burden—1 cent for 500 pounds of tool steel, more tool steel than is used by any mechanic in all his life. Oh, what an awful burden; nonsense. The men who are manufacturing magnesite brick are the only men protesting against this duty, they and the Democrats who protest against any rate of duty above free trade. The magnesite brick manufacturers, paying $40 a ton for their raw material, charge $450 a thousand for the bricks, and they have no competition. Mr. Allen admitted that the 10 per cent ad valorem in existing law had prohibited the importation of brick, and not one magnesite brick has been imported into this country in 20 years; yet they are protesting against the duty on the raw material. Here comes Mr. Allen, vice president of the Refractories Co., producing magnesite brick, asking for protection on his finished product and demanding free trade on his raw material, magnesite. Oh, how inconsistent! No matter what State he is from, no matter whether he is black or white or brown, no matter what his religion or politics may be, he ought to be laughed out of court.

Talk about the labor in the steel mills of this country, it is the highest-paid labor in America to-day. I defy any man to show in any other class of labor in this country the average of wages that is paid to the employees in the steel mills and mines of this country, unless it be on the railroads.

Mr. BLANTON. Will the gentleman yield right there?

Mr. FORDNEY. In just a moment I will yield. I made the statement on the floor of the House the other day that under Government control there were 170,000 more men employed on the railroads to-day than were employed when the Government took over the control of the railroads. The Director General of Railroads, Mr. Hines, came back quickly in a letter to me and said, "Mr. FORDNEY, you are greatly in error. We have only 140,000 more." One hundred and ninety million dollars a month is lost under Government tomfoolery in the handling of the railroads of this country since we took over the railroads as a war measure, and every man of common sense knows it was unnecessary to take over the management of the railroads; it was purely a political move by the President. The Government took over the steamboat lines, and there was a steamboat with officers at Baltimore. The Government took over their steamships and took the money in their treasury, some $650,000, and last winter tendered their ships back to the company without any money, and the Government had lost $100,000 a month on that steamship line while under Government control.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. What was the testimony as to the comparative value of the American magnesite product and the Austrian product in its use?

Mr. FORDNEY. All the testimony before the committee, except from the people who owned the magnesite mine in Austria, is that there is no better magnesite produced in the world than is produced in the United States.

Mr. BLANTON. Now will the gentleman yield?

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

Mr. FORDNEY. I am sorry I could not yield to the gentleman from Texas.

The CHAIRMAN. All time has expired.

Mr. FORDNEY. I ask that the amendment be voted down.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina [Mr. KITCHIN] to the amendment of the committee.

The question being taken, on a division (demanded by Mr. KITCHIN and Mr. BLANTON), there were—ayes 51, noes 79.

Accordingly the amendment to the amendment was rejected.

Mr. KITCHIN. I offer the following amendment.

Mr. FORDNEY. Let us have a vote on the committee amendment first.

Mr. KITCHIN. I will offer my amendment after the committee amendment is voted on.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. KITCHIN. I move to add at the end of paragraph 2, line 11, after the word "pound" the following:

Provided, That the duties provided for in this paragraph shall not apply unless it be shown to the satisfaction of the Secretary of the Treasury that the industry producing magnesite described in this paragraph is paying for the labor in the production of such magnesite as much as $12.50 a ton.

Mr. LONGWORTH. I make a point of order against that amendment.

Mr. KITCHIN. I am going to call the gentleman's hand, to see whether you are really doing this for the benefit of labor.

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

The Clerk read as follows:

Amendment offered by Mr. KITCHIN: Page 1, line 11, after the word "pound," insert: "*Provided*, That the duties provided for in this paragraph shall not apply unless it be shown to the satisfaction of the Secretary of the Treasury that the industry producing magnesite described in this paragraph is paying for the labor in the production of such magnesite as much as $12.50 per ton."

Mr. LONGWORTH. I make a point of order against that amendment that it is not germane to this paragraph and contrary to paragraph 3 of rule 21.

Mr. KITCHIN. Where is your authority in the rules?

Mr. LONGWORTH. There is nothing whatever in this bill which gives authority to the Secretary of the Treasury to determine that question.

Mr. KITCHIN. The Secretary of the Treasury has got absolute authority in making rules and regulations as to the entry and the import duties, and construing the law, and it is absolutely his duty to enforce any provision we put in.

Mr. LONGWORTH. Mr. Chairman, I call attention to paragraph 3 of rule 21.

Mr. KITCHIN. Read it. There is nothing in it about this.

Mr. LONGWORTH. I call the attention of the Chair to it.

The CHAIRMAN. The gentleman from Ohio will proceed.

Mr. LONGWORTH. Mr. Chairman, this introduces an entirely new element in this bill.

Mr. KITCHIN. I know it introduces a new element.

The CHAIRMAN. The gentleman from Ohio has the floor.

Mr. LONGWORTH. It is not only not germane to the paragraph to which it is offered, but it is not germane to the bill itself.

Mr. GREEN of Iowa. Will the gentleman yield to have the amendment reported? There is some dispute about it.

Mr. LONGWORTH. Yes.

The CHAIRMAN. Without objection the Clerk will again report the amendment.

The amendment was again read.

Mr. LONGWORTH. I submit to the Chair that that amendment is not germane to this bill in any respect. It gives the Secretary of the Treasury the authority to investigate and determine whether labor is being paid a certain price or not. The rule as to revenue bills is clear. It was first adopted by the party now in the minority, then in the majority, to prevent just this sort of thing—to prevent the introduction of new matter on revenue bills, entirely new questions not at all germane to the object of the bill.

It seems to me that the reading of the amendment makes it clear that an entirely new element is introduced into the whole question; that it is not germane to the bill, not germane to the paragraph to which it is offered, and clearly violates paragraph 3 of rule 21.

Mr. KITCHIN. Mr. Chairman, if the Chair will read the rule, it seems as plain as language can make it:

No amendment shall be in order to any bill affecting the revenue which is not germane to the subject matter of the bill.

What is the subject matter of this bill? The levying of a duty upon the importation of magnesite. My amendment simply imposes a condition upon which that duty is to be levied. It relates to magnesite, it relates to the importation and duty on it, and to nothing else. It provides that it shall not bear that duty unless it be shown that the industry here seeking protection pays under $12.50 per ton to labor to produce it. The advocates of the bill claim that the duty of $15 a ton levied by the committee amendment is for the protection of the labor that produces magnesite.

It is conceded that it is in order for me to offer an amendment to strike out all of this paragraph, so that there would be no duty, or to change the rate of duty; but instead of doing this I qualify it by providing that this duty can be levied provided they show that the industry is paying $12.50 a ton for labor in its production. I permit by the amendment importations to come in at the committee's rate, with that qualification or upon that condition. This qualification relates to the "subject matter" of the bill and to "an item" of the bill.

Having the right to strike out all the paragraph or to change the rate and to provide that no duty shall be imposed on magnesite, by what process of reasoning can it be concluded that an amendment qualifying the importation or rate of duty is not in order? This amendment relates to the subject matter of the bill, and is germane to such subject matter, and is, therefore, under the letter and spirit of the rule, in order.

The other part of the rule is:

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 special items refer to "dead-burned magnesite." My amendment refers to the paragraph having in it this item, and relates to this item, and only to this item.

Mr. Chairman, in my judgment, and I believe in the judgment of the parliamentarians of this House on both sides, this is clearly germane. It may not be wise or expedient from a Republican standpoint. The question is not whether it is wise or expedient, but the question is, Is it germane? It is bound to be germane under the rule. It refers to magnesite, qualifies or imposes a condition upon levying of the duty upon the importation of magnesite. It refers to nothing else. The subject matter in the bill is the imposition of a duty on magnesite, and the only item this amendment refers to is "magnesite, dead burned or calcined." I know that the gentleman from Ohio does not want this House to vote squarely on the merits of my amendment, because he knows and every Republican knows that if Republicans of the House vote against it they will vote to repudiate everything they said in favor of protecting labor. A vote against it will prove conclusively that they do not favor protection for labor. They therefore, by making a point of order, wish to avoid a square vote on the merits of the amendment.

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

Mr. GREEN of Iowa. Mr. Chairman, the purpose of this bill is, as shown by the title thereof, "To provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States." If the amendment of the gentleman from North Carolina, contained in his motion to recommit, prevails, it should be entitled a bill not only to do this but to give the Secretary of the Treasury unheard-of powers, which have never been exercised before and which nobody ever thought of giving him. More than that, I doubt whether we could give him those powers constitutionally.

It would change this tariff bill to a bill that provided for the entry of these articles according to the judgment of the Secretary of the Treasury. It would no longer be a tariff bill if this amendment is added to it. It changes the whole nature of the bill from a tariff bill to something that has no relation to the tariff whatever, except as it may incidentally affect the entry of goods into this country.

An amendment which engrafts these new powers, which gives this control to the Secretary of the Treasury of the whole subject matter, is entirely foreign to the purpose of a bill to raise revenue for the Government and determine the amount of tariff, and has no relation to the rates contained in the bill. In this case, if the amendment prevailed, the whole matter is left to the Secretary of the Treasury, and the purpose is entirely foreign to the original bill, clear away from the original subject, and has no relation to it whatever. Therefore the gentleman's motion to recommit is not germane either to the particular paragraph which he seeks to change or to the subject matter of the bill as a whole.

Mr. CRISP. If the Chair is ready to rule, I have no desire to address the Chair.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CRISP. Mr. Chairman, I do not think this point of order is well founded, and I am frank to say that I do not think I can add anything to the argument of the gentleman from North Carolina, for, in my judgment, he made the clearest, most logical, most unanswerable argument on a point of order that I have heard in this House in a long time. Whether the amendment is wise or unwise is no concern of the Chair, and I know that the present occupant recognizes that, for I know that no Member of the House is more anxious to follow the rules and precedents of the House than the present chairman.

When a bill is up for consideration the Committee of the Whole is not bound to accept the bill as reported by the committee having the matter in charge. This is a larger committee and has jurisdiction of the subject matter, except that it is limited by the rules of the House in its consideration. The rules of the House say that in revenue bills the amendment must be germane. That rule applies generally to every bill, but as to revenue bills there is a special rule, which is clause 3 of Rule XXI, which limits and narrows the general parliamentary law as to considering bills, and says that an amendment shall not be in order to a revenue bill unless it relates to some item in the bill.

What is the subject matter of this bill? The subject matter of the bill is to levy an import duty on magnesite. What is the item? The item levies an import duty of $15 a ton on magnesite. What does the amendment seek to do? The amendment seeks to engraft onto this bill levying a tax of $15 a ton on magnesite a provision that that duty shall not apply, shall not be collected unless the manufacturers of magnesite in this country pay their labor $12.50 per ton. The subject matter is magnesite, the item in the bill is levying a tariff of $15 a ton upon it, and this is an amendment dealing with the subject matter of magnesite and attempts to attach to this very item in the bill a proviso that this import duty shall not apply unless the manufacturer pays his labor $12.50 a ton for producing it.

It is most certainly germane. To save my life I do not see how anyone can escape the conclusion that it is not only germane, but is closely related and germane to the item in the bill, and under the rules of the House is clearly in order. In my opinion the point of order is not good.

Mr. LONGWORTH. Mr. Chairman, I desire to call the attention of the Chair to a ruling made by the gentleman from Missouri [Mr. ALEXANDER], referred to in the Manual and Digest at page 518, where the gentleman from Missouri quotes with approval a decision made by the Chair in 1897 when a tariff bill was under consideration. The first paragraph of that bill provided as follows:

Be it enacted, etc., That on and after the 1st of May, 1897, unless otherwise specially provided for in this act, there shall be levied, collected, and paid upon all articles imported from foreign countries or withdrawn for consumption, and mentioned in the schedules herein contained, the rates of duty which are by the schedules and paragraphs, respectively, prescribed, viz:

To that Mr. Dockery, of Missouri, offered an amendment, which was in substance the same sort of an amendment as that now offered by the gentleman from North Carolina [Mr. KITCHIN], and which read as follows:

Provided, That when it is shown to the satisfaction of the Secretary of the Treasury that such articles are manufactured, controlled, or produced in the United States by a trust or trusts, the importation of

such articles from foreign countries shall be free of duty until such manufacture, control, or production shall have ceased, in the opinion of the Secretary of the Treasury.

A point of order was made against that amendment, and the Chair ruled that the amendment was not germane—just as I make the point of order that precisely the same kind of an amendment is not germane. The point I make now is even stronger, it seems to me, than the case referred to, because the rule has been very much limited in respect to germaneness on revenue bills since the day that decision was rendered. That amendment sought to do the same sort of thing that the amendment offered by the gentleman from North Carolina seeks to do, namely, give to the Secretary of the Treasury discretion to limit or control in some way the operation of the bill. It seems to me that that decision is on all fours and is even more apropos to-day than it was at that time, because the House, since that time, has greatly limited the rule in respect to germaneness of amendments to revenue bills.

Mr. HICKS. Mr. Chairman, if I may, I would like briefly to say a word to strengthen the argument made by the gentleman from Ohio by referring to section 943a of the Digest, where a decision was rendered by Mr. Speaker CLARK along lines somewhat similar to this one. The amendment now under consideration provides for the obtaining of information by the Secretary of the Treasury, constituting him a sort of embyro tariff commission. Our bill provides for the collection of revenue; the amendment for the collection of statistics. They are different subjects, and the question of germaneness can be raised. Here is the decision rendered by Mr. Speaker CLARK, on page 486 of the Manual and Digest, wherein he ruled out of order as not germane a proposition to recommit a tariff bill with instructions to report forthwith a provision for the creation of a tariff commission. This amendment comes under exactly the same rule as a question to recommit would come under, although, of course, no new office is created in this instance; but it is a delegation of power and provides for the ascertainment of facts and not for the procurement of money. This is what Mr. Speaker CLARK at that time said:

The subject matter of this tariff bill is the raising of revenue. The subject matter of the part of the motion to recommit which relates to the Tariff Commission is to gather information; or, to state it in other words, the purpose of the tariff bill is to get money and the purpose of the Tariff Commission is to get information.

Mr. Speaker CLARK ruled that proposition out of order, and I feel, therefore, Mr. Chairman, that this amendment should be ruled out of order and that the point of order should be sustained.

Mr. CLARK of Missouri. Mr. Chairman, that decision of mine was entirely correct, but it does not fit this case. That was a proposition to create a new body of officeholders that had nothing in the world to do with the bill, and was an effort to shunt the bill that was before the House out of the way or to weaken its effect. In this case the amendment is in order not only for the reasons stated by the gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Georgia [Mr. CRISP] but it is in order as a limitation.

The CHAIRMAN. Does the gentleman contend that the rule with reference to limitations has effect as applying to germaneness of amendments to revenue bills?

Mr. CLARK of Missouri. It has been ruled on, I suppose, one hundred times, and is one of the favorite ways of getting matter into a bill which those in charge of it do not want to come in.

Mr. LONGWORTH. Oh, that has reference to appropriation bills.

Mr. CLARK of Missouri. I understand, but the subject matter of this bill is to raise revenue, and the item that the gentleman from North Carolina is trying to amend is the very same subject.

Now, I believed for a long time—and this has got nothing to do with this point of order, and I ask to proceed for a minute outside of it—I have contended for a long time that if it could pass the courts that the best way to settle this whole tariff question would be to rig up a scheme of fixing certain rates and then give the Secretary of the Treasury authority to put them up or down owing to the per cent the imports bore to the entire body of the consumption. I do not know whether it would pass the courts or not. If I had believed it would I certainly would have gotten up a bill long ago. But this amendment of Mr. KITCHIN's simply fixes the condition——

Mr. LONGWORTH. Will the gentleman from Missouri yield?

Mr. CLARK of Missouri. I will.

Mr. LONGWORTH. Does the gentleman from Missouri draw a distinction between giving the Secretary of the Treasury the right to determine whether an article is made by a trust and between this proposition that the labor producing it shall be paid a certain fixed wage?

Mr. CLARK of Missouri. No. I do not think——

Mr. LONGWORTH. Because in that case the gentleman from Missouri must necessarily support the proposition this is not germane, because it has been held and never since overruled that on a tariff bill to give the Secretary of the Treasury authority to determine whether it is made by a trust or not is not germane to the bill.

Mr. CLARK of Missouri. That might be, but here is a flat proposition——

Mr. LONGWORTH. It is exactly the same.

Mr. CLARK of Missouri. The proponents of this bill claim that the reason they want this high tariff is because they want American laborers to have high wages. That is a nebulous kind of theory. Here is the concrete proposition which Mr. KITCHIN offers, that unless these laborers get at least $12.50 out of the $15 tariff protection that it shall not be collected. Well, now, I am in favor, and always have been, that if you are going to levy a tariff to pay laborers high wages you should give the laborers the wages and not let some fellow who does not work any stick it down in his pocket and make an enormous profit out of the labor that produces the thing. [Applause on the Democratic side.] I do not think there is any question about the morality of that proposition, whatever the parliamentary situation may be.

Mr. KITCHIN. Mr. Chairman, the gentleman from Ohio cited a case to the Chair on page 518 of the rules. The way the gentleman read it, it looks like a point-blank case in his favor.

Mr. LONGWORTH. I always read that way.

Mr. KITCHIN. Yes; the gentleman reads that way, but it is the wrong way. When you examine it, you will find that it is really against him. Let me call the attention of the Chair, if the Chair has the rules before him, and I see he has, to page 518. Now, the Dingley bill was before the House. Immediately after the Clerk read the paragraph following the enacting clause, and before the list of articles upon which the rates of the tariff was to be levied or the rates had been reached, Mr. Dockery, of Missouri, offered this amendment:

Provided, That when it is shown to the satisfaction of the Secretary of the Treasury that such articles are manufactured, controlled, or produced in the United States by a trust or trusts—

And so forth. They should be exempt from duty. Now, the point made by Mr. Dingley was not that that was not germane at some section or provision of the bill, but that it was not germane "at that point" of the reading of the bill.

Let me quote from citation in the rules:

Mr. Nelson Dingley, of Maine, made a point of order against the amendment.

The Chairman ruled as follows, etc.:

"To the first paragraph, the gentleman from Missouri [Mr. Dockery] offers an amendment providing that under certain conditions all articles upon the dutiable list shall be transferred to the free list. To that amendment the gentleman from Maine, Mr. Dingley, raised the point of order that it is not in order *at that point of the bill*."

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. GREEN of Iowa. The gentleman only gets himself in a deeper hole because his amendment relates back to the same matter to which this amendment does, otherwise it would make no sense whatever as applied to the clause where the gentleman has inserted it. It relates right back to this phrase "there shall be levied and collected, provided," and so forth.

Mr. KITCHIN. No. The gentleman does not understand the question at issue at all.

Mr. GREEN of Iowa. The decision is exactly in point.

Mr. KITCHIN. No; it is not. I think I can show that the gentleman from Iowa is very much mistaken. My amendment relates, and so declares, only to "paragraph 2." Now, suppose I had offered that amendment after line 7, page 1 of the bill, before we had reached the magnesite provision or any rate provision at all, then Mr. LONGWORTH could have made the point of order that the amendment was not in order "at that point in the bill," just as Mr. Dingley did, in the case referred to. But I did not offer the amendment "at that point" but at the proper place in the bill as the Clerk reached it, when he had read for amendment "paragraph 2" of the bill.

Mr. GREEN of Iowa. Has not the gentleman overlooked the fact that we have only one section in the bill?

Mr. KITCHIN. We do not read for amendments tariff bills by sections, but by paragraphs, and there are several paragraphs in the bill.

Mr. GREEN of Iowa. But we interpret them by sections.

Mr. KITCHIN. The gentleman from Iowa might possibly have been right if I had been foolish enough to offer the amendments immediately after the Clerk had read line 7.

The CHAIRMAN. The Chair is ready to rule. The rule applicable to the question under consideration is as follows:

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.

It is clear that the rule here prescribed applies only to revenue bills and that it seeks to limit very closely the possibility of amendment of revenue bills by requiring that an amendment shall be germane, not only to the subject matter of the bill but to the specific item under consideration. The item under consideration imposes a duty upon magnesite, calcined, dead burned, and grain, of three-fourths of a cent a pound. The amendment of the gentleman from North Carolina proposes that that duty shall not apply unless it shall be shown to the satisfaction of the Secretary of the Treasury that the industry producing the magnesite described in the paragraph is paying for the labor in the production of such magnesite as much as $12.50 per ton.

The Chair thinks that the amendment of the gentleman from North Carolina introduces an entirely new matter, a matter of administration, and increases the existing authority of the Secretary of the Treasury and does not directly relate to the paragraph which in itself simply imposes a duty upon magnesite described in it. If the rule were construed as the gentleman proposing the amendment insists it should be construed, and if the rule could be evaded by putting an amendment in the form of a limitation, as this amendment is in the form of a limitation, the whole reason and purpose of the rule would be destroyed. The Chair therefore sustains the point of order.

Mr. KITCHIN. Mr. Chairman, I respectfully appeal from the decision of the Chair.

Mr. LONGWORTH. Mr. Chairman, I move to lay the appeal on the table.

Mr. CRISP. That is not in order in the Committee of the Whole.

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. KITCHIN. Division, Mr. Chairman.

The committee divided; and there were—ayes 95, noes 81.

Mr. KITCHIN. Tellers, Mr. Chairman.

Tellers were order, and Mr. FORDNEY and Mr. GARNER took their places as tellers.

The committee again divided; and there were—ayes 104, noes 81.

So the decision of the Chair stood as the judgment of the committee.

The Clerk read as follows:

3. Magnesite brick, 25 per centum ad valorem.

Also the following committee amendment was read:

Line 1, insert after the word "brick" "three-fourths of a cent per pound and"; and in line 2, strike out "25" and insert "10."

The CHAIRMAN. The question is on the committee amendment.

Mr. KITCHIN. Mr. Chairman, I move to insert "one-fourth" instead of "three-fourths."

The CHAIRMAN. The gentleman from North Carolina offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. KITCHIN to the committee amendment: Strike out "three-fourths" and insert "one-fourth."

Mr. FORDNEY. On the gentleman's amendment I want to say one word. I wish to call the attention of the House to the fact that the gentleman's amendment is right in line with a report of a good Democrat, Mr. Arthur Brisbane, published in the noon edition of to-day's Washington Times, as follows:

Strikes are expensive luxuries. The English railroad strike cost the Government $5,000,000 a day and a loss to business of two hundred and fifty millions. The minimum wage is maintained for a year at $12.50 a week, which in America would hardly be worth striking for. After Europe catches up with its own work, American workmen and business men will have to think earnestly on the problem of protection.

[Applause on the Republican side.]

The CHAIRMAN. The question is on the adoption of the amendment to the amendment, offered by the gentleman from North Carolina [Mr. KITCHIN].

The question was taken, and the amendment to the amendment was rejected.

Mr. KITCHIN. Mr. Chairman, I move to strike out in line 2, the words: "and 10 per centum ad valorem."

Mr. FORDNEY. Mr. Chairman, I ask for a vote on the amendment.

Mr. KITCHIN. I have five minutes on this.

Mr. FORDNEY. Does the gentleman want to speak on the amendment?

Mr. KITCHIN. Yes, sir.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KITCHIN: Page 2, line 2, strike out the words "10 per centum ad valorem."

Mr. KITCHIN. Mr. Chairman, it is probably not inappropriate that the gentleman from Michigan [Mr. FORDNEY] should have read that extract from Mr. Brisbane's article. Of course, from the vote just taken it would have been more appropriate for a gentleman on this side to have read it. But it may be equally appropriate for the chairman of the Committee on Ways and Means to have read that extract. Mr. Brisbane, in that article, was demanding protection that should be actually in the interest, and not protection simply claimed by its advocates to be in the interest, of American labor.

That is exactly what every Democrat in the House voted for a moment ago and what every Republican voted against. [Applause on the Democratic side.] We demanded in our amendment the actual protection of American labor, and the gentleman from Michigan [Mr. FORDNEY] had the audacity to read what Mr. Brisbane said, when we had just taken a vote by which every Republican in this House refused to give of the $2,500,000 protection granted in the bill one single dollar of it to the American labor that produced the article protected. [Applause on the Democratic side.] If you are honest, if you are sincere, and really believe in and agree with Mr. Brisbane in what he says, what can you say to the labor conference in Washington now; what can you say to the labor, organized or unorganized, throughout this country when they ask you, "Why in the name of common sense and justice, if you wanted to protect American labor in the tariff, did you vote unanimously against the only proposition that was presented in the House at this session to really give labor one dollar of protection"? [Applause on the Democratic side.]

Gentlemen, as I said a while ago, this Republican cry of protecting American labor is pure hypocrisy, and every intelligent laboring man in the United States, every intelligent man in the United States, knows it is hypocrisy. You have been writing tariff laws for nearly 50 years and claimed in every bill that you were writing it in the name and interest of American labor. The Whigs wrote tariff laws for nearly 25 years before the war, all claimed in the name of American labor. [Applause on the Republican side.]

Ah, gentlemen, by pure brute force of the lungs you Republicans can not drown out the injustice and hypocrisy of that vote against the American laborer that you cast just a moment ago unanimously. [Applause on the Democratic side.] Yes; all the tariff bills you have written in the last 50 years were claimed by you to have been written in the name and in the interest of the laboring man, none for the manufacturer. As a result of such tariff bills name one American laborer that has a summer home or a seaside cottage or a mountain resort. Name one that has his Packard or Pierce Arrow. Name one that has his yacht. Name one that has his theater box. Name one that has his boys and girls in our big colleges and universities. How many sons of the American laborer, whom you profess to have protected for a half of a century, are graduating at Yale and Harvard and Princeton or other such institutions?

Gentlemen, in this House there are two Members who belong to organized labor and not one of them will vote with you on this proposition. Both of them voted with all the Democrats a moment ago for an opportunity to put on record every Republican and every Democrat in this House as to whether or not he was willing for the American laborer, the American employee, to share in the direct benefit of a Republican protective tariff. Every Republican present in the House voted against that opportunity.

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

Mr. KITCHIN. Yes.

Mr. AYRES. I desire the gentleman to correct that statement. Mr. KELLER, of Minnesota, voted to overrule the Chair.

Mr. KITCHIN. I am glad to say that Mr. KELLER was one of the gentlemen to whom I referred, who voted to give the Republicans here a chance to show by a record vote whether or not Republicans of this House were keeping faith with labor. [Applause on the Democratic side.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina [Mr. KITCHIN].

The question was taken, and the amendment was rejected.

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

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That paragraph 539 of the tariff act of October 3, 1913, is hereby expressly repealed; and that so much of paragraph 71 of said tariff act and of any heretofore existing law or parts of law as may be inconsistent with this act are hereby repealed.

With committee amendments.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Line 4, page 2, after the word "hereby," strike out the word "expressly."

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

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Line 5, page 2, after the word "any," strike out the word "heretofore."

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

The committee amendment was agreed to.

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise and report to the House, with the recommendation that the amendments to the bill be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ANDERSON, 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. 5218) to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FORDNEY. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER. The gentleman from Michigan moves the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. KITCHIN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from North Carolina offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. KITCHIN moves to recommit the bill to the Committee on Ways and Means with instructions to report the same back instanter with the following amendment: After line 7, page 2, add a new section, as follows:

"The duties provided for in this act shall not apply unless it be shown to the satisfaction of the Secretary of the Treasury that the industry producing magnesite, described in this act, is paying for the labor in the production of such magnesite as much as $12.50 per ton."

Mr. LONGWORTH. Mr. Speaker, I make a point of order against the motion of the gentleman from North Carolina [Mr. KITCHIN] and would call the attention of the Chair to the fact that the Chairman of the Committee of the Whole House on the state of the Union has recently ruled out of order just such an amendment.

The SPEAKER. Is this substantially the same amendment that was offered in the committee?

Mr. KITCHIN. Yes; offered as a new section. Mr. Speaker, I do not think the recent erroneous ruling of the Chairman of the Committee of the Whole House on the state of the Union is really an authority. [Applause.] It is not over five minutes old.

Mr. CARTER. It is not dry behind the ears yet.

Mr. BLANTON. Now is the best time to change it.

Mr. KITCHIN. The Chairman of the Committee of the Whole made an erroneous ruling, as the precedents show, and the very precedent cited by the gentleman from Ohio [Mr. LONGWORTH] to prove that it was not germane shows when you read it that it is absolutely germane. I think that the Speaker, who is the Presiding Officer of the House, ought to reverse an erroneous ruling of the Chairman of the Committee of the Whole House on the state of the Union at the earliest possible moment. [Applause.] That moment has arrived, and in order that it shall not hereafter become a precedent I think he ought now to reverse the ruling of the Chairman of the Committee of the Whole House on the state of the Union and rule in accordance with the rule and the precedents.

The SPEAKER. The Chair, of course, as the gentleman suggests, is not bound by the ruling of the Chairman of the Committee of the Whole, but always a ruling of a Chairman of the Committee of the Whole would have great weight, and naturally the Chair would not wish to disturb that unless he felt bound by the precedents to do so. That is peculiarly so in the present instance, because the gentleman from North Carolina [Mr. KITCHIN] appealed from the decision of the Chairman of the Committee of the Whole House, and the Committee of the Whole, by a substantial majority with a very full attendance, sustained the opinion of the Chairman of the Committee of the Whole. The Chair sustains the point of order.

Mr. KITCHIN. Mr. Speaker, I appeal respectfully from the decision of the Chair.

Mr. LONGWORTH. I move to lay the appeal on the table.

The SPEAKER. The gentleman from Ohio moves to lay the appeal on the table.

The question being taken, the Speaker announced that he was in doubt.

Mr. KITCHIN. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The SPEAKER. As many as are in favor of laying the appeal on the table will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 142, nays 111, answered "present" 4, not voting 172, as follows:

YEAS—142.

Anderson	Fordney	Kraus	Rodenberg
Andrews, Nebr.	Foster	Kreider	Rogers
Bacharach	Freeman	Lampert	Rose
Barbour	French	Layton	Rowe
Begg	Garland	Longworth	Sanders, Ind.
Benham	Glynn	Luhring	Scott
Bland, Ind.	Good	McFadden	Siegel
Boies	Gould	McLaughlin, Mich.	Sinnott
Brooks, Ill.	Graham, Ill.	MacGregor	Smith, Idaho
Brooks, Pa.	Green, Iowa	Magee	Smith, Mich.
Browne	Griest	Mapes	Snell
Browning	Hadley	Michener	Steenerson
Burroughs	Hardy, Colo.	Miller	Strong, Kans.
Campbell, Kans.	Haskell	Monahan, Wis.	Summers, Wash.
Cannon	Haugen	Mondell	Sweet
Christopherson	Hawley	Moore, Ohio	Temple
Cooper	Hays	Morgan	Timberlake
Copley	Hernandez	Mott	Tincher
Crampton	Hersey	Mudd	Towner
Crowther	Hickey	Nelson, Wis.	Treadway
Curry, Calif.	Hicks	Newton, Minn.	Vestal
Dale	Hill	Nichols, Mich.	Volstead
Dallinger	Hoch	Nolan	Walsh
Darrow	Houghton	Ogden	Walters
Davis, Minn.	Hulings	Olney	Wason
Dickinson, Iowa	Husted	Osborne	Watson, Pa.
Dowell	Hutchinson	Platt	Webster
Dunbar	James	Purnell	Wheeler
Dunn	Jefferis	Radcliffe	White, Kans.
Echols	Johnson, Wash.	Ramseyer	White, Me.
Edmonds	Jones, Pa.	Randall, Wis.	Williams
Elston	Juul	Reavis	Wood, Ind.
Evans, Nebr.	Kelly, Pa.	Reber	Young, N. Dak.
Fairfield	King	Reed, N. Y.	Zihlman
Fess	Kinkaid	Reed, W. Va.	
Focht	Kleczka	Ricketts	

NAYS—111.

Alexander	Connally	Johnson, Miss.	Randall, Calif.
Almon	Crisp	Jones, Tex.	Rayburn
Ashbrook	Davis, Tenn.	Keller	Romjue
Aswell	Dickinson, Mo.	Kincheloe	Rouse
Ayres	Dominick	Kitchin	Rubey
Bankhead	Doremus	Lanham	Rucker
Bee	Dupré	Lankford	Sanders, La.
Benson	Eagan	McDuffie	Sears
Black	Evans, Mont.	McKeown	Small
Blackmon	Evans, Nev.	McLane	Steagall
Bland, Mo.	Gard	Mansfield	Stedman
Bland, Va.	Garner	Martin	Sumners, Tex.
Blanton	Garrett	Minahan, N. J.	Taylor, Colo.
Booher	Griffin	Moon	Thomas
Box	Hardy, Tex.	Neely	Tillman
Briggs	Hastings	Nelson, Mo.	Venable
Brinson	Hayden	O'Connell	Vinson
Buchanan	Heflin	Oldfield	Watkins
Byrnes, S. C.	Hersman	Oliver	Weaver
Campbell, Pa.	Holland	Overstreet	Webb
Candler	Howard	Padgett	Welty
Caraway	Huddleston	Parrish	Wilson, La.
Carrs	Hudspeth	Pell	Wilson, Pa.
Carter	Hull, Tenn.	Phelan	Wingo
Casey	Humphreys	Pou	Woods, Va.
Clark, Mo.	Igoe	Quin	Wright
Cleary	Jacoway	Rainey, J. W.	Young, Tex.
Coady	Johnson, Ky.	Raker	

ANSWERED PRESENT—4.

Byrns, Tenn.	Kearns	Knutson	Major

NOT VOTING—172.

Ackerman	Fisher	Luce	Sabath
Andrews, Md.	Fitzgerald	Lufkin	Sanders, N. Y.
Anthony	Flood	McAndrews	Sanford
Babka	Frear	McArthur	Saunders, Va.
Baer	Fuller, Ill.	McClintic	Schall
Barkley	Fuller, Mass.	McCulloch	Scully
Bell	Gallagher	McGlennon	Sells
Bowers	Gallivan	McKenzie	Sherwood
Brand	Gandy	McKinley	Shreve
Britten	Ganly	McKinley	Sims
Brumbaugh	Godwin, N. C.	McLaughlin, Nebr.	Sinclair
Burdick	Goldfogle	McPherson	Sisson
Burke	Goodall	MacCrate	Slemp
Butler	Goodwin, Ark.	Madden	Smith, Ill.
Caldwell	Goodykoontz	Maher	Smith, N. Y.
Cantrill	Graham, Pa.	Mann	Smithwick
Carew	Greene, Mass.	Mason	Snyder
Chindblom	Greene, Vt.	Mays	Steele
Clark, Fla.	Hamill	Mead	Stephens, Miss.
Classon	Hamilton	Merritt	Stephens, Ohio
Cole	Harrison	Montague	Stevenson
Collier	Hull, Iowa	Mooney	Stiness
Costello	Ireland	Moore, Pa.	Strong, Pa.
Crago	Johnson, S. Dak.	Moore, Va.	Sullivan
Cullen	Johnston, N. Y.	Moores, Ind.	Swope
Currie, Mich.	Kahn	Morin	Taylor, Ark.
Davey	Kelley, Mich.	Murphy	Taylor, Tenn.
Dempsey	Kendall	Newton, Mo.	Thompson
Denison	Kennedy, Iowa	Nicholls, S. C.	Tilson
Dent	Kennedy, R. I.	O'Connor	Tinkham
Dewalt	Kettner	Paige	Upshaw
Donovan	Kiess	Park	Vaile
Dooling	LaGuardia	Parker	Vare
Doughton	Langley	Peters	Voigt
Drane	Larsen	Porter	Ward
Dyer	Lazaro	Rainey, H. T.	Watson, Va.
Eagle	Lea, Calif.	Ramsey	Welling
Elliott	Lee, Ga.	Rhodes	Whaley
Ellsworth	Lehlbach	Riddick	Wilson, Ill.
Emerson	Lesher	Riordan	Winslow
Esch	Linthicum	Robinson, N. C.	Wise
Ferris	Little	Robsion, Ky.	Woodyard
Fields	Lonergan	Rowan	Yates

So the motion to lay the appeal on the table was agreed to.

The following pairs were announced:

Until further notice:

Mr. McARTHUR with Mr. SISSON.
Mr. McPHERSON with Mr. MAJOR.
Mr. PAIGE with Mr. CALDWELL.
Mr. RAMSEY with Mr. ROBINSON of North Carolina.
Mr. SHREVE with Mr. McANDREWS.
Mr. STEPHENS of Ohio with Mr. BRAND.
Mr. MOORES of Indiana with Mr. FIELDS.
Mr. HAMILTON with Mr. McGLENNON.
Mr. ACKERMAN with Mr. WISE.
Mr. SINCLAIR with Mr. CANTRILL.
Mr. SLEMP with Mr. BYRNS of Tennessee.
Mr. SMITH of Illinois with Mr. BRUMBAUGH.
Mr. MORIN with Mr. FERRIS.
Mr. MURPHY with Mr. EAGLE.
Mr. ANDREWS of Maryland with Mr. WHALEY.
Mr. ESCH with Mr. SAUNDERS of Virginia.
Mr. FREAR with Mr. SABATH.
Mr. TAYLOR of Tennessee with Mr. O'CONNOR.
Mr. NEWTON of Missouri with Mr. DOUGHTON.
Mr. PARKER with Mr. DOOLING.
Mr. ANTHONY with Mr. WELLING.
Mr. HULL of Iowa with Mr. McCLINTIC.
Mr. LaGUARDIA with Mr. LAZARO.
Mr. LANGLEY with Mr. LARSEN.
Mr. LEHLBACH with Mr. KETTNER.
Mr. LITTLE with Mr. JOHNSTON of New York.
Mr. LUCE with Mr. HARRISON.
Mr. McKENZIE with Mr. HAMILL.
Mr. McKINLEY with Mr. GOODWIN of Arkansas.
Mr. BOWERS with Mr. WATSON of Virginia.
Mr. BURKE with Mr. UPSHAW.
Mr. IRELAND with Mr. McANDREWS.
Mr. JOHNSON of South Dakota with Mr. LONERGAN.
Mr. KELLEY of Michigan with Mr. LINTHICUM.
Mr. PORTER with Mr. DEWALT.
Mr. RHODES with Mr. DAVEY.
Mr. KEARNS with Mr. CULLEN.
Mr. SANDERS of New York with Mr. COLLIER.
Mr. FULLER of Illinois with Mr. ROWAN.
Mr. FULLER of Massachusetts with Mr. HENRY T. RAINEY.
Mr. McLAUGHLIN of Nebraska with Mr. GOLDFOGLE.
Mr. MacCRATE with Mr. GODWIN of North Carolina.
Mr. MADDEN with Mr. GANLY.
Mr. MANN with Mr. GANDY.
Mr. GOODYKOONTZ with Mr. PARK.
Mr. BUTLER with Mr. STEELE.
Mr. CHINDBLOM with Mr. TAYLOR of Arkansas.
Mr. COLE with Mr. SULLIVAN.
Mr. PETERS with Mr. DONOVAN.
Mr. STINESS with Mr. BARKLEY.
Mr. STRONG of Pennsylvania with Mr. BABKA.
Mr. KENNEDY of Iowa with Mr. LESHER.
Mr. THOMPSON with Mr. NICHOLLS of South Carolina.
Mr. TINKHAM with Mr. MOORE of Virginia.
Mr. VARE with Mr. MOONEY.
Mr. WARD with Mr. MEAD.
Mr. WILSON of Illinois with Mr. GALLAGHER.
Mr. WINSLOW with Mr. FLOOD.
Mr. WOODYARD with Mr. FITZGERALD.
Mr. GRAHAM of Pennsylvania with Mr. MAYS.
Mr. GREENE of Massachusetts with Mr. MAHER.
Mr. COSTELLO with Mr. STEVENSON.
Mr. CRAGO with Mr. STEPHENS of Mississippi.
Mr. CURRIE of Michigan with Mr. SMITHWICK.
Mr. DEMPSEY with Mr. SMITH of New York.
Mr. DENISON with Mr. SIMS.
Mr. KENNEDY of Rhode Island with Mr. LEE of Georgia.
Mr. KIESS with Mr. LEA of California.
Mr. GREENE of Vermont with Mr. McKINIRY.
Mr. SANFORD with Mr. CLARK of Florida.
Mr. SELLS with Mr. CAREW.
Mr. YATES with Mr. RIORDAN.
Mr. MASON with Mr. GALLIVAN.
Mr. MOORE of Pennsylvania with Mr. FISHER.
Mr. DYER with Mr. SHERWOOD.
Mr. EMERSON with Mr. SCULLY.
Mr. KNUTSON (yes) with Mr. BELL (no).

On this vote:

Mr. KAHN (yes) with Mr. DENT (no).
Mr. ELLIOTT (yes) with Mr. DRANE (no).
Mr. ROBSION of Kentucky (yes) with Mr. MONTAGUE (no).

Mr. KNUTSON. Mr. Speaker, I wish to withdraw my vote of "aye" and answer "present," as I am paired with the gentleman from Georgia, Mr. BELL.

Mr. DENISON. Mr. Speaker, I heard my name called, but I was in the lobby.

The SPEAKER. The gentleman is not entitled to vote.

Mr. BAER. Mr. Speaker, I could not get here in time, but if I had been here I would have voted "aye."

The vote was announced as above recorded.

Mr. KITCHIN. Mr. Speaker, I offer the following motion to recommit:

The Clerk read as follows:

Mr. KITCHIN moves to recommit the bill to the committee with instructions to report the same forthwith to the House, with the following amendment: Strike out all after the enacting clause and insert in lieu thereof the following: "That on and after the day following the passage of this act there shall be levied, collected, and paid upon the articles named herein, when imported from any foreign country into the United States or into any of its possessions, the rates of duties which are herein prescribed, namely:

"1. Magnesite, commercial ore, either crushed or ground, one-eighth of a cent per pound.

"2. Magnesite, calcined, dead burned, and grain, three-eighths of a cent per pound.

"3. Magnesite brick, three-eighths of a cent per pound and 10 per cent ad valorem.

"SEC. 2. That paragraph 539 of the tariff act of October 3, 1913, is hereby repealed; and that so much of paragraph 71 of said tariff act and of any existing law or parts of law as may be inconsistent with this act are hereby repealed."

Mr. LONGWORTH. Mr. Speaker, I make the point of order against the motion to recommit on the ground that it effects changes in amendments adopted in Committee of the Whole and agreed to in the House. It is a way of attempting to get around amendments adopted in Committee of the Whole and agreed to by the House.

Mr. KITCHIN. What authority has the gentleman got for his position?

Mr. LONGWORTH. The authority of a wise judgment. [Laughter.]

Mr. KITCHIN. The gentleman's wisdom?

Mr. LONGWORTH. Yes.

Mr. KITCHIN. All right, the Chair would like to hear the gentleman's reasons.

Mr. LONGWORTH. Mr. Speaker, it would not have been in order for the gentleman to offer any amendment which would have changed in any manner a committee amendment, but by a subterfuge of striking out all after the enacting clause he seeks to do what he otherwise could not do legitimately. I make the point of order that the gentleman's motion is out of order.

The SPEAKER. Can the gentleman cite the Chair any authorities?

Mr. LONGWORTH. Mr. Speaker, section 948 of the Manual, page 522, holds that it is not in order to move to recommit with

instructions to eliminate an amendment adopted by the House. That is exactly what the gentleman from North Carolina [Mr. KITCHIN] is seeking to do by this motion. The committee adopted an amendment placing a duty of one-half a cent a pound on magnesite ore. The gentleman by his motion attempts to reduce that duty and make another rate of duty. The effect is to amend a committee amendment, which is not in order, that amendment having already been adopted by the House. The Chair will recall that the House has adopted all of the committee amendments, which fixed a certain specific rate of duty in each one of these three paragraphs of the bill. It is a mere subterfuge to move to strike out all after the enacting clause and to change those rates of duty. The gentleman would not have the right to change the rate of duty in any one of these paragraphs. Therefore he has not the right to change them in all three.

Mr. CRISP. Mr. Speaker, I will say frankly to the gentleman from Ohio [Mr. LONGWORTH] that the gentleman from North Carolina [Mr. KITCHIN], when he moved to strike out the enacting clause, had no desire whatever to claim and did not think it gave him any advantage. The gentleman simply adopted that method to get his different rates before the House.

The object of a motion to recommit is clearly to give the minority of the House—the legislative minority and not the political minority—a chance affirmatively to go on record as to what they think this legislation should be, and if a motion to recommit does not permit that, then the motion is futile. I know the decision to which the gentleman has cited the Chair. That simply provides that you can not offer to strike out some amendment that the House has adopted, upon the theory that when the House had once acted on a matter there ought to be an end to it.

Mr. LONGWORTH. But the gentleman will concede that the effect of the motion of the gentleman from North Carolina is to amend the committee amendments, the amendments already adopted by the House.

Mr. CRISP. I will concede that the effect of the motion is to change the rates in this bill, and that is the only office of a motion to recommit. It is to give the minority the right affirmatively to go on record as to their views. If the motion to recommit does not mean that, it is absolutely a useless motion.

Mr. GARNER. And may I suggest to the gentleman that the difference in the rule that he suggests and the provision now before the House is this: It would not be in order to strike out an amendment that had been adopted by the House, but I know of no rule that would require one not to change that amendment.

Mr. LONGWORTH. But the effect is precisely the same, whether you strike out and insert or whether you move to strike out all of the amendment and substitute. If one is not in order, the other is not.

Mr. WALSH. Mr. Speaker, the Chair will find the precedent cited by the gentleman from Ohio [Mr. LONGWORTH] on page 524 of the later edition of the Manual. It will be noted that in the motion to recommit the only changes made are in the rates which have been fixed in the bill, which have been adopted by the House. If the gentleman offered a motion to recommit and proposed in his motion to change those rates, it would clearly be out of order; and I submit that even if he offered a motion to strike out all of that enacting clause and then reinserted all of the bill, which he does not seek to change, and only changes on the rates, that does not bring it without the provisions of the rule, and that is what the gentleman has done, as the gentleman from Ohio has most clearly stated. The only changes in this bill which the gentleman from North Carolina seeks to make are changes in the rates fixed in the committee amendments which have already been adopted by the House. The mere fact that he seeks to strike out all after the enacting clause and reinsert the provisions of the bill which he does not propose to change, and then changes the rates that have already been adopted by the House in the form of committee amendments, clearly brings it within the ruling made by former Speaker CLARK. If in his motion to strike out all after the enacting clause he had substituted an entirely different bill, the rule probably would not apply; but he has not done that. He simply seeks to change the amendments which have already been adopted by the House, and it would seem as though that would bring it within the rule that a motion to recommit can not be made to eliminate or modify amendments which have been acted upon and adopted by the House.

Mr. GARRETT. Mr. Speaker, let us see to what point the reasoning of the gentleman from Massachusetts [Mr. WALSH], if followed, would carry us. First, let us bear in mind that the motion to recommit is regarded as so sacred that it is one of the few things protected against the Committee on Rules by the general rules of the House. It is expressly provided in the general rules of the House that the Committee on Rules may not bring in a resolution which will prevent one motion to recommit. Of course, the reason for that is to protect, as the gentleman from Georgia [Mr. CRISP] has so well expressed it, the minority of the House—that is, the legislature, not the political, minority—in its right to present a concrete, comprehensive proposition of legislation. If the reasoning of the gentleman from Massachusetts be followed to its logical end, what is the result? Appropriation bills may be brought before the House, considered and amended in Committee of the Whole, reported to the House with amendments, and those amendments adopted, and a motion would not be in order to recommit, reducing by a single cent one of the appropriations that have been made in any amendment to the bill as adopted by the House. If the Speaker should sustain this point of order, the practical effect of that ruling would be to do by a parliamentary decision that which the Committee on Rules and the House itself can not do under the general rules of the House. It will practically destroy the efficacy of the motion to recommit with instructions.

Mr. LONGWORTH. Mr. Speaker, let us see where the logic of the gentleman from Tennessee would lead us. It would lead us to the proposition that the well-settled rule that no amendment adopted in committee and afterwards adopted by the House can be changed——

Mr. GARRETT. Will the gentleman yield?

Mr. LONGWORTH. I will.

Mr. GARRETT. As I remember the ruling of Mr. Speaker CLARK, the case was this: The amendment which was to be affected by the motion to recommit was one that had been adopted by the House. It was to be affected by striking out the amendment—destroying it, not modifying it, not changing it, but striking it out—and of course the House had had its opportunity to do that when it voted upon the proposition. But to say that upon a revenue bill the minority of the House shall not have an opportunity to amend an amendment in one motion to recommit—oh, the gentleman surely does not propose to insist upon that.

Mr. LONGWORTH. Do I understand the gentleman to contend that you can on a motion to recommit amend an amendment, but you can not strike it out?

Mr. GARRETT. I do. You can not strike it out, because the House has already adopted it. That would be taking two bites at the cherry, but surely you may present in one motion to recommit a germane proposition modifying that amendment. Otherwise the minority has no chance to make an affirmative record.

Mr. LONGWORTH. The fact is simply this: The House has adopted three committee amendments to the bill, to wit, a committee amendment in line 9, page 1; a committee amendment in line 11, page 1; and a committee amendment in lines 1 and 2, page 2. Now, clearly it would not be in order for the gentleman from North Carolina to move to recommit and offer to strike out or amend any one of those amendments. How, if that is the case, can he by the subterfuge of moving to strike out all after the enacting clause make that in order which is clearly not in order under the rules? That would then leave us at a stage where a committee amendment would be subject to change in the House.

Mr. GARRETT. Committee amendments are subject to change in the House——

Mr. LONGWORTH. Not when adopted by the House. They are not changed in a motion to recommit after they have been adopted.

Mr. GARRETT. After the House has once voted an amendment in you can not by subterfuge bring about a vote to strike it out. That is reasonable, that is logical, that is sensible; but in the previous question being ordered on the main proposition, surely it is in order to offer a germane motion to recommit.

Mr. WALSH. Will the gentleman yield? How can this amendment of the gentleman from North Carolina be construed except that it is to strike out an amendment and insert new rates?

Mr. GARRETT. Because it is to strike out an amendment and insert different rates. That is the very point.

Mr. WALSH. It is striking out amendments already adopted.

Mr. LONGWORTH. Precisely.

Mr. GARRETT. It is striking out an amendment and inserting a different concrete germane proposition. The insistence to which the gentlemen are holding destroys absolutely the motion to recommit with instructions and thereby present a tangible legislative proposition indicating the affirmative position of the minority.

Mr. WALSH. If I understand the gentleman correctly, it is to the effect that instead of striking out all after the enacting clause the gentleman from North Carolina could have made his motion to recommit striking out one of these committee amendments and inserting new rates?

Mr. GARRETT. I think that is true if he presented a tangible, germane, legislative proposition.

Mr. LONGWORTH. If that were true there would be no use in adopting the committee amendments in the House.

Mr. GARRETT. But the gentleman must bear in mind that there can be only one motion to recommit. No matter of delay is involved. The House has never passed upon this proposition presented by the gentleman from North Carolina. The House has passed upon amendments, but it has never passed upon the legislation proposed in the motion to recommit, legislation admittedly germane.

Mr. LONGWORTH. The amendments adopted in committee were adopted in the House thereafter, and now the gentleman seeks by a motion to recommit to do what he could not do on a motion previous to this time.

Mr. CRISP. Will the gentleman yield? We all agree, I apprehend, that the object of the motion to recommit is to give the minority a chance to go on record. Now, what is the practical effect if this motion is not in order? We are dealing now with the rights of the minority. The gentleman in charge of a bill when it is reported to the House at once demands the previous question. The Speaker properly recognizes that gentleman. He demands the previous question. The minority has absolutely no chance to offer amendments because the majority is going to adopt the previous question and the minority has absolutely no right, and the only chance that the minority has to put its legislative proposition before the House so as to get a record vote is on the motion to recommit.

Mr. WALSH. Will the gentleman yield?

Mr. CRISP. I will.

Mr. WALSH. Does the gentleman controvert this proposition, which arose, I think, when he was the honored parliamentarian——

Mr. CRISP. I am familiar with that decision.

Mr. WALSH. That the House can not do indirectly, on a motion to recommit, that which it can not do by amendment, before engrossment and third reading?

Mr. CRISP. I do not controvert it. I put that proposition in the Manual myself when I was clerk at the Speaker's table. I know what it is. The gentleman from Colorado, Mr. Martin, in the Committee of the Whole offered an amendment striking out a certain part of a bill. When it went to the House there was a motion offered to recommit, striking out just exactly those words and did not substitute anything in lieu of them. It was too late to offer a motion to reconsider and Mr. Martin sought by indirection by a motion to recommit to do what he could not directly do, to strike out that amendment engrafted in the bill by the Committee of the Whole, and the Speaker held it was improper to do by indirection what could not be done directly.

Mr. WALSH. That is what is trying to be done here.

Mr. LONGWORTH. That is precisely what is trying to be done.

The SPEAKER. Suppose the motion to recommit, instead of adopting the new bill, striking everything out after the enacting clause, simply struck out the amendments adopted by the committee, and the House inserted, as in the motion to recommit, one-tenth of 1 per cent, would the gentleman think that was in order?

Mr. CRISP. Mr. Speaker, I do not think the question of striking out all after the enacting clause has anything to do with this motion, and the gentleman from North Carolina—and I have talked to him privately—did not offer it for that purpose. He simply offered it because he thought it was an easier way to get his changed rates before the House, and we do not contend that the striking out of the enacting clause gives the motion any more rights than it would have if it simply proposed to change the rates.

The SPEAKER. The gentleman contends, then, though an amendment is adopted by the committee and later adopted by the House, it is permissible by a motion to recommit to change the figures adopted in the amendment?

Mr. CRISP. I do, and for this reason: All these rules have a reason to them. Now, notwithstanding what has been said in the press about the rules of the House, they are good rules if you understand them, and they have a reason. This decision that we have is a good decision. There was a case where a person simply wanted to strike out something the committee had adopted and did not substitute anything else for it.

Now, what is the object of this motion to recommit, Mr. Speaker? It is simply to give the House, or rather give the legislative minority, a chance to go on record as to their views. And, as I said a moment ago, the only possible way for the minority to get a chance is by this motion to recommit, and if you can not change the bill the motion amounts to nothing, for if we offered some amendment here that did not deal with rates it would properly be held not germane and be ruled out of order. And the only thing involved is rates, and it seems to me undoubtedly that the legislative minority has a right to go on record through a motion to recommit on the question of changing the rates.

The SPEAKER. The Chair will state, to save the time of the House, that it does not seem to the Chair it is of very great importance in immediate effect which way he rules now, and the Chair would like to state his ruling provisionally, so that it will not bind him in the future. It is a subject that is somewhat intricate, and he would like to look up all the rulings and consider the principles and results before he comes to a final decision. But it does seem to the Chair that technically the decision which has been cited by the gentleman from Ohio [Mr. LONGWORTH] covers this case and makes it out of order. On the other hand is the fact that a motion to recommit is intended to give the minority one chance to express fully their views so long as they are germane. And so it seems to the Chair that the general spirit and purpose of the motion ought to admit one like this. As the Chair says, the decisions cited seem to him very technical, but they do seem to him to be in the other direction; and therefore the Chair, to save time, overrules the point of order, reserving the right not to be bound by it in the future, when he shall have had opportunity to thoroughly study the question.

Mr. CAMPBELL of Kansas. Mr. Speaker, I want to go on record as calling the attention of the Chair to the fact that——

The SPEAKER. The Chair will hear the gentleman.

Mr. CAMPBELL of Kansas. While a motion to recommit is of such high privilege in the House that even the Committee on Rules can not set aside that motion, a motion to recommit can only give the House an opportunity to go upon record on a matter that it has had no other opportunity to go on record upon. The House has had opportunity to go on record with every one of these rates. The Committee of the Whole House on the state of the Union passed upon them and sent them up to the House, and the House agreed to them one after another. The gentleman from North Carolina [Mr. KITCHIN] could have demanded a separate vote on each one of these amendments. The demand was not made. Then the House voted to agree to every one of these amendments. We can not now refer these amendments in a motion to recommit, because it has just agreed to them, and it can not be called upon to substitute for the rates which have just been agreed to rates proposed in a motion to recommit. A motion to recommit is for the sole and only purpose of giving the House an opportunity to go on record on a matter it can not otherwise go on record upon.

Mr. GARNER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield.

Mr. GARNER. I want to call the gentleman's attention to the fact that the policy which he suggests would nullify the rule for recommital. Let us suppose a committee composed of two-thirds of the majority and one-third of the minority, as composed now, would decide that they would want to prevent the House of Representatives from going on record with reference to a proposition reported from their committee; the result would be that they would introduce a bill and to that bill they would provide certain amendments. These would be adopted by the majority of the Committee of the Whole, and when they came back to the House, under the point of order made by the gentleman from Ohio there would be no such thing as getting a record vote on the minority proposition.

Mr. CAMPBELL of Kansas. But a separate vote could have been demanded on every one of these amendments, and the House could go on record on every one of them.

Mr. GARNER. You might get a separate vote on each one of these amendments, but they might not be the amendments that the majority would like to go on record upon, and so it would be impossible to get a record vote on the issue that exists between the majority and the minority. I could take this ruling, and if it were sustained on the point of order made by the gentleman from Ohio [Mr. LONGWORTH], it would be impossible to get a record vote for the minority and impossible for the minority to make a motion to recommit, because you could go into the original committee and report the bill with certain amendments, and therefore you could not entertain that motion to recommit, and therefore you could not fulfill the object of the institution of the motion to recommit, which was in order that

the two parties of the House of Representatives might squarely place their issue before the American people on a record vote. If you should adopt the policy you suggest here, you would deprive them of having that issue, and I would think the decision of the Chair was a wise one, whether we were in the majority or in the minority.

Mr. CAMPBELL of Kansas. The motion to recommit can not commit the House to the folly of immediately recommiting a matter upon which it has just passed and upon which it has had an opportunity to have a record vote. That is exactly what is being done here. The gentleman from North Carolina [Mr. KITCHIN] could have demanded a separate vote on each of these amendments, and could have had a record vote in the House, but he did not do so.

The SPEAKER. The gentleman from North Carolina under the circumstances would have had no chance to put forward the rates which the minority wanted.

Mr. CAMPBELL of Kansas. But even so, Mr. Speaker, the minority of the House, if it were opposed to the rates as they are, could record themselves on a record vote, and then it would be for the House to consider such a rate as might be agreeable to the House.

Mr. GARNER. Mr. Speaker, may I ask the gentleman a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARNER. In this instance that the gentleman speaks of he would give an opportunity for a negative vote; but nowhere, unless you have a motion to recommit, have you the right to obtain a positive vote, an affirmative vote. You have a right to vote against these rates, but no opportunity to vote for another rate; and the motion to recommit was intended to make an issue, I repeat, and give us an opportunity for an affirmative vote as to what we would like the law to be. [Applause and cries of "Regular order!"]

The SPEAKER. The gentleman from Kansas has stated with much force the argument, which to the Chair is perplexing. The House has had an opportunity to vote upon each one of these amendments.

Mr. LONGWORTH. Mr. Speaker, will the Chair pardon me?

The SPEAKER. As the Chair stated before, the Chair intends to look this subject up carefully, and before it shall arise again he will have had an opportunity to thoroughly determine upon it.

Mr. LONGWORTH. May I interrupt the Chair to say that not only is it true that both the committee and the House has had a chance to vote upon these amendments, but also as to the amendment offered by the gentleman from North Carolina?

Mr. GARNER. But that was in the Committee of the Whole.

The SPEAKER. The whole purpose of this motion to recommit is to have a record vote upon the program of the minority. That is the main purpose of the motion to recommit, and while the decision has been cited—and the argument of the gentleman from Kansas does seem to the Chair to forcibly point in the direction a committee wishing to avoid allowing the minority to get a record vote could always ingeniously bring in a bill and perfect it by amendments, and then have those amendments adopted in the House, and thereby, according to this ruling, prevent the minority from ever bringing its program before the House, yet it seems to the Chair that thereby they would nullify the main purpose of the motion to recommit. So the Chair will provisionally decide that the point of order is not good. The question is on agreeing to the motion to recommit.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. KITCHIN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from North Carolina demands the yeas and nays on the motion to recommit.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of the motion to recommit will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 117, nays 154, answered "present" 2, not voting 156, as follows:

YEAS—117.

Alexander	Bland, Va.	Candler	Davis, Tenn.
Almon	Blanton	Caraway	Dickinson, Mo.
Ashbrook	Booher	Carss	Dominick
Aswell	Box	Carter	Doremus
Ayres	Briggs	Casey	Dupré
Bankhead	Brinson	Clark, Mo.	Eagan
Bee	Buchanan	Cleary	Evans, Mont.
Benson	Burke	Coady	Ferris
Black	Byrnes, S. C.	Connally	Gard
Blackmon	Byrns, Tenn.	Cooper	Garner
Bland, Mo.	Campbell, Pa.	Crisp	Garrett
Godwin, N. C.	Kincheloe	Padgett	Taylor, Colo.
Griffin	Kitchin	Parrish	Thomas
Hardy, Tex.	Lanham	Pell	Tillman
Hastings	Lankford	Phelan	Venable
Hayden	Lazaro	Pou	Vinson
Heflin	Linthicum	Quin	Watkins
Holland	Lonergan	Rainey, J. W.	Watson, Va.
Howard	McDuffie	Rayburn	Weaver
Huddleston	McKeown	Romjue	Webb
Hudspeth	McLane	Rouse	Welty
Hull, Tenn.	Mansfield	Rubey	Wilson, La.
Humphreys	Minahan, N. J.	Sanders, La.	Wilson, Pa.
Igoe	Moon	Saunders, Va.	Wingo
Jacoway	Neely	Sears	Woods, Va.
Johnson, Ky.	Nelson, Mo.	Small	Wright
Johnson, Miss.	O'Connell	Smithwick	Young, Tex.
Jones, Tex.	Oldfield	Steagall	
Keller	Oliver	Stedman	
Kelly, Pa.	Overstreet	Sumners, Tex.	

NAYS—154.

Anderson	Foster	Kreider	Reed, W. Va.
Andrews, Nebr.	Frear	Lampert	Ricketts
Bacharach	Freeman	Layton	Rodenberg
Baer	French	Lea, Calif.	Rogers
Barbour	Garland	Longworth	Rose
Begg	Glynn	Luhring	Rowe
Benham	Good	McCulloch	Sanders, Ind.
Bland, Ind.	Gould	McFadden	Scott
Boies	Graham, Ill.	McKenzie	Siegel
Brooks, Ill.	Green, Iowa	McLaughlin, Mich	Sinnott
Brooks, Pa.	Greene, Vt.	MacGregor	Smith, Idaho
Browne	Griest	Magee	Smith, Mich.
Browning	Hadley	Mapes	Snell
Burroughs	Hardy, Colo.	Martin	Steenerson
Campbell, Kans.	Haskell	Michener	Strong, Kans.
Cannon	Haugen	Miller	Strong, Pa.
Christopherson	Hawley	Monahan, Wis.	Summers, Wash.
Copley	Hays	Mondell	Sweet
Cramton	Hernandez	Moore, Ohio	Temple
Crowther	Hersey	Morgan	Timberlake
Curry, Calif.	Hersman	Mott	Tincher
Dale	Hickey	Mudd	Towner
Dallinger	Hicks	Nelson, Wis.	Treadway
Darrow	Hill	Newton, Minn.	Vestal
Davis, Minn.	Hoch	Newton, Mo.	Volstead
Denison	Houghton	Nichols, Mich.	Walsh
Dickinson, Iowa	Hulings	Nolan	Walters
Dowell	Husted	Ogden	Wason
Dunbar	James	Olney	Watson, Pa.
Dunn	Jefferis	Osborne	Webster
Echols	Johnson, S. Dak.	Platt	Wheeler
Edmonds	Johnson, Wash.	Purnell	White, Kans.
Elston	Jones, Pa.	Radcliffe	White, Me.
Evans, Nebr.	Juul	Raker	Williams
Evans, Nev.	Kearns	Ramseyer	Wood, Ind.
Fairfield	King	Randall, Calif.	Young, N. Dak.
Fess	Kinkaid	Randall, Wis.	Zihlman
Focht	Kleczka	Reavis	
Fordney	Kraus	Reed, N. Y.	

ANSWERED "PRESENT"—2.

Knutson	Major

NOT VOTING—156.

Ackerman	Fisher	McArthur	Sabath
Andrews, Md.	Fitzgerald	McClintic	Sanders, N. Y.
Anthony	Flood	McGlennon	Sanford
Babka	Fuller, Ill.	McKiniry	Schall
Barkley	Fuller, Mass.	McKinley	Scully
Bell	Gallagher	McLaughlin, Nebr.	Sells
Bowers	Gallivan	McPherson	Sherwood
Brand	Gandy	MacCrate	Shreve
Britten	Ganly	Madden	Sims
Brumbaugh	Goldfogle	Maher	Sinclair
Burdick	Goodall	Mann	Sisson
Butler	Goodwin, Ark.	Mason	Slemp
Caldwell	Goodykoontz	Mays	Smith, Ill.
Cantrill	Graham, Pa.	Mead	Smith, N. Y.
Carew	Greene, Mass.	Merritt	Snyder
Chindblom	Hamill	Montague	Steele
Clark, Fla.	Hamilton	Mooney	Stephens, Miss.
Classon	Harrison	Moore, Pa.	Stephens, Ohio
Cole	Hull, Iowa	Moore, Va.	Stevenson
Collier	Hutchinson	Moores, Ind.	Stiness
Costello	Ireland	Morin	Sullivan
Crago	Johnston, N. Y.	Murphy	Swope
Cullen	Kahn	Nicholls, S. C.	Taylor, Ark.
Currie, Mich.	Kelley, Mich.	O'Connor	Taylor, Tenn.
Davey	Kendall	Paige	Thompson
Dempsey	Kennedy, Iowa	Park	Tilson
Dent	Kennedy, R. I.	Parker	Tinkham
Dewalt	Kettner	Peters	Upshaw
Donovan	Kiess	Porter	Vaile
Dooling	LaGuardia	Rainey, H. T.	Vare
Doughton	Langley	Ramsey	Voigt
Drane	Larsen	Reber	Ward
Dyer	Lee, Ga.	Rhodes	Welling
Eagle	Lehlbach	Riddick	Whaley
Elliott	Lesher	Riordan	Wilson, Ill.
Ellsworth	Little	Robinson, N. C.	Winslow
Emerson	Luce	Robsion, Ky.	Wise
Esch	Lufkin	Rowan	Woodyard
Fields	McAndrews	Rucker	Yates

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BRITTEN with Mr. BABKA.

Mr. BURDICK with Mr. CULLEN.

Mr. CLASSON with Mr. SIMS.

Mr. CURRIE of Michigan with Mr. DOUGHTON.

Mr. KENDALL with Mr. MCKINIRY.
Mr. LUFKIN with Mr. HAMILL.
Mr. MERRITT with Mr. MAYS.
Mr. TILSON with Mr. RUCKER.
Mr. VOIGT with Mr. UPSHAW.
On this vote:
Mr. DRANE (for) with Mr. ELLIOTT (against).
Mr. MONTAGUE (for) with Mr. ROBSION of Kentucky (against).
Mr. BELL (for) with Mr. KNUTSON (against).
Mr. DENT (for) with Mr. KAHN (against).
The result of the vote was announced as above recorded.
The SPEAKER. The question is on the passage of the bill.
The question being taken, the Speaker announced that the ayes appeared to have it, the ayes had it, and the bill was passed.
Mr. KITCHIN. Mr. Speaker, one minute. I want a division on the passage of the bill.
The SPEAKER. In the opinion of the Chair the gentleman is entitled to recognition. The Chair did not suppose there was to be another vote.
Mr. KITCHIN. There was so much confusion that I did not understand the statement of the Chair.
The SPEAKER. The Chair recognizes the gentleman.
Mr. KITCHIN. I ask for the yeas and nays on the passage of the bill.
The yeas and nays were ordered.
The question was taken; and there were—yeas 154, nays 113, answered "present" 2, not voting 160, as follows:

YEAS—154.

Anderson	Fordney	Lea, Calif.	Rowe
Andrews, Nebr.	Foster	Longworth	Sanders, Ind.
Bacharach	Frear	Luhring	Sanford
Baer	Freeman	McCulloch	Scott
Barbour	French	McFadden	Siegel
Begg	Garland	McKenzie	Sinnott
Benham	Glynn	McLaughlin, Mich	Smith, Idaho
Bland, Ind.	Gould	MacGregor	Smith, Mich.
Boies	Graham, Ill.	Magee	Snell
Brooks, Ill.	Green, Iowa	Mapes	Steenerson
Brooks, Pa.	Greene, Vt.	Martin	Strong, Kans.
Browne	Griest	Michener	Strong, Pa.
Browning	Hadley	Miller	Summers, Wash.
Burroughs	Hardy, Colo.	Monahan, Wis.	Sweet
Campbell, Kans.	Haskell	Moore, Ohio	Taylor, Colo.
Campbell, Pa.	Haugen	Morgan	Temple
Cannon	Hawley	Mott	Timberlake
Christopherson	Hays	Mudd	Tincher
Copley	Hernandez	Nelson, Wis.	Towner
Cramton	Hersman	Newton, Minn.	Treadway
Crowther	Hickey	Newton, Mo.	Vestal
Curry, Calif.	Hicks	Nichols, Mich.	Voigt
Dale	Hill	Nolan	Volstead
Dallinger	Hoch	Ogden	Walsh
Darrow	Husted	Olney	Walters
Davis, Minn.	James	Osborne	Wason
Denison	Jefferis	Platt	Watson, Pa.
Dickinson, Iowa	Johnson, S. Dak.	Purnell	Webster
Dowell	Johnson, Wash.	Radcliffe	Wheeler
Dunn	Jones, Pa.	Raker	White, Kans.
Echols	Juul	Ramseyer	White, Me.
Edmonds	Kearns	Randall, Calif.	Williams
Elston	King	Randall, Wis.	Winslow
Esch	Kinkaid	Reed, N. Y.	Wood, Ind.
Evans, Mont.	Kleczka	Reed, W. Va.	Yates
Evans, Nebr.	Kraus	Ricketts	Young, N. Dak.
Fairfield	Kreider	Rodenberg	Zihlman
Fess	Lampert	Rogers	
Focht	Layton	Rose	

NAYS—113.

Alexander	Crisp	Kitchin	Rubey
Almon	Davis, Tenn.	Lanham	Rucker
Ashbrook	Dickinson, Mo.	Lankford	Sanders, La.
Aswell	Dominick	Lazaro	Saunders, Va.
Ayres	Doremus	Linthicum	Sears
Bankhead	Dupré	Lonergan	Sims
Bee	Eagan	McDuffie	Smithwick
Black	Eagle	McKeown	Steagall
Blackmon	Ferris	McLane	Stedman
Bland, Mo.	Gard	Mansfield	Stevenson
Bland, Va.	Garner	Minahan, N. J.	Sumners, Tex.
Blanton	Garrett	Moon	Thomas
Booher	Griffin	Moore, Va.	Tillman
Box	Hardy, Tex.	Neely	Venable
Briggs	Hastings	Nelson, Mo.	Vinson
Brinson	Hayden	O'Connell	Watkins
Buchanan	Heflin	Oldfield	Watson, Va.
Burke	Huddleston	Oliver	Weaver
Byrnes, S. C.	Hudspeth	Overstreet	Webb
Byrns, Tenn.	Hull, Tenn.	Padgett	Welty
Candler	Humphreys	Parrish	Wilson, La.
Caraway	Igoe	Pell	Wilson, Pa.
Carter	Jacoway	Phelan	Wingo
Casey	Johnson, Ky.	Pou	Woods, Va.
Clark, Mo.	Johnson, Miss.	Quin	Wright
Cleary	Jones, Tex.	Rainey, J. W.	Young, Tex.
Coady	Keller	Rayburn	
Connally	Kelly, Pa.	Romjue	
Cooper	Kincheloe	Rouse	

ANSWERED "PRESENT"—2.

Knutson	Major

NOT VOTING—160.

Ackerman	Fields	Lee, Ga.	Rhodes
Andrews, Md.	Fisher	Lehlbach	Riddick
Anthony	Fitzgerald	Lesher	Riordan
Babka	Flood	Little	Robinson, N. C.
Barkley	Fuller, Ill.	Luce	Robsion, Ky.
Bell	Fuller, Mass.	Lufkin	Rowan
Benson	Gallagher	McAndrews	Sabath
Bowers	Gallivan	McArthur	Sanders, N. Y.
Brand	Gandy	McClintic	Schall
Britten	Ganly	McGlennon	Scully
Brumbaugh	Godwin, N. C.	McKiniry	Sells
Burdick	Goldfogle	McKinley	Sherwood
Butler	Good	McLaughlin, Nebr.	Shreve
Caldwell	Goodall	McPherson	Sinclair
Cantrill	Goodwin, Ark.	MacCrate	Sisson
Carew	Goodykoontz	Madden	Slemp
Carss	Graham, Pa.	Maher	Small
Chindblom	Greene, Mass.	Mann	Smith, Ill.
Clark, Fla.	Hamill	Mason	Smith, N. Y.
Classon	Hamilton	Mays	Snyder
Cole	Harrison	Mead	Steele
Collier	Hersey	Merritt	Stephens, Miss.
Costello	Holland	Mondell	Stephens, Ohio
Crago	Houghton	Montague	Stiness
Cullen	Howard	Mooney	Sullivan
Currie, Mich.	Hulings	Moore, Pa.	Swope
Davey	Hull, Iowa	Moores, Ind.	Taylor, Ark.
Dempsey	Hutchinson	Morin	Taylor, Tenn.
Dent	Ireland	Murphy	Thompson
Dewalt	Johnston, N. Y.	Nichol's, S. C.	Tilson
Donovan	Kahn	O'Connor	Tinkham
Dooling	Kelley, Mich.	Paige	Upshaw
Doughton	Kendall	Park	Vaile
Drane	Kennedy, Iowa	Parker	Vare
Dunbar	Kennedy, R. I.	Peters	Ward
Dyer	Kettner	Porter	Welling
Elliott	Kiess	Rainey, H. T.	Whaley
Ellsworth	LaGuardia	Ramsey	Wilson, Ill.
Emerson	Langley	Reavis	Wise
Evans, Nev.	Larsen	Reber	Woodyard

So the bill was passed.
The following additional pairs were announced:
On this vote:
Mr. KNUTSON (for) with Mr. BELL (against).
Mr. KAHN (for) with Mr. DENT (against).
Mr. ELLIOTT (for) with Mr. DRANE (against).
Mr. ROBSION of Kentucky (for) with Mr. MONTAGUE (against).
Mr. HUTCHINSON (for) with Mr. CARSS (against).
Mr. HOUGHTON (for) with Mr. HOLLAND (against).
Mr. SNYDER (for) with Mr. BENSON (against).
Mr. MONDELL (for) with Mr. SMALL (against).
Mr. BRITTEN (for) with Mr. CLARK of Florida (against).
Mr. REAVIS (for) with Mr. HOWARD (against).
The result of the vote was announced as above recorded.
On motion of Mr. FORDNEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.
Mr. SEARS. Mr. Speaker, I ask unanimous consent to extend and revise my remarks that I made this afternoon in the RECORD.
The SPEAKER. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD. Is there objection?
There was no objection.

PROHIBITION OF INTOXICATING LIQUORS.

Mr. VOLSTEAD. Mr. Speaker, I present a conference report upon the bill (H. R. 6810) to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in development of fuel, dye, and other lawful industries, for printing under the rules.
Mr. GARD. Mr. Speaker, I reserve all points of order on the conference report.
The SPEAKER. The gentleman from Minnesota presents a conference report for printing under the rules.

BRIDGE ACROSS RED RIVER, LAMAR COUNTY, TEX.

Mr. BLACK. Mr. Speaker, I ask unanimous consent for the further consideration of the bill (H. R. 8986) granting the consent of Congress to the Paris-Hugo Bridge Co. to construct a bridge and approaches thereto across Red River, near Arthur City, Lamar County, Tex.
The SPEAKER. Is there objection?
Mr. WALSH. Mr. Speaker, reserving the right to object, what is the urgency for taking this matter up at this time?
Mr. BLACK. Mr. Speaker, plans are ready for the construction of the bridge and the company is very anxious to make the contracts. The matter is very urgent, that they be able to do so during the present month of October.
Mr. BLANTON. Mr. Speaker, reserving the right to object—and I shall not do so—I would suggest to the gentleman from Massachusetts that if he had ever attempted to cross the Red

River without a bridge, he would never raise any objection to building a bridge across it.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Paris-Hugo Bridge Co., a corporation, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across Red River from a point on its south bank, north of and near Arthur City, in Lamar County, Tex., to a point immediately north of said beginning and located in Choctaw County, Okla., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

With the following committee amendments:

Line 5, page 1, after the word "operate," insert the words "at a point suitable to navigation interests."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

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

On motion of Mr. BLACK, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

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

To Mr. DONOVAN, for three days, owing to death in family.

To Mr. DRANE, for to-day, on account of important business.

To Mr. ANDREWS of Maryland, for one week, on account of illness.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 495. An act for the relief of Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co., and of the Philadelphia & Reading Coal & Iron Co.; to the Committee on Claims.

S. 2300. An act for the relief of the estate of Henry A. V. Post; to the Committee on Claims.

S. J. Res. 90. Joint resolution to readmit Frances Scoville-Mumm to the character and privileges of a citizen of the United States; to the Committee on Immigration and Naturalization.

EXTENSION OF REMARKS.

Mr. DALE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD upon the subject of my speech a few days ago, Cardinal Mercier.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

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

The motion was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Wednesday, October 8, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of San Bernard River, Tex. (H. Doc. No. 259), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. VESTAL, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (H. R. 9755) to establish standard of weights and measures for the following wheat-mill and corn-mill products, namely, flour, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, reported the same without amendment, accompanied by a report (No. 359), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

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

Mr. ROMJUE, from the Committee on Claims, to which was referred the bill (H. R. 6522) for the relief of F. M. Barfield, reported the same without amendment, accompanied by a report (No. 354), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 822) for the relief of James W. Cross, reported the same without amendment, accompanied by a report (No. 355), which said bill and report were referred to the Private Calendar.

Mr. MACCRATE, from the Committee on Claims, to which was referred the bill (H. R. 6881) for the relief of Joseph A. McCarthy, reported the same with amendment, accompanied by a report (No. 356), which said bill and report were referred to the Private Calendar.

Mr. ROMJUE, from the Committee on Claims, to which was referred the bill (S. 728) for the relief of the Buffalo River Zinc Mining Co., reported the same without amendment, accompanied by a report (No. 357), which said bill and report were referred to the Private Calendar.

Mr. GLYNN, from the Committee on Claims, to which was referred the bill (H. R. 2740) for the relief of Maude H. Mosher, reported the same with amendment, accompanied by a report (No. 358), which said bill and report were referred to the Private Calendar.

Mr. DENT, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 80) to correct an error in the wording of the appropriation of $71,000 made in the act approved July 9, 1918, and to authorize the Secretary of War to pay said sum to respective parties entitled thereto, reported the same with amendment, accompanied by a report (No. 361), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. DOMINICK: A bill (H. R. 9776) for the purchase of a site for and the erection of a post-office building, courthouse, and other Government offices at Anderson, S. C.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9777) for the purchase of a site for and the erection of a post-office building, courthouse, and other Government offices at Greenwood, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. NOLAN: A bill (H. R. 9778) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes; to the Committee on Ways and Means.

By Mr. KELLY of Pennsylvania: A bill (H. R. 9779) providing for the deportation of aliens who evaded military service and that aliens admitted to the United States shall take the necessary steps to become citizens of the United States; to the Committee on Immigration and Naturalization.

By Mr. EVANS of Montana: A bill (H. R. 9780) to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana; to the Committee on the Public Lands.

By Mr. STEENERSON: A bill (H. R. 9781) to amend an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on the Post Office and Post Roads.

By Mr. ROGERS: A bill (H. R. 9782) to regulate further the entry of aliens into the United States; to the Committee on Foreign Affairs.

By Mr. GOOD: A bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes; to the Select Committee on the Budget.

Also, a resolution (H. Res. 324) to provide changes in the rules of the House in connection with the establishment of a national budget; to the Select Committee on the Budget.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ALEXANDER: A bill (H. R. 9784) granting an increase of pension to Hannah M. Clark; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 9785) granting an increase of pension to Orlando Markler; to the Committee on Invalid Pensions.

By Mr. CARAWAY: A bill (H. R. 9786) granting an increase of pension to William Strang; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 9787) granting a pension to Hugh McGinty; to the Committee on Pensions.

By Mr. DENT: A bill (H. R. 9788) for the relief of Eugene K. Stoudenmire; to the Committee on Claims.

By Mr. DYER: A bill (H. R. 9789) granting a pension to Theodore A. Melter; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 9790) granting a pension to Elizabeth Rankin; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky. A bill (H. R. 9791) granting a pension to Emma Park; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 9792) granting a pension to Mary E. Morrison; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 9793) granting an increase of pension to Mary E. Peake; to the Committee on Invalid Pensions.

By Mr. MACGREGOR: A bill (H. R. 9794) for the relief of Wendell Phillips Lodge, No. 365, Knights of Pythias; to the Committee on Claims.

By Mr. PURNELL: A bill (H. R. 9795) granting an increase of pension to Frederick Mistel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9796) granting an increase of pension to Henry M. Clark; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 9797) granting a pension to Ella Merrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9798) granting a pension to Marinda Maynard; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 9799) granting an increase of pension to Samuel March; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 9800) granting an increase of pension to Amos Carlin; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 9801) for the relief of J. G. Speicher; to the Committee on Claims.

PETITIONS, ETC.

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

By Mr. CURRY of California: Petition of Hon. William D. Stephens, governor of California, favoring an increase in pay of commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, and Public Health Service; to the Committee on Military Affairs.

By Mr. DYER: Petition of St. Louis Young Men's Christian Association, Evangelical Social Center, St. Louis County Welfare Association, Boyle Memorial Center, Shapleigh Hardware Co., the Federation of Jewish Charities, St. Louis Provident Association, St. Louis Children's Aid Society, Jewish Educational and Charitable Association, and Big Brother Organization, all of St. Louis, Mo., favoring the passage of Senate bill 2260 and House bill 2286; to the Committee on the Post Office and Post Roads.

Also, petition of International Brotherhood of Blacksmiths and Helpers, of St. Louis, Mo., favoring the passage of House bill 3159; to the Committee on Military Affairs.

By Mr. EVANS of Nebraska: Petition of John Rooney Post, No. 55, American Legion, of Pender, Nebr., favoring one year's additional pay for soldiers, sailors, and marines who participated in the late war; to the Committee on Military Affairs.

By Mr. FOSTER: Petition of C. W. Murhey, of Columbus, Ohio, favoring the enactment of a Federal law that will establish motor-car, motor-truck, bicycle, and motor-cycle thefts as a Federal offense; to the Committee on the Judiciary.

By Mr. HULINGS: Petition of sundry citizens of Sharon, Pa., protesting against the passage of the Smith-Towner educational bill; to the Committee on Education.

Also, petition of Branch No. 1, New York National Association of United States Civil Service Employees, of Brooklyn, N. Y., favoring an increase in salaries of at least 40 per cent; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petition of Post No. 17, American Legion, Iron River, Mich., regarding alleged unnecessary wrongs inflicted on members of the American Expeditionary Forces; to the Committee on Military Affairs.

By Mr. MACGREGOR: Petition of sundry soldiers of Old Central High School, Buffalo, N. Y., favoring the bill authorizing an extra pay to soldiers in the form of $30 a month for the period of service; to the Committee on Military Affairs.

Also, petition of the Elma Branch of the Dairyman's League (Inc.), of Elma, N. Y., favoring the amendment to the anti-trust law; to the Committee on the Judiciary.

By Mr. O'CONNELL: Petition of the New Jersey State Chamber of Commerce, protesting against the Fess bill, House bill 4438; to the Committee on Education.

By Mr. RAKER: Petition of Atlas-Imperial Engine Co., of Oakland, Calif.; Royal Packing Co., of Los Angeles, Calif.; and Retail Furniture Association, of California, protesting against the cost-mark bill, which provides for the placing of the cost mark on all merchandise offered for sale; to the Committee on Agriculture.

Also, letter from the Denny Bar Co. and the Alpha Hardware and Supply Co., of Nevada City, Calif., protesting against Senate bill No. 2896; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *October 8, 1919.*

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

Almighty God, we come before Thee in the consciousness of our interdependence, and lift up our hearts to the Father of us all, and ask Thy guidance and blessing. Give us the spirit of sonship that we may know all the qualities of life and character that make, refine, and purify the social and political life of the world. May we follow after God's great thought of the unity of life that is in Christ Jesus. We ask it for Christ's sake. Amen.

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

DEVELOPMENT OF UNUSED LANDS (S. DOC. NO. 124).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report upon the development of the unused lands of the country. The communication only will be printed and, with the accompanying papers, referred to the Committee on Public Lands.

ESTIMATES OF APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting a supplemental estimate of appropriation in the sum of $137,000 required for support of the Mountain Branch, National Home for Disabled Volunteer Soldiers, at Johnson City, Tenn., for the fiscal year 1920 (S. Doc. No. 122), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a supplemental estimate of appropriation in the sum of $15,000 required by the Office of the Treasurer of the United States for examiners of checks (S. Doc. No. 123), which was referred to the Committee on Appropriations and ordered to be printed.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, in order to save the time of the day by having morning business attended to when morning business is called, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Frelinghuysen	Lenroot	Pomerene
Ball	Gay	Lodge	Robinson
Bankhead	Gerry	McCormick	Sheppard
Beckham	Gore	McKellar	Sherman
Borah	Gronna	McNary	Simmons
Brandegee	Hale	Moses	Smith, Ariz.
Calder	Harding	Myers	Smith, Ga.
Capper	Harris	Nelson	Smith, Md.
Chamberlain	Harrison	New	Smoot
Colt	Hitchcock	Newberry	Spencer
Culberson	Jones, N. Mex.	Norris	Sterling
Cummins	Jones, Wash.	Nugent	Townsend
Curtis	Kellogg	Overman	Trammell
Dial	Kendrick	Owen	Underwood
Dillingham	Kenyon	Page	Wadsworth
Elkins	Keyes	Penrose	Walsh, Mont.
Fernald	King	Phelan	Watson
Fletcher	Kirby	Pittman	Williams
France	La Follette	Poindexter	Wolcott