

2340. By Mr. SNYDER: Petition of the various societies of Polish in the thirty-third New York district, protesting against the deprivation of former language publications of the use of second-class mail rates; to the Committee on the Post Office and Post Roads.

2341. By Mr. TAGUE: Petition of supervisors of the census for the New England States, urging an increase in their salaries; to the Committee on the Census.

2342. Also, petition of board of directors of the Boston Credit Men's Association, opposing the passage of House bills 12379 and 12646; to the Committee on Banking and Currency.

2343. Also, petition of Whittemore Bros. Corporation, favoring the passage of House bill 11729; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *March 17, 1920.*

(*Legislative day of Thursday, March 11, 1920.*)

The Senate met at 12 o'clock noon, on the expiration of the recess.

PRESIDENTIAL APPROVAL.

As in legislative session,

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the act (S. 3696) to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. WALSH of Montana:

A bill (S. 4083) providing for the allotment of lands within the Fort Belknap Indian Reservation, Mont., and for other purposes; to the Committee on Indian Affairs.

By Mr. CURTIS:

A bill (S. 4084) to reimburse J. B. Glanville and others for losses and damages sustained by them through the negligent dipping of tick-infested cattle by the Bureau of Animal Industry, Department of Agriculture; to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 4085) for the relief of G. T. and W. B. Hastings, partners, trading as Hastings Bros.; to the Committee on Claims.

By Mr. HENDERSON:

A bill (S. 4086) to amend section 304 of the revenue act of 1918, approved February 24, 1919; to the Committee on Finance.

By Mr. CALDER:

A bill (S. 4090) repealing certain powers of the President in respect to fuel; to the Committee on Interstate Commerce.

By Mr. WADSWORTH:

A bill (S. 4091) for the relief of the estate of Alfred Ray; to the Committee on Claims.

By Mr. SMITH of Georgia:

A joint resolution (S. J. Res. 172) authorizing and directing the Secretary of War to sell a certain tract or parcel of land known as Fort Jackson, at New Deptford, on the Savannah River, Ga.; to the Committee on Military Affairs.

NATIONAL SCREW THREAD COMMISSION.

Mr. FRELINGHUYSEN. Mr. President—

Mr. REED. I ask the Senator from New Jersey if he will yield to me for a moment before he begins his remarks, which I would not interrupt.

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

Mr. REED. There is a joint resolution which has been reported from the Committee on Standards, Weights, and Measures. It has passed the House. It continues the commission that has been working on the question of standardization. If it is not passed before the 20th, the commission expires by limitation of law. It involves no expense at all to the Government, I am informed. I think the House acted on it with practical unanimity. The House committee has been sending over here urging action. I was going to ask if I could not get the consent of the Senator who has the floor and the unanimous consent of the Senate to call up that joint resolution. I do not think there will be any discussion on it. If there is, I will immediately withdraw it.

The PRESIDENT pro tempore. Does the Senator from New Jersey yield for that purpose?

Mr. FRELINGHUYSEN. I yield to the Senator from Missouri for the purpose he has stated.

Mr. REED. I ask for the present consideration of the joint resolution (H. J. Res. 299) extending the term of the National Screw Thread Commission for a period of two years from March 21, 1920.

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

Resolved, etc., That the term of the National Screw Thread Commission, created by an act approved July 18, 1918, as amended by an act approved March 3, 1919, be, and the same is hereby, extended for an additional period of two years from March 21, 1920.

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

Mr. REED. I thank the Senator from New Jersey.

THE COAL SITUATION.

Mr. FRELINGHUYSEN. Mr. President, I do not intend to delay the debate or the consideration of the peace treaty any more than I can help, but I desire at the present time to bring to the attention of the Senate a very important question involving the problem which now faces the country in regard to the coal industry. There is nothing so vital to the interests of the country as a proper distribution of coal, and at the present time there are several agencies controlling this industry and, in my opinion, to some extent interfering with it.

The former Director General of the Railroads, at the present time acting under powers conferred upon him by the Fuel Administrator, Dr. Garfield, and also acting under powers conferred by a proclamation of the President, is seizing coal belonging to other shippers and diverting it for essential industries. There is a classification of priorities, and among those prior industries are the railroads. The strike, the weather conditions, the shortage of cars, the fact that there is a great demand for export coal have created a shortage of supply, and the railroads of the country are suffering from a lack of coal.

In recognition of the fact that the railroads are a most important and most essential industry, the Director General, or the Acting Fuel Administrator, whatever you may call him, Mr. Hines, has seized coal which has been shipped to a large extent to various industries throughout the country, and I am inundated with complaints, and so are other Senators, complaining against this policy of the Director General. The Government at the present time is paying no attention to this problem; neither is the Congress.

A subcommittee, of which I am chairman, of the Committee on Interstate Commerce has been making a study of the subject and has attempted to relieve the condition by bringing to the attention of the Director General the needs of the operators at the mines owing to the shortage of cars. During the summer months, through that self-constituted clearing house, the production of coal was increased from 6,000,000 tons per week up to 12,000,000 tons, yes, to 15,000,000 tons. When the strike came December 1, by reason of that activity there was a surplus amounting practically to 30,000,000 or 40,000,000 tons, which prevented a great deal of suffering, and prevented any interference with the industrial enterprises of the East, the South, and the Northwest, the Middle West suffering much more than the other sections.

At the present time there is an abnormal situation, a Government agency fixing prices, seizing coal, and throwing the flow of this important commodity out of its normal channels, thereby creating congestion and in many instances embarrassment to the industries in various sections of the country.

The subcommittee of the Interstate Commerce Committee have paid some attention to this problem, and they have come to the conclusion that the primary difficulty at the present time is the Government interference in price fixing and in distribution, and that the practical thing to do at present is to repeal the war powers, which were emergency measures, enacted simply for the purpose of controlling the coal supply during the war, and while there may be an acute situation temporarily, eventually the law of supply and demand will regulate the distribution of coal and we will the more quickly get back to the normal.

Therefore, the subcommittee have prepared a bill which will terminate all the powers with respect to coal and coke conferred on the President by the Lever Act. It provides that after its enactment the President may no longer license the importation, storage, mining, or distribution of coal or coke, requisition these commodities, operate the plant or business of any coal or coke operator or dealer, or regulate the production, sale, shipment, distribution, apportionment, or storage of coal or coke. In order to wind up the various matters arising out

of Federal control of coal and coke, however, the bill provides that all powers necessary for this purpose may be exercised for 30 days after it becomes a law.

Now, there is another abuse that has crept in.

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

Mr. FRELINGHUYSEN. I yield.

Mr. FLETCHER. I wish to inquire of the Senator if he proposes to present a bill now and to have any action on the bill?

Mr. FRELINGHUYSEN. I am explaining practically the findings of the subcommittee, and I intend to introduce several bills.

Mr. FLETCHER. The Senator will merely introduce a bill and not ask for any action on it.

Mr. FRELINGHUYSEN. I intend to submit it to the Interstate Commerce Committee and have hearings held upon the bill. Has the Senator any suggestion to make in regard to it?

Mr. FLETCHER. Not at all. The Senator was referring to a bill, and I did not know whether he had the bill before the Senate or whether it was a proposed bill.

Mr. FRELINGHUYSEN. I am stating the conclusions of the subcommittee, and the subcommittee intend to propose certain legislation. As I was stating, one of the abuses which crept in during the war and which existed prior to the war was the confiscation by the railroad companies of supplies of coal invoiced to private consumers. The second section of the bill which I intend to present amends section 1 of the interstate-commerce act and makes it a misdemeanor for any railroad company to confiscate coal in the course of transportation over its lines.

One of the great causes of labor unrest—

Mr. SHERMAN. Mr. President—

Mr. FRELINGHUYSEN. I yield to the Senator from Illinois.

Mr. SHERMAN. If any other bailiff or custodian of personal property were to take and convert to their own uses personal property it would be regarded under the act of Congress where there is criminal jurisdiction vested or under the criminal code of most States as grand larceny, would it not?

Mr. FRELINGHUYSEN. It would.

Mr. SHERMAN. And subject you or me or any private citizen to a penitentiary penalty. But the carriers have done that and gone scot free.

Mr. FRELINGHUYSEN. It has been one of the great abuses in the coal industry that the carriers have confiscated coal invoiced to private consumers, to industries, to public-service corporations.

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

Mr. FRELINGHUYSEN. I yield to the Senator.

Mr. NORRIS. That practice, however, is not a result of the war? It existed before the war?

Mr. FRELINGHUYSEN. It existed before the war, according to the testimony of the public-service corporations in several States before the subcommittee.

Mr. NORRIS. I think I have had in the past knowledge of a great many instances of that kind, where railroad companies confiscated coal that they were shipping for dealers or other people.

Mr. FRELINGHUYSEN. It has been quite a common practice.

Mr. NORRIS. The practice now is not any greater, I suppose, than it was before the war?

Mr. FRELINGHUYSEN. Oh, it is greater than it has been. During the war, recognizing the importance of transportation—

Mr. NORRIS. During the war I think it would be justified. Of course, it would be necessary. But is the practice now any worse than it was?

Mr. FRELINGHUYSEN. In my opinion it is worse.

Mr. NORRIS. I want to ask the Senator another question. The Senator speaks of Mr. Hines doing that now. Is Mr. Hines still acting in a railroad capacity or a governmental capacity?

Mr. FRELINGHUYSEN. He is not acting in a railroad capacity, as he has no power as Director General of Railroads, because those powers have been repealed.

Mr. NORRIS. That is what I understood.

Mr. FRELINGHUYSEN. He is acting, however, as the Fuel Administrator or as an individual with the powers conferred upon the Fuel Administrator by a proclamation of the President regarding distribution, which powers the President has under the Lever Act.

Mr. NORRIS. Now, let me ask the Senator if in the exercise of that power Mr. Hines is now engaged in confiscating coal and turning it over to the railroads? Is that the complaint?

Mr. FRELINGHUYSEN. He is so engaged; he has created a system of regional control, has appointed subagents or representatives and assistants throughout the country, and, by rea-

son of the fact that there is a great shortage of coal and the railroads need the supply, he has established a system of priorities of which the railroads are in the first class.

Mr. NORRIS. Will this bill repeal that authority?

Mr. FRELINGHUYSEN. This bill will repeal that authority and will give him 30 days to clear up the business.

Mr. NORRIS. Now, I want to ask the Senator if the committee believe that so long as this shortage exists—and that, I understand, is really at the bottom of the difficulty—it will not be necessary for some governmental authority to adopt some system by which priorities can be agreed upon, and thus prevent the cessation, for instance, of the operation of the railroads? If it is more important that they should operate than that some other industries shall, will it not be more necessary for them to have the coal than that other industries shall have it?

Mr. FRELINGHUYSEN. The Senator recognizes the fact that the strike, the shortage of cars, and the weather conditions have created a great shortage of coal?

Mr. NORRIS. Yes; I think we all recognize that.

Mr. FRELINGHUYSEN. But that from this time on conditions will improve?

Mr. NORRIS. I think so.

Mr. FRELINGHUYSEN. The feeling expressed by one of Mr. Hines's assistants this morning was that by the 1st of May this condition would be relieved.

Mr. NORRIS. Is there any complaint made that in the work of distribution of which Mr. Hines is in charge he has been unfair to any of the industries; that in the adoption of the various priorities for different industries he has not done the square thing?

Mr. FRELINGHUYSEN. Mr. President, the methods employed by Mr. Hines, the Director General of Railroads, in my opinion, have been ruthless and illegal to the extent of usurping powers which he does not possess, but which have been necessary to compose the situation.

Mr. NORRIS. I presume that such action would be illegal on the part of anybody who took coal without buying it of the owner; but the point I want to get at, if the Senator will permit me, is whether, while we have this great shortage of coal, it will not be necessary for some instrumentality to divide it up and thus prevent too much coal being allowed to industries that are not absolutely necessary while compelling other industries which are necessary to shut down?

Mr. FRELINGHUYSEN. It may be necessary to continue this system longer than 30 days; but I want to say to the Senator that the Interstate Commerce Committee is in full cooperation with Mr. Hines and that nothing will be done which will impair or impede the transportation system of the country. One of the most pernicious practices at present is the price-fixing power under the fuel-control act, as well as the power to seize and divert coal.

Mr. EDGE. Mr. President—

Mr. FRELINGHUYSEN. I will yield in a moment. Therefore, the committee feel that the sooner these powers are repealed the better off the country and the industries will be. Now I yield to my colleague.

Mr. EDGE. While I am in thorough accord with the policy expressed by the bill as it has been presented by my colleague [Mr. FRELINGHUYSEN], I have this thought: In his judgment, with the present admitted shortage of coal, does he feel that this bill will gradually accomplish the one thing which I think is primarily in the mind of everyone, and that is a reduction in the price of coal, by permitting the operation of the law of supply and demand, which will in the event of a shortage of coal mean some competition for its delivery? Does the Senator feel that ultimately this legislation will tend to reduce the price of coal?

Mr. FRELINGHUYSEN. I do not. I think that there will have to be further legislation enacted, which I intend to propose at this time, which will directly affect not only the price of coal but the present restless condition of labor at the mines.

Mr. EDGE. The reason I suggested the query was to bring out that thought, because in this bill, as I understand, we are abolishing price fixing. I am in absolute accord with that idea. I think the sooner we do that and take the Government away from price fixing the better; but it was my view that further legislation certainly would be necessary in order that the question of prices might be somewhat relieved.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER (Mr. LENBOOT in the chair). Does the Senator from New Jersey yield to the Senator from Illinois?

Mr. FRELINGHUYSEN. I yield to the Senator from Illinois.

Mr. SHERMAN. Does the committee contemplate reporting a bill to take the control of waterway transportation out of the

hands of the Government? There is a great deal of fuel sent by barges down the rivers of the Middle West.

Mr. FRELINGHUYSEN. I can not answer the Senator as to whether or not the proposed act repeals the authorization for the Tidewater Committee. I think the powers of the Tidewater Committee are exercised under the Lever Act. I am not certain as to that; but I wish to emphasize that this is one of the most important problems that this Congress has to consider. We have been doing nothing in regard to the coal industry. We pay attention to all other industries, through the Federal Trade Commission, through the Interior Department, through the Department of Commerce, through the Shipping Board, and yet the Government has absolutely no bureau charged with the duty of handling the coal situation. It has long been neglected, and I intend to bring that fact to attention and later to propose certain legislation in regard to it.

In their efforts to do something with this problem the committee intends to propose another measure. One of the great difficulties at the present time in regard to the distribution of coal is the shortage of cars at the mines. Every mine operator in this country is complaining of the shortage of cars.

One of the complaints of the Miners' Union was that during the summer months they were idle; that they did not have the opportunity of working six days in the week, and, therefore, they demanded a shorter week and shorter hours, believing that that would relieve the situation. I do not believe that ever before in the history of the country were the industries not only here but in Europe so much in need of coal.

If the mines of the country are operated with the present number of miners, I think about 500,000, 230 days a year, there can be produced in this country 800,000,000 tons of coal. The needs of the country are approximately 500,000,000 tons; Europe will need from 100,000,000 to 150,000,000 tons. Therefore the problem we have to consider is that of affording the facilities for the mine operators to load and transport their coal.

Those who heard the debate on the railroad bill know that there is a shortage of railway equipment in this country as well as a great shortage of cars. If that situation can be remedied I believe that many of the difficulties which we have had to face in regard to labor troubles, to the closing down of industries, and to unfair seizures of coal will be relieved.

Mr. CALDER. Mr. President—

Mr. FRELINGHUYSEN. I yield to the Senator from New York.

Mr. CALDER. I should like to ask the Senator if he has been informed of the fact that there are still a great many coal cars, ordinarily used in the eastern field, so-called, that have not been returned from the West and the Northwest, where they were sent to relieve that section of the country during the strike period. My information is, I will state to the Senator from New Jersey, that some 30,000 cars were sent to the West and Northwest during the strike, and that until very recently some of those cars loaded with coal were held on sidetracks. They have not been unloaded, because, after the strike was over, coal could be mined and sold cheaper in the West and Northwest from the local mines than it could be purchased and shipped from the East. Does the Senator know whether those cars are now being turned toward the East?

Mr. FRELINGHUYSEN. I understand those conditions are still acute; but now that the railroads are back in the hands of their private owners, the effort will be made by all the railroads to get the cars back on their lines, and undoubtedly that situation will automatically adjust itself.

Mr. CALDER. My information is that those cars loaded with coal have been lying on sidetracks in the West for a period of three months.

Mr. FRELINGHUYSEN. The Senator must realize that, with the snow from 5 to 10 feet, many of those cars were practically frozen in on the sidetracks; it was impossible for the railroads to move them; and that is one of the causes of the congestion; but I believe that will automatically regulate itself as the warmer weather comes and the railroads begin to draw back their own cars to their own lines.

Now, what does the committee propose in regard to the car shortage problem? They propose a bill which, if enacted, will in general require freight rates on coal to be 15 per cent below the tariff rates in the spring and summer and 15 per cent above the tariff rates in the fall and winter. It is my purpose to have this bill considered by the subcommittee of the Committee on Interstate Commerce now investigating the price of coal.

It is believed that legislation requiring lower freight rates on coal during the spring and summer months, and higher freight rates during the fall and winter months, would tend to

encourage consumers to develop storage accommodations, to accept deliveries of coal in advance of their seasonal needs, and thus to keep the mines operating more constantly throughout the year. Such legislation could be expected to bring about the following beneficial results:

1. It would stabilize the price of coal. The capacity output of all the coal mines in the United States, assuming fairly constant operation, would far exceed the present consumption. The output of all these mines working, as at present, only intermittently during the spring and summer months, and working to capacity during the fall and winter months, is barely sufficient to supply the current needs and the greatly increased cold-weather demand for coal. During the winter the demand so nearly equals the currently available supply that scarcity prices prevail. In addition to this, the actual cost of production per ton is unduly enhanced because the operator must, during the time his mine is closed down or working intermittently, keep together his organization and expend money for the upkeep and maintenance of the property, all of which must be added to the price of coal which he mines and sells during the rush season. If the demand for coal were reasonably constant throughout the year, many of these costs based on holding plant, capital, and personnel idle for a large portion of the time would disappear, and the price of coal would more nearly represent only current costs of production plus a reasonable profit, leaving no opportunity for charging scarcity prices during the months when the greatest amount of coal is consumed.

Mr. President, I would not take the time of the Senate to read this brief on this bill and delay these proceedings did I not believe that it was absolutely essential that the Senate should consider this problem and have an explanation of this measure. In view of the ruling that statements of this character analyzing a measure can not be printed, I find it necessary to read it into the Record, in order that Senators may have a statement on the subject.

I may say that this statement reflects the views and, in fact, embodies the views of Commissioner Clark, of the Interstate Commerce Commission, with whom I have conferred in regard to this problem. Therefore I find it necessary to read these four or five pages into the Record, because they represent the views of the head of the commission who will administer this proposed law.

The situation is somewhat analogous to that which prevails in the electric-lighting industry, where the rate of 10 or 12 cents per kilowatt-hour charged for current used for lighting includes a large allowance for machinery kept idle throughout the daytime and only employed to handle the peak load in the evening, while the same current is sold for heating purposes at 3 or 4 cents per kilowatt-hour, because its use for this purpose tends to keep all of the power-house machinery operating more constantly.

2. Such legislation would obviate very largely the pressing necessity for more coal cars. The present supply of coal cars, while totally insufficient to handle the fall and winter rush under existing conditions, would be fairly adequate to carry all the coal desired by consumers if this equipment could be kept moving with greater regularity throughout the year, as would be the case if the advantage of lower summer and spring freight rates could be held out to induce consumers to receive coal shipments in advance of their winter needs. Under the present system thousands of coal cars lie idle during the spring and summer, while the whole available supply of coal cars is entirely insufficient to handle the fall and winter emergency.

3. Such legislation would remedy the present inadequacy of terminal facilities. The large amount of coal which must now be transported within a comparatively short time in each year tends to glut already overcrowded terminals. The increasing inability of existing terminal facilities to handle extraordinary seasonal demands without entailing serious delays and disproportionate terminal costs is one of the most glaring weaknesses in the present American railroad transportation system.

I hope the Senators will note this statement:

4. Such a measure would promote regularity of employment in the mines, and would thus settle most of the outstanding grievances of the the miners. Increased compensation for miners, under the present régime, is demanded not so much as an actual wage for work performed but rather as a pension for periods of enforced idleness due to the seasonal demand for coal.

An examination of some of the disadvantages which might appear to inhere in the requirement of lower spring and summer freight rates for coal shipments reveals that most of these objections are untenable:

1. No confusion, either for carriers or shippers, would result from changing the rate on coal twice every year. The proposed

legislation prescribes that the carriers shall file their tariff rates on coal in the same manner as at present, and, instead of requiring them to alter these tariffs semiannually, provides an automatic statutory differential below the tariff rate for one portion of the year and above the tariff rate for the remainder of the year, with discretion in the Interstate Commerce Commission to change the amount of the differential where it finds necessary.

2. The revenues of the carriers would not be affected. A large amount of coal would still have to be mined and shipped in fall and winter to consumers who lacked the capital, credit, foresight, or storage accommodations to enable them to secure their supply during the warmer months. If the 30 per cent differential in favor of the months between April and August, inclusive, should prove an unnecessarily large inducement, so that too great a proportion of coal were shipped during this period, the Interstate Commerce Commission is authorized to change the percentage so as to balance the summer and winter shipments properly.

3. The transportation of coal in the spring and summer would not embarrass the railroads in handling other seasonal movements—for example, crops. In some localities cars carrying grain are loaded only in one direction, returning empty to the point of origin because of lack of shipments moving in that direction. If coal could be encouraged to move at the same time, this wasteful practice of hauling empty cars might be at least partially eliminated. Operating conditions during the clear weather of the spring and summer months are much more favorable, so that railroads can better withstand heavy demands for transportation at that period of the year than during the fall and winter months, when coal has heretofore moved in greatest volume. The cost to the railroads of transporting coal is also much less in warm weather, when locomotives can haul heavier trains, when they consume less fuel, and when fewer employees can handle more traffic.

4. The acquisition of more coal cars does not afford a practicable and complete remedy for existing difficulties. Under the transportation act recently approved the Interstate Commerce Commission is given the power to require carriers to provide themselves with sufficient cars. But most of the railroads have neither the money nor the credit with which to buy a supply of coal cars adequate for current needs under the present system of large seasonal shipments, so it would be useless for the commission to order them to purchase this equipment. On the other hand, most of the railroads which have enough money or credit to finance such purchases already possess an adequate number of coal cars to care for the needs of their own patrons, and they could not reasonably be required by the commission to purchase additional cars to take care of the traffic of other lines.

The transportation act also appropriates \$300,000,000 as a revolving fund from which loans may be made to the railroads. In view of the fact, however, that this money will very likely be used only in small part for new equipment, and that of the portion which is spent for equipment much will go for new locomotives, refrigerator cars, and other types of urgently needed rolling stock, it is not probable that any considerable number of coal cars will be purchased out of this fund. It has been estimated that 100,000 new coal cars will be necessary to handle properly the usual seasonable demand. These alone would cost the entire amount of the appropriation mentioned above. The same statute also provides for creating a general railroad contingent fund, made up of a portion of the excess earnings of prosperous railroads, out of which loans may be made to the railroads, and out of which the commission may purchase equipment and facilities to be leased to the railroads. This fund will, however, be wholly an expectancy for many months to come, and at least one more winter, with its heavy demand on the present totally inadequate coal-car supply, would elapse before any relief could be had from this quarter. Even if funds were immediately available with which to purchase coal cars, and only coal cars were to be built, the car shops in the United States could not turn out sufficient cars between now and next fall to handle properly the coal shipments during the winter of 1920-21, assuming that the proposed legislation is not enacted in the meantime. Finally, even if this money were obtainable and cars would be turned out in sufficient quantity, the acquisition of cars which, under the present system of uniform freight rates on coal, would stand idle the greater part of the year would entail enormous depreciation and capital charges, all of which would have to be borne by the coal transported during the rush season.

5. It may be urged that the interstate-commerce act now contains ample provisions to permit the commission or the carriers

to institute lower summer freight rates for coal. The conclusive answer to this contention is that during the many years that the same provisions have been law this practice has never been introduced. When the carriers have been asked to initiate such seasonal rates on coal, the request has usually been coupled with a demand that while rates might be lowered in summer, they should not be raised in the winter; and the carriers, facing a consequent depletion of their revenues, have declined to cooperate on this basis. The shippers and consumers, motivated by their individual needs, have been by no means unanimous as to the amount of the difference in rates or the seasons in which lower or higher rates should prevail. In the very nature of the case, it is a subject for legislation, where Congress, representing all the people, may enact rules which will take into consideration the interests of all the people.

The Interstate Commerce Commission, while it might feel justified in approving schedules initiated by the carriers instituting such seasonal rates, could not make such percentages of difference in rates permanent. The carriers, pressed by coal operators or consumers, might at any time file new schedules abandoning or modifying these seasonal rates. General confusion would result.

It is understood that the commission does not believe that it possesses the power to require the establishment of such seasonal rates on coal. It has never attempted to exercise this power, and it is known that it does not contemplate doing so in the future in the absence of further legislation. The commission assumes that in prescribing rates and practices it is not empowered to initiate new systems of rate making designed principally to remedy general economic situations. It feels that this should be the subject of specific legislative determination and authorization, rather than of mere administrative action.

Even if the carriers, the shippers, and the commission could and did institute such seasonal rate schedules, their action in this matter would be the subject of interminable litigation. It would be contended that no power had been delegated to the commission to approve or initiate such seasonal rates, and the action of the commission in this connection would most likely be enjoined until the matter had been decided by the United States Supreme Court. The result would be that two or three winters might elapse before this urgently needed practice could be put into effect. Definite legislation, such as that proposed, will remedy the situation at once. In view of the fact that the courts have upheld similar differences in rates, based on no less cogent economic reasons—e. g., under the so-called long-and-short-haul clause—there should be no doubt as to the constitutionality of the measure proposed.

Mr. President, I feel as if I should apologize to the Senate for having read this long statement of Commissioner Clark, but I believe this question is so important to the country that I have felt that it was very necessary that it should be put into the RECORD.

Briefly stating the effect of this measure, it means that from the 1st of April to the 1st of September consumers of bituminous and anthracite coal, used by the industries of the country to the extent of 500,000,000 tons, heretofore purchased practically during the winter months, will have the opportunity of having 15 per cent reduction in their freight rates and a penalty of 15 per cent advance from the 1st of September for the following six months. It means that it will induce the purchase of coal in the summer and, according to Commissioner Clark, will release 250,000 coal cars, which are idle during that period, at a time when the railroads are not congested, and at a time when the coal may be moved more efficiently and effectively.

I believe that this will solve the great problem in regard to the coal miner's complaint that he is compelled during the summer months to remain idle a long period.

Therefore, feeling that this measure will be beneficial to the coal industry, we have decided to present it to the Senate, and ask that the Committee on Interstate Commerce consider it carefully, hopeful that it will be enacted into law.

A statement has been made by some one who has studied this question that it will save \$1,000,000,000 a year to the country in the wastage that now exists.

Mr. POMERENE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Ohio?

Mr. FRELINGHUYSEN. I yield to the Senator from Ohio.

Mr. POMERENE. This matter was presented to me a number of days ago by a number of iron and steel interests in Ohio, and they at that time recommended the plan proposed by the Senator from New Jersey. The only question I had in my mind was whether or not this legislation was necessary. My tentative opinion was that in view of the fact that under the recent railroad legislation we had given to the Interstate Commerce

Commission the authority to fix both maximum and minimum rates, they would probably have the power to do just what the Senator from New Jersey is now suggesting. But I understand that those who have gone into the legal phase of the question are of the opinion that they do not have that authority. That being so, I am inclined to favor the legislation which has been proposed. I believe that it will give relief, and it will make the employment of the miners more steady in the bituminous region. During the summer months in Ohio the mines are largely idle, and more active use can be made of the coal cars if these mines are kept in operation; and I think it would be some inducement, not only to the domestic consumer, but to the industrial consumer as well, to buy and store his coal for the winter use, if there is a differential in freight rates during that time.

This morning I received a telegram from the Youngstown Chamber of Commerce which bears upon the coal situation, and with the permission of the Senate will read it:

YOUNGSTOWN, OHIO, March 16, 1920.

HON. ATLEE POMERENE,
United States Senate, Washington, D. C.:

Coal shortage has curtailed industrial production in this territory at least 50 per cent of time during past three weeks and temporarily throwing thousands of men out of employment. Car supply in Pittsburgh and Conneville region inadequate, but results more serious since central coal administration reinstated priority list. Would recommend the cancellation of priority list on coal and the establishment of positive orders by the Interstate Commerce Commission for the return of open-top cars to owning roads in this territory. Understand western and southern railroads have from 120 to 250 per cent supply of this class of equipment, while lines in coal-producing territory are ranging from 20 to 60 per cent supply of coal cars owned by them.

YOUNGSTOWN CHAMBER OF COMMERCE.

The same condition exists in Cleveland and elsewhere; and more than that, the railroads have been exceedingly careless in this, that many of these cars are loaded with ashes and permitted to stand on tracks, when they should be unloaded and used for coal-carrying purposes.

Again, many of these coal cars are being used for the transportation of automobiles at the very time they are needed for coal purposes, and my belief is that this situation can be remedied in part now by a more careful supervision by the Interstate Commerce Commission; and I know from personal conferences I have had with the secretary of the commission that they are very active in attempting to give relief at this time.

But I want to commend to Senators the consideration of the bill which is proposed by the Senator from New Jersey. I thank the Senator.

Mr. FRELINGHUYSEN. Mr. President, there is one other measure which I shall introduce on behalf of the committee—to provide for the appointment of a Federal coal commissioner with advisory powers.

There has been a neglect of the coal industry, as far as the United States Government is concerned. There is no informative bureau to keep track and make a study of the industry and to inform Congress if legislation is necessary. Therefore a bill has been prepared, which I shall introduce, to set up an agency to obtain information about the coal industry and to provide some method to prevent a recurrence of practices which in the past and at the present time cause serious inconvenience to the public.

The bill provides that the President shall appoint a Federal coal commissioner, with the advice and consent of the Senate, for a term of five years, at an annual salary of \$10,000; that the commissioner is empowered to employ a secretary, clerks, and other employees, and to rent suitable offices. It is made the duty of the commissioner to investigate from time to time the distribution, storage, and sale of coal.

It has been stated that if some agency in Washington could induce the railroads and industries of the country to store, in the summer, quantities of coal, the suffering, the sacrifice, and the embarrassment to the industries, occasioned by bad weather conditions or by strikes, would be to a large extent overcome. No one would fear the effect of a strike if we could store in the South, in the West, in the North, and in the Northwest quantities of coal for use; and, therefore, if it were somebody's business, somewhere in this country, to stimulate the production and the storage and the distribution of coal, it undoubtedly would relieve a very acute situation.

Therefore this has been proposed.

Mr. POMERENE. Mr. President, if the Senator will allow me as bearing upon that point, many of these large industrial consumers do store their coal, and these iron and steel mills store it in large quantities. But the difficulty at the present time is due to the fact that the large amount they had on hand was consumed because of the coal strike, and now they find themselves short.

Mr. FRELINGHUYSEN. If there were a distributing point, the smaller consumers, whose need is, in proportion, just as much as that of the larger, would have it available.

Mr. POMERENE. That is quite true.

Mr. FRELINGHUYSEN. The bill provides that the commissioner shall compile labor statistics, that he shall inform himself as to prices and costs, as to the statutory provisions, the kinds and grades of coal, and create an advisory plan of a zoning system; in other words, it is to be practically an exchange or a clearing house, without any executive powers, but simply ministerial powers.

I am not going to take the time of the Senate any further to explain this measure. I will do so if the committee should report it, and believe it is a wise provision.

Mr. President, I ask unanimous consent at this time to introduce, for reference to the Committee on Interstate Commerce, three bills.

The PRESIDENT pro tempore. Without objection, the bills will be received and referred to the Committee on Interstate Commerce.

By Mr. FRELINGHUYSEN:

A bill (S. 4087) to further amend the interstate commerce act, as amended;

A bill (S. 4088) to terminate Federal control of the coal and coke industry, and for other purposes; and

A bill (S. 4089) to provide for the appointment of a Federal coal commissioner, to define his powers and duties, and for other purposes; to the Committee on Interstate Commerce.

HERBERT HOOVER.

Mr. PHELAN. Mr. President, some time ago there was inserted in the RECORD some matter which was more defamatory than critical of the public services of Herbert Hoover. A prominent journalist of Georgia wrote me on the subject and asked me to ascertain what Mr. Hoover had to say concerning this and other matters, principally relating to cotton seed. In answer to a letter from me he wrote me this reply, and I ask unanimous consent to insert it in the RECORD.

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

The letter is as follows:

MARCH 13, 1920.

HON. JAMES D. PHELAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am greatly obliged for the defamatory propaganda which you sent me, and which I return herewith. It seems to me impossible to answer such foolish things. As to the circular of F. W. Davis, from Texas, his grievance seems to be (a) that I did not control the price of shoes (which had nothing to do with the Food Administration); (b) that I did not control the railway car shortage, and therefore some perishables decayed in Texas (and I did not head the Railroad Administration); (c) that the cottonseed producers of the South were discontented with the arrangements made for marketing their material.

The latter does concern the Food Administration, and the arrangements made with regard to cotton seed during the Food Administration were set up on direct application from the cotton growers, as shown by attached document (No. 1), at a meeting with them and signed by their representatives. The plans put in force were entirely worked out with them, approved by them, and at their express wish, being their proposal, and document No. 2 being the announcement of conditions. I inclose herewith document No. 3, copy of the resolution passed spontaneously by the cottonseed committees at the termination of these arrangements.

So far as Mr. Barrett's views on the price of wheat and cotton seed are concerned, he was a member of a commission appointed by the President to recommend a fair price for wheat, in which I did not participate. He unanimously agreed with the others on the price, and I attach a copy of the commission's report, document No. 4. The officers of his association signed the above-mentioned cottonseed proposals also. He can therefore scarcely complain of that matter. Subsequently he was appointed to sit on an agricultural advisory board to represent the farmers at the Food Administration, and apparently because he did not agree with the other 38 members he ceased to attend their meetings. Through this board he always had the opportunity to make representations to the Food Administration, and there was no case that I know of where the recommendations of this board were not supported by me and carried out to the full extent of the administration's ability. This board finally wound up also with a very handsome and spontaneous resolution expressing gratitude to the Food Admin-

istration for the way farmer interests had been handled. (Doc. No. 5.)

I do not assume that any amount of endeavor to keep out of politics or any amount of sacrifice in public service entitles one to immunity, so I have refused to take notice of these things. I am always anxious for my friends to know the truth, so that I send you the documents which disprove these statements.

Yours, faithfully,

HERBERT HOOVER.

DOCUMENT NO. 1.

"Resolved, That it is the consensus of opinion of those present that the market for cotton seed and its products should be stabilized, and that we accept as satisfactory the figures presented of \$70 per ton for cotton seed in car lots f. o. b. the cars, based on a yield of 41 gallons per ton of seed, and that the price vary above and below \$70 per ton according to the out-turn of products in the different zones to be established by the Food Administration, and we recommend the adoption by the Food Administration of these figures.

"J. J. Brown, commissioner of agriculture, Georgia; D. E. Lyday, president Texas State Farmers' Union; D. C. Dove, director of markets, Texas; J. A. Wade, commissioner of agriculture, Alabama; John A. Simpson, president Oklahoma Farmers' Union; A. C. Davis, national secretary Farmers' Union; J. H. Mills, president Farmers' Union, Georgia; D. A. Gregg, department of markets and warehouses, Texas; Harry D. Wilson, commissioner of agriculture, Louisiana; G. E. Gilmer, secretary Louisiana Farmers' Association; William R. Camp, chief division of markets, North Carolina; L. B. Jackson, director of markets, Georgia; L. H. Rhodes, director of markets, Florida; W. A. Graham, commissioner of agriculture, North Carolina."

[Copy outgoing telegram.]

"UNITED STATES FOOD ADMINISTRATION,

"FROM COTTONSEED DIVISION,

"Washington, D. C., September 4, 1918.

"Charge to F. A.

"We beg to say that we have to-day adopted your recommendation that cotton seed and cottonseed products should be stabilized at \$70 per ton, carload lots f. o. b. cars, based on a yield of 41 gallons per ton of seed, and that the price vary above and below \$70 per ton according to the out-turn of products in the different zones to be established by the Food Administration. We are to-night sending out details of zones and prices of by-products. We are recommending to the War Industries Board a revision in the price of linters to apply as a reduction in the price of meal.

"DENNY, Food Administration.

"Send the above to J. J. Brown, commissioner of agriculture, Georgia; D. E. Lyday, president Texas State Farmers' Union; D. C. Dove, director of markets, Texas; J. A. Wade, commissioner of agriculture, Alabama; John A. Simpson, president Oklahoma Farmers' Union; J. H. Mills, president Farmers' Union, Georgia; D. A. Gregg, department of markets and warehouses, Texas; Harry D. Wilson, commissioner of agriculture, Louisiana; G. E. Gilmer, secretary Louisiana Farmers' Association; William R. Camp, chief division of markets, North Carolina; L. B. Jackson, director of markets, Georgia; L. M. Rhodes, director of markets, Florida; W. A. Graham, commissioner of agriculture, North Carolina; A. C. Davis, national secretary of Farmers' Union."

DOCUMENT NO. 2.

(No. 1163.)

MEMORANDUM.

"SEPTEMBER 4, 1918.

"At a meeting of the State food administrators held in Washington to-day it was decided to accept the recommendation of the organized cottonseed producers as expressed by the commissioners of agriculture and markets and officials of the farmers' unions and other organizations in the several cotton States to stabilize the price of cotton seed at the average price of last year, the fundamental basis being on a yield of 41 gallons of oil, f. o. b. cars.

"The Food Administration has also consulted with the representatives of the crushers, refiners, and lard substitute manufacturers as to the formulation of regulations and voluntary agreements so as to give effect to the producers' recommendations for a stabilized price throughout the year.

"The price of seed on the basis recommended by the producers will vary from \$64 to \$72 in carload lots, f. o. b. cars, depending

upon the yield in oil, which varies from zone to zone. Using this basis price the Food Administration has settled with the refiners to purchase oil at 17½ cents f. o. b. mills, and the Food Administration will assist the refiners to hold this price throughout the year.

"Differentials have been fixed for crushing seed in consultation with the crushers' association on the basis of last year's costs and regulated profit of last year, plus the increased cost imposed by change in labor, transportation, and supplies.

"The result is that the price of meal will vary from \$50 to \$57 in bags, depending upon the protein content, or roughly \$3 per ton higher than last year.

"The Food Administration has strongly recommended to the War Industries Board that the price of linters should be increased so as to bear its proper share of the burden and increased cost of manufacture, and any change in this direction will be applied to a reduction in the price of meal.

"The proposal of the cottonseed producers to accept the average price of cotton seed for last year, despite the lower yield of cotton and the increased cost of production, is a concession on their part to the cattle-feeding and dairy interests in this country.

"The Food Administration would have been glad to have arrived at a result that would have made the price of meal exactly the same as last year to the feeding industry, but it is impossible to maintain the price of oil if it were increased above the present figure, owing to the relatively lower basis for vegetable oils.

"The Food Administration feels satisfied that the stabilization of this industry by voluntary agreements of all elements of the industry will greatly eliminate speculation that would otherwise take place, and that all interests will have been protected in so doing.

"The details of the seed prices assessed to local zones and yields will be issued by the State food administrators in each State."

DOCUMENT NO. 3.

"APRIL 2, 1919.

"At a meeting of representatives of the war service committee of the Farmers' Cottonseed Growers, Refiners, and Lard Substitute Manufacturers held in Washington on April 2, 1919, all parties concerned in the cottonseed industry unanimously adopted the following resolutions and presented them to the Food Administration:

"Resolved, That we commend the efforts of the Food Administration in stabilizing cotton seed and its products, which stabilization has enabled the farmers to secure a fair price for their seed, protected the consumer by enabling him to buy at reasonable prices, prevented violent fluctuation as well as hoarding and profiteering, and also indirectly stabilized other edible fats and prevented undue advances in same.

"Further resolved, That we believe that for the present the stabilizing program as established by the Food Administration should be continued.

"Further resolved, That the opening of the New York Produce Exchange for trading in cottonseed oil should be deferred until the stabilization program is discontinued.

"Respectfully submitted,

DOCUMENT NO. 4.

"To the President of the United States:

"The undersigned committee has been asked by you to recommend the price which the Government should pay for the 1917 crop of wheat.

"In its deliberations the committee has kept constantly in mind the three following factors:

"First. The fact that the United States is at war.

"Second. The need of encouraging the producer.

"Third. The necessity of reducing the cost of living to the consumer.

"The normal laws of supply and demand have been violently interfered with and Congress has undertaken to offset this disturbance by conferring extraordinary powers upon the President to stabilize prices. Each of the foregoing factors grows out of conditions which have received the careful attention of the committee. Chief among them are: That the wheat yield in a great and important section of the country has this year been below the normal; that over against this situation is the crying need among the whole body of the population, especially the wage earners, that the rising tide of costs shall be stayed and reduced as rapidly as possible consistent with the welfare of the producer; that the Government is at the present time engaged in the great task of reducing and stabilizing cost of other staple commodities; that the wheat of the world is

abundant for its needs, even disregarding the stores in Russia, but because of lack of shipping and war conditions the burden of supplying wheat to the Allies and to neutral nations rests for the time being upon the United States and Canada.

"Your committee has also considered the fact that the Government price for the 1917 wheat crop is in effect a continuing guaranty until the minimum price guaranteed by Congress for the crop of 1918 goes into effect (July 1, 1918). It has considered the relation of the 1918 minimum-price guaranty to the price here recommended. It has also considered the effect which an early termination of the war would have upon the wheat markets of the world.

"In reaching its conclusion the committee has been guided by the principles you have announced, that a fair price should be based upon the cost of production for the entire country, plus a reasonable profit. We have relied upon the cost estimates for the crop of 1917 furnished by the United States Department of Agriculture, checked by the results of our independent investigations and the evidence submitted to the committee by producers and their representatives.

"The committee has considered the regulations recently established by the United States Food Administration Grain Corporation for the different grades of the wheat through which all transactions in wheat are to be standardized and speculation to be entirely eliminated. Also that profits to the grain dealer, miller, and flour dealer have been regulated and reduced by the Grain Corporation, effecting a material reduction in the cost of flour.

"In consideration of the foregoing facts and circumstances, this committee respectfully recommends that the price on No. 1 northern spring wheat, or its equivalent, at Chicago be \$2.20 per bushel.

"President H. A. Garfield, of Williams College, chairman; Charles J. Barrett, president, Farmers' Union, Union City, Ga.; William N. Doak, vice president, Brotherhood of Railroad Trainmen, Roanoke, Va.; Eugene E. Funk, president, National Corn Association, Bloomington, Ill.; Edw. F. Ladd, president, North Dakota Agricultural College, Fargo, N. Dak.; R. Goodwyn Rhett, president, Chamber of Commerce of the United States, Charleston, S. C.; J. W. Shorthill, secretary, National Council of Farmers' Cooperative Association, York, Neb.; James W. Sullivan, American Federation of Labor, Brooklyn, N. Y.; L. J. Tabor, master, Ohio State Grange, Barnesville, Ohio; Frank W. Taussig, chairman, Federal Tariff Commission, Washington, D. C.; Theo. N. Vail, president, American Telephone & Telegraph Co., New York City; Henry J. Waters, president, Kansas State Agricultural College, associated with Department of Agriculture, Manhattan, Kans."

DOCUMENT NO. 5.

DEPARTMENT OF AGRICULTURE,
Washington, March 10, 1919.

HON. HERBERT C. HOOVER,
Hotel Crillon, Paris, France.

MY DEAR MR. HOOVER: The purposes for which the national agricultural advisory committee was called into existence having been fully accomplished, I am to-day, by the consent of Secretary Houston and of the present representatives of the Food Administration in Washington, vacating my offices in the Department of Agriculture and notifying the members of the committee that there will be no further call upon us as such from either of the departments mentioned. It is unnecessary, if indeed it is not impossible, for me to add anything by way of appreciation of your administration to what has already been conveyed to you through the medium of a resolution unanimously passed by the live-stock subcommittee and given to Judge Glasgow and Mr. Snyder with the request that a copy be conveyed to you, and that such use of the resolution would be made in this country as to these gentlemen might seem proper. I wish, however, for myself and in behalf of the entire committee, to renew and emphasize our indorsement, individually and collectively, of your administration and of your splendid achievements as a most important factor in winning the war and now a factor of world-wide importance in the adjustment of the most acute of all the postwar problems. I feel that I represent the sentiment of the committee when I say that we feel ourselves greatly honored in having been coworkers with you in the great crisis through which we have passed; and now that our connection with your work has ceased, we unite in an abiding

interest and confidence in your continuing success in even a larger, if not more important, field of endeavor. In a personal sense, if I may be permitted to refer to this side of our associations, I beg that you will accept my own assurances of high regard and esteem and my most sincere good wishes for your happiness in the days that are to come.

Very sincerely, yours,

H. C. STUART,

Chairman National Agricultural Advisory Committee.

WASHINGTON, D. C., January 28, 1919.

"Whereas there has come to the attention of the live-stock committee of the national agricultural advisory committee, through press reports and public statements, certain criticisms of the United States Food Administration; and

"Whereas these outgivings have made it clear to us that there is, in some quarters, a lamentable lack of knowledge respecting basic facts connected with the stimulation of production, encouragement of conservation, and control distribution of foods; and

"Whereas such complaints as have come to our attention have shown no evidence of having taken into consideration the unescapable obligation entered into by the Food Administration to secure increased food supplies for the necessary protection of our own population as well as that of our allies, including both civil and military needs, nor a due appreciation of the difficulties attending the merchandising transition from a war to a peace basis; and

"Whereas the space limitations of these resolutions give no adequate opportunity to direct attention to the broad foundations laid by Mr. Herbert Hoover, the United States Food Administrator, for the purpose of insuring essential food supplies for war needs, but feeling that we can not do otherwise than record our judgment of the purpose, the spirit, and the accomplishments of his administration: Therefore be it

"Resolved by the said live-stock committee, now in session in Washington, That we here record our high sense of appreciation of the extraordinary ability and uniform fairness with which Herbert Hoover has met and discharged the weighty responsibilities which have devolved upon him in stimulating home production, without which we would now be facing a world shortage of food and consequent higher cost of living; in eliminating speculative control of wheat and other essential products, which has ever been harmful alike to producer and consumer; in conserving food and foodstuffs; and in supplying the wants of the millions who were and still are dependent upon American resources for the necessities of life.

"The committee has not agreed at all times with the policies of Mr. Hoover in dealing with national agricultural interests and questions, but it and all of its members have accepted uncomplainingly his decisions after a full and fair hearing of each case upon its merits. We have seen restrictions placed on consumption through the inauguration of wheatless and meatless days, by the requirement of the use of substitutes, and by other policies which narrowed the markets for agricultural products. This has occurred at times when prices seemed already unduly limited, considering the war costs of production.

"We are, however, convinced that every act of the Food Administrator has been conceived and executed in a desire to deal fairly with the American people, both producers and consumers, equitably yet firmly with the various agencies of distribution, and generously with our struggling allies.

"We are of opinion that no agency or department of the Government has done a greater work, and that no man of the many chosen for important national and international service has earned a higher place in public esteem and admiration than has the man who played so notable a part in guiding and bringing together the producers and consumers of the country, and who, by his rightful possession of the confidence of all classes at home and abroad, brought a united citizenship into voluntary contribution of sacrifice and service."

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Colorado [Mr. THOMAS] to the amendment of the Senator from Tennessee [Mr. SHIELDS] to the reservation proposed by the Senator from Oklahoma [Mr. OWEN].

Mr. REED. Mr. President, I suggest the absence of a quorum. The PRESIDENT pro tempore. The Secretary will call the roll.

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

Beckham	Glass	McKellar	Smith, Md.
Borah	Gronna	McNary	Smith, S. C.
Bandagee	Hale	Moses	Smoot
Calder	Harding	New	Spencer
Capper	Harris	Norris	Stanley
Chamberlain	Harrison	Nugent	Sterling
Colt	Henderson	Overman	Sutherland
Comer	Hitchcock	Page	Swanson
Culberson	Johnson, S. Dak.	Phelan	Thomas
Cummins	Jones, N. Mex.	Phipps	Townsend
Curtis	Jones, Wash.	Pittman	Trammell
Dial	Kellogg	Poindexter	Underwood
Dillingham	Kendrick	Pomerene	Wadsworth
Edge	Keyes	Ransdell	Walsh, Mass.
Elkins	King	Reed	Walsh, Mont.
Fletcher	Kirby	Sheppard	Warren
France	La Follette	Shields	Watson
Frelinghuysen	Lenroot	Simmons	Wolcott
Gerry	Lodge	Smith, Ga.	

Mr. ASHURST. My colleague [Mr. SMITH of Arizona] is absent on business of the Senate.

The PRESIDENT pro tempore. Seventy-five Senators have answered to their names. There is a quorum present.

Mr. KING. Mr. President, I am not sure that I understand the parliamentary situation of the pending reservation. The situation is rather anomalous. The caption of the reservation offered by the Senator from Oklahoma [Mr. OWEN] reads as follows:

Reservation proposed by Mr. OWEN to resolution of ratification of German peace treaty.

There is no resolution of ratification now pending, I understand.

Mr. LODGE. Mr. President—

Mr. KING. I yield to the Senator.

Mr. LODGE. I know it has been held by the Vice President, and I think by the present occupant of the chair, that the reservations are independent propositions, to be subsequently added to the resolution of ratification. As an independent proposition an amendment, not in the form of a substitute but simply as an addition, has been offered by the Senator from Tennessee [Mr. SHIELDS]. To that an amendment has been offered by the Senator from Colorado [Mr. THOMAS]. Therefore the rule as to motions to strike out and insert does not apply, and any motion now, it seems to me, would clearly be in the third degree.

Mr. KING. If the premise of the Senator from Massachusetts is correct, his conclusion is proper and inevitable. I do not rise for the purpose of combating the views which have been expressed by the Senator from Massachusetts, although I think there might be a very strong argument made upon the other side.

Mr. LODGE. If the Senator will allow me a moment, there can be no debate upon the question that another proposition would be in the third degree if you admit that the reservation is an independent proposition, which I think has been held by both occupants of the chair, and correctly held, as I think.

Mr. KING. I agree with the statement just made by the Senator from Massachusetts. If it be admitted that each reservation is an independent proposition, then, of course, no further amendment could be submitted to the pending reservation offered by the Senator from Oklahoma and the various amendments thereto, because it would be in the third degree; but I desire to suggest to the Chair the question as to whether there is an independent proposition now pending before the Senate.

For the purpose of obtaining the judgment of the Chair, whose experience and parliamentary knowledge are far superior to mine, I offer as a substitute for the pending reservation, with the amendments and modifications and qualifications which have been submitted, the following, which I send to the desk.

The PRESIDENT pro tempore. There are no rules of the Senate which cover the question just raised by the Senator from Utah, but the Chair, in harmony with the ruling which it understands has already been made, will hold that the reservation proposed by the Senator from Oklahoma [Mr. OWEN] is an original proposition, and, there being two amendments already offered to that proposition, the amendment now proposed by the Senator from Utah is not in order.

Mr. KING. I ask that the proposed substitute which I offer may be read, and then I shall ask my good friend, the Senator from Colorado [Mr. THOMAS], who is not here, if he will consent to withdrawing his amendment and permitting mine to be regarded as within the proper degree.

The PRESIDENT pro tempore. For the information of the Senate, the Secretary will read the substitute offered by the Senator from Utah [Mr. KING].

The ASSISTANT SECRETARY. It is proposed, in lieu of the reservation offered by the Senator from Oklahoma [Mr. OWEN], and the amendments thereto, to substitute as follows:

The United States understands the protectorate referred to in section 6 of the treaty to have been merely a war measure to preserve the integrity and independence of Egypt during the war. The United States further understands that in fulfillment and execution of the great principle of self-determination of peoples and equality of all Governments pervading and underlying the covenant of the League of Nations, at the close of the present war with Germany it will recognize the political independence of Porto Rico, the Philippine Islands, and the Virgin Islands, and also the Territory of Hawaii: *Provided*, That a majority of the residents of said Territory over the age of 21 years vote for such independence. And the United States further understands that in fulfillment of said principle Great Britain and Japan, respectively, will forthwith recognize the existence and political independence of the republic of Ireland and the ancient kingdom of Korea, and agree that they become members of the League of Nations with equal representation accorded to other sovereign and independent Governments.

Mr. KELLOGG and Mr. REED addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Utah yield; and if so, to whom?

Mr. KING. I will yield first to the Senator from Minnesota, as he rose first.

Mr. KELLOGG. I just want to say a word on this matter—

Mr. KING. I will yield the floor for the moment.

Mr. REED. I wanted to ask the Senator—

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Colorado [Mr. THOMAS] to the amendment of the Senator from Tennessee [Mr. SHIELDS]. The Senator from Minnesota is recognized.

Mr. KELLOGG. Mr. President, I do not wish to stand in the United States Senate and discuss the merits of such a proposition as that and the one preceding it about this country declaring for the independence of Ireland and Korea. I am astonished that Members of the United States Senate would think of adopting a reservation in violation of every principle on which this country is founded and every principle of our history, that we are going to declare for the self-determination of parts of sovereign nations.

Mr. SMITH of Georgia. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. KELLOGG. I yield.

Mr. SMITH of Georgia. Has the Senator from Minnesota any doubt that the Senator from Utah introduced his substitute as an illustration of the lack of wisdom of any of the amendments? I feel sure that the Senator from Utah presented it as an argument against the reservation.

Mr. KELLOGG. I am quite aware that the Senator from Utah was trying to make this whole thing more ridiculous than it is, but I do not think it is possible for him to do so.

Mr. KING. Mr. President, will the Senator yield?

Mr. KELLOGG. I yield.

Mr. KING. The proposed substitute which I submitted was not offered with the expectation of commanding the support of the Senate. Indeed, it was not intended for that purpose. We are considering questions that have no relation to the treaty. They are wholly extraneous. We are attempting to project this Nation into the affairs of other peoples and of other nations.

Some Senators seem to entertain the view that we can hang upon this treaty every international question, and declare national and international policies that are not germane to the treaty and would be calculated to prevent its acceptance by our allies. There are many grievances in the world, and conditions which we would like to see corrected; but it would not be pertinent or proper, in a treaty of this character, to announce our views or what policies we should like to see pursued. It would have been just as inappropriate for the nations who have ratified the treaty to project themselves into our affairs, and to declare by reservation, amendment, or otherwise that in ratifying the treaty they understood that the United States would within a certain period free the Philippine Islands, Porto Rico, the Virgin Islands, Alaska, and the Hawaiian Islands, and permit these Territories and possessions to set up independent nations of their own.

My substitute shows the impropriety of the reservation which we are now considering, including the amendment offered by the Senator from Tennessee [Mr. SHIELDS], and the amendment to the amendment offered by the Senator from Colorado [Mr. THOMAS].

I am interested in having the treaty ratified. It seems to me that every Senator who has the welfare of the treaty at heart, and who desires to see it ratified and bring about the peace of the world, should pursue no course that would offer any impediment to ratification, or that would make our resolution of ratification objectionable, and properly objectionable, to any of our allies.

I am therefore opposed to attempting to attach to the treaty reservations that will destroy it, or that will be regarded as an

assault upon our allies, or an interference with their domestic and internal affairs.

Mr. KELLOGG. I am not addressing my remarks to the Senator from Utah. I was perfectly aware that that was not his object; but there was seriously discussed on the floor of the Senate yesterday a reservation which provides that—

The United States further understands that in fulfillment and execution of the great principle of self-determination of peoples and the equality of all governments pervading and underlying the covenant of the League of Nations, that Great Britain and Japan, respectively, will forthwith recognize the existence and political independence of the Republic of Ireland and the ancient Kingdom of Korea, and agree that they become members of the League of Nations with equal rights accorded to all other sovereign and independent governments.

Mr. President, does anyone believe that the Irish vote is going to be fooled by such nonsense as that? I am sorry to see the United States Senate playing such politics. What can be thought about it by the world? Are we to place upon this treaty a reservation which will require a sovereign country to allow any part of that country to have self-determination and secede? What would we have thought of that doctrine in 1861? What would we think about it now? Of course, it does not need argument, but why should the Senate spend hours in serious consideration of such a proposition?

It is time that we stop our nonsense. We are not only making the Senate ridiculous before the people of the country but before the people of the world. Why not vote upon these propositions? If anybody conscientiously can not vote for the treaty, let him vote against it. Of that there can be no complaint.

Mr. FLETCHER. Mr. President—

Mr. KELLOGG. Let those who want to vote for it vote for it, but do not let us descend to such politics as this. I yield to the Senator from Florida.

Mr. FLETCHER. I wish to make a suggestion to the Senator. I do not at all dissent from the Senator's view. I am quite in accord with his idea that we are wasting time here and that we ought not even to take the time to discuss these propositions. I suggest to the Senator that he move to lay the amendment on the table.

Mr. KELLOGG. I will move to lay it on the table.

Mr. REED. Mr. President, a parliamentary inquiry. Does that carry the original proposition with it?

Mr. KELLOGG. I move to lay the Owen amendment on the table.

The PRESIDENT pro tempore. Will the Senator from Minnesota state what amendment he proposes to lay on the table?

Mr. KELLOGG. The original amendment of the Senator from Oklahoma [Mr. OWEN].

Mr. FLETCHER. The amendment that is pending, of course, is the one that will have to be acted on.

The PRESIDENT pro tempore. The Senator from Minnesota moves to lay on the table the reservation proposed by the Senator from Oklahoma.

Mr. FLETCHER. I stated that, of course—

The PRESIDENT pro tempore. The motion is not open to debate.

Mr. REED. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Ashurst	Gerry	McKellar	Smith, Ga.
Ball	Glass	McLean	Smith, Md.
Beckham	Gronna	McNary	Smith, S. C.
Borah	Hale	Moses	Smoot
Brandegee	Harding	New	Spencer
Calder	Harris	Norris	Stanley
Capper	Harrison	Nugent	Sterling
Chamberlain	Henderson	Overman	Sutherland
Colt	Hitchcock	Owen	Swanson
Comer	Johnson, S. Dak.	Page	Thomas
Cummins	Jones, N. Mex.	Phelan	Townsend
Curtis	Jones, Wash.	Phipps	Trammell
Dial	Kellogg	Poindexter	Underwood
Dillingham	Kendrick	Pomerene	Wadsworth
Edge	Kenyon	Ransdell	Walsh, Mass.
Elkins	Keyes	Reed	Walsh, Mont.
Fernald	King	Sheppard	Warren
Fletcher	La Follette	Sherman	Wolcott
France	Lenroot	Shields	
Frelinghuysen	Lodge	Simmons	

Mr. ASHURST. My colleague [Mr. SMITH of Arizona] is absent on business of the Senate.

The PRESIDENT pro tempore. Seventy-eight Senators have answered to their names. There is a quorum present.

Mr. REED. Mr. President, I ask that the motion of the Senator from Minnesota to lay on the table be stated. I want to know the form in which the motion was made by the Senator from Minnesota.

The PRESIDENT pro tempore. The Chair will state the motion. The Senator from Minnesota moves to lay on the table the reservation proposed by the Senator from Oklahoma.

Mr. REED. I make the point of order that when there is a motion pending followed by a motion to amend, a motion can not be made to lay the original motion on the table; that the motion to lay on the table must be directed to the pending motion, which is a motion to amend.

The PRESIDENT pro tempore. The Chair finds upon examination of the precedents upon that question that the Senate has ruled that a motion of that kind can be made.

Mr. REED. If that is the ruling of the Chair, I do not desire to urge the point of order.

The PRESIDENT pro tempore. The Chair refers to an instance occurring in the Senate on January 16, 1891. The Chair quotes from Gilfry's Precedents the following proceedings on that occasion:

The Senate had under consideration, as in Committee of the Whole, the bill (H. R. 11045) "to amend and supplement the election laws of the United States and to provide for the more efficient enforcement of such laws, and for other purposes."

The question recurring on an amendment proposed by Mr. Butler to the part proposed to be inserted by the amendment of the committee, viz: At the end of line 107, page 104, insert:

"Provided, That the supervisors, canvassers, and all the election officers shall be regarded as ministerial and not as judicial officers."

On motion by Mr. Harris to amend the amendment by adding thereto the following: "And shall perform none other than ministerial duties."

After debate, on motion by Mr. Hoar that the amendment of Mr. Butler lie on the table—

Just such a question of order as is now raised by the Senator from Missouri—

Mr. Gorman raised a question of order, viz, that the question pending was the amendment proposed by Mr. Harris to the amendment of Mr. Butler, and that it was not in order to lay both amendments on the table by one motion.

The Vice President (Mr. Morton) overruled the question of order, and decided that the motion to lay the amendment of Mr. Butler on the table carried with it the amendment to the amendment proposed by Mr. Harris and was in order.

From the decision of the Chair Mr. Gorman appealed to the Senate, and proceeded to debate the question of the appeal, when Mr. Edmunds made the point of order, viz, that the original motion being a nondebatable motion, an appeal from the decision of the Chair on the question was also nondebatable.

The Vice President sustained the point of order and decided that the appeal was not debatable; and on the question, Shall the decision of the Chair on the question of order raised by Mr. Gorman stand as the judgment of the Senate? it was determined in the affirmative; yeas 31, nays 15. So the Chair was sustained. (See CONGRESSIONAL RECORD, 51st Cong., 2d sess., pp. 1431-1433.)

In accordance with the precedent thus established the Chair feels constrained to overrule the point of order made by the Senator from Missouri.

Mr. OWEN. Mr. President, I rise to a parliamentary inquiry. Will it be in order to move as a substitute for the motion of the Senator from Minnesota to lay the amendment on the table?

The PRESIDENT pro tempore. The Chair is of the opinion that such a motion would not be in order.

Mr. OWEN. Then the parliamentary proceeding, as I understand, is that if this motion be adopted by the Senate it disposes of the entire question, otherwise a motion would be in order to lay on the table the amendment. In that event I wish to offer such a motion.

The PRESIDENT pro tempore. If the motion of the Senator from Minnesota prevails, it will carry with it to the table the amendment proposed by the Senator from Tennessee [Mr. SHIELDS] and the amendment proposed by the Senator from Colorado [Mr. THOMAS].

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. HENDERSON (when his name was called). I have a pair with the junior Senator from Illinois [Mr. McCORMICK]. I understand that he is absent to-day on account of sickness. I therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL] which I transfer to the Senator from Arizona [Mr. SMITH]. I ask that this announcement may stand for the day. On this question I vote "yea."

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. GAY]. In his absence I withhold my vote.

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). My colleague [Mr. SMITH of Arizona] is absent on business of the Senate.

Mr. SMITH of South Carolina (when his name was called). I have a pair for this day with the senior Senator from Minnesota [Mr. NELSON]. In his absence I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER], who is absent. I am informed that if he were present he would vote "yea" on this motion. I therefore feel at liberty to vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Arkansas [Mr. KIRBY], and I vote "yea."

The roll call was concluded.

Mr. HENDERSON. Referring to the announcement that I made a moment ago, I transfer my general pair to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. He has not voted. I therefore transfer my pair with him to the Senator from Nevada [Mr. PITTMAN] and I will let my vote stand.

Mr. WALSH of Massachusetts. The Senator from Oklahoma [Mr. GORE] is detained from the Senate on official business. If present he would vote "nay."

Mr. CURTIS. I wish to announce that the Senator from Washington [Mr. POINDEXTER] is paired with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 54, nays 21, as follows:

YEAS—54.

Ball	Fletcher	Lenroot	Sterling
Beckham	Frelinghuysen	Lodge	Sutherland
Calder	Gerry	McNary	Swanson
Capper	Glass	New	Thomas
Chamberlain	Hale	Page	Trammell
Colt	Harding	Philpotts	Trammell
Comer	Harris	Pomerene	Underwood
Cummins	Harrison	Ransdell	Wadsworth
Curtis	Jones, N. Mex.	Sherman	Walsh, Mont.
Dial	Kellogg	Simmons	Warren
Dillingham	Kendrick	Smith, Ga.	Watson
Edge	Kenyon	Smith, Md.	Williams
Elkins	Keyes	Spencer	
Fernald	King	Stanley	

NAYS—21.

Ashurst	Hitchcock	Nugent	Shields
Borah	Johnson, S. Dak.	Overman	Walsh, Mass.
Brandegee	Jones, Wash.	Owen	Wolcott
France	La Follette	Phelan	
Gronna	McKellar	Reed	
Henderson	Norris	Sheppard	

NOT VOTING—21.

Culberson	Knox	Nelson	Smith, Ariz.
Fall	McCormick	Newberry	Smith, S. C.
Gay	McCumber	Penrose	Smoot
Gore	McLean	Pittman	
Johnson, Calif.	Moses	Poindexter	
Kirby	Myers	Robinson	

So Mr. OWEN's reservation was laid on the table.

Mr. REED. Mr. President, the Senate has just listened to a remarkable lecture by the Senator from Minnesota [Mr. KELLOGG], in which with great earnestness he asserted that the Senate is engaged in a ridiculous piece of business.

The amendment which was offered to the reservation by the Senator from Utah [Mr. KING] was intended to be ironical; I take it there is no question about that; but let us for a moment see what the "ridiculous" proposition before the Senate really was.

The reservation offered by the Senator from Oklahoma [Mr. OWEN] was merely this:

The United States understands the protectorate referred to in article 6 of the treaty to have been merely a war measure to preserve the integrity and independence of Egypt during the war.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. REED. Yes.

Mr. KELLOGG. I addressed my remarks more particularly to the amendment which I read in relation to granting independence to the republic of Ireland, the Kingdom of Korea, and so forth. Those amendments were the ones to which I more particularly addressed my remarks.

Mr. REED. But the Senator moved to lay the entire proposition on the table.

Mr. KELLOGG. I did.

Mr. REED. He did not move to lay on the table the particular amendments to which he is now referring, and he succeeded in laying upon the table the entire proposition. Now, I think no one can successfully contend that the resolution as offered by the Senator from Oklahoma is ridiculous, or that it is not germane to this treaty, for it merely refers to a clause of the treaty and states the construction which the United States puts upon that clause. To that reservation an amendment was offered by the Senator from Tennessee [Mr. SHIELDS], declaring that the principle of self-determination ought to be extended to

Ireland. The Senator probably thinks that is ridiculous; at least, he made a motion to carry it to the table. To that reservation the Senator from Colorado [Mr. THOMAS] had offered an amendment which included Korea. Possibly that is ridiculous; but if these reservations are ridiculous, then an important argument that has been made for this treaty is ridiculous.

We were asked to go into it on the ground that it was going to produce a general world equity; that the hand of the oppressor was no longer to be upon the throat of the oppressed; that small peoples were no more to be deprived of their liberties simply because some great nation was powerful enough to take their liberties from them. The principle was to be applied to the British Empire and to Japan just the same as to other nations. Two-thirds of the people of the United States still believe the League of Nations will insure the blessings of self-determination and liberty to the oppressed peoples of the earth.

Possibly that proposition is foolish—it may be chimerical—but it is the exact plan the President of the United States took with him to Paris. If it is ridiculous, he is the author of the absurdity; and you will see the Senator from Minnesota on the hustings next fall declaring to his constituency, in substance and effect, "This great document has liberated the world."

Moreover, you will hear all the rest of the advocates of this league asserting the same thing.

The Senator from Georgia [Mr. SMITH] on yesterday put into the RECORD the proposition President Wilson took with him to Paris. I want to read it, because I propose to offer the President's original proposition as a reservation to the league covenant. The proposition was:

ARTICLE 3.

The contracting powers unite in guaranteeing to each other political independence and territorial integrity, but it is understood between them that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations or present social and political relationships, pursuant to the principle of self-determination, and also such territorial readjustments as may, in the judgment of three-fourths of the delegates, be demanded by the welfare and manifest interest of the peoples concerned, may be effected if agreeable to those peoples, and that territorial changes may in equity involve material compensation. The contracting powers accept without reservation the principle that the peace of the world is superior in importance to every question of political jurisdiction or boundary.

Mr. President, those words meant something or they meant nothing. If they meant anything, the League of Nations was to guarantee to all oppressed peoples an opportunity to secure their liberty. They were to be permitted as of right an appeal to the League of Nations, whereupon a three-fourths vote would result in their liberation. This guaranty applied not to past situations alone, but to present and future conditions.

Now, Mr. President, I am sending to the desk a reservation which literally follows the language the President employed, in so far as that language can be made applicable to the present state of the covenant. I ask to have it read.

The PRESIDING OFFICER (Mr. STERLING in the chair). The Secretary will read the proposed reservation.

The Reading Clerk read as follows:

The United States construes part 1 of the treaty of peace with Germany, known as the covenant of the League of Nations, to the effect that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations, or present social and political relationship, pursuant to the principle of self-determination, and also such territorial readjustments as may, in the judgment of three-fourths of the council or assembly, be demanded by the welfare and manifest interest of the people concerned may be effected if agreeable to those peoples. The high contracting powers accept without reservation the principle that the peace of the world is superior in importance to every question of political jurisdiction or boundary.

Mr. REED. Mr. President, just a word further in support of this reservation.

It is the doctrine which the President preached to this country before he went to Paris. It is the doctrine which he constantly supported in his speeches after he came from Paris. Abbreviated, it means that the people of any country, being held by the superior power of another country, may ask to be released, and may submit that question to the League of Nations, whereupon a three-fourths vote will work their liberation.

If the League of Nations means anything, if it is to bring any relief to the downtrodden, if it is not merely a great organization of power formed to control the world by force, if there is in it anywhere a germ of equity or a possibility of justice to the oppressed people of the world, then this reservation ought to be accepted.

If it is not accepted, then we have said to the people of the world that this thing we are setting up is a league of power, intended to guarantee the present possessions of the great em-

pire nations of the world; that it is intended to rivet the chains upon Egypt, upon Korea, upon Ireland, upon all those weak peoples who at the time the treaty became effective were held in thralldom by some powerful member of the league.

Mr. LENROOT. Mr. President—

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

Mr. REED. I yield.

Mr. LENROOT. I should like to ask the Senator if that is not exactly his construction of the league covenant, and has it not been from the very beginning?

Mr. REED. Yes, sir.

Mr. LENROOT. Then I would like to ask the Senator how, in this reservation, there is an entirely opposite construction that he himself has given to the league covenant?

Mr. REED. Mr. President, that is a wonderful question to ask, is it not? I took the position that the league covenant does mean a league of power, and the Senator took the position that it did not mean that. Now, I am proposing to write into the covenant itself the meaning that you have ascribed to it, and you are going to oppose, you are on your feet now to oppose, a construction of this covenant which you have given it on the floor of the Senate.

Mr. LENROOT. Will the Senator yield?

Mr. REED. Yes.

Mr. LENROOT. Then the Senator offers a construction which he himself says is not capable of being so construed.

Mr. REED. Oh, no. While we are making this contract we have a right by appropriate language to give it any meaning we desire. The Senator has the notion in his head, as have a good many other people, that this covenant having been delivered to us, we can not change it. He takes that position when I propose to change it or to affect it, but when he wants to change it or affect it he readily does so.

Mr. LENROOT. Oh, no.

Mr. REED. There is no use in caviling about terms. We all understand what we are doing. Here is a proposition offered to the Senate. It is not, so far as we are concerned, a contract until we breathe the breath of life into it. Before we do that we have the right, if we want to do so, to strike out any part of it. We can refuse to concur in any part of it, or we can, adopting the form that has been employed here, offer a construction of it which we say to the world we will insist upon.

Mr. LENROOT. Will the Senator yield further?

Mr. REED. I hold that the covenant as now drawn is a covenant of power and force; that it does not now secure to the people of other lands the right of self-determination. The Senator states that it does give to the people these rights.

Mr. LENROOT. The Senator must not misquote me.

Mr. REED. Then, the Senator takes the position I do, that it is a league of force, of power, that it is an institution to rivet the chains upon the people. Is that the Senator's position?

Mr. LENROOT. So far as territorial integrity is concerned, that is true; and that is why I have been insisting upon the reservations that we do not participate in any such power.

Mr. REED. Very well. Then the Senator ought to support my reservation—

Mr. LENROOT. No.

Mr. REED. Because it is along that line of thought. It not only saves us from participation in a wrong, but makes possible the righting of the wrong.

Mr. LENROOT. I want to ask the Senator whether any Senator on either side of the aisle has at any time during the consideration of this treaty given the construction to this covenant that he now proposes by his reservation?

Mr. REED. Mr. President, there have been any number of speeches made here in the Senate to the effect that this treaty does not rivet chains upon people, that this treaty is not a great conspiracy of power, that it is a beneficent thing, devised for the purpose of uplifting humanity and of democratizing the world. I am astonished that the Senator questions the fact. Will the Senator claim that you can democratize the world by enslaving the world? If we are to have a League of Nations, then let us pass this reservation, thereby protesting in the name of the United States that somewhere in it there shall be found the power to give relief to a subject people against their oppressors. If the Senator wants a League of Nations that does not have that power in it, if he wants to rivet a strait-jacket on the world for all time, if he wants to say to all races and peoples now oppressed, "You can not secure your liberty except by war or by the voluntary consent of your oppressors," he ought to oppose this reservation.

But he ought to go to the people of his own State and say to them frankly, "At the close of this great war, England, France, Italy, and Japan gathered within their deadly embraces all parts of the world inhabited by helpless folk and forced their government upon them against their protest. We have devised a scheme called 'the League of Nations,' which makes it certain they shall wear their chains forever; that the hand of the oppressor shall never relax in its grip upon their throats. The immense power of the league is to be employed to guarantee their slavery shall be perpetual."

That is what the Senator now says the league covenant means. This reservation I have offered puts into the league covenant, so far as America can put it in, the proposition that there shall be a court to which the oppressed of the earth can come. What is illogical in such an offer?

Mr. LENROOT. Will the Senator yield?

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

Mr. REED. I yield.

Mr. LENROOT. Is the Senator, then, willing that we create an international court, where the people of Hawaii, Porto Rico, and the Philippine Islands may have their independence determined, regardless of the will of the people of the United States?

Mr. REED. Now, let me answer that. I am astonished that the Senator should advance such an argument, because, save for the statement made by him a moment ago, he has professed to be the advocate of altruism. His question embraces an argument, but it is not the argument of the altruist. It is not the argument of the idealist. It is not the argument that has hitherto been put forth by those who champion the league. It is the century-old argument of selfishness. It was made by the commanders of Rome's conquering legions, by Darius, by Xerxes, by Cambyses, by Hannibal, and by Napoleon. It is the argument of the pirate that—

They shall take who have the power;
They shall keep who can.

You now appeal to the selfishness of the United States, and at the same time you proclaim that you are engaged in an altruistic movement for the general benefit of the world. You can not run in two directions at the same time. But I will answer the question in another way, the way I think it should be answered.

I am opposed to the Government of the United States trying to govern in the affairs of Europe. The Senator is in favor of it when he favors the league.

I am opposed to the United States interfering in the affairs of Asia. The Senator is in favor of it when he favors the league.

I am opposed to any international supergovernment. The Senator is in favor of it when he favors the league.

I am opposed to the United States violating that part of the Monroe doctrine which expressly declared that the United States would not interfere in the affairs of trans-Atlantic nations. The Senator is in favor of violating the Monroe doctrine, because he proposes to set up a league that does interfere with the affairs of the Old World, and he would make us a party to that league.

That is my position. But if we are to be forced into this compact by the votes of those Senators who favor internationalism above nationalism, who see fit to abandon our ancient policies, who turn their backs upon the teachings of the fathers, who insist that we shall run the ship of state into seas tossed by the tempests of European and Asiatic passions and hatreds—if we are going to steer such a course, then, at least, I want to accomplish some good as the result of so great a sacrifice. Accordingly, I hope that we may assure to the oppressed people of the earth an opportunity to have their wrongs righted. I am the more insistent upon this because by the league compact we make their continued slavery certain unless we afford the means of escape, and because if not given some tribunal to which they may peacefully appeal they will ultimately rise and fight for their liberty, and then the United States will be bound morally, even under the reservations adopted, to cast its influence against them when they venture to strike for liberty.

What is illogical about that position?

Mr. LENROOT. Then I do understand that the Senator favors placing in the League of Nations the control of Hawaii, Porto Rico, the Virgin Islands, and the Philippines?

Mr. REED. Certainly, Mr. President; if we go into the league, I am willing to put them in with the rest of the possessions of the world—

Mr. LENROOT. I am not.

Mr. REED. But what is the Senator doing? The Senator is putting his Nation in, and he is declaiming here about putting in Hawaii. He is willing to put the United States in, but he is worried about the Philippines. He is willing to put the United States in, but he is greatly disturbed about the Virgin Islands.

He is setting up a world government and surrendering to it in important matters the sovereignty of the entire United States, but he is distressed lest we should by that world government be deprived of a few unimportant islands. The Senator voted against a reservation which provided that we would withhold from the jurisdiction of the league questions involving its vital interests and the national honor of the United States. Did not the Senator so vote?

Mr. LENROOT. I did.

Mr. REED. Very well. The Senator is willing to vote to submit to this League of Nations questions involving the life of the United States, for that is what "vital interests" means, but he is greatly worried and distressed about Hawaii and the Virgin Islands and the Philippine Islands.

Mr. LENROOT. Will the Senator yield at that point?

Mr. REED. Yes.

Mr. LENROOT. Would not that reservation which the Senator now advocates have kept out from any jurisdiction of the league the very things he is now trying to put into it?

Mr. REED. The one I now offer?

Mr. LENROOT. No; the one about vital interests and the national honor.

Mr. REED. If we had excepted our vital interests and our national honor, we might have said that we would refuse to submit to the League of Nations the question of the control of Porto Rico, because we might have said it was a military outpost or could be made a military outpost for the defense of this country. Of course, we might have so said, and if we had we would have said an American thing; we would have announced an American doctrine.

Mr. LENROOT. But the reservation which the Senator now proposes would have taken those questions out of the reservation that the Senator formerly proposed and would have submitted it to this league.

Mr. REED. Yes; and it was not accepted.

Mr. LENROOT. It was not.

Mr. REED. It was defeated, and the Senator helped to defeat it.

Mr. LENROOT. Yes.

Mr. REED. If I can not save the whole I want to save a part.

Mr. LENROOT. No; if the Senator can not save the whole he wants to put into the jurisdiction of the league the very things that a short time ago he was trying to keep out.

Mr. REED. Here is the difference. The league now has jurisdiction to decide questions involving our national honor and vital interests. The league is now also the instrument that is to be employed to rivet the chains on subject people. I am seeking to give such people the poor right to appeal to the league to break their chains. I am giving the league a chance to escape from the brutal contract it is now proposed to make.

Mr. LENROOT. Including the Philippines and Hawaii?

Mr. REED. Including the Philippines and Hawaii; so that if the League of Nations undertakes jurisdiction over all the world and over our national life and death, it can at least release subject peoples. We are holding no subjects, a fact the Senator very well knows. We are granting liberty to the Philippines as rapidly as possible. But, sir, if we have subjects, I am in favor of releasing them.

If this reservation is passed, then three-fourths of the league could by vote release Egypt. If you do not release Egypt and other subject countries, you men who have declared that this league means eternal peace know that it will ultimately bring war. The day will come when the nations and races now held in subjection will rise against their oppressors.

I can not understand the position of a man who is willing to submit the national honor and vital interests of the United States to the League of Nations, and yet is frightened lest the league may release the people of the Virgin Islands or even Ireland. Does not the Senator know that several of the bloody European wars have been caused or contributed to by the century-old conflict between Ireland and England?

This much is certainly true, that if you are to follow the lead of the President, the ideas of the President, the thought he had in mind when he went to France, you must accept this reservation. If the President was wrong about it, if he was wrong about the principle of self-determination, if it is wrong to give to this tribunal the right to release people, then it is wrong to set up the league to control the nations of the world.

Mr. President, the President has delivered many speeches in favor of the self-determination of peoples and in general support of the doctrine laid down in the reservation I have offered. I ask the privilege of hereafter inserting them in the Record.

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

Mr. REED. Suggesting the absence of a quorum, Mr. President, I have concluded my remarks.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Gronna	Lodge	Smoot
Ball	Harding	McKellar	Spencer
Brandegee	Harris	Moses	Stanley
Capper	Harrison	New	Sterling
Colt	Henderson	Norris	Sutherland
Comer	Hitchcock	Nugent	Thomas
Culberson	Johnson, S. Dak.	Overman	Townsend
Cummins	Jones, N. Mex.	Page	Trammell
Curtis	Jones, Wash.	Phelan	Underwood
Dial	Kellogg	Phipps	Wadsworth
Dillingham	Kendrick	Poindexter	Walsh, Mont.
Edge	Kenyon	Pomerene	Warren
Elkins	Keyes	Reed	Watson
Fletcher	King	Sheppard	Williams
France	Kirby	Simmons	Wolcott
Gerry	La Follette	Smith, Md.	
Glass	Lenroot	Smith, S. C.	

Mr. ASHURST. My colleague [Mr. SMITH of Arizona] is absent on business of the Senate.

The PRESIDING OFFICER. Sixty-six Senators have answered to their names. A quorum of the Senate is present.

Mr. NORRIS. I do not know whether the Senator from Missouri [Mr. REED] formally offered the reservation of which he was speaking.

Mr. REED. I did.

Mr. NORRIS. Then that reservation is the pending question?

Mr. THOMAS. The Senator from Missouri has two reservations.

Mr. REED. I did not offer the printed one.

Mr. THOMAS. They are both printed.

Mr. REED. I have offered another reservation.

Mr. NORRIS. I think, probably, I might as well take this occasion to refer to what I believe to be the parliamentary situation in regard to the Egyptian reservation. I assume that the Egyptian reservation, having been laid on the table, it would not be in order to offer it in the form in which it was previously pending, although I feel confident that a great many Senators voted to lay it on the table because of the amendments which were attached to it. I desire at the proper time, when the pending matter is disposed of or some time later before we get through with the reservations, to offer another reservation, and, for the benefit of the Senate, I should like to have the Secretary read it and have it printed and lie on the table.

The PRESIDING OFFICER. The Secretary will read as requested.

The Reading Clerk read as follows:

The United States withholds its assent to article 147 of the treaty in so far as recognition of the said protectorate is extended beyond the going into force of this treaty.

Mr. KING. Will the Senator yield?

Mr. NORRIS. I yield to the Senator.

Mr. KING. I want to give notice to the Senator from Nebraska that I shall raise the point of order against the reservation when he offers it.

Mr. NORRIS. My own idea is that the point of order will not lie. Of course, I do not believe that it follows that because one reservation has been laid on the table another on the same subject can not be offered. In case the Senate shall decide otherwise, however, I want to give notice that unless some other Senator does so, when we shall get into the Senate, I shall reoffer the original reservation, which I believe would be in order at that time. I have no doubt that the reservation I have presented would be in order at any time when there is no other question pending.

Mr. LENROOT. Mr. President, with reference to the pending reservation offered by the Senator from Missouri [Mr. REED] I wish to say that the Senator from Missouri, always eloquent and usually logical, has taken a position to-day exactly contrary to the position that he has maintained in many eloquent speeches throughout this long treaty debate. He has always construed the treaty in exactly opposite terms from the construction that he now proposes to give it in the pending reservation. I do not know of a Senator on either side of the aisle who has ever given the construction to the treaty that the Senator from Missouri now proposes to give it. The Senator must either abandon all of the contentions that he has made in the past with reference to the proper construction of the treaty or else he must vote against his own reservation that he has now proposed. Indeed, I do not see how any man anywhere could possibly give the construction to the treaty that the Senator from Missouri purports to give to it by this reservation.

After a recital as to oppressed peoples, and so forth, his reservation provides that "such territorial readjustments as may in the judgment of three-fourths of the council or assembly be demanded by the welfare and manifest interest of the people concerned may be effected if agreeable to those people."

I should like to ask the Senator from Missouri where he finds in the league covenant any right to reach final decisions upon any question by a vote of three-fourths of the council or the assembly?

Mr. REED. Mr. President, the Senator from Wisconsin takes a different view of a constructive reservation from that which I take. These reservations are intended to express our construction of the covenant; they are not expected to be legal constructions.

Mr. LENROOT. That is what the Senator says in his reservation.

Mr. REED. Certainly. We, as a Senate, in agreeing to this treaty say that we are going to agree to it with certain constructions which we are putting upon it now. The Senator has voted for reservation after reservation that puts into the treaty things that are not there or gives it a construction which nullifies the plain propositions of the treaty.

Mr. LENROOT. Not at all. The Senator from Missouri must not put me in that position, because it is not true.

Mr. REED. Did the Senator from Wisconsin not vote for all of the Lodge reservations?

Mr. LENROOT. I did; but there is not one of the Lodge reservations that either puts anything into the treaty or gives the treaty a different construction.

Mr. REED. Do they take anything out of the treaty?

Mr. LENROOT. They do not.

Mr. REED. Then those reservations do not do anything to the treaty, do they?

Mr. LENROOT. By the Lodge reservations we state that we do not assent to portions of the treaty that would impose certain obligations upon us; that is all.

Mr. REED. We say it in the form that we do not assent—

Mr. LENROOT. Yes.

Mr. REED. And that we construe the treaty to mean—

Mr. LENROOT. No; not construe. We agree upon the construction.

Mr. REED. Very well; I shall answer that in a moment.

Mr. LENROOT. For instance, there is no difference between the Senator from Missouri and myself upon the construction of article 10; I give it the same construction that he does, but by the reservation which has been adopted by the Senate we say we are not obligated; we do not assume the obligation that is imposed by article 10. There is no difference of opinion, however, upon the construction of that article between the Senator from Missouri and myself. If the Senator from Missouri does not mean a legal construction, he ought not to say so. There is no better lawyer in the Senate than the Senator from Missouri, and yet he assumes to construe this treaty in a manner that he himself says it is not capable of being construed.

Mr. President, another position that the Senator has taken is—

Mr. REED. Mr. President, will the Senator let me answer him upon the point that he has just raised?

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

Mr. LENROOT. Yes.

Mr. REED. Reservation No. 1 of the Lodge reservation provides:

The United States so understands and construes article 1 that in case of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge—

And so forth.

The Senator does not intend to say that that right is written in the league now?

Mr. LENROOT. I do; it is a matter of construction.

Mr. REED. Oh, pshaw!

Mr. LENROOT. Why, the Senator will not argue with me that that provision of the treaty is not susceptible of two constructions—one that the United States itself may determine the matter and the other that the league may do so—but the treaty is silent upon that subject, and we give the construction that the United States shall be the one to decide.

Mr. REED. Did the Senator vote for this reservation?—

The United States understands that the reparation commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States, by act or joint resolution of Congress, approves such regulation or interference.

Does the Senator say that is a matter of construction?

Mr. LENROOT. Absolutely; and I think the Senator will agree with me that it is.

Mr. REED. Or is it a matter of writing in an independent construction?

Mr. LENROOT. It is a matter of construction. I am sure the Senator will not disagree with me upon that if he will recall the provisions with regard to the reparation commission.

Mr. REED. Does the Senator think that this was in the treaty all the time?—

The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in article 16 of the covenant of the League of Nations, residing in the United States or in countries other than that violating said article 16, to continue their commercial, financial, and personal relations with the nationals of the United States.

Mr. LENROOT. No; the treaty provides that under article 16 in case of an economic boycott the boycott shall lie against all nationals whether residing in the covenant-breaking country or elsewhere. We only assume that part of the obligation under article 16 by this reservation that relates to nationals residing within the covenant-breaking country. That is a matter of construction.

Mr. REED. Oh, Mr. President, that is not what it says. It says that "the United States understands." Now, the language was plain—

Mr. LENROOT. No; the Senator read "the United States reserves."

Mr. REED. No; "the United States understands."

Mr. LENROOT. Read along.

Mr. REED. I am reading:

The United States understands that the reparation commission—

Mr. LENROOT. I am not speaking of the reparation commission.

Mr. REED (reading):

Will regulate or interfere with exports from the United States to Germany, or from Germany to the United States—

Mr. LENROOT. Mr. President, the Senator must be fair with me. He read that reservation, and I said to him that that was a construction, and I challenged him to disagree with me. He read the next reservation, and I told him in reply that that was a reservation of the obligation imposed by article 16.

Mr. REED. Exactly. I inadvertently read reservation 8 instead of reservation 9, the second time. The second one is reservation 9, which reads:

The United States shall not be obligated to contribute—

And so forth. Now, the United States is obligated to contribute by the express terms of the league, is it not?

Mr. LENROOT. If we assent to it.

Mr. REED. Yes.

Mr. LENROOT. If we assent to it without the reservation.

Mr. REED. Now, if we put in the reservation, we are changing the terms of the league, are we not?

Mr. LENROOT. No; certainly not. I am sure the Senator from Missouri must understand that where there is a provision that imposes an obligation upon us, and we say that we enter the league but do not assume the obligation, we have not assented to that part of the treaty that imposes the obligation. We have not changed the treaty in any way. We have merely not become a party to that part of it.

Mr. REED. Yes.

Mr. KING. Mr. President, will the Senator from Wisconsin yield to me?

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

Mr. LENROOT. I yield.

Mr. KING. I want to invite the attention of the Senator from Wisconsin to the further fact that with respect to the reparations provision, and one or two others, those who are the strongest advocates of the league have conceded that it did not impose any obligations upon the signatories to the league that would interfere with their domestic affairs, and the question of tariff and exports would be a domestic affair; so that the Senator can plant himself properly upon the proposition which he did, and, further, upon the interpretation to which I have just referred.

Mr. REED. Mr. President, this is not a question of exports or imports in the ordinary sense at all. This reservation is dealing with the relations of the United States and of other Governments with the nationals of a country that is at war. It has to do with war, and it is not a domestic question, and it is not reserved as a domestic question.

Mr. KING. Mr. President, if the Senator will further pardon me—

Mr. LENROOT. I yield.

Mr. KING. What I referred to was the question of reparations, and I mention the reservation in regard to reparations,

and the functions of the commission that have charge of the reparations will have to do with the trade between the United States and Germany, and that will involve imports and exports. I again insist that that is a domestic question.

Mr. LENROOT. Mr. President, upon the question of the reparation commission, everyone has admitted that there was grave doubt as to whether the reparation commission would have any control over commerce. We have so construed the treaty that they shall not have without the consent of Congress; that is all. It is a construction. Every one of these 14 reservations that has heretofore been adopted has either been a construction of the articles of the treaty or has reserved the United States from obligations imposed by the treaty. There is not one of the reservations that purports to give to the treaty a construction exactly contrary to what the author himself says is the proper construction of the treaty.

Further, Mr. President, it certainly must be surprising to Senators, after the many eloquent speeches that the Senator from Missouri has made concerning the protection of the rights of the United States and voting for these reservations as he has in order to protect the rights of the United States, that he now comes with a reservation that would repose in the League of Nations control over the Philippine Islands, Hawaii, Porto Rico, the Virgin Islands, and possibly Alaska; and the Senator from Missouri now says that all that he has been saying for these many, many months concerning the protection of the United States he does not mean now, and he wants to surrender to the League of Nations these vital interests of the United States which in a reservation a short time ago he sought to protect.

Mr. President, I understand, of course, that the Senator is bent upon defeating this treaty; and, of course, the Senator understands that if this reservation of his should be adopted there is none of us that could vote to ratify the treaty with that reservation. There is none of us that would vote to surrender the vital interests of the United States as the Senator from Missouri proposes to surrender them in this so-called reservation.

Mr. REED. Mr. President, then why does not the Senator support my reservation, which expressly reserves to the sole jurisdiction of the United States questions of its vital interests and national honor?

Mr. LENROOT. Oh, Mr. President, what a position for the Senator to take! He says that because I and other Senators did not support his reservation he now wants to surrender the interests of the United States that he says he sought to protect by that reservation. Oh, what a position for the Senator to place himself in!

Mr. President, we have been debating this matter for a long time. The Senator from Missouri occupied much more time than I did. It must be plain to every Senator that if this reservation is adopted it will defeat the treaty, and I therefore move to lay it on the table.

Mr. REED. Mr. President—well, of course, if the Senator makes that motion at the conclusion of his own speech, and tries to shut off a reply, there is no way to stop it.

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). The Senator from Wisconsin moves to lay on the table the reservation of the Senator from Missouri. [Putting the question.] The Chair is in doubt.

Mr. REED and Mr. LENROOT called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

The Reading Clerk proceeded to call the roll.

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. McCORMICK], who is absent on account of sickness. If at liberty to vote, I should vote "nay."

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. GAY]. In his absence, I withhold my vote.

Mr. OVERMAN (when his name was called). Noting the absence of my general pair, the senior Senator from Wyoming [Mr. WARREN], who is absent from the Senate on account of official business, I withhold my vote.

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). My colleague [Mr. SMITH of Arizona] is absent on business of the Senate.

Mr. SMITH of South Carolina (when his name was called). Again announcing my pair with the senior Senator from Minnesota [Mr. NELSON], I withhold my vote.

Mr. THOMAS (when his name was called). On account of the absence of my pair, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Kentucky [Mr. STANLEY] and I vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX], who is absent. In the absence of my pair, I withhold my vote.

Mr. JOHNSON of South Dakota. I have a general pair with the Senator from Maine [Mr. FERNALD]. In his absence, I withhold my vote.

Mr. HENDERSON. I transfer my general pair with the junior Senator from Illinois [Mr. McCORMICK] to the senior Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. KIRBY. I announce the unavoidable absence of my colleague, the senior Senator from Arkansas [Mr. ROBINSON], on official business.

Mr. SUTHERLAND. I have a pair with the Senator from Kentucky [Mr. BECKHAM]. I transfer that pair to the Senator from Michigan [Mr. NEWBERRY] and will vote. I vote "yea."

Mr. WALSH of Massachusetts. The Senator from Oklahoma [Mr. GORE] is detained on official business. If present he would vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Washington [Mr. POINDEXTER] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Illinois [Mr. SHERMAN] with the Senator from Virginia [Mr. GLASS].

The result was announced—yeas 46, nays 21, as follows:

YEAS—46.

Ball	Fletcher	Keyes	Smoot
Calder	Frelinghuysen	King	Spencer
Capper	Gerry	Lenroot	Sterling
Colt	Glass	Lodge	Sutherland
Comer	Hale	McLean	Townsend
Culberson	Harding	McNary	Underwood
Cummins	Harris	New	Wadsworth
Curtis	Harrison	Page	Walsh, Mont.
Dial	Jones, Wash.	Phipps	Watson
Dillingham	Kellogg	Ransdell	Williams
Edge	Kendrick	Simmons	
Elkins	Kenyon	Smith, Md.	

NAYS—21.

Ashurst	Kirby	Phelan	Trammell
Borah	La Follette	Pomerene	Walsh, Mass.
Brandeggee	McKellar	Reed	Wolcott
France	Norris	Sheppard	
Gronna	Nugent	Shields	
Henderson	Owen	Swanson	

NOT VOTING—29.

Beckham	Johnson, S. Dak.	Newberry	Smith, Ga.
Chamberlain	Jones, N. Mex.	Overman	Smith, S. C.
Fall	Knox	Penrose	Stanley
Fernald	McCormick	Pittman	Thomas
Gay	McCumber	Poindexter	Warren
Gore	Moses	Robinson	
Hitchcock	Myers	Sherman	
Johnson, Calif.	Nelson	Smith, Ariz.	

So Mr. REED's reservation was laid on the table.

Mr. OWEN. Mr. President, I offer the following reservation. The PRESIDENT pro tempore. The Secretary will read the proposed reservation.

The Assistant Secretary read as follows:

The United States understands the protectorate referred to in section 6, article 147, of the treaty to have been merely a temporary measure to preserve the integrity and independence of Egypt during the war.

Mr. KING. Mr. President, I raise a point of order against the reservation offered by the Senator from Oklahoma. I do not know of any specific rule adopted by the Senate that would preclude the offering of this reservation, but the general rules under which we operate, as laid down in Jefferson's Manual, and all parliamentary procedure, as I understand it, would forbid the offering of a matter that had been disposed of. The Senator from Oklahoma offered a reservation a day or two ago which reads—

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Nebraska? The Chair understands that the Senator from Utah is simply stating a point of order.

Mr. KING. I am stating a point of order.

Mr. NORRIS. I wanted to ask the Senator a question pertaining to his point of order.

Mr. KING. I yield.

Mr. NORRIS. The Senator realizes the peculiar parliamentary situation that existed at the time the motion to lay on the table was made. Personally I believe that the Senator's point of order is good, because the Senator from Oklahoma has worded this reservation practically the same as the other; but I appeal to the Senator from Utah to permit unanimous con-

sent to be given for the Senator from Oklahoma to offer the reservation, and let us vote on it at once. It was not fair the way it was done before, and I ask the Senator from Utah to allow this course to be taken.

Mr. ASHURST. Mr. President, a point of order is never debatable.

The PRESIDENT pro tempore. It is not debatable unless the Chair desires to hear debate on it.

Mr. ASHURST. Of course, I assumed the Chair did not want to hear debate on this question.

The PRESIDENT pro tempore. The Chair is quite ready to rule upon the point of order made by the Senator from Utah.

Mr. KING. I have such confidence in the Chair that I shall submit the question to him without another word.

The PRESIDENT pro tempore. In the opinion of the Chair there is no substantial difference between the two reservations, and the Chair sustains the point of order.

Mr. NORRIS. I ask unanimous consent that the Senator from Oklahoma may be permitted to offer the reservation.

Mr. ASHURST. I have no objection if it is understood that there shall be no debate.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that the Senator from Oklahoma shall be in order when he offers the reservation originally proposed. Is there objection?

Mr. ASHURST. I object, unless it is understood that there will be no debate.

Mr. NORRIS. I will couple with the request for unanimous consent that the yeas and nays shall be ordered and immediately taken.

Mr. ASHURST. Very well.

The PRESIDENT pro tempore. There is now added to the request for unanimous consent that it be determined without debate and upon the yeas and nays. Is there objection?

Mr. WOLCOTT. I want to ask the Senator from Nebraska if he will add to his request the further condition that any amendment to the reservation offered by the Senator from Oklahoma may be voted upon without debate?

Mr. NORRIS. I did not suppose there would be any amendment to it. I do not want to get into the same parliamentary snarl that we got into before.

Mr. WOLCOTT. Mr. President, I object.

The PRESIDENT pro tempore. Objection is made.

Mr. NORRIS. Mr. President, I offer now the reservation that I sent to the Clerk's desk a while ago, which was read.

The PRESIDENT pro tempore. The Secretary will read the reservation proposed by the Senator from Nebraska.

The Assistant Secretary read as follows:

The United States withholds its assent to article 147 of the treaty in so far as recognition of the said protectorate is extended beyond the going into force of this treaty.

Mr. KING. Mr. President, I raise the point of order against the reservation just offered by the Senator from Nebraska that it is exactly the same reservation which was heretofore offered by the Senator from Oklahoma [Mr. OWEN].

The PRESIDENT pro tempore. In the opinion of the Chair, it is not substantially the same, and the point of order is overruled.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX], and in his absence I withhold my vote. If permitted to vote, I would vote "yea."

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. McCORMICK]. In his absence I withhold my vote.

Mr. JOHNSON of South Dakota (when his name was called). Making the same announcement of my pair as before, I withhold my vote.

Mr. MOSES (when his name was called). Repeating the announcement of my pair, I withhold my vote.

Mr. KIRBY (when Mr. ROBINSON's name was called). My colleague, the Senator from Arkansas [Mr. ROBINSON], is absent on official business. He is paired on this question with the Senator from Washington [Mr. POINDEXTER].

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). I desire to announce the absence of my colleague, Mr. SMITH of Arizona, on business of the Senate.

Mr. SMITH of South Carolina (when his name was called). Making the same announcement as to my pair that I did before, I withhold my vote.

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Kentucky [Mr. STANLEY] and vote "nay."

The roll call was concluded.

Mr. KENYON. I wish to announce the absence of the Senator from Wyoming [Mr. WARREN], the Senator from North Carolina [Mr. OVERMAN], and the Senator from Utah [Mr. SMOOT] on business of the Senate.

Mr. McLEAN. I have a pair with the Senator from Montana [Mr. MYERS]. I transfer that pair to the Senator from Michigan [Mr. NEWBERRY] and will vote. I vote "nay."

Mr. CURTIS. I wish to announce that the Senator from Washington [Mr. POINDEXTER] is paired with the Senator from Arkansas [Mr. ROBINSON].

Mr. WALSH of Massachusetts. I would like to have the RECORD show that the Senator from Oklahoma [Mr. GORE] is absent on public business, and that if he had been present he would have voted "yea" on this question.

The result was announced—yeas 15, nays 51, as follows:

YEAS—15.

Ashurst	Gronna	Lodge	Reed
Borah	Jones, Wash.	Norris	Trammell
Brandegee	Kenyon	Owen	Walsh, Mass.
France	La Follette	Phelan	

NAYS—51.

Beckham	Frelinghuysen	Kirby	Smith, Ga.
Calder	Gerry	Lenroot	Smith, Md.
Capper	Glass	McKellar	Spencer
Colt	Hale	McLean	Sterling
Comer	Harding	McNary	Sutherland
Culberson	Harris	New	Townsend
Cummins	Harrison	Nugent	Underwood
Curtis	Hitchcock	Page	Wadsworth
Dial	Jones, N. Mex.	Phipps	Walsh, Mont.
Dillingham	Kellogg	Pomerene	Watson
Edge	Kendrick	Ransdell	Williams
Elkins	Keyes	Sheppard	Wolcott
Fletcher	King	Simmons	

NOT VOTING—30.

Ball	Johnson, S. Dak.	Overman	Smith, S. C.
Chamberlain	Knox	Penrose	Smoot
Fall	McCormick	Pittman	Stanley
Fernald	McCumber	Poindexter	Swanson
Gay	Moses	Robinson	Thomas
Gore	Myers	Sherman	Warren
Henderson	Nelson	Shields	
Johnson, Calif.	Newberry	Smith, Ariz.	

So Mr. NORRIS's reservation was rejected.

Mr. BORAH obtained the floor.

Mr. OWEN. Mr. President, I wanted to offer the amendment to which I referred some time ago in speaking to the Senator from Idaho.

Mr. BORAH. I yield for that purpose if somebody will not instantly move to lay it on the table, so that I may not have a few moments to speak.

Mr. OWEN. I offer the following reservation.

The PRESIDENT pro tempore. The Senator from Oklahoma offers the following reservation, which will be read:

The Assistant Secretary read as follows:

That the United States in ratifying the covenant of the League of Nations does not intend to be understood as modifying in any degree the obligations entered into by the United States and the Entente Allies in the agreement of November 5, 1918, upon which as a basis the German Empire laid down its arms.

The PRESIDENT pro tempore. The question is upon agreeing to the reservation proposed by the Senator from Oklahoma.

Mr. BORAH. Mr. President, nothing can be of more concern to the American people in these days than the views of the numerous candidates for the Presidency. There seems to be something about the candidacy for the Presidency that has a tendency to produce what we might call compromise talk; that is to say, not absolutely either for or against any particular proposition for fear of what the public sentiment may be over in the next State. We have candidates who are for the league but against entangling alliances; for the league but against surrendering our traditional policies; for the league but against meddling in European affairs; and with these straddling and inconsistent planks in their platforms are running for President. Therefore when we find gentlemen who are candidates or whose names are prominently mentioned, with pronounced views upon public questions, it is wholesome for us to consider them.

To that end I desire to read three paragraphs from a most remarkable letter which appears this morning over the name of Mr. Hoover. I have taken occasion heretofore to say that there is no man, perhaps, who is better fitted to diagnose the situation in Europe than Mr. Hoover, a man of great ability, of great experience, who for the last 20 years has spent a great deal of time in Europe and for the last 2 or 3 years practically all his time. He may be considered in a sense an expert upon this subject.

This letter is under date of April 11, 1918, and is addressed to the President of the United States. I will insert the entire letter in the RECORD before I sit down, in order that Mr. Hoover's statement may go in its fullness before the Nation, but I will not take the time of the Senate to read it all. One paragraph reads:

Fifth. I am convinced that there has grown up since the armistice the policy—perhaps unconscious but nevertheless effective—of dragging the United States into every political and economic question in Europe, and constantly endeavoring to secure pledges of economic and political support from us in return for our agreeing to matters which we consider for their common good, where we have no interest, and constantly using us as a stalking horse, economically and politically, solely in the interests of internal political groups within the allied Governments. These objectives and interests may be perfectly justified from their point of view, but it forces us into violations of our every instinct and into situations that our own people will never stand. For instance, I don't see how we can remain in these enforcement commissions unless we participate in the military enforcement, with its enormous cost and risk; and the tendency will always be to exact the political objectives, with the military strength of the United States as a background.

One hardly gathers the import of that statement from a single reading of it. It is an infinitely stronger indictment against this program than it has been within the ability of the so-called irreconcilables to make, for it is a statement made on the ground and from personal contact with the situation. It is the deliberate judgment, communicated in private to the President of the United States, of a man whose business it was and has been to study the conditions in Europe for the last several years, and who at that time could certainly have had no other purpose than that of advising the Commander in Chief according to the exact facts as he saw them. When you read that in the light of what has transpired since, when you read that in the light of the Adriatic correspondence, when you read that in the light of what is taking place now in Europe, it amounts almost to prophecy. It is at least a correct reading of economic conditions translated into the actual facts of the future.

I am informed that there are explanations out for this letter, and I have no doubt there are. They ought to have preceded the letter. Another paragraph reads:

Sixth. I have the feeling that revolution in Europe is by no means over. The social wrongs in these countries are far from solution, and the tempest must blow itself out, probably with enormous violence. Our people are not prepared for us to undertake the military policing of Europe while it boils out its social wrongs. I have no doubt that if we could undertake to police the world and had the wisdom of statesmanship to see its gradual social evolution, that we would be making a great contribution to civilization; but I am certain that the American people are not prepared for any such a measure, and I am also sure that if we remain in Europe with military force, tied in an alliance which we have never undertaken, we should be forced into this storm of repression of revolution and forced in under terms of coordination with other people that would make our independence of action wholly impossible.

Of course, Mr. President, that must inevitably be true. If we take up the European program and undertake to deal with the European situation we must inevitably be forced to adopt principles concerning it which are inimical or which are at war with our entire theory of government and civilization. How many things are written into this treaty and how many things are to transpire under the treaty which are at war with every sentiment and principle of the American people? How many things are written in this treaty and how many things are to transpire under the treaty which, if it were to come to the United States individually and alone, we would resent even having presented to us?

Seventh. It grows upon me daily that the United States is the one great moral reserve in the world to-day, and that we can not maintain that independence of action through which this reserve is to be maintained if we allow ourselves to be dragged into detailed European entanglements over a period of years. In my view, if the Allies can be brought to adopt peace on the basis of the 14 points, we should retire from Europe, lock, stock, and barrel, and we should lend to the whole world our economic and moral strength, or the world will swim in a sea of misery and disaster worse than the dark ages. If they can not be brought to accept peace on this basis our national honor is at stake, and we should have to make peace independently and retire. I know of nothing, in letter or spirit, of any statement of your own, or in the 14 points, that directly or indirectly ties the United States to carry on this war through the phase of enforcement or the multitudinous demands and intrigues of a great number of other Governments and their officials. It does appear to me that your conception of the League of Nations was with view to the provision of a dominant court, where these difficulties could be thrashed out, and if we sit as one of the prosecutors the court will have no judge.

I ask to have inserted in the RECORD the entire letter.

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

The letter is as follows:

TEXT OF MR. HOOVER'S LETTER.

APRIL 11, 1919.

DEAR MR. PRESIDENT: Your economic group has had before it the question of whether the United States should continue membership in the various commissions set up under the peace treaty. I should like to lay before you my own views on this subject.

I feel strongly that any continuation of the United States in such an allied relationship can only lead to vast difficulty and would militate against the efficiency of the League of Nations. My reasons are as follows:

First. These commissions are primarily to secure the enforcement of reparation and other conditions imposed upon the Central Empires. As the United States is not calling for any form of reparation that requires continued enforcement, our presence on these commissions would appear to be for one of the following purposes:

(a) To give moral and political support to the allied Governments in measures generally for their benefit. It can not be conceived that in the prostrate condition of the enemy that the Allies will require any physical assistance to the enforcement of their demands. In this event, the United States will be lending itself to the political and financial interests of other Governments during peace, a situation that must be entirely repulsive to our national interests, traditions, and ideals.

(b) Another objective might be that we should remain in these commissions with a view to securing justice and moderation in the demands of the Allies against the Central Empires. We would thus be thrust into the repulsive position of the defender of our late enemy, in order to secure what we would conceive to be constructive and statesmanlike rehabilitation in Europe. Our experience during the last three months has shown us bitterly that we thus subject ourselves to complaint and attack from the allied Governments, and such a continued relationship should only breed the most acute international friction.

Second. If our experience in the last four months counts for anything, the practical result always is that the allied governments, knowing our disposition, necessarily ask for more than they expect to get, and that we find ourselves psychologically, and, in fact, politically, on the side of the enemy in these negotiations, and in a constant desire to find practical working formula we are frequently forced to abandon some measure of what we consider sane statesmanship. The continuation of this relationship will bind us for a long period of years to a succession of compromises fundamentally at variance with our national convictions. I am not attempting to dispute the righteousness of any allied demand, but merely to set up the fact that our viewpoint is so essentially different. One other practical result of our experience already is that the Americans who sit on such commissions, if they do not acquiesce and assist in enforcing any propositions from various government officials, become immediately and personally subject to attack as being inimical to their interests and with the powerful engines of propaganda which they employ in Europe and our own country no such man can endure for long. These governments, if they were faced with the sole responsibility for their actions, would not attempt the measures which they seek under our protection.

Therefore, for all reasons, I do not see that we can effect any real justice in these matters.

Third. If we continue to sit in the enforcement of this peace we will be in effect participating in an armed alliance in Europe, where every change in the political wind will affect the action of these commissions. We will be obliged to participate in all European questions and we will be firmly tied definitely to one side, unless we precipitate a break and lend ourselves to the charge that we have been traitors to the "common cause."

Fourth. This whole matter has a very practical relationship to the League of Nations. If we can bring to an early end our whole relationship to these political combinations in Europe, which grew up before and during the war, and can lend our strength to the League of Nations, that body will gain a stability and importance which it could not otherwise attain. As the Central Empires and Russia will not be for some years admitted to the league, and if we continue in what is in effect an armed alliance in Europe dominating these empires, the league will become simply a few neutrals gyrating around this armed alliance. It will tend to drive the Central Empires and Russia into an independent league. If, on the other hand, we can again secure our independence we can make of the league that strong and independent court of appeal that will have authority.

Fifth. I am convinced that there has grown up since the armistice the policy—perhaps unconscious but nevertheless effective—of dragging the United States into every political and economic question in Europe, and constantly endeavoring to secure pledges of economic and political support from us in return for our agreeing to matters which we consider for their common good, where we have no interest, and constantly using us as a stalking horse, economically and politically, solely in the interests of internal political groups within the allied Governments. These objectives and interests may be perfectly justified from their point of view, but it forces us into violations of our every instinct and into situations that our own people will never stand. For instance, I do not see how we can remain in these enforce-

ment commissions unless we participate in the military enforcement, with its enormous cost and risk; and the tendency will always be to exact the political objectives, with the military strength of the United States as a background.

Sixth. I have the feeling that revolution in Europe is by no means over. The social wrongs in these countries are far from solution and the tempest must blow itself out, probably with enormous violence. Our people are not prepared for us to undertake the military policing of Europe while it boils out its social wrongs. I have no doubt that if we could undertake to police the world and had the wisdom of statesmanship to see its gradual social evolution, that we would be making a great contribution to civilization; but I am certain that the American people are not prepared for any such a measure, and I am also sure that if we remain in Europe with military force, tied in an alliance which we have never undertaken, we should be forced into this storm of repression of revolution and forced in under terms of coordination with other people that would make our independence of action wholly impossible.

Seventh. It grows upon me daily that the United States is the one great moral reserve in the world to-day, and that we can not maintain that independence of action through which this reserve is to be maintained if we allow ourselves to be dragged into detailed European entanglements over a period of years. In my view, if the Allies can be brought to adopt peace on the basis of the 14 points, we should retire from Europe, lock, stock, and barrel, and we should lend to the whole world our economic and moral strength, or the world will swim in a sea of misery and disaster worse than the dark ages. If they can not be brought to accept peace on this basis our national honor is at stake, and we should have to make peace independently and retire. I know of nothing, in letter or spirit, of any statement of your own, or in the 14 points, that directly or indirectly ties the United States to carry on this war through the phase of enforcement or the multitudinous demands and intrigues of a great number of other Governments and their officials. It does appear to me that your conception of the League of Nations was with view to the provision of a dominant court, where these difficulties could be thrashed out, and if we sit as one of the prosecutors the court will have no judge.

Faithfully, yours,

HERBERT HOOVER.

His Excellency the PRESIDENT OF THE UNITED STATES,

Paris.

Mr. HITCHCOCK. Mr. President—

Mr. BORAH. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. Would the Senator be willing at the same point to insert the interview which Mr. Hoover has given out to-day referring to this letter?

Mr. BORAH. Yes. I will be willing to take any explanation of any candidate for the Presidency.

Mr. HITCHCOCK. I ask that it may be read at this time.

Mr. BORAH. Yes; I think I shall want to comment on it a little.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Assistant Secretary read as follows:

NEW YORK, March 17.

Herbert Hoover, in a statement here this afternoon, characterized publication of a memorandum he prepared during the peace conference, in which he warned against American participation in various international commissions, as "a breach of good taste."

The views expressed in the memorandum were "later modified as to the particular of our having a representative on the reparation commission," Hoover said.

"I have seen in some of this morning's papers a copy of a memorandum of mine that was prepared in the course of the peace conference on the subject of our participation in the large number of international commissions set up in Europe," the former Food Administrator said.

"As to the views expressed in the memorandum, they were later modified as to the particular of our having a representative on the reparation commission itself, because of the large economic control finally given to it over a great part of Europe, and the complete necessity of the United States to be represented thereon at once in order to protect American interests.

"Regardless of any personal point of view in this matter, there is to me nothing that is such a breach of good taste, or the very foundation of relations among Government officials, as for them to issue to the press correspondence that may have passed between them and their superiors in the course of their service, without approval on both sides. I am informed it was not issued from the White House. It is scarcely necessary for me to say it was not released by me, and that a searching inquiry in my office satisfies me that it has not come from my staff."

Mr. BORAH. Mr. President, of course I sympathize with Mr. Hoover in his disappointment in not being told to keep it a secret, but nowhere in the explanation does he attempt to modify the points to which I have called attention. The fact that it has reached the public through means which may not be defensible does not differentiate it at all from many other things which have reached the public from the Versailles con-

ference which were not intended for the public, but which after they were received by the public were enlightening. Will the Senator from Nebraska [Mr. HITCHCOCK] be patient with me while I reread some of this, in view of the explanation which Mr. Hoover has made? While I know the Senator from Nebraska always acts with honor and sincerity, I am not sure whether he introduced that explanation as Mr. Hoover's friend or as his enemy. [Laughter.]

Now, let us see how much of this is explained.

I am convinced that there has grown up since the armistice a policy—perhaps unconscious but nevertheless effective—of dragging the United States into every political and economic question in Europe, and constantly endeavoring to secure pledges of economic and political support from us in return for our agreeing to matters which we consider for their common good, where we have no interest, and constantly using us as a stalking horse, economically and politically, solely in the interests of internal political groups within the allied Governments. These objectives and interests may be perfectly justified from their point of view, but it forces us into violations of our every instinct and into situations that our own people will never stand.

Mr. President, the fact has leaked out that that is the view of Mr. Hoover, the European expert, at the time when he was advising the President as to the situation. The explanation does nothing more than to condemn the processes by which that statement reached the American people; and the only objection, as I find it, in the explanation is as to the American people being permitted to know the facts; there is no explanation of the facts as stated by Mr. Hoover.

I ask those who are interested in this treaty to take the statement of Mr. Hoover upon the 11th day of April, 1919, and before they cast their votes to plunge the United States into this maelstrom of passion, of interest, and of selfishness, to read it and consider it. When you read it remember that it was not intended for anybody but his chief, and therefore must have been actuated by the most sincere motives. There was nothing on the outside, no political situation, nothing to modify his views, as they came to him in all sincerity and in deepest desire to know the facts.

Mr. President, I turn to another candidate. Mr. Bryan is to be here to-day or to-morrow to encourage and guide those Democratic friends who have decided to break away from the President and to insist upon the ratification of the treaty; and I think it pertinent to consider Mr. Bryan's view of the situation after he had had expert knowledge, gained as Secretary of State. If you will look upon the front page of the Commoner for July, 1915, you will find these views signed by W. J. Bryan:

Why should we add to our responsibility by undertaking to police Europe? Have we not quite enough to do to stand sponsor for the independence of our sister Republics? Our Nation is the dominant political influence in the Western Hemisphere; this is a fact which does not need to be asserted. But this Nation does not covet its neighbors' lands or its neighbors' prosperity or anything else that is its neighbors'. The Latin-American Republics are not only self-governing, but they recognize the foundation principles of republican institutions, and they would assist the United States in repelling a transatlantic foe. * * * If we adhere to the ideals of the past and to the traditions of our Nation, we will seek to make the world better through the influence of high example. If we adhere to this policy we lead the world and we should be satisfied with our primacy. If, on the other hand, we are to revolutionize our methods, we must be content to follow at the rear end of the European procession.

They all get back, by force of logic and of facts, to the proposition that if we enter into this alliance and intermingle in the affairs of Europe we give up our leadership and take our place at the rear end as the guarantor of the European procession.

We can not take the lead if we join the European group, for leadership in that group requires the acceptance of the doctrine of conquest.

How true! When you think of the fact, Mr. President, that while the Versailles conference was sitting Great Britain reached out and took possession of Persia; when you think of the fact that since the armistice has been signed there has been more territory taken possession of by dominant nations and more subject peoples reduced to the sway of dominant powers in that period of time than ever happened in any 20 years in the history of Europe, you will understand what Mr. Bryan means when he says that we must accept "the doctrine of conquest."

Mr. THOMAS. Mr. President—

Mr. BORAH. I yield.

Mr. THOMAS. Let me ask the Senator from what he is reading?

Mr. BORAH. I was reading a quotation from the Commoner.

Mr. THOMAS. Of what date?

Mr. BORAH. The article in the Commoner was of date of July, 1915:

We could at best be a poor second if we so changed our national policy as to become a part of a European police force. We would not be "one of the finest" on parade day—we would limp along apologetically, with downcast eyes and blushing cheeks.

No; the advocates of the European police force plan can not silence opposition with an intellectual frown; they can not dismiss their opponents with such epithets as "pacifist" and "nonresistant"—they must come out in the open and admit: First, that they are willing to repudiate the teachings of Washington.

And so we will have to admit. No reservation here protects the policy of Washington. You have, in so far as language can do so but not as a practical proposition, undertaken to protect the doctrine of Monroe; but no Senator offers a reservation, and no Senator will offer one to protect the policy of Washington, because the idea of a league and the policy of Washington are in eternal war. They can not be reconciled even by reservation.

Second, that they are ready to abandon the doctrines of Monroe; third, that they favor such an amendment of the Constitution as will transfer the power to declare war from Congress to the nations across the sea; and, fourth, that they are tired of being good, and hunger for the excitement of the camp and the man hunt.

Let the people understand the real purpose of the "league to enforce peace"—

How cruel to the President!

and not even the prestige of the deluded scholars who have cast in their lot with it can save it from the execrations of an indignant public.

Mr. President, those are the only two that I care to refer to to-day.

Mr. KING. Mr. President, the able Senator from Idaho has attacked the treaty which is under discussion in numerous ways and from different standpoints. He has had pleasure in quoting from the statements of distinguished Americans, as well as conspicuous statesmen from overseas, where their views have been antagonistic to the covenant of the League of Nations. He has just regaled us with a statement attributed to Mr. Hoover and a quotation from Mr. Bryan's Commoner. The American people are always glad to obtain the views of men of standing and ability such as Mr. Hoover and Mr. Bryan. Whether the views of these great Americans will be controlling upon the Senate or will influence the opinions of Senators I will not presume to state. The subject before the Senate is of such momentous importance that Senators have no doubt appreciated the responsibility resting upon them and will determine upon their conscience the course each of them will pursue.

I have not seen the article from which the Senator has just read, and from the excerpts submitted by the Senator it is impossible for me to determine just what Mr. Hoover's views were when he made the statement credited to him, and, of course, from that statement, made over a year ago, it is impossible to determine what Mr. Hoover's attitude now is with respect to the treaty which is before us for ratification. I reached the conclusion from listening to what the Senator read that Mr. Hoover was presenting a brief or submitting an opinion against the United States participating in some of the commissions, particularly the reparation commission, for which provision is made in the treaty. I submit there would be nothing inconsistent in opposing the United States being represented upon the reparation commission and at the same time favoring the League of Nations and the fundamental principles upon which the covenant of the league is formed. As I now recall, the reparation commission is a thing separate and apart from the provisions of the covenant of the league.

But, Mr. President, I arose merely for the purpose of inviting attention to the statements of two distinguished Republicans. The Senator from Idaho, perhaps more than any other Member of the Senate, has invoked the memory of a great American, former President Roosevelt, and has in impassioned and eloquent terms, appealed to his influence for guidance in this important period of the world's history. We have listened with pleasure to the eulogies bestowed upon Col. Roosevelt and have joined in praise of his great services in behalf of his country. The views of Mr. Roosevelt upon any question attracted attention in his lifetime and receive earnest consideration now that he has passed to the great beyond.

I desire to read from an address delivered by ex-President Roosevelt on the occasion of the Lafayette day exercises held at the aldermanic chamber in New York City on September 6, 1918. It was an important occasion, and there were many distinguished persons in attendance, including representatives of leading nations of the earth. Hon. Victor J. Dowling was chairman of the meeting. Ambassador Jusserand, as well as many other distinguished Frenchmen were present to represent their country. Among the nations represented were Belgium, Great Britain, Italy, Japan, Czechoslovakia, Poland, Portugal, and Haiti. It is interesting to note that Prof. T. J. Massaryk, the president of the young Republic of Czechoslovakia, was present; and also, Ignace Paderewski, that great Pole, who has contributed so much to the establishment of the new Republic of Poland. Col. Roosevelt delivered a most forceful and stirring address. In the course of his remarks he said:

Of course, Lafayette Day commemorates the services rendered to America in the Revolution by France. I wish to insist with all possible emphasis that in the present war France, England, Italy—all the Allies—have rendered us similar services. The French at the Battle of the Marne four years ago and at Verdun, and the British at Ypres; in short, the French, the English, the Italians, the Belgians, the Ser-

biens—all the Allies were fighting our battles exactly as much as they were fighting their own. Our Army on the other side is now repaying in part our debt, and next year we have every reason to hope, and we must insist, that the fighting army in France from the United States shall surpass in numbers the fighting army in France of either France or Britain. I hope they may smash the Hun as hard. It is now time, and it has long been time, for America to bear her full share of the common burden, the burden borne by all the Allies in the great fight for liberty and for justice.

Let me pause long enough to direct attention to the statement just read that France, England, Italy, and the other allies in their struggle against the Central Empires "rendered us similar services," and that the Allies "were fighting our battles exactly as much as they were fighting their own." Col. Roosevelt saw that the great contest was between the forces of absolutism and oppression, and those peoples who were contending for democracy and freedom and the reign of justice and righteousness. He further proceeded:

Let me make an interpolation. I every now and then meet one of those nice gentry in whom softness of heart has spread to the head, who say: "How can we guarantee that everybody will love one another at the end of the war?" The first step in guaranteeing it is to knock Germany out—that will guarantee it. The peace that we win must guarantee full reparation, as you have said, Mr. Chairman, for the awful cost of life and treasure which the Prussianized Germany of the Hohenzollerns has inflicted on the entire world; and this reparation must take the form of action that will render it impossible for Germany to repeat her colossal wrongdoing.

Germany has been able to wage this fight for world domination because she has subdued to her purpose her vassal allies, Austria, Turkey, and Bulgaria. Serbia and Roumania must have restored to them what Bulgaria has taken from them. The Austrian and Turkish Empires must both be broken up, all the subject peoples liberated, and the Turk driven from Europe.

I pause to inquire how we, at the conclusion of the war and when peace had been won, "full reparation for the awful cost of life and treasure inflicted on the entire world," was to be secured. Obviously to guarantee full reparation would require supervision by the victorious nations. The only nations who were in a position to guarantee reparation would be the allied and associated powers. Mr. Roosevelt says that the "reparation must take the form of action" that will render it "impossible for Germany to repeat such colossal wrongdoing." Let me inquire what form of action could be taken to prevent a repetition by Germany of her military trespasses and warlike depredations. It is manifest that the only form of action possible was such as would result from the union of the victorious nations. No nation individually could enforce reparation or guarantee the results of the terms of peace. It seems to me that the words of the distinguished ex-President clearly indicated that he had in mind the fact that there must be a league or concert of nations to compel the different nations to submit to the terms of peace imposed upon them. Senators will also observe that Col. Roosevelt called attention to the fact that Serbia and Rumania had been despoiled of a portion of their possessions. According to his view restoration of such territory must be made.

The statesman of the type of President Roosevelt would know that only by a union of the victorious nations could this be accomplished. And he further states that the Austrian and Turkish Empires must be broken up and that subject peoples be liberated and the Turk driven from Europe. I pause to inquire what nations were to break the Austrian and Turkish Empires, and what nations were to liberate the subject peoples and to drive the Ottoman Turk from Europe? The subject peoples within the former boundaries of Austria and Turkey, by the terms of peace, would have no assurance that their liberties would be preserved, unless provision were made for their protection. What nations were to join in protecting the liberty of the peoples? Was the United States when the war ended to abandon Europe and the subject peoples who were to be liberated and the new nations that were to be constituted out of Germany and Austria? Col. Roosevelt does not say that our allies alone are to perform these tasks, nor does he intimate that the United States is to deny responsibility or decline to share in bearing the burdens which the days of peace would inevitably impose upon the victorious nations. Col. Roosevelt was no quitter. When he speaks of guaranteeing nations and liberating the submerged peoples, there can be no doubt but what he fully understood that this great Republic would be one of the guarantors and one of the protectors, and that it would do its part in common with the allied nations in meeting the heavy responsibilities that would immediately follow the ratification of the treaty of peace.

He further proceeds:

We do not intend that German or Magyar should be wronged by others or oppressed by others, but neither do we intend that they shall oppress and domineer over others. France, as you have said, Mr. Chairman, must receive back Alsace and Lorraine. We can not go into any peace conference where everybody did not accept that before we entered it. Belgium must be restored and indemnified.

Who is going to restore Belgium? How are you going to compel an indemnification of the claims of Belgium? Are we to scuttle out of Europe and leave to our allies the remedying of the wrongs which have been committed?

Obviously the great ex-President, whom the Senator from Idaho delights to follow, did not entertain the views to which the Senator from Idaho has given expression so often and so eloquently on the floor of the Senate.

But to proceed:

Italian Austria must be restored to Italy and Roumanian Hungary to Roumania. The heroic Czecho-Slovaks must be made into an independent Commonwealth, and the southern Slavs must be united in a great Jugo-Slav Commonwealth. Poland as a genuinely independent Commonwealth must receive back Austrian and Prussian Poland as well as Russian Poland, and have her coast line on the Baltic. Lithuania, Livonia, and Finland, and the Baltic Provinces must be guaranteed their freedom and independence—and when I speak of independence I mean independence of Germany as well as of Russia—and no part of the ancient Empire of Russia must be left under the German yoke or subject in any way to German influence, even the slightest. Northern Schleswig should go back to the Danes. Britain and Japan should keep the colonies they have conquered.

Mr. President, I think the records of the Senate will establish the fact that there was practical unanimity in this body during the period that the United States was in the war, that when the peace terms were written Poland and Czechoslovakia and Jugo-Slavia should be free and independent nations.

Col. Roosevelt, in the address from which I am reading, was but stating the sentiments of the American people. He was insisting that the national aspirations of millions of people who had been denied freedom by the autocratic nations with which we and the allied nations were at war should be recognized, and that these suffering and oppressed peoples should be freed from the yoke of bondage and be permitted to organize governments of their own. Col. Roosevelt, after enumerating some of the nations that must be established, says that they "must be guaranteed their freedom and independence * * * and that no part of the ancient Empire of Russia must be left under the German yoke."

I again inquire, Who is to guarantee these new nations their independence? Who is to aid and protect them during the trying days of their young lives? Even a novice in political questions would know that without adventitious aid these feeble nations that were to be created out of territory formerly belonging to the vanquished nations would require succor and guidance for an indefinite period.

It was clear even before the war was ended and at the time Col. Roosevelt spoke that with the termination of the conflict there would be unrest and, indeed, chaos in central Europe and in the defeated nations, and that only by the concerted efforts of the United States and the allied nations would peace be restored and stabilizing processes be permitted to operate.

Col. Roosevelt could see, as all sensible persons must have seen, that the freedom and independence of the peoples who were to be permitted to organize governments along national lines could only be realized if there were strong nations behind them. In other words, their security must be "guaranteed," not by the European nations alone, but by all of the victorious nations. Such a course would, of necessity, call for a league or concert of nations. It would require the most intimate relations and the closest cooperation. It would call for a league of nations, not only to protect the freed peoples, but to preserve the peace of the world.

And yet the distinguished Senator from Idaho and others professing to follow President Roosevelt have denounced the plan which was outlined by him in the great address from which I am reading:

Armenia must be free, Palestine made a Jewish state, and the Syrian Christians liberated.

I ask the Senator from Idaho how this program outlined by President Roosevelt is to be consummated if the program which he, as one of the leaders of the "battalion of death," is advocating should be successfully carried into execution? The purpose of the Senator from Idaho is to defeat the treaty, to have the United States scuttle out of Europe, to say to our Allies, "We joined with you in the war; our sons laid down their lives with your sons in defense of liberty and civilization; but now that the war is over we will leave you and place upon your shoulders the burdens of restoring peace and rehabilitating and protecting the nations into which we have breathed the breath of life."

But let me add, Mr. President, the war may not yet be ended. There are in Germany and Turkey and Russia the smoldering flames that may spring into life and sweep with devastating force European lands which have felt the tread of martial feet.

Even now Germany is in the grasp of military forces. The military spirit of Prussianism is not yet, it would seem, over-

thrown. There are open and potential dangers menacing Europe and the powers of the world.

If we withdraw to-day, no one can predict with certainty that we may not within a short time be required to again unsheath the sword. Can it be said that the task which we set our hands to perform is now finished? Are our obligations fully discharged?

It seems manifest that Col. Roosevelt felt that there would be duties and responsibilities resting upon this Nation after the war was ended.

Mr. President, would it not be cowardly for us to pursue the policy which has been suggested by some who have so vigorously fought the pending treaty? Would it not be cowardly for the United States to turn Europe adrift, to withdraw from participation in the post-war problems that now press for solution, to leave Poland and the new nations which we helped to create and whose hands are outstretched for aid and protection?

But, Mr. President, that is not all that President Roosevelt said upon the question of our duty and of a League of Nations.

Mr. BORAH. I have not heard anything in that about a League of Nations.

Mr. KING. It is obvious, Mr. President, that there could not be accomplished what President Roosevelt indicates here should be accomplished without a concert of the nations, whether you call it a league or concert of the nations, or an organization to enforce the peace of the world.

Mr. BORAH. In other words, the Senator is reading the deceased President's views with his comments, and by his comments he connects them with the League of Nations, as I understand.

Mr. KING. I read what ex-President Roosevelt said. The inference, I insist, is clear from his words that there should be a concert of at least the allied and associated nations who were engaged in the war for the purpose of guaranteeing the fruits of the war and to preserve peace. When Col. Roosevelt spoke about guaranteeing the freedom and independence of nations and the liberating influences or control upon the part of Germany or Russia, there is only one conclusion to be drawn from the statement, namely, that there should be joint action upon the part of the victorious nation to accomplish the indicated ends. When he speaks about expelling the Turk from Europe and giving the Armenians a government, it implies a duty and responsibility and a burden, and perhaps a difficult one, to the accomplishment and performance of which the United States should be a party as well as the other nations. Col. Roosevelt was not speaking for the Allies alone. He was not declaring that it was their duty, and their duty alone, to make these guarantees and to impose the terms of peace upon the defeated nations.

Col. Roosevelt would never advocate the shirking of a duty. He was speaking for the United States as well as for the Allies, and declaring, I respectfully insist, that there was a joint obligation resting upon the victorious nations that they should reap the fruits of war and jointly labor for the restoration of Europe and the preservation of peace. He contemplated that unless succor were given the new nations they would be a prey of reactionary forces if not of imperialistic powers that might show their sinister forms in Europe. I desire to ask the Senator from Idaho does he think that Mr. Roosevelt was speaking of the United States alone when he made the statements which I have just read?

Mr. BORAH. Mr. President, the Senator asks me a question. Mr. KING. Yes.

Mr. BORAH. I think I know what the views of Mr. Roosevelt were with reference to a league of nations. I do not know that he had ever reduced them to complete form, but he had expressed himself in regard to it many times. I do know that he never favored this kind of a League of Nations.

Mr. McKELLAR. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Tennessee?

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

Mr. McKELLAR. In order that there may be no misunderstanding about what the ex-President did believe, I desire to read from an article which was originally written for the Outlook. I quote his words. The date is not given here, but I will insert the date:

All the civilized powers which are able and willing to furnish and to use force, when force is required to back up righteousness * * * should join together to create an international tribunal and to provide rules, in accordance with which that tribunal should act. These rules would have to accept the status quo at some given period, for the endeavor to redress all historical wrongs would throw us back into chaos. They would lay down the rule that the territorial integrity of each nation was inviolate; that it was to be guaranteed absolutely its sovereign rights in matters affecting its honor and vital interest * * *. All other matters that could arise between these nations

should be settled by the international court * * *. Then, and most important, the nations should severally guarantee to use their entire military force, if necessary, against any nation which defied the decrees of the tribunal or which violated any of the rights which in the rules it was expressly stipulated should be reserved to the several nations, and rights to their territorial integrity and the like.

In addition to the contracting powers a certain number of outside nations should be named as entitled to the benefits of the court. These nations should be chosen from those which are as civilized and well behaved as the great contracting nations, but which, for some reason or other, were unwilling or unable to guarantee to help execute the decrees of the court by force.

No power should be admitted into the first circle, that of the contracting powers, unless it was civilized, well behaved, and able to do its part in enforcing the decrees of the court.

I think from this statement there can be no doubt that ex-President Roosevelt at that time believed firmly in the principles of article 10, without reservations and without amendments. The statement of principle and policy by Col. Roosevelt is much stronger than the statement in article 10. I commend it to all of you who have voted to nullify article 10.

Mr. LODGE. What was the date of that?

Mr. McKELLAR. I shall have to get the date. In the copy that I have the date is not given. I find by looking at the RECORD from which I read, of August 28, 1919, in a speech made by Congressman EWIN DAVIS, of Tennessee, that the article was printed in 1915 in the Outlook, and is from the pen of Col. Theodore Roosevelt. It is an unanswerable statement in favor of our joining the other great nations in guaranteeing the territorial integrity of each nation. Col. Roosevelt evidently believed then, as I believe now, that such an agreement would put an end to wars.

Mr. KING. The Senator from Tennessee has just quoted from an article written by President Roosevelt which clearly indicates his belief in the necessity of a League of Nations. I intended to read before concluding from a book entitled "America and the World War," published in 1919, containing a number of articles written by Col. Roosevelt, in which he expressed views which I insist demonstrated that he believed in the efficacy of a League of Nations and that it was essential in order to promote the peace of the world. Before doing this, however, I desire to repeat again the question propounded to the Senator from Idaho, namely, whether Col. Roosevelt, when he referred to the establishment of new nations in Europe, and the question of guaranteeing them and securing indemnification, intended that the entire responsibility should be devolved upon the United States, or whether he contemplated that the allied nations should alone assume the burden, or whether he did not speak for all of the nations who had joined in the war against the Central Empires and their allies, and whether he did not contemplate that there would be formed a league of nations or a union of nations when the war was ended for the purpose of garnering and protecting the fruits of war and preserving the peace of the world?

Returning to the Lafayette Day address, Col. Roosevelt uses this language:

And don't forget that China is now useless as a prop to a league of peace simply because she lacks effective military strength for her own defense. * * * Let us support any reasonable plan, whether in the form of a League of Nations or in any other shape, which bids fair to lessen the probable number of future wars and to limit their scope.

In sum, then, I shall be delighted to support the movement for a League to Enforce Peace or for a League of Nations, if it is developed as a supplement to and not a substitute for the preparation of our own strength, and the cultivation of the intense Americanism which will make us able to use that strength for ourselves and for the well-behaved peoples of the world.

Mr. THOMAS. Mr. President—

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

Mr. KING. I yield.

Mr. THOMAS. I think the quotations from the writings of the ex-President, with which the Senator has favored the Senate, support the argument that any proposition can be supported or refuted by quotations from Holy Writ, from the works of Thomas Jefferson, or those of Theodore Roosevelt.

Mr. KING. Mr. President, I do not know that I am called upon to either assent to or dissent from the statement made by the distinguished Senator from Colorado. But I was not quoting the words to which I have just referred for the purpose only of supporting the proposition that Mr. Roosevelt favored a League of Nations. I also referred to them for the purpose of emphasizing the point that he did not believe that when the war was over the responsibilities of the United States in Europe were ended, or that the United States should leave the allied nations to assume all of the obligations entailed by the war.

The Senator from Idaho [Mr. BORAH], if I apprehended his position, as stated a moment ago, contended that Mr. Hoover had suggested at one time in a memorandum to the President

that we should leave Europe unless certain conditions should arise, and certain arrangements should be entered into, and that because of his attitude we should follow that policy now and leave Europe. At any rate, that is the inference from the Senator's words.

Obviously the Senator read that as an argument in support of the position which he has repeatedly taken here, that it was our duty to get out of Europe, no matter what the consequences were. If there should be a recrudescence of militarism in Germany, or in Bulgaria, or in Turkey, the position of the Senator from Idaho has been, and now is, if I interpret him correctly, that we should leave Europe; that we should let Europe settle whatever controversies may arise; that our duty was ended, if not when the armistice was written, certainly when the peace treaty of Versailles was signed.

Speaking for myself, Mr. President, I am sincerely desirous to see the treaty ratified. I do not, of course, want my country to assume burdens and responsibilities which do not and should not rightfully and properly rest upon her. I wish that we could have escaped the great conflict through which we have passed; but we are in the world, and can not escape the currents that bear nations and peoples upon their bosoms. We were drawn into this conflict, though we were not a trespasser and had no imperialistic ambitions, no lust for territory. The world is so linked together that an offense of one nation is visited, directly or indirectly, upon all nations. But, Mr. President, we have a duty to our allies and to ourselves and to the world. We can not abandon Europe. I believe it to be our duty and the duty of the civilized nations of the world to adopt some rational plan that will make for world peace and for the establishment of justice. The war must not end and leave the world without a chart or a compass. In serving our country and its national aspirations we are serving the world. And the motto of our country is not "Against the world" but "For the good of the world." We can not, like Tennyson's "Lotus Eaters," cry out to the world, "Let us alone. What pleasure have we to war with evil."

Mr. President, the time has come to bring about the cooperation of the free nations of the world to "uphold the sanctity of international rights against nations showing a contempt of humanity." In the Great War through which we have passed we did not fight, as I have stated, for territory or indemnity, but to vindicate our national rights and the honor of our country and to maintain unsullied the flag of this great Republic, and also "for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free."

But let me read further from what Mr. Roosevelt said concerning a league of nations or a league to enforce peace.

Mr. WALSH of Montana. Mr. President—

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

Mr. KING. I yield.

Mr. WALSH of Montana. Before the Senator goes on, I should like to supplement what was offered by the Senator from Tennessee [Mr. McKELLAR] with a quotation from ex-President Roosevelt upon this subject. Away back in 1910, in his speech accepting the Nobel prize at Christiania, Norway, he said:

It would be a master stroke if those great powers honestly bent on peace would form a league of peace, not only to keep the peace among themselves, but to prevent, by force if necessary, its being broken by others. The supreme difficulty in connection with developing the peace work of The Hague arises from the lack of any executive power, of any police power, to enforce the decrees of the courts.

And in a communication to the New York Times under date of October 18, 1914, he said:

The one permanent move for obtaining peace, which has yet been suggested, with any reasonable chance of attaining its object, is by an agreement among the great powers, in which each should pledge itself not only to abide by the decisions of a common tribunal but to back with force the decision of that common tribunal. The great civilized nations of the world which do possess force, actual or immediately potential, should combine by solemn agreement in a great world league for the peace of righteousness.

They should, furthermore, agree not only to abide, each of them, by the decision of the court, but all of them to unite with their military forces to enforce the decree of the court as against any recalcitrant member. Under these circumstances it would be possible to agree on a limitation of armaments that would be real and effective.

Mr. President, I intended to refer in a few moments to this address of Col. Roosevelt.

I will, however, at this point place in the RECORD the portion of the address quoted by Mr. Roosevelt in his volume entitled "Fear God and Take Your Own Part," which was written not long prior to his death. It is as follows:

Something should be done as soon as possible to check the growth of armaments, especially naval armaments, by international agreement. No one power could or should act by itself, for it is eminently undesir-

able from the standpoint of the peace of righteousness that a power which really does believe in peace should place itself at the mercy of some rival which may at bottom have no such belief and no intention of acting on it.

Finally, it would be a master stroke if those great powers honestly bent on peace would form a league of peace not only to keep the peace among themselves but to prevent by force, if necessary, its being broken by others.

The supreme difficulty in connection with developing the peace work of The Hague arises from the lack of any executive power, of any police power, to enforce the decrees of the court. Each nation must keep well prepared to defend itself until the establishment of some form of international police power competent and willing to prevent violence as between nations. As things are now, such power to command peace throughout the world could only be assured by some combination between those great nations which sincerely desire peace and have no thought themselves of committing aggressions. * * * The combination might at first be only to secure peace within certain definite limits and certain definite conditions, but the ruler or statesman who should bring about such a combination would have earned his place in history for all time and his title to the gratitude of all mankind.

Mr. SHIELDS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. KING. I yield.

Mr. SHIELDS. Mr. President, there is another great American who spoke upon this subject, and I would like to present his views in the same connection.

Mr. KING. If the Senator will wait until I get through with ex-President Roosevelt, I shall be glad to yield to the Senator.

Mr. BORAH. If my Democratic friends are hunting for Republican precedents, I would also cite Mr. Taft.

Mr. SHIELDS. I thought the Senator wanted all that was germane to the subject he is discussing.

Mr. KING. No; and if I had all that was germane to this subject, relevant to it, we would be discussing this question here for an indefinite time. But the conscience of the American people has spoken upon this subject, and they are in favor of a League of Nations; they are in favor of peace; they are in favor of doing their part in Europe and in the world for the perpetuity of peace and the establishment and maintenance of liberty.

Mr. SHIELDS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. KING. I yield.

Mr. SHIELDS. The Senator is stating what he has heard. He has not heard from all the people.

Mr. KING. I am not going to yield for the Senator to make a speech.

Mr. SHIELDS. The Senator says the great duty of this country is to remain in Europe and adjust all those matters. Recently in the controversy over the Adriatic boundaries, between Italy and Serbia, involving a very small strip of territory, Italy insisted, as she had a right to insist, upon the performance of her treaties with Great Britain and France giving her this territory. The President objected, and said, in substance, "If my views on the controversy are not carried out, I will withdraw the German treaty."

Does the Senator think we had a very great duty there if the President contemplated withdrawing the treaty on account of that controversy, in which we had no material interest, and the matter involved was comparatively of small importance? Does the Senator think we have any great duty there? It is true, I think, Italy was entitled to the territory, but that is not the question.

Mr. KING. Mr. President, I can not speak for the President of the United States, the great leader, I was going to say, not only of the United States but of the world, the man who has done more for the promotion of international peace and good will than any man in his generation. Whatever may be the fate of this treaty, the name of Woodrow Wilson is secure. He was speaking in Europe, as he has spoken since he came home, for the inarticulate masses of the world. He has spoken for the submerged peoples of the world. His voice has been strong and true for democracy; not only democracy at home, but for democracy throughout the world.

While I have not always agreed with President Wilson, I pay him a tribute for his splendid devotion to democracy and to the cause of liberty here and throughout the world.

Mr. President, I should be glad to discuss the questions suggested by my friend from Tennessee, but they are not germane to the matter which I am presenting. Moreover, I rose to occupy but a few minutes in calling attention to some statements made by Col. Roosevelt and by Mr. Root.

Mr. MOSES and Mr. REED addressed the Chair.

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

Mr. KING. I yield to the Senator from New Hampshire.

Mr. MOSES. The Senator a moment ago spoke of having—
Mr. KING. If the Senator desires to ask a question, I shall be glad to answer it.

Mr. MOSES. I will ask it very quickly, but I must get the background, because the Senator digressed far from the statement he was making when I first interrupted him. The Senator spoke of having had a demonstration of the conscience of America on this subject and of their opinion. I would like to ask him from what ouija board he received that message?

Mr. KING. Mr. President, the only men who consult the ouija board are the irreconcilables, and the distinguished Senator from New Hampshire consults it daily.

Mr. MOSES. Oh, no; he reads it in the stars.

Mr. KING. If the Senator from New Hampshire would consult his own conscience and would consult the conscience and voice of the American people, he would not be pursuing the erratic course which has so constantly characterized him since he has been a Member of this body. I yield now to the Senator from Missouri.

Mr. REED. The Senator has just said that the President stood for the submerged people of the world. I believe he did. Has not the Senator just voted against the reservation which might have enabled the Egyptians to get out of the condition of submergence?

Mr. KING. Mr. President, the Senator from Missouri is a great lawyer. He calls attention to this section of the treaty:

Germany declares that she recognizes the protectorate proclaimed over Egypt by Great Britain on December 18, 1914, and that she renounces the régime of the capitulations in Egypt.

Mr. President, the Senator from Utah never voted as the Senator from Missouri indicates.

Mr. REED. If I was wrong, I beg pardon. I thought the Senator voted against the Egyptian reservation.

Mr. KING. I voted against what the Senator denominates the Egyptian reservation. The treaty presents a matter which relates solely to Germany and Great Britain. We were not concerned in it and are not called upon to determine whether there is a protectorate over Egypt or not. The article referred to merely refers to the situation existing in Egypt now affecting Germany and Great Britain alone. As the Senator knows, there were certain capitulatory agreements existing between Germany and the Sultan of Egypt. When, on the 18th day of December, 1914, a protectorate was proclaimed by Great Britain over Egypt, Great Britain set aside, if I may be permitted the expression, those capitulatory agreements, those agreements, which was owned by German nationals. England wanted, of course, a validation of her acts as a protecting power in Egypt, and wanted the validation to come from Germany, just the same as we desire Germany to validate the actions of the Alien Property Custodian in the United States.

This provision of the treaty is merely a recognition by Germany of the acts of Great Britain with respect to property in which Germany and German nationals were interested. It is not a recognition—

Mr. MOSES. Mr. President—

Mr. KING. Let me complete my sentence; then I will be glad to yield to the Senator.

Mr. MOSES. For a question only this time.

Mr. KING. Let me complete my sentence.

The PRESIDENT pro tempore. The Senator from Utah declines to yield.

Mr. KING. Mr. President, we were not called upon to vote, as I construe it, for the purpose of determining the status of Egypt, or the relations of Great Britain and Egypt.

If we had voted for the reservation which the Senator asked us to vote for we ourselves would have been recognizing the existence of a protectorate. If Germany desired to recognize a protectorate in Great Britain for the purpose of adjusting the property rights between the two nations, she had the right to do so. I voted against this Government recognizing a protectorate, and the Senator from Missouri, in voting for the reservation, recognized the existence of a protectorate. My position, I submit, was a logical one. I neither concede nor deny that a protectorate exists in Egypt. I express no opinion in regard to the question of whether there is or is not a protectorate. I do not know whether there was a protectorate or not. If I had voted for the reservation, which was championed so eloquently by the Senator from Missouri, I would have been committing myself to the proposition that there was a valid protectorate and a protectorate acknowledged by the law of nations. I declined to do it. The Senator took the other view.

Mr. MOSES. Mr. President—

Mr. KING. I yield to the Senator from New Hampshire for a question.

Mr. MOSES. I wish merely to ask the Senator from Utah, in view of what he said about the relations of Great Britain and Egypt, if he meant for us to understand that the British Government in Egypt was a sort of an international A. Mitchell Palmer?

Mr. KING. Mr. President, we are so used to the attempts at humor by the distinguished Senator from New Hampshire that it would be very improper for me to disturb the hilarity that exists in this Chamber and in the galleries from his constant efforts.

Mr. REED. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Missouri?

Mr. KING. I yield to the Senator.

Mr. REED. I just want to make this explanation before I get to my question. The Senator has stated, in substance, that he objected to voting for the reservation because he did not propose to acknowledge a protectorate in Egypt by Great Britain.

I want to ask the Senator two questions: First, does he not know that distinguished British statesmen have asserted to the British people and on the floor of the House of Commons that England has acquired a protectorate?

Mr. KING. I know it, and I have it right here before me. That is not news to me.

Mr. REED. How does the Senator say that the reservation, which I want to read, makes us acknowledge the protectorate?

Mr. KING. I am familiar with it.

Mr. REED. It reads:

The United States understands the protectorate referred to in section 6 of the treaty to be merely a war measure to preserve the integrity and independence of Egypt during the war.

How does the Senator claim that that is a recognition of a protectorate?

Mr. KING. Why, the words themselves just read by my distinguished friend confess a recognition of that.

The United States understands the protectorate—

The protectorate!

Mr. REED. Mentioned in the article.

Mr. KING. Not an alleged protectorate, but the protectorate.

Mr. REED. The protectorate mentioned in the treaty. Come right back to the treaty you are voting for.

Mr. KING. "The protectorate" mentioned in the treaty, the adjective "the" and the word "protectorate" there tying them to the words of the treaty. Without attempting to explain the limitations that exist in the treaty or explaining the reasons which may have prompted Germany and England to enter into that particular article of the treaty, I emphasize the point which I make, and I repeat that the reservation voted for by the Senator from Missouri was a recognition of the existence of a protectorate, and by my vote I expressed no opinion as to whether or not there was one.

But I shall not be diverted further from what I started out very briefly to call to the attention of the Senate. If Senators upon the other side are so anxious to call our attention to statements from Democrats and men like Mr. Hoover, who ought to be a Democrat if he is not—he is great enough to be a Democrat and great enough to be President, let me say by way of parentheses—then I am sure the Senator from Idaho [Mr. BORAH] will be glad to have me call attention to the man whom he apotheosizes so much.

Mr. BORAH. Of course, I am glad to have the Senator read them, although I am entirely familiar with them.

Mr. KING. The Senator seems to have forgotten his teacher. As the Senator runs wild for a few days, like some mavericks in the West from whence we come, he forgets the teacher who has guided his destinies in the past, and I want to get him back to safe and solid ground.

Mr. BORAH. Mr. President, I have teachers, but I have no master. [Laughter in the galleries.]

Mr. KING. I am inclined to think that the Senator—

The PRESIDENT pro tempore. Will the Senator suspend for a moment? The Chair desires to announce again that if the occupants of the galleries can not preserve order, the galleries will necessarily be cleared. The Chair will not give this admonition another time.

Mr. KING. Mr. President, I shall not pause to reply to the last statement made by my friend. He is entitled to all the comfort he may get out of that expression.

Mr. REED. May I call the Senator's attention, before he passes the matter—

Mr. KING. Oh, Mr. President—

Mr. REED. I want to call his attention back to the exact language of the treaty which he is voting for, so that he may

get right upon the question whether we are recognizing a protectorate by merely referring to it. This article—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Missouri?

Mr. KING. I have read textually into the RECORD article 147 except the words "this renunciation shall take effect as of August 4, 1914."

Mr. REED. Will the Senator not let me read it?

Mr. KING. Yes; if the Senator wants to read it again, I have no objection.

Mr. REED (reading):

Germany declares that she recognizes the protectorate proclaimed over Egypt by Great Britain on December 18, 1914, and that she renounces the régime of the Capitulations in Egypt.

There is the statement about the protectorate. When the Senator votes for the treaty he votes for that proposition. The reservation which the Senator says sets up a protectorate or acknowledges one, merely refers to the language of the treaty itself. Let me read that reservation.

The United States understands the protectorate referred to in section 6 of the treaty to be merely a war measure.

Does the Senator really say we are recognizing the protectorate by that reservation and not recognizing it by signing the treaty?

Mr. KING. I have repeated in my infirm and feeble way upon a number of occasions that the reservation just read by the Senator is a recognition of the fact that there was a protectorate and that Germany recognized the protectorate. I want to say further, and that will end the discussion upon this point, so far as I am concerned, that if the construction for which I am contending were not the correct one, I should not have voted for the reservation. I am here trying to ratify, as far as I can, the treaty submitted by the President of the United States to the Senate. I do not want to lug, if I may be permitted the vernacular of the streets, into this treaty extraneous, immaterial, and irrelevant matter for the purpose of preventing its ratification. I do not propose, so far as I am concerned, to intermeddle in the affairs of our allies, and I do not want them to intermeddle in our domestic affairs. If time permitted, I should be glad to further discuss this matter, and express my views upon the questions involved in the reservation and amendments which were tabled.

But I shall oppose propositions, no matter how meritorious they might be, as independent matters, which may be offered as reservations to the treaty now under discussion. Let us ratify the treaty and then we can consider the questions that come under the scope of our authority or right.

Just a few more words from Mr. Roosevelt. They will be found here in one of the striking articles, one of them called "Utopia or hell." In speaking of Utopia he is referring to a condition that will be brought about by world peace, and when he refers to hell, obviously he is referring to the condition which shall exist if we continue in the old situation.

Mr. LODGE. What are the dates of those articles?

Mr. KING. The Senator will find them in "America and the World War," by Theodore Roosevelt, published by Charles Scribner's Sons, 1919.

Mr. LODGE. No; I want the dates of the articles, not of the book.

Mr. KING. I am reading from the book.

Mr. LODGE. That is a collection of articles which had previously appeared. I want the date of the article.

Mr. KING. I do not know the date of the article. I am reading from the book.

Mr. LODGE. I did not suppose the Senator did.

Mr. KING. I do not know what the Senator means. I stated, when I called attention to this book, that I was reading from a book put out by Mr. Roosevelt entitled "America and the World War," and I called attention to the articles; I called attention to the closing one, "Summing up," and I called attention to the chapter "Utopia or hell." If that is not sufficiently explicit for the Senator, he may pursue such course as he sees fit.

Mr. LODGE. I am very much obliged to the Senator. I think I probably shall do so.

Mr. KING. I see now, if it will gratify the Senator, in looking at the preface, "Theodore Roosevelt, Sagamore Hill, January 1, 1915."

Mr. LODGE. I thought so.

Mr. KING. I am glad the Senator's thoughts are corroborated by the facts.

I read now from the book:

Sherman's celebrated declaration about war has certainly been borne out by what has happened in Europe, and above all in Belgium, during the last four months. That war is hell I will concede as heartily as any ultrapacifist. But the only alternative to war, that is to hell, is the adoption of some plan substantially like that which I herein advocate and which has itself been called Utopian. It is possible that it is Utopian for the time being; that is, that nations are not

ready as yet to accept it. But it is also possible that after this war has come to an end the European contestants will be sufficiently sobered to be willing to consider some such proposal, and that the United States will abandon the folly of the pacifists and be willing to cooperate in some practical effort for the only kind of peace worth having, the peace of justice and righteousness.

The proposal is not in the least Utopian, if by Utopian we understand something that is theoretically desirable but impossible. What I propose is a working and realizable Utopia. My proposal is that the efficient civilized nations—those that are efficient in war as well as in peace—shall join in a world league for the peace of righteousness. This means that they shall by solemn covenant—

I fancy that the word "covenant" found in this great article by Mr. Roosevelt will not be very pleasant to the battalion of death who have animadverted so constantly against the covenant of the League of Nations which is now before the Senate for consideration.

This means that they shall by solemn covenant agree as to their respective rights which shall not be questioned; that they shall agree that all other questions arising between them shall be submitted to a court of arbitration; and that they shall also agree—

And here comes the vital and essential point of the whole system—

to act with the combined military strength of all of them against any recalcitrant nation, against any nation which transgresses at the expense of any other nation the rights which it is agreed shall not be questioned, or which on arbitrable matters refuses to submit to the decree of the arbitral court.

Finally, and most important, this treaty shall put force back of righteousness, shall provide a method of securing by the exercise of force the observance of solemn international obligations. This is to be accomplished by all the powers covenanting to put their whole strength back of the fulfillment of the treaty obligations, including the decrees of the court established under and in accordance with the treaty.

As the battalion of death interpreted the attitude of Mr. Wilson and construed the treaty, there is a covenant upon the part of the members of the league to put their military strength back of the agreement and back of the decrees of the council and of the courts that may be created under the league.

Mr. President, I have a number of other paragraphs of like import from this work which I ask to insert as part of my remarks without reading.

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

The matter referred to is as follows:

I earnestly hope that we shall ourselves become one of the joint guarantors of world peace under such a plan as that I in this book outline, and that we shall hold ourselves ready and willing to act as a member of the international comitatus to enforce the peace of righteousness as against any offender big or small.

This would mean a great practical stride toward relief from the burden of excessive military preparation. It would mean that a long step had been taken toward at least minimizing and restricting the area and extent of possible warfare. It would mean that all liberty-loving and enlightened peoples, great and small, would be free from the haunting nightmare of terror which now besets them when they think of the possible conquest of their land.

International peace will only come when the nations of the world form some kind of league which provides for an international tribunal to decide on international matters, which decrees that treaties and international agreements are never to be entered into recklessly and foolishly, and when once entered into are to be observed with entire good faith, and which puts the collective force of civilization behind such treaties and agreements and court decisions, and against any wrong-doing or recalcitrant nation.

After the war has come to an end the European contestants will be sufficiently sobered to be willing to consider some such proposal, and that the United States will abandon the folly of the pacifists and be willing to cooperate in some practical effort for the only kind of peace worth having—the peace of justice and righteousness.

My proposal is that the efficient civilized nations, those that are efficient in war as well as in peace, shall join in a world league for the peace of righteousness. This means that they shall by solemn covenant agree as to their respective rights, which shall not be questioned; that they shall agree that all other questions arising between them shall be submitted to a court of arbitration; and that they shall also agree—and here comes the vital and essential point of the whole system—to act with the combined military strength of all of them against any recalcitrant nation, against any nation which transgresses at the expense of any other nation the rights which it is agreed shall not be questioned, or which on arbitrable matters refuses to submit to the decree of the arbitral court.

It is because I believe our attitude should be one of sincere good will toward all nations that I so strongly feel that we should endeavor to work for a league of peace among all nations rather than trust to alliances with any particular group. * * * The prime necessity is that all the great nations should agree in good faith to use their combined warlike strength to coerce any nation, whichever one it may be, that declines to abide the decision of some competent international tribunal. Our business is to create the beginnings of international order out of the world of nations as these nations actually exist. We do not have to deal with a world of pacifists, and therefore we must proceed on the assumption that treaties will never acquire sanctity until nations are ready to seal them with their blood.

Mr. KING. Mr. President, I would like to have read also from another distinguished Republican statesman, Mr. Root,

commending the many admirable features of this covenant, and insisting, as I interpret his language, that it would be a great mistake not to ratify the treaty. I understand the Senator says that Mr. Bryan is coming, and that he is giving advice. I wonder how often the distinguished chairman of the Republican Party, Mr. Hays, has been in Washington and had conferences with Senators with respect to the League of Nations and how often he has essayed to give advice with respect to their conduct on this important matter? I wonder how many other great Republican leaders—not in the Senate, and there can be Republican leaders outside of the Senate, let me say—have been here in Washington for the purpose of conferring with our friends upon the other side of the aisle with reference to their treatment of this very important question.

No more auspicious occasion has ever come to the world to organize the free peoples of the earth in the interest of justice and of peace. Europe is prostrate and the world is in ferment. The tides of revolution are sweeping nations to destruction.

Stricken people are piteously appealing for help and for the protecting hand of this Nation and of a League of Nations, in order that their independence and freedom may be assured and the opportunity for peaceable growth and development assured.

We have aided the allied nations to destroy autocratic power. We have promised people that they should have liberty. New forces arose in the world when our Nation through President Wilson proclaimed the principles of justice and righteousness which fired the hearts of downtrodden people in all lands. The crown of moral leadership was placed by the nations of the earth upon the head of this Republic. We must not, we can not disappoint the hopes of the world. We can not thrust back into maelstrom and into the turbulent sea the victims of centuries of oppression, and look with cynical indifference upon their struggles and their agonized faces as they sing despairingly beneath the waves. Our Nation is as a city set upon a hill—it illumines the world. It must perform its part in solving the problems which the war has placed before the world. There is so much of merit and worth in the covenant of the league that it should not be destroyed. I appeal to Senators to put aside partisanship, all considerations of personal or party advantage, and remembering only the solemn responsibility resting upon them, to vote upon this question so vital to the peace of the world as their conscience and their duty to country demand.

Mr. GERRY. Mr. President, I offer the reservation which I send to the desk, and I ask that it may be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The reservation was read, as follows:

In consenting to the ratification of the treaty with Germany the United States adheres to the principle of self-determination and to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice adopted by the Senate June 6, 1919, and declares that when self-government is attained by Ireland, a consummation it is hoped is at hand, it should promptly be admitted as a member of the League of Nations.

The PRESIDING OFFICER. The question is on the reservation submitted by the Senator from Oklahoma [Mr. OWEN].

Mr. BORAH. Mr. President, is what has just been read at the desk offered as a reservation?

Mr. GERRY. It is.

The PRESIDING OFFICER. The Chair so understands.

Mr. BORAH. Where is it to appear in the covenant? Of what is it a reservation?

The PRESIDING OFFICER. The Chair's understanding is that it would be reservation No. 15, if adopted.

Mr. BORAH. I will say to the Senator from Rhode Island, it seems to me it ought to be attached to article 11 of the treaty.

Mr. LODGE. Mr. President, I had hoped that I should not be obliged to consume any further time in regard to the treaty, but I can not permit the statements which have been made here in regard to the opinions of Col. Roosevelt to go without a word of correction. The Senator from Tennessee [Mr. MCKELLAR] read from a speech delivered by Col. Roosevelt in 1915, and the Senator from Utah [Mr. KING], on inquiry, was found to be reading from a book which was published in 1915 containing articles and speeches prior to that period.

Mr. KING. Will the Senator pardon me?

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

Mr. LODGE. I do.

Mr. KING. I read from an address delivered by Mr. Roosevelt on September 6, 1918.

Mr. LODGE. Mr. President, I wish to say a single word as to former President Roosevelt's opinions just prior to his death. I know that he made a speech in 1914 in favor of a league of

nations, or some kind of association of nations—I myself did likewise—and also in 1915. In January, 1917, the President of the United States brought forward a plan for a league to enforce peace in an address to the Senate, and I discussed it at some length, showing the dangers of the proposition and the perils it would bring not only to peace but to the United States.

During all this time I was in frequent consultation with Theodore Roosevelt in regard to it. His position and mine did not then differ at all. On December 21, 1918, I made a speech in the Senate in which I discussed the 14 points and some of the momentous questions which were raised by the proposition for a league of nations which was then being started, or supposed to be started, in Paris. Col. Roosevelt wrote an article upon that speech, which was published in the Kansas City Star, approving it and commending it. I am going to read a single paragraph from that article. After commending the speech which I had made, he said:

Our need is not as great as that of the vast scattered British Empire, for our domains are pretty much in a ring fence. We ought not to undertake the task of policing Europe, Asia, and Northern Africa; neither ought we to permit any interference with the Monroe doctrine, or any attempt by Europe or Asia to police America. Mexico is our Balkan Peninsula. Some day we will have to deal with it. All the coasts and islands which in any way approach the Panama Canal must be dealt with by this Nation, and by this Nation in accordance with the Monroe doctrine.

On January 3, 1919, the Friday before his death, he dictated another editorial, which appeared in the Kansas City Star after his death. I wish time would permit me to read it all, but I will read one paragraph:

Let each nation reserve to itself and for its own decision, and let it clearly set forth, questions which are nonjusticiable. Finally, make it perfectly clear that we do not intend to take a position of an international Meddlesome Mattie. The American people do not wish to go into an overseas war unless for a very great cause and where the issue is absolutely plain. Therefore, we do not wish to undertake the responsibility of sending our gallant young men to die in obscure fights in the Balkans or in central Europe, or in a war we do not approve of. Moreover, the American people do not intend to give up the Monroe doctrine. Let civilized Europe and Asia introduce some kind of police system in the weak and disorderly countries at their thresholds. But let the United States treat Mexico as our Balkan Peninsula and refuse to allow European or Asiatic powers to interfere on this continent in any way that implies permanent or semipermanent possession. Every one of our allies will with delight grant this request if President Wilson chooses to make it, and it will be a great misfortune if it is not made.

That is an absolute condemnation of article 10 as originally drawn and of the paragraphs dealing with the Monroe doctrine.

Less than two weeks before his death I was with Theodore Roosevelt for several hours, seeing him two mornings in succession. The draft of the league, of course, which has been before the country was not then before us, but we discussed fully, in all its bearings, the League of Nations, and the plans for it as we understood them and as they had appeared in the news from Paris. We were in entire agreement. The position that I have taken throughout and that I now take had his full approval. The line I have followed in the Senate and elsewhere was the one which he wished to have followed. I do not say this to transfer one ounce of the responsibility from my shoulders to his. All I do and all I say is on my own responsibility alone, but it has been a great help and strength to me to feel, as I have felt, from those last conversations I had with him, that I have behind me the approval and the support of the great American, the great patriot, the great man whose death has been such a grievous loss to the people of the United States.

The PRESIDING OFFICER. The question is on agreeing to the reservation proposed by the Senator from Oklahoma.

Mr. REED. May the reservation just offered be read so that we may all hear it?

The PRESIDING OFFICER. The question is not on the reservation presented by the Senator from Rhode Island [Mr. GERRY], the Chair will say to the Senator from Missouri.

Mr. REED. Then, let the question be stated.

The PRESIDING OFFICER. The question is upon the reservation offered by the Senator from Oklahoma [Mr. OWEN], which the Secretary will state.

The Assistant Secretary read as follows:

Resolved, That the United States, in ratifying the covenant of the League of Nations, does not intend to be understood as modifying in any degree the obligations entered into by the United States and the Entente Allies in the agreement of November 5, 1918, upon which as a basis the German Empire laid down its arms.

The PRESIDING OFFICER. The question is on agreeing to the reservation as stated.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. HENDERSON (when his name was called). I have a general pair with the junior Senator from Illinois [Mr. McCORMICK]. In his absence I withhold my vote.

Mr. MOSES (when his name was called). Announcing once more my pair with the junior Senator from Louisiana [Mr. GAY] and his absence from the Chamber, I withhold my vote.

Mr. OVERMAN (when his name was called). Again announcing my pair with the Senator from Wyoming [Mr. WARREN], I withhold my vote. The Senator from Wyoming is absent on official business.

Mr. KIRBY (when Mr. ROBINSON's name was called). The senior Senator from Arkansas [Mr. ROBINSON] is paired on this question with the Senator from Washington [Mr. POINDEXTER].

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). My colleague [Mr. SMITH of Arizona] is absent on business of the Senate.

Mr. SMITH of South Carolina (when his name was called). Again announcing my pair with the Senator from Minnesota [Mr. NELSON], I withhold my vote.

Mr. THOMAS (when his name was called). In the absence of my pair, I must withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Alabama [Mr. COMER] and vote "nay."

The roll call was concluded.

Mr. GLASS (after having voted in the negative). I inquire whether the senior Senator from Illinois [Mr. SHERMAN] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. GLASS. Then, having a general pair with that Senator, I withdraw my vote.

Mr. HARDING. I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the junior Senator from Michigan [Mr. NEWBERRY] and vote "nay."

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX], and inasmuch as he has not voted I am compelled to withdraw my vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Washington [Mr. POINDEXTER] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS].

The result was announced—yeas 12, nays 55, as follows:

YEAS—12.

Ashurst	Gronna	Norris	Reed
Borah	Hitchcock	Owen	Sheppard
France	La Follette	Phelan	Walsh, Mass.

NAYS—55.

Ball	Fletcher	Kirby	Smith, Md.
Beckham	Frelinghuysen	Lenroot	Smoot
Brandagee	Gerry	Lodge	Spencer
Calder	Hale	McKellar	Sterling
Capper	Harding	McNary	Sutherland
Colt	Harris	New	Swanson
Culberson	Harrison	Nugent	Townsend
Cummins	Johnson, S. Dak.	Page	Trammell
Curtis	Jones, N. Mex.	Phipps	Wadsworth
Dial	Jones, Wash.	Pomerene	Walsh, Mont.
Dillingham	Kellogg	Ransdell	Watson
Edge	Kendrick	Shields	Williams
Elkins	Keyes	Simmons	Wolcott
Fernald	King	Smith, Ga.	

NOT VOTING—29.

Chamberlain	Kenyon	Newberry	Smith, S. C.
Comer	Knox	Overman	Stanley
Fall	McCormick	Penrose	Thomas
Gay	McCumber	Pittman	Underwood
Glass	McLean	Poindexter	Warren
Gore	Moses	Robinson	
Henderson	Myers	Sherman	
Johnson, Calif.	Nelson	Smith, Ariz.	

So Mr. OWEN's reservation was rejected.

Mr. LENROOT. Mr. President, I offer the reservation which I send to the desk.

The PRESIDENT pro tempore. The reservation will be stated.

The ASSISTANT SECRETARY. The following is offered as a reservation:

It shall be the declared policy of this Government that the freedom and peace of Europe being again threatened by any power or combination of powers, the United States will regard such a situation with grave concern and will consider what, if any, action it will take in the premises.

Mr. BORAH. Mr. President, I desire to offer an amendment, adding, after the word "premises," the following:

Reserving the independent and uncontrolled power to throw its influence and its weight, whenever occasion arises, in favor of what it deems to be right in the affairs of the world.

That language is taken verbatim from the speech of Mr. Root in New York a few weeks ago, wherein he defined what he conceived to be the correct attitude of this Nation in world affairs.

The PRESIDENT pro tempore. The proposed amendment will be stated.

The ASSISTANT SECRETARY. At the end of the reservation proposed by the Senator from Wisconsin it is proposed to add the following words:

Reserving the independent and uncontrolled power to throw its influence and its weight, whenever occasion arises, in favor of what it deems to be right in the affairs of the world.

Mr. LENROOT. Mr. President, I will accept the amendment. I have no objection at all to the amendment, and it is strictly in accord with the reservation itself.

This reservation—and I shall only take a few moments—is offered for two reasons: One, it has been constantly asserted here that in the reservations that we have adopted the United States proposed to isolate itself and withdraw from any consideration of the affairs affecting the peace of the world. Of course, there has been no such thought as that upon the part of anyone who has supported these reservations; and, as the Senator from Pennsylvania [Mr. KNOX] said last November in proposing a very similar reservation, this is the policy of the United States, whether declared or not; but it does leave the utmost freedom of action upon the part of the United States with reference to any matter that may be taken up for consideration. It does not bind the United States to do anything other than to consider matters affecting the peace of Europe if the peace of Europe shall again be threatened.

In addition, Mr. President, the so-called Taft reservation has been offered here in the Senate and has been rejected, and the Senator from Montana [Mr. WALSH] gave to the Senate his construction of it. With the Senator's construction of the Taft reservation, it is in exact accord with the reservation which has now been adopted to article 10, together with this reservation of declaration of policy.

On February 16 last the Senator from Montana [Mr. WALSH], in construing the Taft reservation referred to, said:

As I myself, in the bipartisan conference, proposed the Taft reservation as a substitute for the Lodge reservation, I should like to say, if the Senator will permit me, that I do not concede the two reservations to be identical in substance; and I should like, for the information of the Senate, to state my own view about it. It is that under the Lodge reservation, when a question arises that would otherwise fall under article 10, Congress may or may not take the matter up for consideration; it does not bind itself to do so. Under the Taft reservation Congress does not obligate itself to assume any obligation at all, but it does obligate itself to take the matter up and decide and determine it. That is my view about the distinction between the two reservations.

So that with the view of the Senator from Montana he would approve, I take it, the reservation that has now been adopted to article 10 with this reservation that is now pending that obligates the United States to take up and consider any attempt to threaten the peace of Europe; but the United States under this reservation is not obligated to take any action. It is obligated to take cognizance of such a situation, but that is all.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LENROOT. Yes.

Mr. KING. If the United States accepts the treaty—that is, if we ratify the treaty with the present reservations—does not the Senator think that under article 10, which contains the undertaking to respect the territorial integrity and the political independence, and under article 11, which permits inquiry into the causes of war, and article 15 and article 16, there is an obligation resting upon the Government after action by the council, at least, to interfere for the protection of the members of the league against any covenant-breaking member of the league?

Mr. LENROOT. I do.

Mr. KING. Then, if that is true, it would seem to me that the reservation just offered by the Senator is a work of supererogation; that in the league itself, construed as the Senator from Wisconsin construes it, there are binding obligations which are far greater than the mere negative expression contained in the reservation just offered.

Mr. LENROOT. I am very glad to reply to the Senator and give him my view of that. Of course, this general declaration of policy does not relieve the United States of any obligation that it assumes under the treaty, together with the reservations. It is a declaration of policy, but under article 10, where we assume no obligation to preserve the territorial integrity or political independence of any other country, nevertheless there is a case of external aggression threatening the peace of Europe. We are under no obligation, we have entered into no covenant, to take any action whatever with respect to that matter, because of the reservation that we have adopted; but with this reservation we do obligate ourselves not to do anything or decide it any

particular way. We do obligate ourselves to take cognizance of that situation, and with the amendment proposed by the Senator from Idaho, which, of course, would have been true any way, we are free to take such action as, in our judgment, justice and right shall warrant.

Mr. KING. Mr. President, if the Senator will permit me again, I can not accept the construction which the Senator places upon article 16 and the preceding articles, including article 10. Under article 10 there is an undertaking to respect the territorial integrity. If there is a violation of that covenant, then the violator has breached the covenant and the obligations found in article 16 immediately attach.

Mr. LENROOT. Oh, no; the Senator is entirely mistaken. The obligation that is imposed under article 16 does not in the least degree affect a violation of the covenant to respect territorial integrity. The economic boycott comes into being only for a violation of the covenant not to go to war without arbitration or inquiry, and nothing further.

Mr. KING. Mr. President, I do not agree with the Senator there. I think that under the second or third paragraphs of article 16 there would be an obligation where the treaty is breached that would call into requisition whatever instrumentalities article 16 provides for the purpose of maintaining peace.

Mr. LENROOT. Language could not be plainer. The Senator has merely forgotten the language. Article 16 reads:

Should any member of the league resort to war in disregard of its covenants—

Not all its covenants—

in disregard of its covenants under articles 12, 13, or 15, it shall ipso facto be deemed to have committed an act at war—

And the economic boycott comes into being. They might violate every other article in the league except those three articles, and article 16 would not come into operation at all.

Mr. WILLIAMS. Mr. President, this is the most humorous proposition with which we have been up to this time confronted. Reading it from its beginning, it could not be offensive even to Germany when we started war with them. It seems to have been drawn so that it could not hurt the feelings of anybody whose past record was opposed to a war with Germany. It reads:

It shall be the declared policy of this Government that the freedom and peace of Europe being again threatened by any power or combination of powers, the United States will regard such a situation with grave concern, and will consider what, if any, action it will take in the premises.

I confess myself at a loss to know why it is necessary to state that if any power or combination of powers threatens the peace of the world the United States will regard the situation "with grave concern." I have always imagined that we would, independently of any senatorial assertion, have to regard it with grave concern.

I confess myself unable to imagine why we should word a reservation to the effect that "we will consider what, if any, action we will take in the premises." Of course, whenever we are confronted with a question of "grave concern" we are also confronted with the question of what, if any, action we shall take in the premises.

But as if this thing were not already humorous enough there is added here in lead pencil by somebody, I do not know by whom, the words:

Reserving the independent and uncontrolled power to throw its influence and its weight, whenever occasion arises, in favor of what it deems to be right in the affairs of the world.

Let us examine the word "it" a minute. "It" refers to the Government of the United States, not to the United States or its people. Of course, if it were referring to the United States, it would have been "they."

But it is "it," and it relates back to the word "Government." So the Government reserves the "independent and uncontrolled power." "Uncontrolled!" Who ever made the United States Government uncontrolled? Who in the world ever made a nation or a people uncontrolled? With the whole civilized world before you, what nation is uncontrolled? Not even we ourselves, with our 110,000,000 and our immense wealth, of which we boast every day. "Uncontrolled power!"

Are you not controlled by civilization, by international law, by the comity of nations, and by that degree of ethics and morality that controls nations? Why should somebody with an immense reserve power of humor, equal to that of Sancho Panza or of Don Quixote—conscious in Sancho Panza's case, and unconscious in Don Quixote's—offer this thing to the United States Senate?

Independent and uncontrolled power to throw its influence and its weight whenever occasion arises in favor of what it deems right,

The man who would put this in said "independent and uncontrolled power to throw its influence," meaning the Government's influence. He ought to have said "their influence," meaning the United States, but he did not say it; and "their weight" he ought to have said, but he said "its," referring back to the Government, "whenever occasion arises, in favor of what it deems to be right."

We would be worse than slaves if we did not do that, and there is no necessity to say that except that it adds "in the affairs of the world." And just before it adds "in the affairs of the world," it says "its uncontrolled power." That sounds like the German Kaiser talking. It sounds as if he were saying that he was God's private agent as the head of the chosen race to impregnate the balance of the world with his "kultur." This is the most stupendous piece of humor, Mr. President, that was ever presented in the United States Senate:

It shall be the declared policy of this Government that the freedom and peace of Europe being again threatened by any power or combination of powers, the United States will regard such a situation with grave concern.

How could they help it if they wanted to? We would have to regard it with grave concern, and if we wanted to disregard it, we would have to still regard it, and if we did not regard it "with grave concern" we would have to regard it with some other sort of concern; and if we did not regard it with grave concern, somebody else would so regard it, and we would be dragged in subsequent "grave concern."

And will consider what, if any, action it will take in the premises.

I rather imagine if a thing is a matter of "grave concern" you have to "consider" at some time or other what, if any, action you are going to take in the premises.

This is the most miraculous thing. It is like the Scriptural definition of man, "It is fearfully and wonderfully made."

"Preserving the independent and uncontrolled power,"—not right, but power; not just right, but "uncontrolled" power—as if we were the only nation on the earth, and the only international integer that was uncontrolled. I imagine that all international integers are controlled. In fact, I imagine they are not integers at all; they are fractions, and the other internationals with us compose the balance of the integer.

Reserving the independent and uncontrolled power to throw its influence and its weight whenever occasion arises in favor of what it deems right in the affairs of the world.

Then, Mr. President, the Senator from Wisconsin went on to explain this thing, and I quote his exact language. He said:

Under this reservation we obligate ourselves not to do anything—Mark that, will you.

Under this reservation we obligate ourselves not to do anything.

That is about what we obligate ourselves to do, not to do anything under this. And, by the way, if the Senator from Wisconsin, who has taken the yoke of the Senator from Massachusetts and bears it duly upon his neck, now were to express his relationship to the present treaty with Germany and the League of Nations, I imagine he would repeat this language, that in everything he has voted for he has "obligated himself not to do anything."

We have extracted the teeth from the League of Nations if the Lodge reservations pass—and I suppose they will. We have emasculated the treaty. We have deprived it of all virility, and after we have done that we solemnly assert that we will regard any very important matters that may occur abroad "with grave concern," and that when they occur we will consider "what, if any, action" we will take in the premises, reserving "uncontrolled power" to "throw our influence" whithersoever we please, in behalf of whatever we choose to consider right at that time, without any regard to the balance of the world—Great Britain, France, Italy, Japan, Switzerland, the Scandinavian powers, Holland—we have nothing to do with them. We just say that we will "throw our influence and weight, whenever occasion arises, in favor of whatever we deem to be right."

Suppose you and I went into a neighborhood with Smith and Jones and Thompson and Johnson, and passed a resolution that we would each reserve his independent and uncontrolled power and throw his influence and his weight "whenever occasion arose" in favor of what each deemed to be right, without any regard to Jones or Johnson or Smith or Thompson, who are also living in the same community.

Will you ever learn that the balance of the nations of the world live on this earth and that God created the earth and created them as well as us? Will you ever unlearn, if you ever learned, the old fool lesson that we are self-sufficient and that we need not consult anybody else? Will you ever get rid of the notion of Thomas H. Benton that there was a manifest destiny in the United States to rule the whole world? Will

you ever learn that that is nothing but Prussian junkerdom? Will you ever learn that whenever a people say that they reserve the "independent and uncontrolled power" to do whatever it pleases, "as the occasion may arise," that the country which asserts that is asserting hegemony, leadership, and predominance, and if not "Deutschland uber alles," at least "Amerika uber alles," and all that simply spells war and murder of young men upon the field of battle, widowhood amongst the women behind them, fatherless children behind them, sweet, heartless women behind them, and that all this means nothing except arrogance, national arrogance?

"Independent and uncontrolled power." Does not Great Britain exist? Does not France exist? Does not Italy exist? Does not Holland exist? Do not the Scandinavian powers exist? Does not Switzerland exist? Do not the countries of South America exist? "Independent and uncontrolled power?" No country on the surface of this earth has or ought to have "independent and uncontrolled power." Any country upon the surface of the earth that pretends to have independent and uncontrolled power goes further than even the Kaiser of Germany ever went when God and he—I beg his pardon—when he and God were partners in running the world, because he was the senior member of the firm.

Can any civilized country, composed of men pretending to be Christians and servants of the Prince of Peace, assert in a resolution passed by the chief deliberative body of their country—and I say deliberative advisedly because for the last seven or eight weeks it has not done anything except deliberate—and the most august body—and I say that advisedly because if it has not been august it has not been anything—go out now as Christians and as members of the civilized world to assert that there is anywhere in the world an "independent uncontrolled" national power? That is what this asserts.

"Reserving the independent and uncontrolled power." Why, I would not be arrogant enough to say that in the face of Mexico even—anarchistic, chaotic, foolish, and murderous as Mexico is. I do not contend that the United States has any uncontrolled power even with regard to Nicaragua. I would not contend that the United States had any uncontrolled power even with regard to Cuba, who has surrendered her foreign relations to us. That is pure unadulterated manifest destiny arrogance.

You have to be a member of the amphictyonic council of the civilized world or you have to stay out of it. If you are going to be a member of the amphictyonic council of the civilized world, and leave the quarrels between nations to arbitration wherever you can and try to keep the peace of the world in accordance with the doctrines of the Prince of Peace, then you can not contend that there is any such thing as "independence and uncontrolled power" to "throw your influence" whichever way you please. You have to consider the other fellow's rights as well as your own, and the moment you consider his rights as well as your own that moment you are not uncontrolled, that moment you are not independent in a world sense. You are interdependent, and all the nations of this world are interdependent under the law of God and under international law, which is the best expression that man has been able to make of the law of God.

Imagine the humor, if the man had any humor, that drew this thing up. If he intended it as a joke, of course, we would have taken it up and laughed at it, but the man really intended it as an expression of sure enough opinion on this earth of God-created men and women who ought to be friends of one another and not enemies, then it is not a joke but pure stupidity. He did not intend it as a joke at all.

We will "regard any situation with grave concern." I imagine we will—and we will "consider what, if any, action 'we will' take in the premises." What is involved in that? Nothing except that we will do as we blaméd please whenever we blaméd please when the occasion arises to tell us what we blaméd please.

Reserving the independent and uncontrolled power to throw our influence and weight—

"Weight" is a great word there. One hundred and ten millions of people, with billions of money, announcing to the world in a treaty of peace that it reserves the right to throw its uncontrolled power and weight, population and finances in favor of what—in favor of what "it deems" to be right, not even in favor of what *is* right, but what it deems to be right in the affairs of the world.

Do you remember any day in the life of the late Kaiser of Germany when he ever went any further than that? Do you remember any day in his life when he ever even went that far? Do you imagine that you can make out of yourselves the only nation on earth?

Do you imagine that nations do not live like men do in a neighborhood, the only difference being that men live in a neighborhood of other men and nations live in a neighborhood of other nations? Do you imagine that any nation has any right to talk about its "uncontrolled power" in international affairs any more than I would have a right to talk about my uncontrolled power individually in regard to you or the Senator from Texas? My power is not uncontrolled. It is controlled by the law of ethics and by the law of God and by the municipal law individually speaking. I must not harm the Senator from Texas in the assertion of my individual sovereignty and uncontrolled power, and he must not harm me.

No nation has any right to assert a dogma of uncontrolled power, because a nation must be restrained as an individual must be restrained by the sense of the rights of the other fellow, the other nation, the other people, the other civilization, the other religion, the other whatever it may be.

This was so cunningly worded in the beginning that it would look as if it were worded by a man who had never wanted any war with Germany and was opposed to it. It says:

It shall be the declared policy of this Government that the freedom and peace of Europe being again threatened by any power or combination of powers—

That might mean France, Italy, and Great Britain—

The United States will regard such a situation with grave concern and will consider what, if any, action it will take in the premises.

It is pretty much as if I said that if the Senator from Texas came up and slapped me in the face, I would view it "with grave concern" and would consider "what, if any, action" I would take in the premises.

Then there follows the language of the Senator from Wisconsin, assuring us that "under this we obligate ourselves not to do anything."

I want to say a few words outside of this little foolish amendment, which, of course, does not cut much figure. Fellow Senators, it has seemed to me since I was a boy as if the world were composed of a lot of people, a lot of nations, a lot of races, a lot of religions, and a lot of people everywhere who ought to seek to get along with one another. It has seemed to me since I first conceived the idea of the purposes of Jesus Christ that His purpose was to be a Prince of Peace and that the Christian religion consisted chiefly in trying to live a peaceable life with another individually and nationally. It has seemed to me that whether you were Roman Catholic, Episcopalian, Presbyterian, Methodist, Baptist, or Mormon, you could all agree upon one thing, and that was that the best thought and the highest thought of every man might be well directed to the question of keeping the peace and settling disputes, whether they were individual, industrial, or international, by some fair, arbitral, common board.

It has seemed to me all the time, with all my individual defects of every description, that the highest worship I could pay to God was to try to live in peace with other people. I admit that I have not been able to do it always with the hot, quick, Welsh temper that led me now and then to strike when I ought not to have struck, but it has seemed to me and it seems to me now that the highest reason for which God created man was that he might cooperate with other men in maintaining peace as a means toward progress and civilization.

I do not recognize that any country under the sun or any nation under the sun, even the United States, has any absolute "independent and uncontrolled" sovereignty. That is an old dogma of the Middle Ages. There is no such thing as an independent and uncontrolled sovereignty amongst civilized countries. Every civilized country acknowledges and admits that its so-called sovereignty is limited by the rights and privileges of other nations and peoples, and that the moment it asserts an uncontrolled or uncontrollable power it sinks itself into barbarism and invites the remainder of the world to sink with it into barbarism.

This whole question comes back to this: Will you or will you not voluntarily limit your own sovereignty to the extent necessary to bring about "peace on earth and good will among men"? There are two sides, either one of which may be right, and nobody between them can be right. One side is the side of the Senator from Idaho [Mr. BORAH], who does not want any entangling alliances of any description with anybody and says that the United States is "sufficient to itself" and can live by itself and must live by and for itself and does not ask for any help from anywhere and will not give any help to anybody. That may be right. The other side is the side which I take, which is that no country can live for and by itself; that it must live interdependent and not independent; and that in living in that way it must agree upon a *modus vivendi* with the remainder of the world whereby they can all live in peace with

one another. Now, the men in between us two, that want to devitalize and emasculate and poison the League of Nations so that it shall not amount to anything except words, in my opinion, are clearly wrong.

I think that the worst thing that could happen for the civilized world would be the object lesson of an unsuccessful League of Nations; an attempt to put forward a so-called or alleged League of Nations which should fail—foredoomed to failure in advance—because after it had failed you could not convince the ordinary man that the idea had not failed. He would merely reply, "That is the thing that you have tried and it has failed." If you want a League of Nations, a League of Nations must be organized with some limitation of sovereign power upon the part of each nation entering into it; and if you do not want that sort of a League of Nations then the Senator from Idaho is right, and you do not want any. If you are not willing to surrender any part of your sovereignty in order to secure the peace of the world and the happiness of the men and women on earth, the sons and daughters of God who inhabit the earth, if you are not willing to surrender a part of each nation's sovereignty and "uncontrolled power" with that object in view, then let it alone and do not go into it at all. The Senator from Idaho is right, if that proposition is right. If, however, you are willing, as I am, to surrender a part of our individual liberty in order to secure peace with the Senator from Maryland [Mr. FRANCE] and the Senator from Texas [Mr. SHEPPARD] and to leave to a court the power to decide our controversies, and if you are willing to carry that forward still a step more and make it international as well as municipal, then I am right and the men who agree with me are right. However, we are right only upon the theory that the League of Nations must have teeth in it, and it must not be emasculated so that it is foredoomed beforehand to failure.

When these States entered into this Union, when the Provinces of Holland entered into their union, when the Cantons of Switzerland entered into their union, they all understood that there must be a surrender of some degree of State, or cantonal, or provincial sovereign power in order that the purposes of the union might be accomplished.

Mr. SHEPPARD. And the nations that have already entered into the League of Nations have done the same thing.

Mr. WILLIAMS. I am glad the Senator from Texas has reminded me of that. Not only France, Great Britain, Italy, Japan—the great powers—have entered into the League of Nations and have made it a working concern, which I hope they can make operate for the peace of the world without our intervention and without our modifications and without our membership, if we do not choose to go in, but the three Scandinavian countries have gone in; Switzerland has gone in; Brazil has gone in; Argentina has gone in; Chile has gone in; and you people who are talking about the Monroe doctrine are about to sacrifice it, because if a half dozen South American powers enter into the League of Nations, this great operating concern outside of which you choose to remain and which you can not defeat on sea or on land, which you can not fight on sea or on land—it is too powerful for you—if those South American countries enter into it, and we have a quarrel with one of them, it simply appeals to the League of Nations. Then we shall not face them but we shall face the League of Nations, which means the civilized world. So while you are quarreling here and talking about the Monroe doctrine you have surrendered it and given it up. The League of Nations is in operation and it is going to work. It is stronger than any concert of Europe ever was, because it includes Japan and several of the strongest South American countries. You can not help it if you want to; you are powerless in men and money and navy and army to prevent it if you want to. If you think you can fight the world you are mistaken; you can not. They have made up their minds that they will keep the peace of the world against any lawless outcast nation; and if you want to be a lawless outcast nation, be one if you choose, but you can not win along that line.

Any man who thinks that the United States can be an "independent and uncontrolled power" is either a knave or an ass. No country can be an independent, uncontrolled power on the surface of this earth, not even we, the most powerful people in the world. That is not all; we do not want to be, even if we could be. I do not want to be, in the community in which I move, an uncontrolled power; I want you to have your rights; I want the Senator from Texas to have his; I am willing to give—and I am speaking as a citizen of the United States—I want to give to all the people on earth their rights. I do not want to be "uncontrolled" nor "independent," and no nation on the surface of the earth can be uncontrolled or independent. That is an old Middle Age concept.

There was a time when every community was independent, with the lord's castle on the hill and the village below, and they fought the world for their side arms and for their food. That has passed long ago, and the very word "independent" in connection with a nation is a misnomer to-day. Great Britain is not independent; France is not independent; you are not independent; we are all interdependent with one another; and if we are not, then we are uncivilized, and we sink to barbarism to-morrow, or else we declare war upon the world and the world declares war upon us; and in that sort of a war any particular nation must fall.

As the Senator from Texas has said, pretty nearly all the remainder of the world has gone into this league; we "in the forefront files" of the army of time alone stand out, and stand out how? By a certain 13 or 15 "irreconcilables" and "bitter-enders," who read the riot act to the Senator from Massachusetts and told him what he had to do with this treaty, and the Senator from Massachusetts surrendered and put all their requirements in, and then they concocted it all so that they knew that I and about 26 other Senators on this side could not vote for it in the way they had fixed it up. They have thus arranged to beat the treaty and to beat the League of Nations and to keep the greatest civilized country in the world out of it.

Mr. JOHNSON of South Dakota. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from South Dakota?

Mr. WILLIAMS. Yes.

Mr. JOHNSON of South Dakota. I merely wish to ask the Senator from Mississippi if it is not also true that none of the great powers of the world, aside, possibly, from Switzerland, have attached any conditions or reservations to the original treaty as presented to them?

Mr. WILLIAMS. Mr. President, in response to that question I will say that China attached certain reservations, but the council very properly told China that she could enter without reservations or stay out, whichever she pleased, and China stayed out. Switzerland attached a reservation that was regarded as totally innocuous, because it was merely a reservation to the effect that Switzerland preserved her rights as a neutral power in Europe, and the neutrality of Switzerland had been recognized by all the powers of Europe years ago.

Now, what I am afraid of in connection with the Lodge reservations is that, blinded by our population, our wealth, and our power, the European might let us in regardless of the Lodge reservations. If I thought they would say to us what they said to China—"No; either accept the thing as we have fixed it or let it alone"—then I would not care, but I am afraid they would let us in with the reservations. If they did let us in with the reservations, then, entering a league with other nations every one of which would be equal and sovereign and equally sovereign, they would have exactly the same limitations that we would have, and the League of Nations would be emasculate and invirile, as incapable of perpetuating itself as an emasculated man might be, and the world in a few years would have the object lesson of an unsuccessful League of Nations; and the minute they saw an unsuccessful League of Nations, the average man in America and Great Britain and France and Italy could not make the distinction, and when you said to him, "This thing failed because it was defective," he could not understand that. He would just simply say: "The experiment of a league of nations has failed. It has gone down. It has been unable to do anything. It was invirile. It was emasculate. It accomplished nothing." Then you shall have discouraged every seer and every prophet and every poet that had dreamt about world peace, and you shall have discouraged him for fifty years to come if not for a hundred.

I would infinitely rather that the United States stayed out of the league than to enter it with such reservations and conditions as emasculated the agreement. I have a hope that Great Britain and France and Italy and Holland and the Scandinavian powers and Switzerland and Japan may make it a working proposition for the preservation of peace in Europe; and if they make it a working proposition for the preservation of peace in Europe, we can make the Monroe doctrine here a working proposition in favor of the preservation of peace in the Western Hemisphere. But if we go in with reservations that render the original agreement invirile and emasculate, then the whole thing will fail; and when it fails, we fail; and when we fail, Jesus Christ fails, and with Him his world peace philosophy.

Have you been watching the news from Russia? Have you been watching the news from Germany? Two weeks ago I rose upon this floor and warned of that situation. None of you paid much attention. Nobody outside paid any attention.

Mr. HITCHCOCK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. WILLIAMS. I will yield in a moment. Are you watching that situation?

The PRESIDENT pro tempore. The Senator from Mississippi declines to yield to the Senator from Nebraska.

Mr. WILLIAMS. No; I said I would yield in a moment.

The PRESIDENT pro tempore. The Senator does decline.

Mr. WILLIAMS. Have you been watching that situation? I warn you now that unless you can establish an amphictyonic council of the civilized world, constituting a league of nations to keep the peace of the world, within less than 25 years you will be faced by a union between Germany and Russia and Japan, controlling the four hundred millions of China, and the white race will have to fight for its existence. Now, mark that.

Now I will yield.

Mr. HITCHCOCK. Mr. President, will the Senator yield in order that I may inquire of the Senator from Massachusetts what the program is as to a vote?

Mr. WILLIAMS. I yield the floor.

Mr. ASHURST. I call for the question.

Mr. LODGE. I should like to get a vote on this reservation.

Mr. HITCHCOCK. Mr. President, I desire to ask the Senator from Massachusetts whether it is his intention to have the Senate remain here until we vote upon these reservations?

Mr. LODGE. I wanted to get a vote on the reservation that is now pending, and then I shall ask for a recess.

Mr. HITCHCOCK. The Senator does not intend, then, to get the matter into the Senate to-night—have the committee report to the Senate?

Mr. LODGE. I thought it was only fair, and I think the Senator will agree with me, that before holding a night session I should give notice of it. I shall give notice, and I give it now, that to-morrow I shall ask the Senate to remain in session until all reservations, both in the Committee of the Whole and in the Senate, are disposed of.

Mr. HITCHCOCK. Is it not possible to proceed to-night without adjourning until the Committee of the Whole can report to the Senate, and have the resolution before the Senate?

Mr. LODGE. I am afraid a good many Senators on both sides have gone.

Mr. SMITH of Georgia. Mr. President, I know that the Senator from North Carolina [Mr. SIMMONS] was compelled to go home, and he requested me to present a substitute for the reservation to article 10 and to request that it be printed for use to-morrow in the Senate.

Mr. FLETCHER. I hope the Senator will insist on staying in session until we can act on these reservations and get the treaty into the Senate.

Mr. POMERENE and Mr. ASHURST addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Nebraska, who has the floor, yield to the Senator from Ohio?

Mr. HITCHCOCK. I yield.

Mr. POMERENE. Some of the Senators have had engagements of some standing for to-night, and I think it is hardly fair to insist at this late hour upon our remaining here to-night to dispose of these reservations. I think something is due to other Senators in this matter.

Mr. ASHURST. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Arizona?

Mr. HITCHCOCK. I do.

Mr. ASHURST. I appreciate what my friend the Senator from Ohio says, but I will now do the unparliamentary thing of propounding a question to each of my beloved brother Senators: Is there a Senator here who believes a vote will be changed should we talk for a week? I pause for an answer. If any Senator believes a vote will be changed, I will not urge that we proceed; but, Mr. President, while I do not speak for myself, I do speak for some other Senators who have engagements to-night, and have engagements to-morrow night, other Senators who are obliged to be in their States on Saturday, when I say that since it is obvious to us all, as practical men, that not a vote will be changed, why spin and spin and weave nothing? Why go through the tedious performance—and to me the speeches are not tedious; I enjoy them, and they are interesting—why go through the performance of everlastingly talking, talking, talking, when, Senators, we know that not a single vote will be changed. Now, why talk so much?

So, on behalf of other Senators who I know have remained in this Chamber this week and have canceled important engagements in their States, I do say we ought to get this resolution ready by 6 o'clock to-night, so that we can vote to-morrow finally.

Mr. LODGE. The first thing to do, then, is to vote on the pending reservation.

Mr. ASHURST. Well, let us vote.

Mr. SMITH of Georgia. I desire to send to the desk and to have read, so that it may be printed for use to-morrow, a reservation that will be offered by the Senator from North Carolina [Mr. SIMMONS] as a substitute for the reservation to article 10.

Mr. LODGE. It is not necessary to have it read, is it?

Mr. SMITH of Georgia. No. I ask to have it printed.

The PRESIDENT pro tempore. It is so ordered.

Mr. LENROOT obtained the floor.

Mr. REED. Mr. President, will the Senator yield for a moment? I should like to ask the Senator from Massachusetts a question.

Mr. LENROOT. I yield.

Mr. REED. I desire to ask the Senator from Massachusetts whether it is not possible to come to a unanimous-consent agreement to limit debate upon the reservations, and to dispose of them to-night by limiting debate?

Mr. LODGE. Mr. President, the only objection I have to a night session is that I do not wish to be unfair to other Senators who have had no notice of it. If we are going to hold a night session, as I propose to do to-morrow night, I think they ought to have notice. I am willing to make any agreement that can be made to vote within any short time. I am not going to put it off if I can help it.

Mr. REED. Let me ask the Senator if he would be willing at this time to ask unanimous consent to waive the rule with reference to the intervening day between the final vote upon reservations and the vote upon the resolution of ratification?

Mr. LODGE. I would be perfectly willing to ask unanimous consent to introduce the resolution now.

Mr. OWEN. That is a good idea.

Mr. LENROOT. It can not be done until the reservations are adopted.

Mr. LODGE. It can not be done, of course, until we get into the Senate. We can not offer it until that time; but, of course, I will ask unanimous consent to waive the rule that requires it to go over to a subsequent day. That is constantly done in considering treaties. Everybody knows what it is. It has been lying on our desks here for a fortnight.

Mr. REED. Could not that be asked now?

Mr. LODGE. I will ask that now—that when the treaty reaches the Senate, and the resolution of ratification is presented, the rule which requires that resolution to go over to the subsequent day may be waived.

Mr. LENROOT. Mr. President, I think it will be time enough to decide that when we come to it, and I object.

Mr. EDGE. Mr. President, may I make a suggestion to the Senator from Massachusetts?

The PRESIDENT pro tempore. The Senator from Wisconsin has the floor.

Mr. LENROOT. I yield.

Mr. LODGE. I thought I had it. I do not know when it was taken away from me, but I will sit down.

Mr. EDGE. The Senator from Wisconsin has yielded. I was going to suggest, however, that we should not lose the opportunity that seems to be here presented. The Senator from Missouri [Mr. REED] has suggested that speeches be shortened, as I remember his remarks, to 15 minutes. If there is a disposition at least to secure that unanimous consent at this time, I think we would be making wonderful headway.

Mr. LODGE. I make that request.

Mr. SMITH of Georgia. I understand that that applies to all reservations—

Mr. EDGE. Just to reservations.

Mr. SMITH of Georgia. But not to debate after the reservations are perfected.

Mr. LODGE. No.

The PRESIDENT pro tempore. Will the Senator from Massachusetts state his request?

Mr. LODGE. My request is that no Senator shall speak more than 15 minutes on any reservation now pending or hereafter to be offered.

The PRESIDENT pro tempore. Is there objection?

Mr. BORAH. Mr. President, the Senator from Pennsylvania [Mr. KNOX] has a very important reservation. I do not know whether he would want to be limited to 15 minutes on that or not.

Mr. LODGE. I do not, either.

Mr. HITCHCOCK. Mr. President, the Senator from Pennsylvania very rarely speaks over 15 minutes.

Mr. BORAH. It is a very important matter, and I should like to telephone to him, at least.

Mr. LODGE. I think that could be excepted. He is the only Senator of whom I know who has another reservation.

Mr. BORAH. If the Senator will wait a minute, I will go in and telephone to him.

Mr. REED. Mr. President, I have two reservations that I want to offer. I do not care to debate them at length, but I want to present them.

Mr. LODGE. I will renew the request as soon as the Senator from Idaho has heard from the Senator from Pennsylvania.

Mr. LENROOT. Mr. President, as to the pending reservation, the Senator from Idaho [Mr. BORAH] offered an amendment, and as he read it I said that I was willing to accept it. My attention has since been called to the fact that at least under a possible construction it would cut out all of the obligations that are assumed under the treaty with these reservations, and I therefore wish to withdraw my acceptance of the amendment proposed by the Senator from Idaho, and ask that we have a vote on the amendment.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Idaho to the reservation proposed by the Senator from Wisconsin.

Mr. REED. Mr. President, that ought not be done in the absence from the Chamber of the Senator from Idaho.

Mr. LENROOT. I have consulted the Senator from Idaho, and he knows this course is to be taken.

Mr. BORAH entered the Chamber.

Mr. LENROOT. Here he is. I will state to the Senator from Idaho that I have withdrawn my acceptance.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Idaho to the reservation proposed by the Senator from Wisconsin.

Mr. BORAH. Mr. President, as I do not intend to vote for the original, even with my amendment on it, I do not feel in good faith that I can urge it. So I withdraw the amendment.

The PRESIDENT pro tempore. The amendment is withdrawn, and the question is upon the reservation proposed by the Senator from Wisconsin [Mr. LENROOT].

Mr. REED and Mr. LODGE called for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. HENDERSON (when his name was called). Making the same announcement as before relative to my pair, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. GAY], and that Senator being absent, I withhold my vote.

Mr. OVERMAN (when his name was called). In the absence of my general pair, the Senator from Wyoming [Mr. WARREN], who is absent on official business, I withhold my vote.

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). I desire to announce the absence of my colleague the Senator from Arizona [Mr. SMITH] on business of the Senate.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. SMITH of South Carolina (when his name was called). Again announcing my pair with the Senator from Minnesota [Mr. NELSON], I withhold my vote.

Mr. THOMAS (when his name was called). Owing to the absence of my pair, I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. GERRY (when Mr. UNDERWOOD's name was called). I announce the unavoidable absence of the Senator from Alabama [Mr. UNDERWOOD] on official business of the Senate. He has a general pair with the Senator from Ohio [Mr. HARDING].

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE], who is absent on account of illness, to the Senator from Louisiana [Mr. RANDELL] and vote "nay."

The roll call was concluded.

Mr. GLASS. I have a general pair with the senior Senator from Illinois [Mr. SHERMAN]. I notice that he is absent from the Chamber, and I withhold my vote. If I had the privilege of voting, I would vote "nay."

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. McCUMBER] to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. KELLOGG (after having voted in the affirmative). I transfer my pair with the senior Senator from North Carolina [Mr. SIMMONS] to the junior Senator from Vermont [Mr. PAGE] and let my vote stand.

Mr. WALSH of Massachusetts. I wish to announce that the Senator from Oklahoma [Mr. GORE] is detained from the Senate on official business. If present, he would vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Pennsylvania [Mr. KNOX] with the Senator from Oregon [Mr. CHAMBERLAIN];

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Minnesota [Mr. NELSON] with the Senator from South Carolina [Mr. SMITH]; and

The Senator from Washington [Mr. POINDEXTER] with the Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 25, nays 39, as follows:

YEAS—25.

Calder	Fletcher	McNary	Sutherland
Capper	Hale	New	Townsend
Colt	Jones, Wash.	Phipps	Wadsworth
Cummins	Kellogg	Smith, Ga.	Watson
Curtis	Keyes	Smoot	
Edge	Lenroot	Spencer	
Elkins	Lodge	Sterling	

NAYS—39.

Ashurst	Harris	McKellar	Smith, Md.
Beckham	Harrison	Norris	Stanley
Borah	Hitchcock	Nugent	Swanson
Brandeggee	Johnson, S. Dak.	Owen	Thomas
Comer	Jones, N. Mex.	Phelan	Trammell
Dial	Kendrick	Pittman	Walsh, Mass.
Fernald	Kenyon	Pomerene	Walsh, Mont.
France	King	Reed	Williams
Gerry	Kirby	Sheppard	Wolcott
Gronna	La Follette	Shields	

NOT VOTING—32.

Ball	Gore	Moses	Ransdell
Chamberlain	Harding	Myers	Robinson
Culberson	Henderson	Nelson	Sherman
Dillingham	Johnson, Calif.	Newberry	Simmons
Fall	Knox	Overman	Smith, Ariz.
Frelinghuysen	McCormick	Page	Smith, S. C.
Gay	McCumber	Penrose	Underwood
Glass	McLean	Poindexter	Warren

So Mr. LENROOT's reservation was rejected.

Mr. LODGE. Mr. President, I renew my request for unanimous consent that no Senator shall speak more than 15 minutes or more than once on any reservation or any amendment to a reservation now pending or hereafter to be offered.

The PRESIDENT pro tempore. The Secretary will state the proposed unanimous-consent agreement.

The ASSISTANT SECRETARY. The Senator from Massachusetts asks unanimous consent that no Senator shall speak more than once nor for a longer time than 15 minutes on any reservation or any amendment that may be pending or that may be hereafter offered.

The PRESIDENT pro tempore. Is there objection?

Mr. REED. I wish the Senator would strike out "more than once," so that a Senator could divide his 15 minutes if he wanted to do so.

Mr. LODGE. I mean 15 minutes on each reservation or on any amendment.

Mr. REED. But the Senator says "more than once." Suppose a Senator offers a reservation and some one says something to which he wants to reply within his 15 minutes.

Mr. LODGE. Of course, he has his whole 15 minutes.

Mr. REED. The Senator proposes to say "more than once."

Mr. LODGE. He can divide it himself.

Mr. REED. But the proposition does not permit that, if I heard it aright.

Mr. LODGE. I think it does. It certainly was intended to do so. It is 15 minutes on each reservation that any Senator is to have, or on each amendment, and he can divide it as he pleases.

Mr. REED. I suggest to the Senator to strike out "more than once," and say "not more than 15 minutes in all."

Mr. LODGE. I will leave it for the Assistant Secretary to word, because he can word it better than anybody else.

The PRESIDENT pro tempore. The Secretary will again state the proposed agreement.

The ASSISTANT SECRETARY. The Senator from Massachusetts asks unanimous consent that no Senator shall speak more than once nor longer than 15 minutes on any reservation or any amendment now pending or hereafter offered.

Mr. LODGE. Fifteen minutes in all.

Mr. BRANDEGEE. I suggest that I think we can accomplish the object we have in view if we would strike out the words "more than once," and simply say "no Senator shall speak more than 15 minutes in all on each reservation or on any amendment thereto."

Mr. REED. That is the suggestion I made.

Mr. LODGE. That covers it, and is the best way to word it.

The PRESIDENT pro tempore. The Secretary will state the proposed agreement as modified.

The Assistant Secretary read as follows:

It is agreed by unanimous consent that no Senator shall speak more than 15 minutes in all on any reservation, or on any amendment now pending or that may hereafter be offered.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the agreement is entered into.

RECESS.

Mr. LODGE. I wish to give notice that to-morrow, if the Senate will sustain me, I shall ask the Senate to remain in continuous session into the evening, if necessary. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate, in open executive session, took a recess until to-morrow, Thursday, March 18, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 17, 1920.

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore (Mr. WALSH).

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

We bless Thee, Infinite Spirit, Father in Heaven, that the good that men do lives after them and the spirit which moves them to deeds of kindness, self-sacrifice, and glory enters into the hearts of their admirers. Thus good is handed down from generation to generation. And we look forward to the time when good shall banish evil and Thy kingdom indeed come on earth. Hence we join in the encomiums and songs of praises which shall fall from thousands of lips to-day in memory of Ireland's patron saint. Long may his memory live, and long may he inspire men to live Christ-like, God-like lives, and thus may his life be a blessing to millions yet to come. In the name and spirit of the Lord Jesus Christ. Amen.

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

EXTENSION OF REMARKS.

Mr. COOPER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting two short editorials printed in the American Federationist, the official organ of the American Federation of Labor. These editorials are very vigorous attacks upon bolshevism and communism, and they warn the American workingmen of the evil effects of bolshevism and communism in Russia.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by inserting two editorials from the American Federationist on the subject of bolshevism. Is there objection?

Mr. CLARK of Missouri. Reserving the right to object, I would like to inquire of the gentleman how long they are?

Mr. COOPER. I should say they would cover about two pages of the RECORD.

Mr. CLARK of Missouri. The reason why I ask is that the other day a Member got leave to print a letter of some one in the RECORD, and he inserted a stump speech of three pages of the RECORD under the guise of inserting a letter. But I shall not object to this.

The SPEAKER pro tempore. Is there objection?

There was no objection.

INCOME TAXES ON STOCK DIVIDENDS.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a letter of the Secretary of the Treasury showing the amount of loss in revenue caused by the Supreme Court's recent decision on taxes upon stock dividends, and so forth.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to have printed in the RECORD a letter from the Secretary of the Treasury relating to the stock-dividend decision of the Supreme Court. Is there objection?

Mr. CLARK of Missouri. Reserving the right to object, I would like to inquire of the gentleman from Michigan if as yet his committee has taken any steps to recoup on that loss?

Mr. FORDNEY. There has been a bill introduced by the gentleman from Iowa [Mr. GREEN], and it is now before the committee, but the committee has not yet taken action, waiting for some reliable information as to the loss of revenue because of this court decision. It is not yet given in full, but this letter explains it rather clearly.

Mr. CLARK of Missouri. Is the committee inclined to try to fill up the hole that the Supreme Court made in the income-tax law?

Mr. FORDNEY. I think so.

Mr. GARNER. Let me say to the gentleman from Missouri that the committee has already discussed the matter, and tomorrow morning, if I understand it correctly, we shall have a hearing of the Treasury expert, the actuary expert, and the legal adviser as to what we might be able to do under the situation, and then we would consider the question of the advisability of it. I think that is correct.

Mr. LAZARO. Mr. Speaker, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. LAZARO. Has the committee taken into consideration the probable increase from the income tax that we are now collecting? As I understand, there will be a big increase from what we have expected.

Mr. FORDNEY. Reliable estimates have not yet been given to us. This letter explains in great detail the amount of loss that is involved in this decision of the court.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Following is the letter referred to:

MARCH, 1920.

HON. JOSEPH W. FORDNEY,
Chairman Committee on Ways and Means,
House of Representatives.

MY DEAR MR. FORDNEY: I am very glad to respond to your threefold request, communicated through Dr. Adams, for estimates of the loss in revenue which may be expected to result from the recent decision of the Supreme Court in the stock-dividend case, for recommendations concerning a new method of dealing with personal service corporations, and for definite suggestions looking to the fundamental simplification of the income and profits taxes, brief enough to receive but thoroughgoing enough to deserve careful consideration at a session of the Congress crowded with other questions of grave importance. To facilitate their presentation I may discuss these subjects in the inverse order in which they have been mentioned above.

SIMPLIFICATION OF THE INCOME AND PROFITS TAXES.

In dealing with this subject I may go at once to what is, in many respects, its most vital aspect—the question of early action. Public opinion has not yet awakened to the gravity of the consequences which are likely to follow a failure to simplify the tax law at this legislative session. Unless the necessary amendments be passed now they will be delayed in all probability, I understand, until the autumn or winter of the year 1921, with the result, unless they are to disrupt the administrative procedure and confuse the necessary calculations of the taxpayer by being made retroactive, that income and profits taxes must continue to be collected on the basis of the present law until the close of the calendar year 1922, and in the case of some taxpayers on the so-called fiscal-year basis, until the early months of the calendar year 1923. I can not contemplate such delay without the gravest apprehension. An imperfect and uncertain tax affects the future even more adversely than the present, and for similar reasons it is costly and unwise to make a beneficial modification of the tax law retroactive or even to delay its adoption and announcement until the time at which it is to take effect. It would be manifestly unsafe, in my opinion, to reduce now the income and profits taxes to be collected in the calendar years 1920 and 1921, but I can see nothing in the financial prospects for the calendar year 1922 and thereafter which would make impossible or unwise the very modest reduction involved in the plan of simplification hereinafter presented; and it should never be forgotten that the tax system itself is one of the most powerful causal factors affecting public expenditures. A tax system yielding, or likely to yield in the future, a surplus of revenue over expenditures is an open invitation to public extravagance, whereas an announced resolution to reduce taxes on the occasion which called them forth recedes into the past is one of the most potent means of insuring economy in public expenditures. The people, therefore, consumers as well as producers, indirect as well as direct taxpayers, may fairly ask to be told now the earliest future date at which the most obsolete features of the tax law are to be repealed.

Complexity in tax laws violates the most fundamental canon of taxation—that the liability shall be certain and definite. It is not merely a source of irritation, labor, and expense to the taxpayer, but when conjoined, as it is in the present law, with the heavy rates of taxation which war exigency has forced upon us it becomes a major menace, threatening enterprise with heavy but indefinite future obligations, generating a cloud of old claims and potential back taxes which fill the taxpayer with dread, creating, to be sure, an attractive source of additional revenue, but clogging the administrative machinery and threatening, indeed, its possible breakdown.

1. Final determination and settlement of tax claims and assessments: I recommend, therefore, as the most urgent and important of the measures of simplification which could advantageously be put into effect at once, an amendment authorizing the Commissioner of Internal Revenue, with the consent of the taxpayer and the approval of the Secretary of the Treasury (or under such other public safeguards as the Congress may prefer), to make a final determination and settlement of any tax claim or assessment, which shall not thereafter be reopened by the Government or modified or set aside by any officer, employee, or court of the United States, except upon a showing of fraud, malfeasance, or misrepresentation of fact materially affecting the determination thus made.

This recommendation is of major importance. At present the taxpayer never knows when he is through. Every time an old ruling is changed by court decision, opinion of the Attorney General, or reconsideration by the department, the department feels bound to apply the new ruling to past transactions. The necessity of constantly correcting old returns and settlements is as distressing to the department as it is obnoxious to the taxpayer. But an even more serious situation arises in connection with the assessment of back taxes. The tax return of a large corporation is likely to be crowded with debatable points which the corporation, in the first instance, usually decides in its own favor. The auditing of these returns has been necessarily delayed by the inability of the Bureau of Internal Revenue to engage and hold a sufficient force of experts to audit promptly the more complex and difficult returns; but when the audit comes to be made it ordinarily brings to light a large amount of back taxes. A prompt determination

and collection of such back taxes due would probably bring in additional revenue exceeding \$1,000,000,000. On the other hand, this situation must fill the taxpayers concerned with the gravest apprehension. If present taxes be continued and a period of industrial depression ensues during which the department finds the time and the men with which to clear up both current and back taxes within the same year, the result may be highly disastrous to business.

The commissioner should be empowered and directed to dispose of these cases promptly and finally. This procedure would bring in much additional revenue, relieve business from grave uncertainty, keep out of the courts many debatable cases, and help to avert an administrative deadlock.

2. Interpretative regulations or Treasury decisions not to be retroactive: As a desirable concomitant of the preceding suggestion and for reasons stated in explaining that suggestion, I recommend the adoption of an amendment providing in substance that in case a regulation or Treasury decision made by the commissioner or the Secretary, or by the commissioner with the approval of the Secretary, is reversed by the subsequent issue of a similar regulation or decision, and such reversal is not immediately caused by or based upon an opinion of the Attorney General or a decision of a court of competent jurisdiction, such new regulation or decision may be made effective from the date of approval.

3. Five-year limitation on time for bringing suit for collection of taxes: Section 250 of the revenue act of 1918 now provides, in subdivision (d), that no suit or proceeding for the collection of any tax shall be begun after the expiration of five years after the date when the return was due or was made, except in the case of false or fraudulent returns with intent to evade the tax. This subdivision has been held to apply only to taxes due under the revenue act of 1918. I recommend that this time limit be extended to all income and profits taxes due either under present or prior acts of Congress.

4. Simplification of Liberty-bond exemption: The exemptions from income surtaxes authorized by the several Liberty-bond acts are highly complex and responsible for perhaps the most intricate schedule of the return which the individual taxpayer is required to fill out. My predecessor in office has recommended a consolidation of these exemptions which while not breaking faith with the holders of Liberty bonds would simplify their tax returns, and operate to strengthen the market standing of such bonds without in any appreciable amount reducing the public revenue. I heartily indorse this recommendation, the detailed provisions of which may be found on pages 99 and 100 of the Annual Report of the Secretary of the Treasury for 1919.

5. Compensation for personal service and gains from sales or dealings in property: The heavy surtaxes cause real hardships when income earned over a period of years is realized or received in one year and taxed as a lump sum in that year. I recommend, therefore, that such extraordinary income, when it constitutes a material part of the gross income for that year, be deemed to have accrued or been received ratably during the years in which the service was rendered or the property held, and the amount of the extraordinary income so assigned to any year be subjected to the surtax rates prescribed by law for that year.

6. Excess-profits tax: Provision for the simplification and fundamental modification or repeal of the excess-profits tax at the earliest possible future date should, in my opinion, be made now. In explaining this conclusion it is unnecessary to enter into a discussion of controversial details. Two facts impress me as indisputable and conclusive: First, the application or calculation of the excess-profits tax is so complex that it has proved impossible to keep up to date the administrative work of audit and assessment. New returns are being made faster than old returns can be audited, resulting in an accumulation of claims and potential back taxes, the dangers of which have already been described. Second, the profits tax is confined to a small fraction (in number) of the business concerns of the country. Personal-service corporations, partnerships, sole proprietors, and most forms of trust organizations are exempt from the tax. If the principle be sound, it should be extended to all forms of business organization, a proposal which administrative considerations alone stamp as impracticable either in the present or any future period near enough to be worth consideration.

The general course or principle which simplification of this part of the tax law should follow is, I believe, reasonably clear. The outstanding feature of the present system of income taxation in its most important application to business income is the fact that we employ for this purpose two systems of taxation which are incommensurate and irreconcilable. Corporations pay the profits tax and normal income tax while their stockholders pay surtaxes on dividends or distributed profits, but nothing in respect of the undistributed corporate profits. On the other hand, sole proprietors and the members of partnerships pay full income tax, normal tax, and surtaxes upon the entire profits of their business whether distributed or not, but are exempt from the profits tax. The profits tax on corporations is evidently meant to be a rough equivalent for the surtaxes levied upon the reinvested or undistributed profits of other forms of business. But no true equivalence is reached. In 1918 the members of a well-known partnership paid nearly \$1,125,000 more taxes than they would have paid had their business been organized as a corporation. And the contrary is quite as frequently true.

There should be one system and not two systems of income taxation applicable to persons engaged in business. Substantial uniformity of treatment, or at least a nearer approach to uniformity of treatment, could be achieved in a variety of ways, the details of which it is not necessary to discuss here. I outline below one such plan which has many attractive features, the detailed provisions of which I shall be glad to supply upon request. The technical details while important are elastic and susceptible of modification. The essential thing is to simplify the excess-profits tax and grasp a uniquely opportune moment to remedy a deeply rooted defect in our system of income taxation by providing for the just taxation of the undistributed profits of corporations at a time when such taxation represents simplification and relief, not further complexity and heavier burdens. Equalization of the tax upon corporate and unincorporated business can be accomplished now with benefit to the corporations, the Government, and the general public. We should grasp an opportunity which may never return. The principal features of the plan referred to above are as follows:

(a) This plan is designed, first, to eliminate from the war-profits and excess-profits tax law (except as it is applied to profits derived from the so-called "war contracts"), all reference to or use of "invested capital"; and, second, to place the taxation of incorporated and unincorporated business concerns, so far as may be, on substantially the same basis.

(b) The first object is accomplished by substituting for the present graduated rates of 20 and 40 per cent a flat tax on profits in excess of the distributed earnings. A rate of 20 per cent has been used as the

basis of certain estimates quoted below, but the adoption of the proper rate is, of course, a matter which the committee will desire to settle for itself. It would be possible to adopt a declining rate, say, of 25 per cent, for the first year in which the suggested amendment is in operation, 20 per cent for the second year, and 15 per cent thereafter. It is only necessary that the rate should be fixed at one figure for a particular year.

(c) The second object could be accomplished (although the plan would be well worth while without this feature) by making it explicit in the law that corporations have the right to pay dividends in bonds or promises to pay bearing a fair rate of interest which are taxable to the stockholders as ordinary dividends, or by authorizing corporations to receive back from their stockholders as "paid-in surplus," cash, or other dividends recently distributed. Under these or analogous procedures a corporation could retain its profits for use in the business and yet convert the profits tax into a genuine income tax. The excess-profits tax would thus become a flat tax on undistributed earnings; "invested capital" would practically disappear; and the corporation if it desired could place itself on substantially the same basis as the partnership, the personal-service corporation, and the sole proprietor. The principal object of this suggested amendment is to simplify the tax by removing the greatest source of inequality and complexity now found in the tax laws, i. e., the use of "invested capital."

(d) Revenue needs make it impracticable, in my opinion, to apply the preceding amendment to profits for the calendar year 1920, the taxes upon which will be payable in the calendar year 1921. But it should be put into effect as soon thereafter as the diminishing expenditures of the Government will permit. It is estimated that with a 20 per cent rate and on the basis of present corporate net income the suggested amendment would reduce the tax revenue by approximately \$430,000,000 a year. If, for instance, the amendment were adopted and made to apply to income received on and after January 1, 1921, the first reduction in the tax collections would occur in the last half of the fiscal year 1922, and would amount to \$215,000,000 for that fiscal year.

(e) However, present corporate conditions can hardly be maintained, and if corporate income declines and invested capital increases as rapidly as they have done in the past 12 months the proposed amendment would probably cause no reduction in the future revenue. New schemes are constantly being devised for the purpose of increasing invested capital. It is time to provide for a modification of the excess-profits tax, not only to relieve the taxpayer but because of an approaching decline in its productivity.

8. Reduction of surtaxes on income saved and reinvested: In connection with the suggested tax on the undistributed profits of corporations attention may appropriately be directed to a possible extension of its application which would go far to rectify one of the most dangerous defects of the present income tax. Because of possible doubt about the effects of such a change upon the revenue and because the details of the proposal as they now present themselves to my mind could not accurately be said to simplify the mere computation of the tax I do not urge its adoption at this session of the Congress, but I have no hesitation in expressing my personal opinion that this or some similar amendment embodying the same idea could advantageously be adopted, to take effect at the earliest future date at which, in the opinion of the Congress, revenue needs and prospects permit.

While it is vitally important that saving and reinvestment effected through the medium of the corporation should not be dealt with more leniently than similar savings made by the partnership or individual, it is equally important that the methods of taxation employed should in all cases penalize saving and investment as little as possible. Our present surtaxes offend greatly in this respect. We attempt to levy surtaxes, rising to 65 per cent upon ordinary income, while there are thousands of millions of tax-free securities in the market the income from which is practically exempt from all taxation. The result is to make investment by wealthier taxpayers in the expansion of industry or foreign trade unattractive and unprofitable. It is obvious that this situation should be remedied.

The remedy which most commends itself to my judgment at the present time is to reduce (e. g., by one-fourth) surtaxes attributable to that part of the net income which is saved and reinvested in business or property yielding taxable income and at the same time to limit the total amount of such reduced surtaxes to the same percentage (e. g., 20 per cent) of the reinvested income as the rate imposed upon the undistributed profits of corporations. The maximum tax upon such saved income would thus be approximately the same, whether reinvested by the individual, the partnership, or the corporation, and whether reinvested personally by the stockholders of a corporation or by such corporation for its stockholders. If at any later date the profits of a corporation which had paid the undistributed profits tax came to be distributed, a credit equal to the tax already paid by the corporation could, if it were thought wise, be easily granted to the stockholders.

The revenue lost by such an amendment could, if necessary, be made up by increasing the normal tax or that portion of the surtaxes attributable to income spent for purposes of consumption. But the time is fast approaching when the adoption of such an amendment would cause little real reduction of the revenue. We can not long continue to collect surtaxes rising to 65 per cent upon income from ordinary business and investment while exempt interest at a remunerative rate can easily be secured from tax-free bonds. We must take something less than 65 per cent or in the end take nothing. On the other hand, no reduction is urged in respect of income spent for unnecessary or ostentatious consumption. Income saved and reinvested in property or business yielding a taxable income should be taxed at a lower rate; income spent for consumption or invested in tax-exempt securities should pay at established rates both the normal tax and surtaxes. To the extent that it falls on savings the income tax should be reduced; to the extent that it is a tax on waste it should be maintained or even increased.

PERSONAL-SERVICE CORPORATIONS.

Under the revenue act of 1918 personal-service corporations are treated substantially as partnerships, i. e., the corporation as such is exempt from income, profits, and capital stock taxes, but stockholders are subject to both normal income tax and surtaxes upon their full distributive shares in the net income of the corporation whether such income is actually distributed or not. The validity of this procedure is involved in the gravest doubt by the doctrine enunciated in the stock-dividend case, which apparently leads to the conclusion that a stockholder of a corporation, particularly a minority stockholder, can not be taxed (with-

out apportionment according to population) upon a share of the corporation's income which he has not actually received. It is possible, notwithstanding the above reasoning, that the present statutory method of dealing with personal-service corporations might be sustained on the ground that it represents in general, in its effects upon personal-service corporations and their stockholders as a class, a relief provision imposed in lieu of the excess-profits tax which is unsuited to personal-service corporations, and if applied to them generally would in many cases work intolerable hardships. But this interesting question need not be discussed here. There is a grave possibility, if not probability, that the stock-dividend decision practically exempts from all income and profits taxation a group of approximately 2,500 corporations and their stockholders, who would pay under existing law—and should in fairness pay at least—from five to six million dollars. This possibility, with its consequent uncertainties, should plainly be removed by the passage of amendatory legislation.

Fortunately it is possible to place personal-service corporations and their stockholders in nearly the same position that they now occupy—in a manner wholly consistent with the spirit and letter of the ruling of the Supreme Court—by applying to such corporations on and after January 1, 1918, the tax on undistributed profits recommended above for all corporations on and after January 1, 1921. This tax would, of course, be in lieu of the war-profits and excess-profits tax, which, because of its dependence upon "invested capital," can not intelligently be applied to personal-service corporations in which, by definition, "capital" (whether invested or borrowed) is not a material income-producing factor." It is plain also that the law should be so amended as to tax dividends received by the stockholders of personal-service corporations in the same manner as other dividends are taxed.

It would be desirable, moreover, in my opinion, to permit personal-service corporations at their option to distribute during the year 1920 cash or other taxable dividends to the full extent of their profits earned during 1918 and 1919, but not yet distributed; and such retroactive distributions should be made taxable by the stockholders at the surtax rates applicable to the years in which the profits were accumulated by the corporation. By so doing personal-service corporations could, if they desired, place themselves and their stockholders in nearly the same position that they now occupy, i. e., they would pay no profits tax at all, while the entire corporate income (having been distributed) would be taxable in the hands of the stockholders. Indeed, so closely would the proposed plan resemble in effect the method of taxing personal-service corporations prescribed in the revenue act of 1918 that it would be eminently proper—and probably a source of great convenience to the taxpayers concerned—to authorize personal-service corporations with the written consent of their stockholders to select voluntarily to pay taxes for the years 1918 and 1919 on the basis prescribed in the revenue act of 1918.

ESTIMATES OF PROBABLE LOSS IN REVENUE RESULTING FROM THE DECISION IN EISNER AGAINST MACOMBER.

The loss resulting from this decision falls into two principal classes, that chargeable to the possible exemption of public-service corporations and their stockholders, and that chargeable to the complete exemption of the stock dividends.

There are about 2,500 personal-service corporations having net income of approximately \$30,000,000 involved, the taxes upon which, under existing law, do not exceed \$6,000,000 for the year 1918, and a slightly smaller amount for the year 1919. The aggregate loss for the two years, 1918 and 1919, would probably be between \$10,000,000 and \$12,000,000. The need for legislation in this connection arises not so much from the possible loss of revenue as from the obvious undesirability of permitting 2,500 corporations and their stockholders to escape both the taxes upon corporations and those imposed upon individuals.

The loss resulting from the exemption of stock dividends is very difficult to estimate, owing to the fact that such dividends have not in the past been separately shown on the returns, while the losses from the exemption of stock dividends as such will be partially or wholly offset by the heavier taxes resulting from the decision upon any gains realized from subsequent sale of stock and by other offsetting factors which need not be mentioned in detail. After consideration of these factors the actuary of the Treasury Department estimates that the net loss or refund of taxes already paid—i. e., taxes for the period ending with the year 1918—will be in the neighborhood of \$35,000,000, and that taxes for the year 1919 (payable in the calendar year of 1920) will be reduced by approximately \$70,000,000 on this account. These figures may be regarded as maxima, and most of the experts of the department are of the opinion that the entire net loss resulting from the exemption of stock dividends will amount to less than \$25,000,000.

The suggestions made above do not comprehend all the changes in the present law, which, in my opinion, could be advantageously adopted at the present session of Congress. I have confined my suggestions to an irreducible minimum of measures looking largely to the simplification of the income and profits taxes, for the consideration of which there still remains time and action upon which at this session of Congress may reasonably be asked by the taxpaying public. I shall be glad, upon request, to submit drafts of amendments embodying the suggestions here presented and to place at your disposal for the work of tax revision all of the personnel and facilities of the Treasury Department.

Respectfully,

DAVID F. HOUSTON, *Secretary.*

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed joint resolution and bills of the following titles:

On March 12, 1920:

H. J. Res. 305. Joint resolution to amend a certain paragraph of the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921," approved February 14, 1920; and

H. R. 11756. An act to extend the time for the construction of a bridge across the Connecticut River between Springfield and West Springfield, in Hampden County, Mass.

On March 17, 1920:

H. R. 12164. An act to authorize the construction of a bridge and approaches thereto across the Columbia River, between the towns of Pasco and Kennewick, in the State of Washington; and

H. R. 12213. An act authorizing F. R. Beals to construct, maintain, and operate a bridge across the Nestucca River, in Tillamook County, Oreg.

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. 9023. An act to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 299. Joint resolution extending the term of the National Screw Thread Commission for a period of two years from March 21, 1920.

The message also announced that the Senate had passed with amendment the bill (H. R. 11309) to authorize the Secretary of the Treasury to fix compensation of certain laborers in the Customs Service, in which the concurrence of the House of Representatives was requested.

The message also announced that the President pro tempore had appointed Mr. WALSH of Montana and Mr. FRANCE members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Treasury Department.

RESIDENT COMMISSIONER, LINCOLN MEMORIAL.

Mr. CANNON. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent for the present consideration of the following joint resolution, which the Clerk will report.

The Clerk read as follows:

House joint resolution 316.

Resolved, etc., That in the exercise of its control and direction for the construction of the Lincoln Memorial, authorized by act of Congress approved February 9, 1911, the commission created by said act shall designate to perform the duty of special resident commissioner to represent the commission in the oversight of the work the Hon. John Temple Graves, recently appointed a member of the Lincoln Memorial Commission as the successor of the Hon. Joseph C. S. Blackburn, deceased, and for the special service of the member so designated he shall be entitled to receive compensation at the rate of \$5,000 per annum out of the appropriations for the construction of such memorial.

The SPEAKER pro tempore. Is there objection?

Mr. LONGWORTH. Reserving the right to object, Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LONGWORTH. Is it in order for the House on Calendar Wednesday to consider such matters to-day?

The SPEAKER pro tempore. In the view of the Chair, that this is presented under a request for unanimous consent on Calendar Wednesday before the call of the calendar is preceded with, it would be in order.

Mr. LONGWORTH. I have no objection to the resolution, but I simply wanted to know the situation.

Mr. MANN of Illinois. Reserving the right to object, Mr. Speaker, will my colleague inform the House under what authority Mr. Graves was named as a member of the commission? I may be in error about it, but I was under the impression that it took a resolution of Congress to appoint a member of the commission.

Mr. CANNON. He was appointed by the President.

Mr. MANN of Illinois. I understand that.

Mr. CANNON. And confirmed. Senator Cullom was the first resident commissioner.

Mr. MANN of Illinois. He was appointed by resolution of Congress and so was Senator Blackburn.

Mr. CANNON. This is a joint resolution now to appoint as resident commissioner Mr. Graves.

Mr. MANN of Illinois. I have no objection to that, but I wanted to inquire under what authority the President had named a member of that commission.

Mr. CLARK of Missouri. If the gentleman from Illinois [Mr. CANNON] will yield to me half a minute, I will tell the gentle-

man. My own impression was, until yesterday afternoon, that the President did not have anything more to do with it than the man in the moon. But I hunted up the original act, and to my utter surprise it provides that the President is authorized to fill vacancies.

Mr. MANN of Illinois. That settles that. I have another suggestion which I wish to make to the two distinguished gentlemen who are members of the commission. It was recently announced that it was expected to dedicate the Lincoln Memorial, I think, next fall, when, undoubtedly, these two members of the commission will be here themselves. I think it would be a burning shame if the Lincoln Memorial should be dedicated when Congress is not in session. The project originated with Congress, was carried through and provided for by Congress, and yet it is proposed to dedicate that memorial, before it is finished, before the grounds are arranged, when Congress will be on vacation. I think we are entitled to be here as well as the members of the commission. [Applause.] I hope we will not make any appropriation to have that dedication occur at any time when Congress is not in session.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

NAVAL APPROPRIATION BILL.

Mr. BUTLER rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Pennsylvania rise?

Mr. BUTLER. With the consent of the House, this being Calendar Wednesday, by direction of the Committee on Naval Affairs I report herewith the bill (H. R. 13108) making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes, which I send to the desk. If I may be permitted further, I would say that we hope to take this bill up for consideration when the Army reorganization bill is passed.

The SPEAKER pro tempore. The gentleman from Pennsylvania reports the naval appropriation bill, which the Clerk will report.

The Clerk reported the title of the bill.

The SPEAKER pro tempore. Without objection, the bill, with the accompanying report, will be referred to the Committee of the Whole House on the state of the Union and ordered printed.

There was no objection.

Mr. PADGETT. Mr. Speaker, I reserve all points of order on the bill.

CALENDAR WEDNESDAY.

The SPEAKER pro tempore. To-day is Calendar Wednesday, and the Clerk will call the committees.

DECLARING LINCOLN'S BIRTHDAY A LEGAL HOLIDAY.

The Clerk called the Committee on the Judiciary.

Mr. VOLSTEAD. Mr. Speaker, I call up the bill H. R. 12724, to declare Lincoln's birthday a legal holiday.

The SPEAKER pro tempore. The gentleman from Minnesota calls up the bill H. R. 12724, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the 12th day of February in each year, being the anniversary of the birth of Abraham Lincoln, is hereby made a legal holiday within the District of Columbia, to be known as Lincoln's birthday, and in its observance and effect it shall be subject to all the provisions of law applicable to holidays within said District.

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. HUSTED].

Mr. HUSTED. Mr. Speaker, of course no words can add to or detract from the glory of Abraham Lincoln. It is imperishably fixed not only in the public mind of America but of the whole world. I shall, therefore, not attempt to extol him, but simply call attention to the fact that 26 States of the Union have made the anniversary of his birth a legal holiday, while it has received no Federal recognition. The purpose of the present bill is to give such recognition. It seems to me highly fitting that it should be so recognized, especially at this time when we are soon to dedicate the beautiful memorial in his honor which has been erected upon the banks of the Potomac. The bill in its application is confined to the District of Columbia and affects only the per diem employees of the Government stationed in Washington and also the employees of the navy yard, the Government Printing Office, and the Bureau of Printing and Engraving. A bill was introduced for this purpose by the gentleman from

New York [Mr. SIEGEL], and to him belongs all the credit for bringing this matter to the attention of Congress. That bill, however, was general in its application. It affected Federal employees everywhere, and the committee thought that it should be confined to the District of Columbia, which would give the necessary Federal recognition without extending unduly the number of holidays throughout the country.

Mr. HICKS. Mr. Speaker, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. HICKS. Can the gentleman inform the House as to the number of legal holidays now in the District of Columbia?

Mr. HUSTED. There are six legal holidays in the District of Columbia—Labor Day, Christmas Day, New Year Day, Washington's Birthday, Memorial Day, and Independence Day.

Mr. HICKS. As I understand it, Congress has no authority to declare a legal holiday outside of the District of Columbia. Is that correct?

Mr. HUSTED. Of course, it would have authority to allow Federal employees to draw pay without work in other parts of the country than the District of Columbia, and that is what the legislation which I have mentioned does with regard to the other holidays, but this is applicable solely to the District of Columbia and affects solely employees of the Government stationed within the District.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. SNELL. It seems to me that it is rather peculiar to have another holiday so soon before Washington's Birthday, and unless there is some real reason for it I can not see the object of providing for another legal holiday for the 105,000 clerks in the District of Columbia.

Mr. HUSTED. The real reason is the recognition of the birthday of the great emancipator. If that does not appeal to the gentleman as a good and sufficient reason, then I do not see how he can vote for the bill. It does appeal to me as an all-sufficient reason. I think if there is one day in the calendar year which our Government should recognize as a holiday, it is the anniversary of the birth of the great emancipator, Abraham Lincoln. If the principles of his life were in force to-day in our national life, many of the problems which seem hard would be very easy of solution.

Mr. LAYTON. Mr. Speaker, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. LAYTON. Why not make it a national holiday for the whole country?

Mr. HUSTED. It is not deemed wise to do that. Twenty-six States have already made it a national holiday. The main idea is to give it Federal recognition, and this bill accomplishes that without placing any undue burden.

Mr. CANNON. Mr. Speaker, will the gentleman from Minnesota yield me five minutes?

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I hail from Illinois. I was acquainted with Abraham Lincoln. [Applause.] I heard, at Charleston, Ill., in 1858, one of the joint debates between Lincoln and Douglas. I met Lincoln three or four times subsequent to that. I was a delegate to the Republican State convention held at Decatur when the contest was made between Lincoln and Seward as to which should have the Illinois delegation. Lincoln had it. He was nominated subsequently at Chicago, elected, and now after Washington, if after him, I think he will dwell in history as perhaps the greatest man up to this time, in his service as President, that the Republic has produced. We are just about completing a great memorial in commemoration of Lincoln. I have had the honor, possibly because I hail from Illinois, to be a member of the commission in charge of the construction of that memorial and had much to do in securing it. It is soon to be dedicated, and when it is dedicated that commission will go out of existence.

It looks as though the recommendation of the commission would be that the dedication be held in September. I do not know that that has been permanently decided upon. The date could be changed by the action of the commission to a later day. The memorial will not be ready for dedication before September, however.

There are six annual legal holidays in the District of Columbia, so far as the Government employees are concerned. It looks as though it may be ungracious for me to say a word that might be construed, or whether it might be or not, would be against the enactment of this legislation.

Lincoln has crossed over. We can add nothing to his fame. Thomas Jefferson was a great man and a great President and author of the Declaration of Independence. There is no legal holiday for him. There is none for Hamilton, and for many

other great men of the Revolution by which our liberties were acquired, save alone for Washington.

My friend from New York [Mr. HUSTED] says that there are 26 States that have made Lincoln's birthday a legal holiday. I along with others was requested that I favor a bill to make Lincoln's anniversary a legal holiday for the District of Columbia. My notion is that if Lincoln were living to-day he would not favor this legislation. It can add nothing to his memory. It is easy to make legal holidays. This is confined to the District of Columbia. Leave of absence with pay means something. By Executive order every Saturday afternoon, I believe, is a legal holiday; I think not by law, but by the action of the President. There is sick leave of 30 days to Government employees with full pay.

Mr. MADDEN. And 30 days' vacation.

Mr. CANNON. And 30 days' vacation with full pay, I believe, as to all employees of the United States. I have no war to make upon Government employees, but it seems to me that the hundred millions who toil, bearing the present burden that we have, should not be further taxed. I say again, I do not object to anything that will honor the memory of Abraham Lincoln, but I do object that the glorious record of Lincoln should give additional pay without leave to Government employees in the District who already have 30 days' annual leave with full pay and sick leave with full pay, the cost thereof, I believe, to be \$600,000 from the Treasury. I was asked to advocate the making of Lincoln's birthday a national holiday. I declined. That is all I desire to say about it. [Applause.]

Mr. VOLSTEAD. I yield 10 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN of Illinois. I do not care for more than five minutes.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for five minutes.

Mr. MANN of Illinois. Mr. Speaker, of course it is not within the power of Congress to declare a day a legal holiday throughout the Union. It is possible to declare that Government employees shall not work on a certain day, but it is not within the power of Congress to declare a legal holiday throughout the Union, because that affects bank transactions, which we can not legally affect. I suppose if this bill should pass, Congress would still work on Lincoln's birthday. We who have the power not to work will continue to work. Those who do not have the power not to work desire us to give them the power not to work, but still to draw their pay.

I do not know how long it will take in the history of the world or the history of the Republic to get 30 or 40 holidays declared. There will be an insistent demand from time to time, as there has been in the past, to declare this day and that day a legal holiday. This is not a new proposition. It has been proposed many times that Lincoln's birthday be declared a holiday in the District of Columbia. It has been proposed many times that Columbus Day be declared a legal holiday. There have been a good many other propositions of that sort. These holidays are not declared for the purpose of reverencing the name or the memory of the person for whom the holiday was declared.

Mr. HUSTED. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. HUSTED. I will state to the gentleman that that is my sole purpose.

Mr. MANN of Illinois. Oh, no; the gentleman did not mention that in his remarks. He mentioned that it was for the purpose of giving a number of Government employees pay without work.

Mr. HUSTED. I beg the gentleman's pardon. I did not say anything of the kind.

Mr. MANN of Illinois. I may have misunderstood the gentleman.

Mr. HUSTED. I said nothing of the kind. I simply said what the legal effect would be, but that was no part of my purpose.

Mr. MANN of Illinois. The gentleman may not have the purpose to accomplish the effect, but as for me I usually look at the effect as determining what the purpose is.

Mr. HUSTED. Will the gentleman yield?

Mr. MANN of Illinois. Certainly. I am not criticizing the gentleman.

Mr. HUSTED. No; but I want to make myself clear. It was not my purpose at all to benefit any employee in the District of Columbia, but the existing law makes holidays applicable to a certain class of employees, and so this bill simply applies the existing law in that respect.

Mr. MANN of Illinois. Very well. The effect of declaring this day a legal holiday will not in the slightest degree add reverence or respect to the name or the memory of Abraham

Lincoln. February 12 is just as much revered by the people of the land as February 22, which is now declared a legal holiday.

Mr. KITCHIN. Just a question, for information.

Mr. MANN of Illinois. Certainly.

Mr. KITCHIN. Will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. KITCHIN. I do not remember all of these holidays. Have we a legal holiday to commemorate the anniversary of the birth or death of Gen. Grant?

Mr. MANN of Illinois. No.

Mr. KITCHIN. Or McKinley or Garfield?

Mr. MANN of Illinois. No; nor Roosevelt nor Wilson, yet.

Mr. KITCHIN. We may have one in the future of Mr. Wilson.

Mr. DYER. And we may have one for William Jennings Bryan.

Mr. MANN of Illinois. If this is done, it will not be long before we have one commemorating the birth of the American President, Mr. Wilson. I think we have gone far enough in the way of legal holidays now, and while I have just as much affection and reverence for the name and memory of Abraham Lincoln as any gentleman in the land, I can see no occasion for the passage of a bill like this.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker, it was not the intention of the Committee on the Judiciary in presenting this bill, as has been well stated by the gentleman from New York [Mr. HUSTON], to add anything to the worth or character of the great Lincoln. It has been stated by the distinguished gentleman from Illinois [Mr. CANNON] that there is nothing that the American people, through legislation, can do to enhance the memory of that great man. We of the Judiciary Committee in presenting this bill to the House and urging its enactment into law have had but one single purpose in view, and that was to fix a time for no other purpose than that the whole people of the country, they of this age and generation and generations to come, may stop in their daily pursuit of business, pleasure, and their avocations, and that the children who may come in the future years may all realize the worth and character of Lincoln and know what he did for the world and for humanity. It is a lesson to the people of this country and of the future that this legislation would benefit.

We of the present day can do much good for the masses of our fellow men if we remember the lessons that Lincoln taught, the principles that he preached and that he put into practice. If we would but follow those principles nowadays, we would have law and order and peace and happiness in all the portions of this land, which is not the fact now. We would be rid of differences, as the gentleman from New York well stated, that exist in America to-day. It is for that purpose and the lesson to the patriotic men of America to-day and the future that this legislation will benefit.

The only objection urged is that it will give an additional day off from work to some employees of the Government who happen to be located in the city of Washington.

There are some Members of Congress who take particular pleasure in criticizing the employees in the city of Washington, when as a matter of fact it is well known if they would investigate the employees in the city of Washington they would find that they are of a very high character, that the pay they receive from the Government is very small and meager in comparison to the great service they render. Why all the time criticize the men who are doing such splendid work for the Government as the thousands of employees in the District of Columbia?

Mr. EMERSON. Will the gentleman yield?

Mr. DYER. Yes.

Mr. EMERSON. Has the Judiciary Committee considered the advisability of declaring armistice day a holiday?

Mr. DYER. We only consider matters that are presented to the committee and no such bill has been presented to the committee.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. FAIRFIELD].

Mr. FAIRFIELD. Mr. Speaker, the position of Abraham Lincoln is unique in our history. In all the 150 years of the Republic but two men have arisen to such eminence as Washington and Lincoln. The birthday of Washington is in honor of the event of the birth of the Nation; it is concrete and not abstract, it is specific and not general.

As years come and go we begin to recognize its far-reaching effect upon the American people when properly observed. To my mind the question should not be so much as to what we may contribute to the fame and honor of Lincoln, but what the effect may be upon the public if the place which he has already at-

tained in the mind and heart of the American people, yea, in the mind and heart of the world, is properly recognized by the American Congress. I can see in this effort something beyond the holiday for a few workers in the Government for a day; I can see in it that on the 12th of February, in connection with the 22d, we shall agree in directing the minds of the American people along the lines of true Americanism.

Lincoln never forgot that he lived with the common people, and to-day, as no other man, he holds the reverence and love of the American people. He loved the laboring man and the toiling masses of the country. He never deceived, consciously, the laboring people in proposing one thing and then doing another. He holds to the title by which he was known in the early days of his life as honest. He simply stands unique, head and shoulders over all others, save Washington. It seems that we should honor him as we have honored the Father of his Country. Both are so closely linked with the history of our country that they rise far above other men whom the Republic has honored. [Applause.]

Mr. FAIRFIELD had leave to revise and extend his remarks.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Speaker, 26 States in the Union, containing more than two-thirds of the population of the United States, have passed laws making Lincoln's birthday a legal holiday. For the first time since legislation along these lines has been enacted by the various States the question has been brought to the front that it is being asked for and sought solely for the purpose of relieving 100,000 employees from work for a single day in the District of Columbia. It is true that I am a born and bred New Yorker. It is true that New York City first urged this legislation. It is true that I introduced similar bills in the Sixty-fourth, Sixty-fifth, and Sixty-sixth Congresses. It is true that all the patriotic societies of New York and all real Americans, who honored and loved the one great citizen who saved the Union in its critical hour, who lived to give freedom to over 3,000,000 human beings, are appealing for this legislation. I am ready and willing to assume the responsibility for it, as I do. It is exceedingly regrettable, too, that those who come from the great State of Illinois, which Lincoln left in February, 1861, to take up his large burdens and responsibilities here in Washington as President, should be amongst those foremost in opposition to this legislation. When Lincoln left Springfield on February 11, 1861, he said:

To-day I leave you. I go to assume a task more difficult than that which devolved upon Gen. Washington. Unless the great God who assisted him shall be with and aid me, I must fail; but if the same Omnipotent Mind and Almighty Arm that directed and protected him shall guide and support me, I shall not fail—I shall succeed. Let us all pray that the God of our fathers may not forsake us now. To Him I commend you all. Permit me to ask that with equal sincerity and faith you will invoke His wisdom and guidance for me.

He never came back to Springfield, except when the people here in the District of Columbia on the evening of April 14, 1865. Here he passed away in the morning of April 15, 1865, and on that very morning Garfield, speaking in New York, uttered that famous phrase:

God reigns and the Government at Washington still lives.

How I wish and hope that our people might remember those words daily.

We have passed through a great war, and all over this country we have been preaching Americanism. And what do we imply by Americanism? A knowledge of our country's Constitution, what this Republic stands for, and a knowledge of what those men were who lived to make this Republic great. I know of no man who has rendered a greater service for America than Lincoln. On September 22 of this year we expect to dedicate a great Lincoln Memorial, erected here near the Potomac, upon the anniversary of the day when he signed his famous Emancipation Proclamation. Shall it then be said that here in the District of Columbia, where he did his great work, where he did more for the Republic than any other man has done, here where he passed away at a premature age, although ripe in experience and honor, that this birthday should not be observed, and that in 26 of the States of the Union it should be observed? Mr. Speaker, we observe other holidays in the District of Columbia. Some of them have come into existence through the attaching of riders to bills providing appropriations, yet this House passed that legislation. This House never raised a single word against the passage of such riders, and it seems to me that the time has come when Lincoln's birthday should be made a legal holiday in the District of Columbia as well. [Applause.]

Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. SIEGEL. Mr. Speaker, three years ago I referred at length to the achievements of Abraham Lincoln, and from the CONGRESSIONAL RECORD of February 12, 1917, I take the following:

"During all the four years of that terrible, irrepressible conflict he constantly hoped and prayed that the Union would be preserved, and that when the time would arrive for him to hand over the reins of government to his successor, it would be a united Nation that would greet him. The battle had been fought and the victory was his, but like Moses he was not destined to reap the harvest.

"In the short span of 56 years, having first seen the light of day on February 12, 1809, he wrote his name on the pages of history in such a way that time can not efface it. To have been merely the savior of the Union would have entitled him to the lasting, generous regard of generations yet unborn, but to have been the one who freed 3,000,000 men from the bondage of slavery was bound to win him such a measure of fame as to forever make his name secure not only in the hearts of his countrymen but in the memory of all mankind.

"Where can you find a man whose patriotism has not been strengthened and his pulse quickened whenever he has read or heard Lincoln's Gettysburg address? Longer speeches have been made, but no orator pleading for the highest interests of the Republic has ever been equal to that address, either for purity of language or for sounding a clarion note to citizens to rally to the defense of the Union.

"In a few minutes of time one is unable to give full expression to that nobleness of character that was his by nature; to that spirit of mercy displayed by him on many an occasion when some poor, unknown mother appealed to him to save her boy from death after having been condemned by court-martial; to his constant and abiding faith in Him that guides not only the destinies of men but nations as well; to that inborn wit and humor that immediately removed the seriousness on the faces of the members of his Cabinet; and to his genuine loyalty to the generals in the United States Army who achieved victories.

"Fifty years have come and passed away since Lincoln was taken from us. The Union has grown larger and stronger each year. The bitterness of civil strife has gradually melted away until now all men, whether descendants of those who fought for the gray or those who battled for the blue, have come to recognize the greatness of the man who stood by the helm of the ship of state during the four trying years of 1861 to 1865.

"Men have commenced to judge him rightly until now in more than half of the States in the Union his birthday is observed as a legal holiday. I am looking forward to the time, and I believe it will be very shortly, when Congress will take action toward observing the day in the same manner in the city of Washington. Then indeed shall we have visible evidence and give proof to the world that the men of the South and the North have at last joined hands in acknowledging Lincoln's greatness and able achievements and at the same time forever cement the ties that bind us together as a Nation, so that this 'Government of the people, by the people, and for the people shall not perish from the earth,' but shall always be a power seeking to be at peace with the world, at the same time commanding universal respect for our flag both at home and abroad.

"Men and rulers may come and go, but as long as men can read so long will Abraham Lincoln's loving memory and his noble deeds survive.

"Mr. Speaker, a year ago the Outlook published an article on Abraham Lincoln, by Mr. E. S. Nadel, so full of recollections and comparisons of Abraham Lincoln that I deem it worthy of being read here.

"I. LINCOLN AND STANTON.

"I am indebted to a friend, who was not one of Lincoln's admirers, for the following:

"When the last call for troops was made and a conscription ordered, the proportion assigned to the city of New York was some thousands in excess of what some people believed to be our legal liability, and our committee on volunteering were certain they could prove this if they could have access to the books of the War Department. The committee—Orison Blunt, John Fox, Smith Ely, and William W. Tweed—went to Washington and asked Secretary Stanton's permission to examine the records, which was brusquely refused on the pretext that the books were in constant use. The committee then went to the White House and saw Lincoln in his private office. After asking them to be seated, he resumed his chair, in which he sat partly on his back, with his heels literally on the mantelpiece. His linen bosom was

unbuttoned, exposing his red flannel shirt. He was told that we had furnished, in excess of previous calls, more than enough to exempt us from the present call, which we would prove if we could have access to the records for any two hours during the night when they were not in use. He was also assured that in no event would a conscription be needed in New York, as we were getting 50 volunteers daily, and a short postponement of the draft would enable us to supply all the demands, just or unjust. He listened with an expression of profound sadness, and said he thought the request a reasonable one, but he feared if the order for a draft was postponed volunteering would cease. He said that a similar committee from Cincinnati had applied to him for a postponement of the draft, as they were getting 20 volunteers a day. It was done, and the day following not a single volunteer appeared. "That," said Lincoln, "is human nature. When you think death is after you, you run; but as soon as death stops, you stop." At this he sprang from his chair, throwing his arms about, and laughed loudly at his own dismal joke. Lincoln gave the New York committee a note to Stanton, substantially as follows:

"DEAR SECRETARY: These gentlemen from New York ask only what I think is right. They wish access to the records, with two accountants, for two hours at any time to-night. I have told them that they may have double that time.

"Yours,

A. LINCOLN."

"They took the note to Stanton, who handed it to Frye. The latter glanced at it and saying, "Take seats," left the office. In a few minutes he returned and said curtly, "The order is annulled; you can't see the books." The committee withdrew and returned to New York the next forenoon. The clerk of the committee, Eugene Durbin, said that late in the evening an Army officer with two orderlies called at the committee's rooms and presented the chairman with a note, which read as follows: "The Secretary of War expects to be informed that the committee on volunteering from the county of New York have left Washington prior to noon to-morrow." The committee, after their return, said it was Stanton, and not Lincoln, who was President of the United States.

"The gentleman to whom I am indebted for this—Mr. Smith Ely, a former mayor of New York and a Member of Congress—was a Democratic political leader of war times, and, although one of the most amiable and kind-hearted of men, had, of course, to some degree the feelings regarding Lincoln shared by the men who in those days frequented the Manhattan Club. He does not see much point in Lincoln's remark about death and the draft. To me the point seems clear enough. "When the devil was sick, the devil a saint would be," etc. Nor will the reader conclude with the committee that Stanton was President and not Lincoln. Stanton was a man of great administrative ability, kind of human dynamo, such as you could hardly duplicate in the country, a patriot, and honest man besides. As long as the issue was one of no great importance—which seems to have been the case here—Lincoln let him have his way.

"Stanton was probably the greatest man in civil life produced by the war—of course, after Lincoln. My earliest recollection of him is seeing him at the trial of Sickles for the murder of Key, which took place when I was a boy at school in Washington. He was one of Sickles's counsel. The acquaintance which Sickles formed at that time with Stanton was in part the cause of Sickles's success as a soldier in the Civil War. Stanton advanced and supported him. I remember at the trial a thick-set man with a heavy beard, who sat behind the other lawyers, and who would occasionally interpolate a remark in a gruff voice. He had that physical build which is said to be one of the best for strength—very broad shoulders and deep chest, a large body set on short, stout legs. He had Herculean powers of labor. I suppose he was honest, but I do not suppose that he was an overscrupulous man. He would have been out of place as war minister if he had been. When some one complained to him of Gen. Meigs, who was one of his subordinates, he said, "Now, don't say anything against Meigs; he's the best man I have; he is a soldier and can do things which I as a lawyer find it hard to do." One wonders what the things were that Stanton would not do.

"I am able to make only one original contribution to the history of Stanton. A young girl once told me this incident about him. The reader, of course, knows Coleridge's poem beginning—

"All thoughts, all passions, all delights,
Whatever stirs this mortal frame,
Are but the minister of love,
And feed his sacred flame.

"This girl's father was a client and a great friend of Stanton's, and she used to make long visits to Stanton's family during the war. She was a pretty girl and a belle of those days. She said that Stanton worked all the time, and that the only

relaxation he allowed himself was that on Sunday afternoon for an hour or so he would read poetry to her, and she told me that the poem he read oftenest and with the greatest pleasure was "All thoughts, all passions, all delights."

" II. LINCOLN AND FORESIGHT.

"It is strange that Lincoln with his thoughtfulness should not have in some degree foreseen the approach of secession and war. He had been in Congress and must have known the southern people fairly well. He was undoubtedly a foreseeing kind of man. No one saw more clearly than he did that the country could not continue to exist "half free and half slave." It seems strange, therefore, that he had not some notion of what was coming. But who does foresee what is ahead? Benjamin Franklin was a foreseeing kind of man, one would suppose. He spent a number of years in France before the revolution, knew the country well, and was on intimate terms with the leading people of France. He remained there till 1785. In eight years from that time the King's head was off; and yet the wise, observant, thoughtful, and presumably far-sighted Franklin never seems in the least to have suspected what was coming. The French Revolution would indeed have been very difficult to foresee, as perhaps our Civil War was in a less degree. But there are other things not so difficult to know beforehand which are not foreseen. I was in the House of Commons one night during the Franco-Prussian War when Vernon Harcourt, who was at that time unconnected with the Government, accused the Government of shortsightedness in not foreseeing the war, implying that he had foreseen it. Robert Lowe, an extremely clever man, got up to answer for the Government, and said: "Because the gentleman foresaw this war, he thinks that everybody else should have been as clever as he was. I am free to say, however, that the whole thing was a complete surprise to me." Men are always too busy with present matters to bother with what is problematical. Take the case of the present war. Half a dozen European nations have each been holding for 40 years a loaded pistol with the finger on a hair trigger, and yet how surprised we were when, in the lapse of time, one of the pistols went off. Much had been said about "the next war," but have we not put the prophecies regarding it in much the same category as that of the destruction of the world by fire? The ancients, in their deep, attentive knowledge of human nature, said that the gods bestowed upon Cassandra the gift of prophecy, but they coupled the gift with the condition that her prophecies should not be believed. Is that not so of all prophets? They are always regarded as bores or cranks.

"There were, however, some prescient souls who did foresee our great struggle. Webster, no doubt, had some prevision of that conflict in which his only son was to die—"When my eyes shall be turned to behold for the last time the sun in heaven," etc. Mr. S. J. Tilden said to John Bigelow some years before the war: "If Mr. Bryant and those who think as he does succeed in what they are about, the streets of this city will run red with blood." They did run red during the draft riots, much redder than is commonly understood. Mr. Loyall Farragut tells me that his father, Admiral Farragut—then Capt. Farragut—and he were on the balcony of the old Metropolitan Hotel in Broadway one night in 1858 and were looking at a Republican torchlight procession, when his father said: "I don't like these marching men. It looks to me like war."

"My father had a friend, John Heart, who was a Federal officeholder at Washington under Buchanan. He was from South Carolina, and had been the editor of the Charleston Mercury. He came to pay us a visit in Brooklyn in the summer of 1860. He had just been in Charleston, and from what he told us we could have no doubt that South Carolina would secede if Lincoln were elected. I had been lately much in the South, and, although only 17 years old, knew enough of the temper and characteristics of the southern people to be aware that, secession once started, it would be very difficult to prevent the spread of it. But youth is sanguine and precipitate. I wanted to see the power of slavery curtailed and was willing to take the chances, and other boys and young men felt as I did.

"Calhoun, perhaps the most prescient of American statesmen, foresaw the struggle and wanted to bring on the war before the strength of the rapidly growing North should prove too great to be withstood by the South. The scheme of the North should have been to put off the struggle as long as possible for the same reason. If Calhoun saw what was for the interest of the South, it should not have required superhuman intelligence on the part of the North to see where its interest lay. No one, however, at the North seemed to see this point quite as sharply defined as Calhoun did. But there were those in the North who saw that greater danger, perhaps disunion and war, would follow anti-slavery agitation, and who wished to adhere to the status quo,

preferring postponement and the chances of the future to the present probabilities of secession and war.

"But would it have been possible, after the repeal of the Missouri compromise, to put off the war? If Douglas, the marplot, or demagogue, or egotist, or whatever he was, could have been suppressed, it might have been possible to postpone the war for four or eight years, or even longer. But with the repeal once passed, and Pandora's box open, and the newspapers and all the poets and orators hounding the country on to war, was it possible to do it? You can not teach tact and discretion to 20,000,000 people. One night in Plymouth Church in Brooklyn, a few weeks before John Brown's execution—so a friend told me who was there—Wendell Phillips, a Massachusetts man, said: "The State proclamations of Massachusetts conclude with the words, 'God save the Commonwealth of Massachusetts'; but if Massachusetts allows John Brown to be hanged, I say, 'God damn the Commonwealth of Massachusetts.' The effect of this spoken to a vast, crowded, and sympathetic audience with the utmost passion by a perfectly honest fanatic, who was at the same time an incomparable orator, may be easily conceived. When such incidents were possible, war could not be far off. If the war was to come, Lincoln was the perfect and apparently heaven-appointed leader, and it was perhaps fortunate that he was no wiser in advance than he was.

" III. WASHINGTON AND LINCOLN.

"We are fortunate to have had in our short career two such characters as Washington and Lincoln. England has had only one, Alfred. Washington was, of course, a man of much less salient characteristics than Lincoln. The young Chastellux found "his distinction to be in the harmonious blending of his characteristics rather than in the existence of marked special qualities." So he has always seemed to his countrymen, but he probably had more pronounced qualities than we have supposed. Albert Gallatin said that of all the inaccessible people he ever knew, Washington was the most inaccessible. Gallatin, however, knew him as a young man and was not by way of knowing him well. That could not have been the opinion of the farmer Burns, a neighbor of Washington, who once said to him, "Where would you have been if the widow Custis hadn't married you?"

"There grew up an idea that Washington was colorless. Carlyle, for instance, said of him that "George was just Oliver with the juice left out." That is, of course, untrue. He is not so visible as Lincoln, has not Lincoln's gift of familiarity. In order to get a clear idea of him we should have to follow him more closely than it would be necessary to do with Lincoln. But as we did so, we should, of course, find him a man of marked qualities. I have always found that men are more individual than they are thought to be. As you look at them, closely marked traits begin to define themselves. It would be so in the case of this great man. I am sure also that as we followed him closely we should grow very fond of him. We should perhaps find him pleasanter company than Lincoln. For one thing, he was handsome; he had a person worthy to be the tenement of a mind and character as great as his. Washington, however, had not at all a great opinion of himself. He does not seem to have set even a fair estimate upon his own powers. Says one who has made a study of him: "There seems to be no doubt that to the day of his death he was the most determined skeptic as to his fitness for the positions to which he was called in succession." That we know was not Lincoln's feeling. Lincoln probably knew perfectly well what he was.

"Washington had not in the least Lincoln's humor. One of Washington's foibles, by the way, was a disposition to shine as a wit, a disposition which was a source of disturbance to his admirers, some of whom had come overseas to set eyes upon the most illustrious man of his age. But you and I find this and his other foibles pleasant, because they bring him nearer to us.

"Washington was himself of a happy disposition. He appreciated the good things of this world. He was a mundane person, and there is something cheerful in that. Thackeray hinted that in his marriage he was not insensible to the fact that the widow Custis had a hundred thousand dollars—a great sum in those days. People here were indignant at the suggestion when it was made. I am indignant myself, and yet the promptitude with which his heart declared itself when he saw the widow, taken in connection with the fact that the other lady for whom he entertained a tender sentiment, Miss Phillipse, was also an heiress, does look as if he had his wits about him. But why object to this? It was in character. Why object to what is in character, and why hesitate to recognize it?

"Both Lincoln and Washington were men from the farm and the country; both were physically strong men. Washington was 6 feet 3. Lafayette said of him that his hands were the largest he ever saw. He was a skillful horseman. People said that

scarcely anyone had such a grip with his knees as he had. He could ride anything; all that he asked of a horse was that he should go forward. He had a passion for horses; of this the following incident is an illustration. Like most men who have accomplished much, he believed there was a right and a wrong way of doing things, and he had a strong feeling that they should be done the right way. A tradition, which I have had from a lady connected with Washington's family and which I have not seen in print, is that he would go into the stable and pass a silk handkerchief over the coats of the horses; if he found dust on the handkerchief, the groom would catch it.

"Both Washington and Lincoln were prudent men in money matters. In Washington's case this story may be related as an instance. I have seen several versions of it. The following will do as well as any: Young Mr. Lewis was dining at Mount Vernon. Washington said he was looking for a pair of horses. Some one said that Mr. Lewis had a fine pair. Lewis said, "Yes; I have a good pair, but they cost something, and Gen. Washington will never pay anything." At that the clock on the mantel-piece struck. It was a cuckoo clock, the gift, perhaps, of some European admirer. (This story will illustrate as well Washington's propensity to make bad jokes.) The cuckoo came out and crowed the hour. Washington said, "Ah, Lewis, you're a funny fellow; that bird is laughing at you."

"There is one difference between Washington and Lincoln which is characteristic and important. Washington was an aristocrat; an upright, downright English gentleman, much resembling the Englishmen of the revolution of 1688, which was a Protestant gentleman's revolution. He was an aristocrat, but with a difference. A fine gentleman of that day would probably have thought him a countryman. I saw lately that Josiah Quincy, who had known him, said that he gave the impression of a man who had not been much in society. I should think that that was true. One has an impression that he was, in a noble way, a rustic. He was an English country gentleman, with a little of Sir Roger de Coverley about him. But he was much more than that. On this basis there was superposed something of Leatherstocking and something of Cincinnatus.

"But he was essentially an aristocrat. Read his letters, and you will see that the tone of them is unmistakably aristocratic. He belonged to a world of classes, a world in which the existence of classes was the natural and inevitable order of things. But a new society was about to grow up, and it was right that this society should have its great man. In the older society the feeling of the upper class was one of marked separation from the common people. The feeling of that class was, consciously or unconsciously, that it was the business of the poor to be unhappy. A great man of the old time could not altogether escape this feeling. There had been plenty of good and kind rulers in the past, but their feeling in regard to the common people could not be the same as if they had themselves been of that class. Lincoln, on the other hand, was of that class. In him we have a great man unlike the good rulers of the past, not a Haroun-al-Raschid mixing with his people or an Alfred burning the cakes, but the real thing. The fact that he was from that class, that he belonged to it not only by birth and experience but by nature (for birth would not have been sufficient if it had not been that in his heart and his profound sympathies he was a democrat to the core), was an important element of his fame.

"Of course, it is Lincoln's power of sympathy that attracts men. But that would not of itself have been enough. What endears Lincoln especially to men is the union of sympathy with faith and great strength. It is very unusual to find these qualities united. In the list of English and American worthies I can think of but one other who was like him in this respect. I mean Dr. Johnson. Scott had this union of qualities, although in a less degree; and I have sometimes had a fancy, if there be not a certain temerity in the suggestion, that you might descry some such association of characteristics in the vast and vague personality that lies remote and in shadow behind the writings of Shakespeare. But in Lincoln and Johnson it is clear and marked, and it is the reason of their great power of winning affection. Men wish to attach themselves to such characters. The thought of each man is, "He would have been my friend."

"The peculiar character of Lincoln's genius also was in part the cause of his power of winning our affection. No great public man has had such strong human intuitions. Certainly no man in our history is his equal in that respect.

"It appears from the recent life of Hay that it took Lincoln's secretaries a year or more to find out that their chief was a great man, and that they found it out before other people did. In talking with people who knew Lincoln before the war, most of whom are now gone, it has always been easy for me to see that they thought the modern notion of him extravagant. They

may have had some jealousy of him or may have felt something of pique and vexation that they had not been clever enough to find out all this for themselves, but that was what they thought. Of course, they were too prudent to say that, but you could see it in their faces. The devotion of the people of this country to Lincoln is, however, not merely a matter of opinion. He has got hold of their hearts as no other American ever did, not even Washington, and he has held them for 50 years, and there is no indication that this sentiment is on the wane."

"The Washington Herald on February 7, 1917, printed the following:

"MAN WHO HELPED EVERYBODY.

"[By Orison Swett Marden.]

"One of the most beautiful examples of magnanimity in confessing past injustice and acknowledging a tremendous change of feeling toward Lincoln was the utterance of the London Punch years ago. In its recantation of the sneering criticism and caricature with which it had relentlessly pursued him Punch said:

"Yes, he lived to shame me from my sneer,
To lame my pencil and confute my pen—
To make me own this kind of princes peer,
This rail splitter—a true born king of men.

"As the stress and anxiety of the Great War increases one of the most noticeable things in England is its increasing admiration and appreciation of the greatness of Abraham Lincoln.

"Leading English publications recently printed long articles about him, and English statesmen have quoted his words and acts as precedents for their guidance in momentous crises developed during the war.

"The reason why Lincoln is so loved and admired to-day, not only by the people of his own land but by the people of every land on the earth, was never more clearly and briefly stated than in those words by a well-known Chinese diplomat.

"In an address to the Union League Club of Brooklyn on the ninety-second anniversary of Lincoln's birthday Mr. Wu Ting-Fang, then the Chinese minister to the United States, said: "To Lincoln may be applied the words which a Chinese historian uses in describing the character of Yao, the most revered and honored of the ancient rulers of China: 'His benevolence was boundless, his wisdom was profound, to anyone approaching him he had the genial warmth of the sun.' When viewed at a distance he seemed to have the mysterious warp of the clouds; though occupying the highest station, he was not haughty; though controlling the resources of the whole Nation, he was not lavish; justice was the guiding principle of his actions; nobleness was written on his face."

"That "nobleness was written on every lineament of his face" and that he was destined for greatness was apparent to the reader of character when Lincoln was still a youth.

"Capt. John Le Mar tells us that one day while riding with his father past where young Lincoln was working, his father said to him in simple western fashion, "John, look at that boy yonder and mark my words he will make a smart man of himself. I may not live to see it, but you see if my words don't come true."

"Lincoln was loved in his lifetime and is loved to-day as perhaps no other man on this continent was ever loved, because of his genial, lovable disposition and his rare spirit of helpfulness. His spontaneous desire to help everybody, and especially to return a kindness, endeared him to all who knew him. His desire to serve, in youth as in later life, amounted to a passion with him. He chopped wood for the poor widows in his neighborhood, helped those who were out of work, ran errands, did chores for people, and in fact was known as "the man who helped everybody."

"Herndon, his law partner, said: "When the Rutledge Tavern, where Lincoln boarded, was crowded, Lincoln would often give up his bed and sleep on the counter in his store with a roll of calico for his pillow. Somehow, everybody in trouble turned to Lincoln for help."

"No man hated deception of any kind or loved truth more than he did. One simple illustration of this trait might be studied with advantage by glib political campaign managers of to-day. When John L. Scripp, of the Chicago Tribune, had written up a little biographical sketch of Lincoln for campaign purposes, Lincoln asked to see advance sheets of the book. After reading them he sent for Scripp and said to him: "That paragraph wherein you state that I read Plutarch's Lives was not true when you wrote it, for up to that moment of my life I had never seen that great contribution to human history. But I want your book, even if it is nothing more than a campaign sketch, to be faithful to the facts, and, in order that the statements in it might be literally true, I secured a copy of Plutarch's Lives a few weeks ago and have sent for you to tell you that I have just read it through."

"The keynote of Lincoln's greatness, of his success from first to last, is to be found in his own memorable words, "I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to what light I have. I must stand with anybody that stands right."

"Mr. Speaker, a year ago the New York Evening Sun published an editorial entitled—

"THE LIVING LINCOLN.

"Better than all printed biographies are the renewals and continuations of the lives of greater men in the lives of the less. No other American, and very few men of any nation or period have entered so intimately into the personal experience of millions as Abraham Lincoln. The words of him who never had a year in school are used in teaching college students the highest possibilities of language. His coined phrases are worn smooth and dateless in current speech. But more than that, his habit of thought has guided the thinking of errand boy and President. His faith quickens the faith of us all. Shelley wrote of Keats:

"He is made one with nature: there is heard
His voice in all her music, from the moan
Of thunder to the song of night's sweet bird;
He is a presence to be felt and known
In darkness and in light, from herb and stone,
Spreading itself where'er that Power may move
Which has withdrawn his being to its own;
Which welds the world with never-wearied love,
Sustains it from beneath and kindles it above."

"In such wise the man whose birth we celebrate to-day has entered into the life of his people and is in process of penetrating the wider circles of the whole world's life. This, on its earthward side, is the immortality of Abraham Lincoln.

"But if ever something more than a vague admiration for a historic figure was needed it is now. The materials are at hand for such intimate and complete knowledge of the man as will expand the intellect and elevate the standards of our voters, aiding them in coming to decisions on the vital issues of the most anxious period since the Civil War. Lincoln is worth knowing well. "Thorough" was one of his own great words. Any man or woman that will give the spare evenings of the next year, or the next five years, to his life and writings will be the better and the happier for it. The Nation will be the stronger for a body of citizens equipped with such knowledge.

"The man had a thousand little Boswells but no great one. It is the readers' task to make his own unification of the recorded facts, correcting each account by the weight of testimony. Some 1,500 books or pamphlets have been issued dealing with the various phases of the subject. Naturally a large proportion of this literature may be thrown aside. But this must be done with care, for sometimes it is worth reading a whole volume for one sentence.

"Nicolay and Hay furnish the largest bulk of material. The seeker after Lincoln himself can not help wishing that they had felt a less heavy weight of responsibility for the political history of the period. Much of the best matter is in John Hay's footnotes—extracts from his diary. And Hay put many of his vivid impressions into a separate paper published later in the Century (1890).

"Stoddard, another secretary, has left a few precious pages, notably those in which he tells of the Commander in Chief's lonely all-night march up and down his room collecting his own forces after Chancellorsville. ("Inside the White House in War Times.")

"Noah Brooks had the exceptional fortune of almost daily intercourse, and he has done as much as any witness to call back the very expression of the man's face, the sound of his voice, and his individual modes of thought and expression. These hints are to be found in the book, Washington in Lincoln's Time, and in various magazine articles which have not been reprinted—Harper's Monthly of July, 1865, and Scribner's of February and March, 1878, and August, 1879.

"Six Months in the White House, by Carpenter, who painted the picture of the Cabinet discussing emancipation, has perhaps as many good stories as any of the source books. There are three or four collections of short papers—the ones published first in the North American Review ("Reminiscences of Abraham Lincoln by distinguished men of his time"), Oldroyd's "Immortelles" and Dr. William Hayes Ward's "Tributes," first published in the Independent.

"L. E. Chittenden contributed the beautiful story of William Scott, the classic instances of pardon, and a clear inside view of the Treasury situation leading up to the break with Chase.

"Col. A. K. McClure's "Lincoln and men of war times" naturally gives an unusual amount of political information, from the campaign crisis that led to Lincoln's nomination down to the

substitution of Johnson for Hamlin, which left deep marks on the history of the following period.

"The diary of Gideon Welles, Secretary of the Navy, which was published only a few years ago, can not be neglected as primary source; nor can Welles's paper in the Galaxy of April, 1872, which gives perhaps the most complete account of the last Cabinet meeting and of Lincoln's plans for reconstruction. In that contemporary account it is made clear that the liberator of the slaves was not in favor of insisting that the States about to be reorganized should give the vote at once to freedmen. He simply expressed the desire and the hope that those who had proven their fitness should be rewarded by full citizenship.

"David Homer Bates, in his Lincoln in the Telegraph Office, pictures the scene in which the emancipation proclamation was wrought out.

"Grant's Memoirs furnishes a sidelight or two, and Blaine's Twenty Years in Congress is one of the most admirably balanced presentations of the legislative aspects of the war, with clear pictures of many leading men. The later controversies in which Blaine was involved should not be permitted to obscure his value as a historian.

"Immediately after the war J. G. Holland gathered from living witnesses fresh impressions of Lincoln, many of which are more convincing than some of the later testimony. Ida Tarbell did a great service in gathering facts that had remained unpublished down to our own day.

"These are by no means all even of the primary sources, but they are enough to blaze for the reader a trail through the biographical tangle. It is fair to add the name of one of the few books that attempt analysis—Rothschild's Lincoln, Master of Men.

"But if the choice must be made between the books other men have written about him and Lincoln's own words, the letters and addresses hold first place. He can be trusted as the best witness in his own case. His word was as good as his bond, and his life was as good as his word. Speech was the water from a living well, under which the stream of character never failed.

"Probably the majority of men desire to be counted on the side of truth. But few will make any great effort to find what is true. And, as Sir Thomas Browne declares, not every man is a fit champion of truth. For when the man who is right in principle fails in the trial by combat, the cause suffers in his defeat.

"Abraham Lincoln was not a speculative philosopher, an originator of systems of thought. But he was one of the greatest exponents and defenders of truth in its applications and illustrations in human experience that the world has ever seen. His life and words—which are inseparable—perfectly teach the balance between thought and act, principle and practice, general truth and particular fact.

"As a boy he was irritated by the lack of clearness in the talk of his elders. He determined to find words that should tell to other men what was in his own mind so that nobody could misunderstand him. He held to that resolve. And with it went the passion for clear thinking.

"The Cooper Union speech is perhaps the best illustration of what has just been affirmed. Lincoln probably took more pains with it than with any other single production. Note how he divides his main subject into three or four allied themes, establishes the facts on which his argument is to be based, and joins the whole structure. He takes his opponent's words for a beginning:

"Our fathers when they framed the Government under which we live understood this question just as well and even better than we do now."

"This sentence he repeats wholly or in part about twenty times, with illustrations and reinforcement. His second theme is the question:

"Does the proper division of local from Federal authority, or anything in the Constitution, forbid our Federal Government to control as to slavery in our Federal Territories?"

"This he repeats or refers to nearly a score of times, interweaving it with the first theme as Bach would compose a fugue. The result is perfection, and to perfection there is no answer. His address is a model for all discussion in public or in private. And it is a helpful model, because it does not require genius to follow it.

"The same is true of the letters, which are full of keen and kindly applications to the life of each one of us and of the whole people. Even with Gettysburg and the second inaugural in mind, we have found a more nearly complete and satisfying expression of the man in his letters than in his addresses. In them he confronts the enemies of the Republic, admonishes, warns, and in-

structs his people, and comforts the broken-hearted with a tenderness that had blossomed upon the graves of Nancy Hanks and Ann Rutledge and upon those of his children.

"For in this man reason and emotion were joined like form and color in a flower. He rejoiced in the exercise of his mind, but he had none of that intellectual arrogance that denies all it can not comprehend or prove. The charge of atheism is the most futile of all that have been brought against him. As an inquiring boy he read Tom Paine and wrote an essay along radical lines, but the pressure of human need constrained him to turn to Divinity.

"Prayer was the very breath of his later life. Gen. Daniel Sickles was hardly the man to invent a pious tale. He has repeated to many witnesses the story of Lincoln's prayer before Gettysburg. But it is inconceivable that so honest a man could write his reverent expressions of trust in the Almighty without a personal sense of relationship.

"The two men of the nineteenth century who have drawn and held the most intense admiration of the civilized world are Napoleon Bonaparte and Abraham Lincoln. Both were great leaders, great executives. Both had the power of binding their followers to them with a personal loyalty stronger than the ties of blood. Both appeal to the imagination of millions who never saw them.

"But, as the Evening Sun pointed out on the anniversary of Waterloo, it is the downfall of Napoleon that the world remembers, the long-deferred but inevitable defeat of ambition. Lincoln died victorious, not alone in the circumstance of triumphant arms and a Nation reunited but in the victory of unselfish devotion to the cause of human freedom. He identified his life with the progress of mankind, and in losing himself he found immortality.

"A modest autobiography which Lincoln penned at the request of a political friend at Springfield, Ill., on December 20, 1859, is as follows:

"I was born February 12, 1809, in Hardin County, Ky. My parents were both born in Virginia, of undistinguished families—second families, perhaps, I should say. My mother, who died in my tenth year, was of a family of the name of Hanks, some of whom now reside in Adams, and others in Macon County, Ill. My paternal grandfather, Abraham Lincoln, emigrated from Rockingham County, Va., to Kentucky about 1781 to 1782, where a year or two later he was killed by the Indians, not in battle but by stealth, when he was laboring to open a farm in the forest. His ancestors, who were quakers, went to Virginia from Berks County, Pa.

"YOUTH IN BACKWOODS.

"My father at the death of his father was but 6 years of age, and he grew up literally without education. He removed from Kentucky to what is now Spencer County, Ind., in my eighth year. We reached our new home about the time the State came into the Union. It was a wild region, with many bears and other wild animals still in the woods. There I grew up. There were some schools, so called, but no qualification was ever required of a teacher beyond readin', writin', and cipherin' to the rule of three. If a straggler supposed to understand Latin happened to sojourn in the neighborhood, he was looked upon as a wizard. There was absolutely nothing to excite ambition for education. Of course, when I came of age I did not know much. Still, somehow, I could read, write, and cipher to the rule of three, but that was all. I have not been to school since. The little advance I now have upon this store of education I have picked up from time to time under pressure of necessity.

"RAISED TO FARM WORK.

"I was raised to farm work, which I continued until I was 22. At 21 I came to Illinois, Macon County. Then I got to New Salem, now in Menard County, where I remained a year as a sort of clerk in a store. Then came the Black Hawk War, and I was elected a captain of volunteers, a success which gave me more pleasure than any I have had since. I went through the campaign, was elated, ran for the legislature the same year (1832) and was beaten—the only time I ever have been beaten by the people. The next and three succeeding biennial elections I was elected to the legislature. I was not a candidate afterwards. During the legislative period I had studied law and removed to Springfield to practice it. In 1846 I was elected to the lower House of Congress. Was not a candidate for reelection. From 1849 to 1854, both inclusive, practiced law more assiduously than ever before. Always a Whig in politics, and generally on the Whig electoral tickets, making active canvasses, I was losing interest in politics when the repeal of the Missouri compromise aroused me again. What I have done since then is pretty well known.

"PERSONAL APPEARANCE.

"If any personal description of me is thought desirable, it may be said I am, in height, 6 feet 4 inches, nearly; lean in flesh, weighing on an average 180 pounds; dark complexion, with coarse black hair and gray eyes. No other marks or brands recollected."

"History takes up the story where Abraham Lincoln left off, and tells how he was elected President of the United States, how he guided the Nation through the Civil War, how he brought about the abolition of slavery, how he was reelected, and how he was shot down by an assassin, John Wilkes Booth, on the night of April 14, 1865, dying early the next morning."

"Mr. Speaker, let me read the—

"ODE FOR THE FUNERAL OF ABRAHAM LINCOLN.

"[By William Cullen Bryant.]

"(Read in New York, Apr. 25, 1865, at the martyred President's obsequies.)

"Oh, slow to smite and swift to spare,
Gentle, and merciful, and just,
Who, in the fear of God, didst bear
The sword of power—a Nation's trust.

"In sorrow by thy bier we stand,
Amid the awe that hushes all,
And speak the anguish of a land
That shook with horror at thy fall.

"Thy task is done—the bond are free—
We bear thee to an honored grave,
Whose proudest monument shall be
The broken fetters of the slave.

"Pure was thy life; its bloody close
Hath placed thee with the sons of light,
Among the noble host of those
Who perished in the cause of right."

Mr. Speaker, some of Lincoln's views are briefly extracted in the following:

"DECLARATION OF INDEPENDENCE.

"The assertion 'That all men are created equal' was of no practical use in effecting our separation from Great Britain; and it was placed in the Declaration not for that but for future use. Its authors meant it to be—as, thank God, it is now proving itself—a stumblingblock to all those who in aftertimes might seek to turn a free people back into the hateful paths of despotism. They knew the proneness of prosperity to breed tyrants, and they meant, when such should reappear in this fair land and commence their vocation, they should find left for them at least one hard nut to crack. (Speech at Springfield, Ill., June 26, 1857.)

"Think nothing of me; take no thought for the political fate of any man whomsoever, but come back to the truths that are in the Declaration of Independence. While pretending no indifference to earthly honors, I do claim to be actuated in this contest by something higher than an anxiety for office. I charge you to drop every paltry and insignificant thought for any man's success. It is nothing; I am nothing; Judge Douglas is nothing. But do not destroy that immortal emblem of humanity—the Declaration of Independence. (Speech at Bardstown, Ill., Aug. 12, 1858.)

"I have often inquired of myself what great principle or idea it was that kept this confederacy so long together. It was not the mere matter of the separation of the colonies from the motherland but that sentiment in the Declaration of Independence which gave liberty, not alone to the people of this country but, I hope, to the world for all future time. It was that which gave promise that in due time the weight would be lifted from the shoulders of all men. (Speech at Independence Hall, Philadelphia, Feb. 22, 1861.)

"THE MAN BEFORE THE DOLLAR.

"* * * The Democracy of to-day hold the liberty of one man to be absolutely nothing when in conflict with another man's right of property. Republicans, on the contrary, are for both the man and the dollar, but in case of conflict the man before the dollar. * * *

"But soberly, it is now no child's play to save the principles of Jefferson from total overthrow in this Nation. * * * This is a world of compensation, and he who would be no slave must consent to have no slave. Those who deny freedom to others deserve it not for themselves, and, under a just God, can not long retain it. All honor to Jefferson—to the man who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and capacity to introduce into a merely revolutionary document an abstract truth, applicable to all men and all times, and so to embalm it there that to-day, and in all coming days, it shall be a rebuke and a stumblingblock to the very harbingers of reappearing tyranny and oppression. (Letter to Republicans of Boston, Apr. 6, 1859, in reply to an invitation to attend a celebration in honor of Jefferson's birthday.)

"LIBERTY."

"The fight must go on. The cause of civil liberty must not be surrendered at the end of one or even one hundred defeats. (Letter to H. Asbury, Nov. 19, 1858.)

"This declared indifference, but as I must think, covert zeal, for the spread of slavery, I can not but hate. I hate it because of the monstrous injustice of slavery itself. I hate it because it deprives our republican example of its just influence in the world, enables the enemies of free institutions, with plausibility, to taunt us as hypocrites, causes the real friends of freedom to doubt our sincerity, and especially because it forces so many good men among ourselves into an open war with the very fundamental principles of civil liberty, criticizing the Declaration of Independence and insisting that there is no right principle of action but self-interest. (Speech at Ottawa, Ill., Aug. 21, 1858.)

"What constitutes the bulwark of our own liberty and independence? It is not our frowning battlements, our bristling seacoasts, the guns of our war steamers, or the strength of our gallant and disciplined Army. These are not our reliance against a resumption of tyranny in our fair land. * * * Our reliance is in the love of liberty which God has planted in our bosoms. Our defense is in the preservation of the spirit which prizes liberty as the heritage of all men in all lands everywhere. Destroy this spirit and you have planted the seeds of despotism around our own doors. (Speech at Chicago, Ill., Sept. 11, 1858.)

"All the armies of Europe, Asia, and Africa combined, with all the treasure of the earth (our own excepted) in their military chest, with a Bonaparte for a commander, could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years.

"At what point, then, is the approach of danger to be expected? I answer, If it ever reaches us it must spring up among us; it can not come from abroad. If destruction be our lot we must ourselves be its author and finisher. As a nation of freemen we must live through all time or die by suicide. (Speech at Springfield, Ill., Jan. 27, 1837.)

"No man is good enough to govern another man without that other's consent. * * * Those who deny freedom to others deserve it not for themselves, and under a just God can not long retain it. (Speech at Springfield, Ill., Oct. 1, 1854.)

"Allow all the governed an equal voice in the Government; that and that only is self-government. * * * Finally, I insist that if there is anything that it is the duty of the whole people to never intrust to hands other than their own that thing is the preservation and perpetuity of their own liberties and institutions. (Speech at Peoria, Ill., Oct. 16, 1854.)

"GOVERNMENT OF, BY, AND FOR THE PEOPLE."

"The world will little note, nor long remember, what we say here, but it can never forget what they did here. It is for the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us; that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation, under God, shall have a new birth of freedom and that government of the people, by the people, and for the people shall not perish from the earth. (Address on the Gettysburg battle field, Nov. 19, 1863.)

"LABOR AND CAPITAL."

"The strongest bond of human sympathy outside the family relation should be one uniting all working people of all nations, tongues, and kindreds. (Reply to committee of Workingmen's Association, of New York, Mar. 21, 1864.)

"It may seem strange that any men should dare to ask a just God's assistance in wringing bread from the sweat of other men's faces. (Inaugural address, Mar. 4, 1865.)

"I am glad to see that a system of labor prevails in New England under which laborers can strike when they want to, where they are not obliged to work under all circumstances. (Speech at New Haven, Conn., Mar. 6, 1860.)

"And inasmuch as most good things are produced by labor, it follows that all such things of right belong to those whose labor has produced them. But it has so happened, in all ages of the world, that some have labored and others have, without labor, enjoyed a large proportion of the fruits. This is wrong and should not continue. To secure to each laborer the whole product of his labor, or as nearly as possible, is a worthy object of any good government. (Complete Works, Vol. I, p. 92.)

"We will hereafter speak for freedom and against slavery as long as the Constitution guarantees free speech; until every-

where on this wide land the sun shall shine, and the rain shall fall, and the wind shall blow upon no man who goes forth to unrequited toil. (1856, History of Abraham Lincoln.—Arnold, p. 97.)

"It is not needed nor fitting here that a general argument should be made in favor of popular institutions; but there is one point, with its connections not so hackneyed as most others, to which I ask brief attention. It is the effort to place capital on an equal footing with, if not above, labor in the structure of government. * * * Labor is prior to and independent of capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital and deserves much the higher consideration. * * * No men living are more worthy to be trusted than those who toil up from poverty; none less inclined to take or touch aught which they have not honestly earned. Let them beware of surrendering a political power which they already possess, and which, if surrendered, will surely be used to close the door of advancement against such as they, and to fix new disabilities and burdens upon them till all of liberty shall be lost. (From annual message, Dec. 3, 1861.)

"THE RIGHT OF SUFFRAGE."

"I go for all sharing the privilege of the Government who assist in bearing its burdens, * * * by no means excluding females. (Announcement of political views, June 13, 1836.)

"I am opposed to the limitation or lessening of the right of suffrage. If anything I am in favor of its extension or enlargement. I want to lift men up—to broaden rather than contract their privileges. (Interview, Springfield, Ill.—Herndon, p. 625.)

"LINCOLN'S IDEA OF FREE GOVERNMENT."

"It has long been a grave question whether any government, not too strong for the liberties of the people, can be strong enough to maintain its existence in great emergencies. On this point the present rebellion brought our Republic to a severe test, and a presidential election, occurring in regular course during the rebellion, added not a little to the strain.

"If the loyal people united were put to the utmost of their strength by the rebellion, must they not fail when divided and partially paralyzed by a political war among themselves? But the election was a necessity. We can not have free government without elections. (Response to a serenade, Nov. 10, 1864.)

"You can better succeed with the ballot. * * * Let there be peace. Revolutionize through the ballot box, and restore the Government once more to the affections and hearts of men by making it express, as it was intended to do, the highest spirit of justice and liberty. (1855, advice to Free Soilers who talked of using force. (Herndon, p. 380.)

"PRESIDENT LINCOLN'S HUMANITY."

"On pardoning 24 deserters at one time, all of whom had been sentenced to be shot, he said to a general who objected:

"Mr. General, there are already too many widows in the United States. Please don't ask me to add to the number, for I won't do it."

"To Gen. B. F. Butler, in 1863, when the general asked for the pardon of a man whom he himself had sentenced to be shot:

"You? Asking me to pardon some poor fellow? Give me that pen."

"To a friend who had obtained from him a pardon for a deserter, he said:

"Some of our generals complain that I impair discipline and subordination in the Army by my pardons and respites, but it makes me rested, after a hard day's work, if I can find some good excuse for saving a man's life."

"THE COURTS AND THE PEOPLE."

"The people of these United States are the masters of both Congresses and courts, not to overthrow the Constitution, but to overthrow the men who pervert the Constitution. (Speech at Cincinnati, Ohio, Sept. 17, 1859.)

"The candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal. (Inaugural address, Mar. 4, 1861.)"

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker and Members of the House, I would like to have your attention. Lincoln only lived 56 years. He died 55 years ago. His short life consists in what he said and

what he did. His notable sayings cover but a short period of the 56 years; his doings even a shorter period. Since his death there has been more written about Mr. Lincoln than about any other American who has lived, although others great died many years before and the country has had more time to contemplate the sayings and work of the other men. The Lincoln library, which would be composed of all that has been written of him, would be the largest personal library upon any American who has lived in our country or in any other. Many a time I have tried to answer the question, Why is there such universal interest in Abraham Lincoln? I think it is largely because of the fundamental principles that he announced. There are more quotations from what Mr. Lincoln has said than any other American or from any public man of his day, and yet here is a man who never went to school; six months comprehends his schooling. He never had any chance for refined education, and yet the world will admit that he spoke the purest English of any man who lived in his day. His utterances were brief. He never used an involved sentence. Eighty-five per cent of his words were monosyllables. He is the outstanding figure to-day in all American history as the best example of power in utterance we have in our history, whether he be a litterateur or whether he be a public man in public life. Now, what is the secret? That may never be satisfactorily revealed. It is enough to know it to be true. It is not necessary for me to prove what I have said by repeating anything he said. His utterances were copious for a man in public life. If we take a collection of the sayings of Lincoln, nothing but what he said, we would have a volume. I think Mr. Lincoln's greatest claim in the memory of our Nation is rather in the wonderful utterances that stand alone. In the year 1858, in the debate to which our distinguished ex-Speaker referred, he made one utterance that attracted attention throughout this country and was quoted in the London Times.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VOLSTEAD. I will yield the gentleman five additional minutes.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for five additional minutes.

Mr. FESS. Mr. Speaker, in 1858, when Mr. Lincoln said, "A house divided against itself can not stand," and elaborated upon it, he announced a fundamental principle which determined the issue upon which the Nation ultimately went to war and came out of it a stronger Nation than when it went in. Here was an utterance made by what the world decreed an uneducated man, which made him a figure quoted on two continents.

That same year Mr. Lincoln put a question to Mr. Douglas that could not be answered safely yes or no, and when the friends of Mr. Lincoln said, "Do not push that too far; if you do, you never can be elected Senator," Mr. Lincoln replied, "I am looking for greater gain. If Mr. Douglas answers that question either yes or no, he never can be elected President of the Nation." That same year he submitted, in response to a challenge of Douglas, a series of questions. If you reread them you will see the wonderful grasp of the man's mind. The next year he was invited to speak in New York, and addressed a great mass meeting in Cooper Union. It is a very elaborate speech, and I believe that every Member of the House will concede, if they reread that Cooper Union speech, that it is the finest example of the balanced sentence from a rhetorical standpoint that you will find in any long speech in American literature. That speech left nothing to be said after he got through. He placed the issue so perfectly clear and yet so kindly that he left no sores, but everyone left the meeting thinking upon the issue. An observation concerning Mr. Lincoln was made by a friend, when asked how he distinguished Lincoln from Douglas, to this effect:

You will always remember that Douglas was a powerful orator, but you can never remember what he said; on the other hand, you were not impressed so much with the oratory of Lincoln, but you would never forget what he said. Douglas spoke rather to be heard, while Lincoln spoke to be understood.

I think that is a very good characterization. Mr. Lincoln's first inaugural address is a fine type of beautiful sentiment, delicately expressed, on a mighty issue, upon which we were going into war, and he spoke in terms not to offend but to plead. His closing sentence in that famous inaugural is one of the beautiful sentences in our literature expressed in the English. You will recall it:

The mystic chords of memory stretching from every battle field and patriot's grave to every heart and hearthstone throughout this broad land will swell the chorus of the Union when touched again, as it surely will be, by the angels of our better natures,

His second inaugural address, I think, is the high-water mark of all that Mr. Lincoln ever said. His address at Gettysburg is looked upon as the finest short speech ever uttered in the English language. That is the judgment of the critics of Britain. But I think this utterance in the second inaugural is incomparable:

Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away.

That is a prose poem, and the balance of the address is equally fine.

So I agree with those who do not believe we can add very much to this wonderful memory in the way of monuments and holidays. The only thing I have in mind is that 26 States have already made the date of his birth a holiday, and I think the time will come when every State in the Union will do likewise, and the only governing power in the District of Columbia, where the Capitol is located, is Congress. If the District desires to do what the States have already done this is the only way to proceed. I recognize what has been said, and I hesitate for that reason, since I am agreed that there is too much of a tendency toward vacation days, but I think I shall vote to make it a holiday in order that the Capital may show this respect to the memory of our great American. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, on a certain rainy morning, in the city of Springfield, in the presence of a small assemblage of not more than 200 persons, Mr. Lincoln stood on the rear platform of the rear car of a short and unpretentious train, about to take his departure for Washington, there to take into his firm grasp the quivering helm of the struggling ship of state. There was no great concourse of people; there was no great inspiration; there was absolutely no excitement. From the very depth of his heart and his soul he said substantially these words: "There has fallen upon me a task, my fellow citizens and fellow townsmen, such as did not rest even upon the Father of his Country, and feeling so, I can not but turn and look for help without which I can not perform that great task. I turn, then, and look," he said, "for help to the great American people and to that God who has never forsaken them."

I feel that never does that grand and sublime figure appeal to me more than when I recall those words. You and I know Abraham Lincoln received the help he prayed for. He received it from 20,000,000 loyal hearts; he received it from the Infinite Power on high. He put one hand in the outstretched hand of the American people, and with the other he laid a strong hold on the almighty arm of the Almighty God, and, standing there, supported by humanity and supported by Divinity, he fought the mightiest fight that was ever fought for you and for me, for North and for South, for rich and for poor, that has ever been fought since the Savior walked among the sons of men 2,000 years ago.

It is true, gentlemen, that there rested upon him a task which did not rest even upon the Father of his Country. I speak only with veneration the names of the other Presidents that have been mentioned here to-day, but none of them carried the burdens for you and for me that Lincoln carried.

Many of you here remember John M. Palmer, major general, governor, and Senator, and at one time candidate for President of a great party. In 1865 Gen. John M. Palmer was military governor of Kentucky, with headquarters at Louisville. On the night of the assassination of President Lincoln, when the word came to Gen. Palmer, he endeavored to get to his headquarters—

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. VOLSTEAD. I yield two minutes more to the gentleman.

Mr. YATES. Gen. Palmer, in the effort to get to his headquarters, found the streets filled to the extent of a block in every direction, and he had to get there in a roundabout way. When he finally arrived he found five ex-Confederate brigadiers, and these men said to him, "Oh, Gen. Palmer, those men out in the streets, standing there in the mud and in the silence and in the rain, are our boys," and—Gen. Palmer told me this himself—they further said, "Gen. Palmer, in the death of Abraham Lincoln we believe the sunny South lost its best friend."

Gentlemen, I believe that; I have always believed it. I believe had he lived we never would have had the troubles of reconstruction that we did. There fell upon him a task that did not fall even upon the Father of his Country.

It is perfectly absurd to say that Presidents who have come since ought to have a legal holiday in their honor, when we

are speaking the name of Abraham Lincoln. Aside from Washington he was the greatest American that ever walked this earth of ours. [Applause.] And I shall vote now, and as long as I live I shall vote, for anything that will do honor to his memory. It is no answer to say that there are other men deserving of this honor, or that there will be in generations to come. I do not agree with my esteemed friend from Illinois on that point, and I do not think the people of Illinois will agree with him. And I want to say another thing, that if Robert E. Lee and Stonewall Jackson were here to-day they would vote for this resolution. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield to the gentleman from Maryland [Mr. ZIHLMAN].

The SPEAKER pro tempore. The gentleman from Maryland is recognized.

Mr. ZIHLMAN. Mr. Speaker, I am in favor of the pending bill to make the 12th day of February, the anniversary of the birth of Lincoln, a legal holiday in the District of Columbia.

Up to the present time the legislatures of 26 States of the Union have passed laws making Lincoln's birthday a national holiday.

Not only should this be done in the District of Columbia as a further honor to the memory of this great man, but it will also impress upon the coming generations the farseeing wisdom of Lincoln, and the reverence he held toward our institutions, and the ability he had of interpreting the hopes and aspirations of the common people of the land, and his supreme confidence in their wisdom to ultimately solve the many problems in our national life.

In the consideration of the treaty of peace, which has engrossed the attention of the United States Senate for nearly a year, the warning of Washington and Jefferson, and others of the founding fathers, has repeatedly been pointed out.

Lincoln's view as to domestic contentions is best set out in a letter written by William H. Seward, his Secretary of State, to the governor of Maryland shortly after Lincoln was inducted into office, and I desire to incorporate the letter as a part of my remarks as a further evidence of his foresight and statesmanship:

DEPARTMENT OF STATE, April 22, 1861.

His Excellency THOMAS H. HICKS,
Governor of Maryland.

SIR: I have the honor to receive your communication of this morning, in which you inform me that you had felt it to be your duty to advise the President of the United States to order elsewhere the troops then off Annapolis, and also that no more may be sent through Maryland, and that you have further suggested that Lord Lyons be requested to act as mediator between the contending parties in our country to prevent the effusion of blood.

The President directs me to acknowledge the receipt of that communication and to assure you that he has weighed the counsels it contains with the respect which he habitually cherishes for the chief magistrates of the several States, and especially for yourself. He regrets as deeply as any magistrate or citizen of this country can that demonstrations against the safety of the United States, with very extensive preparation for the effusion of blood, have made it his duty to call out the forces to which you allude.

The force now sought to be brought through Maryland is intended for nothing but the defense of the Capital. The President has necessarily confided the choice of the national highway which that force shall take in coming to this city to the lieutenant general commanding the Army of the United States, who, like his only predecessor, is not less distinguished for his humanity than for his loyalty, patriotism, and distinguished public services.

The President instructs me to add that the national highway thus selected by the lieutenant general has been chosen by him, upon consultation with prominent magistrates and citizens of Maryland, as the one which, while a route is absolutely necessary, is farthest removed from the populous cities of the State, and with the expectation that it would therefore be the least objectionable one.

He can not but remember that there has been a time in the history of our country when a general of the American Union with forces designed for the defense of its Capital was not unwelcome anywhere in the State of Maryland, and certainly not at Annapolis, then, as now, the capital of that patriotic State, and then also one of the capitals of the Union.

If 80 years could have obliterated all the other noble sentiments of that age in Maryland, the President would be hopeful, nevertheless, that there is one that would forever remain there and everywhere. That sentiment is that no domestic contention whatever that may arise among the parties of this Republic ought in any case to be referred to any foreign arbitrament, least of all to the arbitrament of a European monarchy.

I have the honor to be, with distinguished consideration, your excellency's most obedient servant,

WILLIAM H. SEWARD.

I want to call attention to another matter which concerned the great President very deeply, and to which he gave a great deal of thought, and that is the constantly growing number of commissions and boards within the Federal Government.

The founders of the Government, to carry out the high principles laid down by the signers of the immortal declaration, finally agreed upon the present Constitution, which Gladstone declared was the most wonderful work ever struck off by the brain or purpose of man.

In this great document there is provided three separate branches of government, each acting as a check upon the other, and each in turn restricted by the provisions of the Federal Constitution.

It was believed that by these safeguards, by the people passing upon the membership of the House of Representatives every two years, and by the Senate concurring in their work—a Senate elected by the legislatures of the several States—now elected by the people, and each Member thereof elected for a period of six years—that the legislative branches of the Government would be truly responsive to the will of the people, yet, at the same time, be safeguarded against hysteria, or unwise submission to public clamor or pressure.

In addition they provided the safeguards of the Executive veto and judicial interpretation of law by the Supreme Court.

And, under this system of legislative and responsive government, the United States began what was the most pretentious experiment in free government ever inaugurated, and that it has been successful, even beyond the fondest dreams of the founding fathers, no one has ever denied.

But recently there has grown up a new adjunct to the three coordinate branches of government referred to above. This is government by boards, by bureaus, and by commissions. Such agencies had no place in the original scheme of government, nor for many years after its organization, and were frowned upon until quite recently. Lincoln called them "schemes to cheat the Government."

These independent boards and other forms of administrative agencies have had broad powers conferred upon them, especially those created during the period of our participation in the World War; and their chiefs and chairmen have assumed all the powers and dignity of Cabinet officers and department heads, and are now besieging Congress for increased appropriations and personnel, and for extensive powers beyond that conferred upon any other branch of the Government.

The speaker recently made an investigation of the various sums appropriated, and in most cases entirely expended by these boards and commissions, and found that during the present fiscal year there had been made available for the use of these various independent bodies, the sum of \$897,101,766, with a strong possibility that some of them would require a deficiency appropriation to finish out the fiscal year.

The above sum does not include the appropriations to the railroads, which now total \$1,450,000,000.

When it is considered that this great sum was expended in a year of peace, which did not begin until seven and one-half months after the signing of the armistice, and was therefore not a war-time expenditure, we begin to realize just where we are drifting by setting up these independent governing bodies who are to-day expending more than the entire cost of running the Government a few years ago.

The time is at hand when these various regulatory and supervisory bodies must, for the purpose of curtailing expenditures, and for the added reason that they must be responsible to some authority in the administration of their functions and powers, be merged with the executive departments with responsible heads, who, in turn, are responsible to the President and to Congress and to the people ultimately.

Unless a check is put upon their ambitions and requests we will soon have a Government not of the people but by boards and commissions, each of which is intent upon extending its own jurisdiction, importance, and power, and caring little for the efforts, or the duplication of their own efforts, by other overlapping agencies.

Probably one of the best things done by any American Commonwealth in recent years was when Illinois, a few years ago, finding that there had grown up in that State 125 independent and unrelated agencies of government, abolished them all and created nine departments of State government, each with a responsible head, and under this reorganized their system of State government and finance, and the present administration has given to that State an administration of public affairs of which every Illinoisan is proud; and Illinois is the only State in the Union which has been able to attempt a reduction in the tax rate; yet this Commonwealth has been able, because of salutary reforms inaugurated, to bring about a reduction from 90 cents to 60 cents per hundred dollars of taxable valuation, a decrease of 33 1/3 per cent in these days of mounting costs, not the least of which has been the increased cost of government.

To-day in the Federal Government we have much the same situation, and daily there is proposed new schemes and new administrative bodies which it is claimed will cure many or all of the evils which now exist in the body politic.

Under the present administration many men in high places in the Federal Government lie awake at night thinking of

schemes which will give new power and larger jurisdiction to the Federal Government, and many of the conclusions they reach and the recommendations they make border upon socialism or communism.

It is for those who believe in the wisdom of the founding fathers, in the soundness of our constitutional form of representative government, in the maxim that the government is only as good or as bad as the people who make up its citizenry, and that they are best governed who are governed least, to call a halt and get back to functioning through the regularly constituted representatives of the people—government by men amenable to and subject to, the Constitution and the statutes and their limitations and restrictions—to repeal the laws creating some of these useless and overlapping and expensively functioning bodies, to the end that we may again return to an annual budget of expenditures in keeping with and within the limits of our income.

This Government existed and prospered and expanded before they were created. It will survive their abolition.

Sane economy and efficiency demand early reorganization. Let us hope that the return to sanity and constituted and responsive authority is at hand.

Mr. VOLSTEAD. Mr. Speaker, I do not think it is important that we should create this holiday for the purpose of honoring Lincoln. I think it is of much more importance and of much greater interest to the living than to the dead. Lincoln's fame is secure. Holidays can do the dead no good. They are intended to create an interest in the ideals, the character, and achievements of the men whom we honor. It makes no difference to Washington to-day whether we celebrate his birthday or not, but it makes a great difference to the people of the United States.

At every recurring anniversary of his birth we sing songs, write editorials, and make speeches in reference to the life, character, and services of that man, and otherwise demonstrate our appreciation of his worth. It is for that purpose that we seek to dedicate this day as a holiday, so that the people of this city, whenever the day recurs, may be reminded of Lincoln and all he stands for in American life. It seems to me that in view of the fact that this day is being observed quite generally throughout the country, observed now under legal sanction in 26 States, that here, where he did his great work and earned a fame that is world wide, we should do this much in his honor if distant States deem such act appropriate. I do not see any good reason why the people of this city may not properly ask us, as they have asked us, to give some legal sanction to the observance of Lincoln's birthday. They are not asking for more holidays than States are allowing their employees. The observance of this day will inspire devotion to country, emulation of the highest civic virtues, the advantages of which can not be measured in money.

With these few observations, Mr. Speaker, I move the previous question.

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

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VOLSTEAD] has moved the previous question.

Mr. MANN of Illinois. Does the gentleman from Illinois want some time?

Mr. BLAND of Indiana. Has the time all expired?

Mr. MANN of Illinois. I ask unanimous consent that the gentleman from Minnesota [Mr. VOLSTEAD] may have his time extended five minutes.

Mr. BLAND of Indiana. I would like to have a minute.

Mr. MANN of Illinois. Make it six minutes.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Minnesota [Mr. VOLSTEAD] may have his time extended six minutes. Is there objection?

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. KITCHIN. Mr. Speaker, will the gentleman from Illinois permit one question?

The SPEAKER pro tempore. The gentleman from Minnesota has eight minutes now remaining.

Mr. KITCHIN. One question. Why is it that you limit this holiday to Federal employees in the District? Why not extend it to all the Federal employees?

Mr. VOLSTEAD. The other holidays in the District are so limited. Here is the situation, without taking up the time of these gentlemen: In the States Federal employees ought to work if the people in those States work. If, on the other hand, it is a legal holiday in the State, then the legal holiday applies to Federal employees as well.

Mr. KITCHIN. I do not understand it so in the case of Federal employees.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. WILLIAMS] is recognized for five minutes.

Mr. WILLIAMS. Mr. Speaker, intending as I do to vote against this measure, I feel I should say a word in explanation of my vote. Coming as I do from the great State of Illinois, I yield to no one in love and veneration of the great name and fame of Abraham Lincoln. I was taught from childhood to worship Lincoln.

But it seems to me that this measure will add nothing to his honor or to his great fame and place in history. It simply creates another legal holiday in the District of Columbia on which the employees of the Government will receive full pay without performing service to the Government.

Mr. HUSTED. Mr. Speaker, will the gentleman yield for just one question?

Mr. WILLIAMS. Yes.

Mr. HUSTED. Does not the gentleman think we had better abolish some holidays already existing rather than prevent the enactment of this?

Mr. WILLIAMS. I do not know that I would object to that, and certainly not if other holidays are to be created. We now have six legal holidays in the District of Columbia, days on which no one works except Members of the two Houses of Congress. Employees of the Government receive full pay and render no service of any kind on these days. In addition to the six legal holidays, employees of the Government have 30 days leave of absence each year with full pay, and are allowed 30 days sick leave with pay.

This measure adds one more holiday. I am not in favor of doing that, even if the name of the great Lincoln is used in support of the measure.

Making Lincoln's birthday a legal holiday in the District of Columbia and closing all the departments of the Government on that day will not add additional honor or fame to that immortal character. His name and fame fills the whole earth. We can not add to that fame by closing the departments of the Government on his birthday and giving the employees a holiday at an expense of six or seven hundred thousand dollars each year to the taxpayers of the country.

I will support any proposition showing a proper respect to the memory of Lincoln that may be proposed, but believing this does not, I shall vote against its passage.

Mr. Speaker, I shall not attempt here to pronounce a eulogy on the life and character of Abraham Lincoln. Nothing new can be said about this wonderful man and the great service he rendered his country and mankind, but I do desire to say a few words about a matter mentioned by the gentleman from Ohio, Dr. FESS.

He mentioned the name of Senator Douglas in connection with Lincoln. The names of those two distinguished men are inseparably connected in American history. The great overshadowing fame that came to Lincoln out of the war and his assassination has caused history to fail to do justice to the character, ability, and public service of Stephen A. Douglas. In my opinion Stephen A. Douglas, of Illinois, next to Abraham Lincoln, did more to maintain this Union of States than any other one man in America. [Applause.] He and Lincoln had been rivals in the politics of Illinois for a quarter of a century. They had contended as young men in the legislature of our State. They had met and contended in the courts, and in the great contest of 1858, when Douglas made his winning fight for reelection to the Senate, with the administration of President Buchanan against him; and finally in the great contest of 1860, when the cherished ambition of Mr. Douglas, entertained for a lifetime, to become President was forever thwarted. It is well remembered how, on the day of Lincoln's inauguration, with mutterings throughout the great crowd of people here, discontent, threats, rumors of all kinds, when Lincoln stepped forward to deliver his inaugural address Mr. Douglas, his late rival, took his hat and held it in his hand during the delivery of Mr. Lincoln's address.

That was notice to the world that Stephen A. Douglas, the leader of the Democratic Party of the North, who had gone down to defeat in November, intended to stand by the constitutionally elected President of the United States in whatever crisis the future might bring. [Applause.]

Another thing in memory of Douglas. On the day that Fort Sumter was fired upon, when the Associated Press bulletins began to arrive in the city of Washington, Stephen A. Douglas was seen making his way down Pennsylvania Avenue amidst the excited throngs of people. He went to the White House. He had not called upon Mr. Lincoln since his inauguration, more than a month before. He was ushered into the inner

room, and for four hours Abraham Lincoln and Stephen A. Douglas sat in secret conference. They were at that time the two most powerful figures in American public life. What was said between those two men no one knows, as neither of them ever divulged the subject of their conversation.

But for four hours these two distinguished statesmen, lately rivals before the people for the highest office in the gift of the people, were closeted together. When Mr. Douglas left the White House he took a carriage and went to the offices of the Associated Press in the city of Washington and gave out a statement that next morning was published in every metropolitan newspaper of the North in parallel columns with the account of the firing on Fort Sumter, in which he called upon every loyal follower of his to rally to the flag of his country and support the administration in the maintenance of the Union and putting down the rebellion. His call electrified his devoted followers in the North, and within the next few months they enlisted in the Union Army by the thousands. [Applause.] By that service Stephen A. Douglas secured a united North, which otherwise we would not have had. He journeyed from Washington to Springfield and addressed the Illinois Legislature in a powerful speech in favor of the Union. He went from Springfield to Chicago, addressed a great concourse of people there on June 21, went to his hotel, and died that night. He died early in the great struggle for the preservation of the Union, and just at the time when his services were most needed, but he lived long enough to rally the bulk of his followers to the support of the Government.

The powerful influence of Douglas over his followers is illustrated by the southern Illinois district known as Egypt, the territory now represented by my colleague [Mr. DENISON] and myself. In the election in November, 1860, Douglas carried the district over Lincoln by more than 20,000 majority. In a majority of the precincts Lincoln did not receive a single vote, yet when the crisis came the people of this section of Illinois followed Douglas almost to a man, and it has been said this district furnished more men to the Union Army in proportion to population than any other district in the United States.

Such was the transcendent service rendered the American Union by this great Illinois Senator, Stephen A. Douglas. It detracts nothing from the great fame of Lincoln to do full justice to the patriotism, ability, and character of his great antagonist. Without Douglas Lincoln's career would not have been possible. The fact that Lincoln met and overcame this great leader in debate in Illinois in 1858 gave him the nomination and election to the Presidency in 1860. It can be fairly said of Senator Douglas that during this long and brilliant career in public life Abraham Lincoln was the only man ever pitted against him in debate over whom he did not triumph.

There is no instance in American politics more remarkable than the rapid rise of Stephen A. Douglas to fame and power, and his uninterrupted and ever increasing hold on his followers to the close of his career. In the spring of 1833 Douglas, a youth of 20 years, walked into the little village of Winchester, Scott County, Ill. He had left his native State of Vermont and gone West hunting fame and fortune. Carr says that "when he appeared in Winchester he had not a friend within a thousand miles and but a few cents in his pockets," yet within 14 years that friendless boy had been admitted to the bar and had made a great reputation as a lawyer; had served in the Illinois Legislature; had been prosecuting attorney; had been register of the land office at Springfield; had been secretary of state for Illinois; had been a member of the Supreme Court of Illinois; had served two full terms in the National House of Representatives; and had become a Member of the United States Senate, in which body he early assumed the unquestioned leadership of his party, which leadership he retained until his break with the Buchanan administration over the attempt to force slavery on the Territory of Kansas against the will of the people of the Territory. After this Douglas never had a united party behind him, but his influence and power over his followers in the North remained. They followed him to defeat in 1860, and changing almost overnight they followed him in giving support to Lincoln and to the Union after the firing on Fort Sumter.

In speaking of the remarkable unanimity with which the people of the North responded to the call of Mr. Lincoln after the opening of hostilities, Mr. A. E. Pollard, in "The Lost Cause," says:

What was most remarkable in this display of popular fury was its sudden and complete absorption of the entire Democratic Party of the North, which had so long professed regard for the rights of the Southern States, and even sympathy with the first movements of secession. This party now actually rivaled the abolitionists in their expressions of fury and revenge. They not only followed the tide of public opinion but sought to ride its crest.

This unanimity of sentiment in the North, this grand rally of all classes to the Union cause, was made possible by the bold and patriotic attitude of Stephen A. Douglas. Had he sulked in his tent, had he hesitated or wavered, there would have been such a division of sentiment in the Northern States that Mr. Lincoln's administration would have been helpless to promptly meet the challenge of the revolting States.

The position of unselfish patriotism of Senator Douglas at this time is shown by some of his utterances. In addressing his old friends at Springfield, the scene of so many contests between Mr. Lincoln and himself, he said:

My friends, you will be false to, and unworthy of, your principles if you allow political defeat to convert you into traitors to your native land.

Again, he characterized secession as—

The prodigious crime against the freedom of the world, to attempt to blot the United States out of the map of Christendom.

In the same speech he said:

If war must come, if the bayonet must be used to maintain the Constitution, I say before God my conscience is clear. * * * The shortest way now to peace is the most stupendous and unanimous preparation for war. * * * The slavery question is a mere excuse. The election of Lincoln is a mere pretext. The present secession movement is the result of an enormous conspiracy. * * * But this is no time for the detail of causes. The conspiracy is now known. Armies have been raised, war is levied to accomplish it. There are only two sides to the question. Every man must be for the United States or against it. There are to be no neutrals in this war, only patriots and traitors.

Thank God, Illinois is not divided on the question. I know they expected to present a united South against a divided North. They hoped that in the Northern States party questions would bring civil war between Democrats and Republicans, when the South would step in with her cohorts, aid one party to conquer the other, and then make easy prey of the victors. Their scheme was carnage and civil war in the North.

There is only one way to defeat this. In Illinois it is being defeated by closing up the ranks. Illinois has a proud position—united, firm, determined never to permit the Government to be destroyed. I express to you my conviction before God that it is the duty of every American citizen to rally around the flag of his country.

Thus spoke the great Illinois Senator, the ambitious statesman, the great party leader whose personal ambitions to be President were forever destroyed by the triumph of his life-long rival, Abraham Lincoln.

Is it any wonder the North was electrified when this great leader of the defeated party, the idol of millions of his countrymen, came to the support of Mr. Lincoln and the national cause?—

One blast upon his bugle horn were worth a million men.

Mr. VOLSTEAD. I yield one minute to the gentleman from Indiana [Mr. BLAND].

Mr. BLAND of Indiana. Mr. Speaker, I am going to support this measure to make the birthday of Abraham Lincoln a holiday in the District of Columbia, not with the idea of doing so in order to give the overworked employees of the District of Columbia a rest. Whatever may be said about their being underpaid, I do not think they are overworked. I favor this measure because 26 States have made the birthday of the great emancipator a national holiday, and this action on the part of the Federal Government to-day is a tardy recognition of a sentiment which is widespread throughout the whole Republic. I would favor the repeal of certain national holidays rather than be opposed to this measure. No character in all the history of this Republic so truly represents what the ideal American character should be as was that of Lincoln. From his birth to his death he tread the wine-press path of sorrow. Probably it was sorrow that purified and strengthened this wonderful man so as to live the life that has made him the ideal by whose standard true Americanism is measured.

When on April 15, 1861, President Lincoln called for troops to put down the rebellion, it was the saddest hour of his melancholy life. He loved his country passionately, and the welfare of its people was his first concern. He was now compelled to give the lives of this people that he loved to save the country they loved. He was a genius, of a unique, unusual, and immense personality, towering above the petty critics and maligners who surrounded him in the hour of the country's greatest peril—always gentle and kind and patient and forgiving. He was often criticized for his long lists of pardons. This sad and patient father could not resist the tearful appeal of a mother for her son, and it brought joy to his heart to see the tearful face before him light with new hope and happiness. He never abused the great power intrusted to him by the people of this Nation except on the side of mercy. Mixed with his melancholy and sadness there was a dry wit and humor in his disposition that saved him in his darkest hours. Vallandigham outwardly was with the North but at heart with the South. He was convicted and sent to Fort Warren prison. Lincoln changed the punish-

ment, and with a grim kind of humor sent him "to his friends in the South."

He said:

Among free men there can be no successful appeal from the ballot to the bullet.

He lived to see his prophesy fulfilled. He lived until victory came. He lived until the Confederate States of America no longer existed, until the doors of Libby and Andersonville prisons were opened. He lived until this great Republic was free, and then, when the herculean task set for him had been completed, he passed from among his millions of idolizing beneficiaries, among whom were his former most bitter enemies, and his name to-day is left with us as a gentle memory.

The Civil War, unlike any other war we have ever engaged in, was a war between two powerful sections of our own country. It was a crisis that showed the true character of men in places of great responsibility. If one was in a place of public trust and confidence and power during these days, it was soon determined as to whether he was a man of ability and of honor and of courage. No public servant was so bitterly maligned, criticized, harassed. No Executive was so unjustly condemned by his enemies from both the North and the South, yet was mortal ever more forgiving, more patient, honest, faithful, and devoted to the good of his country and welfare of its people than the immortal Lincoln? Here, over a half century removed from these events, it seems almost incomprehensible that our forefathers' neighbors could have dealt so unjustly and unkindly with one whose every act and word, whose daily walk in life, should have been the subject of universal praise and encomium. In December, 1860, the following editorial appeared in the Illinois Journal:

We hear such frequent allusions to a supposed purpose on the part of Mr. Lincoln to call into his Cabinet two or three southern gentlemen from the parties opposed to him politically that we are prompted to ask a few questions. First, is it known that a gentleman of character would accept a place in his Cabinet? Second, if yea, on what terms does he surrender to Mr. Lincoln or Mr. Lincoln to him on the political differences between them?

The Chicago Times, on the 1st of July, 1864, in a public editorial, in part, said:

Lincoln can not be fairly and lawfully elected, and the people have determined that he shall not hold office if elected by fraud. He could not be more worthless dead than he is living, but he would be infinitely less mischievous, and his corpse, repulsive as it would be in its freshest state and richest and most graceful habiliments, would yet be the most appropriate sacrifice which the insulted Nation could offer in atonement for its submission to his imbecility and despotism.

It might be well to add that when Gen. Burnside was in command of the department of Ohio he ordered the Chicago Times to be suppressed. Mr. Lincoln with his characteristic "despotism" countermanded the order.

In 1861, at a great public meeting in Springfield, Ill., William Holmes made a speech in which he said:

I feel that I can not be in error when I say that this Union never can be saved by force. Coercion! Force! This is war—war upon the Southern States, not on South Carolina alone. It will be war, then, upon 15 States. Are you prepared for such war? No, gentlemen, thank God, fanaticism has not yet hardened our hearts, and if the Republican leaders expect that it would be a war in the Southern States alone, they will undecieve themselves. I am satisfied that if such a conflict ever comes, it will be war in the North; it will be war in Chicago; war in Springfield; war on the broad prairies of Illinois. Before the patriotic people of this State will allow an invading force to pass beyond its borders, to subjugate the South, they will make one vast mausoleum of your State. (And it is recorded that the audience received the speech with great applause.)

While this speech was being made, the South Carolina Legislature was passing a bill to call out 10,000 troops, and batteries were being erected to bombard Fort Sumter. Senators and Representatives from the Southern States were resigning from Congress. Nowhere did you hear a word of sympathy for the sad man who was soon to take his oath to support the Constitution and the Union. In the House of Representatives of Illinois a member by the name of Green moved to amend the militia bill by providing that the militia be armed with cornstalks. Later, Democratic State platforms all over the North declared the war a failure. The national Democratic platform of 1864, upon which Mr. McClellan was running, had declared that—

After four years of failure to restore the Union by the experiment of war—justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities.

There is no doubt that plans to take the life of Lincoln were made more than once. He was even required to use unusual precautions on his way to the inaugural at Washington, and changed his announced route of travel while on the way. I mention these facts to indicate the political and sectional hatred and hostility that surrounded him as he assumed his tremendous responsibilities.

Lincoln appreciated the magnitude of the task before him if he was to save the Union. He earnestly desired that political

strife should be eliminated so far as possible and that the help and support of the best men of the Nation, regardless of the political question, might be given; yet he foresaw that upon the rock of political bias the Union might be lost, so he tendered the command of the Army to a Democrat, Gen. Robert E. Lee, who declined and went with the South. He put McClellan at the head of the Union Army because he believed he was capable and would encourage the loyalty and support of the opposition party. And let it be remembered that McClellan, in one of the bitterest campaigns of the Republic, ran against Lincoln for the Presidency.

Lincoln was a party man—a good Republican on all matters of party principle, but he was too broad and unselfish to let partisanship stand in the way of the success of the great cause for which he seemed to be providentially chosen to champion. It was his party that steadfastly advocated the overwhelming majority view on the issues over which the war was waged. The war was a party issue, and yet he did not regard the war as a Republican war, or as a partisan war. He appointed powerful Democrats to his Cabinet and never regretted having sat at the council table with such a man as Stanton. Stanton was an able man and upheld the hands of Lincoln in the darkest hour of the war. He helped in the effort to unify the remnant of the Democratic Party in the North behind the Union cause. Without such a broad-minded and farseeing policy on the part of Lincoln, the North could not have won the war. Lincoln's appointment of the fourth Democrat to his Cabinet brought out the reply of the President, when reminded of the fact, that he himself was an old line Whig and should be there to make the parties even. He appointed to his first Cabinet each of his three political opponents of the Republican National Convention in Chicago, 1860. He never dreamed of looking up small obscure men for Cabinet positions in order that he might be regarded as a giant among men. Lincoln saw the storm clouds rising and, like the good captain of the vessel that he was, he trimmed the sails of the ship of state to meet the shock. On December 24, 1860, Mr. Lincoln wrote to J. M. Morris as follows:

MY DEAR SIR: Without supposing that you and I are any nearer together politically than heretofore, allow me to tender you my sincere thanks for your Union resolution, expressive of views upon which we never were, and I trust, never will be, at variance.

On June 1, 1861, Mr. Lincoln wrote to William H. Seward as follows:

MY DEAR SIR: Yours of the 8th received. I still hope Mr. Gilmer will, on a fair understanding with us, consent to take a place in the Cabinet. The preference for him over Mr. Hunt or Mr. Gentry is that up to date he has a living position in the South, while they have not. He is only better than Winter Davis in that he is farther South. I fear we could not safely take more than one such man; that is, not more than one more who opposed us in the election, the danger being to lose the confidence of our friends. * * *

Your obedient servant,

ABRAHAM LINCOLN.

He was not afraid of Democrats in the Cabinet when the life of the Union was at stake. The one question was with him how many Democrats could he safely take into the Cabinet without stirring up rivalry and jealousy among the Republican members.

Notwithstanding his great number of uncompromising and bitter enemies, Lincoln made friends who stood with him with untiring devotion during the darkest hours of these dark years; by his honesty and his frankness and his unwavering loyalty to what he believed was right, by his constancy, by his consistency, he won the admiration and love and respect of those who learned to know him; and had it not been for these and their unflinching fidelity to him and his cause, the Stars and Stripes would not now be the most precious symbol of liberty that cheers the hearts of the world.

Mr. Speaker, it is certainly fitting that on the birthday of this matchless character in American history the citizens of this great Republic, saved by the heroism of this great soul, set aside one day out of the 365 in honor of this immortal one's memory; and I shall heartily support the bill for the reasons indicated.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question.

Mr. KITCHIN. One minute. Will the gentleman just permit one question?

The SPEAKER pro tempore. The gentleman from Minnesota moves the previous question.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry. Can the gentleman move the previous question on the bill before the time is exhausted?

Mr. MANN of Illinois. Yes. This is a House calendar bill.

Mr. CLARK of Missouri. I know; but are there not two hours of general debate?

Mr. MANN of Illinois. Yes. This is a House Calendar bill.

Mr. CLARK of Missouri. Is not that what the rule says?

Mr. MANN of Illinois. Oh, no. The rule provides that when you have a Union Calendar bill under consideration there may be two hours of general debate. This is not a Union Calendar bill. This is a House bill.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent for one minute.

Mr. MANN of Illinois. I demand the regular order.

The SPEAKER pro tempore. The regular order is the motion for the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question being taken, Mr. DYER demanded a division.

Pending the division,

Mr. FULLER of Illinois. Mr. Speaker, I make the point of no quorum present.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of no quorum. Undoubtedly there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and as many as favor passing the bill will, when their names are called, answer "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 180, nays 114, not voting 132, as follows:

YEAS—180.

Andrews, Md.	Egan	Kinkaid	Reber
Andrews, Nebr.	Echols	Klecicka	Reed, N. Y.
Ashbrook	Elliott	Kraus	Reed, W. Va.
Babka	Elston	Kreider	Rhodes
Bacharach	Emerson	Layton	Ricketts
Baer	Esch	Lazaro	Riordan
Barbour	Evans, Mont.	Lehbach	Robison, Ky.
Barkley	Fairfield	Leshar	Sanders, Ind.
Begg	Fess	Little	Sanders, N. Y.
Benham	Fisher	Longworth	Sanford
Benson	Focht	Luhring	Scott
Bland, Ind.	Foster	McGlennon	Sells
Bland, Va.	Frear	McKenzie	Sherwood
Boies	French	McKiniry	Shreve
Bowers	Fuller, Ill.	McLaughlin, Mich.	Siegel
Britten	Gandy	McLaughlin, Nebr.	Sinclair
Brooks, Ill.	Ganly	MacCrate	Sinnott
Brooks, Pa.	Garland	MacGregor	Smith, Mich.
Browne	Goodykoontz	Magee	Steele
Browning	Graham, Ill.	Mays	Steenerson
Brumbaugh	Green, Iowa	Mead	Stephens, Ohio
Burdick	Greene, Mass.	Miller	Stiness
Caldwell	Greene, Vt.	Monahan, Wis.	Sweet
Campbell, Pa.	Griffin	Mooney	Swope
Carew	Hadley	Moore, Ohio	Tilson
Cars	Harrison	Moore, Va.	Tinkham
Casey	Hawley	Morgan	Towner
Classon	Hays	Mott	Upshaw
Cleary	Hernandez	Murphy	Vestal
Cole	Hersey	Nelson, Wis.	Voigt
Cooper	Hersman	Newton, Minn.	Volstead
Crago	Hickey	Nolan	Watson
Crowther	Hicks	O'Connell	Weaver
Cullen	Houghton	Ogden	Webster
Currie, Mich.	Husted	Parker	Wheeler
Dale	Hutchinson	Pell	White, Me.
Dallinger	Igoe	Peters	Wilson, La.
Darrow	James	Pheban	Wilson, Pa.
Dempsey	Johnson, Wash.	Platt	Woodyard
Dewalt	Jones, Pa.	Purnell	Yates
Dickinson, Iowa	Juul	Radcliffe	Young, N. Dak.
Donovan	Kearns	Raker	Zibelman
Dowell	Keller	Ramsey	
Dunn	Kelly, Pa.	Ramseyer	
Dupré	Kiess	Randall, Calif.	
Dyer	King	Randall, Wis.	

NAYS—114.

Ackerman	Flood	Lee, Ga.	Rainey, H. T.
Almon	Fordney	Luce	Rainey, J. W.
Aswell	Freeman	McArthur	Rayburn
Ayres	Gallagher	McKeown	Robinson, N. C.
Black	Garner	McKinley	Rogers
Box	Garrett	McPherson	Romjue
Brand	Godwin, N. C.	Madden	Rouse
Briggs	Good	Major	Rowe
Buchanan	Goodwin, Ark.	Mann, Ill.	Rubey
Byrns, Tenn.	Hardy, Colo.	Mann, S. C.	Rucker
Candler	Hardy, Tex.	Mansfield	Sears
Cannon	Harrell	Martin	Sims
Caraway	Haugen	Montague	Sisson
Clark, Mo.	Heflin	Moon	Smithwick
Collier	Hoch	Moore, Ind.	Snell
Connally	Hoey	Nelson, Mo.	Snyder
Copley	Holland	Newton, Mo.	Stegall
Crisp	Hull, Tenn.	Oldfield	Stedman
Davey	Jacoway	Oliver	Stephens, Miss.
Davis, Tenn.	Jefferis	Olney	Stevenson
Dominick	Johnson, Miss.	Overstreet	Stoll
Doughton	Jones, Tex.	Padgett	Strong, Kans.
Dunbar	Kitchin	Park	Summers, Wash.
Eagle	Lanham	Parrish	Thomas
Evans, Nebr.	Lankford	Quin	Tillman

Tincher	Watkins	Williams	Wright
Treadway	Welling	Wingo	Young, Tex.
Venable	Whaley	Wise	
Vinson	White, Kans.	Woods, Va.	

NOT VOTING—132.

Anderson	Evans, Nev.	Kincheloe	Reavis
Anthony	Ferris	Knutson	Riddick
Bankhead	Fields	Lampert	Rosenberg
Bee	Fuller, Mass.	Langley	Rose
Bell	Gallivan	Larsen	Rowan
Blackmon	Gard	Lea, Calif.	Sabath
Bland, Mo.	Glynn	Linthicum	Sanders, La.
Blanton	Goldfogle	Loneragan	Schall
Booher	Goodall	Lufkin	Scully
Brinson	Gould	McAndrews	Slemp
Burke	Graham, Pa.	McClintic	Small
Burroughs	Griest	McCulloch	Smith, Idaho
Butler	Hamill	McDuffie	Smith, Ill.
Byrnes, S. C.	Hamilton	McFadden	Smith, N. Y.
Campbell, Kans.	Hastings	McLane	Strong, Pa.
Cantrill	Hayden	Maier	Sullivan
Carter	Hill	Mapes	Sumners, Tex.
Chindblom	Howard	Mason	Tague
Christopherson	Huddleston	Merritt	Taylor, Ark.
Clark, Fla.	Hudspeth	Michener	Taylor, Colo.
Coady	Hulings	Minahan, N. J.	Taylor, Tenn.
Costello	Hull, Iowa	Mondell	Temple
Cramton	Humphreys	Morin	Thompson
Curry, Calif.	Ireland	Mudd	Timberlake
Davis, Minn.	Johnson, Ky.	Neely	Vaile
Denison	Johnson, S. Dak.	Nicholls, S. C.	Vare
Dent	Johnston, N. Y.	Nichols, Mich.	Walters
Dickinson, Mo.	Kahn	O'Connor	Ward
Dooling	Kelley, Mich.	Osborne	Wason
Doremus	Kendall	Paige	Welty
Drane	Kennedy, Iowa	Porter	Wilson, Ill.
Edmonds	Kennedy, R. I.	Pou	Winslow
Ellsworth	Kettner	Rainey, Ala.	Wood, Ind.

So the bill was passed.

The following pairs were announced:

Until further notice:

- Mr. KNUTSON with Mr. BELL.
- Mr. KENDALL with Mr. GARD.
- Mr. FULLER of Massachusetts with Mr. SULLIVAN.
- Mr. LUFKIN with Mr. HOWARD.
- Mr. CHINDBLOM with Mr. LINTHICUM.
- Mr. KENNEDY of Rhode Island with Mr. TAGUE.
- Mr. DENISON with Mr. GALLIVAN.
- Mr. MONDELL with Mr. POU.
- Mr. ANDERSON with Mr. DOOLING.
- Mr. LANGLEY with Mr. CLARK of Florida.
- Mr. CAMPBELL of Kansas with Mr. BLAND of Missouri.
- Mr. MERRITT with Mr. SUMNERS of Texas.
- Mr. IRELAND with Mr. WELTY.
- Mr. DAVIS of Minnesota with Mr. KETTNER.
- Mr. MORIN with Mr. CANTRILL.
- Mr. CHRISTOPHERSON with Mr. HUDDLESTON.
- Mr. KAHN with Mr. DENT.
- Mr. HULINGS with Mr. LARSEN.
- Mr. GOODALL with Mr. BRINSON.
- Mr. EDMONDS with Mr. BEE.
- Mr. BURBORGES with Mr. FIELDS.
- Mr. GRIEST with Mr. LONERAGAN.
- Mr. WASON with Mr. BLANTON.
- Mr. HULL of Iowa with Mr. ROWAN.
- Mr. ANTHONY with Mr. BARKLEY.
- Mr. REAVIS with Mr. BANKHEAD.
- Mr. JOHNSON of South Dakota with Mr. McCLINTIC.
- Mr. MCFADDEN with Mr. MAHER.
- Mr. WINSLOW with Mr. BLACKMON.
- Mr. HAMILTON with Mr. O'CONNOR.
- Mr. RODENBERG with Mr. TAYLOR of Arkansas.
- Mr. VAILE with Mr. SMALL.
- Mr. COSTELLO with Mr. BOOHER.
- Mr. BUTLER with Mr. CARTER.
- Mr. GRAHAM of Pennsylvania with Mr. HUDSPETH.
- Mr. McCULLOCH with Mr. LEA of California.
- Mr. OSBORNE with Mr. HAYDEN.
- Mr. BURKE with Mr. McLANE.
- Mr. MUDD with Mr. DRANE.
- Mr. VARE with Mr. FERRIS.
- Mr. ELLSWORTH with Mr. HAMILL.
- Mr. PORTER with Mr. SMITH of New York.
- Mr. GLYNN with Mr. McANDREWS.
- Mr. MAPES with Mr. TAYLOR of Colorado.
- Mr. KENNEDY of Iowa with Mr. DOREMUS.
- Mr. MICHENER with Mr. EVANS of Nevada.
- Mr. TIMBERLAKE with Mr. MINAHAN of New Jersey.
- Mr. WALTERS with Mr. HASTINGS.
- Mr. LAMPERT with Mr. BYRNES of South Carolina.
- Mr. GOULD with Mr. JOHNSON of Kentucky.
- Mr. ROSE with Mr. McDUFFIE.
- Mr. KELLEY of Michigan with Mr. SANDERS of Louisiana.

Mr. STRONG with Mr. SCULLY.
 Mr. WILSON of Illinois with Mr. SABATH.
 Mr. PAGE with Mr. NEELY.
 Mr. TEMPLE with Mr. JOHNSTON of New York.
 Mr. WOOD of Indiana with Mr. NICHOLLS of South Carolina.
 Mr. SLEMP with Mr. DICKINSON of Missouri.
 Mr. SMITH of Illinois with Mr. HUMPHREYS.
 Mr. TAYLOR of Tennessee with Mr. RAINEY of Alabama.
 Mr. THOMPSON with Mr. GOLDFOGLE.
 Mr. COADY (for) with Mr. SMITH of Idaho (against).
 The result of the vote was announced as above recorded.
 A quorum being present, the doors were opened.
 On motion of Mr. VOLSTEAD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ACTIONS FOR DEATH ON THE HIGH SEAS.

Mr. VOLSTEAD. Mr. Speaker, I call up the bill (S. 2085) relating to the maintenance of actions for death on the high seas and other navigable waters.

The SPEAKER pro tempore. The gentleman from Minnesota calls up the bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas beyond a marine league from the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, the personal representative of the decedent may maintain a suit for damages in the district courts of the United States, in admiralty, for the exclusive benefit of the decedent's wife, husband, parent, child, or dependent relative against the vessel, person, or corporation which would have been liable if death had not ensued.

SEC. 2. That the recovery in such suit shall be a fair and just compensation for the pecuniary loss sustained by the persons for whose benefit the suit is brought and shall be apportioned among them by the court in proportion to the loss they may severally have suffered by reason of the death of the person by whose representative the suit is brought.

SEC. 3. That such suit shall be begun within two years from the date of such wrongful act, neglect, or default, unless during that period there has not been reasonable opportunity for securing jurisdiction of the vessel, person, or corporation sought to be charged; but after the expiration of such period of two years the right of action hereby given shall not be deemed to have lapsed until 90 days after a reasonable opportunity to secure jurisdiction has offered.

SEC. 4. That whenever a right of action is granted by the law of any foreign State on account of death by wrongful act, neglect, or fault, occurring upon the high seas, such right may be maintained in an appropriate action in admiralty in the courts of the United States without abatement in respect to the amount for which recovery is authorized, any statute of the United States to the contrary notwithstanding.

SEC. 5. That if a person die as the result of such wrongful act, neglect, or default as is mentioned in section 1 during the pendency in a court of admiralty of the United States of a suit to recover damages for personal injuries in respect of such act, neglect, or default, the personal representative of the decedent may be substituted as a party and the suit may proceed as a suit under this act for the recovery of the compensation provided in section 2.

SEC. 6. That in suits under this act the fact that the decedent has been guilty of contributory negligence shall not bar recovery, but the court shall take into consideration the degree of negligence attributable to the decedent and reduce the recovery accordingly.

SEC. 7. That the provisions of any State statute giving or regulating rights of action or remedies for death shall not be affected by this act as to causes of action accruing within the territorial limits of any State. Nor shall this act apply to the Great Lakes or to any waters within the territorial limits of any State, or to any navigable waters in the Panama Canal Zone.

SEC. 8. That this act shall not affect any pending suit, action, or proceeding.

Mr. VOLSTEAD. Mr. Speaker, this legislation is an old friend that has been pending in Congress a great many years. It has been passed from time to time, sometimes in the House and sometimes in the Senate. The bill, if you will examine the report made upon it, is intended to supply a defect which now exists under what was the common-law rule as to actions affecting injuries that might be caused through the wrongful act or neglect of persons engaged in shipping on the high seas. If the injury did not result in death, a cause of action exists; the injured person might go into a court of admiralty and secure relief, but if death resulted courts applied the old common-law doctrine that the cause of action dies with the person; that is, the cause of action was personal and did not survive the injured party.

The object of this bill is to give a cause of action in case of death resulting from negligence or wrongful act occurring on the high seas. Nearly all countries have modified the old rule which did not allow relief in the case of death under such circumstances. Under what is known as Lord Campbell's act, England many years ago authorized recovery in such cases. France, Germany, and other European countries now followed this more humane and enlightened policy and allow dependent parties to recover in case of death of their near relatives upon the high seas.

This bill was introduced in the Senate, has been passed by that body, and is substantially in the form in which it passed this House in the Sixty-fourth Congress. In the Sixty-fifth Congress this same bill, or a very similar one, was reported from the

Judiciary Committee, but did not reach consideration on the floor of the House.

Mr. RICKETTS. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. RICKETTS. Do I understand by the provisions of section 6 that contributory negligence is not to be made a defense?

Mr. VOLSTEAD. It is not a defense, but will be considered in determining the amount of damages.

Mr. RICKETTS. So that the judge may charge the jury that they may take into consideration contributory negligence in fixing the amount of damages?

Mr. VOLSTEAD. Yes.

Mr. RICKETTS. Then it would be a defense.

Mr. VOLSTEAD. No; but it would go in the reduction of the amount of damages. It is a familiar rule in many States that the jury may consider evidence of contributory negligence in determining the amount of damages.

Mr. RICKETTS. It is in mitigation of damages.

Mr. VOLSTEAD. Yes; in mitigation of damages, but not as a defense.

Mr. IGOE. Does not the gentleman think that he should inform the gentleman from Ohio [Mr. RICKETTS] that this proceeding will be in admiralty and that there will be no jury, so that no Member of the House may have any misunderstanding about it? That question was thrashed out and it was decided best not to incorporate into this bill a jury trial because of the difficulties in admiralty proceedings. I want to ask another question so that it may be clear. It seems to me that on another occasion when this bill was under consideration one of the objections was that it might restrict or take away the right of action which might be permissible under the laws of some States, where, for instance, States border on the Lakes, where death might occur. This bill, as I understand it, has been amended so that it does not cover causes of action arising within the 3-mile limit and excludes from its operations deaths which may occur on the Great Lakes. I think it might be well to explain that to the House.

Mr. VOLSTEAD. Section 1 expressly provides that it shall apply to the high seas outside of the 3-mile limit. Section 7 seeks to make certain that any action that originates inside of the 3-mile limit, the Great Lakes, or in the Canal Zone is not to be covered by this act.

Mr. SANDERS of Indiana. What is the meaning of the first sentence in section 7? The statement is that the provisions of any State statute giving or regulating rights of action or remedies for death shall not be affected by this act as to causes of action accruing within the territorial limits of any State. How is that embraced within the terms of the act, anyway?

Mr. VOLSTEAD. The language is general. Maritime jurisdiction extends over the rivers and the lakes, and unless we inserted this provision, section 1 may extend the admiralty jurisdiction of the United States within the States.

Mr. SANDERS of Indiana. It says "occurring on the high seas."

Mr. VOLSTEAD. Anything beyond the 3-mile limit is considered as on the high seas. It is provided that anything outside of a league from shore shall be covered by the bill.

Mr. SANDERS of Indiana. How much is a league?

Mr. VOLSTEAD. Three miles.

Mr. SANDERS of Indiana. The terms of the first section of the bill include only causes of action arising from injury—

Mr. VOLSTEAD. Neglect or default on the high seas.

Mr. SANDERS of Indiana. Outside of the 3-mile limit?

Mr. VOLSTEAD. Yes.

Mr. SANDERS of Indiana. Then I do not see the necessity for the first sentence of section 7.

Mr. MOORES of Indiana. Permit me to explain that there are a number of States that have outlying islands with the deep sea intervening more than 3 miles away. For instance, Sitka is a considerable distance from the mainland of Alaska.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. MOORE of Virginia. Is not the justification for section 7 found in the fact that some of the States under the State statutes take jurisdiction of causes of this character where even death may have occurred on the high seas, and that, therefore, you want to preserve that status and not interfere with it?

Mr. VOLSTEAD. No. If the gentleman will excuse me, my understanding is that the object of the act is to make a uniform rule for everything outside of the 3-mile limit.

Mr. MOORE of Virginia. I am speaking of the point made by my friend from Indiana [Mr. SANDERS]. I understand him to suggest that perhaps section 7 is superfluous because in the

first section the legislation is confined to what occurs on the high seas, but the report refers to cases described in this way, taking an illustration from the report:

In another limited liability proceeding arising from a collision more than 3 miles from land between steamships both owned by Delaware corporations the death statute of Delaware was applied.

Is it the purpose to save a situation of that kind by section 7?

Mr. MONTAGUE. No; I beg the gentleman's pardon, it does not. It is intended to exclude a situation of that sort, as the chairman states, by making the law uniform. I do not know, but if my memory serves me correctly, this section is put in out of abundant caution, to calm the minds of those who think that rights within the territorial waters will be usurped by the national law. A gentleman once here from an extreme Western State seemed to think, and so contended, that the bill applied to the territorial waters of his State.

Mr. VOLSTEAD. At that time it did.

Mr. MONTAGUE. And this section is intended, by inclusion and exclusion, to put that matter at rest, namely, that the territorial waters of the States shall be retained within the jurisdiction and sovereignty of the States and their courts. I agree with the gentleman that there is no necessity for it except to put at rest the minds of people who see dangers everywhere they turn.

Mr. SANDERS of Indiana. I am wondering whether there would be any conflict in jurisdiction—that is, whether you have provided in section 1 for recovery under certain circumstances—then you have carved something out of that in section 7.

Mr. MANN of Illinois. For instance, the territory of the State of Illinois runs out into the middle of Lake Michigan, or close to it, and the territories of Michigan and Illinois join in Lake Michigan. The point where they join is a good deal more than 3 miles from shore. It was not the intent nor the desire in any way to interfere with the jurisdiction of those States over things that happen on the lake, because they happen within the limits of the State, although it is considerably more than 3 miles from the shore. The same thing is true of other bodies of water. If the State gives a remedy, that settles it.

Mr. SANDERS of Indiana. The last provision of section 7 covers that part. I am talking about the first sentence.

Mr. MANN of Illinois. I know. That is a specific provision, but the same situation might arise in other States. Though I do not know, I suppose if a man is injured on the high seas within a State and he can get service on the defendant, as a result of that injury, he can bring suit.

Mr. VOLSTEAD. I presume he could.

Mr. SANDERS of Indiana. That is a suit in personam.

Mr. MANN of Illinois. Could it not reach a vessel in the State of Louisiana that belonged to the Pacific coast. Very evidently it would have to come a good ways around.

Mr. CONNALLY. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. CONNALLY. Under the terms of section 7 what would be the effect of the bill as to a vessel, say, in the Mississippi River?

Mr. VOLSTEAD. It would be excluded from the operation of this law and be subject to the State laws as they are now.

Mr. CONNALLY. Why would it? The gentleman provides as not to be affected by this act "causes of action accruing within the territorial limits of any State." The boundary is the middle of the stream, and sometimes it is difficult to locate just exactly where the accident occurred.

Mr. VOLSTEAD. Do not the States have concurrent jurisdiction all along the Mississippi River?

Mr. CONNALLY. They have in some cases, but they have not in all. As I understand, they do not have criminal jurisdiction over the whole river.

Mr. VOLSTEAD. At any rate it would be within the boundary of one side or the other.

Mr. CONNALLY. I was speculating as to whether the committee had taken that into consideration.

Mr. MOORE of Virginia. If I may be indulged just a moment—

Mr. VOLSTEAD. I yield.

Mr. MOORE of Virginia. I wish to make this suggestion, taking up the statement made by the gentleman from Indiana. The purpose of this bill, as I understand it, is to give exclusive jurisdiction to the admiralty courts where the accident occurs on the high seas.

Mr. VOLSTEAD. That is it.

Mr. MOORE of Virginia. If that be true, if you give exclusive jurisdiction, there seems to be no necessity for at least a part of section 7, and it therefore appears that in order to remove any doubt as to the exclusive jurisdiction of the admiralty courts, if that is what is desired, that there shall be inserted in

section 1 language that will make the exclusive jurisdiction of the admiralty courts clear.

The courts may take the view that as the bill deals with accidents on the high seas and also with accidents within the territorial limits of the States, then even as to causes of action arising on the high seas the admiralty courts and State courts are to have concurrent jurisdiction. If that view is to be avoided, it strikes me that there could be placed easily in the first section of the bill language that would place the point beyond peradventure of a doubt. I have only seen the bill in the last few moments, and am only stating an impression.

Mr. MONTAGUE. May I suggest—

Mr. VOLSTEAD. I yield to the gentleman.

Mr. MONTAGUE. In reply to the statement of my colleague [Mr. MOORE] I will say that jurisdiction upon this subject is found in the Constitution of the United States, and it has been held over and over again by our courts that when the Congress legislates in pursuance of constitutional authority such a law is exclusive. It requires no asservation in the bill to make it exclusive. It is exclusive by virtue of its superior jurisdiction; therefore, I submit, it is needless to amend this bill now and raise the chance of its defeat by adding a mere adjective when by the very force of the Constitution and the law in pursuance thereof it is inherently and necessarily exclusive.

Mr. VOLSTEAD. My impression is it would be exclusive upon the theory the gentleman [Mr. MONTAGUE] suggests.

Mr. SANDERS of Indiana. No case occurs to me which would call for the provision in the first part of section 7.

Mr. VOLSTEAD. Well, it does no harm.

Mr. SANDERS of Indiana. Well, I am not sure about that. Is it necessary that this shall apply only to cases in rem?

Mr. VOLSTEAD. In both rem and personam.

Mr. YATES. How could it do any harm?

Mr. CONNALLY. Is it intended that this shall apply to accidents occurring beyond the 3-mile limit?

Mr. VOLSTEAD. Yes; but, of course, death might occur, perhaps, inside the limit.

Mr. CONNALLY. But the cause of action has to occur beyond the 3-mile limit?

Mr. VOLSTEAD. Yes.

Mr. CONNALLY. Under that view is not section 7 practically superfluous by reason of the fact that Congress having legislated—

Mr. VOLSTEAD. As to the last part of the section, I do not think it is. There may be a question as to the first four lines, but the persons who drew this are expert admiralty lawyers, and I hesitate very much to attempt to improve on their language.

Mr. CONNALLY. The last few lines of section 7 would not be superfluous as to the Great Lakes, for unless they were excepted they would be included within the terms of the act perhaps.

Mr. VOLSTEAD. And the Panama Canal Zone.

Mr. IGOE. Does the gentleman feel that section 7 should be amended? I would say to the gentleman I think to do so would lead to embarrassment, because under the decision in the Hamilton case the statutes of Delaware were held to govern the cause of action where the corporations which owned the vessels were incorporated under the laws of that State even where the ships were upon the high seas. I think it would be well to leave that language so that the action may be permitted under those State laws when the accident occurs within the jurisdiction of the State, but that when the accident or death occurs beyond this limit, then it is governed under this law, because there is no remedy now in all cases.

Mr. CULLEN. Will the gentleman yield for a minute?

Mr. IGOE. Yes.

Mr. CULLEN. Then the purpose of that is to make the law uniform? Is that the object of it?

Mr. IGOE. The law is to remain as it is now, where there is a cause of action given by any State law or the decisions of the courts of those States for accidents in waters that are subject to the jurisdiction of those States. And then beyond that the State law does not apply, but this cause of action does apply.

Mr. CULLEN. If the State law applies to-day, then why the necessity for section 7?

Mr. VOLSTEAD. The State laws do not always apply. In some States there are no remedies.

Mr. IGOE. The difficulty is that a vessel of one State may collide with the vessel under the jurisdiction of another State, and in that case the court in Massachusetts has held that there was such a conflict and confusion that no remedy could be had.

Mr. CULLEN. I still hold it is superfluous and should be stricken from the bill.

Mr. SANDERS of Indiana. If a case should happen such as the gentleman has mentioned, then the persons having the right of action would have the right to proceed in admiralty under this statute?

Mr. IGOE. Under this statute.

Mr. SANDERS of Indiana. Or they would have the right to proceed in a State court?

Mr. IGOE. If they could have had an action under the State laws it would be excluded under this bill, unless it happened within the territorial limits of the State; that is, within the marine league limit.

Mr. SANDERS of Indiana. If it happens within the marine league limits, then it is not within the terms of the statute at all, because it is not on the high seas.

Mr. IGOE. It is possible to have an action under the State law.

Mr. SANDERS of Indiana. Will the gentleman yield further?

Mr. IGOE. I will.

Mr. SANDERS of Indiana. What I am trying to find out is whether it is intended here to give concurrent jurisdiction under section 7 to the State authority and the Federal authority in some cases, and whether it is intended to give exclusive jurisdiction to the Federal authorities in certain cases and to State authorities in certain cases?

Mr. IGOE. This is to give the right of action where there is none now in the Federal court. Of course, where the owners of a vessel submit to the limitation of liability there might be a recovery now, because of having submitted themselves voluntarily to the jurisdiction.

Mr. SANDERS of Indiana. The thing that occurred to me is this: Now, here is a statute providing for an action in admiralty for the decedent. It provides just how the amount recovered shall be distributed and it provides for certain beneficiaries. On the other hand, in section 7, you provide it shall not interfere with the laws of any State. If some State had a law providing for the recovery for wrongful death and entirely different distribution and we enact this statute and say the first statute shall not interfere with the law, you have two rights, first, within the first provisions of this act and then under the State, by the other beneficiaries, and it would subject the person charged to two suits.

Mr. IGOE. It was attempted to provide by this bill that there would not be any conflict between the State and Federal jurisdiction, and it was not intended to have any more concurrent power, as I understand it—at least, not in this bill.

Mr. SANDERS of Indiana. I did not know but that the gentleman had brought the concurrent power we had in another bill into this bill.

Mr. IGOE. I refer that to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. McKEOWN. Will the gentleman yield? I wanted to ask why exception was made as to the Panama Canal Zone?

Mr. VOLSTEAD. My understanding is that we have legislation covering the zone. The Panama Canal Zone has a code of laws of its own, and we are trying to leave legislation pertaining to it to the Committee on Interstate and Foreign Commerce, as that committee generally deals with that subject.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the Senate bill.

Mr. MANN of Illinois. Mr. Speaker, would the gentleman yield for the purpose of offering an amendment—

Mr. VOLSTEAD. I yield for that purpose.

Mr. MANN of Illinois. In order to get it before the House for consideration. I move to strike out, page 3, line 12, after the word "act," the words "as to causes of action accruing within the territorial limits of any State."

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN of Illinois: Page 3, line 12, after the word "act," strike out "as to causes of action accruing within the territorial limits of any State."

Mr. MANN of Illinois. Now, I do not know whether I am right or wrong about it, because I have not examined the report on this bill carefully as reported this time. But I remember this bill very distinctly in previous Congresses, and my impression, which very likely may be erroneous, is that the purpose of the bill was to confer jurisdiction in certain cases of death where no jurisdiction now exists. I was under the impression that the bill was not intended to take away any jurisdiction which can now be exercised by any State court. I may be wrong about that. I notice in the report in one place, on page 2, this statement from somebody:

We are very anxious to have the bill go through in its present simple form, which avoids conflict with State statutes and yet remedies a crying defect in the maritime law as administered in this country—and so forth.

If the amendment which I have suggested should be agreed to, the bill would not interfere in any way with rights now granted by any State statute, whether the cause of action accrued within the territorial limits of the State or not. In other words, if a man had cause of action and could get service, he could sue in a State court and not be required to bring suit in the Federal court.

Mr. IGOE. Will the gentleman yield?

Mr. MANN of Illinois. Certainly.

Mr. IGOE. In framing the law this difficulty was experienced: It was found that under States, as I said a moment ago, where the corporation was incorporated under the law of a State—the corporation owning the vessel—and an accident occurred upon the high seas, if both vessels were incorporated in the same State, there was no difficulty, but taking a case where—

Mr. MANN of Illinois. This does not cover the case of a collision of two vessels and an admiralty suit between the two.

Mr. IGOE. The death may occur on the high seas in collision between vessels.

Mr. MANN of Illinois. It would not be a suit by one corporation against the other.

Mr. IGOE. The inclination would be to select the corporation that was responsible. In one State the cause of action might be given to one individual, or it might be a different limitation the man has in another State. It was thought that there would be a great deal of confusion growing out of that, and there would be no certainty as to those who might sue or any certainty as to the amount of recovery.

Mr. MANN of Illinois. Anybody could bring a suit under this act if he chose to.

Mr. IGOE. Not under your amendment if the State law gave a cause of action and a death occurred on the high seas.

Mr. MANN of Illinois. Where there is a provision to that effect there would be concurrent jurisdiction.

Mr. IGOE. No. If we pass a law for admiralty jurisdiction in the United States, it is exclusive in certain cases.

Mr. MANN of Illinois. If it is exclusive, then it does not affect this.

Mr. IGOE. The gentleman is excluding an entire class of cases.

Mr. MANN of Illinois. We give a certain class of rights under this act. If this act as originally drawn by the admiralty lawyers was intended for the purpose of taking away jurisdiction now conferred by State statutes, it ought to be very critically examined.

Mr. IGOE. That is why the Great Lakes were excepted, where there could not be a conflict at all.

Mr. MANN of Illinois. It is just as easy to have a conflict on the Great Lakes as it is on the high seas, so far as that is concerned. The whole argument made in favor of this bill, as I recollect it, was that under the common law if a man received an injury through the negligence of another he could bring a suit. If he died the suit ended. If he was killed by the injury he had no right of action. The whole purpose of this was to conform to modern ideas of humanity and give a right of action where death was the result of the negligence of another. Now, if we are told that where that right of action now exists under State statutes that suit can be brought in State courts, we propose to pass an act to take away that right, I do not see how we are progressing.

Mr. IGOE. In the State of Massachusetts that right has been taken away. They would not apply the laws of the States, because the laws conflict.

Mr. MANN of Illinois. They would not be required to comply with the laws of a State. The gentleman's proposition would take away the right of the State to apply its own laws.

Mr. DEWALT. Mr. Speaker, will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. DEWALT. From the gentleman's recollection in regard to the discussion of this matter heretofore, was it the intent of the legislators to give exclusive jurisdiction to the admiralty courts of the United States in regard to accidents on the high seas?

Mr. MANN of Illinois. I would not undertake to say. That is my recollection of it. Still, that may be the intent of the men who drew the bill.

Mr. DEWALT. Does the gentleman who is chairman of the Committee on the Judiciary [Mr. VOLSTEAD] adhere to that?

Mr. VOLSTEAD. This bill has not always been in the same form. Originally it was intended to exclude State jurisdiction where the cause of action arose inside of the 3-mile limit. I am not sure but that the bill, at some time or another, when it passed the House, did contain a provision giving concurrent jurisdiction. This bill clearly leaves the jurisdiction exclusive in the Federal court outside of the 3-mile limit.

Mr. DEWALT. In order to remove any doubt as to that, does not the chairman of the Committee on the Judiciary believe it would be wise, in section 1, to state that the admiralty courts of the United States do have exclusive jurisdiction in such cases? That would clear that down.

Mr. VOLSTEAD. The view taken by the parties who drew this bill is that it is exclusive, because, as the gentleman from Virginia [Mr. MONTAGUE] pointed out, the power to pass laws on this subject is conferred on Congress in the Constitution, and whenever Congress acts I have no doubt it excludes the power on the part of the State to pass laws on the same subject.

Mr. DEWALT. If that is true, as to that sort of accidents resulting in death, and if there be no doubt about that, according to the gentleman from Virginia [Mr. MONTAGUE], and the gentleman's interpretation, and it being exclusive only as to matters occurring on the high seas, and also that the States have jurisdiction in regard to matters happening in their territorial limits, what is the use in having section 7?

Mr. VOLSTEAD. Section 7 has a use, at least, as far as the Great Lakes and the Panama Canal are concerned.

Mr. DEWALT. According to your contention, there is no use in having section 7.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. GARRETT. Mr. Speaker, may we have that amendment reported again?

The SPEAKER pro tempore. Without objection, the Clerk will again report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 3, line 12, after the word "act," strike out "as to causes of action accruing within the territorial limits of any State."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. GARRETT. Mr. Speaker, I know but very little about this question. I wanted to direct an inquiry to the gentleman from Illinois [Mr. MANN], if I may.

The SPEAKER pro tempore. Does the gentleman from Minnesota [Mr. VOLSTEAD] yield?

Mr. VOLSTEAD. I yield for that purpose.

Mr. GARRETT. It reads, "That the provisions of any State statute giving or regulating rights of action or remedies for death shall not be affected by this act."

Mr. MANN of Illinois. That is the way it will be left, so that the act will not take away any jurisdiction conferred now by the States.

Mr. REED of West Virginia. Mr. Speaker, will the gentleman yield for a question?

Mr. VOLSTEAD. I yield.

Mr. REED of West Virginia. It was alluded to once that the proceedings under this act would never have recourse to a jury. Is that true?

Mr. VOLSTEAD. I do not think so. Perhaps, for certain purposes, under the practice that prevails, they may have a jury, but ordinarily a jury is not allowed. However, I do not know much about admiralty practice.

Mr. REED of West Virginia. But under this concurrent jurisdiction to which my friend from Illinois [Mr. MANN] refers, that would be a proceeding in which there would be a jury trial, and the action might hinge upon the fact that the parties wanted to have a jury trial or not have a jury trial.

Mr. VOLSTEAD. I have no doubt but that under section 7, in the causes of action originating within the boundaries of a State, under State laws, a jury would be permitted, because it would be a cause of action in tort, and, of course, a jury trial would be permitted there.

Mr. SANDERS of Indiana. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Minnesota yield to the gentleman from Indiana?

Mr. VOLSTEAD. Yes.

Mr. SANDERS of Indiana. I would like to know what the effect of this law would be if the amendment offered by the gentleman from Illinois [Mr. MANN] be adopted with reference to this particular question: As thus amended, the first sentence in section 7 will read, "That the provisions of any State statute giving or regulating rights of action or remedies for death shall not be affected by this act." Now, as I understand it, if a person living in Illinois should be in the beneficiary class, should be, say, the widow of a person who had been killed on the high seas, that person may now bring action in personam in the State court of Illinois, and the damages recovered shall then be distributed in accordance with the provisions of the State

statutes. Now, if this act is passed as thus amended, it will give that widow the right to elect as to whether she shall proceed under the terms of the act conferring jurisdiction upon the Federal courts with reference to this matter, or whether she shall proceed under the State statute of Illinois. Is that the gentleman's understanding?

Mr. VOLSTEAD. That is my view of it, and my understanding is that in the form in which the bill at one time was drawn there was a provision something like this, and there was a precautionary clause added to prevent a double action; that is, to prevent action first in the State court and then afterwards an action in the Federal court.

Mr. SANDERS of Indiana. The reason I raised the question is that you notice here that the action is for the benefit of the husband, parent, or child. My recollection of the action for wrongful death in Illinois is that the child precedes the parent in the beneficial interest. It seems to me this might give conflicting rights. If the right of action were in one person in either case, then, of course, having elected to proceed under one provision, he would be barred from proceeding under the other provision. But suppose that the parent had the right to proceed in admiralty in the Federal courts under this law, and suppose under the State law of Illinois the child had the right to proceed. Now, how are you going to have an election in that case when the right to elect is not in the same person?

Mr. VOLSTEAD. It would be a good deal simpler if we should leave the statute in the form in which it is drawn.

Mr. MANN of Illinois. It would be a good deal wickeder.

Mr. VOLSTEAD. Well, it might or might not be. That might depend upon circumstances. In some cases there would be some advantage in having the two.

I move the previous question on the bill.

Mr. DEWALT. Mr. Speaker, I desire to offer an amendment. The SPEAKER pro tempore. The gentleman from Minnesota moves the previous question on the bill.

Mr. DEWALT. Will the gentleman yield to allow me to offer an amendment?

Mr. VOLSTEAD. Yes; I will.

The SPEAKER pro tempore. Does the gentleman withdraw his motion?

Mr. VOLSTEAD. Yes; I withdraw it for the time being.

The SPEAKER pro tempore. Does the gentleman from Minnesota yield to the gentleman from Pennsylvania to offer an amendment?

Mr. VOLSTEAD. Yes.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DEWALT: Page 1, line 12, after the word "ensued," insert "And in such cases the district court of the United States shall have exclusive jurisdiction."

Mr. MANN of Illinois. Mr. Speaker, I submit that my amendment must be voted upon before that.

Mr. DEWALT. I was waiting for the vote on the gentleman's amendment.

Mr. VOLSTEAD. I think we have discussed this sufficiently, and I move the previous question on the bill and amendments to the final passage.

Mr. SANDERS of Indiana. That will cut out the gentleman's amendment.

Mr. DEWALT. I desire to be heard just a moment.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] makes the point of order that there is an amendment pending.

Mr. DEWALT. I recognize that.

The SPEAKER pro tempore. Of course, the point of order is sustained, and the amendment of the gentleman from Pennsylvania is not now in order. The gentleman from Minnesota [Mr. VOLSTEAD] moves the previous question on the bill and amendments.

Mr. VOLSTEAD. I withdraw that for the time being.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

Mr. GOODYKOONTZ. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman from West Virginia rise?

Mr. GOODYKOONTZ. Mr. Speaker, I rise for the purpose of making some comments on the amendment.

The SPEAKER pro tempore. Does the gentleman from Minnesota yield to the gentleman from West Virginia?

Mr. VOLSTEAD. I yield five minutes to the gentleman from West Virginia.

Mr. GOODYKOONTZ. Mr. Speaker, if this bill becomes law the jurisdiction of the admiralty and the State courts will not be concurrent. The admiralty court will have jurisdiction of

the action if the cause of action arose on the high seas or on other navigable waters, and it is not within the power of Congress to further extend such jurisdiction. The jurisdiction of the States, as a matter of course, can not be taken away from them by congressional action. The constitutional clause upon which we predicate this measure gives Congress the power to prescribe a remedy for wrongful death occurring at sea. This power extends "to all cases of admiralty and maritime jurisdiction."

The object of section 7 of the bill is to manifest a recognition of the jurisdiction of the States as to matters that the State legislatures have the right to deal with. If you were to adopt the amendment proposed by the gentleman from Illinois [Mr. MANN] and eliminate the latter part of the first clause in the seventh section, which reads thus:

As to causes of action accruing within the territorial limits of any State—

you would defeat the very object which the gentlemen desire to accomplish, namely, the preservation of the authority of the States. The effect of the amendment would be to leave the sentence incomplete and the remaining language, not unlike Mahomet's coffin, suspended between heaven and earth, having no application to anything in particular. Even if you treat this phrase as surplusage, it can do no harm, for the reason that that which is useless does not vitiate the useful. If we follow the line of decisions, beginning with Gibbons against Ogden, and coming on down, we will find that the Federal courts have exclusive jurisdiction whenever Congress exercises a power that may have hitherto remained dormant, and therefore it may be that the class of decisions in State courts, as in Delaware, would fall, except for the provision which was wisely inserted by experienced lawyers, who thrashed the matter out; and I have no doubt but that every word in that paragraph has a very particular and precise bearing and was designed to take care of an important legal situation.

If the amendment prevails, my judgment is that the State courts and their decisions will be superseded by the exclusive power and authority of the admiralty courts, and such result will be in harmony with the decisions of the Supreme Court in interpreting the commerce clause of the Constitution. I would like to see the bill pass in its present form. If it had been the law at the time the *Titanic* went down, the families of those who found a grave in the chilly waters of the great deep would not have gone out of court empty handed.

Mr. MACGREGOR. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

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

The SPEAKER pro tempore. The gentleman will have to get time yielded by the gentleman from Minnesota.

Mr. VOLSTEAD. I yield to the gentleman from New York.

The SPEAKER pro tempore. The gentleman from New York is recognized for five minutes.

Mr. MACGREGOR. Mr. Speaker, I do not know how many of the gentlemen here are admiralty lawyers. I must say I am not, but it strikes me that there may be considerable danger in this bill, especially with reference to the matter of jurisdiction upon the Great Lakes. Now, my recollection is that in the State of New York, when a death occurs upon Lake Erie, we go into the admiralty court and plead the cause of action for death or the right to recover for death under the State statute. If this bill is passed it leaves it very uncertain whether we can go into the admiralty court. I notice that this bill, or a similar bill, has been considered by the House before, and the opinion of Judge Putnam is attached. He says, with reference to this bill, that section 1 gives a right of action in the admiralty court for death from negligent acts occurring upon the high seas, the Great Lakes, and other navigable waters.

Now, this bill strikes out the Great Lakes. I am very uncertain as to what situation we will find ourselves in with reference to death occurring on the Great Lakes.

Mr. VOLSTEAD. You will be in exactly the same position that you are now.

Mr. IGOE. That is the anxiety of many men—that the bill is interfering with present remedies for death on the Great Lakes and that the law is now sufficient.

Mr. MACGREGOR. You have this law applying to death in one case and a different law applying to death in another case.

Mr. MONTAGUE. Would the gentleman deny the right of the people to the benefit which this law confers in cases where there is now no remedy? Does not the gentleman think it is an opprobrium of our Government and of our civilization that people dying from injuries sustained upon the high seas have no remedy whatever?

Mr. MACGREGOR. I always thought that.

Mr. MONTAGUE. Why, then, if this bill does not interfere with inland waters, should such noninterference be invoked to kill this bill?

Mr. MACGREGOR. My only point was whether it might cause such a confusion that we would not know exactly how we were situated in regard to death on the Great Lakes.

Mr. MONTAGUE. This bill does not apply to the Great Lakes at all; it does not affect any existing laws applicable to them.

Mr. MACGREGOR. But you would have one law applying to death on the Great Lakes and another applying to death on the high seas.

Mr. MONTAGUE. The Great Lakes are not the high seas.

Mr. MACGREGOR. I admit that the gentleman knows more about this than I do.

Mr. MONTAGUE. This bill has been killed three or four times in other Congresses on three grounds: One, that it embraced the Great Lakes and inland waters; the second, that it did not provide for a jury trial; third, that there was no limitation upon the liability of shipowners, and that there ought to be such a limitation. These three objections, in some form or another, have been interjected heretofore to kill this very meritorious legislation. This bill as now worked out is not perfect, and no legislation is perfect, but certainly in the minds of the committee it is legislation that we would generally consider most wholesome and righteous for mankind. [Applause.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. MANN of Illinois) there were—10 ayes and 12 noes.

Mr. MANN of Illinois. Mr. Speaker, I think we ought to have somebody here to decide such an important proposition.

The SPEAKER pro tempore. Does the gentleman from Illinois make the point of no quorum?

Mr. MANN of Illinois. I do.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of no quorum. Evidently no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 201, nays 75, answered "present" 1, not voting 149, as follows:

YEAS—201.

Almon	Elston	Lehbach	Robson, Ky.
Andrews, Nebr.	Emerson	Leshar	Ronjue
Anthony	Evans, Nebr.	Linthicum	Rowe
Ashbrook	Fairfield	Little	Rubey
Ayres	Fess	Luhring	Rucker
Bacharach	Focht	McCulloch	Sanders, Ind.
Baer	Foster	McKinley	Sanders, La.
Barbour	Frear	McLaughlin, Mich.	Scott
Begg	Freeman	McLaughlin, Nebr.	Sells
Black	Fuller, Ill.	McPherson	Sherwood
Bland, Mo.	Gallagher	MacCrate	Sims
Bland, Va.	Garland	MacGregor	Sinclair
Blanton	Garner	Major	Small
Bowers	Garrett	Mann, Ill.	Smith, Idaho
Box	Goodwin, Ark.	Mansfield	Smith, Mich.
Brand	Graham, Ill.	Martin	Smithwick
Briggs	Griffin	Mays	Steagall
Brooks, Ill.	Hadley	Miller	Stedman
Browning	Hardy, Colo.	Monahan, Wis.	Steele
Buchanan	Hardy, Tex.	Mondell	Stevens, Ohio
Burdick	Harreld	Moon	Stevenson
Butler	Haugen	Moore, Ohio	Stoll
Byrns, Tenn.	Hays	Moore, Va.	Strong, Kans.
Campbell, Pa.	Heflin	Morgan	Summers, Wash.
Candler	Hernandez	Mudd	Sweet
Cannon	Hersey	Murphy	Swope
Carew	Hersman	Nelson, Mo.	Taylor, Tenn.
Cars	Hicks	Nelson, Wis.	Tilson
Clark, Mo.	Hoey	Newton, Minn.	Tincher
Classon	Holland	Newton, Mo.	Towner
Coady	Hull, Iowa	Nolan	Treadway
Collier	Hull, Tenn.	Oliver	Upshaw
Connally	Hutchinson	Oiney	Vinson
Cooper	Ireland	Park	Wason
Crisp	Johnson, Miss.	Parrish	Weaver
Crowther	Johnson, Wash.	Platt	Webster
Dale	Jones, Tex.	Pou	White, Kans.
Dallinger	Juul	Purnell	White, Me.
Darrow	Keller	Quin	Williams
Davis, Tenn.	Kelley, Mich.	Radcliffe	Wilson, Pa.
Dempsey	Kiess	Rainey, H. T.	Wingo
Dewalt	King	Raker	Wise
Dickinson, Mo.	Kinkaid	Ramseyer	Wood, Ind.
Dickinson, Iowa	Kitchin	Ramsey	Woodyard
Doughton	Klecza	Randall, Calif.	Wright
Dowell	Kreider	Randall, Wis.	Young, N. Dak.
Drane	Lanham	Rayburn	Young, Tex.
Dunbar	Lankford	Reed, N. Y.	Zihman
Dunn	Layton	Rhodes	
Eagle	Lazaro	Ricketts	
Elliott	Lee, Ga.	Robinson, N. C.	

NAYS—75.

Ackerman	Babka	Brooks, Pa.	Caraway
Andrews, Md.	Benham	Browne	Cleary
Aswell	Boles	Caldwell	Cullen

Currie, Mich.	Houghton	Montague	Snell
Davey	Husted	Mooney	Stines
Dominick	Igoe	Moore, Ind.	Taylor, Ark
Donovan	Jacoway	Mott	Thomas
Dupré	Jones, Pa.	O'Connell	Tillman
Eagan	Kraus	Ogden	Tinkham
Echols	Larsen	Oldfield	Volstead
Esch	Luce	Pell	Watkins
Fordney	McArthur	Peters	Watson
French	McClintic	Phelan	Welling
Ganly	McGlennon	Rainey, J. W.	Whaley
Goodykoontz	McKeown	Reed, W. Va.	Wilson, Ill.
Greene, Mass.	McKiniry	Rogers	Wilson, La.
Hawley	Magee	Shreve	Woods, Va.
Hickey	Mann, S. C.	Siegel	Yates
Hoch	Mead	Smith, N. Y.	

ANSWERED "PRESENT"—1.

Bell

NOT VOTING—149.

Anderson	Fields	Kennedy, R. I.	Rodenberg
Bankhead	Fisher	Kettner	Rose
Barkley	Flood	Kincheloe	Rouse
Bee	Fuller, Mass.	Knutson	Rowan
Benson	Gallivan	Lampert	Sabath
Blackmon	Gandy	Langley	Sanders, N. Y.
Bland, Ind.	Gard	Lea, Calif.	Sanford
Booher	Glynn	Loneragan	Schall
Brinson	Godwin, N. C.	Longworth	Scully
Britten	Goldfogle	Lufkin	Sears
Brumbaugh	Good	McAndrews	Sinnott
Burke	Goodall	McDuffie	Sisson
Burroughs	Gould	McFadden	Slemp
Byrnes, S. C.	Graham, Pa.	McKenzie	Smith, Ill.
Campbell, Kans.	Green, Iowa	McLane	Snyder
Cantrill	Greene, Vt.	Madden	Steensson
Carter	Griest	Maher	Stephens, Miss.
Casey	Hamil	Mapes	Strong, Pa.
Chindblom	Hamilton	Mason	Sullivan
Christopherson	Harrison	Merritt	Summers, Tex.
Clark, Fla.	Hastings	Michener	Tagne
Cole	Hayden	Minahan, N. J.	Taylor, Colo.
Copley	Hill	Morin	Temple
Costello	Howard	Neely	Thompson
Crago	Huddleston	Nicholls, S. C.	Timberlake
Cramton	Hudspeth	Nichols, Mich.	Valle
Curry, Calif.	Hulings	O'Connor	Vare
Davis, Minn.	Humphreys	Osborne	Venable
Denison	James	Overstreet	Vestal
Dent	Jefferis	Padgett	Voigt
Dooling	Johnson, Ky.	Paige	Walters
Doremus	Johnson, S. Dak.	Parker	Ward
Dyer	Johnston, N. Y.	Porter	Welty
Edmonds	Kahn	Rainey, Ala.	Wheeler
Ellsworth	Kearns	Reavis	Winslow
Evans, Mont.	Kelly, Pa.	Reber	
Evans, Nev.	Kendall	Riddick	
Ferris	Kennedy, Iowa	Riordan	

So the amendment was agreed to.

The Clerk announced the following additional pairs:
Until further notice:

- Mr. BLAND of Indiana with Mr. BARKLEY.
- Mr. CAMPBELL of Kansas with Mr. BRUMBAUGH.
- Mr. CHINDBLOM with Mr. BENSON.
- Mr. COLE with Mr. EVANS of Montana.
- Mr. COPLEY with Mr. CARTER.
- Mr. CRAGO with Mr. FISHER.
- Mr. CRAMTON with Mr. FLOOD.
- Mr. GOOD with Mr. CASEY.
- Mr. GREENE of Vermont with Mr. HARRISON.
- Mr. HULINGS with Mr. GANDY.
- Mr. JOHNSON of South Dakota with Mr. GODWIN of North Carolina.
- Mr. LONGWORTH with Mr. LEA of California.
- Mr. MCKENZIE with Mr. NICHOLLS of South Carolina.
- Mr. MADDEN with Mr. OVERSTREET.
- Mr. MASON with Mr. PADGETT.
- Mr. PARKER with Mr. RAINEY of Alabama.
- Mr. PORTER with Mr. RIORDAN.
- Mr. REBER with Mr. ROWAN.
- Mr. RODENBERG with Mr. SABATH.
- Mr. SANDERS of New York with Mr. SEARS.
- Mr. SINNOTT with Mr. SISSON.
- Mr. SNYDER with Mr. STEPHENS of Mississippi.
- Mr. STENERSON with Mr. VENABLE.
- Mr. VESTAL with Mr. WELTY.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question to the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

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

On motion of Mr. VOLSTEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDING THE DISTRICT OF COLUMBIA CODE.

Mr. VOLSTEAD. Mr. Speaker, I call up the bill (H. R. 6025) to amend an act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto, which I send to the desk and ask to have read.

The SPEAKER pro tempore. The gentleman from Minnesota calls up the bill H. R. 6025, which the Clerk will report.

The Clerk read the bill, as follows:

Be enacted, etc., That the act to establish a code of law for the District of Columbia, approved March 3, 1901, and the acts amendatory thereof and supplementary thereto, constituting the Code of Law for the District of Columbia, be, and the same are hereby, amended as follows:

By striking out section 20 and inserting in lieu thereof:
"Sec. 20. Forcible entry and detainer: Whenever any person shall forcibly enter and detain any real property, or shall unlawfully, but without force, enter and unlawfully and forcibly detain the same; or whenever any tenant shall unlawfully detain possession of the property leased to him, after his tenancy therein has expired; or any mortgagor or grantor in a mortgage or deed of trust to secure a debt shall unlawfully detain the possession of the real property conveyed, after a sale thereof under such deed of trust or a foreclosure of the mortgage, or any person claiming under such mortgage or grantor, after the date of the mortgage or deed of trust, shall so detain the same; or a judgment debtor or any person claiming under him, since the date of the judgment, shall so detain possession of real property, after a sale thereof under an execution issued on such judgment, it shall be lawful for the municipal court, on complaint under oath, verified by the person aggrieved by said unlawful detention or by his agent or attorney, having knowledge of the facts, to issue a summons to the party complained of to appear and show cause why judgment should not be given against him for the restitution of the possession."

By striking out section 35 and inserting in lieu thereof the following:
"Sec. 35. In case the property shall appear to belong to the claimant or to be exempt from such process, judgment shall be entered against the plaintiff for costs, and the property levied upon shall be released. If the property shall not appear to belong to the claimant or to be exempt, as aforesaid, judgment shall be entered against said claimant or the defendant, as the case may be, for costs, including additional costs occasioned by the delay in the execution of the writ. An appeal may be taken from the judgment as in other cases."

By striking out section 65 and inserting in lieu thereof:
"Sec. 65. The general term of said court shall be open at all times for the transaction of business; and said court, by orders passed in general term, may regulate the periods of holding the special terms, fix the number of said terms, and alter the same from time to time, as public convenience may require; may direct as many terms of any of the special terms to be held at the same time as the public business may make necessary; may assign the several justices from time to time to the respective special terms; may establish written rules regulating pleading, practice, and procedure, and by said rules make such modifications in the forms of pleading and methods of practice and procedure prescribed by existing law as may be deemed necessary or desirable to render more simple, effective, inexpensive, and expeditious the remedy in all suits, actions, and proceedings, provided that said rules be posted or published not less than 30 days prior to the date when they are to become effective; may appoint a clerk, an auditor, and also a crier and a messenger for each court in special term, and all other officers of the court necessary for the due administration of justice, with the exception of all officers and employees in any manner connected with the probate term, and also United States commissioners; may hear charges of misconduct against any judge of the municipal court and remove him from office for cause shown; may admit persons to the bar of said court and censure, suspend, or expel them; and may pass all other orders not inconsistent with existing laws which may be necessary to the effective administration of justice in said court, but said court shall not hear any cause in general term: *Provided*, That the general term may assign more than one justice to a special term for the trial of a given case."

By striking out section 67 and inserting in lieu thereof:
"Sec. 67. By mutual consent and arrangement between justices, causes may be certified by any justice holding a special term to any justice holding any other special term of said court for trial in the latter: *Provided*, That a criminal case can only be certified for trial from one criminal court to another criminal court. In the absence of any justice assigned to a special term, such special term may be presided over and its business conducted by any other justice."

By adding a new paragraph at the end of section 105 to read as follows:

"Personal service of process may be made by any person not a party to or otherwise interested in the subject matter in controversy on a nonresident defendant out of the District of Columbia, which service shall have the same effect and no other as an order of publication duly executed. In such case the return must be made under oath in the District of Columbia, unless the person making the service be a sheriff or deputy sheriff, a marshal or deputy marshal, authorized to serve process where service is made, and such return must show the time and place of such service and that the defendant so served is a nonresident of the District of Columbia. The cost and expense of such service of process out of the District of Columbia shall be borne by the party at whose instance the same is made and shall not be taxed as a part of the costs in the case; but where such service of process is made by some authorized officer of the law in this section mentioned, the actual and usual cost of such service of process shall be taxed as a part of the costs in the case."

By striking out section 115a, and inserting in lieu thereof:
"Sec. 115a. Lunacy proceedings: All writs de lunatico inquirendo shall issue from said equity court, and a justice holding said court shall preside at all inquisitions of lunacy, and may impanel a jury from among the petit jurors in attendance in the Supreme Court of the District of Columbia."

By inserting immediately after section 123 a new section as follows:
"Sec. 123a. Continuing decedent's business: The said court may, in its discretion, authorize any fiduciary, accountable to it, to continue the business of a decedent for a period not exceeding 12 months after decedent's death. No order shall be entered so authorizing a fiduciary until he shall have filed a petition under oath, supported by the affidavits of two reputable persons familiar with the decedent's business, setting

forth the appraised value of the business, whether the decedent conducted it at a profit or loss and the approximate amount thereof, and the estimated amount of the expenses per month necessary to be incurred in order to continue the business. Any fiduciary who is given such authorization shall file monthly statements showing all receipts and disbursements, debts contracted and obligations incurred, and the profit or loss; and the court, in its discretion, may order the discontinuance of the business at any time.

"Debts contracted and obligations incurred by the fiduciary in so continuing the business of the decedent shall be deemed to be an expense of administration of the estate."

By striking out section 126 and inserting in lieu thereof:

"Sec. 126. Enforcement of duty: The court shall have power to order any executor, administrator, collector, guardian, or testamentary trustee, who appears to be in default in respect to the rendering of any inventory or account or the fulfillment of any duty in said court to be summoned to appear therein and fulfill his duty in the premises, on pain of revocation of his power to act; and on his appearing the court may pass such order as may be just; and upon his failure to appear, after having been duly summoned, may revoke his power to act and make such further order and other appointment as justice may require. In case the summons to appear is returned by the marshal 'not to be found,' an alias summons shall be mailed to the last known post-office address of such fiduciary or served upon his attorney of record, if he be within the jurisdiction of the court; and on the failure of such fiduciary to appear, the court may revoke his power to act and make such further order and other appointment as justice may require."

By inserting immediately after section 137 a new section as follows:

"Sec. 137a. While issues raised by a caveat are pending, either for trial or on appeal, no prior will shall be admitted to probate."

By striking out section 140 and inserting in lieu thereof:

"Sec. 140. Trial of issues as to wills: Whenever any caveat shall be filed, issues shall be framed under the direction of the court for trial by jury: *Provided*, That in all cases in which all persons interested *pro sui juris* and before the court the issues may be tried and determined by the court, without a jury, upon the written consent of all such parties. If they are to be tried by a jury, they shall be triable in said probate court by petit jurors drawn for service in the Supreme Court of the District of Columbia; and at least 10 days prior to the time of trial all of the heirs at law or next of kin of the decedent, or both together, as the case may require, and all persons claiming under the will in question, or any other instrument on file purporting to be a will of the decedent, shall be each served with a copy of said issues and a notification of the time and place of the trial thereof. If any one of them be an infant or of unsound mind, he shall have a guardian ad litem appointed for him by the court before such trial shall proceed. If, as to any party in interest, the notification shall be returned 'not to be found,' the court shall assign a new day for such trial, and shall order publication, at least twice a week for a period of not less than four weeks, of the substance of the issues and of the date fixed for the trial thereof in some newspaper of general circulation in the District, and may order such further publication as the case may require. And the Supreme Court of the District of Columbia may from time to time prescribe and revise rules and regulations for service personally upon such party outside of the District of Columbia of a copy of such issues and notification. Personal service on absent parties shall not be essential to the jurisdiction of the court. The proceeding for impaneling a jury for the trial of said issues shall be the same as if they were being tried in the circuit court. In all cases in which such issues shall be tried the verdict of the jury and the judgment of the court thereupon shall, subject to proceedings in error and to such revision as the common law provides, be res judicata as to all persons; nor shall the validity of such judgment be impeached or examined collaterally."

By striking out section 198 and inserting in lieu thereof:

"Sec. 198. Jury commission: There shall be, and there is hereby, constituted a jury commission for the District of Columbia, which shall be composed of three commissioners, who shall be citizens of the United States and actual residents of the District of Columbia, who have been domiciled therein for at least three years prior to their appointment, and shall be freeholders in the District of Columbia and not engaged in the practice of law. Such commissioners shall be appointed by the Supreme Court of the District of Columbia, in general term, and shall serve for a term of three years and until their successors are appointed and qualified; except that the members first appointed shall serve for one, two, and three years, respectively, as may be designated by said court. Before entering upon the discharge of their duties they shall each take an oath of office to be prescribed by the Supreme Court of the District of Columbia. No person who has served as such commissioner shall be eligible for reappointment within three years of the date of the expiration of his term of service. It shall be the duty of said jury commission to make and preserve a record of the list of names of jurors, both grand and petit, and of commissioners and jurors in condemnation proceedings for service in all the courts of the District of Columbia having cognizance of jury trials and of condemnation proceedings, to place the names in the jury box, and to have custody and control of said jury box, and to draw the names of said jurors and condemnation commissioners from time to time, as hereinafter provided. The compensation of said jury commissioners shall be \$10 each per day for each day or fraction of a day when they are actually engaged in the performance of their duties, not to exceed five days in any one month, which shall be paid by the United States marshal for the District of Columbia out of the appropriation for pay of bailiffs, upon the certificate of said commissioners. The said Supreme Court of the District of Columbia, in general term, shall have power summarily to remove any of said commissioners for absence, inability, or failure to perform his duties as such commissioner, or for any misfeasance or malfeasance, and to appoint another person for the unexpired term. In the event of the illness or other inability or absence from the District of Columbia of any one of said commissioners, the two other commissioners may perform the duties of said jury commission."

By striking out section 199 and inserting in lieu thereof:

"Sec. 199. The said jurors shall be selected, as nearly as may be, from the different parts of the District."

By striking out section 200 and inserting in lieu thereof:

"Sec. 200. Jury box: The jury commission shall write the names on separate and similar pieces of paper, which they shall so fold or roll that the names can not be seen, and shall place the same in a box to be provided for the purpose."

By striking out section 201 and inserting in lieu thereof:

"Sec. 201. The jury commission shall thereupon seal said box and, after thoroughly shaking the same, shall deliver it to the clerk of the Supreme Court of the District of Columbia for safe-keeping; and the same shall not be unsealed or opened except by said commission."

By striking out section 202 and inserting in lieu thereof:

"Sec. 202. Term of service: The respective terms of service of petit jurors drawn for service in the Supreme Court of the District of Columbia shall begin on the first Tuesday of October, November, December, January, February, March, April, May, and June of each year and shall terminate on the Monday preceding the first Tuesday of the next month thereafter, except when the jury shall be discharged by the court at an earlier day, or when a jury shall be empaneled and it shall happen that no verdict shall have been found before the day appointed by law for the commencement of the next succeeding term, in which case the court shall proceed with the trial by the same jury in every respect as if its term of service had not ended; and all proceedings to final judgment, if such judgment shall be rendered, shall be entered and have legal effect and operation as of the term at which the jury shall have been empaneled: *Provided*, That the Supreme Court of the District of Columbia in general term may direct petit jurors to be drawn for monthly service in said court during the months of July, August, and September, such service to begin and terminate as aforesaid."

By striking out section 203 and inserting in lieu thereof:

"Sec. 203. That the term of service of the grand jury in the criminal court shall begin with each term of that court and shall end with such term, unless the jury shall be sooner discharged by the court. The foreman of the grand jury shall be selected by the justice presiding over the special term known as criminal division No. 1 from among the jurors, grand and petit, in attendance upon the Supreme Court of the District of Columbia; and, in the event that said foreman is not selected from among the 23 grand jurors in attendance but is selected from among the petit jurors, one of said grand jurors shall be excused as such and transferred to the roll of petit jurors, and the term of service of the foreman so selected of the grand jury shall be concurrent with the term of service of the grand jury."

By striking out section 204 and inserting in lieu thereof:

"Sec. 204. Drawing jurors: At least 10 days before the first Tuesday of each month specified in section 202 when jury trials are to be had, said jury commission shall publicly break the seal of the jury box and proceed to draw therefrom, by lot and without previous examination, the names of such number of persons as the general term of the Supreme Court of the District of Columbia may from time to time direct to serve as petit jurors in the Supreme Court of the District of Columbia; and at least 10 days before the commencement of each term of the criminal courts shall in like manner draw the names of 23 persons required to serve as grand jurors in said criminal courts, and shall forthwith certify to the clerk of the Supreme Court of the District of Columbia the names of the persons so drawn as petit and grand jurors, respectively."

"The distribution, assignment, reassignment, and attendance of said petit jurors among the special terms of the Supreme Court of the District of Columbia shall be in accordance with rules to be prescribed by said court."

"At least 10 days before the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October of each year the said jury commission shall likewise draw from the jury box the names of persons to serve as jurors in the police court and in the juvenile court of the District of Columbia in accordance with sections 45 and 46 of this code relating to the police court, and sections 14 and 15 of the act of Congress approved March 19, 1906, creating said juvenile court, and shall also draw from the jury box the names of persons to serve as jurors in any other court in the District of Columbia which hereafter may have cognizance of jury trials, and shall certify the respective list of jurors to the clerk of the Supreme Court of the District of Columbia."

By striking out section 205 and inserting in lieu thereof:

"Sec. 205. If any person whose name is drawn from the box shall have died or removed from the District before or after being selected, or become otherwise disqualified or disabled, the jury commission shall destroy the slip containing the name of such person, and in such case the jury commission shall draw from the box the name of another person to serve in his stead."

By striking out section 206 and inserting in lieu thereof:

"Sec. 206. After the requisite number of jurors shall have been drawn the jury box shall be sealed and delivered to the clerk of the Supreme Court of the District of Columbia for safe-keeping, and the names of the persons drawn shall not be placed again in the box for one year, unless said jurors shall be excused or for other reasons shall fail to serve."

By striking out section 207 and inserting in lieu thereof:

"Sec. 207. At the time of each drawing of jurors by said commission there shall be in the jury box the names of not less than 600 persons possessing the qualifications hereinafter prescribed, which names shall have been placed therein by said jury commission. Said jury commission shall keep an accurate record, in alphabetical form, of all names remaining in the jury box from time to time, which record shall be kept sealed and deposited for safekeeping in the office of the clerk of the Supreme Court of the District of Columbia when the commission is not in session, and no person shall have access to said record except said commission."

By striking out section 208 and inserting in lieu thereof:

"Sec. 208. If any persons drawn as grand or petit jurors can not be found, or shall prove to be incompetent, or shall be excused from service by the court, the jury commission, under the direction of the court, shall draw from the box the name of other persons to take their places, and if, after the organization of the jury, any vacancies occur therein, they shall be filled in like manner."

By striking out section 209 and inserting in lieu thereof:

"Sec. 209. Special venire: Whenever in any criminal case in the Supreme Court of the District of Columbia it shall become impossible, on account of challenges or excuses, to impanel a trial jury from among the available petit jurors already in attendance on said supreme court and distributed or assigned among the several special terms thereof, the justice presiding at such criminal trial shall order the marshal to summon as many talesmen as may be necessary to complete said jury."

By striking out sections 213 and 214 and inserting in lieu thereof:

"Sec. 213. Frauds: If any person shall fraudulently tamper with any box used or intended by the jury commission for the names of prospective jurors, or of prospective condemnation jurors or commissioners, or shall fraudulently tamper with the contents of any such box, or with any jury list, or be guilty of any fraud or collusion with respect to the drawing of jurors or condemnation jurors or commissioners, or if any jury commissioner shall put in or leave out of any such box the name of any person at the request of such person, or at the request of any other person, or if any jury commissioner shall willfully draw from any such box a greater number of names than is required by the court, any such person or jury commissioner so offending shall for each offense be pun-

ished by a fine of not more than \$500 or imprisonment in the District Jail or workhouse for not more than one year, or both."

By striking out sections 218, 219, and 220, and inserting in lieu thereof:

"SEC. 218. The Supreme Court of the District of Columbia in general term shall have full power and authority from time to time to make such rules as it may deem proper respecting the examination, qualification, and admission of persons to membership in its bar and their censure, suspension, and expulsion; and every person so admitted, before he shall be at liberty to practice therein, shall take and subscribe the following oath: 'I, _____, do solemnly swear (or affirm) that I will demean myself as a member of the bar of this court uprightly and according to law; and that I will support the Constitution of the United States.'

"SEC. 219. That said supreme court, in general term, shall have full power and authority to censure, suspend from practice, or expel any member of its bar for any crime, misdemeanor, fraud, deceit, malpractice, professional misconduct, or any conduct prejudicial to the administration of justice. Any fraudulent act or misrepresentation by an applicant in connection with his application or admission shall be sufficient cause for the revocation by said court of such admission.

"SEC. 219a. Whenever any member of the bar of said court shall be convicted of any offense involving moral turpitude, and a duly certified copy of the final judgment of such conviction shall be presented to said court, the name of the member so convicted may thereupon, by order of said court, be stricken from the roll of the members of said bar, and he shall thereafter cease to be a member thereof. In the event of appeal from any such judgment of conviction as aforesaid, and pending the final determination of such appeal, the said court may order the suspension from practice of such convicted member of the bar; and upon a reversal of such conviction, or the granting of a pardon, said court shall have power to vacate or modify such order of disbarment or suspension.

"SEC. 220. Before any such member of the bar is censured, suspended, or expelled as provided by section 219, written charges, under oath, against him must be presented to said court, stating distinctly the grounds of complaint. Said court in general term may order said charges to be filed in the office of the clerk of said court and shall fix a time for hearing thereon. Thereupon a certified copy of said charges and order shall be served upon such member personally by the marshal or such other person as the court may designate, or in case it is established to the satisfaction of the court that personal service can not be had, a certified copy of such charges and order shall be served upon him by mail, publication, or otherwise as the court may direct. At any time after the filing of said written charges the court shall have power, pending the trial thereof, to suspend from practice the person charged."

By striking out sections 276, 277, 278, 279, and 280 and inserting in lieu thereof the following:

"SEC. 276. Persons entitled: If the intestate leave a widow or surviving husband and a child or children, administration, subject to the discretion of the court, shall be granted either to the widow or surviving husband or to the child, or one or more of the children qualified to act as administrator, and further subject to the discretion of the court as follows:

"SEC. 277. If there be a widow or surviving husband and no child, the widow or surviving husband shall be preferred, and next to the widow or surviving husband or children a grandchild shall be preferred.

"SEC. 278. If there be neither widow or surviving husband, nor child, nor grandchild to act, the father shall be preferred; and if there be no father, the mother shall be preferred.

"SEC. 279. If there be neither widow or surviving husband, nor child, nor grandchild, nor father, nor mother to act, brothers and sisters shall be preferred.

"SEC. 280. If there be neither widow or surviving husband, nor child, nor grandchild, nor father, nor mother, nor brother, nor sister, the next of kin shall be preferred."

By striking out section 306 and inserting in lieu thereof:

"SEC. 306. Duties of collector: The collector shall collect the goods, chattels, and personal estate of the deceased, including the debts due him, and cause the same to be appraised and return an inventory thereof, as an administrator is required to do, and may, under the authority of the court, sell perishable articles and bring suits for debts or other property, as an administrator may do, and shall account for the money recovered. The said collector may, if authorized by the court, take possession of, hold, manage, conserve, and control all real estate affected by the will or wills in dispute, and said collector shall discharge, pendente lite, all the duties of an administrator, including the payment of debts, and shall be liable to an action by any creditor of the deceased and shall be entitled to the protection of any provision of law expressly relating to executors and administrators.

"Said collector may be allowed a commission not exceeding 10 per cent on the personal property, debts due the estate, and rentals from real estate actually collected by him.

"In the event that such collector is authorized by the court to take possession of the real estate affected by such will or wills as hereinbefore set forth, the letters of collection shall so expressly specify, and his bond as such collector, in addition to the several matters set forth in section 305, shall specifically include the faithful performance of his duties with respect to such real estate."

By striking out section 307 and inserting in lieu thereof:

"SEC. 307. When powers to cease: On the granting of letters testamentary or of administration the power of any such collector shall cease, and it shall be his duty to deliver, on demand, all the property and money of the decedent in his hands, except as before excepted, to the person obtaining such letters, and the executor or administrator may be permitted to prosecute any suit commenced by said collector as if the same had been begun by said executor or administrator, and may also defend any suit brought against said collector by any creditor of the deceased."

By striking out section 308 and inserting in lieu thereof:

"SEC. 308. If the said collector shall neglect or refuse to deliver over the property and estate to the executor or administrator, the court may, by citation and attachment, compel him to do so, and the executor or administrator may also proceed, by civil action, to recover the value of the assets from him and his sureties by action on his bond."

By inserting immediately after section 308 a new section, as follows:

"SEC. 308a. Service upon fiduciary when not to be found: In the case of the grant of either original or ancillary letters testamentary, or of administration, or of collection, or of guardianship, the person designated shall, if a nonresident of the District of Columbia, file in the office of the register of wills, before the issuance of such letters, an irrevocable power of attorney designating the register of wills and his successors in office as the person upon whom all notices and process issued by any competent court in the District of Columbia may be

served, with like effect as personal service, in relation to any suit, matter, cause, or thing affecting or pertaining to the estate in which the letters are issued. It shall be the duty of said register of wills to forthwith forward by registered mail to the address of such fiduciary, which shall be stated in said power of attorney, any notice or process served upon said register as aforesaid.

"In the event that any fiduciary shall fail to file such power of attorney within 10 days after the passing of the order of appointment, such order shall thereupon stand revoked, and he shall forfeit all rights to the office."

By striking out section 310 and inserting in lieu thereof:

"SEC. 310. Appraisers: On the granting of letters testamentary or of administration or letters of collection, except in the aforesaid excepted cases, a warrant shall issue to two suitable persons not interested in the estate to appraise the estate of the deceased, known to them or shown to them by the executor, administrator, or collector, and they shall severally take and subscribe an oath well and truly, without partiality or prejudice, to value the goods, chattels, and personal estate and real estate (if so directed) of the deceased, as far as the same shall come to their knowledge, to the best of their skill and judgment."

By striking out section 321 and inserting in lieu thereof:

"SEC. 321. Debt due by administrator or collector: In like manner it shall be the duty of every administrator and collector to give in a claim against himself, and on his giving it, or failure so to do, there shall be the same proceeding as above described with regard to an executor; and the same rule shall apply to his sureties."

By striking out sections 374, 375, 376, and 377, and inserting in lieu thereof the following:

"SEC. 374. If the intestate leave a widow or surviving husband and no child, parent, grandchild, brother or sister, or the child of a brother or sister of the said intestate, the said widow or surviving husband shall be entitled to the whole.

"SEC. 375. If there be a widow or surviving husband and a child or children, or a descendant or descendants from a child, the widow or surviving husband shall have one-third only.

"SEC. 376. If there be a widow or surviving husband and no child or descendants of the intestate, but the said intestate shall leave a father or mother, or brother or sister, or child of a brother or sister, the widow or surviving husband shall have one-half.

"SEC. 377. The surplus, exclusive of the widow's or surviving husband's share, or the whole surplus (if there be no widow or surviving husband), shall go as follows:

By striking out section 445 and inserting in lieu thereof:

"SEC. 445. Causes: In any action at law in the Supreme Court of the District of Columbia or the Municipal Court of said District, for the recovery of specific personal property, or a debt, or damages for the breach of a contract, express or implied, if the plaintiff, his agent or attorney, either at the commencement of the action or pending the same, shall file an affidavit showing the grounds of his claim and setting forth that the plaintiff has a just right to recover what is claimed in his declaration, and where the action is to recover specific personal property stating the nature and, according to affiant's belief, the value of said property and the probable amount of damages to which the plaintiff is entitled for the detention thereof, and where the action is to recover damages for the breach of a contract setting out, specifically and in detail, the breach complained of and the actual damage resulting therefrom, and also stating either, first, that the defendant is a foreign corporation or is not a resident of the District, or has been absent therefrom for at least six months; or, second, that the defendant evades the service of ordinary process by concealing himself or temporarily withdrawing himself from the District; or, third, that he has removed or is about to remove some or all of his property from the District, so as to defeat just demands against him; or, fourth, that he has assigned, conveyed, disposed of, or secreted, or is about to assign, convey, dispose of, or secrete his property with intent to hinder, delay, or defraud his creditors; or, fifth, that the defendant fraudulently contracted the debt or incurred the obligation respecting which the action is brought, the clerk shall issue a writ of attachment and garnishment, to be levied upon so much of the lands, tenements, goods, chattels, and credits of the defendant as may be necessary to satisfy the claim of the plaintiff: *Provided*, That the plaintiff shall first file in the clerk's office a bond, executed by himself or his agent, with security to be approved by the clerk, in twice the amount of his claim, conditioned to make good to the defendant all costs and damages which he may sustain by reason of the wrongful suing out of the attachment."

By striking out section 455 and inserting in lieu thereof:

"SEC. 455. Releases: Either the defendant or the person in whose possession the property was may obtain a release of the same from the attachment, after it has been taken into the custody of the marshal and the writ has been returned, by giving the undertaking required of him as aforesaid, with security to be approved by the court.

"The plaintiff may except to the sufficiency of the undertaking accepted as aforesaid by the marshal and, if the exceptions be sustained, the court shall require a new undertaking, with sufficient surety, by a day to be named, in default of which he shall be liable to the plaintiff on his official bond for any loss sustained by the plaintiff through such default.

"Either the defendant or the person in whose possession credits are attached may obtain a release of the same from the attachment by filing an undertaking with security to be approved by the court.

"If property or credits attached be released upon an undertaking given as aforesaid, and judgment in the action be rendered in favor of the plaintiff, it shall be a joint judgment against both the defendant and all persons in said undertaking for the appraised value of the property or the amount of the credits."

By inserting immediately after section 479 a new section, as follows:

"SEC. 479a. In all cases where, by the provisions of this code, a bond is required from an executor, administrator, administrator cum testamento annexo, administrator de bonis non, guardian, committee, collector, trustee, receiver, assignee for the benefit of creditors, or any other fiduciary appointed or confirmed by the Supreme Court of the District of Columbia, or any member thereof, or where a bond is required from any party to a cause or proceeding pending in such court, such bond shall be in the form of an undertaking, under seal, in a maximum amount to be fixed by the court, conditioned as required by law, the surety or sureties therein submitting themselves to the jurisdiction of the court and undertaking for themselves and each of them, their heirs and each of their heirs, executors, administrators, successors, and assigns to abide by and perform the judgment or decree of the court in the premises, and further agreeing that, upon default

by the principal in any of the conditions thereof, the damages may be ascertained in such manner as the court shall direct; that the court may give judgment thereon in favor of any person thereby aggrieved against such principal and sureties for the damages suffered or sustained by such aggrieved party, and that such judgment may be rendered in said cause or proceeding against all or any of the parties whose names are thereto signed.

"And the said Supreme Court of the District of Columbia and its respective special terms, be, and they are hereby, vested with and given jurisdiction and authority to enter such judgments and decrees against the principal and surety or sureties, or any of them, upon such undertaking as law and justice shall require: *Provided*, That nothing herein contained shall deprive any party having a claim or cause of action under or upon such undertaking from electing to pursue his ordinary remedy by suit at law or in equity.

"All provisions of this code relating to actions, remedies, and proceedings upon bonds of such fiduciaries shall apply and be effective as to such undertakings to the same extent as if such undertaking had been expressly mentioned and referred to therein."

By inserting immediately after section 479a a new section, as follows: "Sec. 479b. In any proceeding in the Supreme Court of the District of Columbia or any special term thereof to recover damages upon a bond or undertaking given to obtain a restraining order or preliminary or pendente lite injunction the court, in assessing damages to be recovered thereunder, may include such reasonable counsel or attorney fees as the party aggrieved or damaged by such restraining order or injunction may have been put to or incurred in obtaining a dissolution thereof."

By inserting immediately after section 484 a new section, as follows:

"Sec. 484a. The jury commission of the District of Columbia shall prepare a special list of persons having the qualifications of jurors, as prescribed by section 215 of this code, and being also freeholders of the District of Columbia. The jury commission shall from time to time as may be necessary write the names contained in said special list on separate and similar pieces of paper, which they shall so fold or roll that the names can not be seen, and shall place the same in a special box to be provided for the purpose, and shall thereupon seal and lock said special box and after thoroughly shaking the same shall deliver it to the clerk of the Supreme Court of the District of Columbia for safe-keeping; but the same shall not be unsealed or opened except by said jury commission. From time to time, as ordered by the Supreme Court of the District of Columbia, or one of the justices thereof holding a special term for the trial of condemnation proceedings, the jury commission shall publicly break the seal of said special box and proceed to draw therefrom by lot and without previous examination the names of such number of persons as the said court may from time to time direct to serve as commissioners or jurors in condemnation proceedings and certify the names so drawn to the clerk of said court. At the time of each drawing of condemnation commissioners or jurors from said special box there shall be in said special box the names of not less than 100 persons possessing the qualifications hereinbefore prescribed. Except as in this section specially provided, sections 198 to 217, inclusive, of this code, so far as the same may be applicable, shall govern the qualifications of said commissioners and jurors in condemnation cases and the duties and conduct of said jury commissioners under this section. No person shall be eligible to serve as a condemnation commissioner or juror who has served as such commissioner or juror within one year."

By striking out section 485 and inserting in lieu thereof:

"Sec. 485. Citation to owners: The said court holding a district court of the United States shall thereupon cite all the owners and other persons interested to appear in said court, at a time to be fixed by the court, to answer said petition; and if it shall appear to the court that there are any owners or other persons interested who are under disability, the court shall give public notice of the time at which it will proceed with the matter of condemnation; and at such time, if it shall appear that there are any persons under disability who have appeared or who have not appeared, the court shall appoint a guardian ad litem for each such person, and shall thereupon order the jury commission to draw from the special box the names of as many persons as the court may direct, and from among the persons so drawn the court shall thereupon appoint three capable and disinterested commissioners to appraise the value of the respective interests of all persons concerned in such lands, under such regulations as to notice and hearing as shall seem meet."

By striking out section 487 and inserting in lieu thereof:

"Sec. 487. Jury: If any of the parties interested, or the guardian ad litem appointed for any such person who may be under a disability, shall be dissatisfied with the appraisal of the commissioners, the court shall order the jury commission to draw from the special box the names of as many persons as the court may direct, and from among the persons so drawn the court shall appoint a jury of seven capable and disinterested persons to meet and view the premises, giving the parties interested at least six days' notice of the time and place of meeting."

By striking out section 491d and inserting in lieu thereof:

"Sec. 491d. After the return of the marshal and the filing of proof of publication of the notice provided for in the next preceding section said court shall order the jury commission to draw from the special box the names of as many persons as the court may direct, and from among the persons so drawn the court shall appoint a jury of five capable and disinterested persons, to which jury the court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned, and are not related to the parties interested therein, and that they will, without favor or partiality, and to the best of their judgment, ascertain the damages each owner of land to be taken may sustain by reason of the opening, extension, widening, or straightening of said street, avenue, road, or highway, and the condemnation of the land needed for the purpose thereof, and to assess the benefits resulting therefrom as hereinafter provided."

By striking out section 491h and inserting in lieu thereof:

"Sec. 491h. The said court shall hear and determine any objections or exceptions that may be filed to any verdict of the jury and shall have power to vacate and set any verdict aside, in whole or in part, when satisfied that it is unjust or unreasonable, in which event the court shall order the jury commission to draw from the special box the names of as many persons as the court may direct, and from among the persons so drawn the court shall thereupon appoint a new jury of five capable and disinterested persons, who shall proceed to ascertain the damages or assess the benefits, or both, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided*, That if vacated in part, the residue of the verdict as to the land condemned or assessed shall not be affected thereby: *And provided*

that the objections or exceptions to the verdict shall be filed within 20 days after the return of the verdict to the court."

By striking out section 726 and inserting in lieu thereof:

"Sec. 726. Any company operating under this subchapter may lease, purchase, hold, and convey real property in which the offices of the company are located not to exceed in value the capital and surplus of the company, and such in addition as it may acquire in satisfaction of debts due the corporation under sales, decrees, judgments, and mortgages. But no such association shall hold the possession of any real estate under foreclosure of mortgage, or the title and possession of any real estate purchased to secure any debts due to it, for a longer period than five years."

By striking out section 808 and inserting in lieu thereof:

"Sec. 808. Rape: Whoever has carnal knowledge of a female forcibly and against her will, or carnally knows and abuses a female child under 16 years of age, shall be imprisoned for not more than 30 years: *Provided*, That in any case of rape the jury may add to their verdict, if it be guilty, the words 'with the death penalty,' in which case the punishment shall be death by hanging: *Provided further*, That if the jury fail to agree as to the punishment the verdict of guilty shall be received and the punishment shall be imprisonment as provided in this section."

By inserting immediately after section 830 a new section, as follows:

"Sec. 830a. Whoever willfully and fraudulently makes away with, secretes, or converts to his own use any property, documents, or assets of any kind or nature belonging to the estate of a deceased person shall be punished by a fine not exceeding \$2,000 or imprisonment for not more than two years, or both."

By inserting immediately after section 983 a new section, as follows:

"Sec. 983a. When decree for annulment or absolute divorce effective: No final decree annulling or dissolving a marriage shall be entered until after the expiration of 90 days after the entry of an interlocutory order adjudging that a case for annulment or dissolution has been proved, and every such interlocutory order shall expressly state that no annulment or divorce is awarded by it. After the expiration of such period of 90 days a final decree shall be entered by the court; provided it is applied for within 30 days, but it shall not be effective to annul or dissolve the marriage until the expiration of the time allowed for taking an appeal, nor until the final disposition of any appeal taken, and every such final decree shall expressly so recite."

By striking out section 1064 and inserting in lieu thereof:

"Sec. 1064. Testimony of surviving party: If one of the original parties to a transaction or contract has, since the date thereof, died or become insane or otherwise incapable of testifying in relation thereto, the other party thereto shall not be allowed to testify as to any transaction with or declaration or admission of the said deceased or otherwise incapable party in any action between said other party or any person claiming under him and the executors, administrators, trustees, heirs, devisees, assignees, committee, or other person legally representing the deceased or otherwise incapable party unless he be first called upon to testify in relation to said transaction or declaration or admission by the other party, or the opposite party first testify in relation to the same, or unless the transaction or contract was made or had with an agent of the said deceased or otherwise incapable party, and said agent testifies in relation thereto."

By adding immediately after section 1073 a new section, as follows:

"Sec. 1073b. Proof of municipal ordinances and regulations: Municipal ordinances and regulations in force in the District of Columbia may be proved by producing in evidence a copy thereof certified by the secretary or an assistant secretary of the Board of Commissioners of the District of Columbia, and such certified copy shall be prima facie evidence of the due adoption and promulgation of such ordinances and regulations."

By striking out section 1160.

By striking out section 1173 and inserting in lieu thereof:

"Sec. 1173. Renunciation of devises and bequests: A widow shall be barred of her right of dower in the land and share in the personal estate by any such devise or bequest unless within six months after administration may be granted on her husband's estate she shall file in the probate court a written renunciation to the following effect: 'I, A. B., widow of _____, late of _____, deceased, do hereby renounce and quit all claim to any devise or bequest made to me by the last will of my husband exhibited and proved according to law; and I elect to take in lieu thereof my dower and legal share of the estate of my said husband.' If, during said period of six months, a suit should be instituted to construe the will of her husband, the period of six months for the filing of such renunciation shall commence to run from the date when such suit shall be finally determined, by appeal or otherwise."

"By renouncing all claim to any and all devises and bequests made to her by the will of her husband she shall be entitled, in addition to her dower, to the distributive share of his personal property which she would have taken had he died intestate, and, except in cases of valid antenuptial or postnuptial agreements, this provision for the wife shall apply with the effect (without formal renunciation) to cases where the husband has made no devise or bequest to his wife."

"By renouncing within the period above prescribed all claim to any and all devises or bequests made to him by the will of his wife, the husband shall be entitled to the distributive share in her personal property which he would have taken had she died intestate, and, except in cases of valid antenuptial or postnuptial agreements, this provision for the husband shall apply with like effect (without formal renunciation) to cases where the wife has made no devise or bequest to her husband."

Amend section 1179 by striking out the word "ten" (next to last line) and inserting "eight."

By striking out section 1180 and inserting in lieu thereof:

"Sec. 1180. What is usury: If any person or corporation shall contract in the District, verbally, to pay a greater rate of interest than 6 per cent per annum, or shall contract, in writing, to pay a greater rate than 8 per cent per annum, the creditor shall forfeit the whole of the interest so contracted to be received: *Provided*, That nothing in this chapter contained shall be held to repeal or affect the act of Congress approved February 4, 1913, relating to the business of loaning money on security." (37 Stats., pt. 1, p. 657.)

By striking out section 1233 and inserting in lieu thereof:

"Sec. 1233. Undertaking on appeal: In case of an appeal by the defendant his undertaking, in order to operate as a supersedeas, shall be an undertaking, with one or more sureties approved by the court, to abide by and pay the judgment rendered, if it shall be affirmed, together with the costs of the appeal, and to pay all intervening damages to the leased property and compensation for the use and occupation thereof from the date of the judgment of the municipal court to the date of its affirmance; and in said undertaking the said defendant and his surety or sureties, the latter submitting themselves to the jurisdiction

of the court, shall agree that if the judgment be affirmed judgment may be rendered against them by the appellate court for the amount of the judgment so affirmed and the intervening damages, compensation, and costs aforesaid."

By striking out section 1262 and inserting in lieu thereof:

"SEC. 1262. Liveryman: It shall be lawful for all persons keeping or boarding any animals at livery within the District, under any agreement with the owner thereof, to detain such animals until all charges under such agreement for the care, keep, or board of such animals shall have been paid: *Provided, however,* That notice in writing shall first be given to such owner in person or at his last known place of residence of the amount of such charges and the intention to detain such animal or animals until such charges shall be paid. Garage keepers shall also have a lien for their charges for storage, repairs, and supplies of or concerning motor vehicles, when such charges are incurred by an owner or conditional vendee of such motor vehicles, and may detain such motor vehicles at any time they may have lawful possession thereof, after giving a notice similar to that provided for liverymen. If said charges are not paid in 30 days said lien may be enforced in the manner provided in section 1264."

By striking out section 1422 and inserting in lieu thereof:

"SEC. 1422. Protest on other instruments than foreign bills: Where any negotiable instrument has been dishonored it may be protested for nonacceptance or nonpayment, as the case may be; but protest is not required except in the case of foreign bills of exchange.

"The original protest of a notary public, under his hand and official seal, of any bill of exchange, check, or order for nonacceptance or nonpayment, or of any promissory note for nonpayment, stating the presentment by him of such bill of exchange, check, order, or promissory note for acceptance or payment and the nonacceptance or nonpayment thereof, and the service of notice thereof on any of the parties to such bill of exchange, promissory note, or check, and the mode of giving such notice, and the reputed place of business or residence of the party to whom the same was given shall be prima facie evidence of the facts therein contained."

Insert immediately after section 1535 a new section as follows:

"SEC. 1535a. Whenever in any action at law or in equity the defendant admits a part of the cause of action, a final judgment or decree may be entered for such part, and the plaintiff may prosecute the remainder of his claim in the same suit and (if he sustains his claim for such remainder) may have a further final judgment or decree therefor."

Insert immediately after section 1535a two new sections as follows:

"SEC. 1535b. Transfer from law to equity or vice versa: In any case where it shall appear that an action at law should have been brought in equity, or a suit in equity should have been brought at law, the judge presiding in the special term, circuit or equity, as the case may be, shall order such case to be transferred to such other special term accordingly, whereupon such amendments shall be made in the pleadings as may be necessary to make them conform to the proper practice. All testimony taken before such transfer, if preserved, shall stand as testimony in the case.

"SEC. 1535c. Equitable defenses at law: In all actions at law equitable defenses may be interposed by plea or replication."

"SEC. 1535d. Suits on lost instruments: No suit at law founded upon a lost instrument shall be dismissed on the ground that the suit should have been brought in equity, but a similar bond or undertaking to that required in equity shall be given as a condition precedent to judgment.

SEC. 2. That this act shall not take effect until the expiration of 30 days from its approval, and shall not affect the term of service of jurors who are already drawn and in attendance, or who may, within said period of 30 days, be drawn and accepted for service in the Supreme Court of the District of Columbia, the police court of the District of Columbia, or the juvenile court of the District of Columbia.

Mr. VOLSTEAD. Mr. Speaker, this bill embodies a number of proposed amendments to the Code of the District of Columbia. It has been pending in some form or another in the Committee on the Judiciary for, I think, four or more years. In the Sixty-fifth Congress this matter was submitted to us and a subcommittee of the Committee on the Judiciary, of which I happen to be a member, went over these amendments very carefully, thrashed out the various propositions, and agreed on a bill. That was submitted to the judges of the supreme court and to a committee of the bar association of the District. It was very carefully considered from all angles by the judges and the bar association and they are very strongly in favor of this bill. It has been exceedingly difficult to secure the necessary amendments to the District Code. A great deal of the work we are doing here is of such a nature that we can seldom give the proper attention to District legislation, and it was thought that by putting all of these amendments into one bill they might be considered and passed as one act rather than to attempt to bring in all these various propositions and pass them as separate bills, a thing that would be practically impossible.

I feel that we ought to give to this District the relief that they have asked for in this matter. It is legislation in which I think the membership generally is not very largely interested. It seems to me that we may properly defer to the judgment of the bench and bar of this District; they thoroughly understand the needs of the District. I can think of no class of people who would understand that need any better than the judges who for years have administered the law or the lawyers who have constantly tried cases here.

I shall not attempt to go into detail. I had the bill read so that the membership might have a general idea of what is sought. To attempt to explain each item would be almost endless. I feel that in view of the situation we ought to be able to pass this without very many changes, and if there are any amendments that are to be proposed the bill is now open to amendment.

Mr. MANN of Illinois. The bill is not open to amendment.

Mr. VOLSTEAD. I understand that it is not open to amendments, as a matter of course.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. TILSON. May I ask the gentleman in regard to the preparation of this bill? Were the judges of whom he speaks brought before a subcommittee, and did the subcommittee go over this bill section by section with the judges?

Mr. VOLSTEAD. In the Sixty-fifth Congress we went over the bill section by section, and a subcommittee very carefully considered each item in the bill.

Mr. TILSON. Especially each amendment that was proposed?

Mr. VOLSTEAD. Yes.

Mr. TILSON. The subcommittee themselves went over these various items with these men representing the District?

Mr. VOLSTEAD. First we had a hearing, at which the judges appeared, as did also members of the bar. Then a subcommittee was appointed, and we went over each item in the bill. We made a number of changes, and then it was resubmitted to the bar association of the District and to the judges, and they approved whatever changes were made, and under those circumstances it comes to us here.

Mr. SANDERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. SANDERS of Indiana. I want to inquire with reference to section 1535-b, at the bottom of page 41.

Mr. VOLSTEAD. I call the gentleman's attention to the fact that if he desires to know the changes that are made he can get a copy of the report and determine it from that.

Mr. SANDERS of Indiana. I know what the changes are. This is a new section, section 1535-b. It is provided in this section that in any case where it shall appear that an action at law should have been brought in equity, or a suit in equity should be brought at law, the judge presiding may transfer the case.

Mr. VOLSTEAD. Yes.

Mr. SANDERS of Indiana. I am in entire sympathy with the object sought to be accomplished. The thing that occurred to me is at what stage of the proceedings that transfer shall be made.

Mr. VOLSTEAD. As soon as the pleadings are filed.

Mr. SANDERS of Indiana. And all the time up until final judgment?

Mr. VOLSTEAD. No; I think not. When the pleadings are filed, that would naturally determine the character of the action.

Mr. MANN of Illinois. Whenever the court should determine. If the court should determine, if it be brought in equity, that it should have been brought in law, he would have the power to transfer it at any time.

Mr. SANDERS of Indiana. There is a provision to this effect:

All testimony taken before such transfer, if preserved, shall stand as testimony in the case.

Mr. VOLSTEAD. I suppose that naturally would refer more particularly to depositions. Ordinarily when an action is brought on for trial the court would determine whether it is a case in equity or a case at law. It might perhaps develop on the trial itself—that is, through the evidence—but the pleadings ought to disclose the character of the action.

Mr. SANDERS of Indiana. That sentence is not perfect, but I was not thinking of that. The thing I really wanted to know is whether the committee intended in this law to permit a transfer after they go into the trial of a supposedly law case before a jury, the equity side, and try the cause with a judge by merely letting him read the evidence, or if it is the purpose that the word "testimony" means depositions and affidavits, and I was wondering, if the latter be true, why more appropriate language was not used.

Mr. MANN of Illinois. Let me make this suggestion to the gentleman from Indiana. In my State we have common-law practice and equity practice. That exists in very few States outside of the Federal courts, and it frequently develops when we come to the very end of a case the claim is made in a common-law case that it should have been an equity proceeding. In our State, unless it has been recently changed, and we shall have a decision of the court that means a dismissal of the case entirely, or a case may be brought in equity which should have been brought at common law, and that ends the case. The testimony may all have been taken, the case may be ready for final decree or entry of final judgment. I take it the purpose of this practically is to permit in that case the court to determine upon the evidence that is in, unless the parties desire to offer

additional evidence. I think the language of the bill here, where it says "all testimony taken before such transfer is preserved," should be "which is preserved," "shall stand as testimony in the cause."

Mr. DEWALT. Does not the gentleman think it should be "if preserved"?

Mr. MANN of Illinois. That is the same thing.

Mr. DEWALT. All testimony taken before such transfer, "if preserved"?

Mr. MANN of Illinois. Very likely, "which is preserved" amounts to the same thing; "if preserved" would be better than the other.

Mr. VOLSTEAD. It is not an uncommon provision, because in a number of States they have a provision of this kind. I know of some States where they have a provision of this kind, but I do not mean to say it is just in this language.

Mr. MANN of Illinois. In those States usually they do not have common law and equity practice distinct. They have a provision so as to save the case in the court without commencing a new cause of action or being cut off by the statute of limitations.

Mr. SANDERS of Indiana. I was going to raise that point. Suppose a man commences an action at law and proceeded and the statute of limitations had run pending the suit and then he wanted to have his case changed and, say, for instance, have an instrument reformed and it is found that it should more properly be tried in an equity court, he is permitted here to amend it and go into an equity court. Now, would the statute commence at the time of the filing of the original action?

Mr. MANN of Illinois. Yes.

Mr. SANDERS of Indiana. Or commence at the time of the transfer?

Mr. MANN of Illinois. It commences at the time of the filing of the original action.

Mr. VOLSTEAD. Bringing the action would save the statute of limitations.

Mr. MANN of Illinois. If he had the same cause of action.

Mr. STEELE. Mr. Speaker, the practice indicated by the gentleman has prevailed in my State for some years. The purpose is plainly to prevent the ending of an action for want of jurisdiction of a cause; that is, equity might not have jurisdiction and law might not have jurisdiction. But so far as they have gone, the question of jurisdiction being raised or decided, it can then be transferred to the proper forum which has jurisdiction, and action will not be ended and will still run from the time it is first instituted and the rights of the parties will be preserved, and the testimony taken will be considered as testimony in the cause wherever it may be transferred.

Mr. SANDERS of Indiana. Suppose it is an equity case and three-fourths of the case has been heard. How is that testimony gotten to the jury when it is transferred to the law side?

Mr. STEELE. It can be read to the jury, and if the witness is living he may be called and if he is dead his testimony can be then read. It simply preserves the rights of all the parties.

Mr. MANN of Illinois. And it is very desirable.

Mr. SANDERS of Indiana. I think it is; but the question in my mind was whether it went into sufficient detail as to the statute of limitations, continuances, and other matters of similar nature.

Mr. MANN of Illinois. I think that language ought to be changed where it says "is preserved" and make it "if preserved." Mr. Chairman, I ask unanimous consent, page 42, line 6, that the word "is" be stricken out and the word "if" be inserted.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to modify the language on page 42, line 6, by striking out the word "is" and inserting the word "if." Is there objection? [After a pause.] The Chair hears none.

Mr. VOLSTEAD. Mr. Speaker, on line 19, page 4, I ask unanimous consent that the word "censored" be changed to "censured."

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent to modify the language, page 4, line 19, by striking out the word "censored" and inserting the word "censured."

Mr. MANN of Illinois. There is no such word there.

The SPEAKER pro tempore. Is there objection?

Mr. MANN of Illinois. I think the gentleman is in error.

Mr. VOLSTEAD. It should be page 19, line 4.

The SPEAKER pro tempore. Is there objection to striking out, line 4, page 19, the word "censored" and inserting the word "censured"? [After a pause.] The Chair hears none.

Mr. McKEOWN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McKEOWN. Is the bill read for amendment at this time? The SPEAKER pro tempore. It is not.

Mr. McKEOWN. I want to ask the chairman about this matter.

The SPEAKER pro tempore. Does the gentleman from Minnesota yield?

Mr. VOLSTEAD. I will.

Mr. McKEOWN. If you are going to change this code, there ought to be something done with it to safeguard against abuse. They have been appointing guardians here for soldiers in St. Elizabeths Hospital without consulting the parents or giving any notice to the people interested, who live far out into the interior, of the appointment of fiduciaries here in the District of Columbia.

Mr. VOLSTEAD. I do not think I ought to consent to an amendment of that kind, because that is a matter that ought to receive very careful consideration.

Mr. McKEOWN. I wanted to call the chairman's attention to this fact, that they have appointed them without consent, and they go out here and collect this allowance made by the Government, and I think the Congress of the United States ought to protect these soldiers from the payment of any fees that ought not to be paid here.

Mr. VOLSTEAD. If the gentleman will introduce a bill on the subject and it comes to our committee, I will be glad to call the committee's attention to the matter.

Mr. McKEOWN. There is a section on the subject of lunacy in this code, and I have an amendment to propose which reads as follows:

No fiduciary shall be appointed in the Supreme Court of the District of Columbia or by any justice thereof for any soldier, sailor, or marine confined in any hospital in the District of Columbia without the written consent of the nearest of kin of such soldier, sailor, or marine.

Mr. MANN of Illinois. What would the gentleman do about the matter of real estate, where you have to serve people and they would not give their consent?

Mr. McKEOWN. In that case—

Mr. MANN of Illinois. Would you hold up all the proceedings?

Mr. McKEOWN. The case should refer to nonresident soldiers who are brought into the District and put in these hospitals.

Mr. MANN of Illinois. I understand; but suppose you have a case involving property where the innocent person is a party defendant, you can proceed without having a guardian appointed. But if the appointment of the guardian depended upon somebody's consent, and they do not give the consent, do you mean to say you never could go ahead with the case?

Mr. McKEOWN. I would not want that at all.

Mr. DEWALT. Will the gentleman allow an explanation?

Mr. McKEOWN. I will.

Mr. DEWALT. I think I can point to a concrete instance to show the gentleman that an amendment of the character he has mentioned is not necessary. There is now in the Walter Reed Hospital one Francis J. Kennally, who by reason of shell shock and injury in the war became insane. He has what is known as a total disability, and therefore is entitled to \$100 per month, plus \$57.50 by reason of his insurance. Of course, the man is incompetent to receive the money himself, as he is insane. The Walter Reed Hospital authorities have him in charge, and, of course, will not discharge him, because he has this total disability. In order to get the \$157.50 to be administered for his benefit, he, the said Francis J. Kennally, living in Lehigh County, Pa., gave notice to his relatives of these facts, and they applied there for the appointment of a guardian. They applied at his place of residence, and under the statutes of Pennsylvania a guardian was appointed, notification given to the War Risk Insurance Bureau, and upon proper authentication of the appointment of guardian the money is being paid over to the guardian.

Mr. McKEOWN. I was going to say I had in mind a particular case that came to my attention of a soldier who was out here at St. Elizabeths Hospital from my district. A fiduciary was appointed here in the District of Columbia, without any notice at all to the soldier's parents, who live in Oklahoma, and, as a result, while they are not blaming the fiduciary, because he kept accurate account, yet there was an expense which accumulated that they considered large, and that would not have occurred had the parents had any notice so that the guardianship proceedings could have been had in Oklahoma under our statutes, where they would have had jurisdiction.

Mr. DEWALT. I think the gentleman's question would be better met by slight amendment to the War Risk Insurance Bureau.

Mr. McKEOWN. I had no desire to impede this legislation. I wanted to call it to the attention of the committee so that like things would not occur in the future here in the District of Columbia, because I think the parents of these boys that are unfortunate will expect us to protect them.

And while I am on my feet there is one other question I wanted to ask. I notice in the qualification of jury commissioners for the District of Columbia there is an absence of the usual provision in those qualifications, and that is that they be not interested in any suit pending in the courts of the District of Columbia. I should think it would not be right to appoint jury commissioners to select jurors without some provision that they were not interested in any litigation and were free of any litigation in the courts or the District. There is an absence of any such provision in the qualifications of the jury commissioners.

Mr. CARAWAY. On what page is that?

Mr. McKEOWN. That is on page 9, line 24. I had an amendment to suggest there, that after the word "law," strike out the period and insert "nor be a party to any cause then pending in the courts of the District of Columbia."

Mr. VOLSTEAD. On what page?

Mr. McKEOWN. On page 9, line 24. After the word "law," strike out the period and insert "nor be a party to any cause then pending in the courts of the District of Columbia."

Mr. VOLSTEAD. That is probably too broad for an equity case. If it was a jury cause, perhaps it would be all right.

Mr. McKEOWN. Then pending in the courts of law. I can not see why the amendment should not be in there, because that is the usual qualification for jury commissioners in most of our States.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent that that amendment be inserted in the bill, on page 9.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the language be inserted on page 9, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. McKEOWN: Page 9, line 24, after the word "law," strike out the period and insert "nor be a party to any cause then pending in the courts of the District of Columbia."

The SPEAKER pro tempore. Is there objection?

Mr. MACCRATE. Reserving the right to object, may I ask if the language necessitates the resignation of the commissioner if he is sued?

Mr. McKEOWN. This refers to the time he is appointed.

Mr. MACCRATE. That might be considered to mean at the time the suit was instituted against him he would be disqualified for the service, unless you would limit it in some way.

Mr. McKEOWN. I think it refers to the time he is appointed.

The SPEAKER pro tempore. Is there objection?

Mr. MACCRATE. I suggest, Mr. Speaker, that the gentleman amend that so that it would not be after his appointment.

Mr. McKEOWN. The amendment says "then pending at the time of his appointment."

Mr. MANN of Illinois. That does not relate to the time of the appointment, I think. The jury commission shall be composed of three commissioners, and the bill provides that they shall have been domiciled in the District for three years prior to their appointment, and that they shall be freeholders in the District of Columbia, and not engaged in the practice of law. I do not think one of these three commissioners, after he is appointed, could engage in the practice of law. You could easily make that amendment read, "at the time of his appointment."

Mr. McKEOWN. Mr. Speaker, I ask that the amendment be so modified.

Mr. MANN of Illinois. Let us have the amendment reported again.

The SPEAKER pro tempore. The Clerk will report the amendment as modified.

The Clerk read as follows:

Strike out the period and insert "nor at the time of their appointment be a party to any cause then pending in the courts of the District of Columbia."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. VOLSTEAD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

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

The SPEAKER pro tempore. The gentleman from Minnesota moves that the House do now adjourn.

Mr. MONDELL. Will the gentleman withhold that motion for a moment?

Mr. VOLSTEAD. I will.

Mr. MONDELL. I will remind the House that the House meets at 11 o'clock to-morrow, under the rule.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BEE, for to-day, on account of important business.

ABSENCE OF A QUORUM.

Mr. FESS rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Ohio rise?

Mr. MANN of Illinois. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. It is evident that there is no quorum present.

ADJOURNMENT.

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

The motion was agreed to; accordingly (at 4 o'clock and 33 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Thursday, March 18, 1920, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Interstate Commerce Commission for expenditures authorized under the provisions of the transportation act of 1920 (H. Doc. No. 692); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting a supplemental statement to that submitted January 27, 1919, and printed in House Document No. 1740, Sixty-fifth Congress; to the Committee on Expenditures in the War Department.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 13108) making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes, reported the same without amendment, accompanied by a report (No. 744), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. BUTLER: A bill (H. R. 13108) making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. TILLMAN: A bill (H. R. 13109) making an appropriation of the sum of \$15,000, for the purpose of paving the streets around the Federal building at Fayetteville, in the State of Arkansas; to the Committee on Appropriations.

By Mr. FREAR: A bill (H. R. 13110) to amend an act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914; to the Committee on the Judiciary.

By Mr. HENRY T. RAINEY: A bill (H. R. 13111) to prevent deceit in the manufacture and sale of woven fabrics or of yarn; to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: Resolution (H. Res. 496) instructing the Attorney General to institute proceedings against certain corporations, restraining them from distributing surplus war profits and instructing the Committee on Ways and Means to draft a bill for taxing the same for the benefit of soldiers; to the Committee on Rules.

By Mr. REBER: Joint resolution (H. J. Res. 317) authorizing the Secretary of the Treasury to pay the sum of \$50 for each month of service during the war with Germany to all soldiers, sailors, members of the Marine Corps, and women in the military or naval service of the United States; to the Committee on Ways and Means.

By Mr. ROGERS: Memorial of the Legislature of the Commonwealth of Massachusetts, favoring the repeal of restrictions on the freedom of speech, freedom of the press, and the right of free assemblage; to the Committee on the Judiciary.

By Mr. GALLIVAN: Memorial of the Legislature of Massachusetts, favoring the repeal of restrictions on the freedom of speech, freedom of the press, and the right of free assemblage; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BACHARACH: A bill (H. R. 13112) granting a pension to Mary L. Helm; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 13113) granting a pension to Rebecca Getz Reinbold; to the Committee on Invalid Pensions.

By Mr. BROOKS of Illinois: A bill (H. R. 13114) granting an increase of pension to Alice Hingson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13115) granting a pension to Ella Fortney; to the Committee on Pensions.

By Mr. CALDWELL: A bill (H. R. 13116) granting a pension to Charles A. Dalstram; to the Committee on Pensions.

Also, a bill (H. R. 13117) granting a pension to Katherine Mundorff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13118) granting a pension to Louisa Donnelly; to the Committee on Pensions.

Also, a bill (H. R. 13119) granting a pension to Marie A. Colby; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 13120) for the relief of H. Van Vlack & Co.; to the Committee on Claims.

By Mr. MAJOR: A bill (H. R. 13121) granting an increase of pension to Martha A. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13122) granting a pension to Everett L. Withrow; to the Committee on Pensions.

Also, a bill (H. R. 13123) granting a pension to S. H. Gurley; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 13124) granting an increase of pension to Ida M. Zimmerman; to the Committee on Pensions.

By Mr. SCHALL: A bill (H. R. 13125) granting a pension to Charles E. Fuller; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 13126) granting an increase of pension to Elizabeth C. Martin; to the Committee on Invalid Pensions.

By Mr. STEAGALL: A bill (H. R. 13127) granting an increase of pension to Lorenzo D. Gill; to the Committee on Pensions.

By Mr. TOWNER: A bill (H. R. 13128) granting a pension to Frank Coombs; to the Committee on Pensions.

By Mr. WEBSTER: A bill (H. R. 13129) granting a pension to Orval W. Boyd; to the Committee on Pensions.

Also, a bill (H. R. 13130) granting a pension to Millie Lawson; to the Committee on Pensions.

Also, a bill (H. R. 13131) granting a pension to Henry Ellis; 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:

2344. By Mr. COLE: Petition of the Earl Green Post, No. 344, the American Legion, Carey, Ohio, urging the adoption of the resolution adopted by the executive committee of the National American Legion meeting held at Indianapolis, Ind., February 10, 1920, providing for compensation for the ex-service men and women; to the Committee on Ways and Means.

2345. By Mr. CURRY of California: Petition of Hon. V. S. McClatchy, publisher of the Sacramento Bee, Sacramento, Calif., favoring Senate joint resolution 170, authorizing and directing the Secretary of the Navy to open certain naval radio stations for the use of the general public as it passed the Senate; to the Committee on the Merchant Marine and Fisheries.

2346. By Mr. CURRIE of Michigan: Petition of L. M. Shannon and others, of Sonjohnday Post, No. 104, Standish, Mich., favoring adjusted compensation for ex-service men upon basis of \$50 bond per month; to the Committee on Ways and Means.

2347. Also, petition of John A. Seator and 21 other members of Sonjohnday Post, No. 104, Standish, Mich., favoring adjusted compensation for ex-service men upon basis of \$50 bond per month; to the Committee on Ways and Means.

2348. Also, petitions of R. J. Crandall, commander Sonjohnday Post, No. 104, Standish; Roy H. Spink Post, Shepard; William N. Irish, jr., commander Larmon Post, No. 128, Clare; Ivan F. Blumenthal, commander Tom Beecraft Post, No. 103, West Branch; I. D. Friedman, commander Jesse C. Hodder Post, No. 189, Tawas City; officers of the Bay City Polish Roman Catholic

Benevolent Association, Bay City; and A. J. Boucher, vice president of soldiers', sailors', and marines' organizations, Bay City, all in the State of Michigan, favoring adjusted compensation for ex-service men upon basis of a \$50 bond per month; to the Committee on Ways and Means.

2349. By Mr. DENISON: Petition of Jacob Will and numerous others, of Ava, Ill., protesting against compulsory military training; to the Committee on Military Affairs.

2350. By Mr. GALLIVAN: Petition of Dorchester Board of Trade, of Boston, favoring the passage by Congress of laws which will enable this country to help the foreign countries which are in need of food and clothing; to the Committee on Interstate and Foreign Commerce.

2351. Also, petition of International Federation of Commercial Travelers, favoring the passage of House bill 11729; to the Committee on Ways and Means.

2352. Also, petition of John N. Hardy, secretary of the New England Supervisors of Census, favoring an increase of compensation for supervisors; to the Committee on the Census.

2353. Also, petition of W. H. McElwain Co., of Boston, favoring a Federal industrial board; to the Committee on Interstate and Foreign Commerce.

2354. By Mr. HAWLEY: Letter from L. R. Deaver, of Portland, Oreg., favoring action desired by American Legion for ex-service men; to the Committee on Ways and Means.

2355. Also, letter from G. A. Erickson, of Astoria, Oreg., favoring four features suggested by American Legion for ex-service men of the World War; to the Committee on Ways and Means.

2356. Also, letter from John T. Ross, jr., of Astoria, Oreg., favoring option of four measures submitted by American Legion as bonus for ex-service men; to the Committee on Ways and Means.

2357. Also, letter from members of the editorial staff of the Oregon Journal, of Portland, Oreg., favoring demands of American Legion for Army and Navy pay readjustment; to the Committee on Ways and Means.

2358. Also, letter from Fred C. Zeitler, of Rochester, N. Y., as secretary of the Frank M. Stewart Post, No. 117, of the American Legion, Department of New York, favoring the selective plan of American Legion for bonus; to the Committee on Ways and Means.

2359. Also, letter from D. B. Allen, of Astoria, Oreg., favoring the four vital features requested by the American Legion as bonus for ex-service men; to the Committee on Ways and Means.

2360. Also, letter from O. H. Byland, of Astoria, Oreg., favoring the giving to ex-service men of option of four beneficial measures proposed by American Legion; to the Committee on Ways and Means.

2361. Also, letter from Charles W. Rader, of Picher, Okla., favoring bonus for ex-service men; to the Committee on Ways and Means.

2362. Also, letter from P. W. Deaver, of Portland, Oreg., favoring action desired by American Legion for ex-service men; to the Committee on Ways and Means.

2363. Also, telegram from Lester C. Rees Post, No. 57, of the American Legion, favoring cash bonus for ex-service men; to the Committee on Ways and Means.

2364. Also, letter from E. F. Laurin, of Astoria, Oreg., favoring option of four measures submitted by American Legion as bonus for ex-service men; to the Committee on Ways and Means.

2365. Also, letter from D. B. Whitman and J. N. Whitman, of Astoria, Oreg., favoring option of four measures submitted by the American Legion as bonus for ex-service men; to the Committee on Ways and Means.

2366. Also, letter from Frank E. Kline, of Beaverton, Oreg., favoring option of four measures submitted by American Legion as bonus for ex-service men; to the Committee on Ways and Means.

2367. Also, letter from A. P. Rufner, of Portland, Oreg., favoring "home aid" as additional compensation for ex-service men of the World War; to the Committee on Ways and Means.

2368. Also, letter from H. D. Luebben and others, of the Bee Hive Department Store at Astoria, Oreg., favoring option of four measures submitted by American Legion as bonus for ex-service men; to the Committee on Ways and Means.

2369. Also, letter from J. H. McLin, of Astoria, Oreg., favoring option of four measures submitted by American Legion as bonus for ex-service men; to the Committee on Ways and Means.

2370. Also, letter from C. B. Trullinger, of Astoria, Oreg., favoring option of four measures submitted by American Legion as bonus for ex-service men; to the Committee on Ways and Means.

2371. Also, letter from A. J. Antonich, of Astoria, Oreg., favoring option of four measures submitted by American Legion as bonus for ex-service men; to the Committee on Ways and Means.

2372. Also, letter from F. H. Shimp, of Portland, Oreg., favoring \$50 bonus for ex-service men of the World War; to the Committee on Ways and Means.

2373. Also, telegram from McMinnville (Oreg.) Post of the American Legion, favoring additional compensation for ex-service men and women of the World War; to the Committee on Ways and Means.

2374. Also, telegram from E. C. Apperson and others, of McMinnville, Oreg., favoring additional compensation for ex-service men and women of the World War; to the Committee on Ways and Means.

2375. Also, telegram from Capital Post, No. 9, of the American Legion, at Salem, Oreg., favoring option of four measures submitted by American Legion as bonus for ex-service men of the World War; to the Committee on Ways and Means.

2376. Also, letter from Victor Crick, of Astoria, Oreg., favoring option of four measures submitted by American Legion as additional compensation for ex-service men of the World War; to the Committee on Ways and Means.

2377. Also, telegram from Carl B. Fenton Post of the American Legion, at Dallas, Oreg., favoring additional compensation for ex-service men and women of the World War; to the Committee on Ways and Means.

2378. Also, telegram from Post No. 38 of the American Legion, Department of Illinois, Chicago, Ill., favoring American Legion compensation plan for ex-service men and women of the World War; to the Committee on Ways and Means.

2379. Also, letter from the Sheridan Commercial Club, Sheridan, Oreg., favoring bonus for ex-service men on a basis of \$50 bond per month of service; to the Committee on Ways and Means.

2380. Also, telegram from W. B. Follett, Oregon State commander of American Legion, favoring additional compensation for ex-service men and women of the World War; to the Committee on Ways and Means.

2381. Also, letter from S. A. Wold, of Astoria, Oreg., favoring option of four measures submitted by American Legion as additional compensation for ex-service men of the World War; to the Committee on Ways and Means.

2382. Also, resolution from Columbia Post, American Legion, at St. Helens, Oreg., favoring \$50 bonus for ex-service men of the World War; to the Committee on Ways and Means.

2383. Also, letter from Clatsop Post, No. 12, Oregon Branch of the American Legion, at Astoria, Oreg., favoring option of four measures submitted by American Legion as additional compensation for ex-service men of the World War; to the Committee on Ways and Means.

2384. Also, resolution of Pendleton Post, No. 23, of the American Legion, at Pendleton, Oreg., favoring bonus for ex-service men and women of the World War on a basis of a \$50 bond per month of service; to the Committee on Ways and Means.

2385. Also, telegram and letter from G. A. Coddling, of the Medford (Oreg.) Post of the American Legion, favoring legislation for ex-service men as proposed by national officers of the legion; to the Committee on Ways and Means.

2386. Also, telegram from Tillamook Post, No. 47, of the American Legion, at Tillamook, Oreg., favoring option of four measures submitted by American Legion as additional compensation for ex-service men of the World War; to the Committee on Ways and Means.

2387. Also, telegram from Argonne Post, No. 56, of the American Legion, at Tualatin, Oreg., favoring additional compensation for ex-service men and women of the World War; to the Committee on Ways and Means.

2388. Also, letter from Godfrey Thim, of American Legion, Portland (Oreg.) Post, No. 1, favoring additional compensation for ex-service men of the World War; to the Committee on Ways and Means.

2389. Also, letter from J. F. Van Winkle, of Portland (Oreg.) Post, No. 1, of the American Legion, favoring option of four measures submitted by American Legion as additional compensation for ex-service men; to the Committee on Ways and Means.

2390. Also, telegram from Alfred E. Babcock Post of the American Legion, at Albany, Oreg., favoring additional compensation for ex-service men of the World War; to the Committee on Ways and Means.

2391. Also, telegram from Sunset Post, No. 34, of the American Legion, at North Bend, Oreg., favoring legislation for readjustment of compensation to men and women who served in the World War; to the Committee on Ways and Means.

2392. Also, telegram from Portland Post, No. 1, of the American Legion, at Portland, Oreg., favoring option of four measures submitted by American Legion as additional compensation for ex-service men of the World War; to the Committee on Ways and Means.

2393. Also, letter from Charles Davis, of Hillsdale, Oreg., favoring Government land donations as additional compensation for ex-service men of the World War; to the Committee on Ways and Means.

2394. Also, telegram from Springfield (Oreg.) Post, No. 40, of the American Legion, favoring \$50 bond as additional compensation for ex-service men of the World War; to the Committee on Ways and Means.

2395. By Mr. KINKAID: Petition of the Scottsbluff (Nebr.) Chamber of Commerce, favoring the continuance of the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

2396. Also, petition of the Scottsbluff (Nebr.) Chamber of Commerce, favoring Senate bill 3792 and universal military training; to the Committee on Military Affairs.

2397. Also, petition of S. S. Stevens and 252 other citizens, of Comstock, Nebr., protesting against military training, etc.; to the Committee on Military Affairs.

2398. By Mr. MURPHY: Memorial of Harrison County Wool Growers' Association, indorsing House bill 11641, "truth in fabric" bill; to the Committee on Interstate and Foreign Commerce.

2399. Also, memorial of 500 members of Belmont County Farm Bureau, indorsing House bill 11641, "truth in fabric" bill; to the Committee on Interstate and Foreign Commerce.

2400. By Mr. ROGERS: Petition of the Progressive Lodge, No. 131, Knight of Pythias, in convention at Maynard, Mass., opposing any and all organizations that may tend to teach un-American doctrines, etc.; to the Committee on the Judiciary.

2401. By Mr. ROWAN: Petition of the Harry Bullock Post of the American Legion, demanding thorough investigation of the Federal Board for Vocational Training; to the Committee on Rules.

2402. By Mr. SHERWOOD: Petition of sundry citizens of Ohio, urging the passage of House bill 1112; to the Committee on the Judiciary.

2403. By Mr. SINCLAIR: Petition by the commissioners of the following counties: Bottineau, Bowman, Burke, Burleigh, Divide, McIntosh, Mercer, Renville, and Rolette, all in North Dakota; also from the North Dakota Society of Equity, all asking for the passage of legislation that will assist the farmers of the drought-stricken area of western North Dakota in the purchase of seed and feed to enable them to put in a crop this spring; to the Committee on Appropriations.

SENATE.

THURSDAY, March 18, 1920.

(Legislative day of Thursday, March 11, 1920.)

The Senate met in open executive session at 12 o'clock noon, on the expiration of the recess.

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

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Ashurst	Gay	La Follette	Smith, Ga.
Ball	Gerry	Lenroot	Smith, Md.
Beckham	Glass	Lodge	Smith, S. C.
Borah	Gronna	McKellar	Smoot
Brandegee	Hale	McLean	Spencer
Calder	Harding	McNary	Sterling
Capper	Harris	Moses	Swanson
Chamberlain	Harrison	New	Thomas
Colt	Henderson	Norris	Townsend
Comer	Hitchcock	Nugent	Trammell
Culberson	Johnson, Calif.	Overman	Underwood
Cummins	Johnson, S. Dak.	Page	Wadsworth
Curtis	Jones, N. Mex.	Phipps	Walsh, Mass.
Dial	Jones, Wash.	Pomerene	Walsh, Mont.
Edge	Kellogg	Ransdell	Warren
Elkins	Kendrick	Reed	Watson
Fernald	Kenyon	Robinson	Williams
Fletcher	Keyes	Sheppard	Wolcott
France	King	Sherman	
Frelinghuysen	Kirby	Simmons	

The PRESIDENT pro tempore. Seventy-eight Senators have answered to their names. There is a quorum present.