against the passage of the Smith-Towner bill; to the Committee on Education.

6126. By Mr. EMERSON: Petition of the City Council of Cleveland, Ohio, favoring the location of one of the hospitals in the city of Cleveland; to the Committee on Interstate and Foreign Commerce.

6127. By Mr. ESCH: Petition of Wisconsin Retail Lumberman's Association of Milwaukee, Wis., opposing a duty on lumber imported from Canada; to the Committee on Ways and Means.

6128. By Mr. HERSEY: Petition of the general board of L'Union St. Jean Baptiste d'Amerique, protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6129. Also, petition of Council Vallee St. Jean, No. 246, L'Union St. Jean-Baptiste d'Amerique, of Fort Kent, Me., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6130. By Mr. KENNEDY of Rhode Island: Resolution of Council Labelle, L'Union St. Jean Baptiste d'Amerique, of Woonsocket, R. I.; and resolution of Council Notre Dame de Lourdes, L'Union St. Jean Baptiste d'Amerique, Passoag, R. I., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6131. By Mr. KLECZKA: Petition of 48 citizens of Milwaukee, Wis., protesting against enactment of Smith-Towner bill; to the Committee on Education.

6132. Also, petition of 185 citizens of Milwaukee, Wis., protesting against enactment of Smith-Towner bill; to the Committee on Education.

6133. By Mr. MANN of Illinois: Petition of citizens of Chicago, Ill., favoring an amendment to the Volstead Act; to the Committee on the Judiciary.

6134. By Mr. MORIN: Petition of members of St. Augustine Rectory, Pittsburgh, Pa., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6135. Also, petition of the Ingram Borough school district, Ingram, Pa., urging passage of the Smith-Towner bill; to the Committee on Education.

6136. By Mr. O'CONNELL: Petition of Spanish Green Olive Importers' Association, of New York, opposing the passage of the Haugen bill (H. R. 10311); to the Committee on Agriculture.

6137. Also, petition of New York Wholesale Grocers' Association, opposing a gross sales or turnover tax; to the Committee on Ways and Means.

6138. By Mr. PETERS: Petition of the La Fayette Council, L'Union St. Jean-Baptiste d'Amerique, of Skowhegan, Me., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6139. By Mr. RANDALL of Wisconsin: Petition of residents of Kenosha, Wis., requesting an amendment to the Volstead enforcement law, permitting the manufacture and sale of beer and light wines; also protesting against the McKellar bill; to the Committee on the Judiciary.

6140. By Mr. ROGERS: Petition of Council Notre Dame de Lourdes, No. 292, L'Union St. Jean Baptiste d'Amerique, of Lowell, Mass., and Council Ste. Therese, No. 351, same organization, of Lowell, Mass., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6141. By Mr. ROWAN: Petition of S. G. Bayne, president Seaboard National Bank, opposing the Haugen bill; to the Committee on Agriculture.

6142. Also, petitions of Young Women's Societies of the Church of St. Thomas the Apostle, Frank J. Guck and 100 others, Patrick Jones and 11 others, and Anna Marie McHugh, all of New York City, protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6143. Also, petition of the Merchants' Association of New York, favoring the continuing of the passport office maintained in New York City by the Department of State; to the Committee on Appropriations.

6144. By Mr. SNELL: Petition of L'Union St. Jean Baptiste d'Amerique, Council Charbonneau No. 39, of Keeseville, N. Y., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6145. Also, petition of L'Union St. Jean Baptiste d'Amerique, Council Champlain No. 38, of Champlain, N. Y., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6146. Also, petition of L'Union St. Jean Baptiste d'Amerique, Council Notre Dame, No. 339, of Ogdensburg, N. Y., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6147. Also, petition of L'Union St. Jean Baptiste d'Amerique, Council Chagnon, No. 316, of Chazy, N. Y., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6148. Also, petition of L'Union St. Jean Baptiste d'Amerique, Council Legrand, No. 272, of Malone, N. Y., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6149. By Mr. STINESS: Petition of South Kingstown and Narragansett Poultry Association, of Rhode Island, urging the enactment of tariff legislation to protect the hen, egg, and allied industries of the United States; to the Committee on Ways and Means.

6150. By Mr. TAGUE: Petition of Maturity Court, Daughters of Isabella, and Mary A. Murphy and Katherine T. Delanty, all of Boston, Mass., protesting against the Smith-Towner bill; to the Committee on Education.

6151. Also, petition of Drs. George, Leonard, and Sherman, of Boston, Mass., concerning Senate bill 4927; to the Committee on Ways and Means.

6152. Also, petition of Howes Bros. Co., of Boston, Mass., concerning packer bills; to the Committee on Agriculture.

6153. Also, petition of Society for the Protection of New Hampshire Forests, in favor appropriation for blister rust; to the Committee on Agriculture.

6154. Also, petition of International Association Bridge, Structural, and Ornamental Iron Workers, in favor bonus of $240 to Federal employees; to the Committee on Appropriations.

6155. Also, petition of Boston Post Office Clerk Association, in favor of the Steenerson bill (H. R. 15906); to the Committee on the Post Office and Post Roads.

6156. Also, petition of the National Budget Committee, in favor budget act; to the Committee on Appropriations.

6157. Also, petition of Frank N. Nathan Co., against the McFadden gold bill; to the Committee on Banking and Currency.

6158. Also, petition of New England Dressed Meat & Wool Co., against the Haugen bill (H. R. 15995); to the Committee on Agriculture.

6159. Also, petition of Division 72, Ancient Order of Hibernians, of Boston, Mass., protesting against the Smith-Towner bill; to the Committee on Education.

6160. Also, petition of Boston Progressive Retail Jewelers' Association, against the McFadden bill; to the Committee on Banking and Currency.

6161. Also, petition of Cheverus Council, No. 6, Massachusetts Catholic Order of Foresters, opposed to the Smith-Towner bill; to the Committee on Education.

6162. Also, petition of National Retail Hardware Association, to extend time for filing claims under section 206 (c) of transportation act; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *March 1, 1921.*

(Legislative day of Thursday, February 24, 1921.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Hale	McLean	Smith, Md.
Ball	Harris	McNary	Smith, S. C.
Borah	Harrison	Moses	Smoot
Brandegee	Heflin	Myers	Spencer
Calder	Henderson	Nelson	Sterling
Capper	Hitchcock	New	Sutherland
Colt	Jones, N. Mex.	Norris	Swanson
Culberson	Jones, Wash.	Overman	Thomas
Curtis	Kellogg	Owen	Townsend
Dial	Kendrick	Phelan	Trammell
Dillingham	Kenyon	Phipps	Underwood
Edge	Keyes	Pittman	Wadsworth
Elkins	King	Poindexter	Walsh, Mass.
Fernald	Kirby	Pomerene	Walsh, Mont.
France	Knox	Ransdell	Warren
Frelinghuysen	La Follette	Robinson	Willis
Gay	Lenroot	Sheppard	Wolcott
Glass	Lodge	Shields	
Gooding	McCumber	Simmons	
Gronna	McKellar	Smith, Ga.	

Mr. PITTMAN. I desire to announce that the Senator from Rhode Island [Mr. GERRY] is absent on official business.

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. There is a quorum present.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

DISTRICT OF COLUMBIA WATER SUPPLY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a communication from the Board of Commissioners of the District of Columbia submitting a supplemental estimate of appropriation in the sum of $200,000 for increasing the water supply of the District of Columbia, which was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922; that it had receded from its disagreement to the amendments of the Senate numbered 4, 7, 8, 10, 46, 78, 89, 91, 102, 103, 112, and 114, and agreed to the same; that it had receded from its disagreement to the amendments of the Senate numbered 40, 48, 49, 92, 93, 107, 115, 116, 117, and 118, and agreed to each thereof with an amendment; that it insisted upon its disagreement to the amendments of the Senate numbered 11, 12, 13, 32, 33, 79, 80, 82, and 119; and asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ANDERSON, Mr. MAGEE, and Mr. BYRNES of South Carolina managers at the further conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. MYERS presented a joint resolution of the Legislature of Montana, which was referred to the Committee on Public Lands, as follows:

UNITED STATES OF AMERICA,
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the following is a true and correct copy of senate joint resolution No. 3, enacted by the seventeenth session of the Legislative Assembly of the State of Montana, and approved by Jos. M. Dixon, governor of said State, on the 23d day of February, 1921.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 24th day of February, A. D. 1921.

[SEAL.] C. T. STEWART,
Secretary of State.
By CLIFFORD L. WALKER, *Deputy.*

Senate joint resolution 3. Introduced by Donlan.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas there was granted to the State of Montana by the United States large tracts of timberland within said State for educational purposes; and

Whereas by the terms of said grant it was provided that said lands "shall be disposed of only at public sale and at a price not less than $10 per acre, the proceeds to constitute a permanent school fund ——"; and

Whereas pursuant to the laws of the State of Montana the State has sold and disposed of the timber from a large acreage of the said timberlands and the lands so cut over are valuable only as timberlands and for timber culture and have no value for agriculture or other purposes, and that it is to the interests of the State of Montana and the educational institutions for which said lands were granted that said cut-over lands be reforested; and

Whereas said cut-over lands are widely scattered and in most cases isolated and by reason thereof it is impracticable and uneconomic to undertake the reforesting and care thereof, and that in order that this important work may be successfully carried on the State should be permitted to exchange said cut-over lands that are valuable only for timber culture for other lands of like character and of the same value to the end that the State may acquire or secure its holdings in a compact body in order that reforesting may be undertaken in a businesslike and economic manner: Now, therefore, be it

Resolved (the house of representatives concurring). That we, the Seventeenth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States to immediately enact such legislation as will permit the State of Montana to dispose of the cut-over timberlands heretofore granted by exchange so that a reforesting program may be successfully and economically carried out by said State of Montana; and be it further

Resolved, That a copy hereof be transmitted by the secretary of state of the State of Montana to the Senators and Representatives of the State of Montana in Congress and that they be urged to use their best efforts to obtain congressional action herein indicated.

NELSON STORY, Jr.,
President of the Senate.
FRED L. GIBSON,
Speaker of the House.

Approved February 23, 1921.

JOS. M. DIXON,
Governor.

Filed February 23, 1921, at 3.20 o'clock p. m.

C. T. STEWART,
Secretary of State.

Mr. MYERS presented a resolution of the Lewistown Woman's Club, of Lewistown, Mont., protesting against commercializing the national parks, which was referred to the Committee on Commerce.

Mr. McLEAN presented a memorial of New London County Pomona Grange, of Norwich, Conn., remonstrating against the so-called daylight savings bill, which was referred to the Committee on Interstate Commerce.

He also presented a telegram in the nature of a petition of Eddy Glover Post, No. 6, American Legion, of New Britain, Conn., favoring the fivefold adjusted compensation plan for the benefit of ex-service men, which was ordered to lie on the table.

He also presented a memorial of the Woman's Club of New Haven, Conn., remonstrating against the enactment of legislation commercializing the national parks, which was referred to the Committee on Commerce.

He also presented memorials of Court Schiller, No. 117, Foresters of America, of Meriden, and Meriden Lodge, No. 276, D. O. H., of Meriden, both in the State of Connecticut, protesting against the presence and action of French colonial troops in the occupied zone of the Rhine, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Woman's Christian Temperance Union of Waterbury, Conn., protesting against an appropriation being made in the Agricultural appropriation bill for the investigation and improvement of tobacco, which was ordered to lie on the table.

He also presented memorials of Council Ste. Anne, No. 205, l'Union St. Jean-Baptiste d'Amerique, of Hartford; Marquette Council, Knights of Columbus, of Ridgefield; John Leo Sullivan, of New Britain; and Branch No. 627, Ladies' Catholic and Benevolent Association, of Winsted; all in the State of Connecticut, remonstrating against the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

He also presented a resolution of Washington Camp, No. 18, Patriotic Order Sons of America, of Waterbury, Conn., favoring legislation making armistice day a legal holiday, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a resolution of the Lane County Grange, of Eugene, Oreg., favoring legislation to prohibit gambling in grain products, which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. SMITH of Georgia, from the Committee on Education and Labor, to which was referred the bill (S. 1017) to create a department of education, to authorize appropriations for the conduct of said department, to authorize the appropriation of money to encourage the States in the promotion and support of education, and for other purposes, reported it with amendments and submitted a report (No. 824) thereon.

Mr. REED, from the Committee on Standards, Weights, and Measures, to which was referred the bill (H. R. 9755) to establish the standard of weights and measures for the following wheat-mill and corn-mill products, namely, flours, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, reported it without amendment.

Mr. SPENCER, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2086) to provide for the erection of a public building on ground already acquired at Caruthersville, in the State of Missouri, reported it without amendment.

BONUS FOR EX-SOLDIERS.

Mr. THOMAS submitted his views, being a minority report to the bill (H. R. 14157) to provide adjusted compensation for veterans of the World War, to provide revenue therefor, and for other purposes, which was ordered to be printed as part 2 of report No. 821.

AMENDMENT OF INTERSTATE COMMERCE ACT.

Mr. KNOX submitted an amendment intended to be proposed by him to the bill (S. 4933) to amend the interstate commerce act by adding thereto a new section, No. 20b, and to amend an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, by adding a new paragraph to section 10 thereof, which was ordered to lie on the table and be printed.

APPOINTMENTS OF POSTMASTERS.

Mr. HITCHCOCK. Mr. President, in the presidential campaign of 1916 the Civil Service Reform Association addressed a letter to the Republican candidate for President, Mr. Hughes, and the Democratic candidate for President, Woodrow Wilson, making inquiry as to what policy each would adopt in the event of election and the demand that post offices of the first, second, and third class should thereafter be filled under the civil-

service rules instead of by arbitrary Executive appointment. Mr. Hughes answered at once that if elected President of the United States he would inaugurate a policy of civil-service reform and have all postmasters of the first, second, and third class, as well as the fourth class, selected by a civil-service examination. President Wilson replied in substantially the same terms. The result was that on the 31st of March, 1917, immediately after President Wilson's second term began, he promulgated an Executive order under which the postmasters of the first, second, and third class, known as presidential offices, should thereafter be selected as the result of a civil-service examination.

That order has now been in effect for nearly four years, and as the term of President Wilson is drawing to its close, it seems to me a proper time to put in the RECORD what has been the result of that reform. I will say frankly that during the last four years the operation of the reform has not been altogether acceptable or agreeable to Senators on this side of the aisle. It has not been a pleasant operation to see the appointment under a Democratic administration of Republican postmasters throughout the country, but it is proper at this time, at the close of the present administration, to examine briefly what the operations have been.

No one has known until lately what the exact figures or approximate figures are. Upon the other side of the aisle Republicans have claimed that it has been a farce. Upon this side of the aisle many Senators have thought that most of the appointments have fallen to Republicans. So I desire to take up now briefly what the results have been. First, let me read a paragraph from a dispatch appearing in the Evening Star of this city a few days ago and reading as follows:

ST. AUGUSTINE, FLA., *February 24.*

One of Warren G. Harding's first acts as President of the United States will be to rescind the order of President Wilson placing all postmasters under the protection of the civil service. Mr. Harding will insist that merit should control in the appointment of postmasters, but he does not believe the Democrats who have been placed in the postmasterships during the last eight years should be perpetuated in office.

I do not know whether that is authentic or not, and it is not of great importance at this time, but it raises the question and creates a doubt whether the reform is to be continued, and makes it decidedly proper to have placed in the RECORD what the actual facts in that reform have been.

I ask permission to place in the RECORD at this point, without reading, the Executive order of President Wilson promulgated March 31, 1917, and with it the statement of the Postmaster General concerning that order and the regulation which went into effect with it.

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

The matter referred to is as follows:

EXECUTIVE ORDER.

Hereafter when a vacancy occurs in the position of postmaster of any office of the first, second, or third class as the result of death, resignation, removal, or on the recommendation of the First Assistant Postmaster General, approved by the Postmaster General, to the effect that the efficiency or needs of the service requires that a change shall be made, the Postmaster General shall certify the fact to the Civil Service Commission, which shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy, and when such examination has been held and the papers in connection therewith have been rated the said commission shall certify the result thereof to the Postmaster General, who shall submit to the President the name of the highest qualified eligible for appointment to fill such vacancy, unless it is established that the character or residence of such applicant disqualifies him for appointment. No person who has passed his sixty-fifth birthday shall be given the examination herein provided for.

WOODROW WILSON.

MARCH 31, 1917.

The Postmaster General made the following statement in giving out the Executive order:

"The order speaks for itself and it will be observed.

"Incumbent postmasters of the classes referred to who are rendering good service and who continue to administer the affairs of their offices with ability will not be disturbed in such offices by any recommendation made by the head of the department. It is due them, however, at this time to make it clear that hereafter the supervisory officials of the department will be more exacting in the enforcement of those postal rules and regulations which make for increased efficiency, and postmasters will not only be expected to devote their time during office hours to a proper administration of their respective offices, but they will be required to thoroughly acquaint themselves with the various postal activities under their charge, and in the future to occupy such part of their time not properly given to administrative work to the performance of some part of those activities."

The First Assistant Postmaster General, who has charge of the post-office service, stated that it is the most advanced step ever taken in the Postal Service toward increased efficiency and businesslike administration, and that no doubt the necessary legislation to place these positions entirely within the classified service will be enacted in the near future.

WASHINGTON D. C., *March 31, 1917.*

Mr. HITCHCOCK. Mr. President, since that order was issued some 2,700 vacancies in first, second, and third class post offices in the United States have occurred. A short time ago, desiring to know what the exact facts were, I addressed a letter to the Postmaster General, asking him to advise me, if he could, what the results had been under the operation of that order. In order to ascertain what the results had been the Postmaster General directed the First Assistant Postmaster General to address a letter to every postmaster appointed to fill a first, second, or third class vacancy during the last four years, and I ask at this point to insert that letter in the RECORD.

I will say, in brief, that the letter merely asks the appointee to state his party affiliations for statistical purposes, and assures him that no partisan or political use shall be made of it.

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

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, February 12, 1921.

(Personal.)

POSTMASTER: On March 31, 1917, the President issued an Executive order whereby appointments to presidential post offices were made as the result of an open competitive examination, the result thereof being certified by the Civil Service Commission to the Postmaster General, who submitted to the President the name of the highest qualified eligible for appointment, unless it was established that the character or residence of such applicant disqualified him for appointment.

In accordance with this order you were appointed postmaster, the appointment being based solely on merit, as shown by the result of the examination. It is now claimed by some that in making these appointments the department has shown discrimination for political reasons. The department is without knowledge of the political affiliations of those appointed under the Executive order, as politics was not considered. It will be to the interest of the service to demonstrate that there has been an impartial administration of this order. As all appointments have been submitted to the Senate, it can not affect the selection or appointment of anyone, and in order to enable the department to answer this charge, which is unfounded, you will state in the space below your political affiliations.

It is not desired to know how you voted in any particular election or whether you voted for any particular candidate, but the party with which you usually affiliate.

Please reply at the earliest date possible.

J. C. KOONS,
First Assistant.

Name of office, ———.
I am affiliated with ——— Party.
Date, ———.

———, *Postmaster.*

Mr. HITCHCOCK. Mr. President, as a result of that inquiry of the Postmaster General I am able to give the following information:

From the 2,700 inquiries made by the Postmaster General of the 2,700 appointees to first, second, and third class offices, information has been secured from 2,110 and this information reveals the following facts:

Postmasters appointed to fill vacancies during the last four years are reported as follows:

Democratic affiliation	1,012
Republican affiliation	907
Independent	32
Prohibition	10
Socialist	3
No affiliation	129
Dead	7
Blank	10
Total	2,110

On its face this statement shows a very fair distribution between the parties, particularly when we take into account that in most of the Southern States any competitive examination with educational qualifications must necessarily be confined to white people, most of whom belong to the Democratic Party. If we except the 11 Southern States and consider only the 37 States where the parties are more nearly equally represented we find that the summary in these 37 States is as follows:

Democratic affiliation	598
Republican affiliation	846
Independent	26
Prohibition	9
Socialist	3
No affiliation	95
Dead	6
Blank	9
Total	1,592

We find that in such Republican States as Massachusetts out of 28 vacancies Republicans have been given the office in 20 cases.

I may say that, according to my recollection, one of those cases was the city of Boston, in which a Republican was appointed postmaster. I think the Senator from Massachusetts will bear me out in that statement.

Mr. BORAH. Mr. President, what was the Senator's statement in regard to Massachusetts?

Mr. HITCHCOCK. My statement in regard to Massachusetts was that out of 28 vacancies occurring during the last four years Republicans have been given the post offices in 20 cases.

Mr. POMERENE. In how many cases?

Mr. HITCHCOCK. Twenty cases out of twenty-eight.

Mr. WALSH of Massachusetts. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I might add that, so far as I have been able to learn the political affiliations of the 28 postmasters in Massachusetts, all of them are Republicans; I do not know of any Democrats.

Mr. HITCHCOCK. There are some who report themselves as Democrats. I shall put the statement in the RECORD in detail.

In Michigan out of 68 vacancies, 46 went to Republicans, while in Minnesota, out of 80 vacancies, 55 went to Republicans.

In my own State, out of 90 vacancies, 55 were filled by Republicans and only 21 by Democrats.

These are naturally offset when we come to the Democratic States. In Texas, for instance, out of 119 vacancies 98 were filled by Democrats and 11 by Republicans, while in Mississippi 37 were filled by Democrats and only 1 by a Republican.

This showing, Mr. President, is very conclusive evidence that the Post Office Department has during the last four years administered with an honest effort this attempt at civil-service reform and has endeavored to carry the Executive order into effect in good faith and to take out of political patronage absolutely the appointment of postmasters nominated by the President and confirmed by the Senate.

In order that this record may be made complete, I ask to have inserted the following tabulated statements giving the appointments in each State together with the party affiliation of all men appointed so far as the returns have been received since the inquiry was made. They bear out the summaries which I have already given.

The new administration may wipe out this reform and in defiance of a public opinion which called for it may throw all of the post offices of the country back into political patronage but the record will remain that this administration has made an honest effort to establish the reform.

Mr. President, at this point I ask to have inserted in the RECORD the tabulated statement which I hold in my hand, which gives the statistics for each State in the Union.

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

The statement referred to is as follows:

States and Territories.	Democrat.	Republican.	Independent.	Prohibition.	Socialist.	No affiliation.	Dead.	Blank.	Total.
Alabama	24	6				4			34
Alaska									
Arizona	7	3				3			13
Arkansas	30	5				1			36
California	14	33		1	1	1	1		51
Colorado	15	10				2			27
Connecticut	5	10				1		1	17
Delaware	2	1							3
District of Columbia									
Florida	18	7				3			28
Georgia	38	6	3			8			55
Guam									
Hawaii									
Idaho	5	11		1		1			18
Illinois	33	62	1	1		7	1	1	103
Indiana	29	19				1			49
Iowa	18	63	2	1		9		1	94
Kansas	20	29		1		9			59
Kentucky	33	5				1			39
Louisiana	35	4	1						40
Maine	10	18	2		1	2			33
Maryland	10	4							14
Massachusetts	6	20	2						28
Michigan	16	46	2			4			68
Minnesota	15	55	2	1		7			80
Mississippi	37	1				4			42
Missouri	54	18	1			4	1		78
Montana	10	25				4	1		40
Nebraska	21	55	2	1		11			90
Nevada	1	2				2			5
New Hampshire	4	7				1			12
New Jersey	11	21				1			33
New Mexico	7	3							10
New York	36	40	1		1	3		1	82
North Carolina	51	9				2			62
North Dakota	16	26				1			43
Ohio	29	34	2			5		1	71
Oklahoma	61	26	2			2		1	92
Oregon	5	11							16
Pennsylvania	37	55	2	1		3		2	100
Rhode Island	1								1
South Carolina	35	2		1		1			39
South Dakota	18	27				5		1	51
Tennessee	24	8							32
Texas	98	11	2			8			119
Utah	4	4				1			9
Vermont	3	3	1						7
Virginia	15	5				2	1	1	24
Washington	10	23	1			1	1		36
West Virginia	31	10							41
Wisconsin	7	54	3	1		4	1		70
Wyoming	2	10							12
Total	1,012	907	32	10	3	129	7	10	2,110

Omitting the 11 Southern States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, the tabulation is as follows:

Democrat	598
Republican	846
Independent	26
Prohibition	9
Socialist	3
No affiliation	95
Dead	6
Blank	9
Total	1,592

Mr. HITCHCOCK. Mr. President, I also ask leave to add to my remarks extracts from a number of letters received by the First Assistant Postmaster General from Republican postmasters who bear testimony to the genuine character of the reform brought about by the establishment of the merit system in naming postmasters. The names of the writers are not given, neither are the names of the towns, because I have no disposition to expose the authors of the letters to any possible resentment from partisan neighbors. I could add many more to the same purpose, but these will suffice to show the good faith in which the reform has been carried out.

I ask that these letters be inserted in the RECORD at this point as samples of those received from the Republican appointees in various parts of the country.

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

The letters referred to are as follows:

FEBRUARY 16, 1921.

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.

DEAR SIR: While these few words may be superfluous, I feel that I should further state that I have affiliated with the Republican Party for the past 20 years.

So far as I have been able to ascertain, the question of politics did not enter into either the examination or my subsequent appointment to this office.

Yours, respectfully, ——— ———.

—

FEBRUARY 17, 1921.

POSTMASTER:

I am returning to-day answer to your inquiry as to my party affiliation. I do not think, however, that the mere statement that I am and always have been a Republican is sufficient answer in my case to the inquiry.

For 40 years I have edited Republican newspapers in * * *. More than 30 of those years I edited newspapers in this city. They were not merely Republican in name. I was regarded as a radical, uncompromising, "stand-pat" Republican. With that record I entered the contest for * * * post office when it was announced that civil-service rules would govern the appointment.

When the Civil Service Commission made its report I was the highest on the list, and my name was certified to Postmaster General Burleson, who promptly recommended me for appointment, and President Wilson at once made the appointment as recommended. If there is any question or doubt as to the fairness or consistency of the administration in living up to its pledges in this line, my own case should be sufficient to prove the doubt groundless. I desire to give my testimony as to the absolute fairness of the department in making these appointments.

* * * * * * *

Very truly, yours, ——— ———, *Postmaster.*

—

FEBRUARY 17, 1921.

In connection with the inclosed letter I wish to make this additional statement, which you are at liberty to use:

I was rejected by the local board in August, 1917, because of bad eyes, and a little later the local banker called my attention to the Executive order and of the call for a competitive examination for office of postmaster at ——— and advised me to look into it.

Being advised by various persons, some of whom were holding civil-service appointments, that politics was not considered in such examinations and that my standing on my examination alone would govern, I made application for permission to take the examination.

Of the four applicants who took the examination, the other three were affiliated with the Democratic Party, and two have been candidates for other offices. I and my father before me have always been affiliated with the Republican Party.

No information was asked of me at any time as to my political affiliations, and I can say further that the Democratic committeeman from this precinct worked for one of the candidates and that a friend of another of the candidates who happened to be at the Capitol made a special call in the interests of his friend, and I can also say further that one of the applicants also had petitions signed by about 25 asking for his appointment.

* * * * * * *

Respectfully, yours, ——— ———, *Postmaster.*

—

FEBRUARY 15, 1921.

I was one of six who took examinations for this position. I was the only one who was Republican; the rest were Democrats; two boasted of party influence. I simply took the examination. I had taught in grammar and high school; been superintendent of schools for 25 years; and for 2 years had been treasurer and head bookkeeper of a ——— corporation doing some thousands of dollars a week of business. I felt that if I did not get the position there must be something wrong about "civil service," but I got it, although in the "wrong" party. I never voted a Democratic ticket in my life. * * *

——— ———, *Postmaster.*

—

FEBRUARY 16, 1921.

The Republican Party will do well to copy the Democratic Party in the matter of post-office appointments. A lot of my friends thought there would be no use for me to take the examination for postmaster on account of being a Republican, but politics did not enter into the matter at all. The Democratic Party has been very fair as far as I am concerned, and the Republican Party will make a mistake if the old political spoils system is employed in making post-office appointments.

* * * * * * *

Respectfully, yours, ——— ———, *Postmaster.*

—

FEBRUARY 15, 1921.

At time of my appointment I was Republican county chairman.

—

FEBRUARY 17, 1921.

Have been Republican county chairman 10 years.

—

FEBRUARY 18, 1921.

FIRST ASSISTANT, *Washington:*

In reply to inclosed communication, I wish to submit the following facts in connection with my appointment as postmaster at this place: I am in possession of three commissions signed by Republican Presidents for postmaster at another office of the third class, and at the examination held for Postmaster at * * * the other applicant was a Democrat and chairman of the precinct committee, so I can truthfully state that there was no discrimination shown in this case for political or other reasons. The Hon. FRANK W. MONDELL will verify that he has recommended me to the previous appointments as postmaster under a Republican administration, and am satisfied that the ruling of March 31, 1917, was strictly adhered to in this case. Any further information will be cheerfully supplied.

——— ———, *Postmaster.*

FEBRUARY 17, 1921.

The charges of political discrimination by your department are unfounded.

Respectfully, ——— ———.

Mr. HITCHCOCK. Mr. President, let me say in conclusion that this reform has not been altogether to the comfort of Democratic Senators and Representatives, but it was a reform pledged to the people of the United States by President Wilson; it was a reform pledged to the people of the United States by the then candidate for President, Mr. Hughes, who is now to appear as the head of the Cabinet in the incoming administration. If it is carried out by the incoming administration it will be a reform permanently established in this country, because no other administration will ever venture to change it.

Mr. President, let me say further that I do not stand here as an advocate of the Executive order in the language in which it was written; I think it was overdrastic. I urged the President to modify it; I believe it should have been modified; I believe that the President should have some discretionary power in the appointment of postmasters. I think that the Executive order should have been so modified, and I hope it will be so modified, that all that the Civil Service Commission shall do shall be to subject to a test the candidates for postmaster in the first, second, and third class offices, and report a list of eligibles to the President, leaving the President, with the advice of Senators and Representatives, some discretion to select from those eligibles. But the reform has been started, and I hope that our Republican friends will not destroy the start that has been made.

Mr. LODGE subsequently said: Mr. President, I do not desire to delay action on the conference report a moment or to take the attention of the Senate away from that subject. However, when I came into the Senate this morning the Senator from Nebraska [Mr. HITCHCOCK] was making some observations—I did not hear all he said—in regard to the presidential order in reference to postmasters. I merely desire to have that order printed in the RECORD, if it has not already been ordered to be done.

The VICE PRESIDENT. The order has been ordered printed in the RECORD.

Mr. LODGE. Then, of course, it is not necessary to have it again printed.

I wish to call attention merely to two matters. The proposed examination for postmasters under the order does not place them in the classified service. In the second place, I wish to call attention to the fact that the order is very cunningly drawn. It provides:

> Hereafter when a vacancy occurs in the position of postmaster at any office of the first, second, or third class as the result of death, resignation, removal—

It excludes the expiration of a commission as creating a vacancy. Of course, the result of that would be that postmasters holding offices would be kept in office without examination. The purpose of that, I think, I need not go into.

Mr. HITCHCOCK. If the Senator will submit to a question, I desire to ask, would not such a position be analogous to other civil-service positions that are held during good behavior?

Mr. LODGE. It is not a civil-service position; it is specifically stated that the order does not put it in the classified service.

Mr. HITCHCOCK. I understand that.

Mr. LODGE. But the point is that the expiration of a commission does not create a vacancy. Therefore, the man who is in office may be reappointed without the examination; and that, of course, was the purpose of the order.

Mr. HITCHCOCK. I will ask the Senator whether a continuance in office during good behavior is not analogous to the general plan of civil-service reform pertaining to the classified service?

Mr. LODGE. I do not think it has anything to do with civil-service reform. I think it is a plan for keeping in post offices appointees who are now there.

Mr. HITCHCOCK. Is it not the plan of the classified service to keep a person in office during good behavior?

Mr. LODGE. In the general classified civil service employees are there by competitive examination.

Mr. HITCHCOCK. Exactly.

Mr. LODGE. And come into the classified service with certain rights defined by law——

Mr. HITCHCOCK. So do postmasters.

Mr. LODGE. The post-office appointees referred to get no such rights, and under the Executive order most of the vacancies have been excluded by not making the expiration of a commission create a vacancy. If this effort were genuine, the expiration of a commission would create a vacancy and postmasters in office would be compelled to stand examination with outsiders; but they are explicitly excluded.

Mr. HITCHCOCK. Mr. President, the point I am making is that this process of continuing postmasters in office during good behavior is entirely analogous with the general rule governing the classified service, and while postmasters are put into this status by an Executive order that is in exact accord with the demand for civil-service reform.

Mr. LODGE. But those in the classified service who are kept there during good behavior have passed competitive examinations.

Mr. HITCHCOCK. That is so of postmasters.

Mr. LODGE. No; I beg the Senator's pardon. The postmasters who are to be kept are required to pass no examination at any time or even to be examined by a commission, and that is the object of the cunning drafting of the order.

Mr. UNDERWOOD. Mr. President, I dislike to delay the Senator in charge of the conference report; but, if he will pardon me for about five minutes, I should like to say something for the RECORD. The Senator from Massachusetts has evidently stated his party's position on the question of the removal of postmasters.

Mr. LODGE. Mr. President, let me explain to the Senator that I have stated no position but my own. I wanted to show what I consider to be the humbug of this order.

Mr. UNDERWOOD. It will undoubtedly be reflected as his party's position. I have no criticism of the Senator reflecting his party's position on this question, but I think the RECORD should clearly define the position.

As to whether or not the Republican Party when it comes into power next Friday intends to continue the efforts of President Wilson to place all of the postmasters in the United States under the civil service law or a qualified civil service law is a matter of policy for that party, on which it must go to the country; but there is no reason why there should be a misunderstanding as to the situation.

The classified civil service laws were passed a quarter of a century ago or more, and they authorized the President of the United States to blanket into the classified service any employees of the Government that he desired, except those whose nominations required confirmation by the Senate. When that was done under a Republican administration no civil-service examination was ever held for the men who were in office. They were first blanketed in by Executive order, and then they held during the period of good behavior.

Mr. LODGE. The Senator knows as well as I that that has been done by every administration.

Mr. UNDERWOOD. Certainly.

Mr. LODGE. Mr. Cleveland blanketed in 40,000 postmasters at one time.

Mr. UNDERWOOD. Undoubtedly; I am not criticizing that position; I am merely criticizing the position of the Senator in trying to differentiate in this case. Of course, there have been times when it has been convenient for our Republican friends to remove the blanket and get rid of surplus civil-service employees, and after they had put their own kind into office to return the blanket and protect their own appointees. In this case the President of the United States could not by Executive order apply the civil service laws to first, second, and third class postmasters, because their nominations have to be confirmed by the Senate. It was not cunning on the President's part in drawing this order that kept these men in office to continue to serve without a reexamination after their terms had expired; it was merely an attempt on the part of the Executive, so far as he was able to do so, to follow the sentiment of the existing law in connection with civil-service matters, to make all original appointments by competitive examination, and then establish the precedent that if a man served well and faithfully, as he would do if the position were strictly under the classified service, to return his name to the Senate without a reexamination, because civil-service rules do not contemplate the turning out of office of a faithful and capable servant. There was nothing cunning in the order.

Mr. LODGE. There was no examination, of course, but simply an inspector would be sent to report as to the postmaster.

Mr. UNDERWOOD. Undoubtedly; but that is the case in the classified service in connection with bureaus in Washington. If a department has any ground for turning out an employee, they turn him out, whether he is under the classified service or not, but if he is capable and efficient they retain him.

I admit that the President did not have the opportunity to put these men directly under the classified service, because they must be confirmed by the Senate; but he took the position that so far as the Executive was concerned, if they were faithful and capable servants, performing their duties well, he would, at the expiration of their terms, return their nominations to the Senate for confirmation.

Mr. LODGE. Without any examination at all.

Mr. UNDERWOOD. Certainly not.

Mr. LODGE. Because the expiration of the commission does not create a vacancy, under this order.

Mr. UNDERWOOD. Certainly not. The Senator does not seem to understand the position that I take.

Mr. LODGE. I understand it, I think, perfectly.

Mr. UNDERWOOD. The Senator says that the order was made by the President with cunning, as if he had made this order in order to keep in office men of his political faith. Not at all. The President was trying to liken his order, as nearly as was practical, to the civil service laws of the country.

Mr. LODGE. It never occurred to me that the President drafted the order.

Mr. UNDERWOOD. Well, I am saying it came from him, or whoever it is.

Mr. GLASS. Mr. President, permit me to suggest that, however cunningly the Executive order may have been contrived, it does not appear to have been cunningly administered, since under the order 50 per cent of the appointees were Republicans.

Mr. MOSES. Oh, no; that merely shows the superior intelligence of the Republican contestants in the examinations.

Mr. UNDERWOOD. I will say to the Senator from New Hampshire that while he may claim the intelligence of the country for his party, he has not demonstrated it. At any rate, it shows that under President Wilson's administration of the post offices of the country under this order he attempted to live up to the principles and policies of the civil service laws of the United States; and I do not think it is right to attempt to controvert those facts or leave a slur on his position.

If the Republican Party conclude to take the back track on civil-service reform and go to the spoils system, that is your responsibility, not ours; but I say, if you are going to take that position, take it openly, tell the country what you are doing, and do not try to camouflage the situation. Say that you are going to turn these Democrats out because you want to put Republicans in. You have the power. You can take the responsibility of it to the country.

EXTENSION OF CREDITS FOR EXPORT TRADE.

Mr. SMITH of Georgia. Mr. President, we all recognize the necessity for restoring our export business to central Europe. The Senate has recognized the importance of establishing credits there and helping to maintain those credits. The passage by Congress of the joint resolution directing a resumption of work by the War Finance Corporation was a recognition of the importance of this question. I think most of us regret that the Treasury Department took the position that the War Finance Corporation could not in any way assist in establishing credits in Germany and Austria and other countries with which we have been at war and are now technically at war.

I hold in my hands quite an interesting article from the New York Commercial of January 29, 1921, by Mr. Ludwig Nissen, in which he discusses the importance of rehabilitating our export trade to central Europe and the necessity for credits in connection therewith. While he, perhaps, goes somewhat further in the line of these credits than I would go, yet I consider his article so interesting that I desire to have it printed in the RECORD as a part of my remarks, and I ask permission to do so.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and permission is granted.

The article referred to is as follows:

URGES MORE LOANS TO HELP EUROPE—SAYS CREDITS WOULD RELEASE UNITED STATES SURPLUS GOODS—REHABILITATION OF STABLE AMERICAN EXPORT TRADE DEPENDS UPON POLICY OF HARDING ADMINISTRATION, IS VIEW OF LUDWIG NISSEN, FORMER HEAD OF WHOLESALE JEWELERS.

[By Ludwig Nissen, former president Wholesale Jewelers' Association.]

The rehabilitation of a stable American export trade depends upon the policy of the incoming national administration. America can have no profitable foreign trade without her participation in the reestablishment of equitable economic relations all the world over.

The first requisite to the attainment of that condition must be the conclusion of peace with former enemies with whom, by the way, she formerly carried on an enormous import and export trade.

The great industrial plants of Germany have, for decades past, proved to be the heart strings of the economic world. The continued paralyzation of these industries can only be compared to the partial paralyzation of the heart of the human body, which makes for inactivity, indolence, inefficiency, irregularity of action, and practical stoppage of the functioning of all contributory organs.

All Europe, including Germany, needs raw materials. We have them in great abundance. At the present time we have them piling up on us to such an extent that we can hardly find warehouse room for them. Many of them rot or in some other way deteriorate. The same applies to our surplus foodstuffs. In the cases of both commodities the storing and hoarding of them clogs commerce. The lack of foreign markets for our surplus products of fields, farms, mines, and factories curbs ambition and energy and will lessen production, throw labor out of employment, weaken our financial structure, and throw the whole economic system of our country into inevitable chaos and lethargy. It does more than that. Money is kept at high rates, and therefore kept beyond reach for productive, labor-employing enterprise by credits

being tied up in unsold commodities. If the banks should attempt to withdraw these credits, immense losses will be sustained by the banks as well as by the borrowers. Sell these hoarded commodities and credits will be released, money will become easier and naturally flow into legitimate channels of a healthfully reviving business.

In order to accomplish the sale of our great surplus of raw materials it will be necessary to devise some system of credits upon which the countries needing them can buy them. This should be easy. Frequently a creditor has to extend new credits in order to protect credits already granted—the liquidation of which would be doubtful and often impossible without the new credits to put the debtor in a position to work out a hazardous situation. We have loaned European nations approximately $10,000,000,000 for the purposes of destruction.

It would not be throwing good money after bad to loan a few more billions for the purposes of reconstruction, for in that way they would be set upon the road to recovery and prosperity, furnishing thereby a guaranty of ultimate liquidation of all their obligations to us. Simultaneously this would create an immediate outgo of our surplus of raw materials and foodstuffs, simulate new production, and by providing universal employment also forthwith increase consumption. This would within a comparatively short time lead to the beneficent return of normal conditions in which production and consumption would fairly balance each other.

Can anyone imagine, however, that this result can be brought about for our country alone without regard to conditions in other and all other countries? No! Just as it is impossible for the body human to be happy in one part while miserable in the other so it is with the body politic. The economic fabric of the world at large must be made to dovetail in order to present a harmonious and coordinate whole. Any attempt therefore to foster prosperity and happiness in one part of the world to the exclusion of other parts must lead to failure and consequent misery, discontent, unrest, labor disturbances, financial unsettlements, and all the ails and ills of an unhealthy economic system.

The first immediate necessity for healthful and helpful cooperation of all countries should be the insistence of the world upon the definite fixing of the German indemnity to be paid to the Allies. It should be fixed upon the basis of possibility to pay within a short time limit for the present generation to liquidate. No settlement intending to bind unborn generations to liquidation of undetermined and indeterminate obligations to foreign countries could possibly be expected to meet with successful execution. It would mean to be born into slavery.

The spirit of mankind rebels against the thought of working to pay a debt the limit of which is not known and may never be reached. Uncertainty, suspense, fear of never ending calamity, of slavery lead to desperation; and desperation leads to violence, which may mean the outbreak of new wars. A law against common sense is unenforceable. A contract against public policy is illegal. And so the settlement of international difference intended to controvert the law of nature will not win the approval of the second sober thought of humanity.

In order, therefore, to get the world moving along in peace and amity and all working with hope and confidence toward the realization of the spirit of the brotherhood of man, the world should insist upon the immediate settlement of the question of indemnity in such a way as to secure the friendly cooperation of all nations toward the reestablishment of normal economic conditions.

A short time ago at a dinner attended by some of New York's greatest thinkers of questions of economics this same thought was advanced by two very forceful speakers as being particularly in the interest of France. From that point of view one gentleman in a carefully prepared essay mildly dissented in calm and deliberate argument, and although he seemed to represent the minority sentiment of those present he retained the respect of all his hearers by his considerate handling of the subject.

Another gentleman, however, with great vehemence interjected that if it were a question of economics alone that view might be accepted as correct. But that was not the only question to be considered. He declared that the rehabilitation of German industries would make her financially and materially strong in every way and might in a short time put France at her mercy again. This must be prevented for France needed security against that very condition and for that reason Germany must be kept down.

If that sort of view is to be adopted by America as its guiding star, Germany will be a long time recovering her position of usefulness to the world; but in the meantime the rest of the world—and particularly those countries expecting to benefit from the receipt of German indemnities—will continue to suffer with her. And, as for our foreign trade, it will continue to be stagnant, and with it our whole system of economics—farming, mining, manufacturing, shipping, financing, and all the activities that have made our country great, rich, and powerful—will remain in the same condition of stagnancy.

LEGISLATIVE, ETC., APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. Mr. President, I ask consent of the Senator in charge of the naval appropriations bill, who is entitled to the floor, to present and have considered a partial report of the committee of conference on the legislative, executive, and judicial appropriation bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wyoming?

NAVAL APPROPRIATIONS.

Mr. POINDEXTER. Mr. President, before consenting to take up the conference report I wish to call attention to the situation in regard to the naval appropriation bill. There seems to be an idea being circulated in the Senate that there is no chance to enact the naval appropriation bill at this session of Congress. I have heard a number of statements made to the effect that in whatever form we pass the bill in the Senate, if it is changed in any way from the bill which was passed by the House, we will be unable to agree with the House conferees and that the bill will fail. Of course, if the Senate is to accept as a guide for its conduct in connection with a great appropriation bill a statement of that kind, it might as well abdicate its functions. I do not suppose that there ever was an appropriation bill taken up in the Senate to which amendments were made and which went to conference with the other House of Congress as to which it was not necessary and was not the fact that certain compromises and adjustments in the matters of disagreement between the two Houses were made.

In my opinion, the United States is confronted at the present time in its foreign relations by a very critical situation. For the first time in the history of the United States we now have an opportunity, as a result of the war, of securing an adequate Navy to protect and defend the interests of the United States throughout the world. That is about the only thing which we got out of the war. We did not even get the Island of Yap. Japan obtained a great empire of the Pacific Islands, extending her dominion over an area of the earth's surface of some 4,000,000 square miles of land and water.

The United States got nothing. After these matters had been disposed of and other countries had obtained the sanction of the great powers that adjusted the differences following the war and had obtained possession of these islands, after it was too late for the United States to protect its interests, we began to assert them and say that we wanted the island of Yap; but we did not get it. What we did get out of the war, however, by reason of the enactment of the naval building program of 1916, was an opportunity to secure an adequate Navy. Now it is proposed to destroy that. On both sides of the Chamber here there is a disposition among a few Senators to delay, and possibly to defeat, any naval appropriation bill at all.

Mr. WARREN. Mr. President, I will ask my friend if he denies me the opportunity to present and have considered the conference report on the legislative bill?

Mr. POINDEXTER. If the Senator will yield for just a very few moments, I will state my position in regard to his application.

Mr. WARREN. I think the Senator will not accuse me of attempting either to delay or to defeat his bill.

Mr. POINDEXTER. Not at all. The Senator from Wyoming has given no indication of any desire either to delay or to defeat this measure.

The other day the Senator from Idaho [Mr. BORAH] stated upon the floor of the Senate that he did not desire to delay this bill, and I am sure that he does not. I take his statement in absolute good faith; but whatever his intentions may be in that regard, he and those who are cooperating with him are adopting a course which will have the effect of defeating the bill, on account of the short time that will elapse before the adjournment of the session, unless they should change their attitude in regard to it.

Among the other things that the Senator from Idaho stated as of interest to him in connection with this bill was the adoption of an amendment providing for a limitation-of-armaments conference. He has proposed an amendment to the bill on that subject:

> The President is authorized and requested to invite the Governments of Great Britain and Japan to send representatives to a conference, which shall be charged with the duty of promptly entering into an understanding or agreement by which the naval building program of each of said Governments, to wit, the United States, Great Britain, and Japan, shall be substantially reduced annually during the next five years to such an extent and upon such terms as may be agreed upon, which understanding or agreement is to be reported to the respective Governments for approval.

Mr. President, I have not any objection whatever to the object of that amendment; and I stated to the Senator from Idaho several days ago that not only had I no objection to the object which he has in view in the presentation of this amendment, but that I am heartily in favor of it. I think the form of the amendment would have to be changed if it were to have any effect, because under the Constitution of the United States nobody can formulate treaties and agreements between nations except, in the first place, the President of the United States, by and with the advice and consent of the Senate. I have no objection to the appointment of representatives of the United States to confer with other countries as to a plan of disarmament. I have always thought that a great opportunity was overlooked at the Paris peace conference, when for six months, at a time when the affairs of the world were being molded, the representatives of the United States, with the power that they had from the wealth and the armies of this country, which at that time were mobilized for war, did not take advantage of the opportunity to formulate and present to the various powers that had been engaged in that war some specific plan for the limitation of armaments; but they allowed the opportunity to go by. No effort was made to formulate or to present any such plan.

If there is any possibility of arriving at any such agreement, and having that agreement submitted to the various countries for their approval, I not only do not object to it but I am heartily in favor of it. I want to say, however, that it is very largely an act of supererogation for the United States Senate

to pass a resolution to that effect. The only purpose or object which could be accomplished by it would be as an expression of opinion. It is not necessary as a matter of law. The Constitution vests in the President of the United States the authority to do that very thing. It makes it his duty to do so if he considers it necessary for the welfare of the country. The President of the United States alone has the power to initiate and to negotiate treaties. Then he is to submit whatever is the result of those negotiations to the Senate for its ratification.

Not only is the authority that is proposed by the amendment vested in the President by the Constitution, but the Senate and also the House of Representatives have long ago indicated their attitude upon it, for in connection with this very building program which is the basis of this appropriation bill, which was adopted in 1916 under the impetus which was given by the threat of a great world war, in the very act in which we authorized the construction of the battleships and battle cruisers, Congress authorized and instructed the President of the United States to negotiate with foreign countries for a limitation of armaments, and that law is still in effect. I want to call attention specifically to it.

This act was approved August 29, 1916. It provided, as I said before, for 10 battleships, for 6 battle cruisers, for 10 scout cruisers, for 50 torpedo-boat destroyers, for 9 fleet submarines, for 58 coast submarines; and in connection with that, and appropriately in connection with it—because without power to back up the policies which the representatives of this country might agree upon, their representations would be of no force or value in negotiations with foreign countries—while they provided for negotiations for a limitation of armaments, Congress gave to the United States the necessary forces to back up whatever position it might take, and they provided in this bill:

> It is hereby declared to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration, to the end that war may be honorably avoided. It looks with apprehension and disfavor upon a general increase of armament throughout the world, but it realizes that no single nation can disarm, and that without a common agreement upon the subject every considerable power must maintain a relative standing in military strength.
>
> In view of the premises, the President is authorized and requested to invite, at an appropriate time, not later than the close of the war in Europe, all the great Governments of the world to send representatives to a conference which shall be charged with the duty of formulating a plan for a court of arbitration or other tribunal, to which disputed questions between nations shall be referred for adjudication and peaceful settlement, and to consider the question of disarmament and submit their recommendation to their respective Governments for approval.

In substance, that is identical with the amendment proposed by the Senator from Idaho.

> The President is hereby authorized to appoint nine citizens of the United States, who, in his judgment, shall be qualified for the mission by eminence in the law and by devotion to the cause of peace, to be representatives of the United States in such a conference. The President shall fix the compensation of said representatives, and such secretaries and other employees as may be needed. Two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated and set aside and placed at the disposal of the President to carry into effect the provisions of this paragraph.

That authorization is still upon the statute books; and what object would one have in objecting, if it becomes a matter of importance in the parliamentary situation of Congress, to its repetition? What would it add to the influence which Congress might have upon the action of the Executive, if any influence in addition to his constitutional prerogatives and duties were needed?

Mr. President, the Senator from Idaho has fallen into a number of errors in regard to the Naval Establishment of the United States, undoubtedly based upon information which he has relied upon. For instance, the Senator from Idaho stated in his address the other day that this appropriation bill carries something over $500,000,000. It does not. It carries something under $500,000,000.

Mr. BORAH. How much under?

Mr. POINDEXTER. Several million dollars.

Mr. WARREN. Mr. President, let me ask the Senator whether I am to have unanimous consent to consider this conference report or not. We are skating on thin ice. It is getting toward the end of the session.

Mr. POINDEXTER. We are also skating on thin ice with the naval bill.

Mr. WARREN. I do not think it would be any satisfaction to the Senator, even if it turns out that he loses his bill, to have the legislative bill killed, also.

Mr. POINDEXTER. There is no reason why we should lose the naval bill. If the Senate wants to pass the naval bill, it can pass it, and it can be enacted by Congress. I want to see whether or not they want to assume the responsibility for defeating it. I will yield to the Senator in a very few moments.

It is not a question, as I said in my last remark, of how much over or how much under $500,000,000 the bill carries. It is under and not over. That is the point to which I want to call attention.

The Senator from Idaho stated in his remarks that if the appropriations provided for in the House bill were enacted, and the program provided for in that bill were carried out, the United States would have a Navy 31 per cent greater than that of Great Britain, as I recollect his remarks. The fact of the case is that we will have a Navy about 50 per cent less than the navy of Great Britain instead of 31 per cent greater. If we should carry out that part of the program that is provided for in the House bill, we would still be in the middle instead of at the conclusion of the building program in which we are now engaged.

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

Mr. POINDEXTER. I yield.

Mr. LENROOT. I will ask the Senator if the personnel of our Navy to-day is not larger than the personnel of the navy of Great Britain?

Mr. POINDEXTER. It is about the same.

Mr. LENROOT. It is larger, however, is it not?

Mr. POINDEXTER. Not when you take into consideration the marines, who serve upon the British battleships and man the guns that are manned by sailors in the American Navy, and when you take into consideration the 30,000 trained reserves that are subject to the call of the British Navy at any moment, in peace or in war. Furthermore, Mr. President, I want to call the Senator's attention to the fact that the British Navy is upon an entirely different establishment from the American Navy. Their enlistments are, first, an enlistment of 5 years, and then an enlistment of 7 years, making 12 years' enlistment, and under the inducements and the practice of the British people it is almost the invariable custom for British sailors to reenlist for the second term. The consequence is that they have a navy of older men and of trained men, whereas the United States has a Navy composed very largely of recruits, 20,000 of whom have to be in training camps at all times in order to fit them for service on board of a battleship. That is the situation and the difference between the personnel of the American Navy and the British Navy.

Mr. FRANCE. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Maryland?

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

Mr. FRANCE. In connection with the question as to whether this bill should pass or not, I desire to ask the Senator what proportion of the 1916 program can be carried on under the provisions of the bill, and with the sums appropriated made under it. It seems to me that that program has been very materially cut.

Mr. POINDEXTER. About 10 per cent. The appropriation in this bill for the building program of 1916 is the same that it was in the bill as it passed the House. The Senate committee made no change whatever in the amount appropriated by the House, and while there has been considerable talk about a building holiday, and the bill does not provide for a building holiday, yet the appropriation that is made by the House, and which the Senate committee has not undertaken to increase, practically would bring about a building holiday, because it will slow down the work upon the program so as to delay its completion for two years.

Mr. FRANCE. Mr. President, I desire to say that I think the Senate is making a very grave, if not a fatal, blunder in acceding to any policy which will cut down the 1916 program, and personally I feel that it would be almost better to have this bill not pass than to have it pass with such a curtailment of that program as would be involved under its provisions.

Mr. POINDEXTER. The House apparently went upon the theory, on the testimony that was submitted to it, that the appropriation of $90,000,000 would be sufficient to carry on the building program upon the capital ships at the same rate at which it was carried on last year. They overlooked the fact that last year the building resources of the United States in naval construction were engaged in completing work upon destroyers which were adopted as an emergency war measure, in order to fight the submarine, which program is now completed; that they were not engaged at that time in speeding up the program upon the capital-ship construction which was provided for in the act of 1916; and that this $90,000,000 will make it impossible for the Navy to carry on that work at the speed at which it ought to be carried on, which would enable it to have these ships in 1923, as was at first proposed, but would postpone the completion of it until 1925. But, in view of the situation in the House, and the attitude of certain Senators, and on

account of certain other provisions we put in this bill, the Senate committee has not undertaken to increase that amount, but has left it identically as provided in the House.

Another statement made by the Senator from Idaho [Mr. BORAH], which is an error, is that the bill as it passed the House provided for the carrying on of the entire building program of 1916. That is not correct. The bill as it passed the House expressly forbade the use of any of the money appropriated in the bill upon any ship which is not already under construction or contracted for.

In the 1916 program there were 6 fleet submarines, great submarine cruisers, they might be called, supposed to be able to accompany the fleet at sea, with a wide radius of action, which had not been contracted for, and were not under construction, and which were left out of the bill by the House. Also, in addition to that, there were 12 destroyers provided for in the 1916 program which are not provided for, but the construction of which is expressly forbidden in the bill as it passed the House; and, in addition to that, a transport. So that there were 12 destroyers, 6 fleet submarines, and 1 transport in the 1916 program, which the bill as it passed the House did not provide for, in contradistinction of the statement made by the Senator that it provided for all of that program.

Mr. EDGE. Mr. President, I was called from the Chamber when the Senator from Washington was discussing the disarmament amendment to the pending bill, and I did not hear his line of conclusions as to that amendment. Would the Senator, so far as in his power, as the Senator in charge of the bill, accept for consideration at this time the amendment offered by the Senator from Idaho?

Mr. POINDEXTER. I shall be very glad to accept it at any time. I think it would be better, instead of providing that the representatives of the United States should have authority to enter into an agreement, that it should provide that they would have authority to negotiate and propose a plan of disarmament, to be submitted to the Senate of the United States, in accordance with the Constitution. That would have to be done anyhow. But I have no objection to the particular form of it, because that matter will take care of itself. We are compelled to follow the limitations of the Constitution, whatever the form of the proposed amendment might be.

Mr. EDGE. Mr. President, my only thought in asking the direct question was to see if it was not possible to find some common ground upon which it might be possible to pass the naval appropriation bill. If the consideration of that amendment bears directly upon it, though I am not sure whether it does or not, it would seem to me we might make haste by taking up the bill and considering that amendment. If the amendment is agreed to, in whatever form finally decided upon, it might have an effect in securing definite action upon the entire measure.

Mr. WARREN. Mr. President, I think the Senator from Washington will agree by this time that I am entitled to have an answer as to whether I am or am not to be allowed to get up this conference report. I wish to say to the Senator that a report from a conference committee is always in order, and could be sent up and read at the desk. But I wanted to get the consent of the Senator, if possible, to have it considered.

Mr. POINDEXTER. I wish the Senator could give me about 10 minutes before making his motion.

Mr. WARREN. What does the Senator request?

Mr. POINDEXTER. I would like to complete my statement. I think I can do it in 10 minutes.

Mr. WARREN. There will be a great many statements of others, perhaps, which may follow. Had the Senator thought of that? This is a partial report, and it has to go back for further consideration. I want to get back to the conference myself.

Mr. POINDEXTER. It can not possibly endanger the report.

Mr. WARREN. I have to accept the Senator's decision, if he is not willing to grant my request.

The VICE PRESIDENT. The Chair thought the Senator from Wyoming was just yielding the floor. The Senator from Wyoming had the floor, and the Senator from Washington had not any right to proceed unless the Senator from Wyoming had given his consent. The Chair thought the Senator from Wyoming had given the floor to the Senator from Washington.

Mr. WARREN. I have; but the Senator from Washington does not now give his consent for me to bring up this report, and I desire to have it read. However, I am perfectly willing to allow the Senator to proceed.

Mr. POINDEXTER. I will complete what I have to say in a few moments. It has been under considerable difficulties that we have gotten to the consideration of this matter.

Now, I wish to comment on the statement made by the Senator from Idaho [Mr. BORAH] as to the relative strength of the navies of the world. I think he said the American Navy, if these programs were carried out, would be about two and a half times the size of the Japanese Navy. That is not a matter of guesswork; it is not a matter of surmise or speculation. When the programs of the respective countries are carried out the Japanese Navy will be about 75 per cent of the strength of the American Navy. But there is a great deal of doubt as to whether or not it will not be the equal of the American Navy, instead of the American Navy being two and a half times the strength of the Japanese Navy. At the present time Japan has four modern battle cruisers in commission, armed with 14-inch guns. The United States has not one. Japan has six modern scout cruisers. The United States has only three old and almost obsolete scout cruisers.

When these programs are carried out, when the United States has completed the 1916 program, if it is ever allowed to complete it, it will have six battle cruisers. Japan will have 12.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. POINDEXTER. In just one moment. At the present time of ships of the first line, armed with guns over 12-inch, the United States has 11 and the Japanese have 9.

Four of the nine Japanese ships of the first line, capital ships, are battle cruisers of great speed and of enormous radius of action, which could sweep the Pacific Ocean, and which no battleship could compete with as to speed, or as to radius of action, or as to ability to deliver a surprise attack.

When the building programs of Japan and the United States shall have been completed, if ours ever is completed, if we are not compelled to stop ours halfway, after having expended $500,000,000 upon it, and leave the ships half constructed or a quarter constructed, the United States will have 27 ships of the first line, including 6 battle cruisers, and Japan will have 24, including 12 battle cruisers.

I yield to the Senator from Massachusetts.

Mr. LODGE. I only wanted to give some figures in connection with the battle cruisers. It will take just a moment.

Mr. POINDEXTER. I would be very glad to have the Senator give them.

Mr. LODGE. Japan has now afloat four battle cruisers of 110,000 tons. She has authorized and in course of construction four battle cruisers of 40,000 tons each. One is building, the others are all appropriated for, what we should call "authorized." She has four others projected of 40,000 tons each.

Mr. POINDEXTER. The Senator from Idaho cited a number of figures as to the amounts of money appropriated in 1912 and 1913 for the purpose of construction by Germany, by France, by Great Britain, and by Japan, and he stated it in such a way that the casual hearer would have gotten a notion—I know that was not the intention of the Senator from Idaho, because it was perfectly plain upon reading his remarks what he meant—but the impression might well have been gotten that those were the total appropriations for naval purposes by those countries, but what he said was that they were the appropriations for construction of new vessels in the Navy, and I want to call attention to the fact that while he said that back in 1912 and 1913 the construction program in Great Britain calls for $93,000,000, in Germany $55,000,000, in Russia $60,000,000, and in France $44,000,000, the construction program contained in the present bill, with the exception of two airplane carriers, which are provided for in a Senate amendment, calls for only $90,000,000, notwithstanding the vast increase in wages and in the cost of material between 1912 and 1921.

The Senator spoke of the great cost of the Navy. It is great, and one of the reasons for that is the increase in the pay of the American sailor, for which the Senator from Idaho and myself voted. If we cut down the pay of the American sailor, we can reduce the cost of the maintenance of the American Navy. I do not think we want to do that now. Ultimately we may have to return to a prewar basis and immediately the cost of the Navy will be reduced. The common American sailor of the lowest grade gets $30 a month and a great many accessories in the way of clothing and food. The Japanese sailor gets practically nothing, but some provision is made by the Japanese Government for the care of his family. The American sailor is one of the best paid men in the world. Congress has provided for his rations and written into the law what shall be contained in the ration of an American sailor. I am told that life at sea gives them a great appetite and they eat more than the soldiers in the Army. Congress has pro-

vided liberally for them, whereas the Japanese sailor lives largely upon a diet of rice.

The Senator from Idaho speaks of the cost of the French Navy. My recollection is that the French soldiers and sailors are paid about 8 cents a day. We can not compare the cost of the respective navies without taking those things into consideration.

Mr. BRANDEGEE. Mr. President, will the Senator permit an inquiry at that point?

Mr. POINDEXTER. I yield.

Mr. BRANDEGEE. As I understand it the Senate committee have recommended that about $100,000,000 in round numbers be appropriated in addition to the amount called for in the bill as it passed the House.

Mr. POINDEXTER. That is true.

Mr. BRANDEGEE. Is the Senator able to state what proportion of that increase of $100,000,000 is due to new naval construction or armament?

Mr. POINDEXTER. Fifteen million dollars.

Mr. BRANDEGEE. That is beyond what the House recommended?

Mr. POINDEXTER. Yes. The House provision as to new construction is not changed, but left just exactly as it was, $90,000,000 for carrying out the 1916 program in which we are already engaged. But in accordance with the theory that has been so emphatically presented by the Senator from Idaho that we ought to pay more attention to aviation in the Navy and upon the urgent recommendation of the technical officers of the Navy, the Senate committee have provided an increased appropriation for aviation. We provide for two airplane carriers. That is the only new construction of ships for which the bill provides, and we appropriate to be applied on account of that construction, $15,000,000. The ships cost, with armor and armament complete, something like $26,500,000 apiece. We have none at the present time. Great Britain has six. Japan is building two similar to the two which we are undertaking to recommend by the amendment.

It is said—and we have to accept the advice of technical men from some source, who may be mistaken, though I do not know that the Senator from Idaho claims that they are—that airplane carriers are essential features of a naval aviation service. They are to carry something like 80 planes and to go with the fleet, mother ships of the planes from which they are launched to take the air. Without them, and unless the Navy is equipped with them, we are at a disadvantage.

We have provided an increase from $6,000,000 to $18,000,000 for the procurement of new aircraft and maintenance and operation of the aviation service. That is one thing that the Senator from Idaho has emphasized. The House bill did not provide for the procurement of new aircraft. That is one of the principal items of increase. The Senate committee have provided for the maintenance of the personnel of the Navy at its present force, not for an increase. The present authorized force of the Navy is 143,000 men. We have prepared appropriations supposed to be sufficient for the maintenance of a force of 120,000 men. While the House nominally provides appropriations for the support of 100,000 personnel, the Navy Department claim that the appropriation contained in the bill as it passed the House is only sufficient for the maintenance of 80,000 men. The Senate committee adopted a compromise between the urgent request and recommendations of the Navy Department and the amount provided in the House bill.

There is another feature of the bill to which I wish to call attention before I sit down, and that is that while we authorized new construction in the form of two airplane carriers, we have canceled the authority which is in the existing law for the construction of 12 destroyers, upon the conclusion of the committee that the fleet at the present time is sufficiently supplied with torpedo boat destroyers. That particular item of the 12 destroyers costing some $26,000,000 should be credited to the committee as a set-off against the amount by which the committee has increased the total amount appropriated in the House bill. Of course the principal increases in the bill come from the proposed increase in personnel, increase in pay, and increase in food and rations, which are necessary to maintain the Navy at its present status, with 20,000 of the recruits of which the Navy is composed in training camps instead of upon ships.

I shall not take time at present to discuss the status in which the Navy will be left at these various figures. If we ever come down to 100,000 men, four ships of the fighting force of the Navy will have to be put into reserve, the complement of men upon board all the ships will be reduced, the destroyers of the Navy will be put into reserve, with the exception of 80, and instead of maintaining a condition in the Navy to meet an emergency it will be put practically upon a basis of 50 per cent reserve. The American Navy has established a system of fire control on board its ships which necessitates the employment of more men than are employed in other navies, and which the department and those who have examined the question in minute detail believe increases the efficiency of the Navy.

If the bill goes over until the next session of Congress, the emergency matters for which the special session of Congress will be called will be impeded and obstructed by the practical necessity of continuing the controversy about the American Navy and the naval appropriation bill. Personally I think it is of the utmost importance for the country that the Navy should be maintained at its full present strength; that the building program of 1916, in the midst of which we are now engaged, should be carried out to its completion; that it is false economy to stint the appropriation for the necessity of prosecuting that work with vigor and with speed; and that the bill should be passed at this session of Congress and not relegated to the uncertainties of the short period of time that will be possible to secure for its consideration in the extra session which is to come before the 1st of July.

LEGISLATIVE, ETC., APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 25, 26, 31, 40, 41, 42, 43, 44, 47, 56, 57, 70, 78, 79, 93, 94, 96, 103, 105, 109, and 110.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 27, 28, 32, 33, 35, 36, 45, 48, 49, 50, 51, 52, 55, 60, 61, 62, 64, 65, 67, 68, 71, 72, 73, 74, 75, 77, 89, 90, 91, 92, 97, 100, 101, 102, 104, 106, 107, 108, and 111, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$87,800"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$275,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"Section of surety bonds: Clerks—1 of class 3, 1 of class 2, 2 of class 1, 1, $1,000; assistant messenger; in all, $7,120."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Pierce accounting machines, $255,000: *Provided*, That no part of this sum shall be expended for the installation of machines until the Director of the War Risk Bureau certifies to the Secretary of the Treasury that said machines are working satisfactorily."

And the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Carson City (Nev.) Mint: Assayer in charge, who shall also perform the duties of melter, chief clerk, and cashier, $1,800.

"For services of workman and other employees, $1,500.

"For incidental and contingent expenses, $600."

And the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment after the word "northwest," in line 5; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the number proposed insert "36"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the number proposed insert "64"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the number proposed insert "31"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one $720"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$310,750"; and the Senate agree to the same.

The committee of conference have not agreed upon the following amendments of the Senate numbered 29, 30, 34, 37, 38, 46, 58, 59, 63, 76, 80, 82, 95, 98, 99, 112, 113, and 114.

F. E. WARREN,
REED SMOOT,
LEE S. OVERMAN,
Managers on the part of the Senate.

WILL. R. WOOD,
EDWARD H. WASON,
T. U. SISSON,
Managers on the part of the House.

Mr. CALDER. Mr. President, I did not hear all the numbers of the Senate amendments that were agreed to or rejected. I wish to inquire of the chairman of the Committee on Appropriations, the Senator from Wyoming [Mr. WARREN], concerning amendment numbered 40, which relates to the New York passport bureau. How was that disposed of?

Mr. WARREN. That is not in the agreement. The Senate was compelled to recede from the three items which cover the passport bureaus. If the Senator will allow me, I will make a report as to the condition of matters in the conference.

The long list of disagreements which the Secretary last read has been concurred in by the House, with the exception of four; so that while there is a large number apparently in conference, yet it is reduced to four items, and I shall state what they are.

One of them is for repairs of the naval building for the Shipping Board in the exchange that is to be made, and the amendment merely makes the amount immediately available, which, of course, is highly necessary.

The next one is a trifling matter relating to typewriters—to regulate the rise in price from one to the other, according to the length of the carriage of the machine.

The third one is numbered 58, which is the $200,000,000 that the Senate sought to authorize the Treasury to use in the purchase of farm land bank bonds; but by a decision yesterday of the Supreme Court that is made unnecessary, so that I am enabled to move that the Senate recede from that amendment, with no necessity of further disagreement, which the House asked only for the purpose of carrying it over until they should learn what was the opinion of the court.

The fourth and last amendment refers to the bonus for employees. That was changed, in that the House moved to amend it by making the War Risk Insurance Bureau operative clerks receive $240 instead of $120, as the Senate had provided. They voted against the adoption of the Senate amendment regarding Navy Shipping Board employees and that class of employees for which there is a wage commission to regulate the wages.

They also refused to indorse the bonus for the Women's Bureau, the employees of that bureau being provided for in a lump-sum appropriation.

The VICE PRESIDENT. Is there objection to the conference report as agreed upon?

Mr. BRANDEGEE. After the Senator from Wyoming has finished his statement, I desire to reserve the right to object, Mr. President.

The VICE PRESIDENT. The Chair thought the Senator from Wyoming had concluded, or he would not have made the inquiry.

Mr. WARREN. I was about to make a motion with respect to the four items in disagreement.

Mr. BRANDEGEE. Before the motion is put, I wish to ask a question of the Senator from Wyoming, but I do not want to interrupt him.

The VICE PRESIDENT. The Chair thinks the first question is on agreeing to the conference report. Until that is done the Chair could not entertain any other motion.

Mr. BRANDEGEE. Before agreeing to the conference report, I did not know but that it might be in order for me to ask a question of the Senator from Wyoming.

The VICE PRESIDENT. That would be in order.

Mr. BRANDEGEE. I am not able to give the number of the amendment which I have in mind, but the Senate struck out a House provision, which the House had inserted in the bill, preventing the clerk of a United States court from receiving any compensation for services rendered when he might be appointed as a master or receiver or to any such ministerial position as that. I wished to ask the Senator from Wyoming whether or not the Senate had receded from that amendment?

I received this morning a letter from a gentleman who had written me about the matter previously, explaining it, and from his letter it would appear that his understanding was that the Senate had receded. I simply wished to ascertain what the situation was before making any remarks.

Mr. WARREN. The Senate receded on that amendment, the other House contending that quite lately the question of compensation of court clerks had been provided for in a special law, which carried the authority to the Attorney General to fix the salaries of the various clerks. The list of adjusted clerks' salaries, together with a statement concerning the matter, had been cited to the comptroller; and, notwithstanding that the department itself had undertaken to correct one or two errors, as they viewed it afterwards, the comptroller took the view that that could not be done without legislation.

Mr. JONES of Washington. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Washington will state it.

Mr. JONES of Washington. I desire to ask whether or not the Senate has given consent for the consideration of the conference report?

The VICE PRESIDENT. The Chair has been proceeding on that theory, though actual consent was not given.

Mr. POINDEXTER. I ask unanimous consent that the unfinished business may be temporarily laid aside for the purpose of considering the conference report.

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

Mr. BRANDEGEE. Mr. President, I do not understand the statement which has been made by the Senator from Wyoming [Mr. WARREN], and I am not sure that I understand the situation. The provision which the House put in the bill did not attempt to alter the salaries of the clerks of the courts at all, as I understand. The clerks of the courts receive the salaries which have been established by the law. The House put a provision in the bill under which if the court appoints a clerk to do something for which he is not compensated at all by his regular salary he may not receive any compensation for that extra work.

Clerks of courts are frequently appointed to positions by the judge of the court of which they are clerks; they do the work involved after office hours and at night, and are able to pick up a little additional money in that way, which they earn. I can see no reason why they should not be allowed to have it if the court allows it to them and it has been earned, as well as to have somebody else appointed to the position. The practice may have been abused in some cases; I do not know.

Mr. THOMAS. Does not the Senator perceive the possibility of infinite abuse, once the door is opened to such outside employment? It seems to me it would be a very dangerous innovation.

Mr. BRANDEGEE. It is not an innovation. The House provision changes the existing law.

Mr. WARREN. The existing law provides that they shall receive no extra compensation.

Mr. BRANDEGEE. Oh, no.

Mr. THOMAS. If it is an innovation, I think it ought to be prohibited.

Mr. BRANDEGEE. I differ with the Senator entirely in my understanding of the matter. I am inclined to think that the House provision was put on for the purpose of affecting a particular case, but I can not be positive about that. The amendment which we have been discussing was offered in the Senate by the Senator from Ohio [Mr. POMERENE]. Of course, I am not going to oppose the adoption of the conference report because the amendment was stricken out, but I thought the Senate amendment was a wise one. I am sorry the Senate conferees yielded on the matter; that is all.

Mr. WARREN. We were compelled to do so.

Mr. President, I ask now to consider these four differences.

The VICE PRESIDENT. The question still is on agreeing to the conference report.

Mr. HARRISON. Mr. President——

Mr. POMERENE. Mr. President, just a word, if I may.

The Senator from Connecticut a moment ago referred to the Senate amendment which had been offered by myself to strike out the provision of the House bill which prevented the appointment of clerks or deputy clerks as masters or referees in equity or other cases which were tried before the court. I recognize that it is possible, without a provision of that kind, that some injustice may be done by certain judges, so also injustices may take place with the House provision in the bill. But I submit that the judges can take care of that situation better than the Congress of the United States.

I have received letters and telegrams on this subject from the judges in my own State, one of whom is a Democrat and one of whom is a Republican, both of them high-class judges. There are deputy clerks in their courts whose pay is so insignificantly small that they can not maintain themselves unless they do get some outside compensation of this kind. One of these judges writes me that they are going to lose the services of some of these deputy clerks if this House provision remains in the bill.

I am very sorry that the Senate conferees surrendered to the House conferees upon that subject. In my judgment, the judges are better capable of choosing referees and masters than anyone else. It is their duty, and I dare say they would not choose these clerks or deputy clerks as masters or referees unless they were of the opinion that they could perform this service and perform it satisfactorily to the court and to the litigants.

At this late hour I do not know what can be done. I suspect that nothing can be done, unless the conferees feel that by a further conference upon this subject they could persuade the House conferees to change their vews; and I want to ask the chairman of the committee what, in his judgment, might be done in that behalf if a further conference is held?

Mr. OVERMAN. Mr. President, if the Senator will allow me to say a word, nothing can be done. There has been a fight made here for years and years, and there have been petitions by lawyers and bar associations, to do away entirely with the fee system of the clerks. In response to that sentiment, after several years of work on it, we passed a law giving the Attorney General power to look into the question and fix the salaries of all the clerks and these other men and do away with all of the fees. No fee system is allowed.

There has been scandal in this country of the worst sort between judges and clerks as the result of the clerks being appointed masters or being appointed to some office that ought to be given to some good lawyer outside, away from the court; and the idea of the Judiciary Committee was to do away with the fee system and with the idea of the judges appointing clerks to these positions. Let them appoint some outsider and make the clerk do the work for which he is appointed and pay him a good salary for it, leaving it to the Attorney General to look into the matter and fix his salary.

The salaries have been fixed and the fee system has been done away with, and while there might be some exceptional cases where the judge ought to appoint the clerk, this provision ought to be enacted, so that no clerk can be appointed by the judge to any position of the kind. Let him get his salary and let some other attorney get the fees as master in equity.

Mr. POMERENE. Yes; but that is looking at the matter from the standpoint of the lawyer.

Mr. CALDER. Mr. President, will the Senator from Ohio yield?

Mr. POMERENE. Pardon me for just one moment until I answer the Senator from North Carolina, if I may. That is entirely a different proposition. This amendment does not relate to the fee system. I agree with the Senator that the compensation of clerks by the fee system was rightly abolished; but this goes to the question of the appointment of a master or a referee. As my good friend the Senator from North Carolina says, they should be upon a salary basis and properly paid, reasonably paid. That is just what you have not done. They are not reasonably paid.

Mr. OVERMAN. That is a matter for the Attorney General to handle.

Mr. POMERENE. Mr. President, I have had this question up with the Attorney General in times past. The deputy clerks have received no increase in their salaries at all, unless they got the benefit of this bonus, and I think they did get the bonus. Everyone else was getting an increase in pay; but these clerks, who render faithful and efficient service, have been so miserably paid that they have not been able to maintain themselves and their families. To permit the clerks and their deputies to be eligible for appointment as masters or referees gives an opportunity for some little additional compensation, and I am in thorough sympathy with the position taken by the Senator from Connecticut upon this amendment.

Mr. KENYON. Mr. President, I should like to ask the Senator from Ohio whether the compensation of the deputy clerks in the Federal courts is fixed by the Attorney General now?

Mr. POMERENE. I rather think that is true. Yes; I am confident that that is so, and the compensation of the deputy marshals as well.

Mr. KENYON. I think it is, too. I am sorry this change has been made. I know deputy clerks in the Federal courts who are working 10 and 12 hours a day and getting a mere pittance, and I do not understand why we deal in such a niggardly manner with these clerks. I am sorry this change has been made.

Mr. POMERENE. They could not be here to speak for themselves.

Mr. OVERMAN. Mr. President, we took evidence and had all the clerks of the United States here before the Judiciary Committee, and we tried to fix their compensation, and not knowing exactly how to fix it we left it to the Attorney General to go into the matter and see what the proper salary was, basing it upon the fees they had received, and the salaries have been fixed, at the discretion of the Attorney General, by a statute. We have had evidence before us of outrageous scandals, where men have been appointed by the judge and the judge has borrowed some of the money they received and put it in his pocket. We tried to abolish all that. I am not reflecting on anybody, but I say it came to be a scandal in this country.

Mr. POMERENE. May I ask the Senator how long ago that was?

Mr. OVERMAN. Why, it has been only a few years ago.

Mr. POMERENE. I think the Senator will find that it has been longer than that.

Mr. OVERMAN. No; it has not. It has been since I have been in the Senate.

Mr. POMERENE. The Senator has been here a good many years, and I hope he will be here a good many years more.

Mr. OVERMAN. I thank the Senator; but the Senator asked me how long ago it was. I think it was six years ago when this evidence came before us that a judge had appointed a man master in equity and he got a large sum in hand and the judge borrowed it from him, and we talked about impeaching the judge. This happened in several instances, and we wanted to stop all that sort of thing.

Mr. HARRISON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. POMERENE. If I have the floor, I yield.

Mr. HARRISON. I wanted to make a motion here, or suggest a division of a question, when we get down to the brass tacks of this proposition. I understood that the Senator was going to ask that the conference report be adopted by the Senate, and that on four amendments he was going to ask for concurrence in the House amendments. I was going to ask for a division, so far as the motion applied to amendment No. 113.

Mr. WARREN. I intended to ask, and do intend to ask, that action shall be taken on each one of the four individually. I do not propose to group them together.

Mr. HARRISON. That is all right.

Mr. CALDER. Mr. President——

Mr. WARREN. If I may be allowed a moment in the matter of this report, I hope the Senator from Ohio understands that when a committee goes into conference with a couple of hundred differences it is impossible for the Senate to maintain its position on all of those matters, and, on the other hand, it is the duty of the conferees to maintain, so far as they can, all of

those; and that was done in this case. I am sorry, of course, to see the matter defeated, because my sympathies were with it; but the presentation by the House left us in a position where we had every right to recede.

Now, with all these different items the Senator is not alone in feeling discouraged about some one item. I know that the chairman of the Appropriations Committee, because of his office as chairman of the conference committee, has many disappointments and he is willing to take all the criticisms and all the troubles of everybody, and he does not ask any sympathy, nor does he ask any choice of language so long as Senators keep in order; but he does wish them to consider what they would do in the same place. We have here two contending bodies, the House and the Senate. They differ not so much as would seem at first sight, because some things from the House went out on the point of order, and others perhaps could not, so that many of the amendments the Senate put on can almost immediately be accepted by the House, as a great many of them are now accepted; but, on the other hand, the House has the same right to insist that we have, and unless somebody gives way somewhere I fear we shall have no legislation. Of course, as to the merits of the case, whatever they may be, we have finally to reach a reconciliation or lose our bill.

Mr. POMERENE. Mr. President, I recognize the difficulties that conferees encounter, but I think I know something about the conditions in the Federal courts in Ohio. I do not think Senators appreciate the extent to which the business of those courts has been increasing in the last few years, and the striking out of that provision is going to cripple the courts in Ohio—and I speak of them because I know whereof I speak. It is going to deprive the public of the service of some very efficient men. That will be the result.

Mr. WARREN. Yet the Ohio Members of Congress were all there when this bill was framed and passed.

Mr. POMERENE. Does the Senator know whether their attention was called to this or not?

Mr. WARREN. I assume the Members of Congress from Ohio are ever vigilant, as the Senators from Ohio are. I have no reason to think otherwise.

Mr. POMERENE. We have a very able delegation from Ohio in the other House, but they are not omniscient. In that respect they do not differ from other Representatives and other Senators.

There is another matter I wanted to call attention to. I observe that the amendment providing for an increase in the salary of the Vice President by $3,000 was also stricken out. The same explanation for the striking out of this increase no doubt will be made by the conferees. I regret exceedingly that it has been stricken out.

Mr. WARREN. No more than I.

Mr. POMERENE. I do not know the incoming Vice President; I have never had the pleasure of meeting him. I admire his public career.

I think I know something of the demands made upon the occupant of the Vice President's chair, whoever he may be. Out in Ohio we have rollers in our iron and steel mills who get as much pay in a year as the United States of America gives its Vice President. I do not think the great American people have any right to ask the Vice President to serve for the small salary which he gets. He is second in rank in our Government. He succeeds the President if anything should befall him. I am not going to make any objection to the striking out of this increase because at this late hour it will do no good.

Mr. CALDER. Mr. President, I want to add a word to what the Senator from Connecticut [Mr. BRANDEGEE] and the Senator from Ohio [Mr. POMERENE] have said concerning the provision in the bill forbidding clerks and deputy clerks of courts from acting as referees and masters in chancery.

When this amendment was put in the bill I received a complaint regarding it from one of the clerks in one of the New York courts, and then, after the Senator from Ohio had stricken it from the bill in the Senate, I was called upon by one of the judges of the District Court for the Southern District of New York regarding this matter. This court has more business than any other district court in the country; in fact, in that court we have four district judges holding terms of court continuously, and usually two judges from outside the city assisting.

The deputy clerk of that court receives a salary of $3,000 a year. He acts as referee and master in hundreds of cases assigned to him by the judges of the court. The judges tell me—and in this they are supported by a number of lawyers who have discussed the matter with me—that not only is this a benefit to the clerks, but it is of advantage to the court, to litigants, and to the lawyers who practice in the courts. I am told that if this remains permanent law, it will be a matter of great inconvenience to the business of the courts. The condition of legislation is such that it seems impossible to change it now. If it goes in as a permanent law, immediately on the convening of the new Congress I shall introduce a bill to repeal this provision. I know that nearing the end of the session, it is perhaps impossible to adjust this, but it is a very grave mistake, Mr. President, and one which never should have been made.

While I am on my feet I want to say a word about amendment No. 40, which refers to the New York passport bureau. We have at the New York customhouse a bureau where people may apply for passports. The amendment continuing that bureau was placed in the bill in the Senate. It has been stricken out in conference. It simply provided for an appropriation of $15,500 to carry on the business of that office for the next fiscal year.

Mr. President, in the New York bureau last year 41,000 applications were filed for passports. That is double the number of passports given in the entire country in the years before the war. The last calendar year the State Department issued 168,000 passports. That is nearly double the number granted in 1919 and eight times the number issued in 1912. People are traveling on business and for other purposes, and to-day no one goes abroad without a passport.

The bureaus in New York and San Francisco were established for the convenience of the traveling public and for the convenience, too, of the State Department. There is a fee charged, a fee given to the officers of the court, or of the State courts, when the petition is made up. From these fees alone last year the New York passport office received $25,000, which otherwise would have gone into the pockets of the clerks in the State courts or the local justices of the peace.

So, Mr. President, we have stricken out of this bill a provision that was a matter of great convenience to the traveling public and besides was profitable to the Government. For the life of me I can not see why the Senate conferees agreed to this. It must have been apparent to them, if they had made any inquiry about it at all, that there would really have been no charge upon the Government if this had been left in.

I shall not protest further, because the House has agreed to this particular provision cutting out this item, and it would be useless to do anything further about it. But I prophesy that before the 1st of July comes some action will be taken by Congress restoring this instrumentality, which was so necessary and convenient for the entire country.

Mr. McLEAN. I would like to inquire of the Senator in charge of the bill if the amendment which authorizes the Secretary of the Treasury to continue the chaplains in the Public Health Service hospitals was retained?

Mr. WARREN. It was not.

Mr. McLEAN. Does the Senator remember whether it was stricken out because it was considered to be unnecessary, or as too expensive?

Mr. WARREN. It is not always allowable for conferees to expose on the floor of the Senate everything said in a conference, but it was considered by the House conferees unnecessary at the present time, and looked upon as a move to establish a sort of bureau of chaplains, so that they could be here in Washington, and receive grades all the way up to colonel, perhaps to brigadier general, and so on. I do not entertain that belief myself. I simply say that is one of the many things which came up in the struggle we made for them. I may not always appear to be a good Christian, but I assure the Senator I was on the Lord's side in the chaplain matter, and did the best I could.

Mr. McLEAN. I think it would not be out of place for the Lord to have one bureau in Washington, and I am sorry that the Senator being on the Lord's side felt it to be his duty to surrender his position.

Mr. WARREN. I think perhaps that bureau would be very lonesome.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. CALDER. Would the adoption of the report carry with it the approval of the action of the House on the bonus amendment?

Mr. WARREN. Oh, no.

The VICE PRESIDENT. It would not.

The conference report was agreed to.

The VICE PRESIDENT laid before the Senate the action of the House, which the Assistant Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
February 26, 1921.

Resolved, That the House recedes from its disagreement to the amendments of the Senate numbered 29, 30, 34, 37, 38, 46, 59, 63, 76, 80, 95, 98, 99 and 114 to the bill (H. R. 15543) entitled "An act making appro-

priations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes," and agrees to the same;

That the House recedes from its disagreement to Senate amendment numbered 82 and agrees to the same with the following amendment: In the last line of the matter inserted by said amendment, after the word "necessary" insert the following: ", to be available immediately."

That the House recedes from its disagreement to Senate amendment numbered 112 and agrees to the same with the following amendment: In lieu of the matter inserted by said amendment insert the following:

"SEC. 4. That no part of any money appropriated by this or any other act shall be used during the fiscal year 1922 for the purchase of any standard typewriting machine, except bookkeeping and billing machines, at a price in excess of the following, to wit: For correspondence models with carriages which will accommodate paper 10 inches in width, $70; for models with carriages which will accommodate paper 12 inches in width, $75; for models with carriages which will accommodate paper 14 inches in width, $77.50; for models with carriages which will accommodate paper 16 inches in width, $82.50; for models with carriages which will accommodate paper 18 inches in width, $87.50; for models with carriages which will accommodate paper 20 inches in width, $94; for models with carriages which will accommodate paper 22 inches in width, $95; for models with carriages which will accommodate paper 24 inches in width, $97.50; for models with carriages which will accommodate paper 26 inches in width, $103.50; for models with carriages which will accommodate paper 28 inches in width, $104; for models with carriages which will accommodate paper 30 inches in width, $105; for models with carriages which will accommodate paper 32 inches in width, $107.50.

"All purchases of typewriting machines during the fiscal year 1922 by executive departments and independent establishments for use in the District of Columbia or in the field, except as hereinafter provided, shall be made from the surplus machines in the stock of the General Supply Committee. The War Department shall furnish the General Supply Committee, immediately upon the approval of this act, a complete inventory of the various makes, models, and classes of typewriters in its possession, the condition of such machines, and the point of storage, and shall turn over to the General Supply Committee such typewriting machines in such quantities as the Secretary of the Treasury from time to time may call for by specific requisition for sale to the various services of the Government. If the General Supply Committee is unable to furnish serviceable machines to any such service of the Government, it shall furnish unserviceable machines at current exchange prices and such machines shall then be applied by the service of the Government receiving them as part payment for new machines from commercial sources in accordance with the prices fixed in the preceding paragraph. And in selling typewriting machines to the various services the General Supply Committee may accept an equal number of unserviceable machines as part payment thereon at the exchange prices quoted in the current general schedule of supplies."

That the House recedes from its disagreement to the amendment of the Senate numbered 113 and agrees to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following:

"SEC. 6. That all civilian employees of the Governments of the United States and the District of Columbia who receive a total of compensation at the rate of $2,500 per annum or less, except as otherwise provided in this section, shall receive, during the fiscal year ending June 30, 1922, additional compensation at the rate of $240 per annum: *Provided*, That such employees as receive a total of annual compensation at a rate more than $2,500 and less than $2,740 shall receive additional compensation at such rate per annum as may be necessary to make their salaries, plus their additional compensation, at the rate of $2,740 per annum, and no employee shall receive additional compensation under this section at a rate which is more than 60 per centum of the rate of the total annual compensation received by such employee: *Provided further*, That the increased compensation at the rate of $240 per annum for the fiscal year ending June 30, 1921, shall not be computed as salary in construing this section: *Provided further*, That where an employee in the service on June 30, 1920, has received during the fiscal year 1921, or shall receive during the fiscal year 1922, an increase of salary at a rate in excess of $200 per annum, or where an employee whether previously in the service or not, has entered the service since June 30, 1920, whether such employee has received an increase in salary or not, such employees shall be granted the increased compensation provided herein only when and upon the certification of the person in the legislative branch or the head of the department or establishment employing such persons of the ability and qualifications personal to such employees as would justify such increased compensation.

"The provisions of this section shall not apply to the following: Employees paid from the postal revenues and sums which may be advanced from the Treasury to meet deficiencies in the postal revenues; employees whose pay is adjustable from time to time through wage boards or similar authority to accord with the commercial rates paid locally for the same class of service; employees of the Panama Canal on the Canal Zone; employees of the Alaskan Engineering Commission in Alaska; employees paid from lump-sum appropriations in bureaus, divisions, commissions, or any other governmental agencies or employments created by law since January 1, 1916, except employees of the United States Tariff Commission and the Bureau of War Risk Insurance, who shall be included, and officers and members of the Metropolitan police of the District of Columbia and the United States park police who receive the compensation fixed by the act approved December 5, 1919, and officers and members of the fire department of the District of Columbia who receive the compensation fixed by the act approved January 24, 1920, shall receive increased compensation at the rate allowed by this section for other employees. The provisions of this section shall not apply to employees whose duties require only a portion of their time, except charwomen, who shall be included; employees whose services are utilized for brief periods at intervals; persons employed by or through corporations, firms, or individuals acting for or on behalf of or as agents of the United States or any department or independent establishment of the Government of the United States in connection with construction work or the operation of plants; employees who receive a part of their pay from any outside sources under cooperative arrangements with the Government of the United States or the District of Columbia; employees who serve voluntarily or receive only a nominal compensation, and employees who may be provided with special allowances because of their service in foreign countries. The provisions of this section shall not apply to employees of the railroads, express companies, telegraph, telephone, marine cable, or radio system or systems taken over by the United States, and nothing contained herein shall be deemed a recognition of the employees of such railroads, express companies, telegraph, telephone, marine cable, or radio system or systems as employees of the United States.

"Section 6 of the legislative, executive, and judicial appropriation act approved May 10, 1916, as amended by the naval appropriation act approved August 29, 1916, shall not operate to prevent anyone from receiving the additional compensation provided in this section who otherwise is entitled to receive the same.

"Such employees as are engaged on piecework, by the hour, or at per diem rates, if otherwise entitled to receive the additional compensation, shall receive the same at the rate to which they are entitled in this section when their fixed rate of pay for the regular working hours and on the basis of 313 days in the said fiscal year would amount to $2,500 or less: *Provided*, That this method of computation shall not apply to any per diem employees regularly paid a per diem for every day in the year.

"So much as may be necessary to pay the additional compensation provided in this section to employees of the Government of the United States is appropriated out of any money in the Treasury not otherwise appropriated.

"So much as may be necessary to pay the increased compensation provided in this section to employees of the government of the District of Columbia is appropriated, 40 per cent out of any money in the Treasury not otherwise appropriated and 60 per cent out of the revenues of the District of Columbia, except to employees of the Washington Aqueduct and the water department, which shall be paid entirely from the revenues of the water department, and to employees of the Minimum Wage Board, the community center department, and the playgrounds department, which shall be paid wholly out of the revenue of the District of Columbia.

"So much as may be necessary to pay the increased compensation provided in this section to persons employed under trust funds who may be construed to be employees of the Government of the United States or of the District of Columbia is authorized to be paid, respectively, from such trust funds.

"Reports shall be submitted to Congress on the first day of the next regular session showing for the first four months of the fiscal year the average number of employees in each department, bureau, office, or establishment receiving the increased compensation at the rate of $240 per annum and the average number by grades receiving the same at each other rate."

That the House insists upon its disagreement to the amendment of the Senate numbered 58.

Mr. WARREN. Mr. President, the House insisted upon amendment numbered 58, based entirely upon the uncertainty of what the Supreme Court would decide in the matter of the constitutionality of the Federal land-bank bonds. That decision came yesterday and renders the call for the money unnecessary, and therefore I move that as to amendment No. 58 the Senate recede from its amendment.

The motion was agreed to.

Mr. WARREN. I move that as to amendment numbered 82, which refers to repairs of the Navy building for the Shipping Board, the Senate recede from its insistence and agree to the House amendment to the Senate amendment, making the sum immediately available. That is the only difference.

The motion was agreed to.

Mr. WARREN. As to amendment numbered 112, that is a matter of typewriters, which is no difference of consequence, and I move that the Senate in that case agree to the House amendment to the Senate amendment.

The motion was agreed to.

Mr. WARREN. The question of amendment numbered 113, the remaining matter, is that of the bonus, which the Secretary has just read, and as there may be some Senators here now who were not present when I explained before, I will say that the differences are that the House has allowed all of the bonuses that the Senate provided for directly, and in addition has changed the $120 bonus to $240 in the case of the employees of the War Risk Insurance Bureau. They have changed the language which is supposed to refer to navy yards, and so forth, and inserted language which is nearly the same, if not quite the same, as first contained in the bill, and which provides that the bonus shall not apply to those workmen who get per diem compensation and whose wages are fixed on a regular scale by wage boards or commissions constituted for that purpose.

I move the concurrence of the Senate in the amendment of the House to the Senate amendment as stated.

Mr. HARRISON. May I ask the Senator a question? The Senate, by a very large vote, placed amendments in the bill touching the navy-yard workmen and touching the Women's Bureau. Of course, the motion that the Senator has made is a preferential motion. Will he not change his motion to disagree to the House amendment and insist on the Senate amendment and let it go back to conference again in that way?

Mr. WARREN. The same result will be accomplished, of course, if that is done.

Mr. HARRISON. It will be brought in, then, if the Senate adopts the amendment.

Mr. WARREN. If my motion is voted down, of course the only motion then will be to insist further, and to ask a further conference.

Mr. HARRISON. We are trying to expedite business. If the motion of the Senator is insisted upon there will be quite a good deal of debate on the proposition. If the motion could be

stated the other way—to insist on the Senate amendment and let the matter go back to conference—there would be no debate, I am quite sure, and the matter could be expedited.

Mr. WARREN. It is as broad as it is long. I realize we are skating on very thin ice now. We have lost the sundry civil bill already, apparently, and we have a long route to travel with this bill even if we should get an early determination, because it is one of the longest bills, a bill that contains more figures than any other, a bill that requires very difficult work in the matter of engrossing to get it ready and get it into another conference and then secure another opportunity on the floor to report it back; and then to have it enrolled and to get the signature of the Presiding Officer, and all the other things that must be done very carefully, and then to get the enrolled bill sent to the Executive, who may not be able to be here at the Capitol when the time comes.

However, if the Senator is going to insist upon that suggestion, I can withdraw my motion.

Mr. HARRISON. I think it will expedite the matter if the Senator will change the motion in that way.

Mr. WARREN. Then if I may do so, I withdraw my motion and ask that as to amendment numbered 113 the Senate insist upon its amendment and ask a further conference with the House and that the Presiding Officer appoint the conferees upon the part of the Senate.

Mr. HARRISON. I understood the motion was to disagree to the House amendment and insist further upon the Senate amendment?

Mr. WARREN. Yes.

Mr. POMERENE. To what does that relate?

Mr. HARRISON. It relates to the navy yard workmen.

Mr. POMERENE. Will the Senator yield for a question?

Mr. WARREN. Certainly.

Mr. POMERENE. The question with regard to a bonus to naval employees was discussed at considerable length. I understand what the Senator's position was with regard to that, but I have not heard a reason assigned for the denial of the bonus to the Women's Bureau. I should like an explanation of that matter from the standpoint of the committee.

Mr. WARREN. I do not wish to take up any time. I do not know what may have been their considerations. I did not read the RECORD. The appropriation was a lump sum and that was, of course, included with the other lump sums. The Women's Bureau has an appropriation of $75,000.

Mr. POMERENE. Do I understand it to be the position of the chairman of the committee that those employees were in fact given the bonus previously out of the lump sum? Is that the Senator's position?

Mr. WARREN. The Women's Bureau was only established last year and they were provided only $8,500. Five thousand dollars of that went to one person and $3,500 to another. By legislation since then we have extended that, and it is provided that they shall have a larger sum. In the meantime, before the matter came to consideration, we could not tell what salaries they had paid, because they were paid out of a lump sum.

Mr. SMOOT. Mr. President, I can say to the Senator that Miss Anderson, the head of the bureau, filed a statement of the salaries which are being paid. I will call the Senator's attention to them so that he can see exactly how much of a bonus was paid. For instance, we will start with messengers. The statutory compensation of a messenger is $840. The messenger was paid by the Women's Bureau $1,080, which would apparently make the $240 bonus. If we add $240 more, the messenger will receive $1,320.

Take the chief clerk. The chief clerk there is getting $2,700. Nearly every chief clerk we have now in any of the departments, outside of some in the Treasury Department and one or two in other departments, receives $2,250. The statistical clerk receives $2,200. I can point to hundreds of statisticians in other departments who get only $2,000. The bonus does not, of course, affect Miss Anderson. Some of the investigating assistants get $3,000 and the industrial supervisors get $3,000. We have supervisors in the field for the Interior Department, making examinations of public lands all over the United States and they get $2,650. Field examiners in this bureau get $3,000. If there is any justice in that, I can not see it.

Mr. POMERENE. How many of those employees were there?

Mr. SMOOT. Enough to take up the full amount of the lump-sum appropriation. The appropriation is a lump sum.

Mr. POMERENE. What is the lump sum?

Mr. SMOOT. Eighty-five thousand dollars.

Mr. SMITH of South Carolina. Mr. President, may I have the attention of the chairman of the committee just a moment? I was not in the Chamber, perhaps, or did not notice what action was taken on Senate amendment No. 58.

Mr. WARREN. That amendment was disagreed to and sent back because of our amendment calling for $200,000,000. The decision of the Supreme Court yesterday was considered to settle that matter, and therefore the motion has just been agreed to that we recede from our amendment.

Mr. SMITH of South Carolina. The reason why I am asking the Senator the question is because some information has come to me indirectly that the Farm Loan Board may be in need of funds before it can sell its bonds in the open market. As this is a mere authorization, it is the opinion, I understand, of some of the members of that board that it might be well to leave the authorization in the bill until the condition of the market has improved.

Mr. THOMAS. Mr. President——

Mr. SMITH of South Carolina. I yield to the Senator from Colorado.

Mr. THOMAS. I desire to ask the Senator from South Carolina if he has noticed that the Supreme Court of the United States on yesterday rendered a decision affirming the constitutionality of the farm loan bank act?

Mr. SMITH of South Carolina. It is in view of that decision that I am making this statement. I understood the chairman to state that on account of the decision of the Supreme Court, and in view of that decision, the House has agreed to strike this provision from the bill. The information I have is to the effect that, though the decision has relieved the situation so far as the functioning of the Farm Loan Board is concerned, they still might find it difficult, on account of the demoralized condition of the money market at present, to obtain certain moneys which they need, and, as this is only an authorization, it is thought perhaps it might be well to leave it in the bill, to be used at the discretion of the Secretary of the Treasury.

Mr. WARREN. Mr. President, I do not understand there is any demoralization of the money market, so far as capital seeking tax-free bonds is concerned. The Senator from South Carolina, as he keeps up with the times and all matters pertaining to this subject, has, of course, noticed that tax-free bonds have been going up in price lately. They are higher to-day than they were two weeks ago and were higher then than they were a month previous, because capital is seeking nontaxable bonds. The Senator from South Carolina, I think, may be perfectly assured that there are probably farm loan bonds being sold already, or they will be sold under the decision of the Supreme Court. The Farm Loan Board have the bonds, and that body has been now firmly established by the finding of the highest tribunal in the land as being sound under the Constitution. So I have no idea that there is going to be any embarrassment in reference to the sale of the bonds.

Mr. SMITH of South Carolina. All I care to say about the matter is that I have discharged my responsibility in the case. The information to which I have referred was given to me just awhile ago. Of course, if the committee which has the bill in charge thinks that the character of the bonds is such that striking out this clause will not embarrass the operations of the Farm Loan Board, I have nothing to say. I merely thought, perhaps, that it might be well to leave the amendment in the bill, as it is a mere authorization, to be used at the discretion of the Secretary of the Treasury, and that it might enable the board to get to work more rapidly than it otherwise could.

The VICE PRESIDENT. As the Chair understands that the motion of the Senator from Wyoming——

Mr. WARREN. The motion which I have already made is before the Senate.

The VICE PRESIDENT. The Chair understands that the Senator's motion was that the Senate disagree to the House amendment to the Senate amendment, that the Senate insist upon its amendment, and ask for a further conference with the other House.

Mr. WARREN. On amendment No. 113; and that the Senate ask the House for a further conference, the Chair to appoint the conferees on the part of the Senate.

The VICE PRESIDENT. The question is on the motion of the Senator from Wyoming.

The motion was agreed to; and the Vice President appointed Mr. WARREN, Mr. SMOOT, and Mr. OVERMAN conferees on the part of the Senate at the further conference.

CAMPAIGN EXPENDITURES.

Mr. KENYON. I ask unanimous consent to submit a report from the Committee on Privileges and Elections. It is the report of the subcommittee appointed to investigate campaign expenditures. I am instructed by the Committee on Privileges and Elections to make the report directly to the Senate. I think the report should be printed in the RECORD. It is not a long report, as we have boiled it down.

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

The report (No. 823) is as follows:

[Senate Report No. 823, Sixty-sixth Congress, third session.]

The Committee on Privileges and Elections, which was directed by a resolution adopted on May 20, 1920, to investigate and report the campaign expenditures of the various presidential candidates of all parties, have completed their investigation and submit herewith a report in relation thereto.

On the 20th day of May, 1920, the Senate passed the following resolution:

[Senate resolution 357, Sixty-sixth Congress, second session.]

"*Resolved*, That the Committee on Privileges and Elections, or any subcommittee thereof, is instructed to investigate forthwith and report to the Senate as soon as possible the campaign expenditures of the various presidential candidates in both parties, the names of the persons, firms, or corporations subscribing, the amount contributed, the method of expenditure of said sums, and all facts in relation thereto, not only as to the subscriptions of money and expenditures thereof, but as to the use of any other means or influence, including the promise or use of patronage and the providing of funds for setting up contesting delegations, and all other facts in relation thereto that would not only be of public interest but would aid the Congress in any necessary remedial legislation.

"That said Committee on Privileges and Elections, or any subcommittee thereof, is hereby empowered to sit and act at such time and place as it may deem necessary; to require by subpœna, or otherwise, the attendance of witnesses, the production of books, papers, and documents; to employ stenographers at a cost of not exceeding $1 per printed page. The chairman of the committee or subcommittee, or any member thereof, may administer oaths to witnesses. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee or subcommittee thereof. Every person who, having been summoned as a witness by authority of said committee, or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

"The expense thereof shall be paid from the contingent fund of the Senate on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

On the 21st day of May, 1920, the Committee on Privileges and Elections passed the following resolution:

"*Resolved*, That a subcommittee of five members, of which three shall constitute a quorum, be appointed by the chairman to conduct the investigation with which the committee is charged by Senate resolution 357, and that it proceed at once to prosecute the same; that the managers of the campaigns of the various candidates or persons reputed to be candidates be requested by telegraph to attend before the subcommittee on Monday, May 24, 1920; that the hearings before the said subcommittee be public and that it be directed to proceed in the work with which it is charged with all dispatch. The subcommittee may appoint one or more of its members to investigate any particular question or questions. The subcommittee shall report to the full committee."

The chairman of the Committee on Privileges and Elections, Senator DILLINGHAM, on the 21st day of May, 1920, appointed the following subcommittee: Senator WILLIAM S. KENYON (chairman), Senator ATLEE POMERENE, Senator JAMES A. REED, Senator WALTER E. EDGE, and Senator SELDEN P. SPENCER.

On June 5, 1920, the Senate also passed the following resolution:

[Senate resolution 383, Sixty-sixth Congress, second session.]

"*Resolved*, That the powers conferred upon the Committee on Privileges and Elections and the subcommittee heretofore appointed by it under Senate resolution 357 be, and they are hereby, extended so as to authorize and require the Committee on Privileges and Elections, or the subcommittee thereof now acting under Senate Resolution 357, to investigate, after the adjournment of the Democratic national convention, and before the November elections, 1920, the receipts and expenditures of the several political committees, and the receipts and expenditures of the campaigns conducted by and on behalf of, or against, the election of the several candidates for President and Vice President, and the United States Senate, and for said purposes the said Committee on Privileges and Elections, or the said subcommittee, and the members thereof, are hereby clothed with the same powers conferred on said committee and said subcommittee, and the members thereof, by said resolution No. 357; and they are further directed to make report of their proceedings to the Senate not later than the first Monday in December, 1920."

On the 7th day of December, 1920, the Senate extended the time in which the committee should make report.

These three resolutions constitute the authority under which the Subcommittee of Privileges and Elections conducted its investigation. The report will deal with the subjects as follows:

I. The campaign funds of the various candidates for the nomination of President in both the Republican and Democratic conventions, gathered from both receipts and expenditures.

II. The amounts expended by the various national committees of the respective parties during the campaign, these committees being as follows: (a) Republican national committee, (b) Democratic national committee, (c) Republican congressional committee (d) Democratic congressional committee, (e) Republican senatorial committee, (f). Bureau of senatorial elections, Democratic national committee.

III. The amounts received by State committees in the various States outside of the sums received from the national committee.

I.

The committee investigated the receipts and expenditures of money in connection with the candidacies of 17 persons, including avowed candidates in both the Republican and Democratic Parties and those not formally candidates, but in whose interests activities were apparent.

In certain instances the financial interlocking arrangements of the various organizations in the interest of a candidate were of such a nature that it is difficult to arrive at a specified sum as representing the total funds used. The following compilation, however, based both upon the testimony taken and an examination of the financial statements of receipts and expenditures, as furnished the committee is, in our judgment, a fair statement of the approximate amounts of the campaign funds used in the interest of each candidate as found by the committee. The list is alphabetically arranged.

Dr. Nicholas Murray Butler, Republican	$40,550
Gov. Calvin Coolidge, Republican	68,375
Gov. James M. Cox, Democrat	22,000
Gov. Edward I. Edwards, Democrat	12,900
Senator Joseph Irwin France, Republican	None.
James W. Gerard, Democrat	$14,040
Senator Warren G. Harding, Republican	113,109
Senator Gilbert M. Hitchcock, Democrat	3,337
Herbert Hoover, Republican	173,542
Senator Hiram W. Johnson, Republican	194,393
Gov. Frank O. Lowden, Republican	414,984
William G. McAdoo, Democrat	None.
Senator Robert L. Owen, Democrat	8,595
A. Mitchell Palmer, Democrat	59,610
Senator Miles Poindexter, Republican	77,150
Senator Howard Sutherland, Republican	4,145
Gen. Leonard Wood, Republican	1,773,303
Total	2,980,033

Some explanation of the above may be in order. For instance as to the Wood campaign:

Mr. Sprague, who is the national treasurer of the Wood campaign committee, testified to receipts of (see hearings, S. Res. 357, pt. 1, p. 518)		$1,180,043
Mr. Stebbins, who had to do with handling funds		
In the East for two Wood organizations, received at one time	$156,271	
At another time	280,213	
Making a total of (pt. 5, p. 779)		436,484
In addition to these were the funds received from Indiana not included in the Sprague or Stebbins accounts amounting to (pt. 1, p. 523)		21,000
In Michigan there was money collected and expended not accounted for in these other matters, of (pt. 1, p. 236)	54,266	
And (pt. 2, p. 621)	23,000	
Making a total of		77,266
In addition to this, Mr. Loeb testified to receiving (pt. 6, p. 864)		406,000
Making a total of		2,120,793
In this there are some duplications; in the Stebbins totals there is duplication of (pt. 5, p. 777)	$77,490	
In the Stebbins account there is accounted for by Loeb (pt. 5, p. 77)	130,000	
In the Loeb account there is accounted for by Sprague (pt. 1, p. 509; pt. 6, p. 864)	225,000	
Making a total duplication of		432,490
Deducting this from the $2,120,793 leaves a balance of		1,688,303
There should be added to this the amounts collected by Mr. King (pt. 1, p. 286)		91,000
Making a total of		1,779,303
And there should be deducted from this the amount Mr. Loeb testified was returned to Col. Procter (pt. 6, p. 864)		6,000
Which leaves a balance of		1,773,303

Campaign, Senator HIRAM W. JOHNSON:	
Amount raised and disbursed by the eastern manager (pt. 1, p. 37)	72,230
Amount raised in California (pt. 3, p. 723)	113,000
Amount raised in Michigan (pt. 1, pp. 203, 204, 205)	7,250
Amount raised in Nebraska (pt. 1, p. 369)	1,913
Making a total of	194,393
Campaign, Herbert Hoover:	
The Hoover National Republican Club collected (pt. 1, p. 98)	66,332
The Pennsylvania Hoover Club collected (pt. 1, p. 115)	20,000
The Hoover Republican Club of California collected (pt. 5, p. 796)	87,210
Making a total of	173,542

The last two items are independent of any funds received from California.

We insert these illustrations merely to show how we reach the sum totals expended by the various campaign committees in the preconvention campaign. It has been difficult to arrive at entirely accurate totals, but we believe our figures show the situation fairly and as accurately as it is possible to do. Undoubtedly as to some of the candidates more was spent than is here indicated.

II.

In this connection we set forth the disbursements of the national organizations of both the Republican and Democratic Parties from the time of the national conventions up to the end of the periods of disbursements in connection with the presidential election of November 2, 1920. Both of the great political parties claim they closed the campaign with a deficit. Consequently we do not set out the receipts but the disbursements, as they will more clearly show the amounts expended in the campaign, it being reasonable to suppose that the deficits will be eliminated by subsequent contributions.

We have not ascertained the disbursements of the Socialist Party or the Farm Labor Party. Reports were requested from the Socialist Party, but they were not furnished, and as the real contest was between the two great parties the committee believe it sufficient to set forth their expenditures. In this connection we desire to call attention to the fact that there are many organizations in the country of a semi-political nature, active in political matters, which organizations, however, had no candidates for the Presidency, but did exert their influence in various ways in the election. As they were not conducting campaigns for the Presidency the committee did not feel warranted in entering into an investigation of their activities. If the Senate should desire that their receipts and expenditures and general method of operation be investigated, the committee is quite willing to do so. It would, we think, require further authorization from the Senate and an extension of time in which the committee should make its final report.

We believe the activities of the various quasi-political organizations should be investigated and a statement given to the Congress and to the public as to what their activities and objects are.

Following is a statement of the disbursements of the national organizations of both Republican and Democratic Parties from the time of the national conventions up to the close of the campaign in connection with the presidential election of November 2, 1920, including the post-election financial statements:

Republican national committee (does not include a loan of $306,233.50 to the Republican congressional committee, a major portion of which the records show was paid back, or the loan of $100,000 to the senatorial committee, which the records show was repaid in full)	$5,319,729.32
Democratic national committee	1,318,274.02
Total	6,638,003.34
Republican congressional committee	375,969.05
Democratic congressional committee	24,498.05
Total	400,467.10
Republican Senatorial committee	326,980.29
Bureau of senatorial elections, Democratic national committee	6,675.00
Total	333,655.29
Making a grand total of	7,372,125.73

We do not deem it essential to set forth in this report all the particulars involved in these various disbursements. The figures furnished us do not go at all into minute detail, but we have been furnished with lists of contributors of $100 or more. We file these lists with the report, and they will be subject to inspection in the office of the Secretary of the Senate. The expense of printing the same would be enormous, and we do not believe the situation demands it. Anyone desiring specific information on these matters may examine these lists in the office of the Secretary of the Senate.

We group the amounts sent by the Republican senatorial committee into the respective States as shown by figures presented, and it is as follows:

Arizona	$23,000	New Hampshire	$5,500
California	6,500	New York	4,000
Colorado	13,000	North Carolina	2,500
Idaho	13,000	Ohio	8,000
Indiana	10,000	Oklahoma	15,500
Iowa	5,000	Oregon	15,450
Kansas	3,000	South Dakota	5,000
Kentucky	3,000	Utah	12,000
Maine	1,000	Virginia	500
Maryland	8,000	Washington	7,725
Missouri	10,000	Wisconsin	10,000
Nevada	17,000		

III.

The expenditures of the national committees do not show the entire amounts used in the campaign, but, of course, it is practically impossible to show such amounts. It would necessitate not only getting the State expenditures, but the county and township expenditures, likewise the expenditures of independent groups and individuals. This the committee did not feel warranted in undertaking. We have, however, endeavored to secure from the respective political committees of the various States the amounts collected by them outside of the amounts received from the national committees.

It was developed in the hearings that the Republican national committee had a joint collection arrangement with the Republican State committees in various States whereby funds were collected by the national committee and returned to the State committee. The figures we have heretofore shown as to the national committees would cover these items, but the report would not be complete without showing the receipts by the State committees of contributions separate and distinct from the contribution of the national committee. Your committee therefore made an effort to secure from the various State committees a statement of the aggregate receipts of the State party organizations independent of the funds raised by the national committees.

In the early part of January, 1921, the chairman of the committee addressed a letter to the chairman of the Republican State committee and to the chairman of the Democratic State central committee in each State in the Union, including the District of Columbia, asking him to furnish the committee with a sworn statement of the aggregate receipts and expenditures of his State party organization for any purpose in connection with the presidential campaign of 1920, independent of any funds collected by or for or received from the national party organization or any agency or branch of the same. In instances where the replies were not forthcoming after a reasonable time the letters were followed up by urgent telegrams.

The response to this request for information was quite general, and as a result the committee is able to attach a table showing the receipts by States of such contributions, with but two Republican and three Democratic committee reports missing. The statements returned were of varied character. A great many indicated that the funds collected were used in part in connection with the campaigns for State and other local officers, for United States Senator, Congressmen, etc. Many furnished certified copies of statements filed in compliance with State law, and in these instances it was necessary to deduct the apparent contributions by the national party organizations for the purposes of this compilation, which, in so far as possible, contains only information responsive to the purpose of the inquiry. Owing to varied systems of keeping accounts by the committees of the different States, it soon became apparent from an examination of the statements returned that it would be impracticable to attempt to tabulate the disbursements without duplication of funds accounted for by the national party organizations. Many of the committees apparently were able to determine with some degree of accuracy the amounts received from sources other than the national organizations, but their records were such that they could give only the disbursements of funds collected from all sources. Inasmuch as it can reasonably be assumed that the amount of the funds collected outside of the contributions of the national party organizations were expended in connection with the presidential and local political campaigns of 1920, the tabulation of the receipts furnishes also the most accurate figures of the disbursements for the purpose of this inquiry that can be supplied from the statements furnished by the various State committees. We include herewith such tabulation:

Aggregate receipts of the Republican and Democratic State committees, respectively, in connection with the presidential campaign of 1920, exclusive of funds received from the national organizations of the two respective parties.

[In many instances these funds were used in part in connection with the local campaigns for State officers, etc.]

	Republican.	Democratic.
Alabama	$115.00	$5,000.00
Arizona	38,366.28	15,482.50
Arkansas	193.75	None.
California	35,000.00	.....
Colorado	99,626.99	10,346.00
Connecticut	[1] 66,596.58	39,699.40
Delaware	[2] 46,258.65	17,964.54
District of Columbia	8,804.00	7,843.82
Florida	2,339.50	None.
Georgia	None.	None.
Idaho	25,970.95	4,260.00
Illinois	42,634.07	9,925.00
Indiana	215,938.15	74,692.66
Iowa	13,138.54	14,174.99
Kansas	.....	13,587.64
Kentucky	59,182.45	62,930.23
Louisiana	1,022.50	None.
Maine	15,055.35	6,537.76
Maryland	50,577.00	57,889.63
Massachusetts	133,658.31	25,335.21
Michigan	4,848.50	24,478.79
Minnesota	9,993.26	6,736.08
Mississippi	700.00	None.
Missouri	23,884.80	56,901.69
Montana	35,060.27	6,508.50
Nebraska	11,155.19	10,752.92
Nevada	3,753.45	11,485.00
New Hampshire	24,653.66	11,121.41
New Jersey	None.	10,745.00
New Mexico	23,189.32	15,858.73
New York	479,699.19	63,373.00
North Carolina	[3] 4,880.18	16,418.95
North Dakota	3,835.43	2,000.00
Ohio	74,373.90	58,815.00
Oklahoma	55,663.68	63,575.45
Oregon	8,205.24	12,633.28
Pennsylvania	139,613.25	58,512.08
Rhode Island	25,000.00	9,552.00
South Carolina	706.00	500.00
South Dakota	8,948.51	6,706.00
Tennessee	.....	17,932.16
Texas	25,148.95	2,668.75
Utah	10,475.00	.....
Vermont	2,192.00	686.41
Virginia	925.00	2,596.00
Washington	[4] 116,537.45	18,476.00
West Virginia	84,872.31	25,803.06
Wisconsin	None.	7,818.00
Wyoming	45,237.93	.....
Total	2,078,060.55	838,323.64

[1] This amount includes $64,185 received from the National and State ways and means committee which had receipts of $84,148.46, of which $15,000 went to the national committee. (See letter of J. H. Roraback.)

[2] Amount received and distributed by Delaware Republican finance committee. Of this amount the Republican State committee received $8,653.79 and distributed $6,097.89. (See letter of Chas. Warner, chairman, for details.)

[3] This amount is arrived at by subtracting from the total disbursements of the Republican State executive committee $12,744, the amount contributed by the national committee $7,863.82, as shown by Mr. Upham's Exhibit 4, page 1256 of the campaign committee hearings. (See letter of Gilliam Grissom, secretary.)

[4] From Nov. 1, 1918. Considerable expenditure prior to national convention including the expenses of an educational campaign to counteract activities of Non-Partisan League. (See letter of Charles Hebberd, chairman.)

These letters we also insert at this point.

DELAWARE REPUBLICAN FINANCE COMMITTEE,
Wilmington, Del., January 31, 1921.

Hon. WILLIAM S. KENYON, Chairman,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Further answering recent communications on aggregate receipts and disbursements for local use in Delaware by our Republican committees, will advise:

The Delaware Republican finance committee received and disbursed	$46,258.65
The Republican State committee—	
Received	8,653.79
Disbursed	6,097.89

I explained in my former correspondence that the finance committee was the clearing house for all receipts and disbursements, and on approved budget requests the finance committee disbursed directly to the five operating committees, viz, the State committee, the Wilmington city committee, and the three county committees. Hence the report above of the receipts of the State committee is a part of the total disbursements also reported above for the finance committee.

Trust this answers your purposes.

Very truly, yours,

CHARLES WARNER, *Chairman.*

REPUBLICAN STATE EXECUTIVE COMMITTEE,
Greensboro, N. C., January 31, 1921.

Hon. WILLIAM S. KENYON,
Washington.

DEAR SENATOR: Your letter addressed to Chairman Frank A. Linney, of Boone, N. C., has been referred to this office for answer.

Accordingly, the sworn statements as filed with the secretary of state of North Carolina are copied and inclosed to you.

Let me say that the money expended in the late campaign in this State has no doubt been shown in the statements of the Republican national committee.

This committee, by our request, sent to our State a collector who received contributions and turned same over to the national committee, who in turn returned the funds for use here where collected.

Let me suggest that very aptly this office will be able to give any desired information as to our committee's expenses.

Most respectfully,

GILLIAM GRISSOM, *Secretary.*

—

REPUBLICAN STATE EXECUTIVE COMMITTEE,
Greensboro, N. C., October 23, 1920.

The SECRETARY OF STATE,
Raleigh, N. C.

DEAR SIR: The following is a statement of the expenses of the Republican State executive committee from the beginning of active campaign to the time for preelection report:

Postage, printing, stationery	$3,576
Clerical help, typewriting, addressing, folding	3,290
Furniture, heat, light, rent, water	432
Traveling expenses, speakers, organizers	847
Telephone, telegraph, messenger	240
Literature, advertising	1,358
Total	9,743

The above received from J. J. Jenkins, treasurer.

Personally appeared before me Gilliam Grissom, to me well known, who being first duly sworn deposes and says that the foregoing statement is true to the best of his knowledge and belief.

Subscribed and sworn to before me this 23d day of October, 1920.

S. S. MITCHELL, *Notary Public.*

—

REPUBLICAN STATE EXECUTIVE COMMITTEE,
Greensboro, N. C., November 11, 1920.

The SECRETARY OF STATE,
Raleigh, N. C.

DEAR SIR: The following is a statement of expenditures of the Republican State executive committee, as required to be reported within 10 days after election:

Postage, stationery	$1,354
Advertising, printing	717
Clerk hire	487
Telephone, telegraph	163
Traveling expenses, speakings	280
Total	3,001

There appeared before me Gilliam Grissom, known to me, and swears the above statement is true to the best of his knowledge and belief, this 11th day of November, 1920.

S. S. MITCHELL, *Notary Public.*

—

REPUBLICAN STATE EXECUTIVE COMMITTEE,
Greensboro, N. C., November 20, 1920.

The SECRETARY OF STATE,
Raleigh, N. C.

DEAR SIR: The following is a statement of expenditures of the Republican State executive committee, as required to be reported within 20 days after election:

Postage, stationery	$1,354
Advertising, printing	717
Clerk hire	487
Telephone, telegraph	163
Traveling expenses, speakings	280
Total	3,001

There appeared before me Gilliam Grissom, known to me, and swears the above statement is true to the best of his knowledge and belief.

S. S. MITCHELL, *Notary Public.*

—

CONNECTICUT REPUBLICAN STATE CENTRAL COMMITTEE,
Hartford, Conn., February 2, 1921.

Hon. W. S. KENYON,
United States Senate, Washington, D. C.

DEAR SIR: On my return to Hartford this week I found your telegram of January 27 asking for statement of contributions and expenditures of National and State ways and means committee in the last campaign.

This request, I assume, also includes a statement of the receipts and expenditures of the State committee.

I am inclosing herewith a synopsis of the receipts and expenditures of both the State committee and National and State ways and means committee for the last campaign, which I think answers your requirements.

Both of these statements are on file in the office of the secretary of state and are public documents. I can obtain and send to you certified copies should you desire it.

The statement of the National and State ways and means committee is very voluminous, as the receipts of $84,000 are made up of contributions ranging from 25 cents to $1,000.

Very truly, yours, J. H. RORABACK.

—

Connecticut Republican State central committee—Campaign of 1920.

Receipts.	
Balance on hand last campaign	$2,201.42
Charles L. Spencer, treasurer (National and State ways and means committee)	64,185.00
Receipts—Continued.	
John A. Macdonald, assistant treasurer	$210.16
Total	66,596.58
Expenses of campaign	64,268.42
Balance on hand	2,328.16

National and State ways and means committee for Connecticut—Campaign of 1920.

Receipts	$84,148.46
Disbursements	81,715.11
Principal items of disbursements:	
State committee	64,185.00
National committee	15,000.00

—

SPOKANE, WASH., *January 31, 1921.*

Hon. WILLIAM S. KENYON,
Senate Office Building, Washington, D. C.

DEAR SIR: Replying to your letter of January 7 to Mr. S. A. Walker, former chairman of the Republican State central committee, I inclose herewith a statement of the aggregate receipts and expenditures by the Republican State central committee of Washington from November 1, 1918, to November 15, 1920.

You will please note that the aggregate expenditures include considerable expenditure prior to the Republican national convention, including the expenses of a preconvention educational campaign to counteract the activities of the Nonpartisan League in State politics, and this should not be considered a part of the expenditures of the national campaign. I regret that I have not the data available for segregating these expenditures.

Also, I beg to call your attention to the item of $36,059.82, allotments to county central committees as per Schedule I. These funds were collected by the ways and means committee of the State central committee, but were turned over to the various county central committees for expenditure by them.

Also, it should be noted that the balance of the expenditures of the State committee, viz, $73,820.57, included the expenses of the campaign for the election of State officers as well as the national, senatorial, and congressional campaigns within the State. It is, however, impossible to segregate these State campaign expenditures from the others. I may say, however, that the expenditures for the State campaign probably exceeded those for the national, congressional, and senatorial campaigns, as we had in this State a very strong farmer labor party (including the Nonpartisan League) whose especial interest was to capture the State government, and which had, we thought, a rather formidable candidate for governor.

There have been a few expenditures, aggregating several hundred dollars, made since November 15, 1920, which are not included in the inclosed report. I have written my Seattle office for an itemized statement of these subsequent expenditures, and shall forward it to you as a supplemental report upon receipt.

I trust that this will give you the desired information.

CHAS. HEBBERD,
Chairman Republican State Central Committee.

—

Washington Republican State central committee, Seattle, Wash.—Statement of cash receipts and disbursements, Nov. 1, 1918, to Nov. 15, 1920.

Receipts		$116,537.45
Disbursements:		
Allotments to county central committees as per Schedule I		36,059.82
State campaign expenditures—		
Speakers' and organizers' salaries and expenses	$34,660.40	
Printing and stationery, campaign literature, and express	9,704.03	
Office salaries	7,127.01	
Stenographers' salaries	3,565.82	
Telephone and telegraph	2,879.58	
Advertising	2,766.16	
Office rent	2,175.00	
Office supplies and expense	1,734.98	
Finance committee expense	1,404.10	
Banquets, etc	1,397.95	
Publicity	1,539.56	
King County Republican Club	1,100.00	
Postage	950.70	
Sundry hall rentals	650.00	
Miscellaneous expenses	605.81	
Clipping service	266.47	
Refund	200.00	
Radicalism	500.00	
Furniture and equipment	593.00	
		73,820.57
		109,880.39
Balance on deposit Nov. 15 1920		6,657.06

CHAS. HEBBERD,
Chairman Republican State Central Committee.

Sworn and subscribed to before me this 31st day of January, 1921.

[SEAL.] G. S. HEBBERD,
Notary Public, County of Spokane, State of Washington.

SCHEDULE I.

Analysis of statement of cash receipts and disbursements.

Allotments	$36,059.82
King County	17,921.00
Spokane County	4,500.00
Pierce County	4,100.00
King County Republican Club	1,758.34
Skagit County	841.18
Walla Walla County	800.00
Women's Republican Club	784.40

Adams County	$685.00
Lewis County	556.35
Stevens County	545.00
Pacific County	515.83
Whitman County	500.00
Pend Oreille County	361.00
Kitsap County	300.00
Thurston County	250.00
Klickitat County	250.00
Kittitas County	212.50
Chelan County	206.25
Grant County	200.00
Columbia County	171.87
Franklin County	150.00
Snohomish County	150.00
Clarke County	100.00
Wahkiakum County	90.00
Benton County	78.60
Garfield County	32.50

SPOKANE, WASH., *February 5, 1921.*

Hon. WILLIAM S. KENYON,
Senate Office Building, Washington, D. C.

DEAR SIR: I inclose herewith supplemental statement of expenditures of the Republican State central committee of Washington, from November 16, 1920, to February 1, 1921.

This is the supplemental statement which I stated in my letter of January 31 I would forward to you as soon as the items were available.

Very truly, yours,

CHARLES HEBBERD.

Supplemental statement of Washington Republican State central committee, Seattle Wash.—Statement of cash receipts and disbursements, Nov. 16, 1920, to Feb. 1, 1921.

Allotment to county central committees, Mason County		$250.00
Speakers' and organizers' salaries and expenses	$112.90	
Telephone and telegraph	129.16	
Office rent	90.00	
Miscellaneous expenses	143.25	
Postage	15.00	
Stenographers' salaries	133.85	
Printing and stationery	419.00	
		1,043.16
Total		1,293.16

CHAS. HEBBERD,
Chairman Republican State Central Committee.

Sworn and subscribed to before me this 5th day of February, 1921.
[SEAL.] G. S. HEBBERD,
Notary Public.

The two Republican reports missing in the above tabulation are Tennessee and Kansas. Correspondence on file indicates that the first mentioned will be forthcoming.

The three Democratic reports missing are California, Utah, and Wyoming. Correspondence indicates that the first two mentioned will be forthcoming. We do not feel warranted, however, in further delaying this report.

From the figures gathered, as we have herein set out, it appears that the two great political parties, through their various national organizations, including expenditures of State committees, spent in the presidential campaign of 1920 a sum in excess of ten and a quarter million dollars:

Or, to be more exact	$10,338,509.92
Of which the expenditures of the Republican Party were	8,100,739.21
And the expenditures of the Democratic Party were	2,237,770.71

These figures do not by any means represent the entire amount of money expended in the campaign, as we have heretofore explained. The funds collected, of course, were not used exclusively in the presidential campaign. They were used likewise in the election of Senators and Congressmen and State officials.

The resolutions under which the committee has acted do not provide for recommendations to the Senate on the part of the committee. Naturally the committee has discussed remedies to limit the amount of campaign expenditures, for they feel that the expenditure of these vast sums is a present and growing menace to the Nation. We recognize there are constitutional difficulties involved in the passage of laws to regulate expenditures in presidential campaigns, but are of the opinion that the Committee on Privileges and Elections of the Senate should in the next Congress take up the question of remedial legislation, and if a constitutional amendment should be necessary that the proper steps be taken to submit the same, as provided by the Constitution. The subject is of such importance that the next Congress should give early attention thereto.

We have made this report as brief as possible. The evidence taken by the committee is voluminous and comprises 22 volumes.

Since the above report was prepared, the return from the Democratic State committee of Utah has been received and we attach the same hereto:

STATE OF UTAH,
County of Salt Lake, ss:

George G. Smith, being first duly sworn, upon oath deposes and says: That he is a citizen of the United States over the age of 21 years, a resident of the city and county of Salt Lake, State of Utah, and treasurer of the Utah Democratic State central committee; that the total aggregate receipts and expenditures of the Democratic State central committee of Utah for all purposes in connection with the presidential and State campaign of 1920, independent of any funds collected by or for or received from the Democratic national committee or any agency or branch thereof is as follows:

Receipts	$11,210.55
Disbursements	10,987.57

GEO. G. SMITH.

Subscribed and sworn to before me this 27th day of January, A. D. 1921.
[SEAL.] HENRY D. MOYLE,
Notary Public.

My commission expires September 12, 1923.

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. GRONNA. I ask the Senator from Washington to yield to me in order that I may submit a conference report on House bill 15812, the Agricultural appropriation bill. As I am sure the report will not lead to any extended debate, I ask unanimous consent for its present consideration.

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Is there objection?

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 6, 14, 17, 20, 21, 22, 24, 27, 28, 30, 43, 45, 47, 50, 52, 53, 54, 60, 61, 63, 66, 75, 81, 88, 96, 97, and 98.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 9, 13, 15, 23, 25, 26, 29, 34, 37, 38, 39, 44, 51, 59, 68, 69, 70, 74, 77, 86, 87, 90, 94, 99, 104, 106, 109, 110, and 113; and agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,860"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$379,705"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$20,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$325,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "$85,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,034,282"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,499,302"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$178,500, of which $10,000 shall be immediately available"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$190,000: *Provided*, That not less than $40,000 shall be used for investigating methods for the control and eradication of the grasshopper"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$165,000"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum "$65,000" proposed in said amendment insert the sum

"$55,000," and in lieu of the sum "$25,000" named in said amendment insert the sum "$15,000"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,500"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$62,330: *Provided*, That $10,000 shall be used for investigation of the blowfly and screw worm"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$865,010"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,669,280"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$477,240"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$742,255"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$823,325"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$52,820"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$71,500"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,650,980"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,847,300"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum "$350,000" proposed in said amendment insert the sum "$300,000," and in lieu of the sum "$100,000" named in said amendment insert "$50,000"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,389,560"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000"; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,004,444"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$400,000"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments of the Senate numbered 4, 7, 8, 10, 11, 12, 31, 32, 33, 40, 46, 48, 49, 78, 79, 80, 82, 89, 91, 92, 93, 102, 103, 107, 112, 114, 115, 116, 117, 118, and 119.

A. J. GRONNA,
WM. S. KENYON,
E. D. SMITH,
THOS. P. GORE,
CHAS. L. MCNARY,
Managers on the part of the Senate.

SYDNEY ANDERSON,
WALTER W. MAGEE,
JAMES F. BYRNES,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER. The Chair lays before the Senate the action of the House of Representatives on the bill, which will be read.

The reading clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
February 28, 1921.

Resolved, That the House recedes from its disagreement to the amendments of the Senate numbered 4, 7, 8, 10, 46, 78, 89, 91, 102, 103, 112, and 114 to the bill (H. R. 15812) entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922," and agrees to the same.

That the House recedes from its disagreement to Senate amendment numbered 40, and agrees to the same with the following amendment:

In lieu of the matter inserted by said amendment insert the following: "*: And provided also*, That the grazing fees payable under existing law for the use of national forests during the calendar year 1921 may be paid on the 1st day of September, 1921, and in the event such payment is not made on or before such deferred date, penalties shall be thereafter imposed in accordance with the provisions of existing law."

That the House recede from its disagreement to Senate amendment numbered 48, and agrees to the same with the following amendment:

In lieu of the sum proposed, insert "$969,561."

That the House recedes from its disagreement to Senate amendment numbered 49, and agrees to the same with the following amendment:

In lieu of the sum proposed, insert "$1,300,251."

That the House recedes from its disagreement to Senate amendment numbered 92, and agrees to the same with the following amendment:

In lieu of the sum proposed, insert "$354,060."

That the House recedes from its disagreement to Senate amendment numbered 93, and agrees to the same with the following amendment:

In lieu of the sum proposed, insert "$468,520."

That the House recedes from its disagreement to Senate amendment numbered 107, and agrees to the same with the following amendment:

Of the matter inserted by said amendment, strike out the following: ", which said regulations are hereby legalized, ratified, and confirmed as fully to all intents and purposes as if the same had by prior act of Congress been specifically authorized and directed."

That the House recedes from its disagreement to Senate amendment numbered 115, and agrees to the same with the following amendment:

Strike out the matter inserted by said amendment and insert in lieu thereof the following:

"Purchase of seed grain for drought-stricken areas: That the Secretary of Agriculture is hereby authorized, for the crop of 1921, to make advances or loans to farmers in the drought-stricken areas of the United States, where he shall find that special need for such assistance exists, for the purchase of wheat, oats, barley, and flaxseed for seed purposes and, when necessary, to procure such seed and sell same to such farmers. Such advances, loans, or sales shall be made upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, including an agreement by each farmer to use the seed thus obtained by him for the production of grain or flaxseed. A first lien on the crop to be produced from seed obtained through a loan, advance, or sale made under this section shall, in the discretion of the Secretary of Agriculture, be deemed sufficient security therefor. The total amount of such advances, loans, or sales to any one farmer shall not exceed the sum of $200. All such advances or loans shall be made through such agencies as the Secretary of Agriculture shall designate. For carrying out the purposes of this section there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $2,000,000, to be immediately available."

That the House recedes from its disagreement to the amendment of the Senate numbered 116, and agrees to the same with an amendment as follows: In the first line thereof strike out "SEC. 2."

That the House recedes from its disagreement to Senate amendment numbered 117, and agrees to the same with the following amendment: Of the matter inserted by said amendment, strike out the following: "SEC. 3."

That the House recedes from its disagreement to Senate amendment numbered 118, and agrees to the same with the following amendment: Of the matter inserted by said amendment, strike out the following: "SEC. 4."

That the House insists upon its disagreement to the amendments of the Senate numbered 11, 12, 31, 32, 33, 79, 80, 82, and 119, and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. ANDERSON, Mr. MAGEE, and Mr. BYRNES of South Carolina be the managers of the conference on the part of the House.

Mr. GRONNA. I move that the Senate agree to the amendments of the House to the amendments of the Senate numbered 40, 48, 49, 92, 93, 107, 117, and 118.

Mr. KING. Mr. President, I should like to have an explanation from the Senator in regard to those items. May I inquire if included in those items is the one which provides for the Department of Agriculture becoming a bank and loaning money on unplanted crops?

Mr. GRONNA. Mr. President, I will say to the Senator from Utah that it is my intention not to ask for action on that particular amendment at this time. The amount has been reduced from $5,000,000 to $2,000,000. Furthermore, a mistake has been made in separating it into two different propositions numbered 115 and 116. The matter constitutes really one item, but has been separated into two sections. So that matter will not come up at this particular time. The House has requested a further conference on the free-seed amendment and on a few other items, and I shall request that the item referred to by the Senator from Utah go back to conference. It will not be disposed of this morning.

Mr. KING. Let me inquire of the Senator whether or not when the bill left the Senate it contained any provision under the terms of which the Secretary of Agriculture became a banker to loan money to farmers or agriculturists upon the security of unplanted crops or otherwise?

Mr. GRONNA. Mr. President, this is not a new matter. During the war $5,000,000 were set aside to enable the Secretary of Agriculture to carry on the same work, although the money was handled then through the Federal reserve banks. Under the provisions of this item, the Secretary of Agriculture may make such rules as he sees fit, and he may make loans either through the banks or in accordance with any rules and regulations he may provide. The Senator knows this is only an emergency measure. The amount has been reduced to $2,000,000 by the House.

Mr. KING. That which was justified during the war in the exercise of the war powers of the Government ought not to become a precedent to guide the Government in days of peace. While we may all sympathize, and all do sympathize, with the demoralization in the agricultural industry—and I might add that there is a paralysis in many other industries in the United States—I can not conceive of any theory upon which the Government of the United States should invest the Secretary of Agriculture with the discretionary power to make advances to agriculturists, any more than I can conceive of the Government of the United States authorizing the Secretary of Commerce to loan money to retailers or other business men of the United States because they might experience hard times or difficulties in the execution of their undertakings. I think it is a very unwise precedent.

Mr. GRONNA. Mr. President——

Mr. KING. If the Senator will pardon me, I have no objection if upon mature consideration the Banking and Currency Committee will report a measure under the terms of which more liberal credits may be extended to agriculturists, those credits being extended through the operations of the Federal reserve bank; but the Senator sees that if you establish a precedent of permitting executive agencies of the Government to loan money at their will to all industries or any industry in the United States you are going to convert the Federal Government into a sort of an eleemosynary institution, and the applications for loans will be so stupendous as to make it absolutely impossible to secure by taxation sufficient money with which to meet even a moiety of them.

Mr. GRONNA. The Senator from Utah and I do not disagree on most of these propositions.

Mr. KING. I hope we do not disagree on this.

Mr. GRONNA. But I want to remind the Senator from Utah that on yesterday the Supreme Court of the United States held that the Goevrnment of the United States had the right to establish fiscal agencies throughout the country, known as Federal farm loan banks. That was a proposition which was debated on the floor of this Chamber for weeks and for months by the very ablest of Senators. It was contended, of course, that it was unconstitutional. There were a few of us hayseeds who believed that we were living in a progressive age, and that it was not only right and just but in accordance with the Federal Constitution to make it possible to increase production through the cooperation of our Government and make it possible for our farmers to get cheaper money, which is in the interest of the consuming public.

Now, this is practically the same idea. If the State were able to do this, I will say to the Senator, or if it were possible to do it through individuals, I should be the last one to ask for legislation of this sort; but we have gone into the matter very carefully, we have made a thorough survey, and we have come to the conclusion—and any man who will study the question must come to the same conclusion—that the only way to solve the question is for the Federal Government to loan its credit to the farmers until they can raise a crop. It is not an appropriation intended as a gift; it is only a loan. The Government may lose a small amount in extending its credit in this way, but the amount will be infinitesimal, because I am sure that the Secretary of Agriculture will exercise the utmost care in the transaction of this particular business; and we can not afford to let eight or nine thousand farmers in my State alone let their farms lie idle, which means that they must leave those farms. It applies not only to my State, but to the eastern and northern part of Montana, where they have had droughts for the last three years.

As I said to the Senator, however, I do not wish to take up the time in discussing that matter now, because it is going back to conference anyway.

Mr. KING. That provision originated in the House, did it?

Mr. GRONNA. No; it originated in the Senate. A separate bill was introduced by me some time ago, and was passed by the Senate by a unanimous vote. It was found that the House did not take action. The same provision was then incorporated into the agricultural appropriation bill, and again passed the Senate by a unanimous vote. Now, the House has cut that down from $5,000,000 to $2,000,000. It has reduced the amount that each farmer may receive from $300 to $200. I believe the amount is too small. I believe that we should have had $5,000,000, and I also believe that we should have left the amount that each farmer could obtain at the amount of $300; but that is the action of the House, and it was taken upon a vote.

Mr. KING. Then does the Senator desire the Senate to disagree to that action?

Mr. GRONNA. The Senate will have to disagree, because a mistake has been made. Two propositions have been made of it, when there should be only one. Amendments numbered 115 and 116 should be one amendment. There are two sections in the bill as it passed the Senate.

Mr. KING. May I inquire of the Senator whether the action which he desires the Senate now to take will be susceptible of the construction by the House conferees, or by the House, that the Senate adheres to the original proposition as it passed the Senate?

Mr. GRONNA. Of course, personally, I should prefer to see the Senate provision agreed to, but the old saying that "Half a loaf is better than no bread" is true in this case. I hope that the House conferees will see their way clear to give us at least $3,000,000 to $3,500,000 for this purpose.

Mr. KING. May I inquire of the Senator whether the conferees, or his committee which reported the bill to which he refers, considered the proposition of making these loans through existing governmental agencies, to wit, the Federal Farm Loan Board, instead of committing this authority to the Secretary of Agriculture?

Mr. GRONNA. Yes; that was considered very thoroughly, and the Secretary has the right now, and has the authority under the language of this item, to transact the business either through the Federal reserve banks or through the Federal farm loan banks.

Mr. KING. But, after all, he is the source of authority, and his determination of the modus operandi is a finality?

Mr. GRONNA. Yes; he necessarily must be. It is an agricultural proposition.

Mr. KING. He may employ the Federal reserve bank, or, rather, the farm loan bank, if it will accept employment at his hands; or, if not, he may proceed and make the loans independently.

Mr. GRONNA. I will say to the Senator that this is an item in regard to which I believe all agencies of the Government will be glad to cooperate and assist. It is not done for profit in any way whatever. It is just to help out in an emergency.

Mr. KING. As it strikes me now, while I do not recall the other measure, I should prefer, if there is an exigency such as to call for aid by the Government, to make a direct gift rather than to permit executive agencies, such as a department or a bureau, to go out and extend credit to whomsoever they please within a certain class. I think it is a dangerous precedent and will provoke applications from almost every activity in our industrial and economic life to secure financial aid from the Government with respect to private activities. The broker, the stock raiser, the merchant, everybody that experiences some difficulty in making loans, will come to the Government of the United States and he will not apply through governmental agencies such as the Federal reserve bank or through the farm loan system, both of which are authorized to

extend credit, but he will seek a direct appropriation from the Government of the United States. So the result will be that we shall be compelled to tax the people of the country millions and hundreds of millions of dollars every year to loan to all branches of trade and industry and to these various activities. The school-teachers and the lawyers and the doctors and the merchants and everybody else will want loans and will come to us for their loans at a low rate of interest, and Uncle Sam will either have to increase the taxes to levels of which we can scarcely conceive because of their altitude or be compelled to issue bonds and sell them upon a market where the price of the bonds will constantly go down, and we shall be further encumbering the Government with debt obligations.

The Senator is a banker; the Senator is a student of financial affairs, a man of sound judgment upon fiscal questions, and I am sure he must see the danger of the precedent which he seeks now to have established.

Mr. GRONNA. I agree with the Senator from Utah that if the matter were abused it would be better not to establish the precedent; but the precedents have been established on so many occasions that the matter is not a new one.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Dakota that the Senate agree to the amendments of the House to certain Senate amendments.

The motion was agreed to.

Mr. GRONNA. Now, I move that the Senate disagree to the House amendments to Senate amendments numbered 115 and 116 and request a further conference on those amendments.

Mr. KING. Will the Senator state what those two items are?

Mr. GRONNA. They are the matters we have just discussed, the seed-grain items.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Dakota.

The motion was agreed to.

Mr. GRONNA. Now, I move that the Senate further insist, and agree to the further conference asked by the House, on Senate amendments numbered 11, 12, 31, 32, 33, 79, 80, 82, and 119, and ask that the Chair appoint the conferees.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Dakota.

The motion was agreed to; and the Presiding Officer appointed Mr. GRONNA, Mr. KENYON, Mr. MCNARY, Mr. GORE, and Mr. SMITH of South Carolina conferees on the part of the Senate.

COMMITTEE ON STANDARDS, WEIGHTS, AND MEASURES.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably Senate resolution 467, authorizing the Committee on Standards, Weights, and Measures to sit during the sixty-sixth Congress and to employ a stenographer to report hearings held by the committee, and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Senate resolution 467, submitted by Mr. REED on February 28, 1921, was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Standards, Weights, and Measures, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-sixth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer at a cost not exceeding $1.25 per printed page to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate.

HEIRS OF A. R. VERMILLION, DECEASED.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably Senate resolution 446, to vote six months' pay to the family of a policeman in the employ of the Senate who recently died, and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Senate resolution 446, submitted by Mr. SMITH of Maryland on February 11, 1921, was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to H. M. Vermillion, Ella M. Nessmith, Viola Keppler, and Olga M. Hunter, son and daughters of A. R. Vermillion, late a policeman in the Capitol (authorized by the sundry civil act), a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

ROSE SMITH DUDLEY.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably a resolution to vote six months' pay to the family of the late enrolling clerk of the Senate, and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Senate resolution 465, submitted by Mr. PHIPPS on February 26, 1921, was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, to Rose Smith Dudley, widow of Charles R. Dudley, late enrolling clerk of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

CONFIRMATION OF COAST GUARD AND OTHER NOMINATIONS.

Mr. JONES of Washington. I ask unanimous consent, as in open executive session, to report from the Committee on Commerce certain nominations in the Coast Guard, the Coast and Geodetic Survey, and the Department of Commerce, and ask for their confirmation. I will state that these are the nominations that were referred to the committee on yesterday.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Is there objection?

Mr. SMOOT. They are regular promotions, as I understand?

Mr. JONES of Washington. Regular promotions.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. ROBINSON. I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. The Chair hears no objection, and they will be so considered. The nominations will be stated.

The Assistant Secretary read the nominations, as follows:

COAST AND GEODETIC SURVEY.

Jack Senior, of New York, to be hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy.

Raymond Pugh Eyman, of Ohio, to be hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy.

Leo Cuthbert Dyke, of New York, to be hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy.

Chester Howard Ober, of Rhode Island, to be hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy.

George Clay Jones, of Oregon, to be hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy.

Charles Shaw, of Massachusetts, to be hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy.

Carl Alexander Egner, of Indiana, to be hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy.

Leroy Preston Raynor, of New York, to be hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy.

Lyman Davis Graham, of Pennsylvania, to be hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy.

Max Orville Witherbee, of Colorado, to be hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy.

Payson Austin Perrin, of Massachusetts, to be hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy.

Roland Drew Horne, of Massachusetts, to be hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy.

George Lawrence Bean, of New Hampshire, to be hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy.

Benjamin Haines Rigg, of New Jersey, to be junior hydrographic and geodetic engineer, with relative rank of lieutenant (junior grade) in the Navy.

Oliver Scott Reading, of Illinois, to be junior hydrographic and geodetic engineer, with relative rank of lieutenant (junior grade) in the Navy.

Charles Keith Green, of California, to be hydrographic and geodetic engineer, with relative rank of lieutenant in the Navy.

Charles Justus Itter, jr., of Pennsylvania, to be junior hydrographic and geodetic engineer, with relative rank of lieutenant (junior grade) in the Navy.

SUPERVISING INSPECTOR STEAMBOAT-INSPECTION SERVICE.

William J. Macdonald, of Michigan, to be supervising inspector for the fourth district in the Steamboat-Inspection Service.

COAST GUARD.

Martin W. Rasmussen to be district superintendent in the Coast Guard of the United States, to take effect from September 9, 1920, to fill an existing vacancy.

Ralph T. Crowley to be district superintendent in the Coast Guard of the United States, to take effect from September 10, 1920, to fill an existing vacancy.

Cadet Noble G. Ricketts, to be an ensign in the Coast Guard of the United States, to rank as such from October 13, 1920.

Cadet Paul K. Perry to be an ensign in the Coast Guard of the United States, to rank as such from October 11, 1920.

Cadet Arthur G. Hall to be an ensign in the Coast Guard of the United States, to rank as such from October 11, 1920.

Cadet Irving W. Buckalew to be an ensign in the Coast Guard of the United States, to rank as such from October 7, 1920.

Cadet Harold G. Bradbury to be an ensign in the Coast Guard of the United States, to rank as such from October 12, 1920.

Cadet Ephraim Zoole to be an ensign in the Coast Guard of the United States, to rank as such from October 8, 1920.

Cadet Merlin O'Neil to be an ensign in the Coast Guard of the United States, to take effect from date of oath.

Cadet Carleton T. Smith to be an ensign in the Coast Guard of the United States, to take effect from date of oath.

Cadet Norman H. Leslie to be an ensign in the Coast Guard of the United States, to take effect from date of oath.

The PRESIDING OFFICER. Is there objection to the confirmation of these officers? The Chair hears none, and they are confirmed, and the President will be notified.

Mr. POINDEXTER. Mr. President, I ask that the Senate resume the consideration of the naval appropriation bill.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15975) making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Hale	McLean	Spencer
Ball	Harris	McNary	Sterling
Borah	Harrison	Myers	Sutherland
Brandegee	Heflin	Nelson	Swanson
Capper	Jones, Wash.	New	Thomas
Culberson	Kellogg	Overman	Townsend
Dial	Kendrick	Phipps	Trammell
Dillingham	Kenyon	Pittman	Underwood
Edge	Keyes	Poindexter	Wadsworth
Elkins	King	Pomerene	Walsh, Mass.
Fernald	Kirby	Ransdell	Walsh, Mont.
Fletcher	La Follette	Reed	Watson
France	Lenroot	Robinson	Williams
Frelinghuysen	Lodge	Sheppard	Willis
Gerry	McCumber	Smith, Ga.	
Gooding	McKellar	Smoot	

The PRESIDING OFFICER. Sixty-two Senators have answered the roll call. There is a quorum present.

Mr. BORAH. Mr. President, the Senator from Washington spoke frankly about the situation in his remarks this morning, and seemed to address his remarks particularly to the Senator from Idaho, and he desires to speak with equal frankness of the situation as he sees it. I say candidly to the Senator from Washington that I do not see how it is possible to pass this bill at this session. I do not say that in the sense that I propose to talk against time, or anything of that kind, but we have now been considering the bill since yesterday morning at 11 o'clock, and we have gotten to the second page. A number of other matters have interfered and interrupted the program, and that is what will be happening from now on until the 4th of March.

There are a great many things in this bill, at least four or five vital questions, any discussion of which will make it impossible to pass the bill, and I have not any doubt but what they will be discussed, not alone by the Senator from Idaho, but by a great many other Senators in the Chamber. So I say to the Senator with frankness that I do not think the bill can pass at this session, and so far as any responsibility for its not passing is concerned, under the present circumstances I am willing to assume that responsibility.

However, if the Senate proceeds with the bill, I shall simply content myself with a discussion of the committee amendments as they are taken up and the amendments which are to be proposed, and if the bill can pass under those circumstances, very well and good.

I would much prefer to see the bill pass, as I think it ought to be, within reason, than to see it fail. But I say with equal frankness that I would very much prefer to see it fail than to see it pass in its present form.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. POINDEXTER. I submit to the Senator from Idaho that it will be impossible to attain the object he says he prefers, the passage of the bill in a different form, unless the bill is submitted to the Senate for a vote on its various features for amendment and Senators be given an opportunity to consider the amendments proposed by the Senate committee. Unless that is done, of course the bill can not be changed. You can not change a bill unless you vote on the amendments to it.

Mr. BORAH. I shall not interfere with the Senate voting on amendments, so far as I am concerned. While I am not charged openly with filibustering, it has been intimated that the result of my conduct is the same as it would be if I were filibustering. Mr. President, yesterday afternoon I occupied within eight minutes of the same length of time occupied by the able Senator from Washington this morning, and I am sure the Senator from Washington was not designedly seeking to interfere with the passage of the bill. But he felt there were some features of it which ought to be discussed, and with his usual sincerity and ability he discussed them. I felt yesterday afternoon that I should present some of the reasons why I thought the bill ought not to be urged at this time, and I took within eight minutes of the length of time occupied by the Senator from Washington this morning. I have not intended to do anything else but discuss it upon its merits.

The Senator called attention to the fact that my statements made upon yesterday with reference to the amount which the bill carries were erroneous. They were not erroneous, Mr. President, if the record be taken as a guide. I stated that the bill as it came from the House carried in round figures $400,000,000; the bill as it came from the House does actually carry $396,001,249.23. I stated that the Senate committee's increase was over a hundred million dollars. According to the report made by the Senate committee it is $100,518,686.74.

So, while I did not undertake to give the exact figures, I spoke with entire accuracy when I said that in round figures the bill carried $400,000,000 as it passed the House, and I spoke with most exact accuracy when I said that the committee had increased it over a hundred million dollars. There is no disparity between the statements which were made by the Senator from Idaho and the statements made in the report of the Senate committee. The increase of appropriations which I spoke of did not represent the increase which actually takes place under this bill. For instance, consider the Alameda proposition. The bill appropriates, I think, $1,500,000, but it means the expenditure, as has been estimated by different parties, of from $100,000,000 to $150,000,000. In other words, if we pass the bill with the amendments proposed by the Senate we shall be committed to the expenditure, not of a million dollars or a million five hundred thousand dollars but we shall be committed to a program which will cost not less than a hundred million dollars, according to the estimate of everyone I have talked with or whose estimate I have read in the RECORD.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. POINDEXTER. I do not think I ought to allow to pass without comment the challenge which the Senator from Idaho has made to my statement this morning. I think the Senator from Idaho, if he recalls what I said, will admit that I made no mention of either one of the figures he has just quoted. I did not challenge the accuracy of those statements. I mentioned specifically the statements the accuracy of which I challenged, and I did not refer in any way at all to either one of the statements the Senator has just referred to.

The statement that I said was inaccurate was the statement of the Senator that this bill carried over $500,000,000. That is inaccurate. It carries under $500,000,000. It is true it is but a few millions under, but still it is under, and not over. And I want to say, if the Senator will kindly permit me, in regard to the matter he just mentioned, the appropriation for Alameda, I am not wedded to the Alameda proposition. I realize that it is a controversial question.

I think the Senate committee, as well as the joint committee of the Senate and the House, particularly the latter, have given that matter a great deal more study than the Senator from Idaho has, and many of them have given it much more study than I myself have given it. However, it is a question which involves an examination of a great many factors and considerations, and unless we reach the amendment and present it to the Senate, so that there shall be free debate and free opportunity to go into it, we can not consider those things.

If the Senator takes into consideration in his estimate of the bill the fact that authorizations of expenditures are provided for, he ought to take into consideration also the cancellation of authorizations that are provided for or authorizations that are proposed to be canceled by the bill. The authorized expenditures for the Navy are thereby reduced instead of increased.

Mr. BORAH. I am familiar with those. I shall come to them later.

Mr. POINDEXTER. That ought to be taken into consideration. I wish to say in regard to the Alameda proposition that there are no authorizations carried in the bill except an appropriation of $1,500,000, the purpose of which is stated in the bill, for dredging and filling in land to the extent of some 5,000 acres which is donated to the United States by the city of Alameda.

In so far as the statement of the Senator to the effect that no one has estimated the expenditures at Alameda at less than $100,000,000, that is entirely different from anything I have heard about it before. I have heard some one estimate that within 100 years there might be $100,000,000 expended

there, but there will not be a dollar expended there unless the Congress appropriates the money.

If the Senator reads the bill carefully, he will find that the Alameda item is merely for a supply base, and he will find that the Joint Committee on Naval Affairs in its report upon the matter expressly recommended that it be confined to a supply base and that the construction and repair of ships as now carried on at Mare Island Navy Yard already established shall be continued.

Mr. BORAH. I understand perfectly the language of the bill, and I also understand what the report said, but I understand equally well that to do what we propose to do in the bill is to initiate a naval base at Alameda. It is thoroughly understood that this is the first step which must be taken in order to make it a naval base and to render it worth while, and to have done all the work contemplated in the bill will require an expenditure of $100,000,000.

Mr. POINDEXTER. Then we could submit an amendment on that, and if the Senate agrees with the Senator from Idaho it can be voted out of the bill.

Mr. BORAH. Yes; but it can not be submitted without discussion unless we propose to close our eyes to the situation. What I have said is of course that it ought to be submitted to the Senate, but how are we going to submit that question to the Senate, which will necessarily take a day or two of discussion in order to get the real facts in the record before the Senate? The Senator has stated that the joint committee gave this more consideration than the Senator from Idaho, and I have not any doubt that the committee has done so. Nevertheless the Senator from Idaho has imposed upon himself the task of reading the entire report, and I have it before me pretty well briefed, and I think I know what it means. It is impossible, unless we are just going to shut our eyes and accept upon the recommendation, if I may say so, not of the joint committee, but of the General Board of the Navy, and we must have debate upon it in order to get the facts before the Senate.

Mr. SWANSON. Mr. President, may I say just a word with reference to the Senator's idea about Mare Island. I think he is laboring under a misapprehension. There are two ideas about Mare Island. Some people advocate the abolition of the navy yard at Mare Island, on which I suppose $40,000,000 or $50,000,000 have been expended to perfect it. The Committee on Naval Affairs has never favored that. The difficulty about Mare Island is this: That San Francisco Bay is the chief base for the Pacific Fleet everybody admits except people interested farther north or south, and in order to maintain that fleet we shall be compelled to have a supply base there, and why? It is not the idea to abolish Mare Island. Battleships when equipped with armament and arms can not go up to Mare Island. The water is not deep enough without dredging the channel, at great expense, and then it is too narrow and a little dangerous for battleships with complete armament to go up there. Instead of abolishing Mare Island, the idea is to have a supply base so the fleet can come and get supplies, and nothing but supplies, get ammunition and fuel, and do what is necessary to supply the fleet, and continue to base it on Mare Island. We should continue to base the fleet on San Francisco Bay, which is the best and one of the safest harbors in the world, except Chesapeake Bay, and I am not speaking of the latter because I live in Virginia. They are safe there from the attack of submarines and all other attack.

I do not know of any other scheme we can adopt that will be economical and that will not involve the expenditure of a vast sum of money unless we spend the amount necessary to establish a supply base for Mare Island. We can continue to operate Mare Island and we can continue to build ships there. If we take off all the armament that goes with the ship, it can go up there. It is only when it is completely equipped that it can not get there.

We can spend $5,000,000 or $10,000,000 or whatever Congress desires to spend in the establishment of a supply base, but I think the idea is that this is merely a supplement to Mare Island and that it is the most economical proposition that could be devised, to have a supply base and also a great navy yard in the Pacific to take care of the Pacific Fleet.

Some people have advocated the sale of Mare Island, the demolition of it, the absolute creating of a new navy yard and supply base all in one, but that is not necessary. I have never favored that; I did not favor it when I was chairman of the Committee on Naval Affairs and I do not favor it now. If we desire to have our fleet based on San Francisco, it is necessary to supplement Mare Island with a supply base. They gave this land to the Government absolutely without cost.

Mr. BORAH. Oh, yes; I understand that.

Mr. SWANSON. I do not believe in the expenditure, except for a supply base. We might later on want to have a dry dock there. There is no necessity for that now, because near there we have a dry dock that will take the largest ship in the fleet, where the Government has a preference by reason of a certain payment each year.

I think the exaggeration about Mare Island is simply by some naval officers who have favored more or less the absolute demolition of Mare Island, which I do not favor. I believe the matter ought to be discussed. The policy of Congress is fixed. The Senate will not permit any such waste there as some naval officers and other people contemplate. I know the Naval Committee has no idea of any vast expenditure of money there. I would like to have the Senator from Idaho devise some scheme by which Mare Island may be supplemented with a base where battleships can enter San Francisco Bay, and have a great supply base.

Mr. BORAH. The Senator from Virginia has suggested some things which will come up for discussion a little later.

The Senator from Washington [Mr. POINDEXTER] referred to the resolution which I introduced some time ago seeking to bring the United States and Great Britain and Japan into conference on the question of naval disarmament and indicated the probable willingness of the committee that the resolution should be incorporated in the bill. Of course, I should be very glad to see that done. I realize, as the Senator from Washington said, that it does not mean anything conclusive upon the question of disarmament. It would be an expression of opinion upon the part of the Congress of the United States, which is a very powerful fact, and it would be the first step, and I should like very much to see it happen. But to be entirely frank with the Senator, I would not be willing to have the bill pass in its present form and carrying its present appropriation and its present program simply because we placed in the bill the disarmament resolution and turned it over to the tender mercies of the conferees, practically all of whom, from both Houses, are against it.

Mr. SWANSON. I presume I will be a member of the conference committee. I voted for the Senator's amendment in the Foreign Relations Committee. I favored it there. It is not as strong as the resolution which was included in the program of 1916, when I was in charge of the naval appropriation bill in the Senate. I said at that time, and I would say it in favor of the Naval Committee, that we would be glad to see an agreement for disarmament, but we felt that we were traveling the pathway of preparedness, because we were afraid we could not travel the pathway of peace and disarmament. I, as a member of the conference committee, favored it, and favored it earnestly, and voted for it in the Foreign Relations Committee. I believe it ought to be included in the bill.

I think the people of the country ought to understand that we are only for preparedness and only for a large Navy because other nations are preparing large navies, which might jeopardize our best interests. I favor the amendment going into the bill. I think we should have vision and make a most earnest effort to get an agreement for naval disarmament, and I would hail it with pleasure.

Mr. EDGE. Mr. President, may I ask a question of the Senator from Idaho?

Mr. BORAH. I yield.

Mr. EDGE. Why does the Senator assume that consideration of the so-called disarmament amendment, if adopted, would prevent further consideration of any other amendment which he or any other Senators might have in mind, and how can we determine the feeling of the Senate unless we do have an opportunity to vote upon those amendments?

It seems to me the orderly way is not to assume that in three days we can not consider any other amendment but, as rapidly as possible and with all discussion necessary, we should proceed to vote upon the disarmament amendment.

Like the Senator from Virginia [Mr. SWANSON], I should be very glad to have an opportunity to vote on the disarmament amendment. If the possibility that it will not be included is one of the difficulties which stands in the way of the final passage of this very important bill, it would seem to me that those who particularly favor it, or at least have been responsible for the original introduction of such an amendment, should be the first to desire to have a vote of the Senate upon the amendment.

Mr. BORAH. I am very anxious to have it incorporated in the bill, but I did not want to have it understood, as was suggested this morning by the Senator from New Jersey, that in all probability that would relieve the bill from any further discussion or any further delay. These vast appropriations must be scanned. The taxpayers of this country are entitled to

consideration. I do not want to enter into barter and trade my resolution in favor of unjust and extravagant expenditures. We ought to put in the disarmament resolution and also cut out some of the unnecessary appropriations.

Mr. POINDEXTER. Mr. President——

Mr. BORAH. I yield.

Mr. POINDEXTER. I notice in the CONGRESSIONAL RECORD, in the remarks of the Senator from Idaho on yesterday, he made the following statement:

> I am myself for an adequate Navy, if I understand what the term means. One of the first important votes which I cast in this body after I came here was a vote in approval of what was known as President Roosevelt's naval building program. I think it was for four or five battleships; and I voted in favor of that program. I also voted for the great naval program of 1916, and supported it, and I am still unconscious of any modification of views in regard to this subject. I certainly desire a sufficient, adequate Navy; and it is not my purpose, now or at any other time, to change my position in regard to that important matter. Of course, in saying that, the adequacy of a Navy must be measured by the conditions and circumstances of the particular occasion when it is being built, and also the circumstances and conditions under which it is being built. If we should be so successful as to secure an agreement among the great naval powers of the world, that which would constitute an adequate Navy under such agreement would be one thing, while if we should fail to secure any such agreement, of course, what would constitute an adequate Navy would be an entirely different thing. I have no desire, however, to throw any vote of mine or any limited influence which I may have in favor of a weak Navy or an insufficient Navy or an inadequate Navy. I have in no sense modified my views as to the necessity of an adequate Navy.

The bill, in so far as the fleet is concerned, provides for nothing whatever but a moderated and slowed-up program or continuance of the construction of the very ships which the Senator from Idaho said he voted for, and which he says he is still in favor of, the only addition to it being a provision for an initial appropriation for two airplane carriers, of which the United States has none at the present time, in connection with the cancellation of authority for 12 submarines, which were authorized in the program for which the Senator from Idaho voted and which he says he still favors.

Furthermore, the Senator from Idaho at other times has urged upon the Senate the importance of the development of naval aviation. One of the items of increase in the bill is a provision for the procurement of airships. While there is no provision in the naval appropriation bill as passed by the House for the procurement of new aircraft, there was an authorization in a bill which was reported out of the Committee on Naval Affairs of the House, and is upon the House Calendar, providing for the procurement of aircraft. As the only means of adopting that legislation, the Senate Naval Committee, in accordance with the universal custom of the Senate, has added it to this bill. It seems to me that with the exception of this increase in the Navy which the Senator is opposed to, and which can be disposed of by a vote, if we are allowed to have a vote, or by conference, if we get to conference, the naval appropriation bill merely carries out those policies and purposes which the Senator says he has advocated and still advocates.

Mr. BORAH. Mr. President, as I said on yesterday, what constitutes an adequate Navy or an inadequate Navy depends entirely upon the circumstances which exist at the time the question of what is an adequate Navy is being determined. I have never suggested anything except a modification of the building program of 1916, a delay in building what are called the battleships of the *Indiana* type until it should be determined whether or not they ought to constitute a part of a modern fighting Navy, and to utilize the money which we were putting into those battleships, which cost from forty to forty-five million dollars each, for building those ships which are now conceded to be an essential and indispensable part of a modern, efficient fighting Navy. I have never suggested the discontinuance of the building of battle cruisers or of any of the ships which the World War has determined to be a part of a modern Navy; but there has been a very pronounced view upon the part of people who are just as earnestly for a big Navy as is the Senator from Washington that to spend $40,000,000 for a battleship at a time when the whole question is being determined as to whether or not the battleship is really of any avail in a modern fight is to waste the money. That is the only modification which I have suggested. It would be the same kind of a case as if the Senator from Washington should have brought in here a program to build pre-Jutland warships and I should say that we should cease to build pre-Jutland warships and build post-Jutland warships.

It would not be indicative of my position against an adequate Navy. It would be rather in favor of an adequate Navy. It is that feature of the situation, Mr. President, which constitutes the difference between the able Senator from Washington and myself as to these appropriations, and it is that kind of building which is going on to which I have heretofore objected.

The Senator from Washington found fault, as did the able Senator from Delaware [Mr. BALL], on yesterday with my statement as to what our Navy would be after we should have completed this program, and they stated it was not a question of opinion, but it was a question of fact, and that they were of an opinion that our Navy would be inferior to the Navy of Great Britain even after we should have completed our program. I observe that even among the most expert and ablest advocates of a big Navy there is a very great difference of opinion upon that question. I will read a paragraph or two from the speech of Representative BRITTEN, which he made in the other House, a man who has given a vast amount of study to this subject, who takes a great interest in it, and who took an active part in the debate. He gives his figures and then gives his conclusions. It was undoubtedly his particular figures—although I find they are supported by two other gentlemen of expert knowledge upon the subject—which I had in mind when I referred to the percentage of strength which our Navy would have over that of Great Britain. He says:

> Mr. Chairman, our Naval Intelligence has brought forth figures to show that we have 33 battleships and battle cruisers built and building while Great Britain has 35 of the same character. When we complete the program of 1916, authorized merely to give us a naval strength commensurate with our position in international affairs, we shall have an advantage of 8,638 tons per ship over the British. In main batteries we shall have 340 guns to 314 for them. Our guns will average 14½ inches in caliber as compared to 13⅝ inches for theirs. In a broadside we shall hurl 548,400 pounds, as against 452,000 pounds. In the secondary battery our guns will number 494 to Britain's 526; but ours have 5.4 inches caliber while theirs have 4.9 inches. We are to have 322 destroyers to 350 for Britain; but ours are to be superior in speed and more up to date. In submarines we are to be equal—150 apiece—and in this field American ingenuity is to throw the weight on our side.
>
> Our ships being more modern, larger, of heavier armor and armament, with superior muzzle velocity, and assuming the personnel aboard to be equal, we would have a net fighting superiority of from 31 to 50 per cent.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. POINDEXTER. The statement to which I referred as having been made by the Senator and which he mentioned a moment ago, as I understood it, was that if the provisions carried in the House bill——

Mr. BORAH. No; I said the program which it indorsed.

Mr. POINDEXTER. Were adopted, we should have such a Navy as the Senator has described. I challenge that statement, if that was the statement, because that would simply leave us in the middle of the program with the ships but halfway completed.

Mr. BORAH. Of course, the Senator understood perfectly that I was speaking of the program which the House bill purports to carry out—the program of 1916.

Mr. POINDEXTER. But it will require a great many more appropriations in addition to the appropriation carried in this bill before that program is completed.

Mr. BORAH. Certainly; and the appropriations will come just as the night follows the day. If we proceed, for instance, with the six battleships of the *Indiana* type for another six months or a year, no one will have the hardihood to stand here and say, against the able Senator from Washington, that we should stop at that time.

Mr. POINDEXTER. But, of course, we shall not get them unless we are able to have a vote on the bill. If we can not get a vote on the naval bill at this session or at the next session or at some other session, these battleships will fall to pieces in their incompleted state.

Now, if the Senator from Idaho will permit me, I should like to say just a word in comment on the comparison which he has just quoted from the distinguished Member of the House of Representatives. I think I ought to call attention to the fact that his estimate is based upon the assumption that we are going to proceed building the Navy until we complete the program and that Great Britain is not going to do anything at all; it is a comparison between what we will have if we appropriate the necessary money for our Navy and what Great Britain has to-day. Great Britain would not have to add a ship or a ton to her naval forces to have the complement that the Senator from Idaho has described, while the United States would have to carry forward and complete the 1916 program, which is now only barely started.

I desire to say further in comment upon the estimate that while, of course, I do not challenge the view presented by those figures, there are many other views. That is an estimate of the strength of capital ships; but there are many other elements in a navy to consider besides that. If the program is carried out along the lines mentioned in the statement, the United

States will have 13 scout cruisers with which to sweep the seas and attack the commerce of the enemy, while Great Britain will have 73. The United States at the present time has no battle cruisers at all, while Great Britain has 6, and if Great Britain acquires no more and we complete our program we will have 6 and Great Britain will have an equal number. But I think that not sufficient weight is given to the tremendous disparity in favor of Great Britain in the case of the swift scout cruisers which Great Britain will have in comparison with the small number which the United States will have.

Mr. BORAH. Mr. President, the Senator is correct, I presume, in his suggestion that the estimate made by Representative BRITTEN was based upon the present program of Great Britain, which is not a very ambitious one, and the Senator from Washington carrectly assumes that it is based upon the theory that Great Britain will stand still.

Mr. POINDEXTER. She is appropriating $500,000,000 this year for her navy.

Mr. BORAH. Precisely; and that brings me to the discussion for just a moment of a matter which really does not pertain here, but which will come up possibly later for discussion. I refer to the delusion which seems to control the minds of many in connection with competitive naval programs. We hear it said here and we hear it said elsewhere that the United States must continue to build until its Navy is superior, and when it is superior that then it can talk about naval disarmament; in other words, naval disarmament is based upon the proposition that the United States shall acquire the complete and undisputed dominancy. Of course, Mr. President, the very fact that, after signing the armistice, we are going ahead and building the 1916 program incites and excites Japan and Great Britain to the very highest nerve in building their navies, so that when in 1923 or 1924 we approach the completion of our program the proportion of naval strength of the United States will not be any greater then than it is to-day. Does anyone suppose, in the great contest which is going on in Pacific waters, that Japan is going to cease building if we continue our building for the next four or five years, or that Great Britain is going to cease building? Certainly not.

There is another assumption, and that is that Great Britain is unable to build. Great Britain is infinitely better prepared to build than she was at the close of the Napoleonic wars, and she never yielded for a single hour her supremacy of the sea even in those distressful days. If anyone supposes that Great Britain is not able to build or will not be willing to build when the very existence of her empire depends upon her naval supremacy, either secured by actual dominancy or by an agreement which renders her safe, he is, in my judgment, doomed to an awakening.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. BORAH. I yield.

Mr. EDGE. Recognizing what the Senator from Idaho says as being undoubtedly correct, is not that all the more reason why we should, so far as it is possible without sacrificing principle, pass the disarmament resolution or add it as an amendment to this bill, and give and take on other items in order to pass the naval appropriation bill? Is it not all the more imperative, if the menace exists of which the Senator speaks, for the Congress at this time, before a special extraordinary session is called, to enact into law, if it is humanly possible to do so, the disarmament proposal which the Senator from Idaho has suggested, or something similar to it? Why, then, should we not, in a spirit of compromise, endeavor to put this bill through and make it a law during the next four days?

Mr. BORAH. Mr. President, we might, perhaps, make progress by being frank about the resolution referred to by the Senator from New Jersey, and which has had such enthusiastic support from this side of the Chamber since its introduction.

Mr. WILLIAMS. Mr. President——

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

Mr. BORAH. I yield.

Mr. WILLIAMS. The Senator from Idaho has very well directed attention to the fact that nobody with common sense would expect Great Britain to give up in the midst of a competitive naval building program, and he has stressed the fact that the defense of the British Empire is dependent upon it. I want to call the Senator's attention to the fact that there is something more than that which will motive a British Parliament to keep at the head of the procession, even to the point of bankruptcy, if necessary. It is not merely the defense of the British Empire but it is the fact that the British Islands are so situated that their people can neither be kept clothed nor fed without protecting all the avenues of the sea; and that is the reason why Great Britain would keep on building to the point of bankruptcy, if necessary.

Mr. President, it seems to me, if the Senator will pardon me just one further remark, not in the shape of a question, that to begin again what we had hoped we had finished—an endless emulation of armaments throughout the world, on land and on sea—is the very epitome of madness for those who hope for the peace of the world. Not only will Japan go on, not only will Britain go on, not only will we go on, but just as soon as Germany can recover she will go on; France will go on; everybody will. Are not we the people of all the world who are not afraid of the balance of the world? And can we not afford simply to build a Navy for defense? And in this mad war of emulation and competitive building we would enter it only with the idea of dominancy. Great Britain would enter it with a superior motive, calling for greater sacrifice, of protection of the home population of the British Isles, to keep them clothed and keep them fed.

The Senator from Washington knows that Great Britain, without being able to protect her oversea commerce, would starve in six weeks; and does the Senator imagine that she is going to give up the very foodstuffs upon which her people depend? What is to be the end of all this?

Mr. BORAH. Bankruptcy.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I do.

Mr. POINDEXTER. What does the Senator from Mississippi mean by "a Navy adequate for our defense"?

Mr. WILLIAMS. I mean simply what the phrase says—a Navy adequate for defense, and not intended for offense, not intended for dominancy of the sea, not intended for naval supremacy, but intended to defend America from any and all powers that might attack it.

Mr. POINDEXTER. That is the policy——

Mr. WILLIAMS. In that connection, let me say one more word. A navy adequate for defense means a navy that can meet any other navy that can be mobilized against us for attack. That is what it means. Now, we will have soon, if we have not now, a navy superior to the navy of Great Britain for defensive purposes——

Mr. POINDEXTER. That is what we are trying to get.

Mr. WILLIAMS. Because while Great Britain's navy must be spread in the Indian Ocean, must protect the Suez Canal, must be in the Pacific, and must be in the Mediterranean, we will need for purposes of defense only a navy in the Pacific and a navy in the Atlantic. That is all we need.

Mr. POINDEXTER. According to that, the Senator from Mississippi is in favor of abandoning the island possessions of the country and our maritime commerce upon the high seas. If he is, why, of course, we could get along with a comparatively small navy. I am not in favor of abandoning our commerce or of abandoning our possessions or of abandoning the rights of American citizens.

Mr. WILLIAMS. Oh, Mr. President, everybody who knows the record of the Senator from Mississippi in the other House and in this House of course knows that he is in favor of abandoning the Philippine Islands at the very first decent opportunity we get, so far as that is concerned, but that has nothing to do with this discussion. That is not relevant, nor am I proposing to abandon the defense of our sea commerce at all. I am proposing that we shall have a navy sufficient to protect it, and sufficient to make the most redoubtable powers in the world hesitate forty times about attacking it; but I was merely drawing the picture of the unending and interminable race to mutual bankruptcy between the great powers of the world unless we quit this thing—that is all—and somebody has to quit first.

Mr. BORAH. Mr. President, recurring to the disarmament resolution which I introduced, and the suggestion made by the Senator from New Jersey [Mr. EDGE] as to taking it up and putting it in the bill, as I said before, I should be very glad to have it in the bill when the bill goes through; but there are other matters connected with the bill which are of great moment, and no agreement which could be reached here would prevent debate upon all of these other matters. I trust that when we reach the time that it is to be inserted in the bill the enthusiasm of the Senator from New Jersey and others will not have cooled, and that it will go into the bill.

But, Mr. President, let me say that this resolution was introduced weeks and weeks and weeks ago, and went to the Committee on Foreign Relations, and was finally reported out. As soon as it was reported out, and as soon as it came within the knowledge of the ex-Senator from New York, Mr. Root, he im-

mediately wrote a letter which was made public in which he said no such step should be taken at this time; that we should wait until the incoming administration should develop its policy with reference to disarmament. That has been the program, either express or implied, upon the Republican side of the Chamber since that manifesto was issued. Any Senator who rises here to discuss the armament resolution generally says in the beginning that he is in favor of it, but that it is worthless; that it is ineffective; that it will accomplish nothing, and therefore we can afford to put it in the bill.

Mr. President, that is the kind of reception which the resolution has met over here; and I do not become at all enthusiastic when I am asked to turn the armament resolution over to those who are in favor of it, but who think it is absolutely worthless, and will never accomplish anything.

There has also been put out, for the benefit of the public press and for public opinion, by those who are supposed to be in touch with the incoming administration, the announcement that there is a program coming which will be a program of disarmament. A member of the Naval Affairs Committee said to me yesterday rather frankly, "We are going to put your resolution in the bill, because it will be like the resolution of 1916; it will never hurt anybody." So the Senator from New Jersey will excuse me if I do not become enthusiastic over his suggestion. I shall urge my resolution, but I shall watch the size of the appropriations.

Mr. THOMAS. Mr. President——

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

Mr. BORAH. I yield.

Mr. THOMAS. I might remind the Senator of another precedent equally innocuous. When the purchasing clause of the Sherman silver act was repealed in 1893, a sop was offered to the silver producers in the shape of a resolution committing the United States to international bimetallism.

Mr. BORAH. Yes.

Mr. President, when we get to the proposition of limiting the building program of 1916, I will say to the Senator from Washington that I will take up further the question of the comparative strength of the navies. I do not desire to do so at this time. I only rose to say something in reply to his suggestion of this morning.

Mr. HEFLIN. Mr. President, the Senator from Washington [Mr. POINDEXTER] has become very enthusiastic over this naval bill in the closing hours of the session of the Senate. This bill passed the House about 10 days ago. I wonder why it has been kept in hiding all this time? Why has it not been brought into this Chamber, so that discussion could be had and the bill perfected, if it needed perfecting? Why do they bring it in at this late hour, and then seem to grow impatient because they tell us that they fear they will not have the opportunity to get a vote on it?

Mr. President, last evening the Senator from Washington permitted the consideration of this bill to be halted. He yielded to a Senator on the other side of the Chamber for 30 minutes to consider a measure which was passed in the half hour yielded for that purpose. The Senator from South Carolina [Mr. SMITH], on this side, a member of the Agricultural Committee, rose with a simple joint resolution, containing only five lines, which simply requested and directed the Federal Reserve Board, because of the distressed condition in which we find the farmers of the country, to allow and encourage member banks to renew loans, mark you, on sound farm paper, and the banks were to be the judges of the soundness of such farm paper, for such a time as in their judgment was in keeping with sound business.

The Senator from South Carolina realized that the farmers of the West and the farmers of the South, the great agricultural army, in fact, of the whole country, is in great distress, and he rose in his place as a Senator from a sovereign State in this body to ask the Senator from Washington to give him just a moment or two to consider this very important matter; but the Senator from Washington declined. He would not permit the joint resolution to aid our farmers to be considered at all. He said he would permit it to be read, but that he would not consent to have it considered at that time.

The Senator from South Carolina stated that the joint resolution was brief, and that in his judgment there would be no opposition to it. Mr. President, I know personally that the Senator from South Carolina had spoken to a number of Republican Senators who said that they were not going to oppose the joint resolution. He had spoken to a number on this side who were in favor of it, and no one over here, so far as I know, intended to oppose it; but the Senator from Washington, the chairman of this committee having this bill in charge, deliberately threw away two or three hours last evening by refusing to allow us to consider this resolution. We could have passed the resolution in five minutes and then gone on considering the naval bill until 12 o'clock last night; so the responsibility for the failure to consume two or three hours last night in considering the naval appropriation bill rests purely and wholly upon the Senator from Washington [Mr. POINDEXTER].

When he refused to permit Senator SMITH, on this side, the author of this joint resolution, to have just a few moments I felt it my duty in the interest of legislation in behalf of millions of farmers in distress to make the point of no quorum, and that stopped the proceedings. I had no desire to filibuster against the naval bill. I want an adequate Navy. I am for a Navy big enough to properly protect the interests of our country at home and abroad. I am for an adequate Army, and my position last night was not, I repeat, inspired by any desire to block the passage of the naval bill; but I do not propose to sit here and permit a Senator who has a bill in charge to dispense favors to certain individuals and interests and halt his bill, making a gap of 30 minutes in its consideration, and then, when a proposition comes up that affects vitally millions and millions of American farmers, and only a few moments are requested to consider their interests, I do not intend to sit silent and permit such tactics to be employed if I can prevent it.

I recall, Mr. President, when the United States was involved in war with a foreign country, the President of the United States heard the cry from Great Britain, Belgium, France, and Italy, "Supply us with food or we die." Day by day German submarines were sending to the bottom of the sea merchant ships loaded down with food supplies. These desperadoes of the deep were starving, or threatening with starvation, the allied armies on the battle field.

Then it was that the President of the United States turned to the farmers of our country and said, "I summon you to the colors." They rallied to his call and marshaled themselves beneath the flag. He said to them "Go now and increase your acreage. Put forth greater efforts than ever before. You, by your industry and enterprise, may save the liberty of the world." I repeat, they answered the call. They went out and increased their acreage and by the increased use of their industry and enterprise they made the soil to produce as never before in our history. Be it said to their credit and praise they supplied food sufficient to feed our people at home, our Army, the allied armies, and the civilian populations back of the armies at home.

When the war was over, what happened? The President told the farmers, "You, by reason of your enterprise and industry in producing this great food supply, have enabled us and the Allies to win the war."

Now, Mr. President, that is not all that was told to the farmers of our country. We said to them, "The agencies of production in the Old World are paralyzed. They are stricken down and out of commission and you will be called upon for food supplies for four or five years to come. Go on with your increased production."

And our farmers with that understanding went on producing as before on a large scale. They bought fertilizers at a high price, everything that entered into the cost of production they bought at a high price, and not a word was said about deflating the currency or curtailing credits until the farmer's debts were due and he had to put his produce on the market.

Then what happened? The farmer whose debt-paying power was around $5,000 was reduced in almost the twinkling of an eye to less than $1,000 by the tremendous fall in the price of his products. In what condition did it leave him? He owed $5,000, his produce would bring only $1,000, and it left him owing $4,000, and this debt hangs over him now and the fruits of his investments and year's toil are all gone.

I heard the Senator from South Carolina [Mr. SMITH] appeal to the Senator from Washington [Mr. POINDEXTER] in behalf of this great army of distressed American farmers, but the Senator from Washington refused to permit him to have as much as five minutes to consider the joint resolution he offered, which would have given hope and help to despairing men and women on millions of American farms.

And yet the Senator from Washington complains that he is not allowed to get along with the naval bill. I am not trying to filibuster against the bill. I am simply insisting that American farmers in distress are entitled to at least a few minutes time in which to consider matters that affect their vital interests. I have not attacked this bill, even in its present form. I do submit that the management of it by the Senator from Washington is not helping it any on either side of the Chamber with those who really sympathize with the American farmer in this hour of distress. I do say, Mr. President, that it is infinitely better for this bill to go over for a few days to the next session than to permit this joint resolution to lie dead on the table in this

Chamber. Men are committing suicide because of the darkness and gloom of large debts, and their debt-paying power is being reduced every day. Men are falling by the wayside under the heavy strain, and we are asking permission to consume only a few minutes to consider a measure intended to help them.

Mr. President, the Senator from Washington was not only opposed to considering the joint resolution by the Senate, but he opposed a proposition to refer it to a committee for consideration. The Presiding Officer said that the question was on referring the joint resolution to a committee. I want the Congress and the country to know just what occurred. The Senator from South Carolina said:

> Well, if there is objection to considering the resolution now, we will just refer it to a committee and let the committee either report it favorably or unfavorably.

Then what did the Senator from Washington do, the Senator who is so anxious to gain support for the Navy bill? What did he do then? He said:

> I make the point of order against the motion to refer it to a committee.

Then he undertakes to blame us for consuming a little time in urging legislation that will relieve millions of farmers in distress.

I submit, Mr. President, that the splendid leadership of the Senator from Washington in handling this bill reminds me of what was said by an old fellow of whom I once heard. They said, "How are you, Uncle Johnny?" He answered, "I am enjoying poor health, and getting worse every day."

Mr. President, I am sure that there are many Senators here who do not realize the distressing condition that burdens our farmers to-day. The farmers of the cotton-growing States produced the present crop on the 40-cent basis. Everything that entered into the cost of production was sold to them on that basis. They bought automobiles, with the idea that they would have 40-cent cotton with which to pay for them. They were justified in believing it, because everything they bought to make the crop held up on the 40-cent basis, until they commenced getting the cotton ready to put on the market.

Now, cotton has gone down from above 40 cents a pound to an average of about 7½ or 8 cents. It cost 30 cents a pound to produce that cotton. Senators, that means destruction to the farmers' business in the cotton-growing States. I have heard Senators talk time and again about how difficult it is for the Vice President to live upon the salary paid. I am in favor of paying him a salary sufficient to enable him to live in comfort. But I thought of a poor farmer of my State about whom I heard just a few weeks ago. He brought his cotton to market and sold it at a price far below the cost of production. He hauled his corn to town and sold that. The merchant said, "I do not want to take your corn; the price is low and unprofitable." He said, "I am worried over my debts. Cotton is selling at destructive prices and corn is falling in price. I don't know what to do. I can not stand the strain any longer, so I have decided to dispose of what I have and pay as far as I can on what I owe."

That farmer brought in his four mules, for which he had paid $250 each, and sold them for $75 apiece. All of the products of his farm went for almost nothing, and he left with $1,500 debt still hanging over him. He left the farm and went to town to work for wages. That is what happened in the case of a small farmer who was fairly prosperous.

Yet the Senator from Washington will not permit us to ask the Federal board to sympathize with that poor fellow and extend him a helping hand as he goes down beneath the waves of financial disaster, and then he accuses somebody of filibustering against his bill.

Again, let me say, I was talking to a young man who worked in a Government department in this city two or three years ago. He said, "I do not get enough to live on decently." I said, "How much do you get?" He said, "A hundred dollars a month. It costs me this much for room rent, that much for board, that much laundry bill, and this for wearing apparel, and that for other things." He said, "It just about takes my hundred dollars; sometimes a little more than a hundred." I said, "Yes; that is an embarrassing situation. You ought to have more, and I will help you to get enough to live on." But I have thought of that boy frequently in comparison with the farmer. Whatever may come to him this month he knows he has a month's living ahead of him, and that his salary is certain; it is fixed.

But I invite your attention, Senators, to the farmer who comes up and parts with all his cotton, corn, and other products and walks out of the market place with a debt still hanging over him, with a wife and children at home asking for shoes and clothes, and something to subsist upon.

But we can not get five minutes, under the objection of the Senator from Washington, in charge of the Navy appropriation bill, when he can give 30 minutes for other purposes. But the farmers of the West, of the State of Washington, and all the other western States, and the farmers of the cotton-growing States, ask in vain. We can not halt proceedings long enough for them to have just a few minutes. The Senator from Washington by his objection last evening tied up the proceedings. We failed to obtain a quorum in time to do anything, and he lost the evening, when he could have had the time used in considering the naval bill. He could have had three or four hours if he had granted the farmer five minutes so that we could consider the joint resolution of Senator SMITH.

What is the joint resolution? I want the country to know what the joint resolution is. It reads:

> *Resolved*, That the Federal Reserve Board is hereby authorized and directed to allow and encourage member banks to renew loans secured by safe agricultural paper for such a length of time as in the judgment of the board may be necessary to enable farmers to tide over the present demoralized and disastrous condition of the markets.

Think of it, Senators! Some of you were not here last night. Can you imagine that a joint resolution like that would be objected to? What good reason can be given to the farmers of the country for such treatment when they are crying out for aid in this hour of their great distress?

I shall not consume more time of the Senate now. But some of those farmers voted for you. Oh, if they could just withdraw those little ballots and take them and look at them now and watch the Senator from Washington as he refused to give them five minutes to consider a measure which would give them hope and help them along the way, how glad they would be to get their ballots back. They voted to send you to the Senate, and you are voting to send them to the poorhouse.

The PRESIDING OFFICER (Mr. WALSH of Massachusetts in the chair). The question is on the committee amendment, which will be stated.

The ASSISTANT SECRETARY. On page 3, line 14, the committee proposes to strike out "$250,000" and insert in lieu thereof "$400,000."

Mr. KING. Mr. President, may I inquire of the Senator from Maine [Mr. HALE] whether the committee insists upon swelling that amount?

Mr. HALE. The committee does insist upon the increased amount. I will state that the estimated cost of telephone rentals and tolls, telegrams, and cablegrams this year up to July 1 is something like $900,000. The estimated cost for handling them for the next fiscal year is five hundred and eighty-odd thousand dollars, and the committee cut the amount down to $400,000. This is the first year that the matter has been put in the bill in a separate item.

I may say that a good deal of the expense of telephone, telegraph, and cable rental is in connection with the radio service, and on the radio service the Government last year made a profit of over a million dollars. It also has saved to itself, in matters which it would otherwise have had to pay for, substantially $5,000,000 on radio service. The sum allowed in the bill is used in connection with that service and with the other expenses of the department, and the committee feel that it is proper to allow the amount.

Mr. BORAH. May I inquire what is the pending amendment?

Mr. HALE. It is the committee amendment, on page 3, increasing the amount for telephone rentals and tolls, telegrams, and cablegrams from $250,000 to $400,000.

Mr. BORAH. I am not particular about that specific amendment. There is one on the next page on which I desire to have a vote.

Mr. HALE. This is merely a limitation.

Mr. KING. Mr. President, before we take a vote upon the pending amendment I desire to submit a few observations. Last evening I was directing attention to the items in the bill and called attention to the fact that substantially every item as reported by the Senate committee was a material increase over the corresponding item reported in the House bill. I took up each of the items, beginning on page 1, and proceeded to direct attention to them until I reached page 17, at which time I yielded to the Senator from South Dakota [Mr. STERLING] to call up for consideration an important measure repealing certain war-time legislation. I think in order that the record may be quite complete and that we may know exactly the items of increase which have been reported by the Senate committee, I shall direct attention to the remaining provisions of the bill in which increases in the appropriations carried by the House bill have been made by the Senate committee.

On page 20 an appropriation was carried in the House bill for the Bureau of Ordnance amounting to $14,000,000. That has been increased to $15,000,000 by the Senate committee.

On page 22 the item for Bureau of Yards and Docks has been increased from $7,500,000 to $9,000,000. The appropriation for dredging at the navy yard in New York has been increased $100,000.

For the navy yard at Charleston there is carried in the bill as reported by the Senate committee an appropriation of $1,150,000 in excess of that carried by the House bill. For the naval station at Key West, Fla., $800,000 is made immediately available, and no appropriation was carried in the House bill for the item.

The navy yard, Puget Sound, Wash., is next. The appropriation in the House bill was $1,405,000, and the Senate committee proposes to increase it to $1,995,000. On page 25 of the bill the appropriation has been increased with respect to the hospital in California a considerable amount, and the Senate committee recommends an appropriation of $1,000,000. The aggregate cost has been increased to $1,975,000.

The next item is for a naval supply base at Alameda, and I called attention very briefly to that yesterday, $1,500,000. The Senator from Idaho [Mr. BORAH] a moment ago was interrogated by the Senator from Virginia [Mr. SWANSON] concerning the item. I wish to say to Senators that that item will receive full consideration before this bill passes the Senate.

The plea made by the distinguished Senator from Virginia, former chairman of the Committee on Naval Affairs, is the same plea which has always been made for the purpose of initiating legislation of this character. A small appropriation is obtained under the most pressing appeals and assertions that it will not involve a very large expenditure, and when that appropriation is obtained the Government is committed to a policy from which it may not extricate itself except at very great loss. As a result, we have military and naval establishments in various parts of the United States greatly in excess of the legitimate needs of the Government, and many of them have been developed through these insinuating and innocent looking appropriations which in the beginning were represented to amount to but a few thousand or at most a few hundred thousand dollars.

The distinguished Senator from Virginia says that the Alameda appropriation will involve only a few million dollars and that $1,500,000 is carried by the bill to begin construction. The figures submitted to the joint committee, and which did not pretend to be complete, called for more than $50,000,000, and it was confessed that no provision for shops or for a construction plant which, as I read the testimony and the implications to be derived from it, would be essential if a modern and adequate naval base is established at Alameda, and it is purposed that such a plant ultimately will be constructed at Alameda if the base shall be established there.

Mr. PHELAN. Mr. President, may I ask the Senator if he is in favor of the establishment of a naval base upon San Francisco Bay at all?

Mr. KING. Yes; I am.

Mr. PHELAN. Then he objects specifically to the Alameda site?

Mr. KING. I do, with the information which I now possess.

Mr. PHELAN. Then the Senator must favor one of the other sites.

Mr. KING. There is already a naval base established on San Francisco Bay at Mare Island. The Government has spent more than $32,000,000 at that point, and the replacement value of the plant and base, according to my information, would be approximately $35,000,000. Of course, the Senator will say that Mare Island is not a naval base. I admit that it is not complete and that to constitute a major naval base, modern and complete, additions will be required. But a naval base should possess a plant such as that now found at Mare Island; it is perhaps the best navy yard in the United States. A dry dock is also there now; and it possesses every advantage for a supply base, and the cost of constructing the supply features would be very small, measured by the amount required to construct one at Alameda. Moreover, at a very reasonable cost larger dry docks could be built and all needed berthing room for a figure much less than that suggested for similar improvements at Alameda.

Mr. PHELAN. If the Senator will allow me, I should like to say that I attended the hearings of the subcommittee of the Committee on Naval Affairs in California on all these matters and had a special hearing of the matter of the Mare Island Navy Yard. I endeavored to assume a disinterested position with respect to the three bases offered on San Francisco Bay, that they might make their cases before a competent tribunal.

There is a unanimity of sentiment in favor of having a base on San Francisco Bay, the greatest inclosed harbor which the United States possesses upon the western coast for such a purpose, but there has been a divergence of views as to which was the most meritorious site within the Bay of San Francisco. I assumed, I say, an impartial attitude, representing the whole State, and was willing to submit the case to the decision of naval experts. I still hold that position, and I assure the Senator that this is a neighborhood quarrel which he has taken up, and not the solution of a naval problem, because the vast preponderance of naval expert testimony is in favor of the Alameda site.

If there was any second choice—and it was a close second—it was opposite, 4 miles away, at Hunters Point, a site within the boundaries of the city of San Francisco, and not at Mare Island. No testimony of value or weight favors having a naval base expansion at Mare Island, notwithstanding the fact that the Government has an obsolete investment there of $35,000,000, the mere cost of a battleship.

Here is Alameda, the selected most eligible site, actually presented to the Government, lands worth, according to witnesses, in the neighborhood of forty or more million dollars, which otherwise could have been developed for harbor and private shipbuilding purposes.

I wish the Senator from Utah to be informed—and this is the first opportunity I have had to tell him—that this is not a question as between the relative value of a Government investment at San Francisco Bay at Mare Island running back through a period of 50 years, and a more suitable site. It is what the modern Navy needs that should govern us. The great ships of the Navy can not, according to expert testimony, utilize Mare Island and its waters, 30 miles north of the Golden Gate through a tortuous channel. If we had a naval engagement outside of the harbor and our ships should come in lame, the testimony of Admiral Rodman, commander of the Pacific Fleet, was that he could not bring those disabled ships for repair and refitting to the Mare Island Navy Yard, where there can not be and where there are no adequate facilities, and where, on account of the fact that the San Joaquin and Sacramento Rivers debouch into the bay at that point and constantly fill it up with silt, the depth of the channel would be difficult to maintain.

These are practical problems which I am discussing. As I said, I entered into this in a disinterested frame of mind to try to find a site for the benefit of the United States and not for the benefit of a particular locality, and I was forced, according to the expert testimony submitted to the joint committee, to the belief that the Alameda site is the most desirable one, and that a base should be established, not for the benefit of localities but for the benefit of the United States Navy, upon San Francisco Bay. Our Pacific Fleet is of no value unless we have such a base. There is danger on the trail. I will warn the Senator from Utah, who lives in the West and who understands the phrase, that there is danger on the trail to-night, and we must have the facilities to keep our fighting craft in condition if we are going to meet the enemy even on equal terms.

Mr. BORAH. Mr. President——

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

Mr. KING. I yield.

Mr. BORAH. The Senator from California speaks of expert testimony in connection with the contention which he has just made. What expert testimony does the Senator refer to in the hearings that were had before the joint committee of Congress on the naval bases on the Pacific coast? To what particular expert does he refer?

Mr. PHELAN. I refer to Admiral Coontz, Admirals Parks and Capps and Taylor. I have listened to the testimony even of Capt. Cox, who was called by the proponents of Mare Island, and who admitted that he was merely discussing the matter of Mare Island as a civilian engineering expert and not as a military expert. There is a nice differentiation. He will tell you that he can build dry docks at Mare Island, but he will not tell you in a military sense that is the best place to build a dry dock. Admiral Rodman said that he could not maneuver his fleet in those waters; that in time of war he would have 500 craft under his command in San Francisco Bay, and he could not turn them around in the waters afforded by Mare Island. If that is so, if all these things are true, then it is idle for us as laymen to discuss them. That is what I have told the people of Mare Island and Vallejo. But I am thinking of the American Navy and not of the destiny of Vallejo, whose agents have been here and whose only accomplishment will be to defeat the military purpose of having a naval base upon San Francisco Bay. It is village politics, I will say to the Senator from Idaho.

Mr. KING. The Senator speaks of San Francisco as a village.

Mr. BORAH. Mr. President——

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

Mr. KING. I yield.

Mr. BORAH. I am not interested in village politics, but I am interested in knowing who the experts are to whom the Senator from California has referred. I have read this entire report and gone over it the second time.

Mr. PHELAN. The experts were Admiral Parks and Admiral Coontz, whom I consider to be the highest authorities, as well as Admirals Capps and Taylor, who are leading authorities on these subjects.

Mr. BORAH. Did they testify before the committee?

Mr. PHELAN. They testified in my hearing. There were three hearings in California where they conferred and consulted and I know they testified before the committee here, because I was present.

Mr. BORAH. I know they made a report, but I have been unable to find their testimony.

Mr. PHELAN. Excuse me, I did not understand the Senator. They made a report which was illuminated by their conversation when interrogated by the members of the committee here, and that would be equivalent to testimony. Much of it was not taken down.

Mr. KING. Mr. President, I am astonished at my good friend from California. He arose, as I understood, for the purpose of giving us light. I listened with attention to the forceful, passionate appeal made by the Senator who comes from "a village" called San Francisco.

Mr. PHELAN. I beg the Senator's pardon. When I referred to villages, I referred to the town of Vallejo, which is fostering the claims of Mare Island, which is immediately opposite, within 500 yards. When a ship was launched at Mare Island the other day it ran into the docks at Vallejo. Such are the facilities for launching ships at that yard.

Mr. KING. The Senator from California speaks of it as a "neighborhood quarrel." I suppose, of course, he includes San Francisco in the neighborhood. He also spoke of it as being a village quarrel. Vallejo could not quarrel with itself; if this question of determining where the naval base shall be is a quarrel, then it quarrels with San Francisco and Oakland, who are the other parties to the quarrel.

Mr. POINDEXTER. Mr. President——

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

Mr. POINDEXTER. I understand the Senator is opposing the establishment of a supply base at Alameda. I am simply asking the position of the Senator.

Mr. KING. Yes; and I am opposing the appropriation of $1,500,000 carried by the bill as reported by the Senate committee for what is alleged to be a "supply base." The plan is to have a major naval base which will cost tens of millions of dollars. The Senate committee report calls for docking, showing that the plan calls for more than a supply base.

Mr. POINDEXTER. The Senator from Utah evidently has not read the bill as reported by the Senate committee, if he maintains that it calls for more than a supply base.

Mr. KING. The Senator from Utah has read the bill as reported by the Senate committee.

Mr. POINDEXTER. Then the Senator's statement is not correct, for the item does not call for more than a supply base; it calls for a supply base. But what I desire to ask the Senator is will he not allow us to take a vote on it and vote it out, if the majority of the Senate is opposed to it?

Mr. KING. Mr. President, the Senator from Utah would have no other alternative than to allow a vote to be taken upon this item if the bill is under consideration sufficiently long, but I can assure the Senator from Washington that there will be no vote taken upon it until there is a full discussion of the subject.

Mr. POINDEXTER. I suppose that is to enable the Senator from Utah to discuss it sufficiently?

Mr. KING. As well as other Senators, including the able Senator from Washington, who will, of course, have much to say in defense of this provision of the bill.

Mr. POINDEXTER. In order that the Senator from Utah may have full opportunity to discuss the item, I will give notice that I shall request the Senate to remain in session to-night for that purpose.

Mr. KING. Oh, Mr. President, the Senator does not advise us of anything new. We were advised yesterday that his purpose was to do that.

Mr. President, I was diverted by the impassioned address of my good friend from California [Mr. PHELAN], and I am compelled to return to his observations. I deduce from what the Senator has said, Mr. President, that when the possibility of appropriating $100,000,000 is presented to the Senate and there are two claimants in a given State for the locus where the money shall be expended it is a mere "neighborhood quarrel" in which the Senate of the United States has no concern. Certainly the Senator from California does not mean to take the position that we are not concerned as to whether $100,000,000 or any lesser sum shall be taken from the Treasury of the United States for the purpose of establishing a naval base; whether it is called a supply base or a major naval base is immaterial for the purpose of the argument.

Mr. President, this is more than a "neighborhood quarrel." The Senator has alluded to the fact that there are "agents here." I presume he meant that residents of Vallejo or those who are interested in Mare Island are in Washington to present their views. I have been advised that there are "agents" here who have been here for some time in behalf of the program to establish a naval base at Alameda at a cost of $100,000,000.

While I am on that point may I call attention to the propaganda which has been carried on in the Senator's home town and in Oakland and vicinity for this stupendous appropriation? During the naval base referendum campaign in the city of Alameda the Oakland Inquirer, in advising the people to vote in favor of the proposition, stated that—

> The city of Alameda risks nothing in this matter, with the exception of a few hundred dollars to pay for the cost of the election, and stands—

I want Senators to remember this language—

> to gain from the Federal Government a hundred-million-dollar plum.

Of course, I can understand the alacrity with which the distinguished Senator from California, a resident of San Francisco, rushes to the defense of the proposition to spend $100,000,000 in the vicinity of San Francisco. It is, indeed, "a hundred-million-dollar plum," a plum so luscious and inviting that I can not wonder at the zeal of the people of Oakland and vicinity. But it is to be extracted from the Treasury of the United States, to be paid for by the taxpayers of the United States, a plum which will impose additional burdens upon the people of the United States who are already groaning beneath the heavy exactions wrung from them by the Government of the United States. The following article is from the Oakland Inquirer of February 3, 1921:

> WAIT APPROPRIATION BEFORE THE TUBE QUESTION.
>
> Not until the Congress appropriates funds for the construction of the hundred-million-dollar naval base at Alameda will the Alameda council take definite stand on the question of the construction of a tube under the estuary. This was decided at a meeting of the board last evening. Councilman Probst asked for action on the matter, saying that too much is being left to others. Probst's proposal was met with objections immediately, and the matter was laid over until a later date.

Mr. President, as further evidence of the propaganda and the campaign which have been carried on and are still being carried on by the city of Oakland to secure this hundred-million-dollar plum, I call attention to this advertisement appearing in the Oakland Inquirer:

> The coming of the naval base with a hundred million dollars to be spent and 15,000 men to be employed means a tremendous increase of the population and the wealth of Oakland. The beautiful home sites we have for sale in the lake district are sure to double in value. Buy now and save this money. Prices will never be so low again.

The Oakland Inquirer, permit me to state, Mr. President, is owned and edited by Mr. Chapin, who is the chairman of the naval base committee of the Oakland Chamber of Commerce. I am not criticizing Mr. Chapin; I am not criticizing my friend, the Senator from California; I am not criticizing the people of Alameda and Oakland for the earnestness and ability with which they are pushing their campaign to secure this $100,000,000 plum. It is merely confirmatory evidence of the alertness and progressiveness of the people of those cities. Undoubtedly the building of a great naval base at Alameda would be of advantage to San Francisco and Oakland and Alameda; but the important question is: What is best for the United States and for the people of the entire country? This is more than a local question. It involves a national expense and is related to governmental policies.

Mr. PHELAN. Mr. President——

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

Mr. KING. I yield.

Mr. PHELAN. The Senator bears out what I said awhile ago, that this is in some respects, so far as it is being discussed here to-day by the Senator from Utah, a neighborhood quarrel.

Mr. KING. Oh, I will get to the merits of it; the Senator need not fear.

Mr. PHELAN. It involves the rivalry of hopeful villages or cities. San Francisco itself is eliminated, but there is Oakland with 150,000 population on the other side of the bay and growing with portentous rapidity. It sees the advantages, of course, of

having the Government establish a naval base within its limits. It will add greatly to the employment of the people and necessarily increase the population; and so the Senator quotes from a local paper saying that this "million-dollar plum" will be of such great advantage to Oakland that it behooved the people there to support the project. To support what project? To support the gift to the Government of the United States of 5,340 acres of land in the cities of Oakland and Alameda, valued by their experts at approximately $60,000,000.

So the newspaper is preparing the minds of its readers to give away to the Federal Government $60,000,000 in land value!

I think that is perfectly legitimate for the newspaper, not only in the interest of the town but in the interest of the United States Government, to cajole or to induce those good people to give away $60,000,000 of value. I was utterly astonished that Oakland, holding by expert advice the best site for a naval base upon the western coast of America, should have been so foolish as to offer to give anything to the Government of the United States, which is well capable of paying for what it needs in coin of the realm. But these good people—I would call them villagers, they are so bucolic—give $60,000,000 worth of property to the United States in order to locate a naval base there.

If there were no chance for them to get a naval base they might well have done that as an investment, because they could well afford to pay $60,000,000 to have the Government establish a naval base which would give employment, possibly—it is the largest estimate I have heard—to 6,000 people. To secure 6,000 workers in a village even of that respectable class is well worth the investment of $60,000,000 in land value; but there is no prospect that I can see of the Government investing $100,000,000 there within the lifetime of this or the next generation. All that the committee has asked is $1,500,000; and the Senate should be advised that this $100,000,000 is merely a figment of the imagination of the Senator from Utah, reinforced by the exhortations of a local newspaper, which was trying to cajole $60,000,000 worth of land out of the pockets of its constituents for the very worthy purpose of getting an added advantage in the competition between Oakland and San Francisco.

"They are not giving anything, but we give $60,000,000"—a very cogent argument in some courts and before some juries, but I do not think it weighed in the balance with the officers of the Navy of the United States. They made the decision, not because they were getting free land. Naval officers are not concerned in expenditures. You all know that. They are looking for results, and they are seeking the best, and they generally get it. They were not moved by the offer of $60,000,000. So it becomes a mere gratuity; and if Oakland did not give her $60,000,000 in land value we would have to appropriate this money anyhow, because I tell you, Senators, that there is a real need for a naval base upon the west coast, and the experts have given us this one. It is not for us as laymen to say it is not the best base. It is not for us as trustees, perhaps, to reject this munificent gift of the city of Oakland. It is for us, however, to decide that there should be a naval base, and that a beginning should be made.

One million five hundred thousand dollars represents the beginning of the construction of this base, if you approve of a naval base at all, and not $100,000,000. Leave that for future Senates, when the Senator and I will not be here to curb extravagance. Future Senates may vote $100,000,000, but I doubt very much if they will vote $100,000,000 unless there is an actual need proved by the Navy for its expenditure, and then, perhaps, not in a hundred years.

This land can be made available—500 acres of it—at a cost of $6,000 an acre, according to the committee report. That would be $3,000,000—500 multiplied by $6,000 is $3,000,000. That is the estimate here made by the report for preliminary work, and this year $1,500,000 is asked, or one-half that amount. It seems to me a very moderate request, in view of the fact that the Secretary of the Navy asked for $6,500,000.

Everything has been done to begin this great work with diligence and with economy, and $1,500,000 is the only amount that is asked now of the Senate by this bill. The $100,000,000 upon which the Senator has eloquently dwelt exists only in his own imagination. Is not that so, I will ask the Senator from Utah? Has he any authority for saying that this base is going to cost, within his lifetime, $10,000,000, not to speak of $100,000,000?

Mr. KING. When the Senator has concluded in my time I shall be happy to reply.

Mr. PHELAN. I have concluded.

Mr. KING. Mr. President, the Senator says that at a remote period from now neither he nor I will be here to "curb extravagance." I am delighted to know that the Senator during the few days he remains in this Chamber is to be a champion of "economies" on the part of the Government; but he is manifesting his desire for economy by urging an appropriation of $1,500,000 for a project which in the end will cost the United States seventy-five to one hundred million dollars.

The Senator says that total exists only as a figment of my imagination. I wish that were true. I wish there were no foundation for the statement which I have made that this project will cost, if we do not have disarmament, from seventy-five to one hundred million dollars. Why, Mr. President, Admiral Parks has already furnished the committee estimates, which have been printed, calling for more than $50,000,000, and those estimates do not involve the expenditure of a single dollar for the building of a suitable plant, such as is indispensable, I aver, at a major naval base. I shall come to that when we reach this item in the bill, and I shall convince the Senator, notwithstanding he is from San Francisco, and notwithstanding he is a dispassionate judge in this case in favor of Alameda, that he is wrong and that the proposition which I have made will be realized within a very few years.

The Senator says that Oakland is making a present to the Government of land worth $60,000,000. There is a swamp covered with from 12 to 20 feet of water. No one uses it; no one can use it without great improvements are made. The city of Alameda has an inchoate title granted by the State of California, and there is some question whether it can give a legal title or any title for the purposes contemplated by this bill. When the Senator said that it is valuable land, worth $60,000,000, and speaks of this munificent gift of a generous and patriotic people, my mind unconsciously reverts to the desolate sight presented by the swamp and turgid waters which are to be given to the United States for a naval base; and I hoped that when the Senator went beyond the fetid atmosphere of this Chamber and breathed the vitalizing breezes of the Pacific, and basked in the sunlight of glorious California, he would pay a visit to this $60,000,000 proposed gift and then recall his words uttered upon this occasion. It consists of a few hundred acres of mud and water, and to which no bottom has yet been found, though, Mr. President, borings to the number of 32 or more have been made to the depth of 50 feet. Since the Senator is so afraid of Japan and China and the Orient, I suggest that they keep on boring, and they may find their traditional enemy at the end of the hole.

Mr. PHELAN. Mr. President, does the Senator object to interruptions?

Mr. KING. Not at all, if the Senator can throw any light upon this subject, rather than wit.

Mr. PHELAN. I will simply correct the Senator in the fact that it is not a few hundred acres that is involved.

Mr. KING. Oh, well, if the Senator will pardon me, 500 acres is what they propose to reclaim now.

Mr. PHELAN. Yes.

Mr. KING. But there is a proposed grant of a larger amount.

Mr. PHELAN. The grant is 5,340 acres.

Mr. KING. Oh, I understand.

Mr. PHELAN. And it costs, to reclaim this "bottomless pit," $6,000 an acre. That would be sufficient evidence to prove that it is not a bottomless pit. Furthermore, in the greater part of it there are only 2 or 3 feet of water, and not 20 feet of water; so by excavating here you make land there. That is the process of all governmental work under such conditions. So by one motion of the dredge you make deep water on one side and solid land on the other—a most excellent and economical plan.

The borings by Admiral Parks have been subject to scrutiny by the committee; and it is his opinion and the opinion of all other experts that while it is difficult to find bedrock there, there is no question at all about their ability to construct even dry docks, which are considered very heavy, while as to all other construction there is no difficulty at all. So they can construct dry docks where the borings at a depth of several hundred feet do not show bedrock. That is a mere matter of scientific detail. It is the availability of this land, which can easily be made both a deep channel and solid land for the purpose of the Navy, giving facilities for every possible activity of the Navy on these 5,340 acres, that makes it so attractive.

Mr. KING. Mr. President, I regret that my distinguished friend is so unfamiliar with this subject and that he has not read all the hearings, as the Senator from Idaho has done, and as I have done. I regret that he has not read the testimony that has been given upon this particular matter. If so, I am inclined to think that my friend would not make all the statements he has so forcefully expressed here to-day.

I was just stating that the "generosity" of Alameda has found expression in the attempt to convey to the Government of the United States a considerable tract of land which belonged to the State, but some sort of a title to which—and I have the act here before me—has been acquired by the city from the State of California; but I repeat that there may be some question as to whether or not power rests within the corporation to make conveyance of this land for the purpose for which it is to be used. But I am not urging that question, and would not have alluded to this matter except for the statement of the Senator that Mare Island has its "agents here" in their behalf.

Mr. President, I have met two agents, to wit, the son of a Congressman from the State of California and a resident of the city of Vallejo. If there are other "agents" here, the Senator knows them, I do not. They are his constituents. The Senator seems to condemn the representatives from Mare Island or Vallejo for trying to give light to the Senate of the United States upon a matter which involves the expenditure of $100,000,000. The Senator ought to be glad if the patriotic people of Vallejo or vicinity come here for the purpose of enlightening Senators and Congressmen before they are committed to a policy which will involve the expenditure of from fifty to one hundred million dollars. Instead of his rebuking them, he ought to be expressing his commendation of their course.

Mr. PHELAN. Mr. President——

Mr. KING. The only regret I have is that I have not had an opportunity to see more residents from that vicinity who could supply further information, because the only interest I have in this matter is the good of the country. I have no interest in Alameda. I have no interest in Mare Island. I was never there but once in my life, and then to examine the navy yard. I have not a friend or an acquaintance there, and I am here speaking only as a public servant for what I conceive to be the public good. I am not in the embarrassing situation of the distinguished Senator from California, because I can appreciate that with two "villages" in the same neighborhood, with their conflicting claims, there must be some little embarrassment, unless he is a tremendously brave man, in taking sides upon this question.

Mr. PHELAN. Mr. President, I have just announced that I approached this question before the election disinterestedly, taking no sides. The Senator will probably acquit me now of being at all interested, since the elections have been concluded. I have no personal interest in the matter at all, and I do not wish the Senator's remark to remain unchallenged. He says I have rebuked the agents of these several interests for coming to Washington. I have always encouraged the visitation of agents interested in the advocacy of measures pending before Congress, whether related to harbors or otherwise, because, by bringing about a conflict between neighborhoods, you are very apt to elicit the truth. So the president of the Chamber of Commerce of Vallejo, who is in Washington, and is a friend of mine, has advocated the cause of Vallejo with very considerable zeal, and Vallejo stands or falls upon the decision, he believes, of the Congress of the United States. His theory, which has some weight, is that if this great naval base is established on the deep waters of San Francisco Bay, close to the Golden Gate, all the business of Mare Island will ultimately be drawn there, both great and small. But they are assured by the committee report, and the language of the bill itself, that Mare Island shall be maintained as a yard for construction and other purposes; and I believe it must always so remain, and it will be barred simply from the larger work brought about by the great size of our modern naval craft. So Mare Island has a future of its own within its natural limitations.

What I resent is that these agents, after there has been an adjudication by the experts of the Navy, by the subcommittee which visited the ground, and by the whole Committee on Naval Affairs, should come here and prevent the Navy from enjoying a naval base at all upon the Pacific, unless it be a naval base established at Mare Island. It is that narrow and selfish and unworthy spirit which I condemn.

So I told my friends from Vallejo, constituents of mine, upon whose good favor I may subsist, as the gentleman intimates, that it is unworthy Californians to stand in the way of the acquisition by the Federal Government of a naval base because it has not been located at a particular spot. I do not see that they have a leg to stand on, unless it be the leg of selfishness and local advantage. The Navy must have a base; the great weight of testimony gives it to Alameda; the emergency is great; we should therefore get together to get it, not delay nor defeat it.

Mr. KING. Mr. President, I regret to hear the chastisement which my friend, the Senator from California, administers to his own constituents. I regret to hear him rebuke them as being "selfish" because they are doing what I conceive to be a patriotic act. I do not think it becomes the distinguished Senator from California to indulge in the expression to which he gave utterance, that he "resented" the action of the people from his State, after there had been an "adjudication," in coming to Congress to present the facts which they believe to exist in regard to this matter.

I know, Mr. President, that my good friend from California, who is soon, I am very sorry to say, to leave us, and whom I know will always be welcome back in this Chamber, in his calmer moments will regret having said that he expresses "resentment" because people from Vallejo have sought to present to Congress their views upon a question which involves an appropriation of from fifty to one hundred million dollars. The question of a naval base in San Francisco Bay is not involved in any question now at issue. Everybody concedes that there should be a naval base in San Francisco Bay. Indeed, many of us believe that a naval base not complete, however, is there now. It requires additional docking facilities and a larger dry dock for the accommodation of the tremendous battleships which the Senator from Washington [Mr. POINDEXTER] is pleading for, and, of course, which we will have to have if no disarmament shall come.

But why should the Senator "resent" the efforts of men to present to Congress the facts concerning a matter in which the whole Nation is interested? Are we bound by what the Senator denominates as an "adjudication" because some alleged experts and some entitled to the name give their opinion that a given place is the desirable spot for the establishment of a naval base? Experts, Mr. President, have been variously characterized by those who have encountered them in the courts. Mr. President, I shall not indulge in language which might call for expurgation, but there is a progressive idea expressed in the sentence which will readily suggest itself to lawyers who are here in this body.

Mr. President, there is no infallibility in the opinion of experts, and expert testimony is to be weighed with caution.

The greatest expert who has testified upon this question is Capt. Beach, and the next best expert is Commander Cox, a man who is in the service of the Government, and who has been at Mare Island for many years. The latter has built dry docks at Pearl Harbor and other places, and knows the conditions at San Francisco Bay, and where a suitable naval base should be established.

I believe that dispassionate perusal of the testimony of Capt. Beach and Commander Cox will bring conviction that the proper place for a great naval base in the San Francisco Bay is Mare Island, and not upon the swamp lands contiguous to Alameda.

Mr. PHELAN. Mr. President, to keep the record straight, of course the Senator refers to the borings as indicating that the ground is not the best ground for the construction of dry docks?

Mr. KING. I did not discuss it particularly in connection with that; but I will aver, Mr. President, that because of the character of the ground it is not the best place for dry docks.

Mr. PHELAN. When on the opposite side of the bay, 4 miles away, there are two great docks, the greatest on the Pacific coast.

Mr. KING. Hunters Point?

Mr. PHELAN. Hunters Point; which dry docks are available for the Government, and where the dry docks may be further extended. But the testimony is there will be no trouble in building dry docks on the Alameda shore.

Mr. KING. I agree with the Senator, and if I may be pardoned for digressing for a moment, I think there is much evidence in the record in favor of Hunters Point as against Alameda. Indeed, Mr. President, the conclusion which I reached when I first read the testimony was that Hunters Point was very much superior to Alameda, and I was somewhat in doubt as to whether it was not a superior place to Mare Island, if it were not for the great expenditures already made at Mare Island—more than $35,000,000.

Mr. PHELAN. Of course, the $35,000,000 improvements at Mare Island are not to be scrapped.

Mr. KING. Mr. President, there is where my good friend is in error. That is what is said now. That is what is said, and, of course, it is said in good faith; I am not impugning the motives of any man. But, Mr. President, we know that the overhead of maintaining in one harbor two great naval bases would be so great as to forbid such a course. It would be the height of unwisdom and unfair to the Government to have a great naval base at Mare Island employed in constructing battleships and all sorts of craft, and having 20 to 30 miles away another naval base in the same harbor, and from which naval base the

ships, if they needed repairing, would have to proceed for repairs. If we establish a naval base at Alameda, we will scrap the naval base at Mare Island, and the $35,000,000 which have been expended there will have been wasted.

Mr. President, I have scarcely entered upon the discussion of this bill, but I understand that the Senator from Massachusetts has a matter to bring to the attention of the Senate, and I shall now yield to him.

Mr. LODGE. Mr. President, I feel a very profound interest in the naval appropriation bill and its provisions, and I am very anxious that it shall be enacted into law. There is an aspect of the case in regard to the naval bill and the action of the Senate committee which I feel unwilling to discuss in open session, and I therefore take the liberty of moving that the Senate go into secret legislative session.

Mr. POINDEXTER. Mr. President, I think it is very important that the motion should be carried, and I second it.

Mr. KING. May I inquire of the Senator——

The VICE PRESIDENT. It is not debatable. The motion is that the Senate go into secret legislative session.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Gooding	McLean	Smith, Ariz.
Ball	Gronna	McNary	Smith, Ga.
Beckham	Hale	Moses	Smith, Md.
Borah	Harris	Myers	Smith, S. C.
Brandegee	Harrison	Nelson	Smoot
Calder	Heflin	New	Spencer
Capper	Jones, Wash.	Overman	Sterling
Cummins	Kellogg	Owen	Sutherland
Curtis	Kendrick	Phelan	Swanson
Dial	Kenyon	Phipps	Thomas
Dillingham	Keyes	Pittman	Townsend
Edge	King	Poindexter	Trammell
Elkins	Kirby	Pomerene	Underwood
Fernald	Knox	Ransdell	Wadsworth
Fletcher	La Follette	Reed	Walsh, Mass.
France	Lenroot	Robinson	Walsh, Mont.
Frelinghuysen	Lodge	Sheppard	Williams
Gerry	McCumber	Shields	Willis
Glass	McKellar	Simmons	Wolcott

The VICE PRESIDENT. Seventy-five Senators have answered to the roll call. There is a quorum present. The Senator from Massachusetts [Mr. LODGE] has moved, and the Senator from Washington [Mr. POINDEXTER] has seconded, the motion to close the doors for the discussion of certain business which, in the opinion of the Senator from Massachusetts, requires secrecy. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon (at 4 o'clock and 5 minutes p. m.) proceeded to deliberate with closed doors.

After 2 hours and 30 minutes the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. H. Overhue, its assistant enrolling clerk, announced that the House insisted upon its amendment to Senate amendment No. 113 to the bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD of Indiana, Mr. WASON, and Mr. SISSON were appointed managers at the further conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 13225) providing for the allotment of lands within the Fort Belknap Indian Reservation, Mont., and for other purposes.

The message further announced that the House had passed the bill (S. 5030) authorizing the city of New Orleans, La., to extend Dauphine Street in said city across the United States military reservation known as the Jackson Barracks.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 10074) to enlarge the jurisdiction of the Municipal Court of the District of Columbia, and to regulate appeals from the judgments of said court, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 8067. An act to establish standard weights and measures for the District of Columbia; to define the duties of the superintendent of weights, measures, and markets of the District of Columbia; and for other purposes; and

H. R. 16100. An act making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1922, and for other purposes.

The message further announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 76. Concurrent resolution to print the Journal of the Fifty-fifth National Encampment of the Grand Army of the Republic; and

H. Con. Res. 77. Concurrent resolution to correct the enrolled bill (H. R. 10074) to enlarge the jurisdiction of the municipal court of the District of Columbia, and to regulate appeals from the judgments of said court, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 15275) imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes, and it was thereupon signed by the Vice President.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had to-day approved and signed the bill (S. 3225) for the relief of bona fide settlers who intermarry after having complied with the homestead law for one year.

NATIONAL ENCAMPMENT, GRAND ARMY OF THE REPUBLIC.

The concurrent resolution (H. Con. Res. 76) to print the Journal of the Fifty-fifth National Encampment of the Grand Army of the Republic was referred to the Committee on Printing, as follows:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the Journal of the Fifty-fifth National Encampment of the Grand Army of the Republic for the year 1921, not to exceed $1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15975) making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes.

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

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

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

Ashurst	Glass	Lodge	Smith, Ariz.
Ball	Gooding	McCumber	Smith, Md.
Borah	Gronna	McKellar	Smith, S. C.
Brandegee	Hale	McLean	Smoot
Calder	Harris	Moses	Spencer
Capper	Harrison	New	Sutherland
Curtis	Heflin	Overman	Townsend
Dial	Jones, Wash.	Phelan	Trammell
Dillingham	Kellogg	Phipps	Underwood
Edge	Kenyon	Pittman	Wadsworth
Elkins	Keyes	Poindexter	Walsh, Mass.
Fernald	King	Pomerene	Warren
Fletcher	Knox	Ransdell	Williams
France	La Follette	Robinson	Willis
Frelinghuysen	Lenroot	Sheppard	Wolcott

The PRESIDING OFFICER. Sixty Senators have answered to their names. There is a quorum present.

Mr. POINDEXTER. Mr. President, in view of what has been said, I shall ask that the naval appropriation bill be kept before the Senate until some action is taken on it, and I shall be compelled to decline to yield for other matters.

Mr. BRANDEGEE. Mr. President, the Senator from Idaho [Mr. BORAH] has upon several occasions, if I got the right impression, said in relation to the pending bill—the naval appropriation bill—that he does not think that in the three remaining days of the session it can possibly pass. While I am heartily in favor of this bill, I know it is impossible to drive the bill through simply by holding the Senate in night sessions here, if the Senator and any others who feel as he does, intend to consume the entire time in the discussion of the bill. In view of that, I desire to ask him whether he and those who feel as he does, or, if he can not speak for the others, whether he can make any statement to the Senate in the interest of economy of time in the transaction of the public business which would lead us to decide upon a course?

Mr. BORAH. Mr. President, I stated in my opening remarks on the bill, before the motion to take it up was voted upon, that I did not believe it was possible to pass the bill at this session,

and I am satisfied now that it is not possible to pass the bill at this session. I am perfectly willing to assume any responsibility which may rest upon me individually in saying that, and I am particularly convinced of that fact since this secret session. In addition to that, I have had some conversations with Members of the House, and I know that we are wasting time in passing the Senate bill. I can say to the Senator no more than the fact that it is my opinion that it is impossible to pass the bill at this session.

Mr. BRANDEGEE. Mr. President, if I were required to interpret the statement of the Senator, I should conclude that his reason for thinking it impossible to pass the bill if we stay here all night and day for the next three days was because he did not intend to let it pass.

Mr. BORAH. I do not intend to let it pass in its present condition if I can help it.

Mr. BRANDEGEE. Of course, the Senator and others who think as he does would have a right to vote against all the amendments they did not believe in and all the provisions of the bill they did not believe in, and I should not object to that.

Mr. BORAH. Mr. President, let us take one proposition alone, the question of Alameda. We will have to go into the testimony, and there is not a Senator here, I presume, outside of the members of the Naval Affairs Committee, with the exception of myself, who has read the testimony. It is not a question of having a sufficient naval base upon the Pacific coast; it is a question as to which is the best naval base. That of itself, if it is insisted upon, would take the remainder of this session to discuss.

Mr. PHELAN. Mr. President——

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

Mr. BRANDEGEE. I yield.

Mr. PHELAN. If that item is eliminated, do I understand that the Senator from Idaho will not object to the passage of the naval appropriation bill by the Senate?

Mr. BORAH. No; I did not say that. But I was calling attention to the particular item.

Mr. PHELAN. It may be possible to eliminate what the Senator disapproves of.

Mr. BORAH. The Senator from Idaho has had considerable prominence in this discussion, but there are other Senators, on both sides of the Chamber, who feel just as sincerely against this bill as I do, and I could not make any agreement which in my judgment would mean the passage of the bill. But I do not care to shoulder the responsibility upon anybody else. In my opinion, the bill can not pass at this session.

Mr. WILLIAMS. Mr. President, I want to relieve the Senator from Connecticut [Mr. BRANDEGEE] from a little burden which seems to be resting upon his conscience; and I want to relieve the Senator from Idaho [Mr. BORAH] from the burden he thinks he is responsible for. I shall not voluntarily vote for nor allow to pass a bill which inaugurates naval armament emulation among the nations of the earth, and that is what this bill does. I do not plant myself upon the narrow basis the Senator from Idaho did, as to some question of Alameda, or San Francisco, or some other consideration like that. I think, when this bill passes, the American Republic will have announced to the world that it is seeking sea domination, and every other nation will say about the same thing back to us, and that will begin an endless war of finance to build and rebuild and continue to build ships of every description to enable the nations to fight one another and cut one another's throats.

Mr. EDGE. Mr. President, as I have followed the debate of the Senator from Idaho and others, particularly the Senator from Idaho, it seems there is one important feature which must be disposed of before the bill can be considered in detail, and when I say in detail I mean specific provisions which provide for certain activities of the Navy Department. There is one general feature which comes out in the debate as a matter which every Senator I have heard express himself seems to favor but upon which we are not permitted to have an opportunity to vote. It occurred to me that if the desire for disarmament is entirely sincere—and I have no reason in the world to question the sincerity of the movement, and in fact I do not—it might to some extent relieve the objections which seem to be developing on both sides of the Chamber to the consideration of this bill if the Senate could have an opportunity to express itself directly on this matter. So I offer an amendment to the bill covering the subject, and ask unanimous consent for the immediate consideration. I will ask the Secretary to read the amendment.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from New Jersey to the fact that under an arrangement heretofore entered into committee amendments are first to be considered. What is the request of the Senator?

Mr. EDGE. I ask unanimous consent for the consideration of the amendment I am sending to the desk. Of course, I thoroughly appreciate that without unanimous consent I can not proceed further, and I want to have the amendment stated so that I can get a decision on the request.

The PRESIDING OFFICER. The Secretary will read the proposed amendment.

The READING CLERK. The Senator from New Jersey [Mr. EDGE] proposes the following amendment:

The President is authorized and requested, if not incompatible with the public interest, to invite the Governments of Great Britain and Japan to send representatives to a conference, which shall be charged with the duty of promptly entering into an understanding or agreement by which the naval building program of each of said Governments, to wit, the United States, Great Britain, and Japan, shall be substantially reduced annually during the next five years to such an extent and upon such terms as may be agreed upon, which conclusion is to be reported to their respective Governments.

Mr. WILLIAMS. Mr. President, I want to suggest to the Senator that his request is a bit too narrow. He has confined it to the three countries of Great Britain, the United States, and Japan. I will not insist upon including all the great maritime powers of the world, but if he is going to submit it, unless I object, I must insist upon its including at least France and Italy.

Mr. EDGE. Mr. President, in reply to the Senator from Mississippi, he has a perfect right to extend it if he desires. I am asking unanimous consent, under the rules, for the consideration of this amendment.

Mr. WILLIAMS. Then I object to the unanimous consent, if the Senator will not agree to extend it.

The PRESIDING OFFICER. Objection is made.

Mr. EDGE. I did not hear that objection was made, Mr. President. I had concluded my remarks, in which I expressed a willingness to have it extended, and I thought that met the objection of the Senator from Mississippi.

Mr. WILLIAMS. I beg the Senator's pardon; I thought the Senator said that I had a right to object if I wanted to, but that he would not change the wording.

Mr. EDGE. No; I think the Senator misunderstood me. I am entirely ready, for the purpose of securing unanimous consent, if it is possible, in order to get the sentiment of the Members of this body, to extend the amendment to include those two nations.

Mr. WILLIAMS. That will obviate my objection, at any rate. All I want to accomplish is to have included the chief maritime powers of the world.

Mr. BRANDEGEE. Reserving the right to object——

Mr. EDGE. I will ask the Secretary to add those two countries.

The PRESIDING OFFICER. What is the request of the Senator from New Jersey?

Mr. EDGE. The request of the Senator from New Jersey is that unanimous consent be given to consider at once the amendment I have sent to the desk, adding the countries of France and Italy to the wording as I submitted it.

The PRESIDING OFFICER. The Senator from New Jersey asks unanimous consent for the present consideration of the amendment which was reported a moment ago, and as modified, according to his statement just made.

Mr. BRANDEGEE. Reserving the right to object, I desire to ask a question.

The PRESIDING OFFICER. Does the Senator from New Jersey yield?

Mr. EDGE. I yield.

Mr. BRANDEGEE. Mr. President, the first part of that amendment, as it was read, suggested the language used in a resolution which the Senator from Idaho [Mr. BORAH] has pending here, or has had printed. The latter part of the proposed amendment, however, as nearly as I can follow it, if I caught the meaning of it correctly, simply provides that these delegates, if they agree upon a plan of proportionate disarmament, shall report it to the Governments, but does not provide that their agreement shall not go into effect until the Governments have approved. Is that correct?

Mr. EDGE. That is correct. I modified the original amendment so that it would carry out that meaning.

Mr. BRANDEGEE. The Senator proposes to give the delegates, whom we do not know, without future consideration by the Senate, the right to bind the country to such disarmament as the delegates may think proper?

Mr. EDGE. Absolutely not. I am endeavoring, through this amendment, to have accredited delegates appointed by those respective Nations to consider the question of disarmament,

and, if possible, to come to an agreement among themselves, and then report to their respective Governments the agreement they have arrived at, but in no way acticipating, by the wording of the amendment, that the countries themselves must abide by that agreement until the countries have an opportunity to consider the agreement.

Mr. BRANDEGEE. I ask that the amendment may be again reported.

The PRESIDING OFFICER. The Secretary will read the amendment again.

The READING CLERK. The Senator from New Jersey proposes the following amendment:

The President is authorized and requested, if not incompatible with the public interest, to invite the Governments of Great Britain, France, Italy, and Japan to send representatives to a conference, which shall be charged with the duty of promptly entering into an understanding or agreement by which the naval building program of each of said Governments, to wit, the United States, Great Britain, France, Italy, and Japan, shall be substantially reduced annually during the next five years to such an extent and upon such terms as may be agreed upon, which conclusion is to be reported to their respective Governments.

Mr. BRANDEGEE. If I can understand the English language, that certainly gives the delegates authority to make the agreement.

Mr. EDGE. Among themselves.

Mr. BRANDEGEE. And bind all the countries which they represent, and then report to them what they have agreed upon.

Mr. EDGE. The amendment would be a little clearer if we added three words at the end, "for their action," or "for their approval."

Mr. BRANDEGEE. It would be a great deal clearer to me, and much more satisfactory.

Mr. EDGE. I thank the Senator from Connecticut for his suggestion, and, if I may, before the request is put for unanimous consent, I will add the words "for their approval."

Mr. WILLIAMS. The amendment says they shall report to their respective Governments. Of course, that involves the idea that it must be left to their respective Governments to act. Still, in order to make it perfectly plain, it would be very well to put in the words "for the action of those Governments."

Mr. EDGE. I think the objection of the Senator from Connecticut is met by adding the three words I have already suggested, "for their approval," and I ask for unanimous consent with those words added.

Mr. BRANDEGEE. It would be more satisfactory. I think the subject-matter warrants a little more attention to the drafting of it, because where you give the delegates authority to make an agreement, I would want it specifically provided that the agreement shall not bind the powers concerned until reported to their Governments and approved by their respective Governments. In other words, I would want them to make a recommendation, subject to the approval of the powers which appointed them. Before the Senator gets through, he will be able to modify it, I suppose.

Mr. EDGE. Of course, but I feel reasonably confident, with all due regard to the superior legal knowledge of my good friend from Connecticut, that the amendment I have suggested and sent to the desk would accomplish the very thing he wants to have done. I think we can at least get the sentiment of the Senate on the question of trying to do something toward removing the obstacles to the consideration of the naval appropriation bill, if we can secure a vote on this particular proposition, which seems to be the crux of the opposition, as far as I have been able to follow the debate. So I will again ask for unanimous consent for the consideration of the amendment.

Mr. BRANDEGEE. The Senator feels sure that it satisfies him. I do not feel sure that I am quite satisfied about it.

Mr. EDGE. I would be glad to withdraw it temporarily, then.

Mr. BRANDEGEE. No; I shall not ask that. Of course, if I do not like it, I shall not vote for it; but I have no objection to its consideration.

Mr. BORAH. Mr. President, I have no objection to its consideration; that is to say, if we want to waive the rule which we have heretofore established and take up now the question of disarmament. I, of course, am very glad to do that, and I shall not object to it. But it is understood that after we take it up it is subject to amendment and subject to debate, just the same as if it came up in the regular course of business. In other words, I am utterly opposed to putting France and Italy in, and I shall want to be heard upon that. I am willing to take up the amendment, however, and now proceed to the question of what we will insert in this bill on the question of disarmament.

I wish to say to the Senator from New Jersey, however, that I have studied the situation in the Senate, and know it, and there are some four or five amendments waiting on his amendment which will make the rest of the evening very entertaining.

Mr. EDGE. Mr. President, I am entirely satisfied to see the evening consumed if it will be consumed on a direct question before the Senate, and I think one of the most direct questions in connection with the naval appropriation bill is the question of disarmament. I simply presented an amendment for the purpose of having something definite to debate rather than to talk all over the map, which seems to be the usual custom when objection is raised to a pending question. This amendment can be amended in any other way any Senator wishes to suggest if he can get a majority of the votes. However, it is sufficiently comprehensive, in my judgment, as it appears to present a definite question before the Senate, and if we are sincere on the question of disarmament, then I assume I will have unanimous consent and we can take up the consideration of this amendment and modify it in any way found desirable.

Mr. BRANDEGEE. I assume that the unanimous consent already entered into—that the committee amendments shall be considered first—may be modified by this other unanimous consent. I think the rule so provides.

The PRESIDING OFFICER. The Chair thinks that under the rules and practice of the Senate the Senate can agree to this unanimous consent, if it chooses to do so, and the Chair therefore submits the request for unanimous consent presented by the Senator from New Jersey.

The Senator from New Jersey asks unanimous consent for the present consideration of the amendment which has already been reported. Is there objection?

Mr. HEFLIN. Mr. President, I wish to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HEFLIN. If the resolution is taken up now, that sidetracks the consideration of the naval appropriation bill until this question is disposed of?

The PRESIDING OFFICER. The inquiry of the Senator from Alabama hardly presents a parliamentary inquiry. It is not a resolution. If unanimous consent be given for the present consideration of the amendment, it is in order to amend the amendment and to debate the amendment and the amendments thereto.

Mr. HEFLIN. I beg the pardon of the Chair. I got the impression that it was a resolution. I did not know that it was an amendment offered to the pending bill. I could not hear what the Senator from New Jersey said when he sent it to the Secretary's desk.

The PRESIDING OFFICER. It is proposed as an amendment to the pending bill. Is there objection to the request of the Senator from New Jersey? The Chair hears no objection. The Senate, therefore, will now proceed to the consideration of the amendment offered by the Senator from New Jersey [Mr. EDGE].

Mr. BORAH. Mr. President, the amendment is the same as the amendment which I offered to the bill, with the exception of adding France and Italy.

Mr. EDGE. And with an addition at the end.

Mr. BORAH. No; the way it has been restored, the word "conclusion" is used instead of the word "understanding." It reads now:

The President is authorized and requested, if not incompatible with the public interest, to invite the Governments of Great Britain, France, Italy, and Japan to send representatives to a conference, which shall be charged with the duty of promptly entering into an understanding or agreement by which the naval building program of each of said Governments, to wit, the United States, Great Britain, France, Italy, and Japan, shall be substantially reduced annually during the next five years to such an extent and upon such terms as may be agreed upon, which conclusion is to be reported to their respective Governments for their approval.

Mr. EDGE. The words "for their approval" have been added, and also the words "if not incompatible with the public interest."

Mr. BORAH. The words "if not incompatible with the public interest" are an addition to my resolution, but the words "for their approval" are in my resolution. There is really no difference except in the question of adding the Governments of France and Italy.

The same question as to adding France and Italy was before the Committee on Foreign Relations and was there considered. Some Senators, including among others the Senator from Mississippi [Mr. WILLIAMS], were very urgent that they should be included. All are agreed that the only three nations which are engaged in a competitive naval-building program are Great Britain, Japan, and the United States. France has practically no navy or a navy of very little moment, Italy has no navy of any consideration or any moment, that is of any moment so far as the question of disarmament is concerned. As stated by Mr. Hurd, the great naval expert of England:

Indeed, as first-class naval powers, France and Italy have already disappeared below the horizon.

So we are including two nations which can not be included upon any theory of naval competition or upon any theory that it is necessary for them to disarm. They are disarmed. Neither one of them has laid down a capital ship for the last several years and neither one of them is proposing to lay down any capital ships. They are not proposing to add to their navy in any way of any moment whatever that is of any consideration to us. To include them, therefore, is necessarily to bring another element into the question of disarmament, and that is disarmament by land or the reduction of military forces on land.

I ask the Senator from New Jersey to bear in mind that at Geneva, when the question of disarmament came up, France was the nation which led in opposition to any program of disarmament whatever. She stated that she was not in a position even to consider the principle of disarmament at this time, and it was upon her objection that even the pious resolution that we should sometime—a far-off and most elusive sometime, the sometime which is so often spoken of by those who pay lip service to disarmament, but who are not hard and fast in that resolution—consider disarmament, when offered in the Geneva assembly, was not adopted. France was compelled to object to it and vote against it. If we are acting in good faith, as I know the Senator from New Jersey is, what is the use of calling into the conference the nation which has said within the last few months that she could not and would not take up the question of disarmament even for the purpose of manifesting a desire to disarm under present conditions? The same might be said of Italy. We are bringing about a situation which absolutely precludes the possibility of our making any progress toward disarmament. I am sure the Senator from New Jersey does not desire to do that.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. BORAH. I yield.

Mr. EDGE. I have no intention of entering into a debate on the merits of adding the countries of France and Italy. I did it mainly, as my remarks at the time could well be interpreted, to secure unanimous consent in order that the actual question of disarmament could come directly before the Senate, subject to further amendment as the debate develops.

However, as a brief answer to the suggestion of the Senator from Idaho, I assume that his original resolution and my amendment, worded similarly, would, of course, contemplate the possible additional building program of other countries, France and Italy. Is it not just as well, inasmuch as we are considering the question of general disarmament, and representatives meeting in conference to discuss how it can be brought about, to have the representatives of those great nations, France and Italy, also around the council table even though their navy is negligible and even though they have no definite program for the next five years as contemplated under the amendment? I can not see any real objection to having them considered when the question of disarmament is being considered, rather than not having them in any way a part of the conference.

Mr. BORAH. We know that France has announced her policy relating to disarmament. She announced it at Geneva just a few weeks ago at the time when the Geneva assembly had up the question of disarmament. I regret that I have not before me the resolution which the Geneva assembly desired to pass on the question of disarmament. It was a most inconsequential resolution. It consisted of nothing more, in the language of Lord Cecil, than a pious desire to be in conference, and yet France announced her opposition to it and voted against it.

Mr. McCUMBER. Was that naval or military?

Mr. BORAH. It was disarmament.

Mr. McCUMBER. General disarmament?

Mr. BORAH. Yes, general disarmament; that is, the resolution related to general disarmament. But in her discussion there, through her representatives, France seemed to indicate that at the present time it would have an unfortunate effect upon the military spirit of her own people, and that, owing to the situation in which she was placed with reference to Germany, she had to keep up the military morale or the armament morale of her own people, and therefore her leaders refused even to cast a vote in favor of the principle of disarmament.

Mr. EDGE. Mr. President——

Mr. BORAH. I yield.

Mr. EDGE. I can well understand that France, under existing conditions, most naturally is very determined to maintain an army and a very effective army, but I still do not see why, in a conference absolutely confined to lessening a naval program and in no way referring to an army program, it would not probably be possible to have France and Italy acquiesce to some extent in such a program. It does not necessarily commit them; it does not in fact commit them in the slightest degree, as contemplated by the resolution, to any reduction of their army. I suppose they would naturally feel the same, very likely, that they did at the peace conference. But I can not see any objection to having them participate. We have all to gain and nothing to lose.

Mr. BORAH. Then, why not include Brazil?

Mr. EDGE. There is a limit to all such conferences when you commence them. Naturally you wish to have an assembly of the five great maritime nations of the world.

Mr. BORAH. There is no reason in the world to include Italy and leave out Brazil.

Mr. EDGE. It is a matter of judgment.

Mr. BORAH. Yes; it is a matter of judgment, but I wish to say to the Senator that he is providing a method here by which he will kill the principle of disarmament by simply imposing upon France the burden which she has been willing to assume at Geneva of opposing any program whatever.

Mr. EDGE. The Senator is assuming that she will oppose a naval-reduction program when I see nothing, following his argument, whereby he is justified in making such an assumption as it refers to a navy.

Mr. BORAH. Has the Senator read the debates of the conference representatives? If he has, he will see in a moment that the question of disarmament in whole or in part was covered and discussed, and that France refused to take a stand in favor of the principle, whether applied to a part or the entire question of disarmament. That has only been two weeks ago.

Mr. EDGE. In a general way the Senator from New Jersey followed the discussions of the meeting. However, the pending amendment should not necessarily be confined to the three nations originally contemplated. France originally was not even invited. France was thus encouraged to maintain any contrary position she may have had about general disarmament, either military or naval. The Senator is interested in what I think is a wonderful movement, but he deliberately tells a great nation of the world that we do not even want them to participate in the deliberations, that we assume in advance they will not in any way join the other three nations in bringing about real disarmament.

Mr. BORAH. The French press has said, and one of the public men of France who is now in the peace conference has said, that they would be very glad to see Japan, the United States, and Great Britain proceed with their program of naval disarmament, that France was not in a position to be committed upon the problem. The Senator will recall there was a discussion at the time I offered my resolution that it might be offensive to France because she was not included, and, if the Senator will further recall, the correspondent of the New York Herald printed a number of statements from public men of France to the effect that they did not consider it offensive.

Mr. EDGE. If France has no navy worthy the name, which I think is probably correct compared to the navies of other nations, she has nothing to lose when this is confined absolutely to naval reduction, so I still can not understand why the Senator should assume, confined to that one question in no way of direct interest to her, that she should refuse to be a party to it.

Mr. BORAH. As France has no navy, why does the Senator from New Jersey want her in the conference?

Mr. EDGE. To keep her from having a larger navy in the future if she joins with the rest of the world.

Mr. BORAH. There is no possible chance for France to have a navy in the next five years which would disturb us. She is not proposing to do anything for the next five years. When the Senator brought the resolution into the Senate Chamber he did not have France and Italy included in it. The Senator evidently had reflected upon this resolution before he drew it. He certainly did not write it as he would write a telegram on his way to the depot, and bring it in here without any reflection whatever. He had certainly reflected that it was not proper to include France and Italy in the resolution at all, because he did not include them.

Mr. EDGE. Mr. President, the Senator from New Jersey has reflected for a long time upon the general subject of disarmament, and he is very much in favor of it. The amendment which I have introduced was patterned very much after the amendment which was originally introduced by the Senator from Idaho, as the Senator well knows; it is practically a copy of his amendment.

I have already stated in answer to a similar question by the Senator from Idaho that I included France and Italy primarily to secure unanimous consent to bring the subject before the

Senate, which was otherwise denied. I am not so unreservedly committed to the necessity of including those two countries as might be inferred from my statement, but I do not agree that the inclusion of those two nations is the menace that the Senator from Idaho apparently attempts to make it appear. I do not consider that their inclusion would in any way reduce the possibility of world-wide action; I do not assume that it would in any way destroy the possibility of a world understanding on disarmament. I think it would help it and strengthen it by having representatives of those nations, whether they have any navy or have not any navy. I can hardly consider that a proposition such as this, which is so interesting to every class of citizenship, could be interfered with by the inclusion of the representatives of other great nations, especially when the Senator from Idaho admits that they would not be directly affected, as they have not any navy and, so far as he states, have no large program for a navy in the future.

Mr. BORAH. The Senator from Idaho repeats that it has been but a few weeks since the nations which the Senator from New Jersey wishes to include have expressed themselves in opposition to this proposition. They did so with great deliberation and stated their reasons for their action. To include them at this time is simply to play with the subject; it is to make no progress whatever; it is to brand the action upon its face with insincerity. If France had not declared herself within the last few weeks, and declared herself so broadly that there can be no mistake about her position, there might be some basis for the argument of the Senator from New Jersey; but we know her attitude; it is a settled proposition now. To put into a naval appropriation bill here, which provides for a program of $500,000,000, a resolution which includes two nations, one of which has already objected within a few weeks to even considering the principle, is, in my judgment, to brand the entire transaction with insincerity before the entire country.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Jersey.

Mr. FRANCE. I offer an amendment to the amendment.

The PRESIDING OFFICER. The Senator from Maryland offers an amendment to the amendment, which the Secretary will state.

The READING CLERK. At the end of the amendment of the Senator from New Jersey it is proposed to add the following:

That the President shall advise an agreement which looks to disarmament on the following plan:

First. That a commission made up of three naval experts from the United States, three from Great Britain, and three from Japan, and three from France and Italy shall make a survey to determine and to tabulate the strength and tonnage of the navy of each of the said powers as on July 1, 1921.

Second. That the United States shall enter upon no agreement which does not look to the speedy reduction of naval armament, particularly on the part of those nations having the greatest naval strength and tonnage.

Third. That any agreement shall provide—

(a) That on January 1, 1923, no nation entering upon such agreement shall have a navy of greater strength and tonnage than that of the nation having the navy of greatest strength and tonnage on July 1, 1921, as determined by the commission heretofore provided.

(b) That on January 1, 1925, no nation entering upon such agreement shall have a navy with a total strength and tonnage in excess of 75 per cent of the total strength and tonnage of that nation having the navy of greatest strength and tonnage on July 1, 1921, as determined by the commission heretofore provided.

(c) That on January 1, 1930, no nation entering upon such agreement shall have a navy with a total strength and tonnage in excess of 50 per cent of the total strength and tonnage of that nation having the navy of greatest strength and tonnage on July 1, 1921, as determined by the commission heretofore provided.

(d) That on January 1, 1935, no nation entering upon such agreement shall have a navy with a total strength and tonnage in excess of 25 per cent of the total strength and tonnage of that nation having the navy of greatest strength and tonnage on July 1, 1921, as determined by the commission heretofore provided.

Fourth. That those nations with navies of lesser strength and tonnage than that of the nation having the greatest strength and tonnage on July 1, 1921, as determined by the commission heretofore provided, shall have the right to increase the strength and tonnage of their navies provided that they do not exceed the limits herein prescribed.

SEC. 2. That it is the sense of the Congress, in case such an understanding can be had, that it will conform its appropriation and building plans to such agreement.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state his inquiry.

Mr. WILLIAMS. The amendment offered by the Senator from Maryland, being an amendment to an amendment submitted by unanimous consent, I take it requires unanimous consent, does it not?

The PRESIDING OFFICER. The Chair thinks not. The Chair thinks that the Senate having consented to the consideration of the amendment proposed by the Senator from New Jersey [Mr. EDGE], it is in order to amend his amendment.

Mr. WILLIAMS. Then, Mr. President, I merely wish to remark that instead of looking like an amendment to an amendment which is being considered by unanimous consent, it looks like a codification——

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Mississippi to the fact that unanimous consent has already been given to consider the amendment proposed by the Senator from New Jersey.

Mr. WILLIAMS. I understand that; but I am now talking about the amendment to the amendment. I have already asked the parliamentary inquiry and the Chair has responded to it. I wish simply to say that this amendment to the amendment looks like the codification of a disarmament proposal, instead of being merely an amendment to an amendment designed to forward the movement for disarmament. It goes into infinite detail, and it commits all sorts of people to a measure to which nobody will consent, so far as I can see. I hope, therefore, that the amendment to the amendment will be rejected.

Mr. FRANCE. Mr. President, I do not care to discuss at length the amendment to the amendment.

It is very simple. It provides for a just and equitable disarmament, one which is just to our own country. In a word, it provides that on July 1 next a committee of naval experts from the powers interested shall meet to determine the tonnage and the strength of the various navies; that the navy of the greatest strength on July 1, 1921, shall be considered to be the maximum of naval armament which shall be permitted, and that, taking that as a maximum, there shall after that be a gradual reduction in naval strength. It does, however, provide that those of lesser naval strength than that nation showing the greatest naval strength on July 1, 1921, may be allowed to build up, whereas those of the greatest strength shall not be allowed to continue their building programs.

Mr. WILLIAMS. Mr. President, will the Senator pardon a question there?

Mr. FRANCE. Yes.

Mr. WILLIAMS. Am I right or not in the supposition that the Senator's proposition involves saying to the remainder of the world that we shall start with the biggest Navy in the world and we shall proportionately decrease?

Mr. FRANCE. I think that is hardly a fair interpretation of the meaning of my proposal. It does, however, say to the world that we do not care to subscribe to the doctrine that we shall perpetually be inferior in naval strength to some other nation.

Mr. WILLIAMS. To any other nation.

Mr. FRANCE. To any other nation.

Mr. WILLIAMS. If the Senator means that, then, of course, he means to submit to the nations of the world a proposition which involves the idea that the United States shall have the biggest navy in the world.

Mr. FRANCE. Not necessarily.

Mr. WILLIAMS. Absolutely necessarily.

Mr. FRANCE. On the contrary, a careful reading of my plan—and it has been before the Senate I will say to the Senator for some time——

Mr. WILLIAMS. If the Senator will pardon me, it is absolutely necessarily so in view of his answer to the last question. He has just said that we would not enter into an agreement where we did not have the whip handle. He did not use the words "whip handle," but it amounts to that.

Mr. FRANCE. The purpose, I will say to the Senator, of my amendment is to bring all nations to an equality. Great Britain, for example, having on July 1, 1921, the greatest navy, would be relieved from any further building. The other nations could build up to the point, not to exceed, however, the total maximum strength of Great Britain on July 1, 1921. Then, on July 1, 1923, no nation shall have a navy exceeding the strength of the British Navy—it would be the British Navy—on July 1, 1921.

Mr. WILLIAMS. The Senator means the strength of our Navy in 1923?

Mr. FRANCE. On January 1, 1923, no nation will be permitted to have a navy of greater strength than that nation having the navy of greatest strength on July 1, 1921.

Mr. WILLIAMS. That would be ourselves, of course.

Mr. FRANCE. No; that would be Great Britain. Great Britain would be shown to have the navy of greatest strength on July 1, 1921.

Mr. WILLIAMS. If it be that our Nation would not have the greatest Navy in 1923, then everything that has been said in advocacy of this bill is false, because it has been said all the time that by that date we would have the biggest Navy in the world.

Mr. POINDEXTER. That is a mistake.

Mr. WILLIAMS. I am glad to be told by the Senator from Washington that I have made a mistake. I so seldom find

myself corrected by him that I am willing to be corrected at almost any moment.

Mr. FRANCE. Mr. President, I do not care to discuss the amendment. I think it speaks for itself. It provides for an equitable plan; it would result in the navies of the great powers coming gradually to a point where they would be equal, and then there would be a rapid reduction of the navies on an equitable basis; so that they would be equal at a certain date and they would be immediately reduced. That is the only equitable plan for naval reduction.

Mr. WILLIAMS. Mr. President, of course in the last remark made by the Senator he has made a psychological mistake. If he really were trying to reach a point where all nations would be equal, then there would be no reason for any nation to contend in spending money in order to become superior; but of course that is all they are spending money for.

Mr. President, I think this matter involves so many points of detail, and it is a matter of so much importance not only to the Senate but to the people of the United States, that there ought really to be a quorum to consider it. I therefore ask before a vote be taken upon this amendment——

Mr. POINDEXTER. Let us vote on it now.

Mr. FRANCE. Will the Senator from Mississippi yield for a moment?

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

Mr. WILLIAMS. I yield.

Mr. FRANCE. I will say that I do not contemplate asking for a yea-and-nay vote upon my amendment to the amendment, so that it will not be necessary to call for a quorum.

Mr. WILLIAMS. If it were to be passed without a yea-and-nay vote, we would involve the United States Government in an endless program of detail; we would be instructing commissioners from our country and from Great Britain and Japan and France and Italy about matters of detail that ought to be left to the common sense of the commissioners, and we would do it without a yea-and-nay vote. We ought at least to have a yea-and-nay vote upon it, and before we can have a yea-and-nay vote, of course, we must have a quorum.

Mr. POINDEXTER. Mr. President, I ask for a vote.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland to the amendment of the Senator from New Jersey. Did the Senator from Mississippi suggest the absence of a quorum? The Chair did not understand him.

Mr. WILLIAMS. Yes; I suggested the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

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

Ball	Gronna	McLean	Smith, S. C.
Borah	Hale	Moses	Smoot
Brandegee	Harris	Overman	Spencer
Calder	Heflin	Phelan	Sutherland
Capper	Jones, N. Mex.	Phipps	Thomas
Curtis	Jones, Wash.	Pittman	Townsend
Dial	Kenyon	Poindexter	Trammell
Dillingham	Keyes	Pomerene	Underwood
Edge	King	Ransdell	Wadsworth
Fernald	Knox	Robinson	Walsh, Mont.
France	Lenroot	Sheppard	Warren
Frelinghuysen	Lodge	Shields	Williams
Gerry	McCumber	Smith, Ga.	Wolcott
Gooding	McKellar	Smith, Md.	

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present.

Mr. THOMAS. Mr. President, the amendment offered by the Senator from Maryland [Mr. FRANCE] would seem to be subject to the criticism that while it provides for the appointment of a commission for the purpose of considering the very important subject of reduction of armaments, it assumes to prepare a program for that commission after it is appointed with such minuteness that it might result in defeating itself. Of course, no commission appointed to dispose of so important a subject would presume to act except upon the fullest information, and we of the Senate have not that information and have no way of securing it. There might be and probably would be very potent reasons for adopting some other method, or perhaps some other proportion of relative strength, due to the differences between the geographical boundaries, sea-coast lines, colonial possessions, and other subjects, all of which would necessarily affect the main proposition.

I am heartily in favor of—I will not say disarmament, because that is perhaps an impossible thing. I am heartily in favor, however, of a reduction of armaments, and I should love to see the United States take the lead in that policy, either through negotiation with other maritime powers or by initiating the movement and setting the example on its own account.

I opposed the program of 1916, Mr. President, and attempted at that time to give reasons for my opposition, some of which I think have been verified by results, and none of them have been in anywise adversely affected by the events of the interval between 1916 and 1921. At that time it was asserted that the United States should have a Navy second in power to any in the world. We did not then aspire to supremacy in naval armaments. The reason for limiting our ambitions at that time to a second place were entirely due to the strides that Germany had been making and was then making in the matter of naval construction.

At that time ours was, in fact, the second Navy in the world, but the extent of construction in Germany was not entirely known, and particularly after the empire was virtually cut off from communication after the war by the British blockade.

Just before that time this administration was opposed, or perhaps I should say was lukewarm, upon the subject of an expanded navy. Shortly before the naval program of 1916 its representatives became satisfied that naval expansion was essential, and the German menace was the inspiring motive to the policy of that year. I contended, and so did many of my associates upon this floor, although they were in the minority, that the program announced for that year would inevitably inspire competition and result in increasing expenditures for armaments by every maritime power in the world, and particularly by Japan and Great Britain. The naval bill of that year carried the largest appropriations for a navy ever made by a nation in time of peace, yet it was not one-half the amount which this bill carries, and we are still practically in a time of peace.

The war seems to have transformed the United States from a peace-loving and peace-pursuing people into a potential military power. Prior to the European war armament, whether by land or by sea, was an affair of comparative unimportance. Our isolation from the great powers of the world doubtless had much to do with it; but we prided ourselves upon our capacity to take care of ourselves in the event any exigency requiring it should arise, and upon our reputation as a law-abiding country, enjoying the blessings of freedom, unambitious as to territorial extension, and cultivating the arts of peace with all mankind.

We were told when we entered the war that our purpose was to make the world safe for democracy and were congratulated after the armistice upon having accomplished that benign purpose. But it would seem that it is now necessary for us to bankrupt the Nation in order to make democracy safe for the world, and with a large standing army on land and the largest Navy in the world on sea—both, of course, designed for defensive purposes only, because no army and no navy was ever organized in the world for offensive purposes if the nations engaged in maintaining large armaments are to be believed—instead of making democracy safe for the world we proposed to make the greatest of democracies a menace to the world. We can not build a great navy without using it, nor establish an enormous army without increasing the military spirit. When your neighbor arms himself for defense and goes about the street with a gun in each pocket it is only a question of time when he will utilize his arsenal either upon the pretense of self-defense or because his habits both of mind and of conduct necessarily bring him in conflict either with authority or with the individual. So with nations. Shortly before Germany declared war against France the Crown Prince asked his father what his army was good for if he did not use it—a most pertinent query and one which the Kaiser very shortly afterwards answered effectually, to his own ultimate undoing.

Mr. President, I shall not to-night attempt to discuss the practical, and to my mind the unwise, methods of naval expansion which this bill contemplates, but I do for a few moments want to direct the attention of the Senate to the enormously increasing public expenditures for naval and military purposes in the United States, an increase which is progressive and must soon absorb all of the public revenues, even though they are increased by increase of taxation.

It is not generally known—at least, I do not believe it is—that 93 cents of every dollar paid by the people in Federal taxes is expended for wars we have heretofore waged, and in preparation for wars which we anticipate, leaving 7 cents of every dollar to be devoted to civil administrative purposes. The proportion between the expenditure of our revenue for military purposes and the expenditure for other purposes is a constantly increasing one. Before we entered into the last war about 76 per cent of the public revenues were thus devoted. The difference, of course, has resulted from our engagement in the last war, the burden of which will rest upon the shoulders of the American people for the next four or five generations, to say the least of it, and longer if some spirit of frugality or practice of economy does not overtake succeeding Congresses.

One of the most illuminating articles recently published upon the subject is found in the Saturday Evening Post of February 26, from the pen of Edward G. Lowry. His article is accompanied by two circles, the first showing the relation between the appropriations for obligations arising from recent and previous wars, and for those which are anticipated, and against which we are preparing, and those moneys which are devoted to all other governmental purposes. Less than one-fifteenth part of the circle indicates that part of the revenues which go for what may be termed civil expenditures and needs, and all of the remainder represents appropriations for military and naval purposes.

Another circle represents the average of such expenditures from 1910 to 1919, and the exhibit is a startling one. I read one or two quotations from the article:

About 93 per cent of the money spent by the Government during the last year was on account of past and future wars. So long as we wish to maintain a Military Establishment of 300,000 officers and enlisted men, so long as we feel the necessity of building and maintaining a Navy of the first rank, high taxes are inevitable.

A Government scientist—of whom more later—thought that he could prove to me that—

The cost of all the civil-service activities of the Government during the 10 years from July 1, 1909, to July 1, 1919, averaged $2.15 a year per capita for the population of the country, and during this period the cost increased barely as rapidly as the population of the country increased. At the same time the cost of commodities more than doubled, the cost of living doubled, and the cost of doing private business increased in proportion. Put in other terms, the cost of the civil side of the Federal Government in 1920 was only a little more than half of what it was in 1910, if measured in commodities or if measured in money of equal purchasing power.

The author of this article determined to verify that statement, and therefore obtained all the statistical information possible from the various departments, and particularly the Department of the Treasury, and after obtaining his data, desiring to condense it into proper form, he was greatly embarrassed because it was almost impossible for him to find any machinery, in the way of adding machines, and so forth, which could be used for the accomplishment of such a huge task. He states in the article:

When I got all the figures before me I couldn't add them up. They were staggering.

I went to the biggest bank in Washington and said, "Please total those columns on one of your adding machines."

The assistant cashier took one look at them and replied: "I'm sorry; we can't. Our machines only work up to tens of millions. We never have any need to go above that. Why don't you go round the corner to the adding-machine company and ask them?"

I did, and was told: "You will want an expert operator and one of our 17 bank machines for that job. Try the Treasury and see if they will do it for you."

THE MOUNTING COST OF WAR.

In the Bureau of Internal Revenue they loaned me a machine and an operator.

The only place where he could be accommodated; and here is the important conclusion:

And so I know and can tell you that from 1834 to and through 1919 the War Department actually disbursed $23,002,390,008.65. In the same period the Navy spent $6,907,369,032.84, and pensioners of past wars got $5,634,079,694.23.

That is a thundering total of $29,909,759,041.49 for the Army and Navy alone and leaves out of account the $5,634,079,694.23 for pensions.

Put in another form, the tax burden of 1920 was $37.40 per capita, of which $2.50 was expended for the ordinary affairs of the Government and $34.90 upon our Military and Naval Establishments, plus the pensions, interest upon the public debt, and preparations for future wars, as I have stated.

Mr. President, I think the question which confronts the Congress, and the Nation as well, is this, Is military and naval preparation, whose magnitude leads us inevitably to bankruptcy, worth the price? If it is necessary to carry on a continually increasing military and naval program in order that the Government may live, is it worth preserving if that program leads to inevitable bankruptcy? That is the situation before the country, for this program is constantly extending.

It was stated to-day from several sources that this bill comprises very much more than the program of 1916, and it is insisted that the extension is necessary to meet prevailing conditions. I did not believe it then, and I do not believe it now.

We are at peace with the world. Is there anyone mad enough to believe for a moment, after sober second thought, that such a crime against civilization as a war between the two great English-speaking powers of the world is possible, or that if such a calamity should occur it would not mean the ultimate supremacy of the other races? Does anyone seriously contemplate armed conflict with Japan? Oh, Mr. President, there be differences between nations, serious ones at the present time, but if we who have gone through our recent baptism of blood and sacrifice, the world not yet on its feet after the staggering war of 1914, assume that another World War, or any war between two great modern powers, is the only manner in which their disputes can be adjusted, it is to set aside all our experiences and to belie the civilization of which we proudly boast.

If a government of the people, for the people, and by the people can only exist by having the greatest navy in the world and one of the largest armies, it may be a question whether it has not outlived its usefulness and some change in its form of government should not occur. Militarism and aristocracy or autocracy are not synonymous terms. Militarism can exist in a republic and has done so, and flourished quite as effectively as in monarchies, whether limited or despotic, and unconscious militarism is calculated to grow unseen with every display of military and naval power, and even now I question whether the advocacy of this huge program is not due to that constantly expanding spirit, fed as it is upon hatreds and animosity, all of which might well be avoided, either through the exercise of diplomacy or by other forms of negotiation.

Mr. President, it has been said once or twice here in the debate, and before the bill was reported it was iterated and reiterated upon the floor, that a great Navy is essential for the promotion and protection of our foreign commerce, and that if we are to perform our part in the commercial development of the world and conduct successfully competition with our rivals, we must have behind it the force and the fact and the prestige of the greatest Navy in the world. If that were true, I would doubt the value of our international commerce. It certainly is not worth having if to promote and protect it we must bankrupt ourselves in the construction of a huge naval force. But it is not true. There was a time in the history of the world when America had the greatest merchant marine afloat. It not only required no Navy to enable it to prosper, but, as a matter of fact, we had none worth mentioning.

The great seafaring nations of the world outside of Great Britain are Holland, Norway, Sweden, Japan, and one or two others. Japan has a navy, but she had her merchant marine before her navy was born.

The Norwegian marine fleet is scarcely second to that of Japan or the United States, but she has no navy. Holland is one of the ancient maritime nations. Her navy is negligible. I might assert with equal confidence that a navy is an obstacle rather than a help to the expansion of foreign commerce, and that in that respect we are as well off, and perhaps better off, without than with it. I am very free to confess that if the argument were a sound one it would be the best which has been presented for our consideration, because then the end of our naval armament would be peaceful and commercial rather than militant or aggressive.

But the point which I rose to emphasize and which I will repeat and then yield the floor, is the enormously increasing expenditures of the public moneys in a mad race with other nations for supremacy in naval armament, based upon appeals to the warlike spirit of the people, also to their fears and their apprehensions, enlarged and exaggerated by rumors and gossip concerning the intentions, the purposes, and the animosities of nations with whom we are at peace. If this is to continue, then the war which we have recently fought and fought successfully will have been fought in vain, and the United States which we have preserved has been saved only to be bankrupted by armaments that were never dreamed of before it was fought. The whole system and policy is fundamentally wrong, and it is manifest that as long as it is continued no limitation can be placed upon it.

Everyone says we want a reduction or limitation in armaments, but we must continue as long as the other nations persist in expansion. Japan says the same thing and Great Britain likewise, and soon Italy and France will join in the mad competitive race. Just as long as that spirit persists, just so long will these increasing armaments continue, until some little spark will set the magazine afire and the world will be wrapped again in the flames of war.

Germany was ostensibly ready to limit her military forces if France would, France if Germany would, and both if Russia would do likewise. While these expressions were glibly passed from one to the other, armaments continued until they became so huge and overwhelming that the nations had to resort to war to escape that financial collapse which such expanding conditions necessarily produced. Singular, is it not, that three or four years ago we were denouncing the militarism of Germany as a menace to the world, and having destroyed that menace we are imitating her example upon the seas? The way to diminish our armaments is to diminish them, and I think it is a safe prediction to make that if this the greatest power in the world will have the magnanimity to set the example, other nations of the world will gladly imitate it.

Mr. PHELAN. Mr. President, I had not expected to address the Senate at this time on the Japanese question, but the debate has been precipitated by the opposition to the Senate bill providing for an adequate Navy. The speakers seem to dwell upon the point that the only reason why there should be an adequate Navy would be to meet the menace of Japan. Then they argue that there is no menace and therefore we need not provide adequately for a Navy. If their premises were correct, they would be doubtless right in their conclusions, but the menace of Japan is so manifest that he who runs may read, especially in these later months when Japan, a member of the League of Nations, has cast off all disguise, allied herself with the powers of Europe, where we are not represented, and has apparently assumed an unfriendly position.

It reminds me that, not long ago, was it not a cardinal sin in the Senate to frankly speak in open session of the hostile attitude of other nations toward our own, lest it mar international good neighborhood and friendly relations? But secrecy and silence are poor weapons with which to contend—and so they have been condemned—and now there is between nations a fuller, if not a better, understanding. But ultimately a fuller will lead to a better understanding, and, as Carlyle says, all warfare is misunderstanding. Let us by all means hereafter have the facts elicited by open discussion. I used the word "hostile" advisedly, because there is such a thing as the invasion of a land without the beat of drum and call of fife, and there are manifestations of hostility in other respects without the commission of overt acts.

Japan has risen in 70 years to a position of first-rate importance in the family of nations. I doubt if in all history there is another example of a nation attaining such stature in so short a time. It is a deplorable fact that the United States is responsible for it. Commodore Perry, about 70 years ago, at the mouth of our cannon, forced the opening of Japan to the world; but when the commodore opened Japan he did not know what was in it. A warlike people, they had been engaged from time immemorial in internecine struggle; a people of quick intelligence, they soon adapted themselves to modern methods, and while lacking in the inventive faculties and in initiative, so imitative are they that during this very short period they have attained a high position in manufactures and in the arts of peace.

Their manufactures, from simple textiles to giant dreadnaughts, are capable of meeting in the open market the products of the more refined and advanced nations.

They are still a young and a rude nation, and it is the history of the world that such nations, rising from small beginnings, have overcome the great and the proud nations, because the great and the proud nations, having enjoyed leisure by reason of their great accumulations of wealth, become enfeebled. The men lose their fighting fiber; they lose their taste for conflict; they lose their national spirit; they become what are called rather contemptuously "pacifists." When the Spaniard entered the Caribbean he found some of the natives there willing to accept Spanish domination and to bow their necks to the cruel and galling yoke, and so the Spaniards called them contemptuously "pacificos." So have old nations become pacific—submissive. Fighting is distasteful. Japan, now rising, is one of the young nations of the world, and if we could only get the perspective, projecting ourselves into the future and looking backward, we should see her coming forward—for what purpose? For conquest.

Egypt, Greece, and Rome have all passed through the stage of growth, civilization, leisure, and decay; and the great nations of Europe are in mortal peril now because, devastated by war and enervated by luxury, they find that the only intact peoples of the world are the Asiatics. That great work, The Rising Tide of Color, shows that the Asiatics have always pressed upon European civilization. They have been driven back here and there, as at Vienna by Sobieski, and at Tours by Charles Martel; but the pressure continues, and now Europe is in no position to resist that rising tide of color. This young nation in the Orient, doubtless, will marshal the troops of Asia, including the 400,000,000 population of China, some day, and, making common cause, will not only overwhelm the Pacific and the Pacific littoral, but will overwhelm Europe itself. Hence we should be advised in time. Shall we make a stand?

Charles Martel put off disaster for hundreds of years; so did Sobieski. In the Battle of Marathon, which was one of the decisive battles of the world, the Greeks held back the Asiatics.

So it is a world problem and not a local problem that looms before us. The manifestations in California are merely symptomatic of the general disease. California has taken the same stand that the Europeans took at Marathon, at Vienna, and at Tours in trying to hold back this tide; but the Nation at large does not realize it. We are told by good, easy gentlemen that we shall not need a Navy or an Army because, forsooth, the Japanese menace is a bugaboo; that there is no real substance to it.

In 1910, when the census was taken, there were 40,000 Japanese in California; there are now 100,000. At that time the orientals owned or controlled 70,000 acres of land; now they control or own 624,000 acres out of a total of 3,900,000 acres of the irrigable lands in my State. They control 1 in 6 of these the best tillable acres in California. Yet, numerically, they stand in the proportion of 100,000 to 3,400,000. Those who do not look upon it as a danger say, "Why, there are 3,400,000 of the Caucasian population and only 100,000 Japanese." But the Japanese cluster in colonies, and wherever they go they displace the white man. The white man disappears, and—

> The fell disease, which must destroy at length,
> Grows with its growth and strengthens with its strength.

I happen to have here a comment of Dr. Elwood Mead on that very point. Dr. Elwood Mead is the professor of rural institutions at the University of California and chairman of the State land-settlement board. He gives this as an example—and it is a pertinent example—which will at once inform the Senate of the dangers which are present and imminent:

> In Placer County, for example—

That is one of the central counties in the State, adjoining the county of Sacramento, where is located the State capital.

> In Placer County, for example, 15,000 out of the 19,000 irrigated acres are leased or owned by Japanese. The fine homes of the former tenants are empty; they shelter rats and owls. So far as white people are concerned, the towns are socially dead. The irrigated part of Placer County is practically a little Japan. The people from Nippon dominate its life. Controlling the land, they can perpetuate the ideals, habits, religion, and loyalties of the mother country, and do this indefinitely.

The Japanese, on the acreage they now control, produced last year nearly all the vegetables and a large portion of the small fruits to the value of $67,000,000, and they, contrary to sound economic laws, send the bulk of this money, which they do not leave in trade with their own compatriots, to Japan, constituting an economic drain. How long can this last?

But is not immigration restricted? Partially; yes; but the birth rate is not. One out of every thirteen children born in California is Japanese. The percentage of births to white women is 9.9 per cent; to Japanese women 28.8 per cent.

In the rural portions of Los Angeles County, of which we hear so much, in that very rich and fertile land 33 per cent of all the births to-day are Japanese and in rural Sacramento County as high as 49 per cent.

We may stop Japanese immigration, but that does not cure the evil, because with their enormous birth rate it is estimated that in 90 years there will be more Japanese children born in California than white children. In 7 years the Asiatic children born in Hawaii, taking citizenship under the Constitution of the United States by reason of their birth, will control the political institutions of that Territory. That is the danger. We have an immigration problem. We can settle that by an act of Congress or by treaty, but how can we settle the problem which presents itself to us when, admitted under the forms of law or otherwise, we have a population such as I have described of orientals perpetuating themselves with frightful rapidity. Wallace Irwin, who has just written The Seed of the Sun, a book describing in the form of a romance the conquest of California by the Japanese, says it is an interesting but horrifying thought that when the sun is descending in California it is rising in Japan.

There is an instinctive fear throughout the Pacific among the native tribes, as well as among the Caucasians in California, in Washington, Oregon, New Zealand, Canada, and Australia that their very life is threatened; and in the position they are taking they are simply maintaining the ancient law of self-preservation; that is all there is to it.

I have shown you that there has been a peaceful conquest going on by reason of the lax and generous laws of the United States. We are seeking to put an end to it, and in seeking to put an end to it we are affronting, if you please, Japan. What will Japan do? Theodore Roosevelt was so impressed with the military prowess of this people, after they had whipped China and Russia, that he would not allow California, acting within her jurisdiction, to segregate Japanese and white school children. I have seen in Placer County 70 per cent of all the children in a public school Japanese, and outside the door I could see, pointed to by the teacher of those children, the Shinto temple where all the Japanese children were herded after school hours to be taught the Japanese language, ideals, traditions, and the worship of the Emperor. Shintoism is the worship of the Emperor; he is God given; and the loyalty

of the people of Japan is of a religious character and can not be eradicated. The Emperor holds in loyalty all the sons of Nippon, no matter where they may go.

We have heard much of dual allegiance; it is a single allegiance in the case of the Japanese. They go through the forms of respecting American laws and customs and even seeking citizenship, but their allegiance is to the Emperor. If we became involved in war with Japan, they have a garrison of 100,000 in California and 120,000 in Hawaii Territory, where float the Stars and Stripes over 12,000 Americans. What would become of the military garrison in the Hawaiian Islands, the key of the Pacific, should Japan make an unexpected and determined move? When she moves, she gives no notice; she does not inquire if the Senate is ready to pass upon the naval bill to provide greater strength and security for this country. When she struck at Russia, she was in a state of peace with Russia, but she entered Port Arthur and there began her treacherous yet successful campaign. She could take to-morrow the Philippines and Guam and go armed to Hawaii, and we would be without adequate power to offer immediate resistance.

Only since last year, under the administration of Secretary Daniels, have we had a Pacific Fleet at all. As has been told you by others more competent, our west coast is not defended. The Pacific coast is exposed.

Japan is the German of the Pacific. German trained are her troops. German ideas have been implanted in the Japanese mind during that period—formative—when she was seeking a position in the world, and she has planned to acquire the Pacific piecemeal diplomatically, not necessarily by waging war but nevertheless effectively, if she is given her way. In evidence of this, I need but remind you that she has taken a mandate for the Marshall, Mariana, and the Caroline and other groups of islands north of the Equator, including the island of Yap, bringing her advanced line 2,000 miles nearer Hawaii, and she holds as mandatory those islands to-day. Notwithstanding the fact that the United States, through the President, has made a reservation in favor of Yap, saying it was a necessary link in cable communication, Japan will not yield. The United States had a German concession before the war for cable purposes. The United States seeks to hold that poor privilege in common with other nations, and to internationalize—not to seize, possess, own, and control, but to internationalize—that island in order that we might exercise a right which had been granted to us by Germany before the war. Japan has, however, issued her defi. "The council of the League of Nations," she says, "has given us Yap, and Yap we propose to hold." What are you going to do about it? Are you going to submit to it?

Well, there are those who say, "What is Yap worth? Why fight over Yap?" Well, what is Guam worth? What is the key of the Pacific, the Territory of Hawaii, worth? What of the nose of the camel? "Is it worth a drop of a soldier's blood?" That sounds very well. Nothing is worth a drop of a soldier's blood in times of profound peace. That is the way we talk to mothers and daughters. It is the language of pacifism; but the soldier is willing to give his blood to defend the honor of his country at any time and anywhere, in any land. And so these platitudes are vain. Blood letting will follow wrongdoing. All the mothers and all the daughters and all the old women, let us say, of both sexes, as pacifists have been described, may plead in vain to the young American soldier not to go to the front in defense of the cause of his country.

He will go, and in the late war he went, after it had been made manifest that a great power was trespassing upon our rights, with the ultimate purpose of controlling the destiny of our country. I tell you that Japan has modeled herself after the German high command, the German autocracy, and unless she is restrained, and if we show no disposition to protect rights which we are informed by our own Government are ours lawfully and legally, she will make other trespasses until she will gain the control she seeks without striking a blow, and the world will hold the great American Republic in contempt.

Japan is very much wiser than her neighbors. Do you know that the great Herbert Spencer was drawn into this discussion? When Japan organized her Government she asked Herbert Spencer, the great economist and an accepted authority, whether she should admit foreigners. Herbert Spencer said, "Emphatically, no." I will write you this letter, said he to the learned statesmen of Japan who sought his advice, to be published, however, after my death. I dare not have it published in my lifetime, because it would irritate my countrymen who have been seizing the countries of the world, wherever they were not opposed, and subjugating and destroying the native populations, and he pointed to the example of India, and he pointed to the example, as he might have, of other countries, and he deprecated infiltration by Caucasians into Asiatic countries, not for the benefit of the Asiatics alone but for the benefit of the Europeans as well, because as a biologist he knew the impossibility of these people assimilating. He said: Grant to the foreigners only bare commercial privileges. Do not permit them to own lands. Do not permit them to lease lands. Hold them at arm's length, and make no attempt at intermarriage with them, because it is biologically impossible to produce under such circumstances a race that will not be of a deteriorated character, and he instanced the case of all half-castes, the mestizos and the mulattoes and the mongrels of other countries, where, as was pointed out in certain nameless countries, the Indian and the white man and the black man, each good within his limitations, have been ruined by an attempt at amalgamation.

It has been said that God made the white man, God made the black man, but the devil made the half-caste. So it is impossible to consider the Japanese as capable of coming into our country as the nationals of other lands and assimilating with us, and the Japanese know it. They have refused foreigners all the privileges which I have described—land ownership, intermarriage, land leasing. They have granted, as they were advised by Herbert Spencer, only bare commercial privileges, and it has inured to their great advantage, because they have preserved the purity of their race, and they are in the arts and in manufactures triumphant, and as a fighting people they rank with the best.

I will read this paragraph from the letter of Herbert Spencer, and then ask, if there be no objection, that it be published in full in the RECORD, because it is not generally known. He says:

> I have, for the reasons indicated, entirely approved of the regulations which have been established in America for restraining the Chinese immigration.

You see, the Chinese immigration was an older problem than the Japanese immigration. We barred the Chinese about 1879, and the Japanese did not come along until about 1885, and then they came by way of Hawaii, and they have crept in, making but little noise; and in a land where the Chinese were barred the Japanese were permitted to come until their character was determined, and then there was this opposition upon the west coast to the Japanese as well as there had been in a previous generation to the Chinese; so Herbert Spencer says:

> I have, for the reasons indicated, entirely approved of the regulations which have been established in America for restraining Chinese immigration, and had I the power I would restrict them to the smallest possible amount. my reasons for this decision being that one of two things must happen: If the Chinese are allowed to settle extensively in America, they must either, if they remain unmixed, form a subject race standing in the position, if not of slaves, yet of a class approaching to slaves, or, if they mix, they must form a bad hybrid. In either case, supposing the immigration to be large, immense social mischief must arise, and eventually social disorganization. The same thing will happen if there should be any considerable mixture of European or American races with the Japanese.
>
> You see, therefore, that my advice is strongly conservative in all directions, and I end by saying, as I began, keep other races at arm's length as much as possible.

Japan followed that advice; and when we bar Japanese from the land, when we restrict their immigration, we are simply doing what Japan herself is doing and has successfully done during the last half century. She will not admit Koreans nor Chinese where they compete with her own people, and if we but follow Japan's example we shall be absolutely right. And how can Japan consistently object? But she does.

As I said, even Theodore Roosevelt—who had no love for the Japanese as a people, nor did he desire to see them attempt assimilation with us—was so impressed by their diplomacy and their prowess that he stopped California from regulating the schools; and then what happened? When we undertook to settle the land question Mr. Bryan came, representing the present administration, and interposed his objection, of course at the instance of the Japanese ambassador; but California did not listen at that time to the advice of Mr. Bryan and passed a statute, and subsequently, when it was found inadequate, she passed by initiative—one of the processes we may enjoy under our State constitution—a law which closed all the gaps, so we have to-day a practically perfect law. Ah, if there is anything perfect to resist the chicanery and cunning of the oriental, we have a perfect law which bars Japanese from owning or leasing the soil, also Chinese, and also Hindus, because it relates simply to those who under our Federal naturalization laws are ineligible to citizenship.

I said if there is anything that would bar an oriental it is that law; but since it was enacted this thing has happened, which is very interesting:

In order to prevent the Japanese from changing his form and incorporating himself as a corporation and thus owning land, the Japanese were also barred by the law from forming corporations for land ownership in California. By one of the war statutes, intended to facilitate the naturalization of those otherwise eligible who had enlisted for the war, the courts in the Hawaiian Islands, particularly, have admitted Japanese to citi-

zenship because they had been in the service of the Navy and Army as stewards or waiters or mess boys, and they have actually, to the number of perhaps a thousand or more, become citizens of the United States, in the very face of the Federal law which limits citizenship to those of the white race or of the Negro race or of Negro descent; and so they have slipped cunningly under the door, using a mistaken interpretation of a war statute to become citizens.

If that were all there were to it, it might not interest California; but the Japanese, desiring to own land, have brought these so-called naturalized citizens of Japanese origin to California and used them as dummies to organize corporations, and such corporations have bought the lands. That is history. I will submit for the RECORD, without reading, documentary evidence.

Then there was another question raised quite recently, when the legislature met for the purpose of perfecting its laws with respect to orientals, and asked the advice of Mr. Lansing, then in Paris, as to whether the time was opportune. Of course, the Federal Government always says the time is not opportune. Their business is to maintain "friendly relations" at any cost, and they are seemingly quite willing at any time to sacrifice California and Oregon and Washington and Arizona in the cause of international peace. That is diplomacy. They do not want to disturb the people of the Middle West or the Atlantic seaboard by having an unseemly quarrel with Japan. So they throw California to the wolf in order to satisfy his hunger.

Mr. Lansing advised that no action be taken, and he had probably more reasons than other representatives of previous administrations, because he was negotiating there with the Japanese on the subject of racial equality. But I believed, and still believe, that if California had taken a strong position at that time he could have pointed to this rebellious State which would not heed his advice, and therefore it would have appeared to Japanese diplomatists that the Federal Government did not control the question at all where the question lay entirely within the scope of the State. But we did not pursue that course. So the California Legislature hesitated to cure the defects of the law until the initiative of last year, which was precipitated by the very refusal of the legislature to act. The people acted.

At Paris the Japanese were denied racial equality. This is a point I wish to make in order further to emphasize the necessity of a navy. At the conference in Paris the Japanese asked for racial equality. They wanted recognition by the allied nations, with whom they had fought side by side on terms of equality, of the essential equality of their nationals in the world's field; that is to say, Japan asked that her nationals be given every right and privilege enjoyed by the nationals of every other nation, and on its face it sounded very plausible to those who did not understand its deep significance.

We gladly give the Italians, the French, the Dutch, the English, the Irish, the Scotch, and the Scandinavians all certain privileges, that they may become American citizens by naturalization, and, acquiring citizenship, they may own land, and at any time they may intermarry, and enjoy all the privileges embraced in our American citizenship. If the Japanese were granted those privileges, they would then be free to come into this country, just as the nationals of other lands; they would be free to control our soil by ownership or lease or otherwise, as the nationals of other lands, free to intermarry, free to engage in every pursuit, to enter the Army, the Navy, run for office, and enjoy the elective franchise. When I show you that in California they live in colonies; that they are unassimilable; that they do not intermarry; that they have a great greed for the acquisition of land; that when once they establish themselves they destroy the white man, and are incapable of making a homogeneous American population, you will see the dangers that would flow to the State if we had conceded the principle of racial equality at that Paris conference.

Why was it not conceded? It was because Great Britain, at the instance of her overseas colonies of Australia, New Zealand, South Africa, and Canada, refused to concur, and the United States refused to concur. The President, we are told, was in the chair, and when the motion was put, it was carried by a majority vote of 12 to 6, when the President ruled that the motion was lost; and when the Japanese representative demurred, the President said, "Matters of large importance, under our rules, require unanimity," although but a moment before they had fixed the seat of the League of Nations at Geneva by a majority vote, to which his attention was called by the Japanese; but he said that was a matter of small importance, a mere matter of procedure.

So the ruling of the President requiring unanimity at Paris, backed by Great Britain and her colonies, saved us from having to recognize the principle of racial equality, which would have brought untold disaster upon this country. See how close we were to danger. But the Japanese representative protested the ruling and announced that he would again bring it up for action.

The island of Yap has been given by the council of the League of Nations to Japan, and we have protested that we had prior rights there; but our protest is unheeded. So these allied nations in council, being the functioning League of Nations of the world, are denying the United States her international rights. Does not that indicate that there is need for a larger police force in our front yard, when our house is threatened? Shall we refuse to carry out the naval program of 1916, which gives us superior strength over Japan, and almost equal strength with England, when there are these great questions pending, critical in character? It would be the quintessence of folly to abandon our established position. We now have a great Navy; we now have an invincible Army; and now is the time to sit down at the table and settle these questions with our truculent friend on the other side of the ocean. There is no longer any disguise. Professions in diplomatic terms of friendship mean nothing, because their acts are acts of hostility.

Therefore I believe, not wishing to delay the proceedings of the Senate to-night by unnecessary debate, that the naval appropriation bill as reported by the Senate Committee on Naval Affairs should be passed; that it would be the answer of the United States to the League of Nations, which does not stand in great favor on the other side of the Chamber; it would be the answer of the United States to Japan as to our attitude on the subject of Yap; it would be the answer of the United States to the barring of our trade from those great insular lands in the neighborhood of Guam, where we used to trade, even under German rule, freely in copra and commodities of American manufacture, and where now our merchants are denied. The open door has been the traditional policy of the United States in the Orient, and now, after a World War, which our boys won for the nations of the world, we are least in the scale of nations. Shall we lose our rights and prestige enjoyed before we entered that struggle? We are insolently told to mind our own business. Shall we remain isolated in our aloofness and abandon our trade and our security? These nations have organized and have issued their decree, and if we persist in our folly of opposing the wishes of the united nations of France, Great Britain, Italy, and Japan, functioning as a League of Nations, we will have to do what?

Either pocket our pride and suffer our loss, or assert ourselves. Nobody wants to fight if it can be avoided. That is a concession which I will make to pacifists. I am for peaceful solution where possible, but we have no peace standing if we have no war standing. There is no sane person who will willfully enter into a fight if there is any other way of solving a problem. But it looks to me that with this hostile alliance against us, with no disposition to treat or to act either in justice or in liberality, we must have an armament, and always have an armament, until the conditions of the world change and a chastened human nature becomes more conciliatory. But human nature is one of those things which can not be easily changed. A philosopher has said, "You can drive nature out with a club, but she will surely come back." The most conspicuous thing about us, as well as the meanest thing, it is said, is our human nature, and unless and until by act of Congress we can change human nature—civilizing processes may bring it about—or by act of Congress persuade the League of Nations to surrender the advantages they have seized—negotiation may accomplish it—we will have to maintain a formidable armament, in order that in a selfish and predatory world our voice may be heard.

Confident of the justice of our cause, we only seek a platform from which we may speak. How vain is the unsupported word addressed to the aggressive and ruthless foe. The Liberty on the Dome of the Capitol is an "armed Liberty."

I submit certain papers and ask that they may be printed in the RECORD.

The PRESIDING OFFICER. There being no objection, the matter referred to is ordered printed in the RECORD.

The matter referred to is as follows:

LETTER OF HERBERT SPENCER AGAINST ASSIMILATION OF RACES.

FAIRFIELD, PEWSEY, WILTS, *August 26, 1892.*

MY DEAR SIR: Your proposal to send translations of my two letters to Count Ito, the newly appointed prime minister, is quite satisfactory. I very willingly give my assent.

Respecting the further questions you ask, let me, in the first place, answer generally that the Japanese policy should, I think, be that of keeping Americans and Europeans as much as possible at arm's length. In presence of the more powerful races your position is one of chronic danger, and you should take

every precaution to give as little foothold as possible to foreigners.

It seems to me that the only forms of intercourse which you may with advantage permit are those which are indispensable for the exchange of commodities—importation and exportation of physical and mental products. No further privileges should be allowed to people of other races, and especially to people of the more powerful races, than is absolutely needful for the achievement of these ends. Apparently you are proposing by revision of the treaty with the powers of Europe and America "to open the whole empire to foreigners and foreign capital." I regret this as a fatal policy. If you wish to see what is likely to happen, study the history of India. Once let one of the more powerful races gain a point d'appui and there will inevitably in course of time grow up an aggressive policy which will lead to collisions with the Japanese; these collisions will be represented as attacks by the Japanese which must be avenged, as the case may be; a portion of territory will be seized and required to be made over as a foreign settlement; and from this there will grow eventually subjugation of the entire Japanese Empire. I believe that you will have great difficulty in avoiding this fate in any case, but you will make the process easy if you allow of any privileges to foreigners beyond those which I have indicated.

In pursuance of the advice thus generally indicated I should say, in answer to your first question, that there should be not only a prohibition of foreign persons to hold property in land, but also a refusal to give them leases, and a permission only to reside as annual tenants.

To the second question I should say decidedly prohibit to foreigners the working of the mines owned or worked by Government. Here there would be obviously liable to arise grounds of difference between the Europeans or Americans who worked them and the Government, and these grounds or quarrel would be followed by invocations to the English or American Governments or other powers to send forces to insist on whatever the European workers claimed, for always the habit here and elsewhere among the civilized peoples is to believe what their agents or sellers abroad represent to them.

In the third place, in pursuance of the policy I have indicated, you ought to also keep the coasting trade in your own hands and forbid foreigners to engage in it. This coasting trade is clearly not included in the requirement I have indicated as the sole one to be recognized—a requirement to facilitate exportation and importation of commodities. The distribution of commodities brought to Japan from other places may be properly left to the Japanese themselves, and should be denied to foreigners, for the reason that again the various transactions involved would become so many doors open to quarrels and resulting aggressions.

To your remaining question respecting the intermarriage of foreigners and Japanese, which you say is "now very much agitated among our scholars and politicians," and which you say is "one of the most difficult problems," my reply is that, as rationally answered, there is no difficulty at all. It should be positively forbidden. It is not at root a question of social philosophy. It is at root a question of biology. There is abundant proof, alike furnished by the intermarriages of human races and by the interbreeding of animals, that when the varieties mingled diverge beyond a certain slight degree the result is inevitably a bad one in the long run. I have myself been in the habit of looking at the evidence bearing on this matter for many years past, and my conviction is based on numerous facts derived from numerous sources. This conviction I have within the last half hour verified, for I happen to be staying in the country with a gentleman who is well known and has had much experience respecting the interbreeding of cattle; and he has just, on inquiry, fully confirmed my belief that when, say of the different varieties of sheep, there is an interbreeding of those which are widely unlike, the result, especially in the second generation, is a bad one—there arise an incalculable mixture of traits, and what may be called a chaotic constitution. And the same thing happens among human beings—the Eurasians in India, the half-breeds in America, show this. The physiological basis of this experience appears to be that any one variety of creature in course of many generations acquires a certain constitutional adaptation to its particular form of life, and every other variety similarly acquires its own special adaptation. The consequence is that, if you mix the constitution of two widely divergent varieties which have severally become adapted to widely divergent modes of life, you get a constitution which is adapted to the mode of life of neither—a constitution which will not work properly, because it is not fitted for any set of conditions whatever. By all means, therefore, peremptorily interdict marriages of Japanese with foreigners.

I have for the reasons indicated entirely approved of the regulations which have been established in America for restraining the Chinese immigration, and had I the power I would restrict them to the smallest possible amount, my reasons for this decision being that one of two things must happen. If the Chinese are allowed to settle extensively in America they must either, if they remain unmixed, form a subject race, standing in the position, if not of slaves, yet of a class approaching to slaves; or if they mix they must form a bad hybrid. In either case, supposing the immigration to be large, immense social mischief must arise, and eventually social disorganization. The same thing will happen if there should be any considerable mixture of European or American races with the Japanese.

You see, therefore, that my advice is strongly conservative in all directions, and I end by saying as I began—keep other races at arm's length as much as possible.

I give this advice in confidence. I wish that it should not transpire publicity, at any rate during my life, for I do not desire to rouse the animosity of my fellow countrymen.

I am sincerely, yours,

HERBERT SPENCER.

P. S.—Of course, when I say I wish this advice to be in confidence, I do not interdict the communication of it to Count Ito, but rather wish that he should have the opportunity of taking it into consideration.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., February 1, 1921.

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

MY DEAR SENATOR: I beg to acknowledge your letter of December 29, 1920, which has received careful attention in this department and necessitated some investigation as to the methods of handling naturalization cases, particularly those claims for naturalization under the Army act.

I have arrived at the conclusion that the present method of representing the United States in all naturalization cases by the naturalization examiners of the Department of Labor will serve in each instance to call to the attention of the court, wherein naturalization is claimed, the views of the Commissioner of Naturalization as to the meaning of the act of May 9, 1918, and as to those eligible to naturalization thereunder. Such department having trained examiners who appear in every case, I deem it necessary to circularize the several district attorneys and impose upon them the duty of appearing in all such cases and opposing such applicants for naturalization. This department has not rendered any opinion on the construction of the act in question.

I am informed that the case of Richard Sato, who applied for naturalization under the Army act in the district of Oregon, will probably go to the circuit court of appeals for the ninth circuit for a construction of his eligibility under this act, and in that way a judicial determination of the true meaning of the act will be secured, it is hoped, within the near future.

Very respectfully,

A. MITCHELL PALMER,
Attorney General.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, February, 1921.

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

MY DEAR SENATOR: Your letter of the 1st instant, to the Commissioner of Naturalization, with reference to the naturalization of subjects of Japan under the act of May 9, 1918, has been considered by the officer named and has been called to my personal attention by him.

I note that you state that Judge Bledsoe had told you that one of the naturalization examiners requested favorable action in the case of a Japanese, and that the same thing happened in San Francisco and Honolulu. A report has this day been made of the chief naturalization examiner at San Francisco concerning this matter, and instructions have been given which will leave him in no doubt that it is the administrative view that Congress has made no provision for the naturalization of other than free white persons and persons of African nativity and descent, with the exception of the Filipinos referred to in the seventh subdivision of section 4 of the act of June 29, 1906, as amended by the act of May 9, 1918.

It is the duty of the Naturalization Service to bring all facts to the attention of the court in any case pending before it, leaving the court, in whom alone is vested the power to authoritatively decide the question of the admissibility of any alien, to determine whether or not Congress has made provision for the naturalization of such an applicant.

Instructions have been given that in view of the conflict in the decisions regarding this subject every effort should be made to have some case carried to the Supreme Court for ultimate decision.

Very truly, yours,

W. B. WILSON, *Secretary.*

[Excerpt from CONGRESSIONAL RECORD of Apr. 12, 1918, p. 5009.]

NATURALIZATION OF ALIENS IN MILITARY SERVICE.

"Mr. HARDWICK. From the Committee on Immigration I report back favorably with amendments the bill (H. R. 3132) which I send to the desk, and I submit a report (No. 388) thereon. I wish to make a brief statement to the Senate about the bill after the Secretary reads the title.

"The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). The Senator from Georgia submits a report, which the Secretary will state.

"The SECRETARY. Mr. Hardwick, from the Committee on Immigration, reports favorably with amendments the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization.

"Mr. HARDWICK. I ask unanimous consent for the immediate consideration of the bill reported from the Committee on Immigration.

"The PRESIDING OFFICER. Is there objection?

"Mr. GALLINGER. I shall not object now, but I should like to hear the Senator make his statement before the question is put.

"Mr. HARDWICK. Mr. President, I was about to explain why it is necessary, in my judgment, that the Senate should proceed immediately to consider and pass this proposed legislation. We have in the first draft army of the United States 123,277 alien soldiers, some of whom undoubtedly might have claimed exemption but did not. Of these soldiers, 46,732 hold their first naturalization papers and 76,545 have no naturalization papers whatever.

"It is impossible, or at least it is unfair, to send these soldiers to the battle line in Europe until they have been naturalized and made citizens of this country, so that they will not be subjected to charges of treason against the Governments and princes of whom they were formerly subjects. The War Department is not willing to subject these men to that sort of danger. It is not fair to them and it is not just to the country. They are scattered practically through every command in the Army, or in the new draft army, and it can not be moved as it ought to be moved until these soldiers can be put in a position where this difficulty will be eliminated.

"Now, it seems to me that more important than any debate on any domestic question, more important than any dispute about labor, or more important than any bill about presidential powers over executive departments is a proposition to get the Army of the United States so that it can move to the battle line. This is the paramount reason why I ask unanimous consent for the consideration of this bill as amended by the Senate committee. It is to give the authorities of the country, the War Department, and the Navy Department full power.

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

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

"Mr. HARDWICK. I do.

"Mr. THOMPSON. Are these the men who are already drafted into the service?

"Mr. HARDWICK. Yes; they are soldiers wearing the uniform already.

"Mr. THOMPSON. And already trained?

"Mr. HARDWICK. There are 123,000 of them already trained, under the flag, and wearing the uniform, who can not justly be sent over to Europe until this legislation is passed.

"Mr. THOMPSON. There ought not to be any debate on that question.

"Mr. HARDWICK. No; there will not be. Now, in order to be fair, let me state that there is more than that involved in this legislation. When the United States declared war, on April 6, 1917, of course, aliens who came from Germany—and subsequently, when we declared war against Austria-Hungary, the same thing was true with reference to that country—could no longer become naturalized in this country. They became alien enemies, so that petitions that had already been filed under the naturalization laws and were already pending in court could not be prosecuted to a successful conclusion in court. The House of Representatives, realizing the injustice of this, passed, some days ago, a bill which provided that where naturalization petitions were pending and the first papers had been taken out prior to the declaration of the war with these countries the court could allow these people to become naturalized upon proper showing of loyalty and good citizenship."

UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF CALIFORNIA,
Los Angeles, Calif., February 18, 1921.

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

MY DEAR SENATOR: In the Associated Press dispatches of February 10, I noticed a statement emanating from the Department of Labor purporting to quote from a letter written by you to Secretary Wilson to the effect that I "had told you that one of the naturalization examiners requested favorable action in the case of a Japanese," etc. I remember the occasion when we discussed this matter very well—coming down on the train with you from San Francisco, and my statement then made to you was not precisely as you seem to have recited it to the Secretary of Labor, or else I failed to indicate to you with precision just what I had in mind.

The circumstances were these: On March 18, 1919, a Japanese named Myamoto, who had been in the United States Navy as a steward under Admiral Fullam for a number of years, applied for citizenship. The naturalization examiner here, Mr. Frederick K. Jones, was then in receipt of a memorandum from the Deputy Commissioner of Naturalization, Mr. Crist, to the general effect that the act of May 9, 1918, providing for the naturalization of "every alien" who was serving in the Army or Navy, etc., was applicable to Japanese as well as other races. Mr. Jones, the examiner, acquiesced in the suggestion emanating from his superior and stated that in the light of the statements contained therein, he saw no reason to oppose or question the propriety of granting the application. I read the memorandum and glanced rather hastily at the act above referred to, and after adverting to the fact that the act was somewhat complicated in its phraseology, indicated that I saw no reason to question the correctness of the conclusions entertained or the attitude assumed by the department in the premises, and thereupon I proceeded to admit the Japanese to citizenship.

Thereafter, having occasion myself independently to give careful consideration to the statute, I came to the conclusion that it was not the intention of Congress to let down the bars in favor of the Japanese or any other people denied admission under the terms of section 2169 of the Revised Statutes, save Filipinos, and so expressed myself, declining thereafter to admit aliens of the proscribed category.

I did not go into all these details with you in our conversation on the train, but was endeavoring merely to indicate that my first action in the premises was induced by the affirmative attitude and representations of the Department of Labor and of the naturalization examiner here. I did not, however, intend to indicate that the local naturalization examiner had "requested favorable action in the case." The examiner in no case coming before me has ever "requested favorable action." He simply presents the application, together with the Government's attitude, whether favorable or adverse, and awaits the judgment and action of the court.

I am writing at this length merely as a matter of justice to Mr. Jones, the local examiner, and that I myself may be set right in your own mind.

I am, as ever,

Very cordially, yours,

BENJAMIN F. BLEDSOE,
Judge of the United States District Court.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D. C., February 7, 1921.

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

MY DEAR SENATOR: Replying to your letter of January 24, 1921, requesting information regarding the admission to citizenship of a Japanese person now stationed on the U. S. S. *Mayflower*, and whether there was a general dismissal of Japanese from the Navy immediately before or after the declaration of war with Germany, you are informed that by order of the Supreme Court of the District of Columbia one Tsurusaki Shiro, steward to the President, was admitted to citizenship on February 18, 1919. He has now applied to the court for permission to change his name from Tsurusaki Shiro to Shiro Tsurusaki, claiming the latter to be correct.

You are also informed that there was no general dismissal of Japanese from the Navy immediately before or after the declaration of war, but at the present time no person of Japanese descent is being enlisted in the Navy unless he can prove United States citizenship.

Sincerely, yours,

JOSEPHUS DANIELS,
Secretary of the Navy.

[Statistics prepared by the Board of Control of the State of California showing Japanese land control and birth rate.]

"RELATIVE FECUNDITY.

"As to the relative fecundity of Japanese and white women, the figures following are submitted:

Married white women in California (in age groups).

[United States census—1910.]

Age.	Women.
15 to 24 years	54,773
25 to 44 years	258,503
45 years and over	132,315
Total	445,593

"The above figures show 313,281 married white women in California in 1910 under 45 years of age, of the usual child-bearing ages.

MARRIED JAPANESE WOMEN IN CALIFORNIA.

(Special census in 1919 by Japanese Association of America.)

Northern California (married Japanese women)	8,704
Southern California (Japanese women)	6,507
Total	15,211

"The marital condition of the 6,507 Japanese women in southern California was not shown, but they were enumerated in a separate class from the children of both sexes ranging from 1 to 19 years of age. Inasmuch as these Japanese women are classified as above 19 years of age, it will be assumed, for purposes of comparison, that they are all married and of child-bearing ages. In so doing the possibility of overstating the birth rate is practically eliminated, and the results of such comparison would be favorable to the Japanese.

Births.

Race.	Births, 1910.	Births, 1919.	Total for 10 years 1910-1919.
Japanese	719	4,378	28,037
Chinese	277	432	3,822

"(b) In 1910 Japanese births represent 1 out of every 44 children born in the State. In 1919 Japanese births represent 1 out of every 13 children born in the State.

"(c) In 18 selected agricultural counties of the State the average births of Japanese have risen from 3.2 per cent of the total births in 1910 to 12.3 per cent in 1919.

"In the rural parts of Sacramento County 49.7 per cent of all births in 1919 were Japanese.

"CALIFORNIA ALIEN LAND LAW.

"[Enacted by State legislature in 1913.]

"[Chapter 113.]

"An act relating to the rights, powers, and disabilities of aliens and of certain companies, associations, and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, and repealing all acts or parts of acts inconsistent or in conflict herewith.

"(Approved May 19, 1913.)

"*The people of the State of California do enact as follows:*

"SECTION 1. All aliens eligible to citizenship under the laws of the United States may acquire, possess, enjoy, transmit, and inherit real property, or any interest therein, in this State in the same manner and to the same extent as citizens of the United States, except as otherwise provided by the laws of this State.

"SEC. 2. All aliens other than those mentioned in section 1 of this act may acquire, possess, enjoy, and transfer real property, or any interest therein, in this State, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the Government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise, and may in addition thereto lease lands in this State for agricultural purposes for a term not exceeding three years.

"(The above paragraph refers to the treaty of commerce and navigation of 1911 between America and Japan. See full text as part of this report, p. 115.)

"SEC. 3. Any company, association, or corporation organized under the laws of this or any other State or nation, of which a majority of the members are aliens other than those specified in section 1 of this act, or in which a majority of the issued capital stock is owned by such aliens, may acquire, possess, enjoy, and convey real property, or any interest therein, in this State in the manner and to the extent and for the purposes prescribed by any treaty now existing between the Government of the United States and the nation or country of which such members or stockholders are citizens or subjects, and not otherwise, and may in addition thereto lease lands in this State for agricultural purposes for a term not exceeding three years.

"SEC. 4. Whenever it appears to the court in any probate proceeding that by reason of the provisions of this act any heir or devisee can not take real property in this State which, but for said provisions, said heir or devisee would take as such, the court, instead of ordering a distribution of such real property to such heir or devisee shall order a sale of said real property to be made in the manner provided by law for probate sales of real property, and the proceeds of such sale shall be distributed to such heir or devisee in lieu of such real property.

"SEC. 5. Any real property hereafter acquired in fee in violation of the provisions of this act by any alien mentioned in section 2 of this act, or by any company, association, or corporation mentioned in section 3 of this act, shall escheat to, and become and remain the property of the State of California. The attorney general shall institute proceedings to have the escheat of such real property adjudged and enforced in the manner provided by section 474 of the Political Code and title 8, part 3, of the Code of Civil Procedure. Upon the entry of final judgment in such proceedings, the title to such real property shall pass to the State of California. The provisions of this section and of sections 2 and 3 of this act shall not apply to any real property hereafter acquired in the enforcement or in satisfaction of any lien now existing upon, or interest in such property, so long as such real property so acquired shall remain the property of the alien, company, association, or corporation acquiring the same in such manner.

"SEC. 6. Any leasehold or other interest in real property less than the fee, hereafter acquired in violation of the provisions of this act by any alien mentioned in section 2 of this act, or by any company, association, or corporation mentioned in section 3 of this act, shall escheat to the State of California. The attorney general shall institute proceedings to have such escheat adjudged and enforced, as provided in section 5 of this act. In such proceedings the court shall determine and adjudge the value of such leasehold, or other interest in such real property, and enter judgment for the State for the amount thereof together with costs. Thereupon the court shall order a sale of real property covered by such leasehold or other interest in the manner provided by section 1271 of the Code of Civil Procedure. Out of the proceeds arising from such sale the amount of the judgment rendered for the State shall be paid into the State treasury and the balance shall be deposited with and distributed by the court in accordance with the interest of the parties therein.

"SEC. 7. Nothing in this act shall be construed as a limitation upon the power of the State to enact laws with respect to the acquisition, holding, or disposal by aliens of real property in this State.

"SEC. 8. All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

"CALIFORNIA ALIEN LAND LAW OF 1913—HOW EVADED.

"The intent of this law was to prevent aliens who are ineligible to citizenship from owning land in California. This, however, does not prevent American-born children of 'ineligible' alien parents from owning land, and such ineligible aliens soon resorted to the expedient of purchasing land in the names of their American-born children, thereby acquiring the entire control of the land thus owned, as though purchased direct by such aliens.

"Inasmuch as very few of the American-born children of such alien parents have attained legal age, it is necessary to secure the appointment of a guardian of lawful age, or a properly qualified trustee, to act for each of such minor property holders. In many instances the ineligible alien parent has applied for guardianship and has been appointed. Recently, however, superior courts of this State have denied petitions for guardianship filed by ineligible aliens as involving evasions of the land laws of the State. Consequently many of these minor children are now owning and holding land in their own names without guardian or trustee, subject, of course, to the limitations of minors as to transfer, etc., of real property. (Records of superior courts for the counties of Sutter, Los Angeles, Tulare, and Fresno.)

"For the purpose of acquiring alien control of land without the limitations imposed by guardianship or the difficulties of reconveyance by minor children the Japanese resorted to the formation of corporations. The law requires that a majority of the stock be held by American citizens. To overcome this provision 51 per cent of stock is issued to an American citizen,

usually the attorney for the corporation or some employee in his office, who acts as trustee for the real owner of the stock, who may be an ineligible alien or a minor child, American born, of alien parents.

"It is a source of deep regret that there are attorneys in the State who, despite their oath to support the constitution and the laws of this State, nevertheless sell their legal talent in aiding this breach of the spirit and purpose of the alien land law.

"In all these cases the acquisition, development, operation, and control of the farms are entirely in the hands of the ineligible alien, the American trustee being almost invariably merely the holder of a naked trust without any personal investment and without participation in either the management or profits.

"WASHINGTON ALIEN LAND LAW.

"The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this State, except where acquired by inheritance, under mortgage, or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of land hereafter made to any alien directly, or in trust for such alien, shall be void; provided that the provisions of this section shall not apply to lands containing valuable deposits of minerals, metal, iron, coal, or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom. Every corporation the majority of the capital stock of which is owned by aliens, shall be considered an alien for the purpose of this prohibition. (Constitution of Washington, art. 2, sec. 33.)

"An effort was made to amend this section to make inapplicable to the conveyance of lands within cities to resident aliens. In the election of November, 1914, the proposal was voted down by a vote of 55,080 to 212,542.

"ARIZONA ALIEN LAND LAW.

"No person, other than a citizen of the United States or who is eligible to citizenship under the existing laws of the United States, and no corporation more than 30 per cent of whose stock is owned by persons other than citizens of the United States or who have declared their intention to become such, or who are eligible to citizenship under existing laws of the United States, shall hereafter acquire any land or title thereto or interest therein, other than mineral lands, or such as may be necessary for the actual working of mines and the reduction of the product thereof; provided that no alien shall acquire title to any land or real property within this State, except as hereinafter provided; and provided further, that this chapter shall not prevent an alien from leasing any land or real property within this State for a period of not exceeding five years; and provided further, that this chapter shall not prevent the holder (whether aliens or nonresidents) of liens upon real estate or any interest therein heretofore or hereafter acquired from holding or taking a valid title to the real estate in the enforcement of such lien; nor shall it prevent any such alien from enforcing any lien or judgment for any debt or liability now existing, or which may hereafter be created, nor from becoming a purchaser at any sale made for the purpose of collecting or enforcing the collection of such debt or judgment, nor preventing widows or heirs who are aliens, or who have not declared their intention to become citizens of the United States, from holding lands by inheritance; but all lands acquired as aforesaid shall be sold within five years after the title thereto shall be perfected in such alien, and in default of such sale within such time, the title of such real estate shall revert and escheat to the State of Arizona; and any person who has, under his declaration to become a citizen, acquired the title to or the right to possession of lands in this State and who fails to complete his citizenship shall be subject to all the provisions of this chapter relating to aliens.

"The provisions of this chapter shall not be construed in any way to prevent or interfere with the ownership of mining lands or lands necessary for the working of mines and the reduction of the products thereof; nor shall the provisions of this chapter be so construed as to conflict in any manner with any rights existing under and by virtue of any treaty of the United States with any other country. (Stats. 1917, p. 57.)

"SOME COUNTRIES HAVING ALIEN LAND LAWS, WITH A DIGEST OF SAME.

"Mexico: Only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership in lands, waters, and their appurtenances, or to obtain concessions to develop mines, waters, or mineral fuels in the Republic of Mexico. The nation may grant the same right to foreigners, provided they agree before the department of foreign affairs to be considered Mexicans in respect to such property, and accordingly not to invoke the protection of their Governments in respect to the same, under penalty, in case of breach, of forfeiture to the nation of property so acquired. Within a zone of 100 kilometers from the frontiers, and of 50 kilometers from the seacoast, no foreigner shall under any conditions acquire direct ownership of lands and waters.

"Australia: The matter of land ownership is one affecting the individual State governments. In the States of New South Wales, South Australia, and Tasmania restrictions are imposed upon the tenure of lands by aliens. In Victoria and Western Australia there are no such restrictions. Following is a summary of the State laws:

"(1) New South Wales. Under the Crown lands consolidation act, 1913, an alien is not qualified to apply for an original homestead selection, original conditional purchase lease, settlement lease, original homestead lease, or original conditional purchase, unless he has resided in New South Wales for one year, and at the time of making application lodges a declaration of his intention to become naturalized within five years. If he fails to become naturalized within that period, the land is forfeited. This residential limit of 12 months does not, however, apply to applicants for homestead farms, Crown leases, suburban holdings, and leases within irrigation areas, but any alien who becomes the holder of any of these tenures must become naturalized within three years after his becoming such holder. Failure to comply with this regulation involves forfeiture of such holding, together with all improvements thereon.

"(2) Victoria. Under the supreme court act, 1915 (sec. 3), every alien friend resident in Victoria may acquire, either by grant from the Crown or otherwise, both real and personal property.

"(3) Queensland. Under the land act, 1910 (secs. 59b and 62), an alien can not apply for any land in Queensland unless he obtain a certificate that he is able to read and write from dictation words in such language as the minister for lands may direct. If he acquire a selection he must within five years of such acquisition become a naturalized subject.

"(4) South Australia. In South Australia, Asiatics are disqualified from holding perpetual leases of lands in irrigation areas under section 19 of the irrigation and reclaimed lands act, 1914.

"(5) Western Australia. In this State aliens are under no disability as regards the acquisition of the freehold of lands already alienated. Every applicant to acquire Crown lands, whether by a British subject or an alien, is subject to the approval of the minister for lands, with an appeal to the governor in council.

"(6) Tasmania. Under the aliens act, 1861 (sec. 2), aliens can not hold real estate. An alien, if the subject of a friendly State, may, however, occupy lands for any term not exceeding 21 years.

"Pacific Islands. (1) North Borneo: 'Any alien desirous of purchasing land from a native shall address his application to the collector, who, if he sees fit to sanction such purchase, shall, if the native owner consents, acquire the land on behalf of the government and shall fix the premium and quitrent at which the land shall be leased by the government to the applicant, and such new lease shall be issued under Part II or III hereof.' (Ordinances of North Borneo, 1881–1914, p. 349.)

"(2) For New Guinea, New Caledonia, the Society Islands, and other small islands in the South Pacific, statutes or ordinances are not available.

"Japan: There are three ways in which foreigners may hold land in Japan: (1) By ordinary lease, running for any convenient term and renewable at the will of the lessee. The rent of such leased property is, however, liable to a review by the courts, after a certain number of years, on the application of either party. (2) A so-called superficies title may be secured in all parts of Japan, save what may be called colonial areas, running for any number of years. Many such titles now current run for 999 years, and so far as appears they might run for 5,000. These titles give as complete control over the surface of the land as a fee simple title would do. (3) Foreigners may form joint-stock companies and hold land for the purposes indicated by their charters. Some of these charters contain provisions practically limiting membership to foreigners. They are juridical persons formed under the civil code of Japan and are regarded as just as truly Japanese legal persons as though composed solely of Japanese. Foreigners are excluded from membership in corporations subsidized by the Japanese Government.

"Aside from the three classes of holdings mentioned above, in the concessions of the old extra-territorial days, permanent leases are obtainable by purchase, from time to time. The rental on this property is fixed by the terms of the original deeds, at yen, 28 per hundred tsubo (400 square yards) per year

for the business sections and considerably less for the residence sections of the concessions. In Yokohama the rental on the Bluff lots is yen, 12.00 per hundred tsubo. This rental is in lieu of all other taxes, and The Hague Tribunal has decided that this stipulation gives immunity from taxation to all buildings or other improvements on such lots.

"These permanent leases have been the subject of much controversy, but many of the lots have already passed into Japanese hands, and it is probable that this special form of ownership will ere long disappear.

"A new foreign ownership law was passed in 1910, but has never been placed in operation. By this law ownership is permitted to those foreigners who maintain a household or lodging in the country, or to those foreign juridical persons who keep an office in Japan. It compels any foreign landowner who may leave the country, and thus fail to maintain a household or lodging, to sell his property within five years, on penalty of its reversion to the national treasury. Ownership is limited to certain geographical sections.

"This law has not been placed in force, because, it is claimed, it is unsatisfactory to the Government, which desires a more liberal measure. According to press dispatches a new law is now pending before the Imperial Parliament.

"United States—Philippine Islands.—The fourth Philippine Legislature, special session of 1919, in act No. 2874, H. No. 1194, H. Con. Res. No. 37, passed an act which is now in force in the Philippine Islands, and which became a law with the sanction of the Federal Government of the United States and is very specific in all of its sections in confining ownership and leasing of land to citizens of the Philippine Islands or of the United States, except that citizens of countries whose laws grant to citizens of the Philippine Islands the right to acquire land may acquire in the Philippine Islands a parcel of agricultural land not in excess of 100 hectares. Chapter 4, section 12, reads in part as follows: 'Any citizen of the Philippine Islands or of the United States over the age of 18 years * * * may enter a homestead * * *.'

"Chapter 5, section 23, reads as follows: 'Any citizen of lawful age of the Philippine Islands or of the United States, and any corporation or association of which at least 61 per cent of the capital stock or of any interest in said capital stock belongs wholly to citizens of the Philippine Islands or of the United States, and which is organized and constituted under the laws of the Philippine Islands or of the United States, or of any State thereof, and authorized to transact business in the Philippine Islands, and corporate bodies organized in the Philippine Islands authorized under their charters to do so, may purchase any tract of public agricultural land disposable under this act, not to exceed 100 hectares in the case of an individual and 1,024 hectares in that of a corporation or association * * *: *Provided*, That citizens of countries the laws of which grant to citizens of the Philippine Islands the same right to acquire public land as to their own citizens may while such laws are in force, but not thereafter, with the express authorization of the legislature, purchase any parcel of agricultural land not in excess of 100 hectares, available under this act, upon complying with the requirements of this chapter.'

"Chapter 6, section 34, relating to leasing, reads as follows: 'Any citizen of lawful age of the Philippine Islands or of the United States, and any corporation or association of which at least 61 per cent of the capital stock or of any interest in said capital stock belongs wholly to citizens of the Philippine Islands or of the United States, and which is organized and constituted under the laws of the Philippine Islands or of the United States, or of any State thereof, and authorized to transact business in the Philippine Islands, may lease any tract of agricultural public land available for lease under the provisions of this act not exceeding a total of 1,024 hectares: *Provided*, That citizens of countries the laws of which grant to citizens of the Philippine Islands the same rights to lease public land as to their own citizens may, while such laws are in force, but not thereafter, with the express authorization of the legislature, lease any parcel of agricultural land not in excess of 1,024 hectares, available for lease in accordance with this act, * * *.'

"Chapter 7, section 41, relating to free patents of lands, reads as follows: 'Any native of the Philippine Islands * * * shall be entitled under the provisions of this chapter to a free patent * * *.'

"SEC. 120. No land originally acquired in any manner under the provisions of this act, nor any permanent improvement on such land, shall be encumbered, alienated, or transferred, except to persons, corporations, associations, or partnerships who may acquire lands of the public domain under this act; to corporations organized in the Philippine Islands authorized therefor by their charters, and upon express authorization by the Philippine Legislature, to citizens of countries the laws of which grant to citizens of the Philippine Islands the same right to acquire, hold, lease, encumber, dispose of, or alienate land, or permanent improvements thereon, or any interest therein, as to their own citizens, only in the manner and to the extent specified in such laws and while the same are in force, but not thereafter.

"SEC. 121. No land originally acquired in any manner under the provisions of the former public land act, or of any other act, ordinance, royal order, royal decree, or any other provision of law formerly in force in the Philippine Islands with regard to public lands, terrenos baldios y realengos, or lands of any other denomination that were actually or presumptively of the public domain, or by royal grant, or in any other form, nor any permanent improvement on such land, shall be encumbered, alienated, or conveyed, except to persons, corporations, or associations who may acquire land of the public domain under this act, to corporate bodies organized in the Philippine Islands whose charters may authorize them to do so, and upon express authorization by the Philippine Legislature to citizens of countries the laws of which grant to citizens of the Philippine Islands the same right to acquire, hold, lease, encumber, dispose of, or alienate land or permanent improvements thereon or any interest therein as to their own citizens, and only in the manner and to the extent specified in such laws and while the same are in force, but not thereafter: *Provided, however*, That this prohibition shall not be applicable to the conveyance or acquisition by reason of hereditary succession duly acknowledged and legalized by competent courts, nor to lands and improvements acquired or held for industrial or residence purposes while used for such purposes: *Provided further*, That in the event of the ownership of the lands and improvements mentioned in this section and in the last preceding section being transferred by judicial decree to persons, corporations, or associations not legally capacitated to acquire the same under the provisions of this act, such persons, corporations, or associations shall be obliged to alienate said lands or improvements to others so capacitated within the precise period of five years, under the penalty of such property reverting to the government in the contrary case.

"SEC. 122. Any acquisition, conveyance, alienation, transfer, or other contract made or executed in violation of any of the provisions of sections 116, 118, 119, 120, and 121 of this act shall be unlawful and null and void from its execution and shall produce the effect of annulling and canceling the grant, title, patent, or permit originally issued, recognized, or confirmed, actually or presumptively, and cause the reversion of the property and its improvements to the Government."

"HAWAII OPPOSED TO JAPANESE LAND OWNERSHIP.

"Press dispatches from Honolulu, dated April 28, 1920, read as follows:

"'Robert W. Shingle, Territorial senator and member of the legislative commission which recently returned from Washington, in an open letter to the Pacific Commercial Advertiser published here to-day declared that many Congressmen opposed opening of public lands in Hawaii to homesteading because of increasing number of Japanese in the Territory obtaining American citizenship.

"'The United States Congress is almost unanimously averse to the granting of homestead privileges on highly developed public lands in the Territory of Hawaii, because it is by no means satisfied of the complete sincerity of Americanism in the growing class citizenship in these islands,' the letter said.

"'I allude to Hawaiian-born Japanese, thousands of whom annually come into the sacred inheritance of Amercian citizenship.

"'Neither Congress nor I have any intention of calling into question the loyalty of Hawaiian-born Japanese in this Territory. However, America learned a bitter lesson of nationalization during the past five years, one which cost dear in blood and ideals.

"'The problems involved in efforts to obtain a homesteading law were based upon a desire of the Territorial legislature to provide some means for restoration of public lands to Hawaiians. Public lands have been leased and control obtained by others than Hawaiians. To secure a return of these lands, as expiration of leases, to Hawaiians, a rehabilitation bill was submitted to Congress and urged by the commission.'"

NOTE.—Since the above article was published the House of Representatives has passed a homestead law for the Hawaiian Islands, in which the privilege of acquiring a homestead is confined strictly to native Hawaiians who are descendants of the original natives of the islands.

"ALIEN LAND LAW OF JAPAN.

"Japanese law, like the alien land law of California, prohibits aliens from owning land in fee, but permits leaseholds for varying terms of years, confined to industrial and residential purposes—no agricultural lands leased.

"Legislation broadening land ownership by foreigners was attempted in 1910, following representations made by a number of foreign Governments, and was favorably acted upon by the Japanese Diet, but the law has never been promulgated, and is therefore not in force.

"A similar fate attended the more recent efforts of the Japanese Parliament in the same direction, induced apparently by a desire to overcome Mexican arguments against granting Japanese the right to own land.

"MILLIONS OF ACRES AVAILABLE IN JAPAN.

"The impression quite generally prevails in this country that the Japanese are compelled to emigrate to other countries out of sheer necessity of making a living. It is alleged that the population of Japan is increasing so rapidly that the producing lands are not capable of supporting the population. That this is an erroneous impression is evidenced by the following announcement concerning available farm lands in Japan, which was published in the Japanese American News, January 6, 1920, and dated as a dispatch from Tokyo, December 15, 1919:

"'New farm villages opened all over the country—Land untaxed for 40 years—Great inducements to farmers—Japan's big reclamation scheme—5,000,000 acres new farm land.

"'For the past 10 years the department of agriculture and commerce has been conducting an investigation of all arable lands in the different municipalities and Prefectures. The investigation, which was completed two years ago, has shown that there are 2,000,000 cho (5,000,000 acres) of farm land which can be reclaimed under the waste-land reclamation law. Work has already begun this year (1919) for the opening up of 1,500,000 cho (3,250,000 acres) for rice and vegetable fields. The Industrial Bank is to supply the necessary capital, and the scheme extends over 30 years * * *.

"'The Government is to encourage agricultural settlers by grants of aid, low rates, easy payments, and practical exemption of newly opened land from taxation for 40 years.'

"This same erroneous impression is corrected by the statements of Carl Crow, in his book entitled 'Japan and America,' issued in 1916, from page 20 of which we quote the following:

"'It is frequently asserted that every square foot of arable land in Japan is under intensive cultivation. Doubtless this is the impression one gets on coming from America, where, in some places at least, the owners still count their possessions by the section and the quarter section rather than the acre. But a closer study of the area of the country and its development reveals the fact that the present area under cultivation might be appreciably increased. Though theirs is a mountainous country, the Japanese are not mountaineers, but dwellers of the plains and valleys. There they live, contented with their narrow fields; the sides of hills and mountains which would be terraced by Chinese or Igorots remain uncultivated and unproductive. The Government authorities, after a careful survey of the entire country, have reached the conclusion that simply by reclaiming and putting under cultivation the land which is inclined at an angle of less than 15 degrees the area of arable land may be doubled.'

"In this same connection we quote from the April, 1920, issue of Outlook Magazine, the organ of the Interchurch World Movement, which published the following in an article by Mr. Young, of the Japan Chronicle, entitled 'What the World Wants to Know About Japan':

"'Japan is, of course, just becoming an industrial nation. While on the other hand the shortage of labor is becoming a serious question the growth of population is now beyond the ability of the country to feed itself. However, the claims that Japan must go elsewhere to find room for her people is sheer nonsense, for she has the whole of the Hokkaido (the north part of the main land) which is hardly populated.'"

"INITIATIVE, AMENDING CALIFORNIA ALIEN LAND LAW.
[Adopted Nov. 2, 1920.]

"PROPERTY RIGHTS AND DISABILITIES OF ALIENS IN CALIFORNIA.
[Initiative measure to be submitted directly to the electors.]

"Alien land law. Initiative act. Permits acquisition and transfer of real property by aliens eligible to citizenship, to same extent as citizens except as otherwise provided by law; permits other aliens, and companies, associations, and corporations in which they hold majority interest, to acquire and transfer real property only as prescribed by treaty, but prohibiting appointment thereof as guardians of estates of minors consisting wholly or partially of real property or shares in such corporations; provides for escheats in certain cases; requires reports of property holdings to facilitate enforcement of act; prescribes penalties and repeals conflicting acts.

"An act relating to the rights, powers, and disabilities of aliens and of certain companies, associations, and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith.

"*The people of the State of California do enact as follows:*

"SECTION 1. All aliens eligible to citizenship under the laws of the United States may acquire, possess, enjoy, transmit, and inherit real property, or any interest therein, in this State, in the same manner and to the same extent as citizens of the United States, except as otherwise provided by the laws of this State.

"SEC. 2. All aliens other than those mentioned in section 1 of this act may acquire, possess, enjoy, and transfer real property, or any interest therein, in this State, in the manner and to the extent and for the purpose prescribed by any treaty now existing between the Government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise.

"SEC. 3. Any company, association, or corporation organized under the laws of this or any other State or nation, of which a majority of the members are aliens other than those specified in section 1 of this act, or in which a majority of the issued capital stock is owned by such aliens, may acquire, possess, enjoy, and convey real property, or any interest therein, in this State, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the Government of the United States and the nation or country of which such members or stockholders are citizens or subjects, and not otherwise. Hereafter all aliens other than those specified in section 1 hereof may become members of or acquire shares of stock in any company, association, or corporation that is or may be authorized to acquire, possess, enjoy, or convey agricultural land, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the Government of the United States and the nation or country of which such alien is a citizen or subject, and not otherwise.

"SEC. 4. Hereafter no alien mentioned in section 2 hereof and no company, association, or corporation mentioned in section 3 hereof, may be appointed guardian of that portion of the estate of a minor which consists of property which such alien or such company, association, or corporation is inhibited from acquiring, possessing, enjoying, or transferring by reason of the provisions of this act. The public administrator of the proper county, or any other competent person or corporation, may be appointed guardian of the estate of a minor citizen whose parents are ineligible to appointment under the provisions of this section.

"On such notice to the guardian as the court may require, the superior court may remove the guardian of such an estate whenever it appears to the satisfaction of the court:

"(a) That the guardian has failed to file the report required by the provisions of section 5 hereof; or

"(b) That the property of the ward has not been or is not being administered with due regard to the primary interest of the ward; or

"(c) That facts exist which would make the guardian ineligible to appointment in the first instance; or

"(d) That facts establishing any other legal ground for removal exist.

"SEC. 5. (a) The term 'trustee' as used in this section means any person, company, association, or corporation that as guardian, trustee, attorney in fact or agent, or in any other capacity has the title, custody, or control of property, or some interest therein, belonging to an alien mentioned in section 2 hereof, or to the minor child of such an alien, if the property is of such a character that such alien is inhibited from acquiring, possessing, enjoying, or transferring it.

"(b) Annually on or before the 31st day of January every such trustee must file in the office of the secretary of state of California and in the office of the county clerk of each county in which any of the property is situated, a verified written report showing:

"(1) The property, real or personal, held by him for or on behalf of such an alien or minor;

"(2) A statement showing the date when each item of such property came into his possession or control;

"(3) An itemized account of all expenditures, investments, rents, issues, and profits in respect to the administration and control of such property with particular reference to holdings of

corporate stock and leases, cropping contracts, and other agreements in respect to land and the handling or sale of products thereof.

"(c) Any person, company, association, or corporation that violates any provision of this section is guilty of a misdemeanor and shall be punished by a fine not exceeding $1,000 or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

"(d) The provisions of this section are cumulative and are not intended to change the jurisdiction or the rules of practice of courts of justice.

"SEC. 6. Whenever it appears to the court in any probate proceeding that by reason of the provisions of this act any heir or devisee can not take real property in this State or membership or shares of stock in a company, association, or corporation which, but for said provisions, said heir or devisee would take as such, the court, instead of ordering a distribution of such property to such heir or devisee, shall order a sale of said property to be made in the manner provided by law for probate sales of property and the proceeds of such sale shall be distributed to such heir or devisee in lieu of such property.

"SEC. 7. Any real property hereafter acquired in fee in violation of the provisions of this act by any alien mentioned in section 2 of this act, or by any company, association, or corporation mentioned in section 3 of this act, shall escheat to, and become and remain the property of the State of California. The attorney general or district attorney of the proper county shall institute proceedings to have the escheat of such real property adjudged and enforced in the manner provided by section 474 of the Political Code, and title 8, part 3, of the Code of Civil Procedure. Upon the entry of final judgment in such proceedings, the title to such real property shall pass to the State of California. The provisions of this section and of sections 2 and 3 of this act shall not apply to any real property hereafter acquired in the enforcement or in satisfaction of any lien now existing upon, or interest in such property, so long as such real property so acquired shall remain the property of the alien, company, association, or corporation acquiring the same in such manner. No alien, company, association, or corporation mentioned in section 2 or section 3 hereof shall hold for a longer period than two years the possession of any agricultural land acquired in the enforcement of or in satisfaction of a mortgage or other lien hereafter made or acquired in good faith to secure a debt.

"SEC. 8. Any leasehold or other interest in real property less than the fee, hereafter acquired in violation of the provisions of this act by any alien mentioned in section 2 of this act, or by any company, association, or corporation mentioned in section 3 of this act, shall escheat to the State of California. The attorney general or district attorney of the proper county shall institute proceedings to have such escheat adjudged and enforced as provided in section 7 of this act. In such proceedings the court shall determine and adjudge the value of such leasehold or other interest in such real property, and enter judgment for the State for the amount thereof, together with costs. Thereupon the court shall order a sale of the real property covered by such leasehold, or other interest, in the manner provided by section 1271 of the Code of Civil Procedure. Out of the proceeds arising from such sale, the amount of the judgment rendered for the State shall be paid into the State treasury, and the balance shall be deposited with and distributed by the court in accordance with the interest of the parties therein. Any share of stock or the interest of any member in a company, association, or corporation hereafter acquired in violation of the provisions of section 3 of this act shall escheat to the State of California. Such escheat shall be adjudged and enforced in the same manner as provided in this section for the escheat of a leasehold or other interest in real property less than the fee.

"SEC. 9. Every transfer of real property, or of an interest therein, though colorable in form, shall be void as to the State and the interest thereby conveyed or sought to be conveyed shall escheat to the State if the property interest involved is of such a character that an alien mentioned in section 2 hereof is inhibited from acquiring, possessing, enjoying, or transferring it, and if the conveyance is made with intent to prevent, evade, or avoid escheat as provided for herein.

"A prima facie presumption that the conveyance is made with such intent shall arise upon proof of any of the following groups of facts:

"(a) The taking of the property in the name of a person other than the persons mentioned in section 2 hereof if the consideration is paid or agreed or understood to be paid by an alien mentioned in section 2 hereof;

"(b) The taking of the property in the name of a company, association, or corporation, if the memberships or shares of stock therein held by aliens mentioned in section 2 hereof, together with the memberships or shares of stock held by others but paid for or agreed or understood to be paid for by such aliens, would amount to a majority of the membership or the issued capital stock of such company, association, or corporation;

"(c) The execution of a mortgage in favor of an alien mentioned in section 2 hereof if said mortgagee is given possession, control, or management of the property.

"The enumeration in this section of certain presumptions shall not be so construed as to preclude other presumptions or inferences that reasonably may be made as to the existence of intent to prevent, evade, or avoid escheat as provided for herein.

"SEC. 10. If two or more persons conspire to effect a transfer of real property, or of an interest therein, in violation of the provisions hereof, they are punishable by imprisonment in the county jail or State penitentiary not exceeding two years or by a fine not exceeding $5,000, or both.

"SEC. 11. Nothing in this act shall be construed as a limitation upon the power of the State to enact laws with respect to the acquisition, holding, or disposal by aliens of real property in this State.

"SEC. 12. All acts and parts of acts inconsistent or in conflict with the provisions hereof are hereby repealed: *Provided*, That—

"(a) This act shall not affect pending actions or proceedings, but the same may be prosecuted and defended with the same effect as if this act had not been adopted;

"(b) No cause of action arising under any law of this State shall be affected by reason of the adoption of this act whether an action or proceeding has been instituted thereon at the time of the taking effect of this act or not and actions may be brought upon such causes in the same manner, under the same terms and conditions, and with the same effect as if this act had not been adopted;

"(c) This act in so far as it does not add to, take from, or alter an existing law shall be construed as a continuation thereof.

"SEC. 13. The legislature may amend this act in furtherance of its purpose and to facilitate its operation.

"SEC. 14. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The people hereby declare that they would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact than any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional."

CROPS.

California crop production, 1919. United States Department of Agriculture, Bureau of Crop Estimates.

Crop.	Value.
Corn	$4,908,312
Wheat	33,080,107
Barley	42,561,875
Oats	4,912,201
Potatoes (white)	18,288,969
Hay	75,889,000
Beans	21,322,252
Grain sorghums	6,747,242
Sugar beets	10,632,852
Rice	20,877,770
Cotton	21,011,000
Onions	2,635,000
Truck crops	11,710,000
Cantaloupes	5,587,000
Sweet potatoes	1,997,000
Apples	12,538,000
Peaches	25,901,000
Pears	8,098,000
Apricots	13,564,000
Prunes	31,344,000
Plums	2,575,200
Cherries	1,860,000
Walnuts	14,840,000
Almonds	2,998,600
Figs	2,537,500
Oranges	45,833,000
Lemons	11,359,000
Raisins	35,658,000
Grapes (wine and table)	16,485,000
Total	507,811,881

Japanese farm products—1909 and 1919.

[Figures for 1909 compiled by State bureau of labor statistics; figures for 1919 compiled by Japanese Agricultural Association of California.]

Kind of crop.	Acreage.		Value of products.	
	1909	1919	1909	1919
Berries	4,587	5,949	$729,731	$3,629,400
Celery		3,518		1,105,400
Asparagus		10,027		1,804,860
Seeds and nursery	652	16,847	206,770	3,369,400
Onions		9,883		3,459,050
Tomatoes		7,916		1,068,660
Sugar beets	5,653	51,224	271,050	4,800,360
Cantaloupes		13,481		2,822,150
Green vegetables	33,467	44,188	2,517,160	10,997,000
Potatoes		17,663		5,298,900
Hops	273	1,260	46,000	743,400
Grapes	9,657	54,246	435,350	8,136,900
Beans		41,500		2,525,000
Fruits and nuts	23,139	46,930	1,753,210	8,457,400
Hay, grain, corn	910	43,984	28,530	2,611,100
Rice		24,000		3,600,000
Cotton	193	13,000	17,100	1,950,000
Miscellaneous	4,722	3,011	230,955	766,750
Unimproved		18,402		
Total	83,253	427,029	6,235,856	67,145,730

Increase from 1909 to 1919 in lands occupied by Japanese—412.9 per cent.

Increase from 1909 to 1919 in value of crops raised by Japanese—976.8 per cent.

NOTE.—In 1909 their activities were centered in 23 counties; now in 29 counties, the additional counties being Butte, Colusa, Glenn, Yuba, Merced, and Stanislaus. The only additional crops are rice, cotton, and cantaloupes, the remaining crops not specifically tabulated in 1909 being included in the groups "Green vegetables" and "Miscellaneous."

PERCENTAGE OF TOTAL OF EACH CROP DELIVERED TO CANNERIES THAT IS SUPPLIED BY JAPANESE GROWERS.

Tomatoes.

	Per cent.
Sacramento district	80
(Fully 50 per cent is operated exclusively by Japanese, while another 30 per cent is dependent on Japanese labor with whom the American owners are in partnership on a share basis. These two, taken together, make up the 80 per cent.)	
Turlock district	79
Santa Clara Valley district	60
Kings County district	50
Suisun district	31

Asparagus.

Sacramento district	61

Spinach.

Sacramento district	78
Kings County district	90
Santa Clara County district	82
Modesto district	100

Other vegetables.

Sacramento district	90
Santa Clara Valley district	100

Peaches, pears, apricots, plums, cherries.

Sacramento district	7
Turlock district	6
Graton district	2
Kings County district	45
Suisun district	14
Yuba City district	9
Alameda district	8
Santa Clara Valley district	3
Modesto district	2
Contra Costa district	1

"LAND.

"The preceding statistics show 3,893,500 acres now being irrigated in California, which comprise very largely the best lands in the State. Of this total, orientals, on December 31, 1919, occupied 623,752 acres, approximately 16 per cent of the total, of which 88,944 was owned in fee or under contract of purchase and 534,808 acres was held by lease or crop contract. Japanese and Japanese corporations occupy 458,056 acres of the whole total.

"While it is not absolutely true that all lands occupied by orientals are irrigated, this is so nearly the fact that for all practical calculations the figures given for oriental holdings may be taken as irrigated lands. A few counties, notably San Luis Obispo and Solano, show orientals occupying considerably more acreage than the total number of irrigated acres given in the schedule for these counties. However, the very nature of the crops raised by the orientals necessitates irrigation.

"With this slight qualification in mind, it is interesting to note that in some of the richest counties in the State orientals occupy a total acreage ranging from 50 to 75 per cent of the total irrigated area, notably San Joaquin County, with a total of 130,000 irrigated acres, with orientals occupying 95,829 acres; Colusa County, with a total of 70,000, with orientals occupying 51,105; Placer County, with 19,000 total, orientals occupying 16,321; and Sacramento County, with 80,000 total, orientals occupying 64,860.

"It is but fair to state again that this comparison is not absolutely accurate, because the total irrigated areas given on land schedeule No. 2 are actual irrigated lands, whereas the totals of acreage occupied by orientals in each county include all acreage irrigated and unirrigated occupied by orientals. However, very little grain crops or other unirrigated crops are raised by orientals and a very small percentage of the total acreage occupied by orientals is uncultivated and without crops of any kind, the total idle acreage uncropped being about 6¼ per cent of the total acreage occupied by orientals.

"Under the schedule of Japanese Farm Products the figures compiled by the State bureau of labor statistics for 1909 show the total acreage occupied by Japanese at that time to be 83,252, and the acreage shown for the year 1919 by the Japanese Agricultural Association of California is 427,029—does not include about 31,000 acres being bought under contract by Japanese-controlled corporations—an increase in the 10-year period of 412.9 per cent. The report for crop valuations for 1909 shows $6,235,856, and for the year 1919 a total of $67,145,730, a total increase in value of crops raised by Japanese during the 10-year period of 976.8 per cent. Because of the character of the crops raised by Japanese their activities are confined almost entirely to 29 counties in the State, these being the highly developed agricultural sections.

"According to the Japanese Association of America in their memorial address to the President of the United States upon his visit to the coast in 1919 'the Japanese in agriculture constitute the most important element in number as well as in other respects,' this statement having been made in reference to Japanese in California.

"Mr. Toyoji Chiba, managing director of the Japanese Agricultural Association of California, says, in his Truth of the Japanese Farming in California, that 58 per cent of the Japanese living in California are settled in agricultural production in the country.

"Should the American farmer view with alarm this rapid increase in agricultural lands occupied by orientals, with the attendant increase in total annual crop valuations?"

STATE LAND LAWS.

[California State Library Law and Legislative Reference Department. Dec. 30, 1920.]

ALIEN PROPERTY RIGHTS.

"I. Aliens have the same rights as citizens.
- "Alabama (Const. 1, sec. 34).
- "Arkansas (Const. 11, sec. 20).
- "Colorado (Const. 11, sec. 27).
- "Connecticut (resident aliens and citizens of France) (Gen. Stats., 1918, sec. 5164).
- "Delaware (26 Del. 1, chap. 251, secs. 1-3).
- "Florida (Const. D. of R., sec. 18).
- "Georgia (friendly aliens) (Code, 1911, sec. 2172).
- "Idaho (C. S., 1920, sec. 5327).
- "Iowa (Const. 1, sec. 22).
- "Maine (Rev. Stats., chap. 78, sec. 2).
- "Maryland (Ann. Code).
- "Massachusetts (R. L., 1902, p. 1267).
- "Michigan (Const. xvl, sec. 9).
- "Mississippi (resident aliens) (Ann. Code, sec. 2272).
- "Nebraska (Const. 1, sec. 25).
- "New Hampshire (Pub. Stats., 1901, p. 438).
- "New Jersey (1 Comp. Stats., p. 37, sec. 1).
- "New Mexico (Const. 11, sec. 22).
- "New York (alien friends) (Bird, p. 7269).
- "North Carolina (Rev. Stats., 1905, sec. 182).
- "North Dakota (Rev. Stats., 1913, sec. 5256).
- "Ohio (4 P. & A., sec. 8589).
- "Oregon (L. O. L., sec. 7172).
- "South Dakota (Const. vl, sec. 14).
- "Tennessee (Ann. Code, 1917, sec. 365).
- "Texas (resident aliens) (Comp. Stats., 1914, art. 16).
- "Virginia (friendly aliens) (Code, 1919, sec. 66).
- "West Virginia (Const. 11, sec. 5).
- "Wisconsin (Const. 1, sec. 15).
- "Wyoming (Const. 1, sec. 29).

"II. Limitations on rights of aliens to hold property.
- "Arizona (Stats., 1917, p. 57). No alien or corporation with more than 30 per cent of stock owned by aliens may own land; property acquired by operation of law must be sold within five years unless owner becomes naturalized, or escheat to State; five-year leases permitted. Exception, mining lands.

"II. Limitations on rights of aliens to hold property.—Contd.

"Illinois (1 J. & A., sec. 284). Alien may hold land for six years, at which time, if he is not naturalized, property is forfeited.

"Indiana (2 Burns, sec. 3943, 3944). Alien owning over 320 acres must become naturalized within five years or property is forfeited.

"Kansas (Const., B. or R. sec. 17). Legislature has right to determine alien property rights. In absence of legislation, common-law rule holds. (Johnson v. Olson, 92, K., 821.)

"Kentucky (Stats., 1915, chap. 19, art. 3, secs. 334, 339). Aliens may hold for 25 years for business; other property acquired by operation of law may be held for 8 years.

"Minnesota (Gen. Stats., 1913, sec. 6697). Alien ownership limited to 90,000 square feet, except in cases of citizens of counties whose rights are secured by treaty. Corporation with over 20 per cent of stock owned by aliens prohibited from owning property.

"Missouri (L. Rev. Stats., 1909, secs. 750–752). Ownership permitted only in cases where right is guaranteed by treaty. Corporations with over 20 per cent of stock owned by aliens prohibited from owning property, except in restricted cases.

"Oklahoma (Const., xxii, sec. 1). Absolute prohibition; lands acquired by operation of law must be disposed of in five years.

"Pennsylvania (1 Purd., p. 300, sec. 11). Limited to 5,000 acres of property, with net annual income not exceeding $20,000.

"Washington (Const., 11, sec. 33). Aliens and corporations with majority of stock owned by aliens prohibited from owning property. Exception, mineral lands.

"III. States with no legislation on alien ownership:

"Louisiana.

"Utah.

"FISHING INDUSTRY.

"The fishing industry of the State has grown to enormous proportions, and as a source of food supply is becoming increasingly important every day. In 1916 the total catch of fish, exclusive of shellfish, was 86,490,392 pounds, while in the year 1919 the total catch had increased to 250,453,244 pounds. As to the money value of this product we quote from the report of the State fish and game commission, as follows: 'The wholesale value of the fish marketed fresh at 10 cents per pound would add $5,000,000 to the total value of fishery products (canned and dried) for the year 1919, making a total valuation of $26,417,743 for the year 1919.'

"NATURAL RESOURCES.

"It is contended that food fish is a natural resource, and in common with the other natural resources of the State is regarded as primarily and inherently belonging to the citizens of the State rather than to outsiders or aliens. The report of the State fish and game commission places the total value of the investments in fish canneries alone in California at $7,708,871 up to December 31, 1919, and in these fish canning and packing establishments there are employed 8,242 persons, of whom 1,751 are Japanese. Besides, there are about 200 Japanese employed in wholesale fresh-fish markets in California.

"The orientals, particularly the Japanese, have recognized the importance of this industry and have entered the fishing business in ever-increasing numbers, until to-day there are more Japanese fishermen operating on the coasts of California than any other nationality. On the pages following there is given the total number of commercial fishermen in California, divided into nationalities, for the fiscal years 1915–16, 1917–18, and 1918–19, as compiled by the State fish and game commission during their licensing periods. These records will show that in the 1915–16 license year there were 491 Japanese fishermen out of a total of 3,758, or approximately 13 per cent. The year 1919–20 shows 1,316 Japanese out of a total of 4,671, or 28 per cent of the total.

"From the foregoing it is noted that within a period of about four years the Japanese fishermen have increased in number until they now outnumber any other nationality, having increased about 168 per cent. They also increased from 13 per cent of the total number of fishermen to 28 per cent. Of the total number of fishermen's boats operated from the coasts of California, 355 of them are manned by Japanese and 796 are operated by all other nationalities combined, the total value of the Japanese boats being $1,397,000 and the value of all the other boats being $2,055,000.

"FINANCING JAPANESE FISHERMEN.

"As to the method of financing the Japanese fishermen, we quote from the report of Mr. E. M. Nielsen, of the San Pedro office, State fish and game commission, concerning the Japanese in southern California:

"'In most cases Japanese-owned boats are under obligation to some cannery. The cannery furnishes the Japanese with boat and equipment, turning ownership over to him but holding a mortgage on same until paid for by the Japanese. Each catch the Japanese brings in a certain per cent is taken out and credited on the mortgage of the boat. Investigations show that very few Japanese have their boats paid up in full. Japanese boats are registered with the United States customhouse as Japanese-owned boats. That shows Japanese ownership, according to the registration, but in most cases mortgages are held by some cannery.

"'Located at Fish Harbor (East San Pedro) is a Japanese boat-building plant. This firm employs 14 Japanese. They have cut into the white boat builders considerably, according to information received. Plants operated by Americans claim the Japanese underbid them because they pay their help less and do not turn out as good work. This Japanese firm is now building purse-seine boats both for white and Japanese fishermen.'

"It is clear to be seen that American canneries by financing the Japanese fisherman make possible his operations in competition with American citizens.

"VIOLATION OF FEDERAL NAVIGATION LAWS ALLEGED.

"The State fish and game commission in its report calls attention to the fact that there appear to be many violations of the Federal navigation laws. Page 18, section 9, Revised Statutes 4311, covering the Federal navigation laws, requires vessels of 20 tons or over, engaged in coastwise trade or fisheries, to be enrolled and licensed, and boats of 5 to 20 tons to be licensed only. This latter class—5 to 20 tons—includes, according to the report of the State fish and game commission, 'practically all of the fishing boats at San Pedro and San Diego,' which the commission states are between 5 and 20 tons. The Federal navigation laws require these vessels to be licensed, and the master of the vessel must swear that he is a citizen of the United States, as indicated by the following quotation from the United States Revised Statutes:

"'The master of a licensed vessel shall swear he is a citizen of the United States, and if the vessel is less than 20 tons burden "the husband or managing owner shall swear that she is wholly the property of citizens of the United States." (P. 43, sec. 50, R. S. 4320.) If a licensed vessel is transferred in whole or in part to any person who is not a citizen of the United States, the vessel with her equipment and cargo shall be forfeited.' (P. 260, sec. 281, R. S. 4377.)

"If all of the Japanese fishermen's boats are manned and mastered entirely by Japanese, regardless of whether native-born citizens or not, it seems apparent that in many instances these laws are being violated. Press reports of April 14, 1920, contain the statement that the United States Attorney General has instructed the United States district attorney for the southern district of California to proceed in strict enforcement of these laws, and to prosecute vigorously any violations. It is stated in the same dispatches that an investigation is being made of this matter."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland [Mr. FRANCE] to the amendment of the Senator from New Jersey [Mr. EDGE].

The amendment to the amendment was rejected.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. H. Overhue, its assistant enrolling clerk, announced that the House had passed the following bills:

S. 4554. An act to amend an act entitled "An act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," approved June 10, 1920;

S. 4710. An act to authorize the Commissioner of the General Land Office to dispose of certain trust funds in his possession; and

S. 5023. An act to provide for the closing of Cedar Road between Quincy Street and Shepherd Street NW., in the District of Columbia.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 12045) to provide for the conveyance of lots on the low grounds of Washington, D. C.

The message further announced that the House had passed with an amendment the bill (S. 4039) to amend section 3 of the act of Congress of June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," in which the concurrence of the Senate was requested.

LEGISLATIVE, ETC., APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN. I wish to bring before the Senate at this time the matter of the conference on the disagreeing votes of the two Houses on the one remaining item in dispute, which, if disposed of, will pass one of the large appropriation bills, namely, the legislative, executive, and judicial appropriation bill.

Mr. POINDEXTER. Does the Senator from Wyoming expect to ask for the consideration of the matter.

Mr. WARREN. I had expected to do that, and I did not anticipate that it would take any considerable length of time to dispose of it. As the Senator knows, it is a rather important matter to conclude.

Mr. POINDEXTER. I hope the Senator will not ask to interrupt the consideration of the pending bill for any length of time.

Mr. WARREN. There is only one item in disagreement, and I hardly think it will take very long to dispose of it.

Mr. KING. Let me inquire of the Senator from Wyoming whether that item is of such importance as to require the presence of Senators? If so, I shall ask for a quorum.

Mr. WARREN. That must rest with the Senator. The item in disagreement is amendment No. 113, which is the amendment providing for the so-called bonus.

Mr. KING. I do not care enough about that to call for a quorum.

Mr. POINDEXTER. I ask that the pending bill be temporarily laid aside for the purpose indicated by the Senator from Wyoming.

The PRESIDING OFFICER. Without objection, that will be done. The Chair hears no objection.

Mr. WARREN. Mr. President, as there is but one item still in disagreement, the only report I have to make is to move that the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 113, and agree to the House amendment.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wyoming that the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 113, and agree to the amendment of the House.

Mr. FRANCE. I have been informed that there seems to be some misunderstanding on the part of certain Members of the House in reference to the conference report, they having adopted it without an understanding that they were receding from the Senate amendment.

Mr. WARREN. Mr. President, the RECORD itself shows that the House voted on this question knowing every angle of it and took action on it by an aye-and-no vote, which developed a majority of 98 or 99 against the Senate amendment. Furthermore, when it went back to-day they had a very full attendance because of the Wickersham election case; the matter was brought up, and there was a very large majority for the House proposition, probably not a dozen votes being cast against it.

Mr. FRANCE. There seems to be a misunderstanding on the part of some concerning it.

Mr. WARREN. A misunderstanding is easy on the part of some man who might not have been attending to his duty, but the fact is as I have stated to the Senator.

Mr. FRANCE. I am sure of that.

Mr. WARREN. I have merely stated the facts as they are.

Mr. BORAH. Is the effect of this report to abandon the bonus proposition?

Mr. WARREN. It abandons nothing except the contention of the Senate that the employees of the Woman's Bureau should have the bonus. The House was not willing to include them in the provision, as the employees of that bureau are paid from a lump sum. There is also involved the question of whether per diem employees, such as those who are working in the navy yard and whose wages are fixed by wage boards according to agreement to correspond to the wages paid to similar class of labor in private employment, should receive the bonus in addition to their regular wages.

Mr. BORAH. At any rate, I suppose it is the best that could be done?

Mr. WARREN. I will say that the matter has received all the attention that our subcommittee could give it. We have gone to the last ditch, and the question now is whether we will pass the bill or not.

Mr. WALSH of Massachusetts. Mr. President, I should like to ask the Senator from Wyoming whether a yea-and-nay vote was had in the House on this amendment?

Mr. WARREN. A yea-and-nay vote on this matter was shown in the RECORD of two days ago. As to the vote to-day, nobody asked for it, because it was so nearly unanimous, I assume, that nobody cared to call for the yeas and nays.

Mr. WALSH of Massachusetts. Was not the yea-and-nay vote that appeared in the RECORD——

Mr. WARREN. The yea-and-nay vote showed some 98 or 99 majority.

Mr. WALSH of Massachusetts. Permit me to finish my question, please. Was not that yea-and-nay vote upon some subsidiary matter and not upon this direct issue?

Mr. WARREN. It was on this direct matter.

Mr. WALSH of Massachusetts. My information is not in accord with what has been stated; I suppose, however, it is useless to discuss this matter any further, but I want to have my position clearly understood, and I want to make one final protest and the RECORD to show just what is happening here; and I am going to insert in the RECORD, with the permission of the Senate, a letter from a member of the Naval Wage Board who clearly and emphatically sets forth the fact that the failure of the Congress to include naval employees in the bonus this year amounts to a reduction in their wages. So far as I am informed, I want it known that this vote amounts to a reduction in the wages of the naval employees, the arsenal employees, and other employees, and this not only upon the word of the Secretary of the Navy but upon the word also of a member of the Naval Wage Board that adjusted the wages of some of these employees.

I ask that this letter may go in the RECORD.

The PRESIDING OFFICER. Without objection, leave will be granted. The Chair hears no objection.

The letter is as follows:

THE ASSISTANT SECRETARY OF THE NAVY,
Washington, March 1, 1921.

MY DEAR SENATOR: I am very glad to give you such information as lies in my power in reply to your letter. I would like, before answering specifically your questions, to clear up what seems to be a general misunderstanding as to the effect of the new adjustment of wages made by the Secretary of the Navy in accordance with the recommendations of the Navy Wage Board, of which I was a member. The situation briefly was this:

The Navy Department, jointly with the Shipping Board, had entered into a definite written agreement at the beginning of the war with the representatives of the employees in navy yards and private shipyards, by which an adjustment of wages was to be undertaken by a special board, which consisted of a representative of the Federation of Labor, a representative for the two departments to the agreement, and a representative of the public, appointed by the President. The two Government departments agreed to this board, which was officially sanctioned, and which established rates of wages as nearly as possible conforming to the current rate of wages for such work existing throughout the United States at the time.

This is the real story of the inception of the Shipbuilding Labor Adjustment Board—the so-called Macy board—organized as a war measure to prevent turnover of labor and extortionate wages and high cost of construction of our war-built shipping.

Furthermore, it was definitely and formally agreed that there should be later adjustments at six months intervals based upon any difference in the cost of living as officially determined by the Statistical Bureau of the Department of Labor—that is, if the cost of living was found by this bureau to have increased, the rates of wages paid by or for the Navy and Shipping Board would be automatically increased proportionately; if decreased, wages would doubtless have been decreased as well.

To this award the Shipping Board and the Navy formally committed themselves. We were thus bound during the war to make three adjustments, each one of which would be more or less automatic, depending upon the figures given us by the Department of Labor Statistical Bureau as to the cost of living. As could not be foreseen, however, there were at the time the first adjustment came due temporary and fictitious increases in the cost of living, which, presumably, would only exist for a short time. To make a six months' adjustment on such data seemed to risk an excessive wage scale in the event the situation changed in a brief time.

The matter was taken up with the representatives of the employees of the yards, and it was agreed to defer any adjustment under the abnormal situation, although it was obvious that such adjustment would have been favorable to the employees of the yards. The same procedure was adopted when the other two periods arrived. Wages, in spite of the increased cost of living, were therefore maintained as of the original award for a period of over one year and a half. After this lapse of time it was felt that we could in justice no longer assume that the cost of living had not become more or less stabilized, and the necessity of adjustment was admitted by the Navy Department, and the recent Navy Wage Board was convened.

While the signing of the armistice resulted in the abolition of the board which originally fixed these wages, and while perhaps technically the department could have avoided using the cost of living in this last adjustment, the good faith of the department required that adjustment should be made under the terms of the agreement entered into, as, having postponed every adjustment of this kind, and to have taken advantage then of the dissolution of the board in making the postponed adjustment would have shown extremely bad faith. The cost of living was therefore taken as the basis for the adjustment rather than the rates of labor outside for similar work, with a statement that this was the last adjustment that should be made on that basis.

What I would like to point out is that had the men been unwilling to waive their undoubted right to the three adjustments provided by

the original signed agreement, taking the official cost of living as secured from the Department of Labor at that date, which would have been the figures we would have been obliged to use, the increased expense to the Government for wages would have amounted to $11,641,303 additional. These figures are beyond dispute as the figures of living costs which would have been presented by the Labor Department at the various adjustment periods were taken from official records and effect of changes consequently involved were computed by the statistical experts of the Navy Department.

Having thus made clear that there was a great saving in adopting this policy, I would be more than glad to specifically answer your questions.

The wage board, having finally determined to make its adjustment on the basis of the original agreement and entirely upon the cost of living, proceeded to apply the figures as to such cost of living and the existing rate of wages.

In applying the justified percentage of increase based on cost of living, the board took into consideration that subsequent to the original award under which the men had worked during the war. Congress, in the form of a bonus, had increased the wages of certain classes of employees to the extent of $240 per annum, and that in making such increase had inserted the following clause in the law:

"*Provided further*, That the increased compensation provided in this section to employees whose pay is adjusted from time to time through wage boards or similar authority shall be taken into consideration by such wage boards or similar authority in adjusting the pay of such employees."

It seemed clear to the board that it must consider in making any increases that an increase of $240 a year in these cases had already been made, but must be considered a part of the total increase to be awarded by the board; and in naming a further amount to be awarded them, the $240 should be deducted from the figures arrived at. I think this will make clear that the $240 was considered as part of the justified increase awarded by this board.

The answer to your next question naturally follows. The effect of taking away the bonus is to reduce the wages of the employees by the amount of the bonus taken away from the sum ascertained by the wage board to be a proper current wage.

I would like to call attention to another situation which will arise when the bonus is taken away. There were some cases entitled to an increase, based on the cost of living, where the bonus did not apply. These men were undoubtedly entitled to the full amount of the increase found fair, and therefore have been awarded a greater increase than the others by an amount equivalent to the $240 bonus (which bonus they did not receive). If the bonus is taken away from those now entitled to it, it will leave the other employees receiving that much more than the men who came under the bonus provisions. In other words, the difference between the highest paid men and the regular mechanic will be increased by the amount of the bonus that you take from the mechanic. Of course, this is not a proper nor a fair method of reducing wages, as it does not equally apply to all employes, but only to those receiving the lowest wage.

In regards to the effect in any one trade of taking off the bonus can be best answered by the general statement that the removal of the bonus will reduce the wages, as found justified under the circumstances by the Wage Board, by an amount of $240 a year for all employees now entitled to it.

For confirmation of statements that I have made you in this letter I invite your attention to a statement made by Assistant Secretary Woodbury, which may be found on page 888 of the hearings before the subcommittee of House Committee on Appropriations, third session, Sixty-sixth Congress, on the legislative, executive, and judicial appropriation bill relating to the Navy Department, and particularly to the paragraph in this statement on page 890, which reads as follows in quoting the findings of the Wage Board:

"The board finds that the cost of living has increased since the period of the last wage adjustment 5 per cent more than the partial provision therefor provided by the congressional bonus."

Also to the paragraph on page 891:

"The readjustment in wages recommended by this board took full account of the congressional bonus, and as has previously been reported to you in the case of machinists, this bonus no longer can be considered entirely as a gratuity, as it has become an essential part of the wage necessarily granted by the Navy to fulfill its pledge to labor to readjust wages in accordance with the change in the cost of living."

I trust this letter fully answers your questions.

Yours, very truly,

LOUIS MCHENRY HOWE,
Civilian Member Navy Wage Board.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

Mr. CALDER. Mr. President, before the question is put, I desire to say, following what the Senator from Massachusetts [Mr. WALSH] has stated, that the men employed in the navy yards, naval stations, and arsenals of the United States will on July 1 receive a reduction in pay of $240 annually because of the contemplated action by this motion. Whether or not the Congress of the United States wishes to go on record as reducing the pay of its mechanics and laborers is the question involved in the vote we are about to take. I propose to vote against concurring in the House amendment, because I am not willing that this Congress shall reduce the pay of its workingmen without more complete and definite information on the subject.

Mr. UNDERWOOD. Mr. President, will the Senator from Wyoming yield to me for a moment?

Mr. WARREN. I yield.

Mr. UNDERWOOD. As I understand the proposition that is now before the Senate, the committee has made a full and complete report except on one item.

Mr. WARREN. And we are reporting on that. This is a final report.

Mr. UNDERWOOD. And that item is the bonus to the naval employees?

Mr. WARREN. While it does not read that way, that is the fact of the matter; not that it affects them exactly, as my friend from New York has stated, however.

Mr. UNDERWOOD. As I understand the proposition, the Senate has twice insisted on the item; it has gone to the House, and the House has twice refused it?

Mr. WARREN. It has.

Mr. SMOOT. Absolutely, overwhelmingly.

Mr. UNDERWOOD. I want to say that I have supported this item both times when it was before the Senate; but we have only a few hours left of this Congress, and although we may be earnestly in favor of an item and believe in the justice of it, when you come to passing the bills that must run the Government there must be a limitation as to how far you can go; and I feel now that the Senate on this item, a minor item in the bill, has pressed its point to the extreme limit. If it could be accomplished, I should be glad to see it accomplished; but, as the House of Representatives has refused to yield, I feel that the bill should become a law, and I shall therefore vote to yield in the matter.

Mr. SMITH of South Carolina. Mr. President, I desire to ask the Senator in charge of the bill, if this item fails to become a law, if this provision in the bill is stricken out, what effect will it have upon the wages of the employees in the navy yards, as compared to other Government employees who get this bonus, as to the comparative amount that they get?

Mr. WARREN. The wage board fix the entire wages of these per diem men, and they will get their wages, which are based upon what the same line of service receives in trades of similar nature, so that they get the highest wages that are allowed for that class of work.

This difference of opinion arises out of overindulgence and generosity on the part of the Senate and as recommended to it by the committee, and I must say that it is a case of ingratitude with which I do not feel very well satisfied. At the beginning it was represented to us that when these various wage boards were in session they had not kept up with the rising wages, and that where the men had demanded perhaps a 15 or 20 per cent advance they had been accorded only a 10 or 15 per cent advance, and the statement was then made by a representative of those men that we ought to allow the bonus for one year to make up for this seeming inattention, or, as they felt, injustice upon the part of the wage boards. Now, that one-year bonus they have, and it ends on the 1st day of July, and it was so understood perfectly.

There is no reason to expect that the wage boards are undertaking to do injustice to these men. There is nothing that would indicate it. They hire the men, and the men accept their wages; but the point seems to be to work the wage board for what they are worth and then come to Congress, and upon misrepresentation—which, I am sorry to say, seems to have influenced my friend from New York—they undertake to have us pay an additional bonus of $240, which would carry them $240 a year above other employees of the Government. That is in the RECORD in the statement of the Assistant Secretary of War.

Mr. SMITH of South Carolina. Do I understand the Senator to say that in each class of employment in the navy yards the employees receive an amount similar to that paid for the same kind of work in private life?

Mr. WARREN. They receive, according to the Assistant Secretary of the Navy, more, and have been receiving more.

Mr. SMITH of South Carolina. I want to get at this: There must be, according to the statement of the Senator, then, a standard by which the wage board is governed, and it is not just a question of hiring these laborers at what they can get them at.

Mr. WARREN. Let me submit for the RECORD a quotation from the evidence of the Secretary of the Navy before the Appropriations Committee of the House—Mr. Woodbury—as follows:

HIGH WAGE SCALE OF THE NAVAL ESTABLISHMENT.

Mr. WOOD. Mr. Woodbury, I want to call your attention to a certain position taken by the Secretary on September 4, 1920, in a communication to all the chiefs of bureaus. Section 1 reads as follows:

"The labor wage adjustment board appointed to consider the question of a readjustment in the wages for employees under the Naval Establishment finds that the existing wage scale for the Naval Establishment is higher, the $240 per annum congressional bonus considered, than the wage scale of any other industry as a whole in the United States of which it has information. The present wage scale of the shipbuilding industry is lower than that of the railroad industry. The difference between the navy-yard scale and the shipbuilding industry is practically the congressional bonus of $240 per annum, which was granted to all employees under the Naval Establishment on July 1, 1920, who are receiving less than $2,740 per annum."

Now, that is what has caused all this trouble, and this statement you have submitted does not cover that.

Mr. CURTIS. That statement is the entire history, and covers that point.

Mr. WARREN. There is, as I understand, an arrangement made between the employees and their employers that their wages are from time to time adjusted by this wage board.

Mr. SMOOT. They are adjusted, I will say to the Senator, by law, and the wage board gives them whatever are the rates prevailing outside, just as the Senator says. Whatever the outside industries are paying for similar work the wage board pays these men.

Mr. SMITH of South Carolina. Do I understand, by "similar wages outside," that the Senator means that they are paid for like work in the same community?

Mr. WARREN. Oh, now, I know the Senator does not want to heckle me; I do not care to go on with the discussion if it can be avoided, because of the pressure of the Navy appropriation bill now before the Senate.

Mr. SMITH of South Carolina. No; I am seeking information.

Mr. WARREN. My information is that which I have taken pains to ascertain during the time this matter has been under discussion, and before that time.

Mr. SMITH of South Carolina. I want the Senator to understand that I have received some communications in reference to this matter.

Mr. WARREN. Undoubtedly.

Mr. SMITH of South Carolina. And I want to vote intelligently on it. I have not gone into the matter. I thought that the employees of the navy yards would come under the bonus, just as the employees here in Washington did, and I wanted to know why they were denied the bonus while the employees of the Government here were given one.

Mr. WARREN. The employees of the Government employed in the same way do not receive the bonus. Other employees do not. We have various lump sums as to this bill and the others in which the wages are made by common understanding or by some wage board, and those are especially excepted from receiving these bonuses, which are the only additions that have been made to various employees—those of class 1, class 2, class 3, class 4, and so forth, and the other statutory places in our Government—and they are the only increases that that line of employment have received during the entire period of the war.

Mr. SMOOT. Last year was the first year that the bonus was given navy yard employees, and last year it was given for the very reason that the Senator from Wyoming has stated, with an absolute understanding and agreement that it would not be asked for this year.

Mr. SMITH of South Carolina. I should like to ask one other question, so that the RECORD may show it. How do the wages received by the employees in the navy yards compare with the wages received, plus the bonus of those employed by the Government here?

Mr. WARREN. As I have shown, the Assistant Secretary of the Navy, who has this particular matter in charge, testified before the committee of the House at considerable length that they were receiving at least $240 per year more than the same class of mechanics were receiving in any other line of industry.

Mr. SMITH of South Carolina. And this other class of mechanics got the bonus?

Mr. WARREN. They got the bonus this one year, as I say, to make up what was a fancied or real injustice to these men before.

Mr. WOLCOTT. Mr. President, will the Senator from Wyoming please repeat briefly what he stated with respect to the bonus allowed the employees in the Women's Bureau? I did not exactly understand how that matter had been disposed of.

Mr. WARREN. So far as the Women's Bureau is concerned, last year, if the Senator will remember, was the first year of the formation of that bureau, and we provided only $8,500 for it, $5,000 of which went to one woman who was in charge, and $3,500 to another as secretary. This year we appropriate in a lump sum $75,000 for that service, and out of that they make their own salaries, with certain maximums, which are that none of the employees shall receive more than $1,800, except those specified, and then they except the $5,000 and the $3,500 and the $2,000, and so forth, so that they are provided for in that way.

Mr. WOLCOTT. What was done with the bonus in the Children's Bureau?

Mr. SMOOT. That is the same as it is now. That is all right.

Mr. WOLCOTT. That is left undisturbed by the report?

Mr. WARREN. That does not appear at all, and it has not been disturbed in this legislation.

Mr. SMOOT. They are appropriated at statutory rates.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The bill is passed.

MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The concurrent resolution (H. Con. Res. 77) was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 10074) entitled "An act to enlarge the jurisdiction of the municipal court of the District of Columbia, and to regulate appeals from the judgments of said court, and for other purposes," the Clerk of the House be, and he is hereby, authorized and directed to incorporate the following amendment:

On page 9, line 1 after the word "and" strike out the following: "(fuel,' approved August 10, 1917.)" and insert in lieu thereof the following: "fuel,' approved August 10, 1917, and to regulate rents in the District of Columbia."

Mr. KELLOGG. Mr. President, I ask unanimous consent that the concurrent resolution may be considered and agreed to. It is simply for the purpose of correcting the enrollment of a bill where a mistake was made in reciting the title of another act.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent for the present consideration of the House concurrent resolution which has just been read. Is there objection?

The concurrent resolution was considered by unanimous consent and agreed to.

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. GRONNA. I submit a conference report on the bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922, and I ask that it may be read and considered.

The PRESIDING OFFICER. The Senator from North Dakota presents a conference report on the Agricultural appropriation bill, which is in order and which the Secretary will read.

The reading clerk read the report.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent for the present consideration of the conference report. Is there objection?

Mr. JONES of Washington. Mr. President, is it a full agreement?

Mr. GRONNA. It is a full agreement.

Mr. JONES of Washington. Did the Senate conferees recede on the seed provision?

Mr. GRONNA. I will say to the Senator from Washington that the Senator from Iowa [Mr. KENYON], who is a member of the conference committee, has not signed the conference report.

Mr. JONES of Washington. But the majority of the Senate conferees receded?

Mr. GRONNA. A majority of the Senate conferees receded from the amendment of the Senate striking out the provision.

Mr. JONES of Washington. I ask my colleague if he is willing for this conference report to come up for consideration? In view of the fact that the seed amendment was receded from by the Senate conferees, it is likely to take quite a bit of discussion.

Mr. POINDEXTER. I can not yield for that purpose. I had no objection to the presentation of the report.

The PRESIDING OFFICER. The Senator now is asking for present consideration.

Mr. POINDEXTER. I object to that.

Mr. GRONNA. Then I ask leave to withdraw the conference report.

The PRESIDING OFFICER. Without objection, leave will be granted.

Mr. KENYON. Does the Senator think it will take much time to dispose of the report? I want to discuss the seed proposition a moment or two; it is a matter of such tremendous importance to the people that they get the fake Government seeds.

Mr. GRONNA. I do not believe it will take very much time. I do not know of very many Senators who want to discuss the provision for the purchase and distribution of valuable seeds. I will say to the Senator that very reluctantly the Senate conferees agreed to recede, but the House has on two occasions by a record vote—and I might say the last time by an overwhelming vote—insisted that the so-called free-seed provision shall stay in the bill. So far as a majority of the Senate conferees are concerned, we did not feel that we wanted to defeat this legislation just because of that one item. There are only two items in dispute—the purchase and distribution of valuable seeds and the seed-grain proposition. I hope the Senator from Washington will let us go on at least for a few minutes with the conference report. I am very anxious to have it disposed of.

Mr. JONES of Washington. I know the Senator was opposed to the inclusion of that item in the bill. I appreciate the situa-

tion that confronted the conferees. I feel this way about it: This seed provision means an expenditure of five hundred thousand to a million dollars altogether.

Mr. GRONNA. Three hundred and fifty thousand dollars for the seeds and whatever the administrative work would cost.

Mr. JONES of Washington. That is what I mean. It will cost the Government from five hundred thousand to a million dollars, and I think we could well afford to save that amount by putting off the passage of the bill for about a month, because in the next Congress I am satisfied that the seed provision will go out and stay out. If we can save from five hundred thousand to a million dollars by postponing the passage of the bill for a month, I think we would be doing a mighty good service to the country.

Mr. UNDERWOOD. Mr. President, I have just been listening to what the Senator from Washington has said, and it carried me back to the days when he and I served in the House together. He is now predicting that if we defeat a great supply bill, and cut out the seed item, the House of Representatives will change its mind next April and change the complexion of the bill in the matter of seeds. I ask the Senator from Washington if, in the long years we served over there together, he ever heard of anything like that happening.

Mr. JONES of Washington. Yes; I think so.

Mr. UNDERWOOD. I would like to know the incident.

Mr. JONES of Washington. I do not believe we had a condition just like the one now since the Senator and I served there together. The House has been getting a little more against the free-seed distribution. I noticed, when the bill was up a short time ago, the House cut out the provision on one vote, but a short time after it was reinserted. But the next House will have 169 Republican majority, and that 169 majority is not going to retain seeds in the bill.

Mr. OVERMAN. They will all want seeds.

Mr. POINDEXTER. It is evident that this seed question is a very fertile subject of debate and will probably occupy the entire night. I regret very much to object, but I ask the Senator from North Dakota to withhold his application and let us proceed for a while this evening with the naval appropriation bill. I understand the Senator from Iowa [Mr. KENYON] desires to speak on the conference report.

Mr. KENYON. Does not the Senator from Washington think that the problem of getting these little seeds and these little packages to the people of the country is more important than any question of a navy?

Mr. POINDEXTER. Evidently that is the idea which underlies the whole thing. I ask for the regular order.

Mr. HEFLIN. Mr. President, surely the Senator from Washington [Mr. POINDEXTER] is not trying to take from the people the garden and field seed now being sent to them by the Government?

Mr. GRONNA. Mr. President, I have asked leave to withdraw the conference report.

The PRESIDING OFFICER. The Senator from North Dakota asks leave to withdraw the conference report on the Agricultural appropriation bill, and, without objection, leave is granted.

ASSISTANT CLERK TO COMMITTEE ON PUBLIC LANDS.

Mr. SMOOT submitted the following resolution (S. Res. 468), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Lands be, and it is hereby, authorized to employ an assistant clerk during the Sixty-seventh Congress at the rate of $2,000 per annum, to be paid out of the miscellaneous items of the contingent fund of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. H. Overhue, its assistant enrolling clerk, announced that the House had passed the following bills:

S. 4826. An act to amend section 5 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905;

S. 5000. An act directing the Mississippi River Commission to make an examination and survey of the Atchafalaya, Red, and Black Rivers, and to report plan for protection of their basins from flood waters of the Mississippi River; and

S. 5032. An act for the construction of a bridge across Rock River at or near Shirland Avenue, in the city of Beloit, Wis.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the amendment of the Senate to the bill (H. R. 11572) for the relief of the John E. Moore Co.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the amendment of the Senate to the bill (H. R. 12634) for the relief of Wilhelm Alexanderson.

The message also announced that the House agreed to the amendment of the Senate to the joint resolution (H. J. Res. 382) declaring that certain acts of Congress, joint resolutions, and proclamations shall be construed as if the war had ended and the present or existing emergency expired.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills:

H. R. 8067. An act to establish standard weights and measures for the District of Columbia; to define the duties of the superintendent of weights, measures, and markets of the District of Columbia; and for other purposes;

H. R. 11572. An act for the relief of the John E. Moore Co.;

H. R. 12045. An act to provide for the conveyance of lots on the low grounds of Washington, D. C.;

H. R. 12634. An act for the relief of Wilhelm Alexanderson; and

H. R. 16100. An act making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service for the fiscal year ending June 30, 1922, and for other purposes.

NAVAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15975) making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes.

Mr. WALSH of Montana. Mr. President——

Mr. BORAH. Mr. President, the Senator from Montana desires to address the Senate, I presume, upon an amendment which he has offered or proposes to offer. I would like to ask the Senator from New Jersey, in order to simplify the debate and to make progress as rapidly as we can, if he is not willing to modify his amendment so that it will read as it read when he first offered it, by striking out Italy and France?

Mr. EDGE. Mr. President, I am entirely ready to modify the amendment I offered, which we are now considering through unanimous consent, by striking out the words "France" and "Italy."

The PRESIDING OFFICER. The Senator from New Jersey modifies his amendment by striking out the words "France" and "Italy."

Mr. WALSH of Montana. Mr. President, I was absent from the Chamber when the particular matter under discussion assumed a status which entitled it to consideration. I ask the Chair what the question now before the Senate is?

The PRESIDING OFFICER. The Senate is proceeding by unanimous consent, heretofore agreed to, to consider the amendment of the Senator from New Jersey [Mr. EDGE].

Mr. WALSH of Montana. May the amendment of the Senator be read?

The PRESIDING OFFICER. Without objection, the Secretary will report the amendment of the Senator from New Jersey now under consideration.

The ASSISTANT SECRETARY. The Senator from New Jersey [Mr. EDGE] has offered the following amendment:

The President is authorized and requested, if not incompatible with the public interest, to invite the Governments of Great Britain, France, Italy, and Japan to send representatives to a conference, which shall be charged with the duty of promptly entering into an understanding or agreement by which the naval building program of each of said Governments, to wit, the United States, Great Britain, France, Italy, and Japan, shall be substantially reduced annually during the next five years to such an extent and upon such terms as may be agreed upon, which conclusion is to be reported to their respective Governments for their approval.

Mr. WALSH of Montana. Mr. President, I offer the following amendment to the amendment just read.

The PRESIDING OFFICER. The Senator from Montana offers an amendment, which the Secretary will state.

Mr. FLETCHER. Mr. President, may I inquire whether the proposal of the Senator from New Jersey is offered as a substitute for that of the Senator from Idaho, or is it entirely independent of that?

The PRESIDING OFFICER. The amendment offered by the Senator from New Jersey is, in substance, the amendment printed at the instance of the Senator from Idaho, and which he announced it was his intention to offer. The Senator from New Jersey offered the pending amendment. The Secretary will now state the amendment offered by the Senator from Montana to the pending amendment.

The ASSISTANT SECRETARY. The Senator from Montana proposes to add, at the end of the amendment proposed by the Senator from New Jersey, the following words:

The President is further requested to express to the Council of the League of Nations the earnest desire of the Government of the United States to cooperate with the commission by the said council appointed charged with the formulation of plans looking to a general reduction of armaments, for submission to the several Governments for their

consideration and action, and that he be, and he hereby is, further requested promptly to designate with due authority representatives to sit with such commission in a consultative capacity pursuant to the invitation heretofore extended by the said council to the Government of the United States.

Mr. WALSH of Montana. Mr. President, it will be observed by those who have followed the discussion of the subject to which it relates that the amendment now offered by me is in substance the same as the resolution introduced by me on the 11th day of December last, four days before a resolution dealing with the same subject was offered by the Senator from Idaho [Mr. BORAH] in substance, as it was reported from the Committee on Foreign Relations, like the amendment now offered by the Senator from New Jersey [Mr. EDGE].

Mr. EDGE. Mr. President——

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

Mr. WALSH of Montana. I yield.

Mr. EDGE. I am not prepared to accept the addition offered by the Senator from Montana. I feel that it would greatly complicate an earnest desire on the part of many Senators to really obtain action.

Mr. WALSH of Montana. It had not occurred to me to ask the Senator to make my amendment part of his own.

Mr. EDGE. If the Senator desires of course to discuss his amendment, I have nothing further to say at this time.

Mr. WALSH of Montana. I appreciate, as has been expressed here, that the League of Nations is not in very high favor upon the other side of the Chamber, and if any of the Members should be indisposed to vote in favor of a conference on general disarmament assembled on its initiative and should therefore vote against the amendment which I have tendered, I shall offer such another opportunity, should it be rejected, by tendering an equivalent of the following resolution reported favorably by the House Committee on Foreign Affairs some 10 days ago, namely:

That the President be, and he is hereby, authorized and empowered at his discretion to invite the Governments of all nations to send accredited delegates to an international convention to be held in the United States to consider ways and means of bringing about joint disarmament.

I desire to submit some observations on the general subject of the several resolutions.

I am sure it will be wholly unnecessary to address to the United States Senate, as it ought to be to any audience in America, any argument on the desirability of a substantial reduction of armaments and of an agreement among the leading nations at least to that end. We are told, with reasonable accuracy, I dare say, that the countries ranked as civilized are spending $8,000,000,000 annually on their military and naval establishments and are maintaining armies aggregating 2,000,000 men. If the one-half that stupendous sum were saved—and more would be were the forces maintained in anticipation of international war disbanded, as urged by Gen. Bliss—there were no need to call upon the charity of our generous people to save three and a half million children in the war-torn areas of Europe and Asia from starvation. If the one-half that sum were devoted to the rehabilitation of industry and business ruined by the war, there would be no economic crisis to tax the ingenuity of statesmen or the talents of financiers to ward off world-wide commercial paralysis, unemployment, and want. We have been counseling Europe to go to work. If that is the appropriate remedy for her ills, she could recover fast by releasing 1,000,000 men now under arms without any occasion whatever, except for aggressive warfare or to meet aggressive warfare on the part of some other nation similarly armed. France, with a population of 40,000,000, is now maintaining an army of 800,000 men, the while she is staggering under a national debt of over $40,000,000,000; while our country, with a population of nearly 110,000,000, is restive under the burden of supporting its land forces, now numbering less than one-third that number—238,000 men, to be exact.

You were reminded by the public press some months ago that 93 per cent of the enormous sum wrung from the American people as Federal taxes for the year ending June 30, 1920, aggregating approximately $5,000,000,000, went to pay either for the cost or obligations of past wars or to prepare for future wars. But for war costs the revenue derived from tobacco and cigars alone would have taken care of the total expenditures of the Government for the past 10 years. Approximately $1,500,000,000 is the modest sum estimated as necessary by the departments involved for the Army and the Navy for next year, and the pending appropriation bills for these two branches of the service carry almost $900,000,000.

I refrain from further comment on the folly, not to say the crime, of the policy of competitive armaments, and address myself to the more practical question of how to accomplish reduction. As to our Army, we may safely reduce without awaiting action by any other nation or making our action dependent upon that of any other nation, and we may safely reduce to a figure as low as would be proposed in any plan that might be devised pursuant to international agreement.

A force of 280,000 men is now authorized by law and recruiting to the limit is urged by the Secretary of War under the counsel, presumably, of his military advisers. Action has already been taken under which a reduction to 175,000 will be made, and it is not improbable that the number may be limited to not more than 150,000, a course which commands strong support in both Houses of Congress. Though 42,000 men are now serving outside of continental United States, 15,000 of whom are in Germany, we should still have an Army greater than we had in 1916 when it approximated 100,000, including all men in the service beyond seas. I know of no such change in conditions as to render it either necessary or expedient to maintain any greater force than 150,000 in the aggregate.

If the radical cut proposed is made, as seems likely, a reduction in our Army of almost 50 per cent will have been accomplished, a most salutary example to the impoverished nations of Europe that still persist in being armed to the teeth while we are solicited almost daily to relieve the distress of their citizens and subjects rendered destitute or made helpless by the war. Such a course would be a further and more emphatic assurance of good faith on our part in connection with any movement looking to an international agreement for a general reduction of armaments. To that end there are now pending before the Senate two resolutions—the one introduced by myself on December 11, 1920, the other by Senator BORAH three days later. They are as follows:

Whereas pursuant to article 8 of the covenant of the League of Nations, wherein it is recited that "the members of the league recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations," the council of the league has appointed a commission with authority to formulate plans for such reduction, to be, when approved by the said council, submitted for the consideration and action of the several Governments; and

Whereas it is reported that the said commission labors under some embarrassment in its work by reason of the fact that the United States is not represented either on the said commission or the said council; and

Whereas the people of the United States have long hoped for some international agreement for the reduction of armaments, not only to preserve peace but that the labor of the world may not be unnecessarily burdened with the ever-mounting cost of maintaining armed forces in accordance with the policy of the powers in the past; and

Whereas the said council of the League of Nations has addressed to the President of the United States a communication inviting it to designate a representative to sit with such commission in a consultative capacity during the study by the commission of the question of the reduction of armaments: Now, therefore, be it

Resolved, etc., That the President be, and he hereby is, requested to express to the council of the League of Nations the earnest desire of the Government of the United States to cooperate with the commission so by the said council appointed and with the said council in the formulation of plans looking to a general reduction of armaments, for submission to the several Governments for their consideration and action, and that he be, and he hereby is, further requested promptly to designate, with due authority, such representative.

Whereas a representative and official of the Japanese Government has advised the world that the Japanese Government could not consent even to consider a program of disarmament on account of the naval building program of the United States; and

Whereas by this statement the world is informed and expected to believe that Japan sincerely desires to support a program of disarmament, but can not in safety to herself do so on account of the attitude and building program of this Government; and

Whereas the only navies whose size and efficiency requires consideration on the part of this Government in determining the question of the size of our Navy are those of Great Britain and of Japan, two Governments long associated by an alliance; and

Whereas the United States is now and has ever been in favor of a practical program of disarmament: Now, therefore, be it

Resolved, etc., That the President of the United States is requested, if not incompatible with the public interests, to advise the Governments of Great Britain and Japan, respectively, that this Government will at once take up directly with their Governments and without waiting upon the action of any other nation the question of disarmament, with a view of quickly coming to an understanding by which the building naval programs of each of said Governments, to wit, that of Great Britain, Japan, and the United States, shall be reduced annually during the next five years 50 per cent of the present estimates or figures.

Second, that it is the sense of the Congress, in case such an understanding can be had, that it will conform its appropriation and building plans to such agreement.

Resolved further, That this proposition is suggested by the Congress of the United States to accomplish immediately a substantial reduction of the naval armaments of the world.

The resolution last above recited was recommended by the Committee on Foreign Relations in the following form:

That the President of the United States is requested, if not incompatible with the public interests, to advise the Governments of Great Britain and Japan, respectively, that this Government will at once take up directly with their Governments and without waiting upon the action of any other nation the question of naval disarmament, with a view of promptly entering into a treaty by which the naval building programs of each of said Governments, to wit, that of Great

Britain, Japan, and the United States, shall be substantially reduced annually during the next five years to such an extent and upon such terms as may be agreed upon.

SEC. 2. That this proposition is suggested by the Congress of the United States to accomplish immediately a substantial reduction of the naval armaments of the world.

These resolutions paraphrased have become the pending amendment by the Senator from New Jersey and the proposed amendment thereto offered by myself as follows, respectively:

THE EDGE AMENDMENT.

The President is authorized and requested, if not incompatible with the public interest, to invite the Governments of Great Britain and Japan to send representatives to a conference which shall be charged with the duty of promptly entering into an understanding or agreement by which the naval building program of each of said Governments, to wit, the United States, Great Britain, and Japan, shall be substantially reduced annually during the next five years to such an extent and upon such terms as may be agreed upon, which conclusion is to be reported to their respective Governments.

THE WALSH AMENDMENT.

The President is further requested to express to the council of the League of Nations the earnest desire of the Government of the United States to cooperate with the commission by the said council appointed charged with the formulation of plans looking to a general reduction of armaments, for submission to the several Governments for their consideration and action, and that he be, and he hereby is, further requested promptly to designate with due authority representatives to sit with such commission in a consultative capacity pursuant to the invitation heretofore extended by the said council to the Government of the United States.

It will be noticed that the Borah resolution looks to an agreement affecting naval strength alone, while the other contemplates a reduction in both the land and naval forces of the several Governments. Moreover, the Borah resolution contemplates retrenchment only in the building program—not in the total expenditures on the navies of the countries named.

That the nature and scope of the resolution introduced by me may be the better understood, let me remind you that by article 8 of the Covenant of the League of Nations the Council is charged with the duty of formulating plans for the reduction of national armaments for the consideration and action of the several Governments, and that it, at its meeting in the month of May last, charged the permanent advisory commission on military, naval, and air questions, appointed by it, as provided in article 9, with the preparation of such plans for its consideration in much the same way as it appointed the commission on which Senator Root served to prepare a plan for a world court. This commission consists of three representatives from each of the eight nations represented on the Council—Great Britain, France, Italy, Japan, Greece, Spain, Belgium, and Brazil—one of whom is a military officer, one a naval officer, and one an air-service officer, except, however, that Brazil is represented by but one negotiator who speaks for all three branches of the service.

Now, though this commission was appointed by the Council of the League of Nations nominally, the members were undoubtedly nominated and in effect appointed by the Governments of the countries from which they respectively come and whose interests it must be plainly understood they represent.

I wish to impress upon you that they must be regarded as much the representatives of their respective Governments as though they had been appointed directly by such Governments, pursuant to some international agreement, to undertake the task with which they are charged. They look to their Governments, respectively, for instructions and not to the Council of the League, or any member of it, except as he may be the conduit through which the wishes and policies of the home Government are conveyed.

This commission, proceeding with its work, was embarrassed by reason of the fact that the United States was not represented. Obviously any plan for a general reduction must embrace this country, and it was quite likely deemed that a plan would have small chance of acceptance by this country in the formulation of which its representatives had had no part, and it was equally obvious that at least some of the nations participating would not and could not agree to any plan which did not contemplate a corresponding reduction in our national armament. Reporting its difficulties to the Council, the president thereof, at its direction, sent a message to President Wilson requesting that our Government send representatives to sit with the commission in a consultative capacity during its consideration of the subject with which it had been specially charged. This message is interesting enough to justify its being read in full. [It was read from the desk, and is as follows:]

The council of the League of Nations, acting on a unanimous recommendation of the permanent military, naval, and air commission of the league, passed at its meeting in Geneva on November 25, invites the Government of the United States to name representatives to sit on that commission in a consultative capacity during the study by the commission of the question of the reduction of armaments, a study which the council has requested the commission to undertake forthwith.

The permanent advisory commission was constituted by the council of the league at its meeting in Rome last May and held its first session at San Sebastian in August. The commission is at present composed of military, naval, and aerial officers of States represented on the council of the league. Its decisions are purely advisory and not in any sense binding, but they represent the common technical judgment of the experts of many countries.

It would, of course, be perfectly understood that the presence of the representatives of the United States would in no way commit the American Government to whatever opinions may be finally put forward in the report of the commission. Nor indeed can that report itself be more than a basis for the consideration by the members of the league of the measures of reductions in armaments which united action may enable them to achieve. Nevertheless, just as in the case of the financial conference at Brussels the presence of an American representative, whose function was only that of giving and receiving information, was an important factor in the success of the work of the conference, so it can not be doubted that the general consideration of the subject of the reduction of armaments will be greatly facilitated if the Government of the United States can see its way to be represented in a similar manner at the meetings of the permanent advisory commission.

The problem is one to which public opinion in all countries attaches the highest importance.

It is unnecessary to point out that the reduction of armaments is essential for the well-being of the world, and that unless some measures of relief can be found by international cooperation for the excessive taxation due to armaments the general economic situation must become increasingly worse.

The council in extending this invitation can not but hope that the Government of the United States, particularly in view of the attitude of America toward the question of the competition in armaments, will not refuse to associate itself with the Governments of the members of the league in beginning the preliminary work necessary for ultimate success and to lend to the present effort an assistance which can in no way encroach upon its own perfect liberty of action.

It was received December 1, 1920. Four days later the President replied declining the invitation thus extended, through the following brief note [read from the desk]:

I have the honor to acknowledge the receipt of your cablegram of December 1 inviting the Government of the United States to name representatives to sit with the military, naval, and air commissions of the league in a consultative capacity during the discussion by the commission on the reduction of armaments, the consideration of which is to be undertaken by it forthwith at the request and on behalf of the council.

The Government of the United States is most sympathetic with any sincere effort to evolve a constructive plan for disarmament, which is necessary for the economic rehabilitation, peace, and stability of the world. The President of the United States is deeply interested in this question and is most desirous of cooperating to this end, but as the Government of the United States is not a member of the league he does not feel justified in appointing a commission to take even a de facto participation in the deliberations of the council or of the commission acting on behalf of the council in the execution of provisions in the covenant of the League of Nations.

I remind you that the communication from the Council necessarily implied that the United States was not a member of the League—the invitation came as to a nation outside the League. Had the United States been a member, no invitation would have been necessary, none would have been sent. It has always seemed to me that to decline upon the ground that the United States is not a member of the league, or that not being a member of the league it does not feel justified in sending representatives to sit with the commission appointed by the Council of the League to frame a plan, is to offer no reason at all for declining to join in this apparently bona fide attempt to solve the difficult problem of world disarmament. The reason assigned, if, indeed, it might be called a reason, is so insubstantial as readily to excite the suspicion that our Government does not care to disarm or to enter into any agreement to that end, because it entertains imperialistic designs attainable only through an incomparable military organization. I confess that this probability gave me no little concern and I must admit some surprise that it did not arouse more apprehension throughout the country.

Ever since 1899 we have been cherishing the belief that the well-meant efforts of the Czar in respect to disarmament in connection with the first Hague Conference were balked by Germany, wedded to the policy of "blood and iron," which eventually brought her to grief. Apprehensive that popular opinion in the peace-loving nations would raise us to the evil eminence heretofore occupied by Germany touching disarmament, and that history would confirm the impression to which our conduct had given rise, I introduced the resolution which you have heard read. It is to be regretted that the President did not see fit to transmit the invitation promptly upon its receipt to the Congress or to the Senate for its advice, or at least attempt in some informal manner to ascertain the temper of the representatives of the people with reference to it, a course which the result of the late election might reasonably have impelled him to take.

Let us now contrast these two proposals, representing the efforts on which it is proposed our Government shall embark with a view to secure relief from the frightful burden of world armament.

The Borah resolution, as heretofore stated, deals only with expenditures in connection with navies, the other with all branches of the military service.

The bulk of the burden of national armaments originates in the land, not in the naval forces. The nations least able to bear the burden are those that maintain or attempt to maintain relatively huge, if not disproportionate, armies. The danger to the peace of the world from a great army is obviously more imminent than from a navy, however formidable. Fortifications can not serve the purpose of offense, or only feebly serve, as observed by Gen. Bliss, and navies that can at best only hover about the coast are somewhat similarly limited.

No great conquest was ever achieved by a navy, though it may serve as a useful auxiliary to an invading army. Concerned, as we are, about the peace of the world as the ultimate to be attained and the reduction of the frightful cost of the prevailing system of alleged national defense as the immediate end to be achieved, we can not be content with accomplishing a reduction in naval expenditures. It is popularly believed that the huge estimates for purposes of war upon which Congress is asked to make appropriations for the ensuing year attain the startling magnitude which characterize them because of extraordinary expenditures contemplated in connection with our naval building program; but despite the fact that they are large—the estimate for the Army still outruns that for the Navy by over $20,000,000—the current estimate for the Army exceeds the appropriation made last year by 75 per cent, while the estimate for the Navy exceeds the last appropriation by but 57 per cent. Moreover, the Navy building program calls for but $184,000,000, of the total of $679,000,000 asked for the Navy. The total carried in the pending bill as reported by the committee is $496,519,935.97, of which $105,000,000 is for new construction, $90,000,000 toward carrying out the 1916 building program, and $15,000,000 toward the new airplane carriers.

This brings me to the question of the reduction in our war expenditures to be accomplished by the Borah resolution or the pending amendment offered by the Senator from New Jersey. Bear in mind, the former, as introduced, does not contemplate a 50 per cent cut in the expenditures for the Navy but a 50 per cent cut of the building program. If the international conference should be held as proposed and the appropriate agreement entered into and the cut accomplished, a saving would be effected, assuming that the entire amount recommended by the committee should be voted, of not to exceed $52,500,000, or about 6 per cent of our total expenditures for or on account of our Army and Navy, assuming the pending appropriation bills pass, an inconsequential sum, less by $60,000,000 than has been saved by our own voluntary action in reducing the Army from 280,000 to 175,000 men. Well might the overburdened taxpayer groan, "The mountain labored and brought forth a mouse."

It seems scarcely of sufficient importance to warrant the calling of an international conference, for, bear in mind, competitive building would not be eliminated, but the expense of it merely curtailed. It is by no means an improbability that such a proffer upon our part would be rejected for that reason while an exposition of the actual figures in the diplomatic exchanges might subject us to the inference of having proposed, to save our faces, a reduction too inconsequential to be taken seriously after having rejected an invitation on no valid ground to participate in an effort to accomplish a general and substantial reduction.

Neither is it unlikely that such a proposal would be rejected for other reasons felt or feigned. It is maintained on behalf of some nations strong on the seas, that disarmament must go on simultaneously in both of the main branches of the military service—that a nation which relies for its prestige and its defense mainly on its ships can not disarm while a neighbor, powerful in its land forces, maintains an inordinately large army. Though Great Britain took heed of Germany's attempt to rival her naval establishment, she did not look with unconcern on the dominating influence of the Kaiser in the affairs of Europe arising from the gigantic and efficient army he commanded, or on the possibility of realizing through it on the "Berlin to Bagdad" dream.

I can not attach to that rivalry the importance as a factor in the bringing on the Great War that is assigned to it by the able and eloquent Senator from Idaho, though through it the strained relations between the two nations concerned grew more tense. Germany believed that England would not enter the war; indeed, claimed that English statesmen had given assurances of Britain's purpose to remain neutral, and that she was thus guilelessly tricked. It was in the great army which she had developed that her confidence rested, believing that by one fell stroke she could annihilate France, then deal leisurely with Russia, and make herself master of Europe. It was because Germany had what she believed to be an irresistible army that she leveled her lance at civilization.

When President Wilson in his letter to Senator HITCHCOCK referred to certain European powers in which the militaristic and imperialistic spirit was recrudescent, if not in full flower, French statesmen, with the sensitiveness that attends a guilty conscience, hastened with marked asperity to exculpate their country from the charge. Considering the opportunities for controversy between France and Great Britain over territory in Asia, now occupied by them in the domain over which the Turk formerly held sway, the present mistress of the seas may be pardoned if she is unwilling to abate to any substantial degree her navy unless France is limited in the land forces she may maintain. If she advanced in general terms such a reason for declining to enter upon the naval holiday proposed, who could assert that she was not acting in entire good faith? If she does not desire to disarm, as is stoutly asserted, meaning, of course, to reduce her naval establishment, we afford her an easy opportunity to evade the issue by tendering her such a proposal as the Borah resolution contemplates. And both she and Japan might diplomatically reply that they are already participants in a plan to reduce armaments generally through the Council of the League of Nations in a way and to an extent that would, if successful, really give relief to the world, and that they could not in good faith toward the other nations associated with them in that effort enter into a new and independent negotiation on the subject in which such other associated nations were not participants. In short, we run the risk of being met with a declination of an invitation extended pursuant to the Borah resolution, involving the chance of a widespread suspicion with respect to our good faith in extending it, intensifying and aggravating the unfavorable impression that must have been made by President Wilson's inconsiderate action on the request of the Council of the League, transmitted through President Hymans.

Mr. HITCHCOCK. Mr. President——

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

Mr. WALSH of Montana. I yield.

Mr. HITCHCOCK. I have been reading the Senator's proposed amendment and I notice that it provides for the sending of American delegates to act in a consultative capacity. Will the Senator outline what he means by that? What would be the difference between the status of our delegates and the delegates of other nations? Would they be on a par? Would they have any more or less power than the delegates from other countries?

Mr. WALSH of Montana. There could be no question of power in the matter. The other delegates are appointed by the Council. They are the officers of the Council charged by it with the duty of preparing this plan. Obviously representatives from the United States would be on a somewhat different footing. They would not be responsible to the Council at all. They would simply sit in with the commission thus appointed by the Council, consulting with them concerning the preparation of a plan to be submitted to the Council.

Mr. HITCHCOCK. I understood the Senator to say that the commission would not report to the Council, but that the result of their deliberations would be reported to the various Governments.

Mr. WALSH of Montana. No; the Senator evidently misunderstood me. I said that their instructions would undoubtedly come directly from the various Governments, but of course if they succeeded in devising a plan, that plan would undoubtedly be reported to the Council of the League, and then the Council of the League, if it approved the plan, would submit it to the various Governments for their consideration.

Mr. HITCHCOCK. That is, submit the plan to the forty-odd Governments that are members of the league?

Mr. WALSH of Montana. Exactly.

Mr. HITCHCOCK. That, of course, would involve a considerable delay. Does not the Senator see that much more immediate results could be obtained by means of the simple proposition of bringing the three great naval powers of the world together for immediate action, and is not something to be gained by taking an immediate step, even if it is not so large a step?

Mr. WALSH of Montana. The Senator will understand that my amendment is offered as a supplement to the amendment offered by the Senator from New Jersey, and not as a substitute for it. I am perfectly agreeable to the idea that pending the disposition of the larger question, those three nations should attempt to agree upon a limitation of naval armament. Such a course would be quite in keeping with the general plan, and thus the two need not be antagonistic at all. They could both be carried out harmoniously.

Mr. HITCHCOCK. I have another question that I would like to have the Senator elucidate. If the commission is able to agree upon a plan of general disarmament, that plan is submitted to the various Governments.

Mr. WALSH of Montana. Yes.

Mr. HITCHCOCK. If it is approved by those Governments, they agree that they will not thereafter change that plan with-

out the consent of the Council. Now, does the Senator believe that the United States, not being a member of the Council because not a member of the League, would ever enter into such an agreement?

Mr. WALSH of Montana. I do not take that view at all. The United States is bound by no provision of the Covenant of the League, not having ratified the treaty, and would not be bound by the provision to which the Senator refers. The plan would really amount to a draft of a treaty, and would be a treaty which would have to be ratified by the United States Senate to be obligatory on us. Our obligations would be such only as would be set out in the treaty.

Mr. HITCHCOCK. But the Senator has just said that this commission is not appointed by the Government, that it is the creature of the Council, that it reports to the Council, and therefore we must follow the language of the Covenant of the League in ascertaining what is then the result. In article 8 I find this paragraph, which is of course familiar to the Senator:

After these plans shall have been adopted by the several Governments the limits of armament therein fixed shall not be exceeded without the concurrence of the council.

If this is a creature of the Council that the Senator proposes the United States to sit in with, as he expresses it, then naturally the proceedings must follow the line laid down in the Covenant of the League, and whatever plan is adopted must remain fixed and can not be changed by any Government agreeing to it without the consent of the council.

Mr. WALSH of Montana. I shall make no attempt to dispossess the Senator from Nebraska of that idea, but I am perfectly clear that no such result would follow, because that provision of the Covenant of the League of Nations could bind no nation except a nation which had subscribed to it, and this country has not subscribed to that provision or any provision of the Covenant of the League.

Mr. BORAH. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Idaho.

Mr. BORAH. It seems to me, however, that while theoretically the Senator from Montana is correct in his proposition, the Senator from Nebraska would be correct for this reason, that the members of the League of Nations would be bound by the 10-year proposition; and, of course, they would not make a contract to enter into an agreement or program which did not bind any of the other nations to that 10-year proposition if they had to go in for 10 years.

Mr. WALSH of Montana. Undoubtedly it would have to be the subject of provision in the plan. The United States might or might not be willing to bind itself for 10 years. That would be an essential feature of the plan. The United States might be willing to bind itself for five years. If the other nations could not consistently with the provisions of the Covenant bind themselves to less than 10 years, it would then be impossible for them to agree upon the plan. That would be all there would be to that.

The United States would be bound only by such provisions as were incorporated in the treaty which it ratified, if it ever did ratify the plan thus proposed.

There is, however, a stronger reason than any yet urged why the Borah resolution in the form in which it was introduced should not be passed. It proposes that the naval building programs of the United States, Great Britain, and Japan be cut 50 per cent. The present building program of the United States is exceedingly ambitious, while that of Great Britain is most modest. If each country should continue its present program without modification our Navy would surpass that of Great Britain by 1924, if not by 1923. We should, for instance, by that time have 27 battleships of the first line to her 26. We are building 11 such ships; she is building 9. We are building 6 battle cruisers and 10 light cruisers; she is building 1 light cruiser; we are building 35 destroyers, she 11; we shall construct 41 submarines, she 18. Obviously to cut the building program of the three nations mentioned would prolong, if it did not perpetuate, Great Britain's mastery of the seas. From time to time the suggestion is made that there should be a proportionate reduction of the navies of the great maritime nations. Manifestly such a course would have a similar culmination, and the advocacy of it leaves the uncomfortable impression that it is advanced with that end in view rather than to promote peace and to curtail expenditures for naval purposes.

Mr. HITCHCOCK. Mr. President——

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

Mr. WALSH of Montana. I yield.

Mr. HITCHCOCK. What different result would be obtained by a conference such as the Senator from Montana suggests with all the nations of the world? Would not that same situation result?

Mr. WALSH of Montana. No; a conference with all the nations in the world would take into consideration the entire strength of each—not only ships that are building, but those which have been built. It would take into consideration the relative situation of all the nations; and a reduction accordingly could be made, and the due relative strength of each be established. It need not necessarily, as would this plan, preserve the superiority of the navy of Great Britain.

It need not be said that I know neither the Senator from Idaho nor the Senator from New Jersey harbors any such purpose, but the boast that "Britannia rules the waves" finds an echo, strangely enough, in some American breasts. Some exult in it from a weakened national spirit, others unreflectingly. "The English Navy saved civilization in the Great War," say these apologists for British supremacy on the seas. Though they saw only as through a glass darkly at its outset, the real significance of the war and the consequences of the triumph of Germany, our people were overwhelmingly friendly to the cause of the Allies from the first and were disposed to endure patiently the manifold violations of our rights as neutrals by the British Admiralty against which our Government made repeated protests. International law as to the rights of neutrals on the high seas, even as it had been worked out by English courts, ceased to exist. A learned Italian writer late in 1914, in a communication breathing the most friendly spirit toward Britain, wrote that "Strictly speaking, no foreign vessel can leave a port without England's consent." It so happened that we were sympathetic with Great Britain in the late war as against the Central Empires. We may be moved by sentiment and interest to incline to her enemies in the next, or be wholly indifferent as to the outcome. In any case, we can not look with equanimity on her supremacy over us as a naval power, now that the United States is the only nation that is singly in her class in a military sense, however we may be gratified or content that she surpasses all the other nations. If it be true that she saved civilization in the late war, through her incomparable navy, it is equally true that she will never save civilization by overpowering the Navy of the United States. I have no sympathy with the view expressed in an editorial in a late number of the New Republic, that we should have a Navy greater than that of Japan, but second to that of Great Britain. If any nation must rule the seas, that nation should be the United States, which covets no new territory, seeks no commercial advantages, exacts no monopolistic concessions, whose "policy is the open door."

Moreover, Mr. President, a fact that must not be overlooked is that in addition to our great coast line upon the Atlantic and the Pacific, our interests demand, our people insist, that we maintain the Monroe doctrine, which requires us to defend all of Central and South America upon both oceans. Our coast line in that sense extends from the Gulf of St. Lawrence around Cape Horn and up to Puget Sound, with some thousands of miles more contributed by Alaska, rivaling, if it does not exceed, that of Great Britain and her colonial dependencies.

But if there are specific objections to or if there are any prejudices even against the amendment which I have tendered, what can be said in opposition to an amendment in substance like that which had the approval of the Committee on Foreign Affairs of the House of Representatives, praying that the President, as is provided in the act of 1916, shall ask the nations of the earth to enter a conference for the purpose of devising a plan for general disarmament? The Senator from Idaho urges that it is useless to take that course, because France has served notice that she will not disarm. Mr. President, we can not take the statement of some particular French statesman made at Geneva in respect to what France will do or what France will not do. She joined officially in the invitation which came to us to participate in the movement already inaugurated. Unanimity being required, she must have concurred through her representative on the Council in authorizing the commission to prepare a plan and in the resolution to invite the United States to join. I undertake to say if any kind of a report reasonable in its character came back to the United States from such a commission, we being represented, which proposed a general reduction in armaments in which due regard to our rights and needs was exhibited, operating to save the people of this country, as it might readily save them, $500,000,000 a year, no political party would dare take the responsibility of rejecting the plan.

The total appropriations, as I said in opening this discussion, for the Army and the Navy for the present year amount to $859,000,000, or within $150,000,000 of a billion dollars. Save half of that to the people of the United States, and we would have saved approximately $500,000,000. Make the same proposal to the people of France. If France had an opportunity under

such a proposition submitted to her people to save an equal amount, what would the tax-burdened people of that country say? France is to-day expending a sum equal, under the ordinary rate of exchange, to at least $1,000,000,000 for the support of her army alone, not to speak of the cost of her navy.

Italy, with a national debt almost equal to her total wealth, has in the field an army of 350,000 men. Put up to the people of impoverished Italy the prospect of saving one-half of the amount which is required to maintain their military establishment, and what will the answer be?

But, Mr. President, if it is true that in the face of these conditions France will decline to enter into a conference, will decline to agree to a reasonable reduction when the opportunity is before her, let France face the odium of the world for perpetuating the present unbearable conditions.

Mr. OWEN. Mr. President——

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

Mr. WALSH of Montana. I do.

Mr. OWEN. May I be permitted to remind the Senator that at The Hague conventions in 1899 and in 1907 all the nations of the world there assembled except the Teutonic allies were ready to agree to disarmament.

Mr. WALSH of Montana. Exactly; and that is the question which will address itself to every nation to which this invitation is tendered: "Are you willing to assume the place that Germany occupied in 1899, when she was invited to join in an international agreement to limit or reduce armaments, and declined, while the invitation was accepted by every one of the other great powers of the earth?"

Mr. President, it is a matter of entire indifference to me which of these amendments offered as supplementary to that of the Senator from New Jersey shall be adopted; but, I pray you, do not content yourselves with an amendment such as that offered by the Senator from New Jersey [Mr. EDGE]. In the first place, if it were successful the economy that would be effected, the saving that would result, would be an inconsequential amount. In the second place, so inconsequential is it that in all probability the invitation would be declined, and thus the evil impression which must have been created throughout the world by the declination by the President of M. Hymans's invitation would be accentuated.

Mr. President, if when I introduced this resolution it had been promptly acted upon and approved by the Senate, the representatives would have been appointed, if he had yielded to the request, by President Wilson. Time flies and it is no longer to be contemplated that he will or can select them. If this amendment should express the views of the Congress or of the Senate, the negotiators for our Government will be appointed by the incoming President. I am as earnestly in favor of this amendment as I was the day the resolution out of which it came was introduced. I am no less ardent in its support that the representatives of our country are to be appointed by President Harding rather than by President Wilson, confident that either of them charged with the duty would act in the premises only as a patriotic American citizen. I trust that none of the controversies and animosities of the past concerning the League of Nations will operate upon the mind of any Senator so as to cause him to decline to give his assent to joining in the movement already inaugurated; but, if they should, I trust, at least, that the Senate will give its approval to an amendment in substance like the resolution which has already received the approbation of the House committee.

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

Mr. WALSH of Montana. I yield to the Senator.

Mr. FLETCHER. I desire to make this inquiry: The Senator has several times alluded in his splendid address to our present naval program. Do I understand the Senator to mean the program decided on in 1916?

Mr. WALSH of Montana. I mean the program decided upon in 1916, as modified by the bill which is before us. We are asked by the pending bill to make an appropriation of $90,000,000 toward the building program of 1916. That contemplates expenditures each year until it is completed, and for the ensuing year we are asked to provide funds to the amount of $90,000,000. Now it is proposed—and that meets my entire approval—that we shall also authorize the construction of two airplane carriers, each to cost $26,000,000, in the aggregate, $52,000,000, and toward that expenditure $15,000,000 more is appropriated by the present bill, making an aggregate appropriation for the building program for the present year of $105,000,000, one-half of that or some fractional part of that being the total saving that can be effected by this international conference which is proposed.

Mr. EDGE. Mr. President, I wish to speak very briefly in reply to the Senator from Montana [Mr. WALSH] and in support of the amendment that I have introduced.

No great reform—a reform which contemplates practically the curtailment of the great physical power of nations—can be accomplished overnight. I take it from the argument of the Senator from Montana that he is in sympathy with this general movement and this desire for international disarmament if it can be accomplished with safety, and I can not conceive, therefore, why he would confuse an earnest effort to accomplish something positive in this direction.

He confuses it by suggesting that we recognize machinery of which we are absolutely no part, the League of Nations; and if I can correctly interpret the verdict of the men and women of this great country as recorded last November, they do not seem to be very anxious that we should ever be a part of the League of Nations. He suggests, through his amendment to the amendment that I have offered, that we confuse this great opportunity by participating in machinery of which, as I said, we form no part, and thus practically put the entire movement in a chaotic condition, with no possible chance for practical results.

We could not, in my judgment, adopt that amendment and proceed practically under the conditions which have already been partially brought out by the Senator from Nebraska [Mr. HITCHCOCK]. It would absolutely result in no positive, affirmative action.

On the other hand, the amendment as offered by the Senator from Idaho [Mr. BORAH], somewhat modified and reoffered by myself, is, I believe, a practical effort to secure the viewpoint of accredited representatives from the three great maritime powers of the world on the subject of a gradual reduction of naval programs consistent with national safety and to report back to their respective countries and to endeavor to mold a public sentiment which will thus in time save billions in taxes, proceeding in a logical way in an endeavor to accomplish something concrete.

The idea of friends of the movement confusing it to such an extent as to make results impossible appeals to me as being very unfortunate, to say the least. So I feel that if we are earnest in endeavoring to ascertain whether it is practical to bring about some type of international disarmament we can only proceed at this time as far as provided under that amendment. If we take the initiative in that way, and that is concurred in by the great countries of Japan and Great Britain, there will be an accredited convention or conference of the representatives of these nations, from which may be evolved something really tangible, affirmative, and worth while.

So I sincerely hope that the amendment to the amendment will not meet with the approval of the Senate.

Mr. WALSH of Montana. Mr. President, in order to meet some objections to the form of the amendment offered, I ask leave to withdraw it, and offer the amendment which I send to the desk as a substitute for it.

The PRESIDING OFFICER. The Senator from Montana withdraws the amendment that he heretofore offered, and submits in lieu of it the amendment which will be stated by the Secretary.

The Assistant Secretary read as follows:

That the President be, and he is hereby, authorized, empowered, and requested, at his discretion, to invite the Governments of the leading nations to send accredited delegates to an international convention, to be held in the United States or elsewhere, to consider ways and means of bringing about joint disarmament.

Mr. WALSH of Montana. Mr. President, the printed text is the resolution as offered in the House and reported favorably by the House Committee on Foreign Affairs. I have made just a slight modification. I will ask the Secretary to read it as it reads in the print, and then to read it as it is changed.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The ASSISTANT SECRETARY. As in print, the amendment reads as follows:

That the President be, and he is hereby, authorized and empowered, at his discretion, to invite the Governments of all nations to send accredited delegates to an international convention, to be held in the United States, to consider ways and means of bringing about joint disarmament.

As modified, it reads as follows:

That the President be, and he is hereby, authorized, empowered, and requested, at his discretion, to invite the Governments of the leading nations to send accredited delegates to an international convention, to be held in the United States or elsewhere, to consider ways and means of bringing about joint disarmament.

Mr. WALSH of Montana. This is offered as a supplement to the amendment offered by the Senator from New Jersey [Mr. EDGE], not as a substitute, so that the two stand together.

Mr. KING. Mr. President, may I inquire of the Senator from Montana what change that makes in his former amendment?

Mr. WALSH of Montana. The former amendment proposed that representatives be sent to sit with the commission ap-

pointed by the Council of the League of Nations. This contemplates an invitation to the various nations of the world to send representatives to an international conference. The invitation will go directly to the leading nations of the earth, and will not go through the League of Nations at all.

Mr. KING. The Senator does not propose to abandon his proposition to appear with the representatives of the league in a consultative capacity?

Mr. WALSH of Montana. Yes; this is a substitute for that.

Mr. BORAH. Mr. President, the amendment offered by the Senator from Montana, as I understand it, abandons the proposition of accepting the invitation extended by the council of the League of Nations, and simply provides for an invitation upon the part of the President to the leading nations that they may come together for the purpose of considering the proposition of general disarmament.

Of course, Mr. President, if that should be adopted, it would be incongruous to adopt another amendment along with it saying that you should call three of the nations together.

If you are going to call all the leading nations to conference, you certainly would not want to make a second call for three of the nations to come together to consider the same question. Either the amendment of the Senator from Montana should prevail, or the amendment offered by the Senator from New Jersey should prevail. They should not both go into this bill. They are in a measure contradictory. They show a lack of purpose and a lack of policy upon our part.

I would much prefer to have the Senator from Montana offer his amendment as a substitute for the amendment which has been offered by the Senator from New Jersey, which is the same language as the resolution which I offered a few days ago, because I would not want to have two invitations provided for—one to three nations, and one to all the nations—to come into conference, one for naval disarmament and the other for general disarmament. I hope the Senator will offer his amendment as a substitute, so that we may have the matter presented in its proper form.

But let me say a word why I think his amendment ought not to be adopted. Of course, Mr. President, if we could have general disarmament, that is what we would all like to have. If there were any hope of our securing such a program at this time, that would undoubtedly be what we would all strive for, and I know that the Senator from Montana urges the proposition in the sincere belief that we may accomplish something along that line. But, in my opinion, any step toward general disarmament is utterly impossible so long as the present conditions in Europe prevail, by reason of the obligations imposed by the Versailles treaty. I am thoroughly satisfied that the situation as it prevails in Europe is such that France can not consider the question of land disarmament, and that Italy can not consider the question of land disarmament, and that therefore an invitation to a general disarmament conference is simply to reassemble the nations of the earth which met at Geneva, with one addition, and have precisely the same thing happen that happened at Geneva.

Mr. WALSH of Montana. Mr. President, will the Senator have the kindness to specify for us why Italy, for instance, can not consent to the reduction of her army of 350,000 men?

Mr. BORAH. I am going to specify the reasons as briefly as I can. But let us take an illustration——

Mr. WALSH of Montana. Pardon me. While the Senator is doing that, will he explain also why France can not possibly reduce her army of 800,000 men, with Germany limited to 100,000?

Mr. BORAH. It does seem as if she could, upon the face of it. But let me call the Senator's attention to the fact that it has been but a few weeks since these nations to which he refers were assembled at Geneva, and that there, when 43 nations of the world assembled, they took up the question of disarmament, and France stated with no lack of certainty or clarity that she was not in a position to consider the question of disarmament at this time. She stated it rather fully, and declared that so long as the Versailles treaty was unexecuted she would not consider and could not consider the question of disarmament. She has made her military alliances throughout Europe. She has undoubtedly her military alliance with Poland. She, in all probability, has her military alliance with Hungary, and she undoubtedly has her military alliance with those other two Republics which we have created since the war. While Germany's army has been reduced to 200,000, day by day and week by week and month by month the press of Paris carries the news and feeds it to the people of Paris and of France that Germany is secretly arming and is clandestinely preparing herself for a renewal, at the very first opportunity, of her attack upon France.

Mr. WALSH of Montana. Mr. President, let me inquire of the Senator whether one of the first duties devolving upon such an international conference would not be to determine the exact facts about such a matter as that and publish them for the information of the world?

Mr. BORAH. Mr. President, it might be the duty of the meeting to determine that fact, but the Senator knows that France will take nobody's word for that except that of France herself. The League of Nations, or a conference, might come absolutely to the conclusion that there was no danger from Germany at all, but under the psychological conditions which exist in France, and by reason of her experience since 1870, no nation can advise France as to the danger which confronts her from Germany. That is a question which France will determine for herself.

Mr. WALSH of Montana. We are advised that the relations between France and Italy are by no means as cordial as they might be, and as we hope they may be, and I inquire of the Senator whether he does not think Italy is maintaining an army of nearly 400,000 men because France has such an enormous army?

Mr. BORAH. Possibly so; but that is all the more reason, Mr. President, why neither one of those nations will consider the question of land disarmament. The psychological conditions in Europe, as I have said, are such, yet so near to the war, that it is yet impracticable as they view it for those nations to disarm. The fact is, Mr. President, that France is bending every energy to build up her army, and she is doing so because she is in constant dread of what may happen her again from Germany.

Take another situation: As a distinguished lecturer in this country said a few days ago, speaking upon this subject, it is utterly useless to talk to Europe—over which he had been traveling for months and months—about land disarmament, until the Russian question is settled. Until that great people shall find poise and contentment land disarmament will not be admissible. We must get a little further away from the conflict. Thus the moment you invite all the great nations of the world into a conference for general disarmament, you proceed at once against those conditions which at this time it is impossible to deal with from the standpoint of disarmament. You have Germany facing France, you have Russia facing the entire situation, and none of those nations were willing at Geneva even to consider the question of disarmament.

You remember that the question of disarmament came before the assembly, and the first resolution presented had some substance to it. It received very little support. It involved the question of general land disarmament, as well as naval disarmament. They whittled it down and down, until, as Lord Cecil said, it consisted of nothing more than an expression of a pious desire to enter upon an investigation as to whether disarmament could be had. I thought I had that resolution in my papers, but I have not. But if you will turn to the resolution upon the morrow, and read it, you will find that it is the most insubstantial, inconsequential resolution that could possibly be written upon the subject.

Yet what did France say? She would not even cast her vote in the Geneva assembly in favor of the principle of disarmament, because France considers that the morale of her people is to a certain extent undermined, and that they are ready to believe that the danger is disappearing the moment that France takes a position in favor of land disarmament, and so France led the fight against the resolution and carried 6 votes with her against a mere expression of a desire at some future time to disarm.

Mr. WALSH of Montana. Mr. President——

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

Mr. BORAH. In just a moment. To call these same nations back to Geneva into a general conference, of course, means that that will happen again which happened before at Geneva, and it is more likely to happen now, because the situation in Europe with reference to France and Germany and Russia is more acute than it was even at the time they were meeting at Geneva, before the council of the League of Nations, which went forward to settle the difficulty at Vilna, had returned in disgust and unable to adjust it.

Now I yield to the Senator from Montana.

Mr. WALSH of Montana. Mr. President, for 20 years it has been useless to propose a general conference for the purpose of accomplishing disarmament by reason of the attitude of Germany. How long does the Senator think we would be obliged to wait until that convenient time shall arrive when every nation will be glad to accept such an invitation?

Mr. BORAH. Mr. President, I am trying to deal with what I conceive to be the practical side of the question of disarmament. There is utterly no use to go up against a situation such as exists in France at this time. The Senator said a few moments ago, "Let France take the odium, or let some other nation take the odium, of refusing to disarm under these circumstances." France took the odium at Geneva, advertised it to the world, and the world offered no criticism upon France, and the world will not offer any criticism upon France until the "German peril," as she sees it, has been eliminated entirely from the European situation. The world will not ask France to disarm until that situation is relieved, and to call France back into a conference within 60 days and ask her to disarm is to suggest to France that she must disarm in the face of a situation which she thinks is perilous to her. It may well be there is no longer a "German peril"; it may be the Senator from Montana so believes, but we know France does not accept that view.

Mr. WALSH of Montana. The Senator will bear in mind that in the month of May last, France, represented upon the council of the League of Nations, gave her vote to a resolution instructing the commission to proceed to devise a plan for disarmament.

Mr. BORAH. Precisely so.

Mr. WALSH of Montana. What has resulted in the change of opinion? What are the circumstances now which did not exist last May?

Mr. BORAH. So far as France is concerned, it is well known that France considers herself in a more dangerous condition than she was last May. France is every day building up her military strength, and nobody criticizes France for doing it. Besides, it is one thing to suggest that some one devise a plan; it is another thing to accept it.

Mr. President, take another situation in Europe. What is France going to do with her Syrian situation if she is asked to disarm? How is she going to govern Syria under her mandate, when Syria is now in a state of rebellion against France? How are they going to deal with Mesopotamia, where England is now expending $40,000,000 a month in the way of maintaining an army for the purpose of governing Mesopotamia? Think, also, of the fact that all Islam is restless and resentful. So you may take any situation which arises under the Versailles treaty in Europe at the present time and it is impossible to get anywhere on land disarmament.

Mr. President, let us turn a minute to the other proposition, the question of whether it is worth while to try to do something upon the question of naval disarmament. I repeat that if we could have what the Senator from Montana wants I would infinitely rather have it than what I have proposed. I have only suggested the proposition which has been before the Senate for some time, because I thought it was the only possible practical step to take.

Let us consider it for a moment. There are now three great nations which are really girding themselves for a race in naval supremacy. We may deal with it as we will, in the words of courtesy or concealment, but we all know in practical effect that is what it amounts to, that they are now entering upon a vast program for the purpose of building up their naval strength, because they feel that the relative situations of these three powers demand it. If those three powers, Mr. President, which are really entering upon this naval competition could be brought together, that would practically include all the nations concerned in naval supremacy and in naval building. I regard France and Italy as of no consequence so far as this program is concerned. There is no reason why these three nations should not disarm, so far as their relationship is concerned, on the matter of the navy.

They have been associated together in the late war; they profess to be friendly with one another, and if they are friendly, then there is no reason why they should not disarm. On the other hand, if it be true that any one or both of these powers professing friendship to the people of the United States and to the Government are unwilling to disarm, then I do not want them in a general conference so they can throw the responsibility upon France or some other nation; and if they do refuse to disarm, the United States is warned in advance as to why they can not disarm.

There is no nation in the world that Japan should be building against, if she is arming against any nation at all, except either England or the United States. She is certainly not arming on the sea against Italy, she is not arming against France, she is not arming against Germany, or Austria-Hungary, or Turkey, or any other nation. So I would bring together the three great powers which are now getting ready for a great naval race and say to them, "Let us enter into an agreement to stop naval competition." There we would have a possible practical step toward disarmament. It may not work; but if it does not work, the insincerity of the nation which refuses to go into it will no longer be a matter of discussion in the public opinion of the world.

The Senator from California [Mr. PHELAN] said a few minutes ago that Japan is a menace to the United States. That has been stated to-night upon the floor of the Senate at a time when we are considering a great naval bill. I am not going to indulge in any criticism of a Senator. I think it was a little unfortunate, however, to say in the discussion of a great naval bill that Japan is a menace, which is to advertise to Japan that we are building this Navy because we regard her as a menace. I do not regard Japan as a menace in any such sense as used.

I realize, of course, the difficulties between these two great nations, or rather differences of view between the nations as to vital questions, might lead to a situation where one would be a menace to the other or where they would be antagonistic to each other, but those difficulties are not insurmountable. They can be settled without war, in my judgment, by bringing Japan and the United States into a conference upon the question of naval competition. They are not questions which should turn us to talk of threats, menace, and war. Wise and considerate action, it seems to me, can adjust these questions without sacrificing our rights or our dignity.

So far as immigration is concerned or the race question or the land question, they are questions that ought to yield to a conference, and until they are brought into a conference I do not think we ought to assume that they are not to be settled except in the processes of war.

What does naval competition between the United States and Japan mean? Suppose we do not go into the conference. Suppose we do not have an understanding. Suppose that we never meet together to get acquainted with each other's situation face to face and try to settle it; but that we go on building a navy and they go on building a navy, and that every time they add to their navy in their Diet they say the United States is a menace to them, and that every time we add to ours it is said here that Japan is a menace to us, what is going to happen? That, Mr. President, is the menace. Let us seek to keep our poise and make an honest, sincere effort to avoid war. I think war with Japan could easily come within the next quarter of a century should we get into a great naval competition, accompanied by threats and denunciation; that is, indeed, the path to war.

That is the thing which will bring on the trouble. Let me give an illustration: From the time of Elizabeth until the beginning of the reign of Edward VII Germany and England were closely associated in international affairs. They were upon the friendliest terms. We recall that England subsidized Frederick the Great in his great struggle in Europe which laid the foundation of the Prussian Empire, loaning him some $3,500,000 a year—not very much now, but very large then. We know that in 1870, during the Franco-Prussian War, England's sympathy was not with France but was with Prussia; that the English Government refused to take any step whatever which would even lead to a manifestation of sympathy upon the part of the Government for France.

It was during the Franco-Prussian War that Prussia and England entered into an understanding by which they agreed that they would take joint action against France if France invaded Belgium. It was in 1887 that Germany and England consulted together when it was thought there was going to be another war between France and Germany. At the Congress of Berlin Bismarck and Disraeli worked hand in hand and glove in glove for the interests of their respective nations. It was under the leadership of a German prince, Prince George of Hesse, supported by the English Navy, that Gibraltar was captured and that great gateway turned over to England. When Bismarck was engaged in his great task of confederating the German States he had the active sympathy of England. So on down until the fatal year of 1900 these two great powers were upon friendly relations to each other, notwithstanding the fact that all during those years Prussia was building up the great land force—that military power which was to make her the dominant nation of all Europe.

What happened in 1900? Before I go into that, however, let me say that it must not be understood that England was not informed as to what was taking place in Germany in the way of building up a great army. I have upon my desk, which I am not going to take the time to read, the articles written by the elder Harrison in 1870 and 1871, in which he plead with the Government of England to give some expression of sympathy to struggling France and to prevent France from

being subjugated and despoiled by Germany. He pointed out the fact that Germany was building up a great military power which would in time lead to trouble with England herself. He pictured in graphic and living language the brutality, the inhuman practices of the military forces of Germany in France in 1870, just as they were pictured again in 1915 and 1916. The real truth and extent of these practices time must determine, but they were no different in 1916 than in 1870, when Germany and England were on friendliest terms.

Notwithstanding the fact that England was advised of the growth and expansion of the military power of Germany, England retained still the friendliest feeling for the German people and the German Government.

But what happened in 1900? In 1900 Germany put out her first naval program. Really in 1898 it was formulated, and in 1900 it was put out. From the day that naval program was provided by Germany the ill will between the two nations began to grow apace. Immediately following the program put out by Germany, England enlarged her naval program. In 1903, three years after Germany's program was put out, the Entente was formed at the instigation or upon the initiative of Edward VII. Then there began that competition in naval building between the German Empire and the English Government which will be found recorded year by year in the story as it was given by Mr. Hurd, the English historian. If I had the time I should read from those volumes showing the arguments which were presented each and every time that naval program was increased in the respective countries. They were to the effect that one country was a menace to the other, and that the negotiator of peace would be a great and dominant navy. Thus they both started out to build a navy sufficiently large to enable them to negotiate through diplomatic channels to a peaceful conclusion. We hear the same argument now.

What happened? The naval competition between Germany and England really, in my judgment, was the underlying cause of the Great War of 1914. If one will read Lord Haldane's book, entitled "Before the War," describing his visit to Germany, the conclusion will be reached that he fully understood that if Germany and England could not sit down together and adjust their differences the naval competition between them must inevitably lead to war. Everybody felt this would be the result, and yet the mad race continued.

What is the situation between Japan and the United States? There is no reason in the world why the United States should have a war with Japan. If we will keep in friendly touch and friendly relation with her, there is no reason why our difficulties should not be adjusted. But bear in mind that we are of a different race, we are of a different language, and when we have nations of different languages that means a vast obstacle in coming to friendly relations. Bear in mind that we have our competition upon the Pacific, that we are both struggling for commercial supremacy on that great ocean. Add to that the constant increasing of our Navy and the constant increasing of the Japanese Navy, and the fear and suspicion which it engenders. It will inevitably lead to trouble with Japan as Germany and England had trouble by reason of the same program. Let us turn from that course, that old road over which the statesmen of Germany and Europe wended their way to the great deluge of 1914. Though we were children we ought to be able to appreciate that fearful example.

I am not one of those who believe that war with Japan is at all necessary, but I do firmly believe that if we enter upon this competitive naval program with Japan, with the differences which already exist, and refuse to come into conference with Japan or refuse to lead the way to a conference, that we as the leaders in this hour are doing precisely what the leaders of Germany and England did from 1900 to 1914. It is for that reason that I offered the resolution to bring together those who are now in competition for the seas, those who are pursuing a policy which leads to war, to see if it is possible that we could have an understanding. If we can not have an understanding, I am willing to go along with any program that prepares for the future.

Mr. President, the Navy, as a negotiator for peace, has never been a success; as a negotiator for war, it has had no equal. From the time of the Armada until the great drama of war was played to a close in the North Sea, naval competition has invariably engendered suspicion, jealousy, hate, and ended at last in broken friendships and discarded treaties and war. No nation has ever come forward to dispute with England the supremacy of the sea and escaped unchallenged and unchastized. Spain, Holland, France, and Germany, each and all, were ambitious at different times to divide with her her authority, and the story is now written out in full, and so plainly it speaks that no one need be mistaken as to the lesson it teaches. Whether in obedience to the law of self-preservation which applies alike to nations and to individuals, or in obedience to a less exalted, but scarcely less commanding, passion, an inherent and indomitable desire to govern, the fact remains she has in the end brought condign punishment to every nation, people, or power seeking to weaken her rule of the Seven Seas.

Now, sir, if the supremacy of the sea must rest with any single power, I want that power to be the United States. When it shall be determined that there is no alternative but this, I will go along with the program which will make the source of authority for the ocean this Capital and no other. But you know and I know what it will cost in treasure and probably in blood. You know and I know that it is in the interest of humanity, of civilization, and of peace that naval competition cease—that that which nature's God has dedicated to the use of all nations and peoples should have no exclusive title in any power. This can only be brought about by the frankest and fullest understanding by the three nations now girding themselves for a race for supremacy. Before we deliberately resolve to enter this race to pin our faith to the rule of force, and to rest the future happiness of our children and our children's children upon the result of a mad contest of dominancy, let us exhaust in good faith every known method and means compatible with honor to get an agreement or an understanding. Let us make haste to confer rather than make haste to build. The latter course has been tried. Poverty, pauperism, bankruptcy, and crime and war have followed in its wake. Let us sincerely, openly, and perseveringly see if we can not lead in the former course.

There has not been much hope for such an agreement until since the war. Prior to that the fateful march of events seemed to exclude the possibility. England and Germany were building against each other, and ambition and commercial rivalry mixed with ancient feuds in adjacent countries, together with the fact that force had been the basis upon which Europe had built civilization from the beginning, seemed to make conciliation and agreements impossible. While England and Germany were thus engaged the rest of the world was compelled to await the fearful outcome—an outcome with which we are now all familiar. Its lessons have sunk deep into the heart of humanity.

But Germany has at present no navy. She has no means nor will she have an opportunity for years to build one. Austria-Hungary, Turkey, and all the Central Powers lie buried in an almost irretrievable ruin, seeking with dim hope to dig themselves from under the débris of a world cataclysm. In fact, it has so come about through fearful cost and sacrifice that England, Japan, and the United States have it within their power to disarm the sea, to rededicate it in complete freedom to all who would travel its highways, and to the uninterrupted commerce of all nations. Milton, with his unfettered imagination, could not picture the paradise regained should these great powers sincerely and unreservedly summon their forces to this great achievement. And I venture the opinion, furthermore, that Dante, though his genius were still instinct with the old spirit, could not paint the hell which awaits an overburdened, discouraged, and tortured world if these nations turn from this task and take up again the old, beaten, and bloody paths leading to war and bankruptcy. The key to the world's peace lies here. The first step to permanent peace is a disarmed sea. It lies within the power of these peoples to achieve this beginning. If we can not succeed now, with the scourge of war still fresh upon us, with the people petitioning their Governments in every clime under the sun for relief from the burdens of conflict, and with the whole matter completely within the direction of the English-speaking race—for what the United States and England decide to do Japan will do, must do—if we can not succeed now, when shall we hope to succeed?

Mr. POINDEXTER. Mr. President, I ask for the regular order; that the amendment of the Senator from Montana [Mr. WALSH] be laid before the Senate and a vote be taken on it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Montana to the amendment of the Senator from New Jersey [Mr. EDGE].

Mr. KING. May I inquire of the Senator from Washington how long he desires to continue the session this evening?

Mr. POINDEXTER. I think that if we sit until 12 o'clock and then take a recess, it would be as much as we could expect, perhaps.

Mr. KING. May I say to the Senator from Washington I think there are a number of Senators who would like to vote

upon the amendment which has been offered? Could we not take a recess now and take a vote to-morrow, not later than 12 o'clock, upon the amendment?

Mr. POINDEXTER. I think, in view of the fact that the amendment has been so ably and so fully discussed to-night, that now is the proper time to take the vote upon it.

Mr. KING. Personally I have no objection to voting now, but I know that a number of Senators——

SEVERAL SENATORS. Vote!

Mr. KING. A number of Senators went home upon the understanding that there would be no vote this evening. I do not feel like calling for a quorum, but I do feel that it is rather unfair to those Senators who left understanding that a recess would be taken at 11 o'clock to take a vote at this time.

Mr. LODGE. Who so understood, and why?

Mr. KING. I think it was a general understanding that we should take a recess at 11 o'clock.

Mr. LODGE. There was nothing said by me or by the Senator from Washington, I believe, that would give ground for any such understanding. I said that I thought that after 11 o'clock we could take a recess.

SEVERAL SENATORS. Vote!

Mr. KING. I shall not call for a quorum, but I repeat that I think it is unfair to take a vote upon this important question in the absence of so many Senators.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Montana to the amendment of the Senator from New Jersey.

Mr. WALSH of Montana. I call for the yeas and nays.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The Senator from Connecticut suggests the absence of a quorum. The Secretary will call the roll.

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

Ashurst	Gooding	Moses	Smith, Ga.
Ball	Gore	Myers	Smith, Md.
Borah	Gronna	New	Smith, S. C.
Brandegee	Hale	Overman	Smoot
Calder	Harris	Owen	Spencer
Capper	Heflin	Phelan	Sutherland
Curtis	Jones, N. Mex.	Phipps	Underwood
Dial	Jones, Wash.	Pittman	Wadsworth
Edge	Kellogg	Poindexter	Walsh, Mass.
Elkins	Kenyon	Pomerene	Walsh, Mont.
Fletcher	King	Ransdell	Warren
France	Lenroot	Reed	Willis
Frelinghuysen	Lodge	Robinson	Wolcott
Gerry	McKellar	Sheppard	
Glass	McNary	Simmons	

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present. The question is on the amendment of the Senator from Montana to the amendment of the Senator from New Jersey, on which the yeas and nays have been ordered.

Mr. WADSWORTH. I ask that the amendment to the amendment be stated.

The PRESIDING OFFICER. Without objection, the Secretary will state the amendment to the amendment.

Mr. REED. I ask that the original amendment be read and be followed then by the amendment to the amendment.

The VICE PRESIDENT. Without objection, both amendments will be read.

The ASSISTANT SECRETARY. The amendment proposed by the Senator from New Jersey [Mr. EDGE] reads as follows:

> The President is authorized and requested, if not incompatible with the public interest, to invite the Governments of Great Britain and Japan to send representatives to a conference, which shall be charged with the duty of promptly entering into an understanding or agreement by which the naval building program of each of said Governments, to wit, the United States, Great Britain, and Japan, shall be substantially reduced annually during the next five years to such an extent and upon such terms as may be agreed upon, which conclusion is to be reported to their respective Governments for their approval.

To that the Senator from Montana [Mr. WALSH] proposes an amendment in the following words:

> That the President be, and he is hereby, authorized, empowered, and requested, in his discretion, to invite the Governments of the leading nations to send accredited delegates to an international convention to be held in the United States or elsewhere to consider ways and means of bringing about joint disarmament.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. Not knowing how he would vote on this question, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. GLASS (when his name was called). I am paired with the Senator from Illinois [Mr. SHERMAN]. I transfer my pair to the Senator from Kentucky [Mr. STANLEY] and will vote. I vote "yea."

Mr. MOSES (when his name was called). I have a general pair with the Senator from Louisiana [Mr. GAY], who is absent. I transfer that pair to the Senator from California [Mr. JOHNSON] and will vote. I vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence, and being unable to obtain a transfer, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Kentucky (Mr. BECKHAM). As he is absent, I transfer that pair to the senior Senator from Michigan [Mr. TOWNSEND] and will vote. I vote "nay."

Mr. WOLCOTT (when his name was called). I transfer my pair with the Senator from Indiana [Mr. WATSON] to the Senator from Arkansas [Mr. KIRBY] and will vote. I vote "yea."

Mr. SMITH of South Carolina. I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. BRANDEGEE. I am informed by the secretary of my pair that were he present he would vote in the same way that I desire to vote. I therefore vote "nay."

Mr. JONES of Washington (after having voted in the negative). Has the senior Senator from Virginia [Mr. SWANSON] voted?

The PRESIDING OFFICER. He has not voted.

Mr. JONES of Washington. He is necessarily absent, and I have promised to take care of him with a pair, but I find that I can transfer that pair to the Senator from Nebraska [Mr. NORRIS]. I do so, and will allow my vote to stand.

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN], who is absent. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. GRONNA. I have been requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is necessarily absent, and that if present he would vote "nay."

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

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Minnesota [Mr. NELSON] with the Senator from Arizona [Mr. SMITH];

The Senator from Vermont [Mr. PAGE] with the Senator from Texas [Mr. CULBERSON];

The Senator from Pennsylvania [Mr. KNOX] with the Senator from Oregon [Mr. CHAMBERLAIN];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Illinois [Mr. MCCORMICK] with the Senator from Nevada [Mr. HENDERSON];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON]; and

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS].

The result was announced—yeas 28, nays 30, as follows:

YEAS—28.

Ashurst	Harrison	Owen	Sheppard
Dial	Heflin	Phelan	Simmons
Fletcher	Jones, N. Mex.	Pittman	Smith, S. C.
Gerry	King	Pomerene	Underwood
Glass	McKellar	Ransdell	Walsh, Mass.
Gore	Myers	Reed	Walsh, Mont.
Harris	Overman	Robinson	Wolcott

NAYS—30.

Ball	France	Lenroot	Smoot
Borah	Frelinghuysen	Lodge	Spencer
Brandegee	Gooding	McNary	Sutherland
Calder	Gronna	Moses	Wadsworth
Capper	Hale	New	Warren
Curtis	Jones, Wash.	Phipps	Willis
Edge	Kellogg	Poindexter	
Elkins	Kenyon	Smith, Ga.	

NOT VOTING—38.

Beckham	Hitchcock	McLean	Stanley
Chamberlain	Johnson, Calif.	Nelson	Sterling
Colt	Johnson, S. Dak.	Newberry	Swanson
Culberson	Kendrick	Norris	Thomas
Cummins	Keyes	Page	Townsend
Dillingham	Kirby	Penrose	Trammell
Fall	Knox	Sherman	Watson
Fernald	La Follette	Shields	Williams
Gay	McCormick	Smith, Ariz.	
Henderson	McCumber	Smith, Md.	

So the amendment of Mr. WALSH of Montana to Mr. EDGE's amendment was rejected.

Mr. WALSH of Montana. I announce that I shall request a further vote on the amendment offered by me when the bill reaches the Senate.

The PRESIDING OFFICER. The question now recurs upon the amendment of the Senator from New Jersey [Mr. EDGE].

Mr. BORAH. Upon that I ask for the yeas and nays.

Mr. LENROOT. Mr. President, I will ask the Senator from New Jersey whether he will accept a modification of his amendment by striking out, in line 4, the word "an" and inserting the words "a proposed," so that the language will read:

The duty of promptly entering into a proposed understanding or agreement.

Mr. EDGE. I have no objection to the modification. My object is to get this thing started, if possible; and I can not see that that will in any way interfere with the greater object.

The PRESIDING OFFICER. Without objection, the amendment will be modified as suggested. The yeas and nays are demanded on the amendment as modified.

Mr. UNDERWOOD. What is the question?

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey [Mr. EDGE] as modified.

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

Mr. GLASS (when his name was called). Making the same announcement as on the previous roll call, I vote "yea."

Mr. JONES of Washington (when his name was called). In view of the votes of members of the minority, I am going to assume that the Senator from Virginia [Mr. SWANSON], if present, would vote as I shall vote, and I therefore take the liberty of voting. I vote "yea."

Mr. MOSES (when his name was called). Repeating the announcement which I made on the previous roll call, I vote "yea."

Mr. MYERS (when his name was called). I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Nebraska [Mr. HITCHCOCK], and will vote. I vote "yea."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I understand that if he were present he would vote as I shall vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). Making the same announcement that I made before, I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before, I vote "yea."

Mr. BORAH. I desire to state that the Senator from Nebraska [Mr. NORRIS] is detained from the Senate on account of illness. If present, he would vote "yea."

The result was announced—yeas 58, nays 0, as follows:

YEAS—58.

Ashurst	Gooding	McKellar	Simmons
Ball	Gore	McNary	Smith, Ga.
Borah	Gronna	Moses	Smith, Md.
Brandegee	Hale	Myers	Smith, S. C.
Calder	Harris	New	Smoot
Capper	Harrison	Owen	Spencer
Curtis	Heflin	Phelan	Sutherland
Dial	Jones, N. Mex.	Phipps	Underwood
Edge	Jones, Wash.	Pittman	Wadsworth
Elkins	Kellogg	Poindexter	Walsh, Mass.
Fletcher	Kenyon	Pomerene	Walsh, Mont.
France	King	Ransdell	Warren
Frelinghuysen	La Follette	Reed	Willis
Gerry	Lenroot	Robinson	
Glass	Lodge	Sheppard	

NAYS—0.

NOT VOTING—38.

Beckham	Hitchcock	Nelson	Sterling
Chamberlain	Johnson, Calif.	Newberry	Swanson
Colt	Johnson, S. Dak.	Norris	Thomas
Culberson	Kendrick	Overman	Townsend
Cummins	Keyes	Page	Trammell
Dillingham	Kirby	Penrose	Watson
Fall	Knox	Sherman	Williams
Fernald	McCormick	Shields	Wolcott
Gay	McCumber	Smith, Ariz.	
Henderson	McLean	Stanley	

So Mr. EDGE's amendment was agreed to.

OSAGE INDIAN LANDS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4039) to amend section 3 of the act of Congress of June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," which was to strike out all after the enacting clause and insert:

That all that part of the act of June 28, 1906 (34 Stat. L., p. 539), entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," which reserves to the Osage Tribe the oil, gas, coal, or other minerals covered by the lands for the selection and division of which provision is made in that act is hereby amended so that the oil, gas, coal, or other minerals covered by said lands are reserved to the Osage Tribe for the period ending April 7, 1946: *Provided*, That all valid existing oil and gas leases on the 7th day of April, 1931, are hereby renewed upon the same terms and extended, subject to all other conditions and provisions thereof, until the 8th day of April, 1946, and as long thereafter as oil or gas is found in paying quantities, and the Secretary of the Interior and the Osage Council are hereby authorized and directed to offer for lease for oil and gas purposes all of the remaining portion of the unleased Osage land prior to April 8, 1931, offering the same annually at the rate of not less than one-tenth of the unleased area.

SEC. 2. That the bona fide owner or lessee of the surface of the land shall be compensated, under rules and regulations prescribed by the Secretary of the Interior in connection with oil and gas mining operations, for any damage that shall accrue after the passage of this act as a result of the use of such land for oil and gas mining purposes or out of damages to the land or crops thereon occasioned thereby, but nothing herein contained shall be construed to deny to the surface owner or lessee the right to appeal to the courts without the consent of the Secretary of the Interior, in the event he is dissatisfied with the amount of damages awarded him.

SEC. 3. That all members of the Osage Tribe of Indians are hereby declared to be citizens of the United States, but this shall not affect their interest in tribal property or the control of the United States over such property as is now or may hereafter be provided by law, and all restrictions against alienation of their allotment selections, both surplus and homestead, of all adult Osage Indians of less than one-half Indian blood, are hereby removed, and the Secretary of the Interior shall, within four months after the passage of this act, determine what members of said tribe are of less than one-half Indian blood, and their ages, and his determination thereof shall be final and conclusive. The homestead allotments of the members of the Osage Tribe shall not be subject to taxation if held by the original allottee prior to April 8, 1931.

SEC. 4. That from and after the passage of this act the Secretary of the Interior shall cause to be paid at the end of each fiscal quarter to each adult member of the Osage Tribe having a certificate of competency his or her pro rata share, either as a member of the tribe or heir of a deceased member, of the interest on trust funds, the bonus received from the sale of leases, and the royalties received during the previous fiscal quarter, and so long as the income is sufficient to pay to the adult members of said tribe not having a certificate of competency $1,000 quarterly except where incompetent adult members have legal guardians, in which case the income of such incompetents shall be paid to their legal guardians, and to pay for maintenance and education to the parents or natural guardians or legal guardians actually having minor members under 21 years of age personally in charge $500 quarterly out of the income of said minors all of said quarterly payments to legal guardians and adults, not having certificates of competency to be paid under the supervision of the superintendent of the Osage Agency, and to invest the remainder after paying all the taxes of such members either in United States bonds or in Oklahoma State, county, or school bonds, or place the same on time deposits at interest in banks in the State of Oklahoma for the benefit of each individual member under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That at the beginning of each fiscal year there shall first be reserved and set aside out of the Osage tribal funds available for that purpose a sufficient amount of money for the expenditures authorized by Congress out of the Osage funds for that fiscal year: *Provided further*, That all just existing individual obligations of adults not having certificates of competency outstanding upon the passage of this act, when approved by the superintendent of the Osage Agency, shall be paid out of the money of such individual as the same may be placed to his credit in addition to the quarterly allowance provided for herein.

SEC. 5. That the State of Oklahoma is authorized from and after the passage of this act to levy and collect a gross production tax upon all oil and gas produced in Osage County, Okla., and all taxes so collected shall be paid and distributed, and in lieu of all other State and county taxes levied upon the production of oil and gas as provided by the laws of Oklahoma, the Secretary of the Interior is hereby authorized and directed to pay, through the proper officers of the Osage Agency, to the State of Oklahoma, from the amount received by the Osage Tribe of Indians as royalties from production of oil and gas, the per cent levied as gross production tax, to be distributed as provided by the laws of Oklahoma: *Provided*, That the Secretary of the Interior is hereby authorized and directed to pay, through the proper officers of the Osage Agency, to Osage County, Okla., an additional sum equal to 1 per cent of the amount received by the Osage Tribe of Indians as royalties from production of oil and gas, which sum shall be used by said county only for the construction and maintenance of roads and bridges therein: *Provided further*, That the proper officials of Osage County shall make an annual report to the Secretary of the Interior showing that said fund has been used for road and bridge construction and maintenance only.

Mr. OWEN. Mr. President, I ask unanimous consent for the present disposition of the amendment. It will take no time.

Mr. POINDEXTER. Mr. President——

Mr. OWEN. I merely want to make a motion to concur in the House amendment.

Mr. POINDEXTER. Will it lead to discussion?

Mr. OWEN. None whatever.

Mr. POINDEXTER. I will withhold the motion I was about to make so that the Senate can take that action.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent for the present consideration of the amendment. Is there objection? The Chair hears none.

Mr. OWEN. I move that the Senate concur in the House amendment.

The motion was agreed to.

BONUS FOR EX-SOLDIERS.

Mr. POINDEXTER. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

Mr. JONES of New Mexico. A parliamentary inquiry, Mr. President.

Mr. POINDEXTER. I will withhold the motion temporarily.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. JONES of New Mexico. Mr. President, on yesterday the Finance Committee made a report on the soldier bonus bill——

Mr. POINDEXTER. I yield only until we hear what the purpose of the Senator from New Mexico is.

The PRESIDING OFFICER. The Senator announced that he would state a parliamentary inquiry. The Chair has not yet heard his statement.

Mr. POINDEXTER. I do not yield the floor.

Mr. JONES of New Mexico. On yesterday the report of the Finance Committee on the bill (H. R. 14157) to provide adjusted compensation for veterans of the World War, to provide revenue therefor, and for other purposes, known as the soldiers' bonus bill, was presented to the Senate, and at that time, or some time during the afternoon or evening an objection was made to a motion for the consideration of that report because of the second paragraph of Rule XXVI. The Chair ruled, and I think properly ruled, that under the second paragraph of Rule XXVI the report had to lie over one day. I desire to read that rule and get the view of the Chair upon it.

Mr. POINDEXTER. If the Senator will state his parliamentary inquiry, I have no objection.

Mr. JONES of New Mexico. Mr. President, I am trying to do that as clearly and briefly as I can, and if the Senator will not disturb me, I think I will do it in just a few minutes.

The second paragraph of Rule XXVI reads as follows:

All reports of committees and motions to discharge a committee from the consideration of the subject, and all subjects in which the committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

The parliamentary inquiry is, does the day referred to in that rule mean a legislative day or a calendar day?

The PRESIDING OFFICER. The Chair thinks it means a legislative day.

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

Mr. POINDEXTER. Mr. President, I decline to yield further, and insist upon the Chair putting the motion which I have made, to take a recess until 11 o'clock to-morrow morning.

The PRESIDING OFFICER. The Senator from Washington moves that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. JONES of New Mexico. That motion, as I take it, is debatable?

Mr. POINDEXTER. It is not debatable, Mr. President.

Mr. JONES of New Mexico. I submit that it is debatable.

Mr. OWEN. Mr. President——

Mr. JONES of New Mexico. I will yield for a question, if anyone desires to ask a question.

Mr. POINDEXTER. I understood that I had the floor. I did not understand that the Senator from New Mexico had the floor, except as I yielded to him.

The PRESIDING OFFICER. That is true, and the motion is not debatable.

Mr. LODGE. I demand the regular order.

Mr. JONES of New Mexico. Then I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from New Mexico moves that the Senate adjourn. That motion takes precedence of the motion of the Senator from Washington.

Mr. POINDEXTER. I hope the motion will be voted down.

Mr. JONES of New Mexico. On the motion I demand the yeas and nays.

Mr. LENROOT. Was there not a unanimous consent agreement that when we recessed, it should be until 11 o'clock to-morrow?

The PRESIDING OFFICER. No; there was a motion to take a recess until 11 o'clock to-morrow. There was no request for unanimous consent, and pending the motion to take a recess the Senator from New Mexico moved to adjourn.

Mr. POINDEXTER. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. POINDEXTER. Can the Senator from New Mexico make a motion to adjourn pending a motion to take a recess?

The PRESIDING OFFICER. By the express provision of the rules of the Senate a motion to adjourn takes precedence of a motion to take a recess.

Mr. POINDEXTER. In order that we may proceed with the consideration of the naval appropriation bill, I trust the motion to adjourn will be voted down.

The PRESIDING OFFICER. A motion to adjourn is not debatable. The question is on the motion of the Senator from New Mexico that the Senate adjourn, and on that motion the Senator from New Mexico demands the yeas and nays.

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

Mr. GLASS (when his name was called). Making the same announcement as on the previous roll call, I vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. SMITH]. Not seeing him in the Chamber, I transfer my pair to the Senator from New Hampshire [Mr. KEYES] and vote "nay."

Mr. MOSES (when his name was called). Repeating the announcement which I made on the last vote, I vote "nay."

Mr. MYERS (when his name was called). I make the same announcement as to the transfer of my pair and vote "nay."

Mr. SMITH of South Carolina (when his name was called). Making the same announcement I did before, I vote "yea."

The roll call was concluded.

Mr. KELLOGG. Has the senior Senator from North Carolina [Mr. SIMMONS] voted?

The PRESIDING OFFICER. He has not.

Mr. KELLOGG. I transfer my pair with that Senator to the senior Senator from Iowa [Mr. CUMMINS] and vote "nay."

Mr. ELKINS. Has the Senator from Mississippi [Mr. HARRISON] voted?

The PRESIDING OFFICER. He has not voted.

Mr. ELKINS. I transfer my pair with that Senator to the junior Senator from Iowa [Mr. KENYON] and vote "nay."

Mr. WARREN. I am paired with the Senator from North Carolina [Mr. OVERMAN]. I transfer that pair to the Senator from Michigan [Mr. TOWNSEND] and vote "nay."

The result was announced—yeas, 15, nays 28, as follows:

YEAS—15.

Ashurst	Jones, N. Mex.	Ransdell	Underwood
Glass	King	Robinson	Walsh, Mass.
Harris	La Follette	Sheppard	Walsh, Mont.
Heflin	McKellar	Smith, S. C.	

NAYS—28.

Ball	Elkins	Kellogg	Phipps
Brandegee	Fletcher	Lenroot	Poindexter
Calder	France	Lodge	Smoot
Capper	Frelinghuysen	McNary	Spencer
Curtis	Gooding	Moses	Wadsworth
Dial	Gronna	Myers	Warren
Edge	Hale	New	Willis

NOT VOTING—53.

Beckham	Hitchcock	Norris	Smith, Md.
Borah	Johnson, Calif.	Overman	Stanley
Chamberlain	Johnson, S. Dak.	Owen	Sterling
Colt	Jones, Wash.	Page	Sutherland
Culberson	Kendrick	Penrose	Swanson
Cummins	Kenyon	Phelan	Thomas
Dillingham	Keyes	Pittman	Townsend
Fall	Kirby	Pomerene	Trammell
Ferrald	Knox	Reed	Watson
Gay	McCormick	Sherman	Williams
Gerry	McCumber	Shields	Wolcott
Gore	McLean	Simmons	
Harrison	Nelson	Smith, Ariz.	
Henderson	Newberry	Smith, Ga.	

So the Senate refused to adjourn.

DRAINAGE OF INDIAN ALLOTMENTS OF THE FIVE CIVILIZED TRIBES.

Mr. OWEN. I report back from the Committee on Indian Affairs the message of the President of the United States returning without approval the bill (H. R. 517) amending an act to provide for drainage of Indian allotments of the Five Civilized Tribes, approved March 27, 1914, and recommend that the bill do pass, the objections of the President to the contrary notwithstanding, and submit a written report (No. 825) thereon and ask that the report may be printed in the RECORD.

The report is as follows:

The Committee on Indian Affairs of the Senate, to which was referred the bill (H. R. 517) amending an act to provide for drainage of Indian allotments of the Five Civilized Tribes, approved March 27, 1914, together with the objections of the President thereto, having reconsidered said bill and objections thereto, report the same back to the Senate with the recommendation that said bill do pass, the objections of the President to the contrary notwithstanding. The bill as passed made only the following amendments to the existing statute: On page 2, line 10, it struck out the words "or the United States." This language is surplusage and does not change the law. On page 2, line 25, it struck out the words: "*Provided further*, That in any event such assessment on any Indian allotment shall not exceed $15 per acre, and no such assessment shall be made unless the Indian allottee affected or his legal guardian shall consent thereto: *And*."

The President withheld his signature solely on the following ground, without explanation:

"Because it seems to me to reduce the number of safeguards from around the property of our Indians when there is no apparent necessity for doing so."

The necessity for the change in the existing law is to permit the assessment of a higher rate than $15 per acre because of the increased cost in constructing drainage since the passage of the original act, approved March 27, 1914, and to take away the right of an allottee to veto a drainage district by refusing his assent.

The amendment does not subject the land of the Indian to assessment, but only moneys in the hands of the Interior Department, and then only after the Secretary of the Interior shall have caused a review of the schedules of assessment against the tract of land and reviewed

the land assessed to ascertain whether such Indian allottee, or his lands, not subject to taxation, have been assessed more than their pro rata share as compared with other lands allotted in said district similarly situated and deriving like benefits. These overflow lands are of very little value, but after proper drainage is established thereon their value is materially enhanced, and the drainage district is of benefit alike to the Indian allottees and the white citizens who own lands intermingled with the Indian lands. The necessity for drainage districts is well known and the Indian is fully protected. This bill was passed by the House of Representatives and the Senate upon favorable reports of the Secretary of the Interior.

Your committee recommends the passage of the following resolution:

"*Resolved*, That the bill pass, two-thirds of the Senators present having voted in the affirmative."

RECESS.

Mr. POINDEXTER. I renew my motion that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 12 o'clock midnight) the Senate took a recess until Wednesday, March 2, 1921, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 1 (legislative day of February 24), 1921.

COAST GUARD.

To be district superintendents.

Ralph T. Crowley.
Martin W. Rasmussen.

To be ensigns.

Harold G. Bradbury.
Irving W. Buckalew.
Arthur G. Hall.
Norman H. Leslie.
Merlin O'Neil.
Paul K. Perry.
Noble G. Ricketts.
Carleton T. Smith.
Ephraim Zoole.

STEAMBOAT-INSPECTION SERVICE.

To be supervising inspector.

William J. Macdonald.

COAST AND GEODETIC SURVEY.

To be hydrographic and geodetic engineers.

Jack Senior.
Raymond Pugh Eyman.
Leo Cuthbert Dyke.
Chester Howard Ober.
George Clay Jones.
Charles Shaw.
Carl Alexander Egner.
Leroy Preston Raynor.
Lyman Davis Graham.
Max Orville Witherbee.
Payson Austin Perrin.
Roland Drew Horne.
George Lawrence Bean.
Charles Keith Green.

To be junior hydrographic and geodetic engineers.

Benjamin Haines Rigg.
Oliver Scott Reading.
Charles Justus Itter, jr.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 1, 1921.*

The House met at 10.30 a. m.

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

O Thou great Father Soul in whom we live and move and have our being, draw near to us as we draw near to Thee, and fill our hearts with the holy spirit of truth to fit us for the arduous duties of the hour. Be with these, the people's Representatives, in these closing hours of the Sixty-sixth Congress, that their work may stand as a record in the history of this great country.

Our hearts go out in deepest sympathy and love to the Member who is now at the point of death and his beloved family. Be with him, O God, and help him through this hour of transition, and bring him finally to Thee, in the spirit of the Lord Jesus Christ, our Savior. Amen.

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

ELECTION OF A CHAPLAIN.

Mr. TOWNER. Mr. Speaker, I move the election of Rev. Dr. James S. Montgomery as Chaplain, to fill the unexpired term caused by the resignation of Dr. Couden, for the remainder of this session.

The motion was agreed to.

Rev. Dr. James Shera Montgomery appeared at the bar of the House and took the oath of office prescribed by law.

GEN. STEPHEN D. RAMSEUR.

Mr. TOWNER. Mr. Speaker, I desire to present a unanimous-consent request. Our colleague, Maj. STEDMAN, delivered an address, together with Col. Du Pont, at the unveiling of a tablet at Winchester, Va., recently to the memory of Gen. Ramseur, who was mortally wounded in the Battle of Cedar Creek. Gen. Ramseur was a very young man, I believe the youngest major general commissioned on either side. He was an intimate friend of a great many of the Union generals, among them Col. Du Pont. When he was mortally wounded at Cedar Creek he was taken to the headquarters of Gen. Sheridan, and was there treated by his own surgeon as well as the Union surgeon, and given the utmost consideration. These two men, one a Confederate officer, our own colleague, and the other a Union soldier who himself had been a fellow student with Gen. Ramseur and who was at his bedside and received his last words when he died—these two men under the circumstances form such an illuminating, pathetic, and admirable scene of what is really American recognition of worth, and the whole transaction in which a Confederate general was received with such distinction and care and tenderness in the headquarters of a Union general, under the most tender solicitude of those with whom but a few hours before he was in deadly conflict—the whole thing is in such striking contrast to the brutality shown by the Germans and their allies in the late war to the prisoners when they were captured that it seems to me it merits calling the special attention of Congress and others to this wonderful, striking, and pathetic scene.

Besides that, this Winchester campaign and Gen. Sheridan's final victory are reviewed by both of these men briefly; the Battle of Cedar Creek is also described, so that it is of historical worth.

For that reason I ask unanimous consent that these two addresses may be inserted in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The addresses are as follows:

"MAJ. GEN. STEPHEN D. RAMSEUR.

"(By Maj. CHARLES M. STEDMAN.)

"(The following address, by Maj. CHARLES M. STEDMAN, Congressman from the fifth North Carolina district, was delivered last week near Winchester, Va., at the unveiling of a bronze tablet on the spot where Gen. Ramseur died.)

"In remote ages far removed from the era in which we dwell, in the centuries of the Roman and Grecian Empires, when their civilization was in the meridian splendor of its greatness, monuments were erected to their illustrious dead to mark their resting place or to perpetuate in the memory of mankind some epoch in their history, or to designate some spot made sacred by deeds of patriotic valor, that the traveler from other lands may halt his footsteps as he approaches the sacred shrine and realize that he is treading on hallowed ground.

"In Egypt in the days of her ancient glory, when renowned in arms and art, the pyramids were reared more than 2,000 years before Christ. These wonderful monuments were erected by the Shepherd Kings or Caphtorim as tombs for themselves and descendants, that their reign might not be forgotten. These facts have been established by their exploration in recent years and the deciphering of Egyptian writings confirming the statements made by the Grecian historians Herodotus, Diodorus, and Strabo.

"The erection of monuments can not be said to have been transmitted by any one people to another. It is a custom born of lofty sentiment. It is an intuitive idea which now prevails amongst all nations. The higher their ideals the more universal is the custom. Everywhere throughout this broad land of ours monuments dot the landscape. They are the memorials of the love and gratitude of a great people for those who have contributed to their glory in war and preeminence in peace.

"The beautiful bronze tablet to be unveiled to-day and the granite column to be erected are intended to mark the house in which Maj. Gen. Stephen D. Ramseur died. I have been invited to deliver an address upon this occasion. I know full well how inadequate I am to do justice to so splendid a theme as the portrayal of the life and career of Gen. Ramseur. My

heart has prompted me, however, to accept the invitation tendered me. In the biographical sketch of the life of one whose character will ever be resplendent in the galaxy of great names which North Carolina has furnished to the world, I am necessarily restricted to-day. If in the poor tribute to his memory which I shall render I shall say aught of praise which any may ascribe to that love for the great deeds of the Confederate soldier which shall ever remain with those who marched under the same banner during the storm of war, I call to witness every surviving comrade who was with him in those days when character was put to its test and with one accord they will answer: 'All you have spoken is true. Much that belonged to his noble spirit has been left unsaid.'

"In the preparation of my address I have been greatly assisted by the admirable sketch of his life made by Gen. William R. Cox, who was with him in his valley campaign, as well as to the beautiful memoir of his early days and his military career prepared by the Rev. Dr. E. H. Harding, who was his chaplain and connection, and also to the personal recollection of Gen. Ramseur by Hon. David S. Schenck, his brother-in-law, which were furnished me through the kindness and courtesy of Judge Schenck's family, all of which I have read with great pleasure. I have quoted from them freely. They should be filed and preserved in every household in our southern land, that those who follow after us may learn from the life of Maj. Gen. Stephen D. Ramseur the lesson of courage, of truth, of morality, of virtue in its broadest sense. His life was heroic, picturesque, and exalted. It appeals to all who read the pages of history.

"He was born on the 31st day of May, 1837, in the village of Lincolnton, the county seat of Lincoln County, N. C., amongst a people who have ever been distinguished for their refinement as well as their attachment to lofty ideals.

"He was the second child of Jacob A. and Lucy M. Ramseur. He inherited from his ancestors patriotic sentiment, loyalty to and attachment for the land of his birth. They fought at Kings Mountain and Eutaw Springs. To his mother, who was a lady of rare excellence of character, he was indebted largely for the mental and moral training which made up a character seldom equaled in those great qualities essential to success and lasting renown. Hon. David Schenck, who married Miss Sallie Wilfong, her second daughter, thus speaks of Mrs. Lucy M. Ramseur:

"As a young lady she was said to have been beautiful and attractive. I knew her intimately from 1849 to her death. She was a woman of great force of character. To a judgment clear and firm she united gentleness, tenderness, and sympathy. Her manners were courteous and fascinating. She was an active and devoted member of the Presbyterian Church, and brought up her children in the teachings of the shorter catechism from their early youth. It was to her that Gen. Ramseur owed the mental and moral foundations of his character.

"His elementary education was received in the schools of Lincolnton and Milton in his native State. At an early age he manifested a strong inclination for military life, but, being unable to secure an appointment to the Military Academy at West Point, he entered the freshman class in Davidson College, North Carolina, where he remained about 18 months. Gen. D. H. Hill, who was at that time professor of mathematics in the college, became interested in his aspirations and mentioned his splendid qualities to the Hon. Burton Craige, who gave him the appointment he had so much at heart. He was graduated at West Point in 1860.

"A large majority of young men in Army life at first prefer the Artillery service, and such was his choice.

"He was commissioned second lieutenant by brevet.

"Lieut. Ramseur was in the United States Army only a few months before the breaking out of hostilities between the States—from June, 1860, to April, 1861. During that period he was occupied in the performance of his duties at Fortress Monroe. In April, 1861, he resigned his commission in the United States Army and tendered his services to the government of the Confederate States at Montgomery. He did not leave the United States Army without pain and distress. He loved the flag of his fathers. But actuated by a supreme sense of duty to the State of his birth, to which he believed his first allegiance due, he hesitated not a moment, but hastened to a conflict whose echoes have reverberated around the world.

"On the 22d of April, 1861, he was commissioned first lieutenant of Artillery and ordered to the Mississippi Department. But before reaching his post of duty he received a telegram stating that he had been elected captain of the Ellis Light Artillery.

"This battery was being organized in Raleigh and had within its ranks young men who represented the very elite of the young men of North Carolina. It was named in honor of the very efficient and beloved governor, whose early death thereafter brought sorrow to all the people of the State he served so well.

"Its officers were Manly, Saunders, Guion, and Bridgers. They were entirely ignorant of Artillery drill. They knew that the membership of their battery was of the very highest order and they desired to see it the pride and glory of the State. They thought not of themselves, but of their country. Their wish was fulfilled.

"They requested Gov. Ellis to furnish them a commander who would bring the battery to the highest state of efficiency. He immediately without hesitation named Lieut. Ramseur. The wisdom of the choice was afterwards made apparent to all. The battery under the training of Capt. Ramseur attained an excellency in drill and an esprit de corps which was surpassed by none other in the incomparable army of northern Virginia.

"Late in the summer of 1861 Capt. Ramseur's battery was sent to Virginia and stationed at Smithfield, on the south side of the James, and received unlimited praise from all who witnessed its wonderful proficiency in every requirement of the Artillery service.

"In the spring of 1862 Capt. Ramseur was ordered to report with his battery to Gen. J. B. Magruder, at Yorktown, who, with a force of less than 15,000 men, confronted McClellan, who was advancing up the peninsula with more than 100,000 men for the capture of Richmond. Gen. Magruder was fully aware of the great worth of Capt. Ramseur. He had known him in the old Army. He was promoted to the rank of major, and all the Artillery of the right wing of Magruder's forces was placed under his command. Here was his first active service in the field.

"McClellan was delayed more than a month by the strategy of Magruder. In the meanwhile Capt. Ramseur was elected lieutenant colonel of the Third North Carolina Regiment of Volunteers, but declined the position. Afterwards he accepted the colonelcy of the Forty-ninth North Carolina Regiment of Infantry.

"He had become greatly attached to his battery and left it with regret, but with complete confidence that Manly and its other officers would maintain its splendid standard of efficiency. He was not mistaken.

"Soon thereafter the Battle of Williamsburg was fought. The battery commanded by Capt. Manly won the applause of all who witnessed its superb conduct. Its fame extended throughout the Army. Years ago I heard Col. D. K. McRae, who commanded the Fifth North Carolina Regiment at Williamsburg, whose charge gave him immortality, speak more than once of the heroism of Capt. Manly upon that field and the destructive fire of his battery.

"With eager joy the historian gilds his pages with the great achievements of artillery and lingers long over their recital. Can no son of the South be found to tell of the deeds of Pegram, of Pelham, of Raskell, and Manly, who reversed the ancient method of fighting with artillery at a long and safe distance and brought it to its highest perfection, always advancing to the front line of battle when the occasion demanded?

"The Forty-ninth Regiment, of which Col. Ramseur assumed command, had just been enlisted, and had been assembled at Raleigh at the camp of instruction. The men were entirely ignorant of infantry tactics and other requirements requisite for active service in the field. Col. Ramseur soon placed the impress of his character as a soldier upon the regiment, and at an early day it was ready to go to the front. This regiment participated in the "seven days fighting" around Richmond and at Malvern Hill. Whilst leading it Col. Ramseur received a severe wound, from which he never fully recovered. He was shot through the right arm above the elbow and was carried to Richmond to the house of Mr. M. S. Valentine. Every possible kindness and attention was shown him, but his wound was of such a serious nature that he was unable to go to his home in North Carolina for more than a month. Whilst at home, and before he was able to return to the field, he was commissioned a brigadier general. This high honor for one so young in years was doubtless due to the conspicuous bravery and reckless daring displayed by him at Malvern Hill, which elicited unstinted praise from the brave but unfortunate Magruder. With that modesty which was so attractive to his friends, he hesitated to accept the honor tendered him. In October, 1862, although entirely unable to use his right hand, he went to Richmond and called upon President Davis and told him of his doubts as to the propriety of accepting the high position conferred upon him.

"President Davis told him to accept the commission and return to his home in North Carolina and remain there until his health was restored. Gen. Ramseur, however, did not return to his home, but went directly to the Army, and was assigned

to the command of the brigade of Gen. George B. Anderson. Gen. Anderson was an officer of great merit, and his place could not be properly filled by any ordinary man.

"The eminent qualifications of Gen. Ramseur for the duties devolving upon him, his chivalrous nature, his pure character without a blemish, his considerate care for the comfort of his men, at once won not only their respect and confidence but the enthusiastic love of all.

"The brigade at the time he assumed command consisted of four North Carolina regiments—the Second, Col. William R. Cox; Fourth, Col. Bryan Grimes; Fourteenth, Col. R. Tyler Bennett; and Thirtieth, Col. Francis M. Parker, an array of names which recalls the memories of the marshals of the Empire when Napoleon was in the zenith of his glory. It was in Rodes's division of Jackson's corps. No event of importance connected with his history transpired until the Chancellorsville campaign.

"On Friday, May 1, Ramseur's brigade left a point near Hamiltons Crossing, where they were in camp, and marched in the direction of Chancellorsville, leading the advance of Gen. Rodes's division. About 7 miles from Fredericksburg the brigade was detached from Rodes's division and ordered to report to Maj. Gen. Anderson. Soon thereafter the enemy was encountered and driven back in great disorder by Ramseur's brigade, with Gen. Posey on its right and Gen. Wright on its left. Night closed the advance, Ramseur's brigade sleeping on their arms with a strong picket line in the front.

"The advance of Ramseur's brigade on Friday afternoon was witnessed by Stonewall Jackson and Gen. A. P. Hill, who thanked Gen. Ramseur on the field for the splendid conduct of his men.

"On Saturday, May 2, about sunrise, Ramseur's brigade marched by a circuitous route to the rear of the enemy, and about 5 o'clock in the afternoon were ordered to attack. The brigade was directed to support Brig. Gen. Colquitt, with orders to overlap his right by one regiment, and it was so placed.

"Saturday night Rodes's division, with Ramseur's brigade, occupied the last line of battle within the entrenchments from which the corps of Siegel had been driven in abject terror.

"On Sunday morning, May 3, Ramseur's brigade advanced about 9 o'clock to the support of the second line. The charge of the brigade upon the last stronghold of the enemy was made in view of Maj. Gen. J. E. B. Stuart and Maj. Gen. R. E. Rodes, who pronounced it the most glorious charge of that most glorious day.

"The Battle of Chancellorsville is considered by many well-informed military critics as the most brilliant of the many victories won by Gen. Robert E. Lee. In this fight Gen. Ramseur won the admiration of all who witnessed his splendid conduct and established forever his reputation as one of the ablest commanders of his rank in the Army of Northern Virginia.

"As he rode along the line of battle dressed in full uniform, the enthusiasm of his men knew no bounds. Many of them threw their hats in the air and cheered for North Carolina.

"In this battle Gen. Ramseur, although severely wounded, refused to leave the field, and was especially mentioned by Gen. Rodes, as well as by Gen. A. P. Hill, who was also wounded, and by Gen. J. E. B. Stuart, who succeeded Gen. Hill in command.

"His marked ability and reckless exposure of his life created a profound impression upon Stonewall Jackson, which he made manifest when mortally wounded by sending a special message to Gen. Lee commending to his notice Gen. Ramseur. Nor did his high qualities escape the attention of Gen. Lee himself, as will be seen by reference to a letter from Gen. Lee to Gov. Vance, of North Carolina, in which he names the brigade and regimental commanders of Ramseur's brigade as among the best of their respective grades in the army:

"HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
"*June 4, 1863.*

"His Excellency ZEBULON B. VANCE,
"*Governor of North Carolina, Raleigh.*

"GOVERNOR: I have the honor to call the attention of your excellency to the reduced condition of Brig. Gen. Ramseur's brigade. Its ranks have been much thinned by the casualties of the battles in which it has been engaged, in all of which it has rendered conspicuous service. I consider its brigade and regimental commanders as among the best of their respective grades in the army, and in the Battle of Chancellorsville, where the brigade was much distinguished and suffered severely, Gen. Ramseur was among those whose conduct was especially commended to my notice by Lieut. Gen. Jackson in a message sent to me after he was wounded. I am very desirous that the efficiency of this brigade should be increased by filling its ranks, and respectfully ask that, if it be in your power, you will send on recruits for its various regiments as soon as possible. If this can not be done, I would recommend that two additional regiments be sent to it if they can be had. I am satisfied that the men could be used in no better way to render valuable service to the country, and win credit for themselves and their State.

"I am with great respect,
"Your obedient servant,

"R. E. LEE, *General.*

"The pages of history will be searched in vain for any higher tribute paid to any soldier in that age of glory than was rendered to Gen. Ramseur by Gen. Robert E. Lee and his great lieutenant, Stonewall Jackson.

"Gen. Ramseur was with Lee when he invaded Pennsylvania and in all the engagements of that campaign fought with his accustomed valor and added renown to the glory won by him at Chancellorsville.

"In the first day's fight at Gettysburg the Confederate forces drove the Federal troops before them in utter rout and pursued them through the town.

"When Ramseur's brigade with Rodes's division occupied a high ridge known as Oak Hill, he urged and most earnestly insisted that the pursuit be continued and Cemetery Heights be captured.

"With the eye of a born soldier he discerned the necessities of the situation at a glance.

"Had his advice been followed, Gettysburg would have told a different tale.

"When our army went into winter quarters near Orange Courthouse after its return from Pennsylvania and there was no possibility of a renewal of active hostilities at an early period, he obtained leave of absence and went to North Carolina to consummate the most cherished wish of his heart—his marriage to Miss Ellen E. Richmond, of Milton, N. C., to whom he was devotedly attached and to whom he had been long engaged. Their marriage had been delayed by the exigencies of his service in the army.

"They were married on the 22d of October, 1863. The world became all sunshine and happiness to both in their mutual affection.

"The constant and uninterrupted defeats of the Army of the Potomac by Lee had caused great dissatisfaction in the North and restless apprehension as to the final result of the war.

"Gen. Grant had met with success in the West and he was made commander of all the armies of the United States, with unlimited resources of men and every appliance of war.

"He crossed the Rapidan on the 4th of May and on the morning of the 5th, with more than 100,000 men, advanced into the dense thickets of the wilderness. Here, to his amazement, he was attacked by Lee and badly worsted.

"In this battle, as always and everywhere, Ramseur's brigade measured up to the full extent of its duty.

"From the battle field of the Wilderness Grant moved to the right of Lee, in the direction of Spotsylvania Court House, hoping to place his army between Lee and Richmond.

"Again, to his surprise, he found Lee in front of him. Here was fought one of the most sanguinary battles of war. Ramseur won laurels which shall never fade so long as the love of chivalric courage and devotion to duty appeals to the hearts of mankind.

"There was severe fighting on the 11th, when Ramseur crossed our works and drove the enemy from our front on the right.

"During that night the guns in front of Johnson's division, at a point known as the 'Salient,' were withdrawn by order of Gen. Lee, who apprehended that Grant would withdraw and continue his march toward Richmond. In some way this fact became known to Gen. Hancock, who commanded the Federal troops in front of that part of our line.

"Early in the morning, before it was entirely light, he assaulted our lines and captured our works, taking many prisoners. It was an hour of peril. To Ramseur was intrusted the grave responsibility of reestablishing the line of our original works.

"I have been unable to find anywhere a description of the conduct of Ramseur's brigade in this terrific contest more graphic or more true than that given by a correspondent of the London Morning Herald, who was allowed free admission to Lee's headquarters. It appeared at the time in the London papers and in other papers elsewhere, but it can not be published too often. It reads as follows:

"The Federalists continued to hold their ground in the salient and along the line of works to the left of that angle within a short distance of the position of Monoghan's (Hays's) Louisianians. Ramseur's North Carolinians of Rodes's division formed, covering Monoghan's right, and being ordered to charge, were received by the enemy with a stubborn resistance. The desperate character of the struggle along that brigade front was told terribly in the hoarseness and rapidity of its musketry. So close was the fighting there for a time that the fire of friend and foe rose up rattling in one common road. Ramseur's North Carolinians dropped in the ranks thick and fast, but still he continued, with glorious constancy, to gain ground foot by foot. Pressing under a fierce fire, resolutely on, on, on, the struggle was about to become one of hand to hand when the Federalists shrank from the bloody trial. Driven back, they were not defeated. The earthworks being at the moment in their immediate rear, they bounded on the opposite side, and, having thus placed them in their front, they renewed the conflict. A rush of an instant brought Ramseur's men to the side of the defense; and, though they crouched close to the slopes, under enfilade from the

guns of the salient, their musketry rattled in deep and deadly fire on the enemy that stood in overwhelming numbers but a few yards from their front. Those brave North Carolinians had thus, in one of the hottest conflicts of the day, succeeded in driving the enemy from the works that had been occupied during the previous night by a brigade which, until the 12th of May, had never yet yielded to a foe—the Stonewall.

"For 20 hours without intermission the men of Ramseur's Brigade fought to reestablish the line of our works. Wherever the strife was most deadly and the carnage greatest there could be seen their heroic leader. He had three horses shot under him and was again severely wounded but refused to leave the field.

"In recognition of his splendid conduct he was promoted to the rank of major general and assigned to the command of Early's division, receiving his commission in June, 1864.

"The green fields of the beautiful Valley of Virginia will ever be associated with the name of Ramseur, whose wondrous deeds have invested them with a new and unfading charm.

"When Gen. Early was ordered to the Valley of Virginia to arrest the march of Hunter, who was advancing in the direction of Lynchburg and devastating the entire country through which he passed, he carried with him Ramseur's, Rodes's, and Gordon's divisions.

"Early united with Breckinridge at Lynchburg. Hunter, who was in camp near that city, learning of the reinforcements to Breckinridge, became panic stricken and retreated during the night. He was pursued by our troops and overtaken at Liberty, where Ramseur's Division attacked and drove him through that place. Hunter continued his precipitate retreat and escaped.

"Early crossed the Potomac into Maryland and entered Frederick, where the Federal troops made a slight show of resistance, Ramseur driving them before him. The Federal authorities at Washington now became greatly alarmed and ordered Gen. Wallace to place such troops as were available between Gen. Early and Washington.

"Wallace confronted the Confederate forces at Monocacy Bridge. Gen. McCausland, with our Cavalry, crossed the river and was promptly assisted by Gordon.

"Gen. Ramseur, with his division, passed over the railroad bridge and engaged Wallace, who was badly defeated with a loss of many prisoners besides his killed and wounded. The Confederate troops continued to advance until they were within 5 miles of Washington. The arrival of additional troops to reinforce those defending Washington caused Gen. Early to retreat to the lower valley, where he remained until ordered to rejoin Lee.

"On the 19th of September at Winchester Gen. Early was defeated by Sheridan, his defeat being largely due to the dislocation of his divisions. Here Ramseur, with 1,700 men, fought the whole of Sheridan's army from early dawn until nearly 10 o'clock. His splendid ability and unrivaled courage cast a radiance upon that field of disaster. With his division unaided he halted Sheridan's advance in the morning for hours, and again later in the afternoon he repelled Sheridan's advance. Upon this field he exhibited the highest order of ability as a commander.

"The conduct of Ramseur at Winchester as well as the marked ability exhibited by him bears a striking similarity to that of Marshal Lannes at Aspern, who conducted the retreat of the French Army and who was mortally wounded and afterwards died in the arms of his Emperor.

"There was no event during his entire military career which could even suggest a mistake or error of judgment on his part, unless it be his moving out from Winchester, where he had been left by Early, and attacking Averill near Stephenson's depot. In so doing he committed no error. He acted just as Gen. Robert E. Lee or Stonewall Jackson or any enterprising officer of courage would have done. He had been informed by Gen. Vaughn, commanding the Cavalry, that Averill, with a small force, was at Stephenson's depot and could be surprised and captured. Relying upon this information Gen. Ramseur advanced against Averill, who, with a large force of both Infantry and Cavalry, repulsed his attack with considerable loss to Ramseur. The error or mistake, if any, was due entirely to information furnished by Gen. Vaughn, who is credited by all properly informed as to the facts with the responsibility for Gen. Ramseur's attack.

"Gen. Rodes, a most efficient officer, having been killed at Winchester, Gen. Ramseur was assigned to the command of his divisions.

"After his defeat at Winchester, Gen. Early retreated to Fishers Hill. Sheridan followed, and on the 22d of September attacked. In this engagement Ramseur's brigade maintained its high reputation.

"Gen. William R. Cox, under order from Gen. Ramseur, withdrew his brigade from the line and went in the direction of the firing. His brigade was formed across the turnpike over which our forces were retreating and had a desperate conflict with a portion of Sheridan's army, repulsing them in a severe encounter.

"After the fight at Fishers Hill Gen. Early fell back to the lower passes of the Blue Ridge, Sheridan following him as far as Staunton.

"After destroying the Central Railroad, he retreated up the valley and occupied a strongly entrenched camp. Gen. Early pursued him.

"Sheridan's camp was plainly visible from our signal station, and it was discovered that the Federal left flank could be easily surprised and overwhelmed, but it required a long and circuitous march.

"This movement was intrusted to Gen. Gordon, who, with Ramseur's division, moved under the darkness of the night and with great secrecy. Gordon attacked early in the morning.

"Sheridan's headquarters were captured by our cavalry and practically his entire army was demoralized. Before 9 o'clock our forces had captured most of their artillery and over 1,500 prisoners.

"Sheridan was at Winchester on his return from Washington. He met his soldiers retreating along the road without the semblance of order—their panic, to some extent, had subsided. Sheridan knew that Longstreet was not with Early and that his army was nearly three times the number of the force opposed to him. By the aid of Gen. Wright with his division, who alone of all of his army retained an organization, he rallied his men and ordered an attack about 3 o'clock in the afternoon. Ramseur chose the line of his defense with great skill and successfully resisted the advance of the Federal forces. Kershaw's division, however, gave way and Ramseur's line being outflanked, his troops also became alarmed and in his effort to hold them firm he fell mortally wounded.

"Gen. Early in a letter to Brig. Gen. Bryan Grimes thus speaks of his conduct on that day:

"HEADQUARTERS VALLEY DISTRICT,
"October 31, 1864.

"Maj. Gen. Ramseur has often proved his courage and his capacity to command; but never did these qualities shine more conspicuously than on the afternoon of the 19th of this month, when, after two divisions on his left had given way and his own was doing the same thing, he rallied a small band and for one hour and a quarter held in check the enemy, until he was shot down himself in endeavoring to stop those who were retiring from the field. I had occasion to point them to the gallant stand made by Ramseur with his small party; and if his spirit could have animated those who left him thus battling, the 19th of October would have had a far different history. He met the death of a hero, and with his fall, the last hope of saving the day was lost. Gen. Ramseur was a soldier of whom his State has reason to be proud—he was brave, chivalrous, and capable.

"Respectfully,

"J. A. EARLY,
"Lieutenant General.

"Brig. Gen. BRYAN GRIMES,
"Commanding Division."

"On the day preceding the Battle of Cedar Creek Gen. Ramseur learned of the birth of his little girl. His face was radiant with joy as he appeared upon the field of battle in full uniform with a small bouquet fastened upon the lapel of his coat. Death had no terror for him. He was the cynosure of all eyes as he rode over the field wherever his presence was necessary. He had two horses killed under him and was mortally wounded when mounting a third late in the afternoon. He was captured and carried to Sheridan's headquarters, where he received both attention and kindness.

"Maj. R. R. Hutchinson, acting adjutant general, was with him when he received his fatal wound and was also captured whilst having him removed from the field.

"He wrote to Mrs. Ramseur after the death of her heroic husband the following letter, full of pathos and giving a graphic account of events and scenes connected with his last hours:

"NEAR STRASBURG, VA., *October 20, 1864.*

"Mrs. S. D. RAMSEUR,
"Milton, N. C.

"DEAR MADAM: I do not know how to write to you; how to express my deep sympathy in your grevious affliction; but the Christian soldier who has gone before us to that other world has asked me to do it, and I must not shrink from the performance of this duty, however painful. I am writing by the side of him whose last thought was of you and his God, his country and his duty. He died this day at 27 minutes past 10 o'clock a. m., and had at least the consolation of having by his side some who wore the same uniform and served in the same holy cause as himself. His last moments were peaceful, his wounds were painful, but his hope in Christ led him to endure all patiently. He received his mortal wound yesterday afternoon (October 19) between the hours of 5 and 6 p. m. at the post of honor and of danger, where he always was. Our troops had fallen back a short distance but had re-formed and were stubbornly contesting a position on a hill which the enemy attacked from three sides. He exposed himself to every shot, cheering and

encouraging all. I was not far from him when I saw his horse shot; he procured another, which was shot also, and immediately after he received his fatal wound (the second), all in the space of a very few minutes. I ran over to him, got some men, and bore him to the rear, your brother joining us on the way. I then went off after an ambulance, found it, but saw on returning with it that he had been left, as I thought, in the enemy's line. This fear was soon after dissipated, however, by seeing him on Capt. Randolph's horse, the captain running alongside and supporting him. We got him then to the ambulance I had brought up. I thought he was safe then, not knowing how dangerous was his wound, and remained with the rear guard. When I was subsequently captured by the enemy's cavalry, I was carried to Gen. Sheridan's headquarters, and learning that Gen. Ramseur had been captured, asked and obtained permission to remain with him. The road had been blocked up by wagons, causing a delay that gave the enemy time to get up and take him prisoner, just south of Strasburg. Many of his former friends (West Pointers) called to see him yesterday and to-day and offered every assistance in their power, Gen. Sheridan among the number. He was taken to Gen. Sheridan's headquarters and made as comfortable as circumstances would permit. Dr. James Gillespie (Cutshaw's Battalion of Artillery), a Confederate surgeon, assisted by the enemy's surgeon, attended to him and did all that could be done under the circumstances. He suffered a good deal from his wound, the ball having entered his right side, penetrating the right and left lungs and lodging near the left side. But the end was peaceful and quiet. He spoke continually of you and sent very many messages to his family, but above all to his wife. He told the ambulance driver to tell Gen. Hoke that he 'died a Christian and had done his duty.' He told me to 'give his love and send some of his hair to his darling wife,' and often wished he could 'see his wife and little child before he died.' He told me to tell you he had a 'firm hope in Christ, and hoped to meet you hereafter.' He died as became a Confederate soldier and a firm believer.

"I inclose the lock of hair he desired sent you.

"Respectfully,

"R. R. HUTCHINSON,
"*Major and A. A. G. P. A., C. S.*"

"Wolfe died upon the heights of Abraham the death of a hero, and as his spirit took its flight to another world, left as a legacy to his countrymen words which will forever live.

"Nelson at Trafalgar illustrated by his conduct and speech his supreme sense of duty to England and her glory.

"The Scotchman who died at Waterloo with his bagpipe in his hand, by the saber of the Cuirassier of the Guard, whilst thinking of Ben Lothian and playing an air of his native land, has been immortalized by Victor Hugo. But which of these three—aye, who of those who live in song and story is more worthy of the crown of immortality than the young hero from North Carolina, who died in the house where we are assembled to-day?

"The kind treatment extended to him after having been carried to Sheridan's headquarters can not be forgotten. He was attended by a Confederate surgeon assisted by the surgeons of Sheridan's command. Sheridan, Custer, and many of his former friends, who were with him at West Point, gathered around the bedside of the dying soldier and rendered all possible assistance. His conduct on the battle fields of the valley had won the admiration of friend and foe alike.

"His body was embalmed by friends in Winchester and sent through our lines and afterwards carried to Lincolnton and buried in the Episcopal churchyard beside his father and mother.

"His wife, who ever carried his image in her heart, died in Concord, N. C., in 1900, and was buried beside him. His last thoughts on earth were of her. Visions of the fields of his glory faded from his memory. Her face was before him and lighted up his dying bed. 'Tell my darling wife I die with a firm faith in Christ and trust to meet her hereafter,' were his last words. They dwell together in the realms of the blessed.

"Wonderful as were his achievements as a military commander, more attractive than the glory won upon the fields of his renown was his Christian character and his faith in the Providence of God. His life was as stainless as that of a pure woman.

"On the 22d day of April, 1858, he was received into the communion of the Presbyterian Church of Lincolnton. He loved the church of his choice. Rev. Dr. E. H. Harding, in his sketch of his life, says:

"The writer of this sketch passed the last two years of the war in close intimacy with Gen. Ramseur. He saw much of his Christian character, and had many conversations with him on religious subjects. During this period he always expressed himself as trusting in Jesus. He read his Bible, and was regularly at church, and always promoted religious observance among his troops. The last winter of his life Mrs. Ramseur spent with him in camp. He had prayers regularly in his family, and read religious books. He spoke particularly of his enjoyments of Jay's 'Christian Contemplation,' a book on the Christian character. He also read his Bible a great deal, and his faith gradually became brighter, more fixed, and calmer. The last sermon he heard was in New Market from the text, 'To him that overcometh will I give to eat of the hidden manna and will give him a white stone.' He enjoyed it and spoke of his satisfaction in it.

"He thus describes his personal appearance:

"In person Gen. Ramseur was of medium height, his figure was slender but well proportioned, very erect, and of fine martial bearing. His brow was large, prominent, well-rounded; his eye large and black and the whole expression open, winning, and striking. His face indicated in a most remarkable manner loftiness of character and purity of sentiment. He was a fine horseman, sitting upon his horse with grace and managing him with skill.

"The military ability of Gen. Ramseur has been questioned by none. Every field upon which he fought bears tribute to his genius. If the history of the era in which he lived is truthful and impartial, upon its pages it will be recorded that he had no superior in skill and capacity as a soldier amongst all those of his own rank in the Army of Northern Virginia, and that few officers of any grade in the Confederate service equaled him in those qualities requisite for high command.

"He was endowed by nature with a type of personal courage which made him absolutely indifferent to danger. He sought upon every battle field the place where the strife was most severe, and was as calm amidst a hurricane of fire as when seated at his breakfast table.

"He made all around him brave and imparted to troops under his command the highest order of esprit de corps.

"He was absolutely impartial and just, otherwise he could never have obtained the control over the hearts of his men to the extent wielded by him.

"He was a rigid disciplinarian, yet not one murmur was ever heard in his command against his most stringent orders.

"Gen. Ramseur's estimate of men was singularly accurate. It was manifest in his choice of friends.

"From early childhood he was greatly attached to Gen. R. F. Hoke, who, next to Gen. Lee and Stonewall Jackson, was the best beloved of all the generals in the Army of Northern Virginia. They were born in the same village and there was a difference of only a few days in their ages. Both were cast in the heroic mold, and from the lofty heights where such spirits are at home look down with scorn upon all that is base and mean.

"As he was being carried from the battle field he sent to Gen. Hoke by the ambulance driver this message: 'Tell Gen. Hoke I die a Christian, and I have done my duty.'

"For Gen. William R. Cox, who led the last charge at Appomattox, and for Gen. Bryan Grimes, who commanded the greater part of the infantry in that last fight, he had sincere affection and friendship.

"During the last years of his life his chaplain, the Rev. Dr. E. H. Harding, was his most intimate friend.

"He was the embodiment of honor and chivalry, and worthy, had he lived in the same era, to have been the associate of Richard Coeur de Leon. He ever helped the weak and those in distress. He was a friend to all humanity.

"He loved little children and they loved him. Children make no mistake in their real friends. They were very happy and full of childish glee when in his presence.

"Unlike Scipo Africanus, the conqueror of Carthage, who died an exile from home and whose remains rested on a foreign shore, he was buried amidst the people he loved so well. Kings Mountain will keep watch over his grave, but his resting place will be in every land where patriotic heroism has a home.

"He died in the triumph and faith of the Christian religion and left a name without blemish and without reproach, a heritage of honor to his wife and to his little girl, whom he had never seen; to his State; and to our common country.

"His name and fame belong not to North Carolina alone, but are the common property of the American people, and will be preserved by them in their pristine splendor when the bronze tablet which we have unveiled to-day has perished by decay and the granite column erected has crumbled into dust."

—

"ADDRESS OF COL. H. A. DU PONT, SEPTEMBER 16, 1920, AT THE UNVEILING OF THE MONUMENT ERECTED TO THE MEMORY OF MAJ. GEN. STEPHEN D. RAMSEUR, ON THE CEDAR CREEK BATTLE FIELD, NEAR MIDDLETOWN, VA.

"Ladies and gentlemen and representatives of the several societies and Historical Commission of North Carolina, your invitation to be present at the unveiling of the monument to Gen. Ramseur and to speak of my personal relations with that distinguished son of North Carolina was gladly accepted. As a close friend of my youthful days, I held him in most affectionate remembrance, and as I happened to have been personally concerned in much, if not all, that occurred from the time he fell mortally wounded on the Cedar Creek battle field, October 19, 1864, until the end came during the early hours of the following day, I was exceedingly desirous that the information in my possession should be imparted to his immediate relatives and friends.

"My relations with Gen. Ramseur began when I entered the United States Military Academy at West Point, and, as we all know, youthful associations and friendships are not only the strongest but the most enduring. The course of military instruction and discipline at that admirable institution was then five years, and although he entered the academy 12 months before I did we were fellow cadets there for a period of 4 years previous to his graduation in 1860. During the last 10 months of his sojourn at West Point our associations were especially

close, as he was at that time captain of Company B of the Corps of Cadets and was quartered on the second floor of the third division of the barracks, in the room next to the second division and facing south. As I then belonged to the cadet noncommissioned staff, I was not tied down to the quarters of any special company, and roomed with my classmate and close friend, the lamented Hoxton, of Virginia, who at that time was a cadet sergeant of B Company. As our room likewise faced to the south and was separated only by a narrow corridor from that of Ramseur and his classmate, John J. Kerr, also of North Carolina, we four were thrown very much together, and the relations between the two North Carolinians, the Virginian, and the Delawarean were exceedingly cordial. At that time Ramseur was very mature for one of his years, somewhat reserved to those who did not know him intimately, but always quiet, courteous, and dignified, a young man of strong character and great good sense, as well as a most excellent soldier.

"Some 12 months later, when Hoxton and I graduated, the Civil War had already begun, and during the campaign of 1864 in the Valley of Virginia my old friend Ramseur was a division commander of the Confederate forces under Early, while I was chief of artillery and commander of the artillery brigade of Crook's corps, which belonged to Gen. Sheridan's opposing army.

"Ramseur fell at the Battle of Cedar Creek, October 19, 1864, and it was my sad privilege to meet him once more during his last hours at the Belle Grove house, in full view of this very spot, which was then the headquarters of both Sheridan and Crook. Before relating what occurred let me first tell you how he happened to be brought to that house, as I believe that I am the only person now living who has any knowledge of the circumstances. To explain them clearly and satisfactorily it will be necessary to speak of the battle, but I shall try to be as brief as possible.

"As a matter of fact, the Battle of Cedar Creek consisted of two distinct general engagements, fought on the same day. In the first, which began at 5.25 a. m., and continued until about noon, the Conferedate Army surprised and completely defeated the Union troops and drove them from the field with heavy loss. Crook's corps, to which I belonged, was a special sufferer, as it was on the left of the Union line and the first objective of the Confederate attack. Our camps were captured and many prisoners taken, among them the senior medical officer of my Artillery brigade, Dr. Isaac D. Knight, of Philadelphia, surgeon of volunteers with the rank of major, then a man on the wrong side of 60 and not endowed with a very robust physique, who at his age had no business in active service with troops in the field. In spite of this, however, he was not only a highly efficient medical officer but also one of the most calm, affable, warm-hearted, and sensible men I have ever known. When captured, Surg. Knight was not sent to the rear with the other Union prisoners, but was set to work in the field hospitals to assist the Confederate medical officers in caring for the wounded, presumably of both armies.

"In the second engagement, which began between half past 3 and 4 p. m., the Union Army, which meantime had been reformed and realigned, attacked the Confederates, who in their turn were disastrously defeated and driven from the field. Early's left was the first to give way and by 5 o'clock the whole Confederate force was retreating in the utmost disorder down the valley turnpike and across Cedar Creek, Surg. Knight, of course, accompanying it as a prisoner. Ramseur, styled by Gen. Early, 'a most gallant and energetic officer whom no disaster appalled,' was shot through the lungs while making a supreme effort to hold the Confederate line, and was carried to the rear accompanied by his adjutant general, Maj. Hutchinson, his medical officer, and two soldiers, one the driver of the ambulance. My batteries were the first to reach the heights on the north bank of Cedar Creek, and I immediately opened fire upon the retreating army which was in full view, little thinking at the time that the guns were trained upon my chief medical officer as well as upon the wounded friend of my youthful days.

"As soon as the Union Cavalry in pursuit had advanced far enough to come within range of my pieces, I gave the order to cease firing, and at this juncture the following incident occurred, as reported to me next day by Surg. Knight: When the horsemen were close at hand and so near that the capture of the ambulance was inevitable, Maj. Hutchinson hailed Surg. Knight, who, as the fates willed it, happened to be trudging along very near the ambulance in which the wounded general lay. Realizing that their respective rôles were about to be reversed, he accosted the quondam prisoner as follows: 'We surrender to you, sir!' Surg. Knight, who took in the situation, upon receiving the surrender of the general with his two staff officers and two Confederate soldiers, ordered the ambulance to be halted and turned to the rear. When the Cavalry came up Knight claimed the five prisoners, took them back directly to the Belle Grove house, which was Sheridan's headquarters, and turned them over to the chief medical officer of the Union Army, Surg. Ghiselin, of Maryland.

"Ramseur was at once installed in one of the most commodious bedrooms in the house and all possible steps taken, in cooperation with his own medical officer, to mitigate his sufferings. The best evidence of the very special consideration extended to the wounded division commander lies in the fact that his adjutant general as well as his two soldiers were permitted to stay with him. In recent years I have often thought of the striking contrast beween the treatment then and there accorded to Gen. Ramseur and the gross brutality displayed by our German foes during the great conflict which has so recently ended.

"The battle was over and night had fallen; after seeing that my remaining men and horses had all the attention possible under the circumstances, it suddenly dawned upon me that I was almost completely exhausted mentally and physically; that I had not tasted food for more than 24 hours; that I had been almost continuously in the saddle since half past 5 in the morning; and, worst of all, that I had no abiding place, as my personal effects had been taken by the enemy when our camp was captured in the morning. The only recourse was to seek food and shelter at the headquarters of my corps, which, as before stated, were with the Army headquarters at the Belle Grove house. One of the first persons I met there was Gen. Torbert, of Delaware, the commander of the Union Cavalry corps, who lost no time in telling me that Ramseur was lying mortally wounded in the house, which information so acutely shocked and distressed me that I forgot for the time my own necessities and hastened upstairs to see him.

"The room was absolutely still; Ramseur, clad in his major general's uniform, lay on his back in the bed, his eyes closed. At the other end of the room were the four Confederates, the surgeon examining medicine bottles on the window sill; on his right as he faced the window sat Maj. Hutchinson, and on his left in the corner of the room stood the two Confederate soldiers, seemingly men of middle age. Approaching the bed, I said, 'Ramseur, do you know me?' mentioning my name. He opened his eyes, in which I saw recognition and apparently a gleam of pleasure. So great was my physical exhaustion that I seated myself as quietly as possible on the side rail of the bedstead, but the almost imperceptible jar thus occasioned gave the sufferer a thrill of pain, to my extreme distress. Speaking with the greatest effort, he said to me, 'Du Pont, you don't know how I suffer,' and then relapsed into silence and closed his eyes, not, however, before extending his hand and firmly grasping and holding mine. I was deeply moved. Strange as it may seem—illogical, if you please—in that supreme moment he turned with content and satisfaction to the one person present who, though officially a foe, was still, as he instinctively felt, the steadfast personal friend of former days.

"As his condition was hopeless and his time short, the Confederate surgeon very wisely sought only to relieve the excruciating pain. The treatment was simple. From a large bottle of laudanum or other opiate on the window sill he filled a wineglass and, approaching the bed, said, 'Drink this, General.' As soon as the sufferer had swallowed the medicine the medical officer went directly back to the window, carefully refilled the wineglass, returned to the bedside, and again said, 'Drink this, General.' This went on for a considerable time, when at length the effect of the opiate became apparent; Ramseur's hand slowly and gradually relaxed in mine and finally became limp—he was unconscious, and remained so until his death, several hours later.

"Had he been in possession of his faculties, I would have stayed to the end, but as nothing more could be done and my need of food and rest was no longer to be ignored, I withdrew and after getting something to eat fell into a profound slumber. Upon awakening next morning I went directly to Surg. Ghiselin and arranged with him to have Gen. Ramseur's remains sent through the lines to his family.

"Such, my friends, is the brief statement of my personal relations with that gallant soldier and splendid son of the old North State."

JOHN A. MOON.

Mr. PARK. Mr. Speaker, I ask unanimous consent to place in the CONGRESSIONAL RECORD a short editorial reviewing the congressional service of Hon. JOHN A. MOON, and to extend brief remarks of my own.

The SPEAKER. The gentleman from Georgia asks unanimous consent to print in the RECORD a short editorial on the legislative life of Judge MOON. Is there objection?

There was no objection.

LEAVES BEHIND A FINE RECORD—JUDGE JOHN A. MOON RETIRES FROM CONGRESS AFTER SPLENDID SERVICE OF 24 YEARS—MOST ABLE IN DEBATE.

(By John D. Erwin, Washington correspondent of the News.)

WASHINGTON, *February 22.*

With the close of the Sixty-sixth Congress, March 4, Representative JOHN A. MOON, of the third congressional district of Tennessee, will retire after a continuous service in the House of 24 years, during which time he made an enviable reputation as a useful public servant.

Among his numerous friends and admirers here it is a source of the keenest regret that Judge MOON's health has become impaired to a degree that he can not be at his post at the close of his service, but under the advice of his physician has been forced to seek rest and quiet at his home away from the strain and turmoil of Congress.

Judge MOON proved himself not only an able and serviceable Member of Congress, but he is popular in his district and the State. Throughout his long tenure he was not only invincible before the people of his district, but his commanding influence changed the district from a doubtful one to a Democratic stronghold. He started out in 1896 by overcoming a Republican majority in the district of 3,500 in 1894, and at each succeeding election until the last one increased the Democratic majority. No Democratic contestant for the nomination nor no Republican contestant in the general election could defeat him until the last election, when his district, with the State, went Republican.

He is regarded as one of the ablest debaters in the House. He does not speak often, but when he does he commands the attention of both Democrats and Republicans, and it may be said that in such conflicts in which he engages the force and logic of his arguments are convincing to both sides of the House. While he commands the respect of the Republicans and wields considerable influence over them, he is a stanch Democrat, faithful always to his party, and an aggressive advocate of Democratic measures and principles. He is an ardent supporter of the Democratic administration, and has been all along one of President Wilson's ablest lieutenants in the promotion of constructive legislation.

During his service Judge MOON looked carefully after the manifold interests of his district and his State, which is matter of public record, but his activities have not been restricted to doing things for his district and his State, for he has waged numerous successful battles in behalf of the whole people. Broad-minded, patriotic, and farseeing, his aspirations for legislative accomplishments have embraced his entire country, and in every conflict in which the principles of right and justice have been involved he has been found on the right side, defiant of the wrong and bravely combating whatever opposition may have confronted him.

Judge MOON has never claimed credit for the many valuable things he has done during his service. He has never boasted of his work, but has been content for his record to speak for him. He has remained constantly at his post, devoting his great talents to the public work instrusted to him. With every impulse of his heart for the good of the American populace and their Government and with a vision broad and far-reaching, he has devoted his life to maintain the principles of justice in the legislation enacted and in all the governmental relationship to the public.

Though his splendid record as a public Representative might with propriety have been blazoned in the papers to his great credit, it has not been done, as he has not sought publicity. He has been satisfied to have been of service in the great constructive work he has done, leaving his public performances to be their own commendation.

When he shall have left the field of his long service, where the strength of his mentality and the sterling qualities of his heart have combined to draw him close to men of worth in the body of which he is a Member those who have been associated with him and have learned to know him may appropriately pay him this honest tribute:

"His life was gentle; and the elements
So mixed in him, that nature might stand up
And say to all the world, 'This was a man.'"

Mr. PARK. Mr. Speaker, I know Judge MOON as well, perhaps, as he knows himself—the gentlest of gentlemen, "as brave as the bravest of the Howards," as loyal and true as the "unchanging blue."

In the tale of King Arthur's "glorious knights" is recited a touching incident of Sir Ector de Maris at the bier of Sir Lancelot du Lac, his half brother, "laid out" in the little "quire" of Joyeuse Garde.

Such is befitting to say of the dying lion of the third district of Tennessee, who languishes sick amongst loving relations and friends in Chattanooga.

Said Sir Ector:

Thou were the kindest man that ever struck with sword, and thou were the goodliest person that ever came among press of knights, and thou was the meekest and the gentlest that ever ate in hall among ladies, and thou were the sternest knight to thy mortal foe that ever put spear in the rest.

Let us hope he may have a speedy deliverance from his present bed of pain.

A MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendment joint resolution (H. J. Res. 382) declaring that certain acts of Congress, joint resolutions, and proclamations shall be construed as if the war had ended and the present or existing emergency expired, had requested a conference with the House of Representatives, and had appointed Mr. STERLING, Mr. NELSON, and Mr. OVERMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 10105) conferring jurisdiction upon the Court of Claims to hear, examine, consider, and adjudicate claims which the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Indians may have against the United States, and for other purposes, in which the concurrence of the House of Representatives was requested.

ENROLLED BILLS 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 bills:

H. R. 14063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 13944. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15812) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1922, had agreed to the amendments of the House to the amendments of the Senate Nos. 40, 48, 49, 92, 93, 107, 117, and 118, had further insisted and agreed to the further conference asked by the House on Senate amendments Nos. 11, 12, 31, 32, 33, 79, 80, 82, and 119, had disagreed to the amendments of the House to the amendments of the Senate Nos. 115 and 116, had further insisted upon these said amendments, and had requested a further conference with the House thereon, and had appointed Mr. GRONNA, Mr. KENYON, Mr. MCNARY, Mr. GORE, and Mr. SMITH of South Carolina as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two houses on the amendments of the Senate to the bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, had receded from its amendment No. 58, had agreed to the amendments of the House to the amendments of the Senate Nos. 82 and 112, had disagreed to the amendment of the House to the amendment of the Senate No. 113, had further insisted upon its said amendment, and had requested a further conference with the House thereon, and had appointed Mr. WARREN, Mr. SMOOT, and Mr. OVERMAN as the conferees on the part of the Senate.

RECESS TO-NIGHT.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House stand in recess from 6 to 8 o'clock this evening.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

CONTESTED-ELECTION CASE OF WICKERSHAM AGAINST SULZER AND GRIGSBY.

Mr. DOWELL. Mr. Speaker, I call up the contested-election case of Wickersham against Sulzer and Grigsby.

Mr. HUDSPETH. Mr. Speaker, I yield 30 minutes to the gentleman from Alaska [Mr. GRIGSBY].

Mr. GRIGSBY. Mr. Speaker, I make a point of order that no quorum is present.

The SPEAKER. Evidently there is no quorum present.

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

The motion was agreed to.

The doors were closed, and the Sergeant at Arms was directed to notify absentees.

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

Andrews, Md.	Dooling	Harreld	Luhring
Ayres	Doughton	Harrison	McAndrews
Baer	Drewry	Haugen	McArthur
Bee	Eagle	Hersman	McCulloch
Bland, Ind.	Ellsworth	Hill	McGlennon
Bland, Va.	Emerson	Hoey	McLeod
Brinson	Evans, Mont.	Huddleston	Magee
Britten	Evans, Nev.	Hull, Iowa	Maher
Brumbaugh	Ferris	Hull, Tenn.	Mann, S. C.
Buchanan	Fish	Ireland	Mead
Burke	Flood	James, Mich.	Moon
Caldwell	Focht	Johnson, Ky.	Mooney
Cantrill	Fordney	Johnson, Miss.	Morin
Carss	Gallagher	Johnston, N. Y.	Mott
Casey	Gandy	Kahn	Nolan
Clark, Fla.	Garner	Keller	Paige
Clark, Mo.	Goldfogle	Kendall	Pell
Classon	Good	Kennedy, Iowa	Phelan
Connally	Goodwin, Ark.	Kettner	Pou
Costello	Goodykoontz	Kitchin	Rainey, Ala.
Crowther	Gould	Kleczka	Rainey, Henry T.
Curry, Calif.	Graham, Ill.	Lampert	Rainey, John W.
Dempsey	Graham, Pa.	Langley	Randall, Wis.
Denison	Hadley	Lesher	Reed, W. Va.
Dent	Hamill	Little	Riddick
Donovan	Hamilton	Lonergan	Riordan

Rodenberg	Scully	Sullivan	Watkins
Rogers	Sears	Thomas	Wilson, Ill.
Rowan	Sells	Tinkham	Wilson, Pa.
Rubey	Small	Vare	Wise
Sanders, La.	Smith, N. Y.	Venable	
Sanders, N. Y.	Steele	Voigt	
Sanford	Stiness	Walsh	

The SPEAKER. Two hundred and ninety-eight Members have answered to their names, a quorum.

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

The motion was agreed to.

The doors were opened.

Mr. HUDSPETH. Mr. Speaker, I yield 30 minutes to the gentleman from Alaska [Mr. GRIGSBY].

Mr. GRIGSBY. Mr. Speaker and gentlemen of the House, I can not hope to analyze the testimony in this case in the brief time which has been allotted to me. It is contained in a record of 840 pages. It required an argument of 24 hours before the Elections Committee, 12 hours on a side, and at that two-thirds of them do not know anything about the case yet. I am simply going to discuss some of the features of this case and point out to you the way the case came up. Some of you do not know anything about it and naturally could not be expected to.

Charles A. Sulzer was elected Delegate to this Congress from Alaska on November 5, 1918, by 33 votes on the face of the returns. Mr. Wickersham, the contestant, when he came down here to inaugurate his contest contended that if there had not been fraud in the canvass of those votes by the canvassing board, consisting of the governor and other officials of the Territory, a true count of those votes would have made a change of 40 and have entitled him to the certificate; but your Elections Committee made a recount of every ballot cast at that election, resulting in a change of 2 votes, leaving Mr. Sulzer still with a majority of 31 on the face of the returns.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. GRIGSBY. Yes.

Mr. CHINDBLOM. The gentleman does not mean to say that there was a recount of all of the ballots?

Mr. GRIGSBY. I do.

Mr. CHINDBLOM. Why, no. The gentleman knows that there was only an examination of the rejected ballots. The gentleman from Texas [Mr. HUDSPETH] will agree with me on that.

Mr. GRIGSBY. I can not yield to the gentleman, I have only 30 minutes. I know that on the point on which Mr. Wickersham said the change would be made, you found a change of 2 ballots, and you found that Mr. Sulzer was elected by 31 votes.

Mr. HUDSPETH. Wherever there was any question about the ballots there was a recount of every ballot.

Mr. GRIGSBY. Yes. Mr. Speaker, I do not want any more interruptions in my time from anyone. When this canvass was made by the canvassing board in January or February of the following year, the canvassing board had no alternative under the law but to issue a certificate of election to Mr. Sulzer, and no one can dispute that statement. About the time the certificate was issued to him he died. His death caused a vacancy, and under the law of Congress it became the duty of the governor of Alaska to call a special election. He had to call it; he had no alternative; he could have been mandamused to call it. There was a vacancy in the office. He did call an election. I was nominated to run as the Democratic candidate at that election. There was a labor candidate put up. The returns came in at that election from 144 precincts out of 164, in the whole of Alaska, and I was elected by a majority of 1,277 votes in an election duly and legally called, and when the gentleman from Missouri [Mr. HAYS] gets up here and says that I am standing in anybody's shoes and not in my own shoes as a Member of this House he says what is not so.

I was elected by the people of Alaska. It may be that some time in the remote past political exigencies required a rule which would allow a man to sit idly by for two years and refuse to run and put his community to the trouble of going to the expense of an election, making his population walk thousands of miles to vote, and then come in here on the last day of the session and make his biennial descent on the Treasury of the United States. [Applause on Democratic side.] If I had time, I would take this report of this committee and make them ashamed of every word in it. There is not a member of the committee who is responsible for this majority report who can meet me anywhere in public debate and justify it. Why, they do not give the name of a single illegal voter whose vote they cast out. One of them came up here yesterday with a little list of the illegal votes that they say they cast out in order to sustain these findings, and whom did he mention as one of these illegal voters whose vote is cast out? The Hon. Charles A. Sulzer. Mr. Sulzer is the late Delegate to Congress, and he died before any testimony was taken in this case. His mouth is closed. I have conceded for the sake of his everlasting good name that he did not vote for Mr. Wickersham. [Laughter and applause.] This House does not need to take my concession, and I say that if this committee is so hard up to find illegal votes to cast out in order to give this man his $21,000 that they have to go and cast out the vote of the candidate himself who is dead, then they have got a pretty weak case.

This committee knowingly or unknowingly has violated every rule of conducting election contests. There are three rules which the House has laid down in case after case in respect to election contests. One of them is that every presumption and intendment of the law is indulged in favor of the right of suffrage. Every vote is sustained if it possibly can be sustained. Another is that every presumption is indulged in favor of the sitting Member. The third is, and it obtains not only in election contests but in every kind of legal proceeding, that every presumption is indulged in favor of a dead man. This contestant is attacking the title of a dead man.

But he should not come in here and ask to be seated on the strength of a report that does not clearly prove by itself that he is entitled to prevail. Now, I say that instead of indulging these presumptions in favor of a dead man and in favor of the right of suffrage and in favor of the sitting Member, they have pursued exactly the opposite course in every contention in this case. They have thrown out the vote of Charles A. Sulzer, who voted in Ketchikan instead of down at Sulzer, under the Territorial law, on the presumption that he voted for himself. They threw out the vote of his private secretary who came down there from Fairbanks. Now, if I am wrong about that, tell me what votes you did throw out, because I have never been informed and you do not name one of them, but there were between 21 and 25 alleged illegal individual votes and you must have thrown out some of them because you threw out 21. I conceded 13 of them. I can name you 12 that I can analyze that you can not get a vote on your side in favor of throwing out. Steve Reagan, the assistant United States attorney at Ketchikan, and his wife——

Mr. CHINDBLOM. They were not thrown out.

Mr. GRIGSBY. All right. What was thrown out? Give me your list, please. [Applause on the Democratic side.]

Mr. DOWELL. Read them.

Mr. GRIGSBY. All right. Here is William Semar and Mrs. Semar thrown out. There is not any evidence in the case to show how they voted? What is the evidence in the case to show how they voted—William Semar and Mrs. Semar? I have examined the record in reference to these two votes and have not found a line of evidence of any kind in reference to how William Semar and Mrs. Semar voted, unless it was because they went up to the polls in company with people who were thought to be Sulzer supporters. You have thrown out the vote here of Mrs. Kinkaid, and I do recollect in her testimony she testified she did not remember how she voted; does not know to-day. Her husband voted for Sulzer, but she said she did not know how she voted. Bert Heath, a young Ketchikan boy, was away from home six years wandering during his minority. He came back and lived with his father at his father's house, and there was some question as to his legal residence. I concede that. The only evidence as to how he voted was that his father said he thought that young Heath voted for Sulzer. Is not that true?

Mr. KEARNS. Will the gentleman yield?

Mr. GRIGSBY. Yes, sir.

Mr. KEARNS. Had this young man during the six years' absence voted at any place else?

Mr. GRIGSBY. I do not know. There is no evidence of whether he did or not, and, whether he was a resident of Ketchikan or not, here is the damning paper, and you have thrown out his vote, and you have not a line of evidence how he voted except that his father said that he thought the rest of the family voted for Sulzer. If you have any more evidence, state it. [Applause on the Democratic side.] If this vote were the deciding vote in this contest, which it might be, are you going to pay this contestant $21,000 on that kind of evidence? That is as strong a case as you have of the individual illegal votes. J. C. Cochran lived in Ketchikan for years up until shortly before this election in question. He was appointed lighthouse keeper at Lincoln Rock, which is 30 or 40 miles from Ketchikan and outside of Ketchikan recording district. He never lived anywhere else except in Ketchikan, in Alaska, as far as the evidence shows. On election day he left the rock out in the sea, where he was stationed, and returned to his home in Ketchikan and voted. You threw out his vote because he voted in the wrong precinct and said he ought to have voted at

Wrangell, where he had never been in his life, simply because this lighthouse where he was officially stationed came within the boundaries of the Wrangell precinct. There is another vote you have thrown out. Now, there are lots more of them, but I am not going to discuss any more individual votes. I can go on and show that I have a stronger case in respect to 16 votes that you did not allow me, and name them. You allowed me 11 votes. I can show votes you have ignored in your report. But what about all this voting in the wrong precincts? A Territorial law was passed in 1915 by the Territorial legislature.

It was so inconvenient to the population in Alaska to compel them to leave their mining business and their fishing business and other occupations to go 50 or 100 or 200 miles to the home precinct to vote that the legislature passed a law stating that they could vote in any precinct in the division in which they lived, and there are four divisions in Alaska. That was passed in 1915, and it is true I rendered an opinion that the legislature exceeded its powers in passing that act, but you have put a section in the organic act that says that when the legislature passes laws at the session of the legislature they shall be submitted to Congress, and if disapproved by Congress they shall be null and of no effect. That law was passed in 1915, when Mr. Wickersham was sitting in Congress, and he knew what the law was, because he was present at that legislature, and he ran under that law in 1916, and, according to the evidence in this case received several hundred votes cast by persons in wrong precincts in 1916. He served in this Congress from 1915 down to the spring of 1919. Did he ever ask Congress to disapprove that legislative act? No; he ran under that act. My successor, who is sitting here to-day and who is a resident of the fourth division, came down from Nome in 1916, just 30 days in the division, and voted for Wickersham, as did 200 others. Now, does it lie in this man's mouth, who has allowed the people of Alaska to imagine they had the right to make their own election laws, to come down here now and try to grab off this lump sum on a technicality? Is there any equity in this case?

Now, I want to talk a little about the soldier vote. This committee, for whom I have the highest respect as individuals, but not as lawyers or judges, has thrown out 44 soldier votes. They do not name them. They do tell where they enlisted at various places in the States, but they omit to mention that nearly all of them also reenlisted in Alaska. They do not draw any distinction between any of these soldiers. They place them all in the class of soldiers in the Regular Army of the United States who are transferred to a locality and stationed there, and have no status in that locality except as soldiers, and then throw them out wholesale.

And, in the first place, they make a mistake numerically. They say that of the soldier vote in 1918 Wickersham received 5 votes, Sulzer received 24 votes, and 16 of them refused to testify; that of the votes of the ones where the testimony showed for whom they voted there should be deducted a net of 19. There were only 16 soldiers who testified how they voted. Five of them testified they voted for Wickersham; 11 of them testified they voted for Sulzer. Of the 11 that testified they voted for Sulzer, 4 of them were legal voters in Alaska, having reenlisted there. One of them had been out of service for a period of nine months before he reenlisted. Now, there is no law, there is no decision of any court, there is no decision of this House, that a soldier can not acquire a residence. The decision in the contest of three years ago of Wickersham against Sulzer does not say so.

The evidence in that case was simply that a body of soldiers stationed at a couple of forts—Fort Eagle and some other fort up the river—were not entitled to vote. And under the facts they were right. But every authority that I have been able to find announces the doctrine that a soldier can change his residence just the same as anybody else, if he has the opportunity. It is true that his opportunity does not come so often, but when he has it he can change his residence.

Now, this House decided a case back in the Forty-first Congress which is exactly in point to this case. And it is a peculiar thing that the two cases cited by your committee two years ago against this soldier vote are both in favor of the soldier vote. And in the trial of this case before the committee, Mr. Wickersham, the contestant, came before the committee and cited the case of Gen. Ames, of Mississippi, who was elected to the Senate back in 1870 or 1871, and he read the committee report, written by Roscoe Conkling, I believe, which stated that because Gen. Ames was in Mississippi in a military capacity only he was not entitled to a seat in the Senate, and he told your committee that the Senate turned Gen. Ames out of the Senate. When he got through I produced the Senate report of that case and showed that the Senate overturned the report of that committee by a vote of 40 to 12, and seated Gen. Ames, and that he never had been thrown out. He was not in when the question came up; but they seated him, and overturned the committee's report on the theory that the mere filing of his candidacy to run for the United States Senate from Mississippi showed his intention to acquire a residence in that State. And if a candidate for office can acquire a residence in that way, an elector who votes for him certainly has the same right, and so it has been decided by the courts and by this House that when a soldier's term of enlistment expires in the State or Territory where he is stationed, if he reenlists in that State or Territory he acquires a residence there if it is coupled with the requisite intention.

Your committee has thrown out the votes, and nearly all the votes they have thrown out are of boys who enlisted once, twice, three, and four times in Alaska. You have thrown out the votes of seven members of the Signal Corps who reside in Valdez, in homes which they own or rent, and who are married and who pay taxes, and who conduct themselves just as any other citizens.

Now, see what this House says about that proposition in the case of Taylor against Reading, in the Forty-first Congress, which was cited against Mr. Sulzer two years ago, involving 20 soldier votes. I find in looking up that case in the House contested-election cases that the House allowed 13 votes of soldiers in the Regular Army. That case is reported in contested-election cases, second session, Forty-first Congress, Miscellaneous Documents.

Now, what is the theory on which they allowed those votes? [Reads:]

> The third class consist of those who did not reside in the district at the time of their enlistment, but remained for some years; in some cases reenlisting once, twice, and in one case three times. Most of these men had either purchased or rented property, had their homes in the district, and had given other evidence of an intention to select this precinct as the place of their abode.

These votes are allowed by this House, and that decision has never been overruled. And I want to show you what the evidence is in this case along the same line. Now, I am talking about the votes they threw out at Valdez. Here is the testimony:

> Q. Now, were the members of the Signal Corps at Valdez in 1918 residing on a Government reservation?—A. They were not.
> Q. Where did they reside?—A. Some in their own homes in the town—the married ones—and the others in other people's homes as boarders or roomers.
> Q. They resided as other citizens of Valdez?—A. With and as other citizens resided.
> Q. Do you know whether the members of the Signal Corps paid taxes on their property like other citizens there?—A. I know they did.
> Q. Did any of the members of the Signal Corps take part in the municipal elections that were held in the town of Valdez in the spring of 1918?—A. They did.
> Q. Was there any difference in their method of living in Valdez from the way other citizens lived?—A. There was not. They were earning their living, associating with other citizens of the town, and willing to be such.
> Q. And they made personal friends among those living in Valdez?—A. They did.
> Q. Do you remember how many Signal Corps boys stationed at Valdez for the year 1918 married Valdez girls and young ladies who had lived in Valdez?—A. About seven.
> Q. Do you know that those that married owned their own homes in Valdez?—A. Some did.
> Q. Did they live in them?—A. They did.
> Q. And others, how did they live?—A. They rented houses.

That brings it squarely in the rules of this House. Now, these are the Signal Corps votes that they are throwing out here. And every one of them, practically, that goes to Alaska goes there at his own request. It is a selective service, and they go there, and they testify that they go there in the first place with the intention of acquiring a residence there and remaining there when their term of enlistment expires.

There is one man whose vote they have thrown out who has been up there since 1903, who has enlisted and reenlisted and has taken his family there, and who is there yet, working in a bank. He never had any other home. They throw out his vote. No wonder they do not mention the name of a man whose vote they have thrown out. There is no evidence, no testimony, to justify them in saying that 24 of these men voted for Sulzer, because we have only 11 of them as to whom there is any evidence.

They have adopted a rule here as to those concerning whom they did not get any evidence which is a relic of those unregenerate days when you wanted arbitrarily to seat somebody, a relic of the remote past, because nowadays election contests are decided upon their merits. It is called the pro rata rule, which is the most ridiculous, asinine, and absurd method of disposing of an election contest that you can devise. If you do not know what the pro rata method is, I will tell you. It is this: If it is ascertained that there were a certain number of illegal votes cast in a precinct and you do not know for whom

they were cast, you divide them up in accordance with the proportion of the votes cast in that district.

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

Mr. HUDSPETH. I yield the gentleman five minutes more.

The SPEAKER. The gentleman is recognized for five minutes more.

Mr. GRIGSBY. For instance, if I carry a certain precinct 4 to 1, and there were 50 illegal votes cast in that precinct, you would charge 40 to me and 10 to the other man. In other words, if a man comes down here to contest my seat and is unable to furnish evidence, you get it for him by an arbitrary method which can not be right once in 500 times, because there are hundreds of ways in which those votes might have been cast other than in the proportion of 40 for me and 10 for him. Seldom if ever have you arrived at justice in a case decided by such asinine methods. It is vicious and foolish. The true rule would be that if a contestant comes down here, especially if he comes down here contesting the seat of a dead man who is unable to open his mouth, he should be entitled to his seat only upon legal evidence, even if a new election is necessary on account of the casting of illegal votes.

Now, look at the way they have applied their pro rata rule. I will give you some indication of the care with which they have reviewed this case. They have found that there were four Regular Army votes in Valdez Bay. They have prorated them. Now, in the first place, there were but three Regular Army votes in Valdez Bay, and in the second place, one of them, to wit, Joseph Newman, testified that he voted for Wickersham, and we have got the worst of it there again. I could go through this report and tear it to pieces to the satisfaction or dissatisfaction of you gentlemen on the other side if time would permit.

I have said enough now to place you in doubt about it. The gentleman from Missouri [Mr. HAYS] yesterday said that the result of this contest would mean no reflection on me, that it was not my contest, but it was a contest between Mr. Wickersham and Mr. Sulzer. In other words, he is greasing the chute to slip me out into the street. [Laughter.]

But when I shall have got out I shall have been kicked out of Congress. This contestant pledged himself to this Congress in my presence three years ago not to contest this election. I have it right here in the RECORD. You will not find it in the permament official RECORD, because he has changed the permanent official RECORD. But Mr. HARRISON, now Senator, asked him who was elected at the last election, referring to the 1918 election. I read:

Mr. HARRISON of Mississippi. In this last campaign—last November—was the proposition discussed as to whether you were elected or Mr. Sulzer was elected?

Mr. WICKERSHAM. It was discussed a little; yes.

Mr. HARRISON of Mississippi. Well, who was elected in the last election, or has not that been decided

Mr. WICKERSHAM. We do not know yet. The answer will depend on whom you ask. If you ask me, I say that I am elected, and I have no doubt that if you ask Mr. Sulzer he will say that he is; but I am perfectly willing to say that it is so close that nobody can honestly tell you, and that neither you nor we will know until the official count is had.

Mr. HARRISON of Mississippi. And there will probably be a contest over that?

Mr. WICKERSHAM. Not if I lose, because I have had enough of it. [Laughter.]

Now, that is from the daily RECORD of January 4, 1919. You turn to your official RECORD—that is, the permanent RECORD—and you will find language inserted there so that it gives him an "out" to justify this proceeding. It reads:

Not if I lose here.

When he answered the question he said that if he lost the election in 1918 as the result of the canvass he would not contest again; but when your permanent official RECORD appears he says:

If I lose this contest I will not contest again.

[Applause.]

The SPEAKER. The time of the gentleman from Alaska has again expired.

Mr. DOWELL. Mr. Speaker, I yield 20 minutes to Judge Wickersham.

The SPEAKER. The gentleman is recognized for 20 minutes.

Mr. WICKERSHAM. Mr. Speaker and gentlemen of the House, I propose to pay some attention, first, to the one question which my opponent gave most time to, and that was the question of the legality of voting out of one's precinct in the Territory of Alaska in the election of 1918. I will give my attention chiefly to that, because he is so intimately connected with it himself that I think it is important to show to this House that it was a matter of grave moment to him then, as it is now. It was a grave matter to him then as it is now.

The laws passed by Congress for the government of elections in Alaska provide that no man shall vote in that Territory who is not an actual bona fide resident of the Territory of Alaska for one year immediately preceding the date of voting, and in the precinct in which he votes for 30 days immediately preceding the date of that voting. I want to read the law to you, so that there may be absolutely no question about it. It is section 394 of the Compiled Laws of Alaska, a compilation made by Congress; and it is the act of May 7, 1906, an act passed by Congress for holding elections in the Territory of Alaska for the election of a Delegate to Congress. That section provides that—

SEC. 394. All male citizens of the United States 21 years of age and over, who are actual and bona fide residents of Alaska, and who have been such residents continuously during the entire year immediately preceding the election, and who have been such residents continuously for 30 days next preceding the election in the precinct in which they vote, shall be qualified to vote for the election of a Delegate from Alaska.

Now, that is the act of Congress provided for holding elections for the choice of a Member of this House in the Territory of Alaska, and that act specifically requires that a man shall have a bona fide residence in the precinct 30 days immediately preceding the day of election.

In his opinion to the governor and the canvassing board of the Territory, Mr. Grigsby said at the end of the letter:

I have to advise you that the legislature in attempting to change the qualifications of voters by this act—

meaning the act of the legislature allowing persons to vote anywhere in the judicial division—

exceeded its powers, the qualifications having been fixed by the act of May 7, 1906, and continued in full force and effect by the organic act or constitution of Alaska. The organic act expressly authorized the legislature to extend the elective franchise to women, but in no other way authorized the changing of the qualifications of electors by the legislature.

Respectfully submitted. GEORGE B. GRIGSBY,
Attorney General.

Now, that opinion of the attorney general, who is my opponent, was given to the canvassing board and the governor of Alaska in February, 1919, after the election on the previous November 5, 1918. In that opinion he correctly stated the law. But, very shrewdly, a gentleman on the floor yesterday called the attention of this House to the fact that Mr. Grigsby had rendered that opinion after the election, and therefore he was not bound to the same rule of opinion on election day November 5, 1918.

But the evidence in this case shows that on November 5, 1918, Mr. Grigsby was the attorney general of Alaska, and the evidence shows that previous to that election he had drawn instructions to all of the election officers in the Territory of Alaska giving them exactly that opinion, and his evidence in this record is to the same identical effect. If you will turn to his evidence at page 774, of the record, you will find him before the canvassing board; this question was then raised, because a vote had come up which involved that question; this question was put to him by Mr. Garfield (who is a member of the canvassing board):

Mr. GARFIELD. There is only one question, and that is the question of precinct and division being synonymous. If it is, I think his vote should be counted.

The CHAIRMAN. Well, we'll put that up to the attorney general.

Mr. GRIGSBY. What?

The CHAIRMAN. Whether precinct and division are synonymous—whether a man that has been 30 days in a division can vote.

Mr. GRIGSBY. Well: I have instructed all the election officials that 30 days' residence in a precinct is required.

Mr. DAVIDSON. Oh, you did?

Mr. GRIGSBY. Yes.

Mr. DAVIDSON. How about Sulzer voting down at Ketchikan?

Mr. GRIGSBY. I don't know. If he voted where he didn't reside 30 days, it isn't good. I know lots of them that voted because the Territorial statute says they can. The Territorial statute contradicts the Federal statute. Thirty days in a division. The Federal statute is, by reference, incorporated into the organic act.

Now, that was his instruction to the canvassing board prior to the time he wrote the opinion. Those were his instructions to the canvassing board prior to the time he gave his opinion to the governor, and in that statement he says that he had given that instruction to the election officers throughout the Territory of Alaska.

Now all the returns from the Territory of Alaska are here. They are all before this House. They are in charge of the Clerk of the House, and every one of those returns carries upon it the instruction of the attorney general of Alaska, Mr. Grigsby, that nobody can vote who has not been a resident of the precinct for 30 days immediately preceding the date of the election.

"Oh," but some gentleman says, "this is technical." Well, it is not technical. It is not only not technical, but it was the source of the gravest crimes in the Territory of Alaska on election day. One of my opponents on this floor has said, "I do not find anything much in the report rendered by this committee. It seems

to be rather technical." Well, the report is just as fair as is the report rendered by the gentleman from Louisiana two years ago. It has no spectacular announcements in it. It does not call anybody names or declare that anybody is guilty of crimes, and it ought not to do it. It is not the report of a grand jury. It is the report of an election committee, and its sole duty under the law is to point out illegal votes, if any, and to make a report to the House upon the question of illegal votes. The gentleman from Louisiana [Mr. WILSON] did that two years ago in this case under circumstances almost identical with the present case. This committee has done it this time and followed his report word for word in a very large degree. They have not gone into the question of crimes or pointed them out, and very properly so, but the record shows crimes. The record shows a general conspiracy on the part of the Federal brigade in the Territory of Alaska to violate the election laws. Alaska is a Territory, and all of her officials up there except the attorney general and the members of the legislature are appointed from Washington. Her governor is appointed. The collector of customs is appointed from Washington; the surveyor general is appointed from Washington. All of our officials are appointed. We have a regular carpet-bag government, and those people have control of our election machinery. The judges, the clerks, the marshals—all of those officials are Democrats, and opposed to me. All of them have stood together with Mr. Grigsby to run this election.

Now, I wish to go back just for a moment to the question of voting out of your precinct in Alaska.

Mr. Grigsby was in the city of Cordova, Alaska, and he took quite an interest in the matter of this election. On the witness stand he testified as follows:

In Cordova it is now claimed that the town of Cordova went Wickersham for the reason that a great many Wickershamites from the outside precincts of Cordova were permitted to vote in Cordova. It was agreed there, I believe, by the party managers that no challenges would be interposed on that ground, and there was a general sentiment throughout the Territory that the Territorial law was right; that a man should be permitted to vote anywhere in his division that he happens to be on election day, especially since at that time of the year, the close of the mining season, is when men are more or less in transit.

By Judge Wickersham:

Q. But you have given an opinion to the governor of the Territory of Alaska that the law was invalid and void because it was in conflict with the organic act?—A. That was since the election.

Q. You think it is correct?—A. That was certainly my opinion when I gave it.

Q. You say there was an agreement at Cordova wherein everybody was allowed to vote; you lived in the division for 30 days; how do you know that?—A. I heard it talked of.

Q. Somebody told you?—A. I was there when such a stipulation was made.

Q. On election day?—A. Yes; on election day.

Q. When; at what time on election day?—A. This last year; 1918.

Q. Who made the agreement there at Cordova; who was speaking about it?—A. The matter was discussed between Mr. Jimmie Gallen and Bud Sargent, and some others, and they agreed not to interpose any challenges on that ground.

When the stipulation was made to violate the United States statute Mr. Grigsby says he was there.

He made the agreement at Cordova. The matter was discussed and they agreed not to interpose challenges on that ground.

So that between these gentlemen and Grigsby, who was present, the agreement was made that no challenges should be made, and they filled the ballot box at that place with illegal votes.

They did that down at Ketchikan. I want to call attention to Ketchikan. Ketchikan is an incorporated town, and the election officers are nominated by the city officials and not by the Federal brigade. There they had honest election officers, and outside men who came into that place were challenged and not allowed to vote, the election officers having been instructed by Grigsby not to allow any men to vote that had not been residents of Alaska for one year and of the precinct for 30 days. They challenged a lot of these men, and this record shows that the deputy district clerk of Judge Jennings's court—who decided the district court case against me—took them into his automobile at the polling place and run them a mile out of town, where the officials were appointed by the same deputy clerk acting as commissioner, and there voted them all day long, although everybody knew they were not entitled to vote. Many, many men were run out of Ketchikan to this outside place and voted illegally by this deputy clerk of court. The record is clear about it, and nobody dares to deny it. It resulted in this, though your statute provides that any person offering to vote may be challenged.

These are your laws. Congress passed this law for the government of Alaska, and I want you to pay attention to it. We have no jurisdiction to pass election laws, and if you will not enforce your own laws, I do not know who will. This is the law:

SEC. 401. Any person offering to vote may be challenged by any election officer or any other person entitled to vote at the same polling place, or by any duly appointed watcher, and when so challenged, before being allowed to vote he shall make and subscribe to the following oath: "You do solemnly swear (or affirm, as the case may be) that you are 21 years of age and a citizen of the United States; that you are an actual and bona fide resident of Alaska, and have been such a resident during the entire year immediately preceding this election, and have been a resident in this voting precinct for 30 days next preceding this election, and that you have not voted at this election," and further naming the place from which the voter came immediately prior to living in the precinct in which he offers to vote, and giving the length of time of his residence in the former place.

Then, after he has made his affidavit, the person taking it is permitted to vote. I call your special attention to that, that after making that affidavit he is permitted to vote, and there is no further challenge and no way of stopping it.

On election day in Ketchikan certain men came to vote and were challenged by these honest election officers, who were appointed by the city officials of Ketchikan. They were then taken into an automobile, run out of town a mile to be voted, and were voted at Charcoal Point.

Here is what happened in one instance, and it happened in many instances in the Territory of Alaska. This instance was perpetrated in Ketchikan, and at Charcoal Point, by this deputy clerk of Judge Jennings's court; a man by the name of Mahoney, who took these people into his automobile after they had been challenged at Ketchikan, and carried them off to Charcoal Point, and voted them all day long as fast as he could run his automobile up and down the mile track.

Here is the testimony of the election officer at that place—who was appointed by Judge Jennings:

Q. Do you remember George Nix from Hydaburg?—A. I remember there was a man by that name.

Q. An Indian?—A. I think so.

Q. Do you remember whether he was challenged?—A. By Mr. Althouse, I think.

Q. And swore in his vote?—A. Yes, sir.

Q. And you administered the oath to him?—A. I did.

Q. And he swore that he had lived in that precinct 30 days prior to election?—A. Charcoal Point?

Q. Yes.—A. I don't remember.

Q. Do you know the form of the oath you administered to everyone who was challenged?—A. Yes, sir.

Q. You knew he hadn't been a resident of Charcoal Point 30 days?—A. He registered from Sulzer.

Q. Why did you let him commit perjury?—A. I wasn't there to protect him; he ought to know what he was doing.

Q. He was an Indian?—A. Yes.

Q. From Hydaburg?—A. I don't know. Hydaburg or Sulzer—somewhere on the west coast. I read over the affidavit to him—the challenge before he signed it—and he signed it.

Q. And swore to it before you?—A. Yes.

Q. And you at that time knew he wasn't a resident of that precinct?—A. Yes; certainly I did.

Gentlemen of the House, that took place many times on election day because people were not required to vote in the precinct where they resided. Those frauds and perjuries were committed not by my friends, as the evidence shows in this case, but first by Mr. Grigsby, over at Cordova, and by the deputy clerk of the court at Charcoal Point. They occurred in many other places in the Territory of Alaska; but they are not in this report. This is not a grand-jury investigation. It is an investigation merely as to the illegality of these votes; and the fact that these people committed perjury, the fact that they committed other crimes and frauds, is not mentioned in the report, because it is immaterial. It may not be immaterial long, because we are going to have some officials appointed in Alaska in a very short time who will enforce these criminal laws against those men. [Applause on Republican side.]

Mr. Grigsby appeals to you, gentlemen, very feelingly to prevent me from being paid out of the Public Treasury for the time that I have been really and honestly elected Delegate from the Territory of Alaska. He has but three days left to serve himself, even if he is sustained—three days in which he will get his salary—but he says you must not allow me to take out of the Public Treasury the amount of my salary and mileage, because, forsooth, he has but three days to serve. That is not my fault. I did not start these contests. Four years ago, after the election, a suit was instituted in the Territory of Alaska against the canvassing board by my opponent to compel that canvassing board to throw out six precincts and give him a certificate of election. That was done; and it was denounced by Judge Wilson in his report two years ago as illegal and wrong. That was the beginning of these difficulties. The Federal brigade in our Territory, which has control of our elections, which appoints every election officer from one end of the Territory to the other, has been perpetrating frauds of that kind from that day to this; and I have been fighting them, and I am going to continue to fight them as long as they violate election laws in the Territory of Alaska and commit frauds and perjury such as appear in this record. [Applause on the Republican side.]

The SPEAKER. The gentleman's time has expired.

Mr. DOWELL. Mr. Speaker, I will state to the gentleman from Texas that I have but one more speaker on this side.

Mr. HUDSPETH. And the gentleman does not care to use his time now?

Mr. DOWELL. No; I desire to close the case.

Mr. HUDSPETH rose.

Mr. MOORE of Virginia. Mr. Speaker, may I disturb the gentleman for one statement and one question before he begins?

Mr. HUDSPETH. I yield.

Mr. MOORE of Virginia. I find that the Alaska contest in the last Congress was not decided until two months before the Congress ended, on the 4th of January. This contest is going to be decided only two or three days before this Congress ends. Has the gentleman found out as a member of the committee why it is that these very important cases are postponed until the fag end of the last sessions of Congress, when there is no real opportunity for debate or consideration, when we run the risk of acting heedlessly and doing injustice and inviting and deserving the criticism of the country?

Mr. HUDSPETH. Mr. Speaker, I will answer the gentleman by stating that I can not tell him, unless the majority of the committee have estimated the services of Judge Wickersham to be worth $7,000 a day. This contest should have been decided many months ago.

Mr. Speaker, if I were to consult my personal comfort I would not be here to-day, just having risen from a sick bed. I am not so much interested in whether or not Wickersham or Grigsby is seated, but I am interested in this House making a correct decision in election cases. Yesterday the gentleman from Missouri [Mr. HAYS] stated that a great political machine in the Territory of Alaska had controlled elections there for many years. That is the first time I have heard of this machine. The gentleman flourished a telegram or several telegrams from his district, stating that he had been importuned in his district to vote for Grigsby, and that he knew the telegrams emanated from Washington, because he knew that in his district they had not heard of this contest. Probably they have not heard of it in the district represented by the gentleman from Missouri. After looking at him and hearing his speech yesterday I am prepared to agree with him, and to admit that probably they have not heard of this contest in his district, but down in my district, whether they read it in the newspapers or not, they take it for granted that every two years Wickersham has a contest in Congress.

The majority report asks the seating of Wickersham, and does not disclose the name of any illegal voter, except one man named Probst. Up until this good hour the minority of this committee have never seen a list, although often demanding one, until it was produced by the majority this morning showing a list of the voters that they claim were illegal. The gentleman from Illinois [Mr. CHINDBLOM] and myself canvassed the returns, and I think the gentleman will agree with me—and he did at that time—that there was every evidence that the presiding officers were trying to follow the law in this case, and that there were very few discrepancies, as you would usually find in elections covering such a vast territory as is covered in the Territory of Alaska, 600,000 square miles.

After counting many of these ballots, every one where there was any question as to whether or not there were any illegal votes, we decided there were two that should be deducted from Sulzer and given to Wickersham. Understand, this contest was originally between Wickersham and Sulzer. Sulzer died on the 15th of April, 1919. The election took place in November prior to that. Under the law of Alaska the governor called a special election and Grigsby was elected, the gentleman who now holds the seat, as the Delegate from Alaska. The contest to-day is really between Judge Wickersham and Mr. Grigsby, because Mr. Sulzer is dead and can not be here to defend his rights.

The first question raised is relative to the vote of Cache Creek, and they throw out the entire vote.

Mr. GOODYKOONTZ. Mr. Speaker, will the gentleman yield?

Mr. HUDSPETH. No; I can not yield now. Why do they throw out the vote at Cache Creek? Upon the sole testimony of one Red McDonald, who is shown not to be a citizen of the United States nor a qualified voter in Alaska. They were running a dredge there. They had closed this dredge the evening before, preparing to leave the next morning. They packed up their traps and the testimony of six witnesses who are not quoted in the majority report is that the voting took place between 5 and 8 o'clock. Yet the majority report quotes the statement of Red McDonald, who was not even a citizen of the United States nor a voter in the Territory of Alaska, and I note that the chairman of the committee [Mr. DOWELL] yesterday said that there was some discussion between McDonald and some one as to why he did not vote. He said there was some discussion and he did not vote. He knew at that time that he was not a citizen of the United States and so swore to it afterwards and that he had no right to vote. Nevertheless the majority report relies on the testimony of that man and throws out the Cache Creek precinct, and deprives 26 voters of their ballot, of their franchise, and they do it upon the statement of McDonald that the voting took place around 5 o'clock. The gentleman from Washington [Mr. JOHNSON] stated yesterday that it was dark almost during the entire day at that time in that portion of Alaska.

Now, the minutes of the committee will show that originally this committee passed upon the Cache Creek precinct and allowed every vote except one. I say the minutes of your committee will show that you passed upon the Cache Creek precinct and allowed every vote except one, and that is the man where they took the ballot box up to his cabin, and that was rejected. Now, you throw out the entire box, you take 26 voters and deprive them of their ballot, because they say they voted a little too early, and they cite you to a Kentucky case. Now, that Kentucky case, gentlemen, was this; I have it right here. It is the case of Varney against Justice. Under the law the polls closed at 7 o'clock and they continued to vote until 10 o'clock. In that case the court threw out the votes cast after 7 o'clock. They did not throw out the entire box, but what you gentlemen are attempting to do here is to deprive every man there of his right to express his choice for delegate from his Territory notwithstanding that the testimony shows that the three election officers remained and six men remained there all day who belonged to the dredging force.

Yet, you gentlemen come in here and base your statement on the right to throw out these ballots on this Kentucky case, and you throw out the entire vote. The Kentucky case only threw out the votes cast after 7 o'clock. In this instance the election judges remained there the entire day, no evidence of any man having been deprived of his right to vote, no evidence of any fraud committed at Cache Creek, no evidence of any man coming there who was sent away without an opportunity to vote, and yet the majority here in order to seat Judge Wickersham—gentlemen, they intended to count this vote, but when they went to sum up another vote to which I will refer, the Indian vote, it was not leading in the right direction to the seating of Judge Wickersham, and they returned at the dead hours of the night, or some time when the minority was not present, and threw the Cache Creek precinct box out after they had put it upon their minutes as legal, except one man. Why? Because it was not leading in the right direction, and you received your orders overnight, and you had to do it in order to seat Wickersham and give him $21,000 out of the Public Treasury. The testimony is that they turned back the clock two hours. That is the testimony. Then the testimony is that there was two hours difference between the cook's watch and that of Red McDonald, your star witness. I expect every session that clock up over the Speaker's desk will be turned back as a legislative matter. Yet would you hold that acts passed after the clock had been turned back were void, holding as you have in this case, because these men in order to get down to the settlement in the cold time of the year got up and packed their traps and voted? Does any man on that side contend they were not qualified voters; yet Judge Wickersham comes in and says when his watchers got there at 8 o'clock the polls were closed and there is not a single line of testimony that he ever had any watchers; no, you can not find it because the record does not disclose he ever had any watchers or that they appeared at that time. Yet they throw out the votes of 26 people there, take 23 from Sulzer and give them to Wickersham on a discrepancy of an old 8-day clock. Pretty sorely pressed! That is not all; that is not all. Let us take up the Indian vote. You contended, Judge Wickersham, before that committee that the Indian who had not severed his tribal relations was not entitled to vote. You made a speech in which you contended that every Indian who had not severed tribal relations—and I agree with him—was not entitled to vote. What did the committee do? When they got to the Indian vote it was not leading in the right direction to seat Wickersham and they laid off on the Indian vote. Why, I will show you why. If they threw out the illegal Indian voters it would give Sulzer an additional 75 majority, and you know it. Why, let me show you why they laid off of the Indian vote. The testimony of Mr. Dennient, an Indian, by Mr. Rustgard, page 174, is:

Q. Do you know how those natives down there (referring to Klawock) voted; who they voted for?—A. No, sir.

Q. I mean the last election; November 5, 1918.—A. No, sir; but Watson was down there pretty strong for Wickersham.

Q. Who?—A. "Nigger" Watson.

Q. He doesn't live at Klawock, does he?—A. Why, he was there quite a while before the election.

Q. At Klawock?—A. Yes, sir.

Who was "Nigger" Watson? Why, he was the man who carried the news to the Indians that Sulzer had prepared a tenta-

tive bill to prohibit the Indians from fishing. He was a representative of Judge Wickersham and appears in a number of different places, Klawock and Craig, where the Indians had tribal relations and scattered this news that Sulzer had introduced a bill prohibiting them from fishing, and naturally if they could not fish they would think that Sulzer was responsible for it. This "Nigger" Watson as a representative of Judge Wickersham had scattered the seeds among the Indians, and naturally Wickersham got the Indian votes, and when it was shown where it was leading, and that it would increase the Sulzer majority the majority report contents itself by saying, "We will not go into the Indian vote."

If they had gone into it, you know they would have thrown out 43 votes at Klawock and Craig and another place, where the Indians voted, where they stated they never had voted before in their lives, and you know they voted for Wickersham. Why do I say that? Out of the mouth of one of Wickersham's own witnesses, a man by the name of Stackpole. He was asked whom these Indians were voting for, and he said they were voting for Wickersham. And those were the Indians that did not have the right to vote. Wickersham went into it before the committee, and this majority saw where it was leading, and saw that it would increase Sulzer's majority.

Now, take the Forty Mile precinct, and a great deal was said about it by my friend from Iowa [Mr. DOWELL] yesterday. Under the law the United States commissioner has the right once a year, and it is his duty, to change election precincts. Under the law no election precinct shall have less than 30 votes.

That is the law of Alaska. In order to economize Commissioner Donovan changed and cut out the Steel Creek in Forty Mile precinct and the Jack Wade precinct. The gentleman from Iowa said he cut out two Republican precincts. They were not Republican precincts—at least, one was not—in 1916, for in the Jack Wade precinct the Socialist candidate got 9 votes, Wickersham 8 votes, and Sulzer 4. The Jack Wade precinct was carried by the Socialists in 1916. In the Steel Creek precinct there were only 11 votes cast, and in 1916 Wickersham got 7, the Socialists got 2, and Sulzer 1. Now, what is the testimony about that? They claim in the majority report that this precinct should be thrown out, because he changed the boundaries in less than the 60 days provided by law. The law is he shall issue his order within 60 days, and shall post his notice within the precincts within 30 days. It is true he did not issue his order within the 60 days, but he did get his notice up. It was posted down there 35 days before the election, and the law only provides for 30 days.

There is no evidence here that anybody protested they had not received the notice. There is no testimony here that anybody was deprived of their vote by reason of the fact that they did not see this posted notice, but, on the contrary, they did receive notice, for he posted it 35 days before the election.

They say they had to walk 16 miles to vote. Let me say to you gentlemen that in many precincts of western Texas people travel 100 miles to cast their ballots as freemen. And to have the contestant come in here in order to get his biennial allowance of $21,000 they throw out the vote of 27 men at Forty Mile precinct, because they claim they changed the precinct and did not issue the notice in the time provided by law. He did not. But he did issue his notices, and they were posted in the time provided by law, and nobody claims in this report that he was deprived of his right to vote because they were not posted. But in order to give Judge Wickersham his money they deprive these people of their right to vote. And so throughout the entire district.

Now, in the case of The People against Cook, in Eighth New York, in regard to closing time—and this is Judge Willard speaking for the court—it is stated:

> If the inspector, after closing the door at sundown, received the votes of persons already in the room when the outer door was closed, but no legal votes were rejected or illegal votes received, the election is not invalid.

They received votes after sundown. That is one of the leading cases. The judge goes on to say:

> The hour of the day is not the essence of the thing required to be done.

Also in the case of Soper against The County of Sibley the judge says that the failure to post a list of electors 10 days prior to election is not sufficient ground for rejecting the votes of that precinct.

This following former decisions. Also if a large number of voters, with the knowledge, consent, and connivance of the said judges of election, were by violence and threats prevented from casting their votes, it did not vitiate the election.

And you say because he did not issue notice within 60 days, although he posted the notices, the election is void, and you cast out 27 votes there, taking 23 from Sulzer and giving them to Wickersham.

Mr. MICHENER. When was this case that the gentleman is citing from now decided?

Mr. HUDSPETH. It was decided in the Eighth New York, page 67. I do not remember the date.

Mr. MICHENER. When was the Kentucky case decided?

Mr. HUDSPETH. I do not remember the date. They stated it in their brief. It was decided before this contest.

Mr. MICHENER. It might be very material.

Mr. HUDSPETH. They rely on it as their leading case.

Now, the gentleman from West Virginia [Mr. GOODYKOONTZ] wanted to ask me a question, and I yield for a brief one.

Mr. GOODYKOONTZ. The question I wanted to ask was if the notice of this contest was filed by Mr. Wickersham prior to the death of Mr. Sulzer?

Mr. HUDSPETH. He claimed he prepared his notice and was not able to serve it on Sulzer because of Mr. Sulzer dying.

Mr. GOODYKOONTZ. When did Mr. Sulzer die?

Mr. HUDSPETH. On April 15. And he claims he was not able to serve it on Sulzer on account of his death.

The testimony shows there were 45 illegal votes cast at Cordova and Anchorage and another precinct—45 illegal votes, according to the testimony, were in those boxes. I asked the majority why they did not prorate those votes, as you did in those other cases, and "Wickersham carried all three of these boxes," is the answer. They have the evidence of how they voted. Why did they not prorate them, and show the vote as to how the rest of them voted? Why did not you gentlemen come in here in your majority report and prorate those votes?

Now, let me say to you that you can not get around that they are in the record. There were 45 illegal votes cast there, and this committee did not prorate a single one. They prorate where Sulzer carried boxes in which they claimed illegal votes, but when they come to the Wickersham votes, where they are flagrant violations, where men did not even live in the Territory, they do not touch any of those boxes in those three precincts, and yet they come in here and ask you to seat a man and give him $21,000 for three days' services.

Take the Signal Corps men. Here is the testimony—and I will quote it. There were 40 votes. Eleven of them swore that they voted for Sulzer, 4 for Wickersham, and 8 would not testify as to how they voted, and yet there were 16 that Judge Wickersham did not take the testimony of, and he may tell you, or the gentleman who comes after me, that it was because he feared for his life. Now, listen, gentlemen. Here is the testimony right here. In one place the judge says, and it was regrettable, that he was set upon up there my a man by the name of Selby. But he did not try to take the testimony of these other 16.

In one place he says it was because he was afraid of his life, and in another place Judge Wickersham testifies, and also through his attorney, Mr. Ritchie, that the reason why he did not take the testimoney of these other Signal Corps men was because they would go up there and swear that they had voted for Wickersham and he knew they did not.

Think of it! One of these men was an artilleryman, one of those soldiers who served 18 months "over there" fighting for your liberty and mine, "over there" fighting for the poor and the weak against the strong, and fighting for universal democracy, while Judge Wickersham was fighting for what? Pelf, $21,000. And he comes down here and stigmatizes those men, and says the reason why they did not finish taking the testimony—and he is corroborated by his own attorney, Mr. Ritchie—the reason why he did not do it is because they would come up there and swear a lie, and swear that they voted for Wickersham when they had voted for Sulzer. That is his reason. They may tell you that some man attacked him, and it is creditable that he did. It may be in Alaska as it is elsewhere in Texas, where red blood runs in men's veins, that whenever you say a man's sister or his wife has sworn to a lie the warship begins to sail. I suppose that prevails up in Alaska just as it does in Texas; when you say a man's sister or his wife has perjured herself there is sure to be trouble. This lady was named Mrs. Tyer. I read from the record on page 212:

> Mr. WICKERSHAM. I want to notify Mr. and Mrs. Tyer that I shall expect them to be here Thursday. I am going to apply to the commanding officer to keep him here until this matter is settled.

The commanding officer had assembled these men for 37 days before examination. The resolution only called for 30 days' examination.

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

Mr. HUDSPETH. Will the gentleman from Iowa yield me just two minutes more?

Mr. DOWELL. I regret I can not. I ask unanimous consent, Mr. Speaker, that the gentleman may proceed five minutes more.

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent that I may proceed for five minutes, and that the gentleman from Iowa may have five minutes more time.

The SPEAKER. The gentleman from Texas asks unanimous consent that the time of debate be extended 10 minutes. Is there objection?

There was no objection.

Mr. HUDSPETH. I read further:

Mr. TYER. Haven't I given my testimony?

Mr. WICKERSHAM. Not as fully as I desire it shall be done.

Mr. DIMOND. The only way, then, is for them to come in and testify they voted for Mr. Sulzer. If they state they voted for Mr. Wickersham they must be harassed and hounded around. If they say they voted and refuse to state for whom they voted, they must be pursued and brought into court on various successive days.

* * * * * * *

Mr. WICKERSHAM. Mr. Dimond, down at Seattle some time ago I took the testimony of Capt. Faust, Mr. Van Wick, Mr. Mooney, and two more soldiers, all of whom, as you know, took the same position as you are now taking, but on further advice all testified very fully and frankly. I want you to know that.

* * * * * * *

Mr. WICKERSHAM. The notary public understands that we haven't the testimony of this lady. She has refused to testify.

Mrs. TYER. Why are you keeping my husband, then?

Mr. WICKERSHAM. I want her to testify to the truth and the whole truth, and she said she would.

Mrs. TYER. Why are you keeping my husband?

Mr. WICKERSHAM. Your husband is being kept because of the resolution of the House of Representatives which requires the assemblage of all these soldiers here for the purpose of testifying.

Mr. TYER. Haven't I testified?

Mr. DIMOND. You and your husband are being kept in order to harass you.

Mr. WICKERSHAM. I want this woman's testimony, and I am going to have it.

Mr. DIMOND. You go ahead and get it. I object to any further delay.

Mr. WICKERSHAM. You can't violate the law with impunity.

Mr. DIMOND. I object to that statement. There is no violation of the law on my part.

Mr. WICKERSHAM. Soldiers ought to be the first ones to walk up and bravely and courageously tell the whole truth.

Mr. TYER. I have told the whole truth, and I object to your saying that probably I told the truth, sir.

Mr. WICKERSHAM. I say you probably told the truth. I have no doubt of it. This place is becoming a menace to civilization, almost.

Mr. DIMOND. You have become a worse menace.

Mr. WICKERSHAM. The House of Representatives don't think so.

Mr. DIMOND. All Alaskans do, however.

Mr. WICKERSHAM. Even a Democratic Congress doesn't think so. I ask for a postponement.

Now, that is the reason why the gentleman says at first he was afraid of his life, and, second, because there had come up there men in the uniform of their country, men who had enlisted in Alaska, men who had fought in the trenches of the Argonne while Judge Wickersham was making his biennial fight for the $21,000 that he expects. These men, he says, would not tell the truth. Then, in another statement he says he was afraid of his life. A man by the name of Selby, the brother of Mrs. Tyer, did jump on him, but there is no connection between the Signal Corps men and this trouble.

If I had time I would show you that a man can acquire a residence in Alaska under the law as a soldier, and that these men, seven of them, had married Valdez girls and had homes there, and that many of them had enlisted in Alaska in 1902 and mixed with the citizens and paid taxes. And yet this committee comes in here and throws out the votes of 40 and gives them to Wickersham; and as to 16 of them he never attempts to take their testimony, although the Secretary of War had assembled them there for the purpose of Mr. Wickersham taking the testimony.

Are you going to seat him on this testimony? I want to say to you, gentlemen, on that side, if you do, the precedent will rise up and plague you. After the Civil War, when sectional passions ran high, they seated men under various pretexts, but when men like Bailey and Gov. Lanham came up here and conferred with men like LODGE and Root, and said: "We will not do it on these pretexts; we will stop these raids on the Treasury," they did stop. But it seems there has been a return to it, gentlemen, or will be if you seat a man like Judge Wickersham. I do not believe you will do it. I do not believe you will give him $7,000 a day for three days, $4,000 for mileage, and $2,000 for expenses, and $15,000 for salary. I say, when you do and give him a seat here, when he is no more entitled to it than I am entitled to the ground upon which this Capitol is situated, you will do a great wrong, and one that will haunt you, and you will be ashamed of the rest of your natural lives. [Applause.]

Mr. REAVIS. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. DOWELL. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. REAVIS] the balance of my time.

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

Mr. REAVIS. Mr. Speaker, I ask unanimous consent that the time be extended five minutes, to be controlled by the gentleman from Illinois [Mr. CHINDBLOM].

Mr. HUDSPETH. They gave me five minutes, and I agreed that we would give them five minutes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the time be extended five minutes more. Is there objection?

There was no objection.

Mr. CHINDBLOM. May I ask the Speaker to notify me when I have occupied 15 minutes?

Mr. GARD. Mr. Speaker, may I inquire what is the present allotment of time?

The SPEAKER. All the time of the gentleman from Texas [Mr. HUDSPETH] has expired. The gentleman from Illinois [Mr. CHINDBLOM] has 25 minutes, which ends all time.

Mr. CHINDBLOM. Mr. Speaker and gentlemen of the House, this is my first participation in an election contest on the floor of this House. I have listened to some other contests which have been concluded here. I have myself participated in election contests elsewhere, and I will say very frankly that I have been somewhat surprised to find that my assumption that such contests should be determined solely upon the law and the evidence was a little far-fetched, and has not been sustained by some of the discussions on this floor. I presume I can make no answer that will be convincing in reply to the suggestion made a moment ago that there was a "nigger Watson," who participated in this case on behalf of the contestant, Mr. Wickersham, and I presume further that I can make no satisfactory reply to the charge that Mr. Wickersham offended or insulted a lady in Alaska; but I most respectfully suggest that these two elements, for whatever purpose they were introduced here, have no proper part in the discussion of this case.

Mr. Speaker, this committee started upon the consideration of this case in very good humor and in very good accord in spirit and purpose. The gentleman from Texas [Mr. HUDSPETH] suggested that some tentative agreement or arrangement had been made with reference to some of the issues. We did begin to ascertain whether we could arrive at a unanimous conclusion in this case, and tentatively we passed over some controverted questions. We passed over temporarily the Cache Creek proposition, and we also passed over temporarily the Indian vote proposition, and the gentleman from Texas [Mr. HUDSPETH] and the other minority members of the committee were parties to that discussion in the committee. But the gentleman from New York [Mr. ROWAN], who is not here, and who was expected to take the laboring oar in this contest for the contestee, raised a very novel proposition which has not even been discussed by the gentlemen on the other side, namely, that the requirement of a 30 days' residence in the precinct was not borne out by a proper construction of the organic law of Alaska; and there we stopped. We could not go any further in trying to reach a unanimous agreement in the committee when such an issue as that was raised.

Just one word about this question of the compensation of Mr. Wickersham. I hold that question has no part in the discussion of this case. It has no proper place in this debate. The question is whether Mr. Wickersham was elected a Delegate from Alaska. If he was, he is entitled to the money. Why should you start here in this contest and object to his getting his salary, when you pay a salary to every man who is finally seated in an election contest in this House, whether it be in the last days of the session or at any other time during the session? We seated a man the other day, who will get the full salary, and no such issue as that was raised in his case.

But you say that this gentleman, Mr. Wickersham, has made a contest here before. Maybe he did. I was not here, but I find there are antecedents and ramifications of this case which are entirely unknown to a new Member, and I wish some of those antecedents and ramifications would be forgotten and that the whole thing could be settled upon the evidence and the law.

We can not hope in one hour and a half, nor can the other side hope in one hour and a half, to discuss this evidence which is represented by these documents. It is impossible for us to go into the testimony of individual witnesses and tell you what the effect of that testimony is. But I want to say particularly to the Members on this side that the Republican members of this committee sat down together and they went over this testimony and examined every individual case of every voter whose vote is challenged in this report, of every voter who had not a residence of 30 days in the precinct and whose vote was challenged, and of every soldier whose vote was challenged. We sat down and we spent many weary hours examining this testimony, and we reached the conclusions which you will find in the report of the committee.

Somebody has raised the question of fraud. They tell you that votes should not be cast out unless you prove fraud. That is not the rule of law. The rule of law is that there must be fraud shown unless the things complained of affect the result of the election. In this case the things complained of do affect the result of the election. If there is a violation of an election law, no matter how innocent or how unintentional the violation may be, if there is a violation of law which affects the result of the election, then such violation should be taken into account by those reviewing the testimony.

In this case the things of which we complain do affect the result. The votes which have been discarded and thrown out by your committee affect the result directly, because instead of the plurality of 33 votes which Mr. Sulzer received on the face of the returns the elimination of the votes reported by your committee gives Mr. Wickersham a plurality of 37 votes.

In the discussion of this case we have attempted to divide the various issues among the majority members of the committee. Many of you were not here yesterday afternoon and did not hear the discussion by the chairman of the committee [Mr. DOWELL] of some phases of the case, or the discussion by the gentleman from Indiana [Mr. ELLIOTT] of another phase of the case. I can not take the time to repeat what was said by them on the issues which they presented.

I shall try to say a few words with reference to the soldier vote. It may be a popular thing at this very time to charge the majority Members with eliminating soldier votes and making an appeal that soldiers' votes should be allowed to be counted even if they are cast in violation of law. I think all of us have had some experience with reference to soldiers' votes. Fort Sheridan is located in my district in Illinois. Last November I was compelled to advise Republican officers and Republican privates at Fort Sheridan that they could not vote in the election if they had come there through being stationed at Fort Sheridan as soldiers. In the previous case of Wickersham against Sulzer in the Sixty-fifth Congress, the committee of which the distinguished gentleman from Louisiana [Mr. WILSON] was the chairman, a committee controlled by the Democratic side of this House at that time, brought in a report in which they discussed this very question, and they cited with approval the following:

(I. A.) A person in the military service of the United States is entitled to vote where he has his legal residence, provided he has the qualifications prescribed by the laws of the State. He does not lose such residence by reason of being absent in the service of the United States. The laws of a particular State in which he is stationed and has only a temporary as distinguished from a legal residence may, however, permit him to vote in that State after a certain period of actual residence. (Digest of opinions of the Judge Advocates General of the Army, Howland, pp. 976–978.)

McCrary on Elections, sections 90 and 91, page 70, says, and I have the volume here:

SEC. 90. The fact that an elector is a soldier in the Army of the United States does not disqualify him from voting at his place of residence, but he can not acquire a residence, so as to qualify him as a voter, by being stationed at a military post whilst in the service of the United States.

SEC. 91. Soldiers in the United States Army can not acquire a residence by being long quartered in a particular place, and though upon being discharged from the service they remain in the place where they have previously been quartered, if a year's residence in that place is required as a qualification for voting, they must remain there one year from the date of discharge before acquiring the right to vote.

Now, I am just going to give you an idea of where the soldiers' votes came from. I say that the law is, and every authority will bear me out, that a soldier, who has been sent to a particular post and is stationed there as a soldier of the United States under orders of his superior officers, can not acquire a residence for voting purposes while at that post. I will run through the list:

William T. Barr, enlistment residence, Lincoln, Nebr.
Ike A. Beal, enlistment residence, Amarillo, Tex.
J. W. Boon, enlistment residence, Newnan, Ga.
H. B. Connover, enlistment residence, St. Louis, Mo.
R. N. Cummins, enlistment residence, Fairview, W. Va.
Max H. Faust, enlistment residence, New York City.
G. B. Hawley, enlistment residence, Spokane, Wash.
J. P. Lake, enlistment residence, St. Paul, Kans.
J. B. Looney, enlistment residence, Okmulgee, Okla.
P. F. McQuillan, enlistment residence, Rochester, N. Y.
H. R. Morgan, enlistment residence, Seattle, Wash.
H. Van Wyck, enlistment residence, Seattle, Wash.
G. E. Doyle, enlistment residence, Lawton, Wash.
Sidney Gross, enlistment residence, San Francisco, Calif.
——— Wilson, enlistment residence, States.
D. M. Hocker, enlistment residence, Owensboro, Ky.
J. E. Peques, enlistment residence, Oklahoma, Okla.
H. D. Stenbuck, enlistment residence, Milwaukee, Wis.
E. D. Whittle, enlistment residence, Seattle, Wash.
R. H. L. Noaks, enlistment residence, El Paso, Tex.
H. De Marce, enlistment residence, Veblen, S. Dak.
J. M. Campbell, enlistment residence, Norwalk, Ohio.
L. G. Selk, enlistment residence, St. Louis, Mo.
H. G. Wescott, enlistment residence, Seattle, Wash.

They enlisted at these various places in the Army of the United States, were sent to Alaska under orders from the Army officers, and stayed there and served in the Army of the United States. Now, even if their enlistment expired and they remained in Alaska for a few days or a few weeks, if they reenlisted they did not acquire a residence in Alaska by reason of such stay in Alaska.

Mr. GRIGSBY. Will the gentleman yield?

Mr. CHINDBLOM. I can not yield now. I think we have been pretty fair.

Mr. GRIGSBY. Did any of them reenlist in Alaska?

Mr. CHINDBLOM. Yes.

Mr. GRIGSBY. Then why does not the gentleman say so?

Mr. CHINDBLOM. Even if they did reenlist, they could not acquire a residence in Alaska so as to make them legal voters.

Mr. FIELDS. They might have been married and keeping house.

Mr. CHINDBLOM. We have not included any that were married or had homes there.

Mr. GRIGSBY. Where does the evidence show it?

Mr. CHINDBLOM. These 24 men whose names I have read all voted for Sulzer. We threw out five others who voted for Wickersham. We threw out this man Tyer. He was such an extreme partisan that he never would have voted for Wickersham, although he stated that he did vote for Wickersham to muddle the waters and mix up the case.

Now, I can only ask the Members of the House—it is too late to read the hearings or to read the testimony—I can only say this to them: You will have to accept the conclusions of one side or the other in this contest. You will have to accept the conclusions of the majority members of the committee or you will have to accept the conclusions of the minority members. I do not believe that my discussion or any discussion will enlighten Members in any great degree. You can take this record and read detached portions of it—as many people say you can read the Bible—and prove any proposition under Heaven. What you have to do is to take a record of this sort, read it through carefully, and then reach your conclusion.

Mr. ROSE. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. ROSE. Would it not be well to make known, and is it not the fact, that the majority as well as the minority members of the committee coincided with the views presented by Judge Wilson?

Mr. CHINDBLOM. They did.

Mr. WILSON of Louisiana. Will the gentleman yield?

Mr. CHINDBLOM. Yes. I think it is fair to yield to the gentleman.

Mr. WILSON of Louisiana. I do not know what the testimony in this case is, but all the testimony in the other case was that at the places of enlistment for the soldier to go into Alaska under military orders they went there and remained there under such orders. Is there anything in the record to show that they made any attempt to the contrary?

Mr. CHINDBLOM. There were some reenlistments in your case also. I want to say, however, that there are a number of cases here where the soldiers were conscripted for the recent World War and happened to be in other precincts than the ones in which they lived. We did not throw them out because Mr. Wickersham did not want it done. These soldiers had been conscripted in Alaska, they were in the United States Army for the World War, but they happened on election day to be in some other precinct than the one in which they were conscripted, and we did nothing about them. They were residents of Alaska, but not of the precincts in which they voted. We treated them more generously than we did the civilians. With reference to the civilians, wherever we found a man as to whom the proof showed conclusively that he was not a resident of the precinct in which he voted, we thought it fair to throw that vote out. That matter was discussed yesterday, and I shall not discuss it any further. The organic law of Alaska requires one year's residence in the Territory and 30 days in the precinct.

That law will be nugatory; it will be practically repealed by this Congress if it is not enforced in this election case. They tell you that the distances are great in Alaska. They are; and that is one reason why they should be compelled to observe the law which is established by the Congress.

The gentleman from Texas [Mr. HUDSPETH] said that we "laid off the Indian vote." On the Indian vote we took exactly the same position as was taken by the committee in the 1916 case, of which the gentleman from Louisiana [Mr. WILSON] was the chairman.

Mr. HUDSPETH. But you did not follow Judge Wickersham's suggestion in that case as you did in the other.

Mr. CHINDBLOM. We did not. We took the same view that the former committee did. Take this record and you will find the evidence is so inconclusive, so hazy, so misty, that it is impossible for anybody to reach any definite conclusion in respect to the Indian vote. There is, however, no Indian that lives in tribal relations within the meaning of that term in Alaska, as established by the decisions of the courts. There are no tribes up there. They are not living under the tribal form of government, they have no chiefs under whom they live, and to whose government and laws they are subject.

With respect to the 40-mile district, the gentleman from Texas [Mr. HUDSPETH] said that while the order was not made in time the notices were posted in time. Let us consider the conditions in Alaska. Many of the people live in the wilderness. They live far away from each other. There were five precincts in the 40-mile district. Two of them were Republican precincts. In those precincts the post offices were located, and they were the centers of population. Under the law the commissioner could reduce the number of precincts and change the polling places by entering an order 60 days before the election. If he had entered the order 60 days before the election, the residents of the district and the people interested in the election could have gone to his office and seen the order; but the gentleman says that sufficient was done when he posted the notices. Where did he post them? On the trees and on the backs of barns, wherever they could find a place. What public places are there in Alaska where a man who lives in the wilderness can find notices? The only way he can be advised of a change in the polling places in a Territory of that sort is by personal information, and that personal information could have been given, and would have been given, if the order had been entered of record at the proper time and at the place where it should have been. When they went to the commissioner's office 60 days before the election there was no such order upon the books; but after that time, under the direction of Judge Bunnell, or under his suggestion—and I have concluded from this testimony that he is as bitter a partisan as any man in Alaska—the commissioner only some 35 days before the election entered an order on the record reducing the number of precincts from five to three, and he removed the polling places from the places where the post offices in the district are located.

With reference now to Cache Creek. The gentleman says it is unfair to discard those votes. You do not have to discard those votes to reach the same result as we have reached here. In fact, you can omit Cache Creek precinct and you can omit 40-mile district, and if you take only the votes which were illegally cast on the ground of nonresidence in the precinct, and by soldiers who were not entitled to vote and the other individual votes, you would still have a majority in favor of Mr. Wickersham on the record in this case. But I say with reference to Cache Creek, if this House will say that men residing in a mining or lumber camp can get together the night before the election and say: "Now, to-morrow, we have to leave at daybreak, and the law requires us to have an election from 8 o'clock in the morning until 7 at night, but we are not going to do that, we are going to take these votes in the morning as soon as we get out of bed, and we are going to close the business up and get out of here"—if you decide that elections can be conducted in that way, you will be setting a very bad and a very dangerous precedent. In fact, there have been arguments here which it seems to me entirely ignore the requirements of the law. One gentleman in debate last evening said that it was "fair and honorable to accommodate the voters." This was certainly an accommodation to the voters, and I think this election was conducted for the accommodation in Alaska of every man who wanted to vote for Sulzer. It was an accommodation election.

Mr. Speaker, if a man presents himself to the voters of his district or of his Territory and is defeated in an election by reason of fraud or by reason of violations of law which affect the result, he has the right not only under the Constitution, but under the laws of Congress, under the statutes of the United States, to bring a contest here.

If it is shown that he had been elected, are we going to let our personal prejudices, or any other similar considerations our personal prejudices, or any other similar considerations determine our action in the case, or are men going to have the privilege of coming to the Congress of the United States, to the House of Representatives, and presenting their case, and securing a verdict on the evidence and the law as presented? I think that is the issue here. I am perfectly satisfied, as every member of the majority of the committee is perfectly satisfied, that Mr. Wickersham is entitled to this election. I did not enter this case with any prejudice in favor of Mr. Wickersham. I will say frankly that I think frequently he rubs the fur the wrong way.. Frequently we had clashes in the committee, and I was not disposed for partisan or personal reasons to give him the best of the argument in this case, but I reached the conclusion that he is entitled to this election, that he obtained a clear majority of the votes in Alaska in the November election of 1918.

Some complaint has been made about delay in this case. Mr. Sulzer died on April 15, 1919, and the certificate of election was issued to him on April 17, 1919. Notice of contest could not be given until the certificate had issued. Mr. Wickersham came here. The gentleman from Alaska, Mr. Grigsby, said that the governor was compelled to call a special election. That is not quite so. The Legislature of Alaska got together in a hurry and passed a law for the holding of a special election, while Mr. Wickersham was perfecting this appeal, this contest in this House. Then this House passed a resolution directing that the contest should proceed against Mr. Grigsby as well as against Mr. Sulzer. Under that resolution we have proceeded. The time for taking evidence was extended. After the depositions in Alaska had been taken, we began the hearings before the committee in March of last year. We had just finished the hearings and had very little time to consider the evidence when the House adjourned on June 5 of last year. We got together shortly after the House reconvened last December and we considered this case and the committee filed its report about three weeks ago. I think there has been no undue delay. [Applause.]

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

Mr. GARRETT. Mr. Speaker, I understand the previous question has been ordered. I move to recommit the report and resolutions in the pending election case of Wickersham against Sulzer and George B. Grigsby to the Committee on Elections No. 3.

The SPEAKER. The gentleman from Tennessee offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. GARRETT moves to recommit the report and resolutions in the pending contested-election case of Wickersham against Sulzer and George B. Grigsby to the Committee on Elections No. 3.

Mr. CHINDBLOM. Mr. Speaker I make the point of order that the previous question was to be considered as ordered at the end of debate.

The SPEAKER. That is true, but that does not preclude a motion to recommit.

Mr. DOWELL. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Tennessee to recommit the resolution to the Committee on Elections No. 3.

Mr. DOWELL. On that I demand the yeas and nays.

Mr. GARRETT. Let it advance a step further and the point of order can then be made and the gentleman will get the yeas and nays.

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

Mr. GARRETT. I make the point of order there is no quorum present.

The SPEAKER. Apparently a quorum has not voted and is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 169, nays 188, answered "present" 3, not voting 68, as follows:

YEAS—169.

Almon	Carss	Flood	Kincheloe
Anthony	Carter	French	King
Ashbrook	Clark, Fla.	Gallivan	Lanham
Aswell	Cleary	Gandy	Lankford
Ayres	Coady	Ganly	Larsen
Babka	Collier	Gard	Lazaro
Bankhead	Connally	Garrett	Lea, Calif.
Barkley	Crisp	Godwin, N. C.	Lee, Ga.
Bee	Cullen	Goodykoontz	Lesher
Bell	Davey	Griffin	Linthicum
Benson	Davis, Tenn.	Hardy, Tex.	McAndrews
Black	Dewalt	Hastings	McClintic
Bland, Mo.	Dickinson, Mo.	Hersman	McDuffie
Bland, Va.	Dominick	Hoey	McGlennon
Blanton	Donovan	Holland	McKeown
Bowers	Doremus	Howard	McKinlry
Bowling	Drane	Huddleston	McLaughlin, Nebr.
Box	Drewry	Hudspeth	Major
Brand	Dupré	Hull, Tenn.	Mansfield
Briggs	Dyer	Humphreys	Martin
Buchanan	Eagan	Igoe	Mays
Byrnes, S. C.	Eagle	Jacoway	Mead
Byrns, Tenn.	Echols	James, Va.	Milligan
Campbell, Pa.	Evans, Mont.	Johnson, Ky.	Minahan, N. J.
Candler	Evans, Nev.	Johnson, Miss.	Montague
Cantrill	Ferris	Johnson, S. Dak.	Moore, Va.
Caraway	Fields	Jones, Pa.	Mudd
Carew	Fisher	Jones, Tex.	Neely

Nelson, Mo.	Raker	Steagall	Weaver
Nicholls	Ramsey	Stedman	Welling
O'Connell	Rayburn	Steele	Welty
O'Connor	Riordan	Stephens, Miss.	Whaley
Oldfield	Robinson, N. C.	Stevenson	Wilson, La.
Oliver	Romjue	Stoll	Wilson, Pa.
Olney	Rouse	Sumners, Tex.	Wingo
Overstreet	Rucker	Tague	Woods, Va.
Padgett	Sabath	Taylor, Ark.	Woodyard
Park	Sherwood	Taylor, Colo.	Wright
Parrish	Siegel	Taylor, Tenn.	Young, Tex.
Pell	Sims	Tillman	Zihlman
Phelan	Sisson	Upshaw	
Pou	Small	Venable	
Quin	Smithwick	Vinson	

NAYS—188.

Ackerman	Goodall	McArthur	Sanders, Ind.
Anderson	Gould	McCulloch	Sanders, N. Y.
Andrews, Nebr.	Graham, Ill.	McKenzie	Schall
Bacharach	Green, Iowa	McKinley	Scott
Barbour	Greene, Mass.	McLaughlin, Mich.	Sells
Begg	Greene, Vt.	McLeod	Shreve
Benham	Griest	MacGregor	Sinclair
Bland, Ind.	Hadley	Madden	Sinnott
Boies	Hardy, Colo.	Magee	Slemp
Britten	Harreld	Mann, Ill.	Smith, Idaho
Brooks, Ill.	Haugen	Mapes	Smith, Mich.
Brooks, Pa.	Hawley	Mason	Snell
Browne	Hays	Merritt	Snyder
Burdick	Hernandez	Michener	Steenerson
Burroughs	Hersey	Miller	Stephens, Ohio
Butler	Hickey	Mondell	Stiness
Campbell, Kans.	Hicks	Moore, Ohio	Strong, Kans.
Cannon	Hill	Moores, Ind.	Strong, Pa.
Chindblom	Hoch	Mott	Summers, Wash.
Christopherson	Houghton	Murphy	Sweet
Copley	Hulings	Nelson, Wis.	Swindall
Cramton	Hull, Iowa	Newton, Minn.	Swope
Currie, Mich.	Husted	Nolan	Temple
Dale	Hutchinson	Ogden	Thompson
Dallinger	Ireland	Osborne	Tilson
Darrow	Jefferis	Paige	Timberlake
Davis, Minn.	Johnson, Wash.	Parker	Tincher
Dempsey	Kearns	Patterson	Tinkham
Denison	Keller	Perlman	Towner
Dickinson, Iowa	Kelley, Mich.	Peters	Treadway
Dowell	Kelly, Pa.	Porter	Vaile
Dunbar	Kendall	Purnell	Vestal
Dunn	Kennedy, Iowa	Radcliffe	Volk
Edmonds	Kennedy, R. I.	Ramseyer	Volstead
Elliott	Kinkaid	Randall, Calif.	Walsh
Esch	Kleczka	Randall, Wis.	Walters
Evans, Nebr.	Knutson	Ransley	Ward
Fairfield	Kraus	Reavis	Wason
Farr	Kreider	Reber	Watson
Fess	Lampert	Reed, N. Y.	Webster
Focht	Layton	Reed, W. Va.	Wheeler
Foster	Lehlbach	Rhodes	White, Kans.
Frear	Little	Ricketts	White, Me.
Freeman	Longworth	Robsion, Ky.	Williams
Fuller	Luce	Rogers	Winslow
Glynn	Lufkin	Rose	Wood, Ind.
Good	Luhring	Rowe	Young, N. Dak.

ANSWERED "PRESENT"—3.

Crago	Fish	Kiess

NOT VOTING—68.

Andrews, Md.	Ellsworth	Kettner	Rodenberg
Baer	Elston	Kitchin	Rowan
Brinson	Emerson	Langley	Rubey
Brumbaugh	Fordney	Lonergan	Sanders, La.
Burke	Gallagher	McFadden	Sanford
Caldwell	Garner	McPherson	Scully
Casey	Goldfogle	Maher	Sears
Clark, Mo.	Goodwin, Ark.	Mann, S. C.	Smith, Ill.
Classon	Graham, Pa.	Monahan, Wis.	Smith, N. Y.
Cole	Hamill	Moon	Sullivan
Cooper	Hamilton	Mooney	Thomas
Costello	Harrison	Morin	Vare
Crowther	Hayden	Newton, Mo.	Voigt
Curry, Calif.	James, Mich.	Rainey, Ala.	Watkins
Dent	Johnston, N. Y.	Rainey, Henry T.	Wilson, Ill.
Dooling	Juul	Rainey, John W.	Wise
Doughton	Kahn	Riddick	Yates

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. KITCHIN (for) with Mr. FORDNEY (against).

Mr. BURKE (for) with Mr. LANGLEY (against).

General pairs:

Mr. KAHN with Mr. DENT.

Mr. MCPHERSON with Mr. KETTNER.

Mr. NEWTON of Missouri with Mr. HAYDEN.

Mr. YATES with Mr. BRINSON.

Mr. ANDREWS of Maryland with Mr. GOODWIN of Arkansas.

Mr. CROWTHER with Mr. HENRY T. RAINEY.

Mr. GRAHAM of Pennsylvania with Mr. CLARK of Missouri.

Mr. ELLSWORTH with Mr. THOMAS.

Mr. COLE with Mr. SULLIVAN.

Mr. SANFORD with Mr. CASEY.

Mr. CURRY of California with Mr. WISE.

Mr. MONAHAN of Wisconsin with Mr. ROWAN.

Mr. JUUL with Mr. WATKINS.

Mr. VARE with Mr. RUBEY.

Mr. WILSON of Illinois with Mr. JOHNSTON of New York.

Mr. ELSTON with Mr. DOUGHTON.

Mr. BAER with Mr. MOON.

Mr. JAMES of Michigan with Mr. SMITH of New York.

Mr. VOIGT with Mr. GOLDFOGLE.

Mr. CLASSON with Mr. JOHN W. RAINEY.

Mr. SMITH of Illinois with Mr. GALLAGHER.

Mr. COOPER with Mr. SANDERS of Louisiana.

Mr. COSTELLO with Mr. MANN of South Carolina.

Mr. EMERSON with Mr. BRUMBAUGH.

Mr. HAMILTON with Mr. MAHER.

Mr. MCFADDEN with Mr. RAINEY of Alabama.

Mr. MORIN with Mr. DOOLING.

Mr. RIDDICK with Mr. GARNER.

Mr. RODENBERG with Mr. HARRISON.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

The question comes on the resolutions, which the Clerk will report.

Mr. HUDSPETH. Mr. Speaker, I move to substitute the minority for the majority report.

The SPEAKER. That is already pending. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That James Wickersham was not elected a Delegate to the Sixty-sixth Congress from the Territory of Alaska, and is not entitled to a seat in said Congress.

Resolved, That Charles A. Sulzer was duly elected a Delegate from the Territory of Alaska to the Sixty-sixth Congress, and that said Charles A. Sulzer having died, and George B. Grigsby having been elected at a special election as a Delegate from the Territory of Alaska, and having been sworn in as a Member of the House of Representatives on July 1, 1920, that the said Grigsby is entitled to retain his seat therein.

Mr. GARRETT. Mr. Speaker, I ask for a division of the question.

The SPEAKER. The gentleman has that right. The question is on agreeing to the first resolution.

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

Mr. GARRETT. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 169, nays 179, answered "present" 11, not voting 69, as follows:

YEAS—169.

Almon	Donovan	Lanham	Ramsey
Anthony	Doremus	Lankford	Rayburn
Ashbrook	Drane	Larsen	Reavis
Aswell	Drewry	Layton	Riordan
Ayres	Dupré	Lazaro	Robinson, N. C.
Babka	Dyer	Lea, Calif.	Romjue
Bankhead	Eagan	Lee, Ga.	Rouse
Barkley	Eagle	Lesher	Rucker
Bee	Echols	Linthicum	Sabath
Bell	Evans, Mont.	McAndrews	Sherwood
Benson	Evans, Nev.	McClintic	Sims
Black	Ferris	McDuffie	Sisson
Bland, Mo.	Fields	McGlennon	Small
Bland, Va.	Fisher	McKeown	Smithwick
Blanton	Flood	McKiniry	Steagall
Bowers	French	McLaughlin, Nebr.	Stedman
Bowling	Gallivan	Major	Stephens, Miss.
Box	Gandy	Mansfield	Stevenson
Brand	Ganly	Martin	Stoll
Briggs	Gard	Mays	Sumners, Tex.
Brinson	Garrett	Mead	Tague
Buchanan	Godwin, N. C.	Milligan	Taylor, Ark.
Byrnes, S. C.	Goodykoontz	Minahan, N. J.	Taylor, Colo.
Byrns, Tenn.	Griffin	Montague	Taylor, Tenn.
Campbell, Pa.	Hardy, Tex.	Moore, Va.	Tillman
Candler	Hastings	Mudd	Upshaw
Cantrill	Hersman	Neely	Venable
Caraway	Hoey	Nelson, Mo.	Vinson
Carew	Holland	Nicholls	Weaver
Carss	Howard	O'Connell	Welling
Carter	Huddleston	O'Connor	Welty
Clark, Fla.	Hudspeth	Oldfield	Whaley
Cleary	Hull, Tenn.	Oliver	Wilson, Ill.
Coady	Humphreys	Olney	Wilson, La.
Collier	Igoe	Overstreet	Wingo
Connally	Jacoway	Padgett	Woods, Va.
Crisp	James, Va.	Park	Woodyard
Cullen	Johnson, Ky.	Parrish	Wright
Davey	Johnson, Miss.	Pell	Young, Tex.
Davis, Tenn.	Johnson, S. Dak.	Phelan	Zihlman
Dewalt	Jones, Pa.	Pou	
Dickinson, Mo.	Jones, Tex.	Quin	
Dominick	Kincheloe	Raker	

NAYS—179.

Ackerman	Browne	Dallinger	Esch
Anderson	Burdick	Darrow	Evans, Nebr.
Andrews, Md.	Burroughs	Davis, Minn.	Farr
Bacharach	Butler	Dempsey	Fess
Barbour	Campbell, Kans.	Denison	Focht
Begg	Cannon	Dickinson, Iowa	Foster
Bland, Ind.	Chindblom	Dowell	Frear
Boies	Copley	Dunbar	Freeman
Britten	Cramton	Dunn	Fuller
Brooks, Ill.	Currie, Mich.	Edmonds	Glynn
Brooks, Pa.	Dale	Elliott	Good

Goodall
Gould
Graham, Ill.
Green, Iowa
Greene, Mass.
Greene, Vt.
Griest
Hadley
Hardy, Colo.
Harreld
Haugen
Hawley
Hays
Hernandez
Hersey
Hickey
Hicks
Hill
Hoch
Hull, Iowa
Husted
Hutchinson
Ireland
Jefferis
Johnson, Wash.
Juul
Kearns
Keller
Kelley, Mich.
Kelly, Pa.
Kendall
Kennedy, Iowa
Kennedy, R. I.
Kiess
King
Kinkaid
Kleczka
Knutson
Kraus
Kreider
Lampert
Langley
Lehlbach
Longworth
Luce
Lufkin
Luhring
McArthur
McCulloch
McKenzie
McKinley
McLaughlin, Mich.
McLeod
MacGregor
Madden
Magee
Mann, Ill.
Mapes
Mason
Merritt
Michener
Miller
Mondell
Moore, Ohio
Moores, Ind.
Mott
Murphy
Nelson, Wis.
Newton, Minn.
Ogden
Osborne
Paige
Parker
Patterson
Peters
Porter
Purnell
Radcliffe
Ramseyer
Randall, Calif.
Randall, Wis.
Ransley
Reed, N. Y.
Reed, W. Va.
Rhodes
Ricketts
Robsion, Ky.
Rogers
Rose
Rowe
Sanders, Ind.
Sanders, N. Y.
Schall
Scott
Sells
Shreve
Sinclair
Smith, Idaho
Smith, Ill.
Smith, Mich.
Snell
Snyder
Steenerson
Stephens, Ohio
Stiness
Strong, Pa.
Summers, Wash.
Sweet
Swindall
Swope
Thompson
Tilson
Timberlake
Tincher
Tinkham
Towner
Treadway
Vaile
Vestal
Volk
Volstead
Walsh
Walters
Ward
Wason
Watson
Webster
Wheeler
White, Kans.
White, Me.
Williams
Winslow
Wood, Ind.
Yates
Young, N. Dak.

ANSWERED "PRESENT"—11.

Andrews, Nebr.
Christopherson
Cooper
Crago
Fairfield
Fish
Nolan
Perlman
Reber
Siegel
Strong, Kans.

NOT VOTING—69.

Baer
Benham
Brumbaugh
Burke
Caldwell
Casey
Clark, Mo.
Classon
Cole
Costello
Crowther
Curry, Calif.
Dent
Dooling
Doughton
Ellsworth
Elston
Emerson
Fordney
Gallagher
Garner
Goldfogle
Goodwin, Ark.
Graham, Pa.
Hamill
Hamilton
Harrison
Hayden
Houghton
Hulings
James, Mich.
Johnston, N. Y.
Kahn
Kettner
Kitchin
Little
Lonergan
McFadden
McPherson
Maher
Mann, S. C.
Monahan, Wis.
Moon
Mooney
Morin
Newton, Mo.
Rainey, Ala.
Rainey, Henry T.
Rainey, John W.
Riddick
Rodenberg
Rowan
Rubey
Sanders, La.
Sanford
Scully
Sears
Sinnott
Slemp
Smith, N. Y.
Steele
Sullivan
Temple
Thomas
Vare
Voigt
Watkins
Wilson, Pa.
Wise

So the resolution was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. KITCHIN (for) with Mr. FORDNEY (against).

Until further notice:

Mr. BURKE with Mr. STEELE.

Mr. HOUGHTON with Mr. MOONEY.

Mr. HULINGS with Mr. CALDWELL.

Mr. TEMPLE with Mr. SEARS.

Mr. LITTLE with Mr. GALLAGHER.

Mr. SINNOTT with Mr. JOHNSTON of New York.

Mr. SLEMP with Mr. WILSON of Pennsylvania.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the second resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That Charles A. Sulzer was duly elected a Delegate from the Territory of Alaska to the Sixty-sixth Congress, and that said Charles A. Sulzer having died, and George B. Grigsby having been elected at a special election as a Delegate from the Territory of Alaska, and having been sworn in as a Member of the House of Representatives on July 1, 1920, that the said Grigsby is entitled to retain his seat therein.

The SPEAKER. The question is on agreeing to the resolution.

Mr. GARRETT. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 163, nays 179, answered "present" 5, not voting 81, as follows:

YEAS—163.

Almon
Anthony
Ashbrook
Aswell
Ayres
Babka
Bankhead
Barkley
Bee
Bell
Benson
Black
Bland, Mo.
Bland, Va.
Blanton
Bowling
Box
Brand
Briggs
Brinson
Buchanan
Byrnes, S. C.
Byrns, Tenn.
Campbell, Pa.
Candler
Cantrill
Caraway
Carew
Carss
Carter
Cleary
Coady
Collier
Connally
Crisp
Cullen
Davey
Davis, Tenn.
Dewalt
Dickinson, Mo.
Dominick
Donovan
Doremus
Drane
Drewry
Dupré
Dyer
Eagan
Eagle
Evans, Mont.
Ferris
Fields
Fisher
Flood
French
Gallivan
Gandy
Ganly
Gard
Garrett
Godwin, N. C.
Griffin
Hardy, Tex.
Hastings
Hoey
Holland
Howard
Huddleston
Hudspeth
Hull, Tenn.
Humphreys
Igoe
Jacoway
James, Va.
Johnson, Ky.
Johnson, Miss.
Johnson, S. Dak.
Jones, Pa.
Jones, Tex.
Kincheloe
Lanham
Lankford
Larsen
Layton
Lazaro
Lee, Ga.
Linthicum
McAndrews
McClintic
McDuffie
McGlennon
McKeown
McKiniry
McLaughlin, Nebr.
Major
Mansfield
Martin
Mays
Mead
Milligan
Minahan, N. J.
Montague
Moore, Va.
Mudd
Neely
Nelson, Mo.
Nelson, Wis.
Nicholls
O'Connell
O'Connor
Oldfield
Oliver
Olney
Overstreet
Padgett
Park
Parrish
Pell
Phelan
Pou
Quin
Raker
Ramsey
Rayburn
Reavis
Riordan
Robinson, N. C.
Romjue
Rouse
Rucker
Sabath
Sherwood
Sims
Sisson
Small
Smithwick
Steagall
Stedman
Steele
Stephens, Miss.
Stevenson
Stoll
Sumners, Tex.
Tague
Taylor, Ark.
Taylor, Colo.
Taylor, Tenn.
Tillman
Upshaw
Venable
Vinson
Weaver
Welling
Welty
Whaley
Wilson, Ill.
Wilson, La.
Wilson, Pa.
Wingo
Woods, Va.
Woodyard
Wright
Young, Tex.

NAYS—179.

Ackerman
Anderson
Andrews, Nebr.
Bacharach
Barbour
Begg
Benham
Bland, Ind.
Boies
Britten
Brooks, Ill.
Brooks, Pa.
Browne
Burdick
Burroughs
Butler
Campbell, Kans.
Cannon
Chindblom
Cooper
Copley
Cramton
Currie, Mich.
Dale
Dallinger
Darrow
Davis, Minn.
Dempsey
Denison
Dickinson, Iowa
Dowell
Dunbar
Dunn
Edmonds
Elliott
Esch
Evans, Nebr.
Fairfield
Farr
Fess
Focht
Foster
Frear
Freeman
Fuller
Glynn
Good
Goodall
Gould
Graham, Ill.
Green, Iowa
Greene, Mass.
Greene, Vt.
Griest
Hadley
Hardy, Colo.
Haugen
Hawley
Hays
Hernandez
Hersey
Hickey
Hicks
Hill
Hoch
Houghton
Hull, Iowa
Hutchinson
Ireland
Jefferis
Johnson, Wash.
Juul
Kearns
Keller
Kelley, Mich.
Kendall
Kennedy, Iowa
Kennedy, R. I.
King
Kinkaid
Knutson
Kraus
Kreider
Lampert
Lehlbach
Little
Longworth
Luce
Lufkin
Luhring
McArthur
McKenzie
McKinley
McLaughlin, Mich.
McLeod
McPherson
MacGregor
Madden
Magee
Mann, Ill.
Mapes
Mason
Merritt
Michener
Miller
Mondell
Moore, Ohio
Moores, Ind.
Mott
Murphy
Newton, Minn.
Ogden
Osborne
Paige
Parker
Patterson
Peters
Porter
Purnell
Radcliffe
Ramseyer
Randall, Calif.
Randall, Wis.
Ransley
Reber
Reed, N. Y.
Reed, W. Va.
Rhodes
Ricketts
Robsion, Ky.
Rogers
Rose
Rowe
Sanders, Ind.
Sanders, N. Y.
Schall
Scott
Sells
Shreve
Sinclair
Slemp
Smith, Idaho
Smith, Ill.
Smith, Mich.
Snell
Snyder
Steenerson
Stephens, Ohio
Stiness
Strong, Kans.
Strong, Pa.
Sweet
Swindall
Temple
Thompson
Tilson
Timberlake
Tincher
Tinkham
Towner
Treadway
Vaile
Vestal
Voigt
Volstead
Walsh
Walters
Ward
Wason
Watson
Webster
Wheeler
White, Kans.
White, Me.
Williams
Winslow
Wood, Ind.
Yates
Young, N. Dak.

ANSWERED "PRESENT"—5.

Christopherson
Crago
Fish
Goodykoontz
Nolan

NOT VOTING—81.

Andrews, Md.
Baer
Bowers
Brumbaugh
Burke
Caldwell
Casey
Clark, Fla.
Clark, Mo.
Classon
Cole
Costello
Crowther
Curry, Calif.
Dent
Dooling
Doughton
Echols
Ellsworth
Elston
Emerson
Evans, Nev.
Fordney
Gallagher
Garner
Goldfogle
Goodwin, Ark.
Graham, Pa.
Hamill
Hamilton
Harreld
Harrison
Hayden
Hersman
Hulings
Husted
James, Mich
Johnston, N. Y.
Kahn
Kelly, Pa.
Kettner
Kiess
Kitchin
Kleczka
Langley
Lea, Calif.
Lesher
Lonergan
McCulloch
McFadden
Maher
Mann, S. C.
Monahan, Wis.
Moon
Mooney
Morin
Newton, Mo.
Perlman
Rainey, Ala.
Rainey, Henry T.
Rainey, John W.
Riddick
Rodenberg
Rowan
Rubey
Sanders, La.
Sanford
Scully
Sears
Siegel
Sinnott
Smith, N. Y.
Sullivan
Summers, Wash.
Swope
Thomas
Vare
Volk
Watkins
Wise
Zihlman

So the resolution was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. KITCHIN (for) with Mr. FORDNEY (against).

Mr. CLARK of Florida (for) with Mr. LANGLEY (against).

Until further notice:

Mr. KIESS with Mr. EVANS of Nevada.

Mr. SUMMERS of Washington with Mr. GRIFFIN.

Mr. HARRELD with Mr. SANDERS of Louisiana.

Mr. BOWERS with Mr. GOODWIN of Arkansas.

Mr. ANDREWS of Maryland with Mr. MOONEY.
Mr. ZIHLMAN with Mr. GALLAGHER.
Mr. PERLMAN with Mr. LEA of California.
Mr. BURKE with Mr. SULLIVAN.
Mr. ECHOLS with Mr. LONERGAN.
Mr. MCCULLOCH with Mr. SCULLY.
Mr. SIEGEL with Mr. WATKINS.
Mr. VOLK with Mr. HAMILL.
Mr. HUSTED with Mr. SEARS.
Mr. KELLY of Pennsylvania with Mr. HERSMAN.

Mr. SUMMERS of Washington. Mr. Speaker, how am I recorded? I want to be recorded "no."

The SPEAKER. Did the gentleman vote when the roll was called?

Mr. SUMMERS of Washington. No.

The SPEAKER. Was the gentleman present and listening when his name was called? This is not a no-quorum vote.

Mr. SUMMERS of Washington. No; I was not present.

The SPEAKER. Then the gentleman does not qualify.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the original resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That Charles A. Sulzer was not elected a Delegate to the House of Representatives from the Territory of Alaska in this Congress, and George B. Grigsby, who is now occupying the seat made vacant by the death of said Sulzer, is not entitled to a seat herein.

Resolved, That James Wickersham was duly elected a Delegate from the Territory of Alaska in this Congress, and is entitled to a seat herein.

Mr. SUMNERS of Texas. Mr. Speaker, I ask for a division of the question.

Mr. MANN of Illinois. Mr. Speaker, a parliamentary inquiry; and if the Speaker finds any difficulty in answering it, I am perfectly willing to withdraw the inquiry.

The House having just voted on a resolution declaring that Mr. Sulzer was elected, and having negatived that proposition, is it necessary now to vote on the proposition that Mr. Sulzer was not elected, in order to reach a vote on the resolution declaring that Mr. Wickersham was elected? It has been the universal ruling, and especially during the Speakership of Mr. CLARK, that when a Senate amendment came to the House and a motion was made to concur in the Senate amendment and that motion was defeated that that was in effect and was treated as a motion carried to disagree to the Senate amendment.

The SPEAKER. It seems to the Chair at first blush that that is a question which should govern gentlemen in demanding a division, rather than a decision by the Chair. As the gentleman says, the House has just voted what is substantially the first clause of this resolution, but it seems to the Chair that if any person desires it, he has a right to demand that the first clause be voted upon separately.

Mr. SUMNERS of Texas. I will state that my reason for asking for a division of the question is that I want a vote on the last proposition in this resolution stripped of everything else.

Mr. DOWELL. Has the gentleman any objection to voting on the first part of the resolution without a roll call, and then having a roll call on the other?

Mr. SUMNERS of Texas. Personally I have no objection to that. I do not know what may be desired on this side, but as far as I am personally concerned I have no objection to the vote being taken without a roll call. But I do want a separate vote.

Mr. DOWELL. In order to save the parliamentary question, Mr. Speaker, we may vote without a roll call upon the first part of the resolution, and then have a roll call on the second part.

Mr. BARKLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARKLEY. There are apparently three prongs to this motion. One is, resolved that Mr. Sulzer was not elected. Then, resolved that Mr. Grigsby is not entitled to his seat.

The SPEAKER. Those two propositions are both contained in the first resolution.

Mr. BARKLEY. The two in one?

The SPEAKER. Yes. The question is on the first part of the original resolution, declaring that Mr. Sulzer was not elected, and that Mr. Grigsby is not entitled to a seat.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. GARRETT. Mr. Speaker, at the request of many gentlemen on this side I ask for the yeas and nays.

The SPEAKER. The gentleman from Tennessee demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 183, nays 162, answered "present" 9, not voting 74, as follows:

YEAS—183.

Ackerman	Glynn	McArthur	Sanders, N. Y.
Anderson	Good	McKenzie	Schall
Andrews, Md.	Goodall	McKinley	Scott
Andrews, Nebr.	Gould	McLaughlin, Mich.	Sells
Bacharach	Graham, Ill.	McLeod	Shreve
Barbour	Green, Iowa	McPherson	Sinclair
Benham	Greene, Mass.	MacGregor	Smith, Idaho
Bland, Ind.	Greene, Vt.	Madden	Smith, Ill.
Boies	Griest	Magee	Smith, Mich.
Brooks, Ill.	Hadley	Mann, Ill.	Snell
Brooks, Pa.	Hardy, Colo.	Mapes	Snyder
Browne	Harreld	Mason	Steenerson
Burdick	Haugen	Merritt	Stephens, Ohio
Burroughs	Hawley	Michener	Stiness
Butler	Hays	Miller	Strong Pa.
Campbell, Kans.	Hernandez	Monahan, Wis.	Summers, Wash.
Cannon	Hersey	Mondell	Sweet
Chindblom	Hickey	Moore, Ohio	Swindall
Cooper	Hicks	Moores, Ind.	Swope
Copley	Hill	Mott	Taylor, Tenn.
Crago	Hoch	Murphy	Temple
Cramton	Houghton	Nelson, Wis.	Thompson
Currie, Mich.	Hull, Iowa	Newton, Minn.	Tilson
Dale	Husted	Ogden	Timberlake
Dallinger	Hutchinson	Osborne	Tincher
Darrow	Ireland	Paige	Tinkham
Davis, Minn.	Jefferis	Parker	Towner
Dempsey	Johnson, Wash.	Patterson	Treadway
Denison	Juul	Peters	Vaile
Dickinson, Iowa	Kearns	Porter	Vestal
Dowell	Keller	Purnell	Voigt
Dunbar	Kelley, Mich.	Radcliffe	Volstead
Dunn	Kendall	Ramseyer	Walsh
Edmonds	Kennedy, Iowa	Randall, Calif.	Walters
Elliott	Kennedy, R. I.	Randall, Wis.	Ward
Esch	Kinkaid	Ransley	Wason
Evans, Nebr.	Kleczka	Reber	Watson
Fairfield	Knutson	Reed, N. Y.	Webster
Farr	Kraus	Reed, W. Va.	Wheeler
Fess	Kreider	Rhodes	White, Kans.
Fish	Lampert	Ricketts	White, Me.
Focht	Lehlbach	Robsion, Ky.	Williams
Foster	Little	Rogers	Winslow
Frear	Luce	Rose	Wood, Ind.
Freeman	Lufkin	Rowe	Young, N. Dak.
Fuller	Luhring	Sanders, Ind.	

NAYS—162

Almon	Drane	Lankford	Raker
Ashbrook	Drewry	Larsen	Ramsey
Aswell	Dupré	Layton	Rayburn
Ayres	Dyer	Lazaro	Reavis
Babka	Eagan	Lee, Ga.	Riordan
Bankhead	Eagle	Linthicum	Robinson, N. C.
Barkley	Evans, Mont.	Longworth	Romjue
Bee	Ferris	McAndrews	Rouse
Bell	Fields	McClintic	Rucker
Benson	Fisher	McDuffie	Sabath
Black	Flood	McGlennon	Sherwood
Bland, Mo.	French	McKeown	Sims
Bland, Va.	Gallivan	McKinley	Sisson
Blanton	Gandy	McLaughlin, Nebr.	Small
Bowers	Ganly	Major	Smithwick
Bowling	Gard	Mansfield	Steagall
Box	Garrett	Martin	Stedman
Brand	Godwin, N. C.	Mays	Stephens, Miss.
Briggs	Goldfogle	Mead	Stevenson
Brinson	Goodykoontz	Milligan	Stoll
Buchanan	Griffin	Minahan, N. J.	Sumners, Tex.
Byrnes, S. C.	Hardy, Tex.	Montague	Tague
Byrns, Tenn.	Hastings	Moore, Va.	Taylor, Ark.
Campbell, Pa.	Hersman	Mudd	Taylor, Colo.
Candler	Hoey	Neely	Tillman
Cantrill	Holland	Nelson, Mo.	Upshaw
Caraway	Howard	Nicholls	Venable
Carew	Huddleston	O'Connell	Vinson
Carss	Hudspeth	O'Connor	Weaver
Carter	Hull, Tenn.	Oldfield	Welling
Coady	Humphreys	Oliver	Welty
Collier	Igoe	Olney	Whaley
Connally	Jacoway	Overstreet	Wilson, La.
Crisp	James, Va.	Padgett	Wilson, Pa.
Cullen	Johnson, Ky.	Park	Wingo
Davey	Johnson, Miss.	Parrish	Woods, Va.
Davis, Tenn.	Johnson, S. Dak.	Pell	Woodyard
Dewalt	Jones, Pa.	Phelan	Wright
Dickinson, Mo.	Jones, Tex.	Pou	Young, Tex.
Dominick	Kincheloe	Quinn	
Donovan	Lanham	Rainey, Henry T.	

ANSWERED "PRESENT"—9.

Begg	Kiess	Perlman	Strong, Kans.
Christopherson	Nolan	Siegel	Volk
Fordney			

NOT VOTING—74.

Anthony	Dooling	Hulings	Moon
Baer	Doremus	James, Mich.	Mooney
Britten	Doughton	Johnston, N. Y.	Morin
Brumbaugh	Echols	Kahn	Newton, Mo.
Burke	Ellsworth	Kelly, Pa.	Rainey, Ala.
Caldwell	Elston	Kettner	Rainey, John W.
Casey	Emerson	King	Riddick
Clark, Fla.	Evans, Nev.	Kitchin	Rodenberg
Clark, Mo.	Gallagher	Langley	Rowan
Classon	Garner	Lea, Calif.	Rubey
Cleary	Goodwin, Ark.	Lesher	Sanders, La.
Cole	Graham, Pa.	Lonergan	Sanford
Costello	Hamill	McCulloch	Scully
Crowther	Hamilton	McFadden	Sears
Curry, Calif.	Harrison	Maher	Sinnott
Dent	Hayden	Mann, S. C.	Sleep

Smith, N. Y.	Thomas	Wilson, Ill.	Zihlman
Steele	Vare	Wise	
Sullivan	Watkins	Yates	

So the resolution was agreed to.

The following additional pairs were announced:

Mr. FORDNEY (for) with Mr. KITCHIN (against).

Mr. LANGLEY (for) with Mr. CLARK of Florida (against).

Mr. SLEMP (for) with Mr. ANTHONY (against).

Until further notice:

Mr. BRITTEN with Mr. SEARS.

Mr. GATES with Mr. CLEARY.

Mr. COLE with Mr. MOONEY.

Mr. CROWTHER with Mr. DOREMUS.

Mr. HARDY of Colorado with Mr. KETTNER.

Mr. KELLY of Pennsylvania with Mr. ROWAN.

Mr. KING with Mr. GOODWIN of Arkansas.

Mr. ROBSION of Kentucky with Mr. STEELE.

Mr. WILSON of Illinois with Mr. SANDERS of Louisiana.

Mr. BRUMBAUGH. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. BRUMBAUGH. I was not.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the last resolution.

The Clerk read as follows:

Resolved, That James Wickersham was duly elected a Delegate from the Territory of Alaska in this Congress and is entitled to a seat herein.

The SPEAKER. The question is on agreeing to the resolution.

Mr. GARRETT. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 177, nays 163, answered "present" 10, not voting 78, as follows:

YEAS—177.

Andrews, Md.	Gould	McKenzie	Sells
Barbour	Graham, Ill.	McKinley	Shreve
Benham	Green, Iowa	McLaughlin, Mich.	Sinclair
Bland, Ind.	Greene, Mass.	McLeod	Smith, Idaho
Boies	Greene, Vt.	McPherson	Smith, Ill.
Britten	Griest	MacGregor	Smith, Mich.
Brooks, Ill.	Hadley	Madden	Snell
Brooks, Pa.	Hardy, Colo.	Mann, Ill.	Snyder
Browne	Harreld	Mapes	Steenerson
Burdick	Haugen	Mason	Stephens, Ohio
Burroughs	Hawley	Merritt	Stiness
Butler	Hays	Michener	Strong, Pa.
Campbell, Kans.	Hernandez	Miller	Summers, Wash.
Cannon	Hersey	Monahan, Wis.	Sweet
Chindblom	Hickey	Mondell	Swindall
Cooper	Hicks	Moore, Ohio	Taylor, Tenn.
Copley	Hill	Moores, Ind.	Temple
Crago	Hoch	Murphy	Thompson
Cramton	Houghton	Nelson, Wis.	Tilson
Crowther	Hull, Iowa	Ogden	Timberlake
Currie, Mich.	Husted	Osborne	Tincher
Dale	Hutchinson	Paige	Tinkham
Dallinger	Ireland	Parker	Towner
Darrow	Johnson, Wash.	Patterson	Treadway
Davis, Minn.	Juul	Peters	Vaile
Dempsey	Kearns	Purnell	Vestal
Denison	Keller	Radcliffe	Voigt
Dickinson, Iowa	Kelley, Mich.	Ramseyer	Volstead
Dowell	Kelly, Pa.	Randall, Calif.	Walsh
Dunbar	Kendall	Randall, Wis.	Walters
Dunn	Kennedy, Iowa	Ransley	Ward
Elliott	Kennedy, R. I.	Reber	Wason
Esch	King	Reed, N. Y.	Watson
Fairfield	Kinkaid	Reed, W. Va.	Webster
Farr	Knutson	Rhodes	Wheeler
Fess	Kraus	Ricketts	White, Kans.
Fish	Kreider	Robsion, Ky.	White, Me.
Focht	Lampert	Rogers	Williams
Foster	Lehlbach	Rose	Winslow
Frear	Little	Rowe	Wood, Ind.
Freeman	Longworth	Sanders, Ind.	Yates
Fuller	Luce	Sanders, N. Y.	Young, N. Dak.
Glynn	Lufkin	Sanford	
Good	Luhring	Schall	
Goodall	McArthur	Scott	

NAYS—163.

Almon	Brinson	Dewalt	Ganly
Ashbrook	Brumbaugh	Dickinson, Mo.	Gard
Aswell	Buchanan	Dominick	Garrett
Ayres	Byrnes, S. C.	Donovan	Godwin, N. C.
Babka	Byrns, Tenn.	Doremus	Goldfogle
Bacharach	Campbell, Pa.	Drane	Griffin
Bankhead	Candler	Drewry	Hardy, Tex.
Barkley	Cantrill	Dupré	Hastings
Bee	Caraway	Dyer	Hersman
Begg	Carew	Eagan	Hoey
Bell	Carss	Eagle	Holland
Benson	Carter	Evans, Mont.	Howard
Black	Casey	Evans, Nev.	Huddleston
Bland, Mo.	Coady	Ferris	Hudspeth
Bland, Va.	Collier	Fields	Hull, Tenn.
Blanton	Connally	Fisher	Humphreys
Bowling	Crisp	Flood	Igoe
Box	Cullen	French	Jacoway
Brand	Davey	Gallivan	James, Va.
Briggs	Davis, Tenn.	Gandy	Johnson, Ky.
Johnson, Miss.	Mays	Pou	Stoll
Johnson, S. Dak.	Mead	Quin	Sumners, Tex.
Jones, Pa.	Milligan	Raker	Tague
Jones, Tex.	Minahan, N. J.	Ramsey	Taylor, Ark.
Lanham	Montague	Rayburn	Tillman
Lankford	Moore, Va.	Reavis	Upshaw
Larsen	Mudd	Riordan	Venable
Layton	Neely	Robinson, N. C.	Vinson
Lazaro	Nelson, Mo.	Romjue	Volk
Lee, Ga.	Nicholls	Rouse	Weaver
Linthicum	O'Connell	Rucker	Welling
McAndrews	O'Connor	Sabath	Welty
McClintic	Oldfield	Sherwood	Whaley
McDuffie	Oliver	Sims	Wilson, La.
McGlennon	Olney	Sisson	Wilson, Pa.
McKeown	Overstreet	Small	Wingo
McKinley	Padgett	Smithwick	Woods, Va.
McLaughlin, Nebr.	Park	Steagall	Woodyard
Major	Parrish	Stedman	Wright
Mansfield	Pell	Stephens, Miss.	Young, Tex.
Martin	Phelan	Stevenson	

ANSWERED "PRESENT"—10.

Ackerman	Echols	Goodykoontz	Nolan
Andrews, Nebr.	Edmonds	Kiess	Strong, Kans.
Christopherson	Fordney		

NOT VOTING—78.

Anderson	Gallagher	Lonergan	Rubey
Anthony	Garner	McCulloch	Sanders, La.
Baer	Goodwin, Ark.	McFadden	Scully
Bowers	Graham, Pa.	Magee	Sears
Burke	Hamill	Maher	Siegel
Caldwell	Hamilton	Mann, S. C.	Sinnott
Clark, Fla.	Harrison	Moon	Slemp
Clark, Mo.	Hayden	Mooney	Smith, N. Y.
Classon	Hulings	Morin	Steele
Cleary	James, Mich.	Mott	Sullivan
Cole	Jefferis	Newton, Minn.	Swope
Costello	Johnston, N. Y.	Newton, Mo.	Taylor, Colo.
Curry, Calif.	Kahn	Perlman	Thomas
Dent	Kettner	Porter	Vare
Dooling	Kincheloe	Rainey, Ala.	Watkins
Doughton	Kitchin	Rainey, Henry T.	Wilson, Ill.
Ellsworth	Kleczka	Rainey, John W.	Wise
Elston	Langley	Riddick	Zihlman
Emerson	Lea, Calif.	Rodenberg	
Evans, Nebr.	Lesher	Rowan	

So the resolution was agreed to.

The following additional pairs were announced:

Mr. FORDNEY (for) with Mr. KITCHIN (against).

Mr. LANGLEY (for) with Mr. CLARK of Florida (against).

Mr. SLEMP (for) with Mr. ANTHONY (against).

Mr. MAGEE with Mr. KINCHELOE.

Mr. SWOPE with Mr. HAMILL.

Mr. NEWTON of Minnesota with Mr. SEARS.

Mr. PORTER with Mr. TAYLOR of Colorado.

Mr. BOWERS with Mr. CLEARY.

Mr. EMERSON with Mr. GOODWIN of Arkansas.

Mr. EVANS of Nebraska with Mr. KETTNER.

Mr. JEFFERIS with Mr. LESHER.

Mr. MICHENER with Mr. HENRY T. RAINEY.

Mr. KLECZKA with Mr. ROWAN.

Mr. MOTT with Mr. STEELE.

Mr. SWOPE. Mr. Speaker, I wish to vote "aye."

The SPEAKER. Was the gentleman present in the Hall and listening when his name should have been called?

Mr. SWOPE. I was not.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

On motion of Mr. DOWELL, a motion to reconsider the last vote was laid on the table.

Mr. WICKERSHAM appeared at the bar of the House and took the oath of office.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WOOD of Indiana. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 15543, the legislative, executive, and judicial appropriation bill, insist on the disagreement of the House to amendment of the Senate No. 113, and agree to the conference asked by the Senate.

The motion was agreed to.

The Chair appointed the following conferees: Mr. WOOD of Indiana, Mr. WASON and Mr. SISSON.

QUESTION OF PERSONAL PRIVILEGE.

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of South Dakota. I hold in my hand a photograph of what I believe to be a forged copy of a letter of which there never was an original, which has been brought before this House by reason of a resolution introduced in the House, resolution No. 680, by the gentleman from Virginia [Mr. FLOOD], and is found in Report No. 1341. This photographic copy is, in my opinion, a forged copy of a letter of which there never was an original.

The SPEAKER. The gentleman will state his question of privilege.

Mr. JOHNSON of South Dakota. I am getting to it. This letter was brought in with the desire of making an assault upon Subcommittee No. 3, of which I am the chairman, and upon myself, upon the theory that that committee has hired men who were blackmailers as investigators to conduct certain investigations in a Pittsburgh case which I believe is full of fraud and graft, as will later be developed by the next Attorney General of the United States. I want to submit this to the Speaker and have him determine whether or not the question of personal privilege is there. I believe it is, because it states that this subcommittee——

The SPEAKER. The gentleman will submit to the Chair whatever he relies upon.

Mr. JOHNSON of South Dakota. I shall send to the Speaker the letter which I believe is a forgery, and a copy of the report.

Mr. BANKHEAD. Mr. Speaker, is not the House entitled to the benefit of the information which the gentleman relies upon?

The SPEAKER. If it is so desired. The gentleman will read to the House what he relies upon.

Mr. GARD. Mr. Speaker, I make the point of order that the gentleman should state the question of personal privilege.

The SPEAKER. That is what the Chair has asked the gentleman to do.

Mr. JOHNSON of South Dakota. Mr. Speaker, to do that it probably would be necessary to first read the letter, which is found in House Document 1341, Sixty-sixth Congress, third session.

The SPEAKER. The Chair thinks the gentleman should first read whatever reflects upon him.

Mr. JOHNSON of South Dakota. I would say that that is largely by inference. On page 3 of this report, No. 1341, which, as I say, was brought into this House by the Committee on Military Affairs because of a resolution introduced by the gentleman from Virginia, Mr. FLOOD, is to be found the following letter from the Secretary of War, who transmitted this letter, of which I have a photographic copy, and which, in my opinion, is a rank forgery and never was written. That letter is as follows:

WAR DEPARTMENT,
Washington, February 4, 1920.

Hon. W. J. GRAHAM,
Chairman Select Committee on
Expenditures in the War Department,
House of Representatives, Washington, D. C.

MY DEAR MR. GRAHAM: As you know, I have placed every agency of the War Department at the disposal of the select committee of which you are chairman to assist the committee in conducting the investigation with which it has been charged. It has been my practice to arm those special agents employed by the committee with letters of authority, giving them access to all records of the War Department, including those which are regarded as of a secret or confidential nature.

As public servants to whom the handling of Government business has been intrusted, we are equally responsible that the public interest be safeguarded. Because I am certain of your keen appreciation of this responsibility, I have temporarily withheld certain documents from examination by two special investigators in the employ of Subcommittee No. 3, of which the Hon. ROYAL C. JOHNSON is chairman, until I can bring to your attention certain facts with which I am convinced you can not be acquainted.

The investigators to whom I refer are Mr. J. M. Hill and Mr. C. C. Lindsay, both of whom were at one time intimately connected with an investigation of the claims of the Valley Forging Co. concerning the settlement of contracts for 75-millimeter shell. Both of these persons are known to possess an interest in this investigation not wholly inspired by a desire to safeguard the public interest.

I wish again to assure you that it is my desire to facilitate the work of your committee in every way possible, and all information relative to the particular case to which Mr. Hill and Mr. Lindsay have been assigned is at the committee's disposal. It is my opinion, however, that after a consideration of the case you will agree with me that the services of less-interested persons than either of the two named should be employed.

Very truly, yours,
NEWTON D. BAKER,
Secretary of War.

Mr. Speaker, of course the Secretary of War had no personal information of the matter, and it came undoubtedly through the Military Intelligence of the War Department. They bring my name into it as having hired these investigators whom they claim to be blackmailers. They based that claim upon this photographic copy of an alleged letter, which they do not now have, and of which they never did have the original. There was none. They bring it before this House with the idea of casting aspersions upon me as chairman of the committee, and of attacking Mr. Edmund Leigh, who was brought over here from Baltimore by Mr. Daniel Willard, one of the great railroad men of this country. Mr. Leigh is the former chief detective of the Baltimore & Ohio Railroad, was placed in charge of industry plant protection, and hired many men afterwards in the Government's employ. They make a report upon which the Attorney General in my opinion will be forced to ask indictments, and on which he will secure convictions, in the War Claims Board in Pittsburgh. This is brought here to embarrass that investigation and to attack these men who have made that investigation and to attack me as chairman of the committee, and they come before the House with this letter, which I believe to be a forgery. I believe that states a question of personal privilege.

The SPEAKER. The Chair does not think that the gentleman has made out a case of personal privilege. The most the gentleman can claim, it seems to the Chair, is that there is a charge that he has employed men who are unworthy, but there is no intimation that the gentleman did so knowingly.

Mr. JOHNSON of South Dakota. The Chair does not see anything of personal privilege in this letter?

The SPEAKER. The Chair does not think the gentleman makes out a case of personal privilege.

Mr. JOHNSON of South Dakota. Of couse, I must accept the ruling of the Chair. I can not agree with the Chair, but I recognize that the Chair knows the precedents, so I shall not press the matter further.

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 bills of the following titles:

On March 1, 1921:

H. R. 15441. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1922, and for other purposes;

H. R. 15935. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 15962. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes;

H. R. 397. An act to authorize a lieu selection by the State of South Dakota for 160 acres on Pine Ridge Indian Reservation, and for other purposes;

H. R. 567. An act for the relief of John Chick;

H. R. 1035. An act for the relief of the widow of Joseph C. Akin;

H. R. 1430. An act to authorize the addition of certain lands to the Weiser National Forest, Idaho;

H. R. 2946. An act to amend acts to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes;

H. R. 5081. An act for the relief of James E. Adams;

H. R. 5416. An act to authorize corporations organized in the District of Columbia to change their names;

H. R. 7573. An act authorizing the payment of compensation to Pasquale Dolce for personal injuries;

H. R. 8535. An act to provide for the redistribution of general taxes and special assessments due and payable on real estate in the District of Columbia in cases of subdivision or sales of land therein;

H. R. 9028. An act to authorize the addition of certain lands to the Nezperce National Forest, Idaho;

H. R. 9702. An act granting certain lands to the city of Sandpoint, Idaho, to protect the watershed of the water-supply system of said city;

H. R. 10434. An act to add certain lands to the Targhee National Forest;

H. R. 11004. An act to grant certain lands to the board of trustees of the village of Downey, State of Idaho, for the protection of its water supply;

H. R. 11307. An act to amend section 5146 of the Revised Statutes of the United States in relation to the qualifications of directors of the National Banking Association;

H. R. 13051. An act to add certain lands to the Lemhi National Forest, Idaho;

H. R. 13319. An act for the relief of Wilson Certain;

H. R. 13592. An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries;

H. R. 15769. An act to authorize the construction of a bridge over the Rio Grande between the cities of Del Rio, Tex., and Las Vacas, Mexico; and

S. 3225. An act for the relief of bona fide settlers who intermarry after having complied with the homestead law for one year.

ENROLLED BILL SIGNED.

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

H. R. 15275. An act imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes.

JOURNAL OF NATIONAL ENCAMPMENT, GRAND ARMY OF THE REPUBLIC.

Mr. KIESS. Mr. Speaker, I present the following privileged resolution from the Committee on Printing, which I send to the desk and ask to have read.

The Clerk read as follows:

Concurrent resolution (H. Con. Res. 76) to print 1,500 copies of the Journal of the Fifty-fifth National Encampment of the Grand Army of the Republic.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the Journal of the Fifty-fifth National Encampment of the Grand Army of the Republic for the year 1921, not to exceed $1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 for the use of the Senate.

Mr. KIESS. Mr. Speaker, this resolution is passed by every Congress and is to provide for the year 1921. I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

INAUGURATION CEREMONIES.

Mr. REAVIS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. REAVIS. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for three minutes. Is there objection?

Mr. McCLINTIC. Mr. Speaker, reserving the right to object, would the gentleman care to state what he wishes to discuss?

Mr. REAVIS. Mr. Speaker, a great many inquiries have come to the inaugural committee as to the privileges of Members on inauguration day, and I wanted to state what those privileges were.

The SPEAKER. The gentleman is recognized for three minutes.

Mr. REAVIS. Gentlemen of the House, I will state as briefly as possible the arrangements that have been made for the inaugural ceremony and the privileges that will come to the membership of the House because of those arrangements. Nobody will be admitted into the Capitol Building on the morning of the inauguration except the Members and those holding tickets to the Senate Gallery. Each Member of the House is entitled to one ticket to the Senate Gallery to witness the inauguration of the Vice President and other ceremonies incident thereto. The membership of the House, and that includes, of course, the Members elect, are entitled under the rules of the Senate to the privilege of the floor of the Senate.

After the inauguration in the Senate Chamber is finished all Members of the House and Members elect, together with their guests in the gallery, will go through the Rotunda of the Capitol to the reserved standing-room space immediately in front of the inaugural stand. There will be no seats, and only those admitted to the Capitol on the morning of the inauguration, which includes Members and Members elect and their one guest each, are entitled to this reserve standing space, entrance to which shall be through the Capitol. In addition to that there will be two other standing spaces, one immediately north of the space in front of the inaugural stand and one immediately south. It is thought that those spaces will accommodate between 1,600 and 2,000 people each. The southern standing-room space has been assigned to the membership of the House. Entrance to that standing-room space shall be from the outside through an aisle or alleyway that will be kept open by officers. Admission to the standing-room space, which will be roped off, will be by tickets.

The tickets to this outside standing-room space, three for each Member and each Member-elect, will be distributed some time to-morrow and due notification will be given you. With the space of these two standing-room spaces and the privilege of the Senate floor and one guest in the gallery there are no other privileges given Members.

Mr. HAWLEY. Will the gentleman yield?

Mr. REAVIS. I will.

Mr. HAWLEY. Who will be admitted to these standing places on the east front of the Senate and House wings of the Capitol?

Mr. REAVIS. Those spaces will be roped off. These barricades are being constructed there for the purpose of protecting the crowd from itself. There was an occasion when a large crowd congregated, it was at the time of President McKinley's funeral, when no provisions were taken to protect the crowd from itself in reference to the steps. The crowd behind surged forward and a number were very badly injured. These spaces will be open to everybody except so far as it has been necessary to barricade them to protect the crowd from injury.

Mr. HAWLEY. I do not think the gentleman understood my question. There are being constructed on the east steps of the House near——

Mr. REAVIS. The gentleman means the House Chamber?

Mr. HAWLEY. Yes; on those east steps.

Mr. REAVIS. I have no information with regard to that at all. I know there is no space reserved there that is in the disposition of the inaugural committee.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. REAVIS. I will.

Mr. MANN of Illinois. Does this order forbid employees of the House coming to the House Friday morning?

Mr. REAVIS. No; as a matter of course it would not.

Mr. MANN of Illinois. Not ordinary employees, but——

Mr. REAVIS. The House officers not only have the privilege of the floor of the Senate, but each one will have a ticket for the gallery.

Mr. MANN of Illinois. I know four years ago my secretary was refused admission to the Capitol, until I got busy.

Mr. REAVIS. There is no rule or order to that effect made by the inaugural committee.

Mr. MANN of Illinois. I hope the inaugural committee will not make a ruling that would forbid employees coming to the House.

Mr. REAVIS. No such ruling has been made and no such suggestion has been made.

Mr. DOWELL. Will the gentleman yield?

Mr. REAVIS. I will.

Mr. DOWELL. How may they be admitted if there are no tickets issued?

Mr. REAVIS. Well, I assume those who will be in charge of the door will be familiar with the House employees as well as with the membership of the House. I do not know how otherwise they will be admitted.

Mr. DOWELL. Can the gentleman ascertain how that may be done and advise the Members of the House?

Mr. REAVIS. I will endeavor to do so.

Mr. BARKLEY. Will the gentleman yield?

Mr. REAVIS. I will.

Mr. BARKLEY. I do not think the gentleman understood the question of the gentleman from Oregon. On the east steps there is this big space which they have floored and put banisters all around. What are those for?

Mr. REAVIS. I will state to the gentleman from Kentucky I know nothing about that.

Mr. BARKLEY. Under whose jurisdiction is it?

Mr. REAVIS. Probably under the jurisdiction of the Architect or Superintendent of the Capitol. It may be he has given directions to build such barricades or such platforms as would be necessary to protect the crowd or Government property, but, so far as those spaces are concerned, we have no disposition of them.

The SPEAKER. The Chair thinks that he can answer the question. The Chair was told yesterday that it had been the custom at those steps for such space to be prepared and tickets were issued to them, half of which were given to the Committee on Ways and Means, who have the corner room, and the other half of the tickets, about 200 each, the Chair thinks, to the Speaker, but the Speaker told them he did not think he had any right to them and declined to take them. [Applause.]

Mr. GARRETT. I would just like to say with regard to what was stated a few moments ago by the gentleman from Illinois [Mr. MANN] that there was never any order four years ago by the inaugural committee precluding any of the employees from entering the Capitol. The inaugural committee not only never made such an order but it had never thought of it. I think there was some sort of a regulation, probably put into effect under orders of the Speaker, possibly, for the purpose of protection, that they required identification in some way, and the Sergeant at Arms issued a card or something to the employees which admitted them. The inaugural committee never did anything of that sort, nor was there, I think, any official order to that effect.

Mr. GREENE of Vermont. I would like to ask the gentleman if the word "employees" includes secretaries to Representatives?

Mr. REAVIS. I do not think so, because I do not think they would be classed as Capitol employees.

Mr. GREENE of Vermont. Then, of course, there comes out this great unfairness, inasmuch as some Members of the House have their offices in this building, and their secretaries would be in here, and the secretaries of the others could not get in.

Mr. REAVIS. Without regard to the fairness or unfairness of the proposition, it is a matter that the inaugural committee has no possible jurisdiction of.

Mr. GREENE of Vermont. I am not debating that side of it.

Mr. REAVIS. We have not advanced the proposition. We do not know anything about it.

Mr. RAYBURN. Mr. Speaker, I wanted to ask the gentleman from Nebraska a question, but I think I can propound the question to the Speaker, if he thinks it proper for me to do so.

The SPEAKER. The gentleman can do so by unanimous consent.

Mr. RAYBURN. The only question I wanted to ask was this: The gentleman said that this arrangement out here on the steps had been made in the past by the Speaker and members of the Ways and Means Committee, and the Speaker said he did not care to take the tickets himself. I would just like to know under what authority those arrangements are being made out there for the Ways and Means Committee?

The SPEAKER. The Chair was told by the Superintendent of the Capitol that they were not constructed for any particular person, but the reason the construction was put there was that those steps would be crowded with people, and that unless they put these railings around them injury was pretty certain to result. Therefore, they put the railings around them.

Mr. RAYBURN. I am talking about the platform up on top.

The SPEAKER. That is what I mean. It was put there to prevent the people from being pushed off.

Mr. RAYBURN. I did not understand the statement of the Speaker, then, about the distribution of the tickets.

The SPEAKER. After the platforms were erected, tickets to them were issued, half to the Ways and Means Committee, because their room, I suppose, opens onto that space, and half to the Speaker—I presume that is the theory—because his room also opens on that space.

Mr. RAYBURN. I would certainly have no objection to the Speaker having all the space opening on his room, but I do not see any reason why one committee of the House should have the privilege.

Mr. CAMPBELL of Kansas. Mr. Speaker, I call for the regular order.

FORTIFICATIONS APPROPRIATIONS.

Mr. FRENCH. Mr. Speaker, at the request of Chairman SLEMP, of the fortifications subcommittee, I ask unanimous consent to take from the Speaker's table the fortifications appropriation bill, H. R. 16100, and consider the Senate amendments. It will be my purpose to ask that the House concur in the Senate amendments, and I assume that the Speaker will want to have the Senate amendments reported and have a statement as to what they are.

The SPEAKER. The gentleman asks unanimous consent to take from the Speaker's table the fortifications bill and consider the Senate amendments. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. WINGO. Mr. Speaker——

Mr. GARD. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman moves to consider the Senate amendments.

Mr. BEGG. Mr. Speaker, reserving the right to object, I would like to know if we can have any copies of this bill. There have been $50,000,000 added to that, and we would like to know what it consists of.

Mr. FRENCH. The gentleman will understand, if he will bear with me a minute, instead of anything being added, we are recovering certain amounts back to the Treasury.

Mr. BLANTON. Will the gentleman state how many million dollars have been added?

Mr. FRENCH. If the gentleman will bear with me now——

Mr. BLANTON. That is an easy question.

Mr. FRENCH. Not a cent has been added by the Senate.

Mr. BLANTON. I mean by this conference report.

Mr. FRENCH. If the gentleman will bear with me a minute, I think I can explain the whole situation. There are 21 amendments. The first two bear upon distinct propositions. The latter 19 bear upon one proposition, but are made up of separate amendments. Now, I think that we can arrange to concur in these amendments, the first separately and the second separately, and the other 19 en bloc. The first amendment is on page 2 of the bill, and the language in the House bill was as follows:

The sum of—

And after that the appropriation of $50,000 for a particular purpose. The Senate has stricken out the words "the sum of" and in lieu thereof has inserted the words "a sum not exceeding."

I have gone over this matter with various members of the subcommittee, with the ranking Member on the Democratic side [Mr. EAGAN], and we are all agreeable to the proposition.

Mr. BLANTON. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. BLANTON. There are 21 different amendments on this proposition, and every one of those amendments increase the appropriation from about $75,000 up to more than $1,000,000.

Mr. FRENCH. If the gentleman will be patient, he will see that his statement is not quite accurate.

Mr. BLANTON. How many millions does it increase it?

Mr. FRENCH. It does not increase it one dollar. There is no appropriation.

The amendments provide for covering money heretofore appropriated back into the Treasury, I will say to the gentleman.

Now, as to amendment No. 2, on page 5 of the bill. The Members of the House will recall that the Committee on Appropriations reported a proviso that the Secretary of War shall sell 2,000 tractors. This went out on a point of order, but was reinserted through the Mann amendment, and it was provided—

that the Secretary of War be authorized and directed to sell as soon as possible after the approval of this act, upon such terms and under such conditions as he may deem most advantageous to the best interests of the Government, 2,000 of the tractors owned by the War Department.

To that paragraph there was added an amendment offered by the gentleman from Minnesota [Mr. ANDERSON], providing that 1,250 tractors should be distributed to the highway-department work of the several States. That amendment is left in the bill, but the first amendment providing for the sale of 2,000 tractors the Senate has stricken from the bill.

Mr. BLANTON. If objection is withdrawn, will the gentleman permit us to pass upon each of these items separately?

Mr. FRENCH. I shall have no objection at all.

Mr. BLANTON. You will not force us to count them all as one amendment?

Mr. FRENCH. Not at all. I will withdraw that request if the gentleman desires.

The Senate amendment strikes out the provision of the House bill directing the Secretary of War to sell 2,000 of the tractors owned by the War Department. Now, it was not exactly understood by everybody what the situation was when the Anderson amendment was inserted. Some did not know whether the 1,250 were to be in addition to the 2,000 or to be taken from the 2,000. I think under the strict language of the bill we were directing the Secretary of War to dispose of the 2,000 by sale, and the 1,250 were additional, to be distributed among the highway departments of the several States for use on roads. It may seem advisable just to dispose of the 1,250 instead of the 2,000, or an additional 2,000, and that is what the Senate thought we ought to do.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. FRENCH. I shall be glad to.

Mr. GARD. I remember when we had that matter under consideration on the fortification bill. I made the point of order to the paragraph which the Senate has now stricken out.

Mr. FRENCH. Yes.

Mr. GARD. The gentleman from Illinois [Mr. MANN] offered an amendment, and under the guise of a reduction of the appropriation by lessening the sum appropriated, sought to restore the item. Then the gentleman from Minnesota [Mr. ANDERSON] made an entirely separate and distinct amendment, which was incorporated and remains in the bill. The difference, as I recall, between the first and second propositions was that the Secretary of War was directed to sell, and in the proposition advocated by the gentleman from Minnesota the Secretary was directed to turn over to the Department of Agriculture or the Bureau of Public Roads, I have forgotten which, 1,250 tractors for work on the public roads.

Mr. FRENCH. Yes; 1,250. The one was a sales proposition, and the other was a transfer proposition. The Senate has stricken out the sales proposition and retained the transfer proposition. It was the intention of the House to sell, according to the restored amendment of the gentleman from Illinois, and then to authorize this transfer, so that instead of there being 5,000 that would remain there would be 3,750. It was intended to dispose of 2,000 by sale and 1,250 by transfer from a total of 7,000.

Mr. MANN of Illinois. It was 3,250 altogether. That was perfectly clear.

Mr. FRENCH. Yes; to me it was perfectly clear. Yet the question has been raised whether we wanted to dispose of 1,250 and 2,000, or just 2,000.

I think the interpretation of the gentleman from Illinois and that of the gentleman from Ohio [Mr. GARD] is correct. But the members of the subcommittee feel that since that is the one essential amendment which probably the House would care to

act upon, it is hardly worth sending the bill to conference, and therefore we will ask to concur. Under another bill we have authorized the Secretary to sell the tractors in his discretion.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. FRENCH. Yes; I yield.

Mr. GARD. The remaining propositions are 19 in number?

Mr. FRENCH. Yes.

Mr. GARD. And these are all additional returns made by the War Department of money heretofore advanced and found not to be necessary?

Mr. FRENCH. Yes.

Mr. GARD. How much do these sums aggregate?

Mr. FRENCH. On pages 14 and 15 of the bill as it passed the House we provided for turning back into the Treasury of the United States $233,555,760. Under Gen. Lord still further checking up has been done of the various funds that have been appropriated during the last several years—in fact, some appropriations running back 30 or 40 years—and as a result of this further checking up it is found that various other items can be turned back; and the Senate has added 19 amendments, increasing in the 19 several instances the amount to be turned back, making a total of a little bit more than $17,000,000, so that the grand total to be turned back is $250,807,628.28.

Mr. BYRNS of Tennessee. Mr. Speaker, I call attention to the fact that one of these amendments does not represent a turn back. It represents about $71,000 for aviation in seacoast defense. That is amendment No. 4. I am sure the gentleman did not want to be inaccurate, and I call his attention to it with that idea in mind.

Mr. FRENCH. No. I am in error there. Amendment No. 4 is a separate amendment and refers to a new item.

Mr. BYRNS of Tennessee. That goes back anyway, does it not?

Mr. FRENCH. The item No. 4 is not an increase, I should say, but it is an entirely new item. It is an item that goes back, however. It is not an increase. It is a new item and it is to be turned back into the Treasury.

Mr. GARD. The situation, then, is that in truth and in fact the Senate did not add any of these restorations, but from the time the bill left the House until it got to the Senate there were discovered in the War Department, in the different agencies, reasons for believing that they did not need certain appropriations, and certain additional appropriations were found not to be necessary between the time the bill was considered in the House and the time it was considered in the Senate?

Mr. FRENCH. That is correct.

Mr. GARD. What the Senate did was to put on these amounts to be returned the additional amounts found not to be necessary by the War Department and reported by the War Department to the Senate committee?

Mr. FRENCH. That is correct.

Mr. BLANTON. Amendments Nos. 3 to 21, inclusive, being amounts to be turned back into the Treasury, then it is proper to vote on all of them at one time.

Mr. FRENCH. It was suggested by me at first that we should vote on the three propositions, amendments 1 and 2 separately, and amendments 3 to 21 en bloc.

Mr. BLANTON. I have no objection to doing that.

Mr. FRENCH. Then, Mr. Speaker, I ask unanimous consent that the House vote upon the several amendments, the first and second separately, and the amendments Nos. 3 to 21, inclusive, en bloc.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment No. 1: Page 2, line 24, strike out "the sum of" and insert in lieu thereof "a sum not exceeding."

The SPEAKER. The gentleman moves that the House concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 5, line 12, strike out the following language: "*Provided*, That the Secretary of War is authorized and directed to sell as soon as possible after the approval of this act, upon such terms and under such conditions as he may deem most advantageous to the best interests of the Government, 2,000 of the tractors owned by the War Department."

Mr. FRENCH. I move that the House concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 93, noes 1.

Mr. BLANTON. Mr. Speaker, upon that I make the point of no quorum present. This is an important matter, the sale of 2,000 tractors that the people want sold.

The SPEAKER. The gentleman's statement is out of order. It is clear that there is no quorum present. The Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 291, nays 4, answered "present" 1, not voting 132, as follows:

YEAS—291.

Almon	Echols	Larsen	Robsion, Ky.
Anderson	Elston	Layton	Rogers
Andrews, Md.	Esch	Lazaro	Romjue
Andrews, Nebr.	Evans, Mont.	Lea, Calif.	Rose
Anthony	Evans, Nebr.	Lehlbach	Rouse
Ashbrook	Fairfield	Linthicum	Rowe
Aswell	Farr	Longworth	Sanders, Ind.
Babka	Ferris	Luce	Sanders, N. Y.
Bacharach	Fess	Lufkin	Sanford
Bankhead	Fish	McAndrews	Schall
Barbour	Fisher	McClintic	Scott
Barkley	Fordney	McDuffie	Sherwood
Bee	Foster	McKiniry	Shreve
Begg	French	McKinley	Siegel
Bell	Fuller	McLaughlin, Mich.	Sinclair
Benson	Gallivan	McLaughlin, Nebr.	Sinnott
Bland, Ind.	Ganly	McLeod	Sisson
Bland, Va.	Gard	McPherson	Slemp
Boies	Garrett	Madden	Small
Bowers	Glynn	Magee	Smith, Idaho
Bowling	Godwin, N. C.	Mann, Ill.	Smith, Ill.
Box	Good	Mansfield	Smithwick
Brand	Goodykoontz	Mapes	Snell
Briggs	Gould	Martin	Stedman
Brinson	Graham, Ill.	Mays	Steenerson
Brooks, Ill.	Green, Iowa	Mead	Stephens, Ohio
Brooks, Pa.	Greene, Mass.	Michener	Stevenson
Browne	Greene, Vt.	Miller	Stoll
Buchanan	Griest	Minahan, N. J.	Strong, Kans.
Burdick	Griffin	Mondell	Strong, Pa.
Burroughs	Hardy, Colo.	Montague	Summers, Wash.
Butler	Hastings	Moore, Ohio	Sweet
Byrns, Tenn.	Hawley	Moores, Ind.	Swindall
Campbell, Kans.	Hayden	Mott	Tague
Campbell, Pa.	Hernandez	Murphy	Taylor, Ark.
Cannon	Hersey	Nelson, Mo.	Taylor, Colo.
Cantrill	Hickey	Nelson, Wis.	Taylor, Tenn.
Caraway	Hicks	Newton, Minn.	Temple
Carew	Hoch	Newton, Mo.	Thompson
Carss	Holland	O'Connell	Tillman
Carter	Houghton	O'Connor	Tilson
Casey	Howard	Ogden	Timberlake
Chindblom	Hull, Iowa	Oldfield	Tincher
Christopherson	Humphreys	Oliver	Tinkham
Cleary	Husted	Olney	Treadway
Coady	Hutchinson	Osborne	Upshaw
Collier	Ireland	Overstreet	Vaile
Cooper	Jacoway	Padgett	Venable
Crago	James, Va.	Paige	Vestal
Cramton	Jefferis	Park	Vinson
Crisp	Johnson, Ky.	Parker	Voigt
Crowther	Johnson, Miss.	Parrish	Volk
Cullen	Johnson, S. Dak.	Patterson	Volstead
Currie, Mich.	Johnson, Wash.	Pell	Wason
Curry, Calif.	Jones, Pa.	Peters	Weaver
Dale	Jones, Tex.	Porter	Webster
Dallinger	Juul	Pou	Welling
Darrow	Kearns	Purnell	Wheeler
Davey	Keller	Quin	White, Kans.
Davis, Minn.	Kelly, Pa.	Radcliffe	White, Me.
Davis, Tenn.	Kendall	Rainey, Henry T.	Williams
Dempsey	Kennedy, R. I.	Raker	Wilson, Ill.
Denison	Kettner	Ramseyer	Wilson, La.
Dewalt	Kiess	Randall, Calif.	Wilson, Pa.
Dickinson, Iowa	King	Ransley	Wingo
Dickinson, Mo.	Kinkaid	Rayburn	Woods, Va.
Dominick	Kleczka	Reavis	Woodyard
Doremus	Knutson	Reber	Wright
Drane	Kraus	Reed, N. Y.	Yates
Dunn	Kreider	Rhodes	Young, N. Dak.
Dupré	Lampert	Ricketts	Young, Tex.
Dyer	Lanham	Riddick	Zihlman
Eagan	Lankford	Robinson, N. C.	

NAYS—4.

Blanton	Huddleston	MacGregor	Steagall

ANSWERED "PRESENT"—1.

Sumners, Tex.

NOT VOTING—132.

Ackerman	Dunbar	Haugen	McGlennon
Ayres	Eagle	Hays	McKenzie
Baer	Edmonds	Hersman	McKeown
Benham	Elliott	Hill	Maher
Black	Ellsworth	Hoey	Major
Bland, Mo.	Emerson	Hudspeth	Mann, S. C.
Britten	Evans, Nev.	Hulings	Mason
Brumbaugh	Fields	Hull, Tenn.	Merritt
Burke	Flood	Igoe	Milligan
Byrnes, S. C.	Focht	James, Mich.	Monahan, Wis.
Caldwell	Frear	Johnston, N. Y.	Moon
Candler	Freeman	Kahn	Mooney
Clark, Fla.	Gallagher	Kelley, Mich.	Moore, Va.
Clark, Mo.	Gandy	Kennedy, Iowa	Morin
Classon	Garner	Kincheloe	Mudd
Cole	Goldfogle	Kitchin	Neely
Connally	Goodall	Langley	Nicholls
Copley	Goodwin, Ark.	Lee, Ga.	Nolan
Costello	Graham, Pa.	Lesher	Perlman
Dent	Hadley	Little	Phelan
Donovan	Hamill	Lonergan	Rainey, Ala.
Dooling	Hamilton	Luhring	Rainey, John W.
Doughton	Hardy, Tex.	McArthur	Ramsey
Dowell	Harreld	McCulloch	Randall, Wis.
Drewry	Harrison	McFadden	Reed, W. Va.

Riordan	Sears	Stiness	Ward
Rodenberg	Sells	Sullivan	Watkins
Rowan	Sims	Swope	Watson
Rubey	Smith, Mich.	Thomas	Welty
Rucker	Smith, N. Y.	Towner	Whaley
Sabath	Snyder	Vare	Winslow
Sanders, La.	Steele	Walsh	Wise
Scully	Stephens, Miss.	Walters	Wood, Ind.

So the motion to concur in the Senate amendment was agreed to.

The Clerk announced the following additional pairs:

Mr. MERRITT with Mr. HERSMAN.
Mr. HADLEY with Mr. GANDY.
Mr. BENHAM with Mr. LESHER.
Mr. EDMONDS with Mr. STEELE.
Mr. KENNEDY of Iowa with Mr. SEARS.
Mr. STINESS with Mr. KITCHIN.
Mr. SMITH of Michigan with Mr. GARNER.
Mr. REED of West Virginia with Mr. WELTY.
Mr. RAMSEY with Mr. KINCHELOE.
Mr. LUHRING with Mr. WATKINS.
Mr. BURKE with Mr. WISE.
Mr. HILL with Mr. GALLAGHER.
Mr. MCKENZIE with Mr. HULL of Tennessee.
Mr. NOLAN with Mr. MOORE of Virginia.
Mr. DUNBAR with Mr. HOEY.
Mr. LANGLEY with Mr. CLARK of Florida.
Mr. SNYDER with Mr. CONNALLY.
Mr. COPLEY with Mr. HARRISON.
Mr. MCARTHUR with Mr. WHALEY.
Mr. WALSH with Mr. IGOE.
Mr. FOCHT with Mr. DREWRY.
Mr. DOWELL with Mr. AYRES.
Mr. KELLEY of Michigan with Mr. HUDSPETH.
Mr. MASON with Mr. MCKEOWN.
Mr. WARD with Mr. STEPHENS of Mississippi.
Mr. RANDALL of Wisconsin with Mr. BLACK.
Mr. ACKERKMAN with Mr. MAJOR.
Mr. MUDD with Mr. FIELDS.
Mr. HARRELD with Mr. BYRNES of South Carolina.
Mr. WINSLOW with Mr. NICHOLLS.
Mr. PERLMAN with Mr. SABATH.
Mr. WOOD of Indiana with Mr. FLOOD.
Mr. ELLIOTT with Mr. CANDLER.
Mr. WATSON with Mr. PHELAN.
Mr. TOWNER with Mr. RUCKER.
Mr. FREAR with Mr. LEE of Georgia.
Mr. HAUGEN with Mr. NEELY.
Mr. WALTERS with Mr. SIMS.
Mr. SELLS with Mr. HARDY of Texas.
Mr. FREEMAN with Mr. EAGLE.
Mr. HAYS with Mr. MCGLENNON.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. FRENCH. I move that the House concur in Senate amendments 3 to 21, inclusive, en bloc.

The SPEAKER. The gentleman from Idaho, pursuant to the agreement that he may do so, moves that the House concur in Senate amendments 3 to 21, inclusive, en bloc.

The motion was agreed to.

On motion of Mr. FRENCH, a motion to reconsider the votes by which the House concurred in the several Senate amendments was laid on the table.

REORGANIZING THE INDIAN SERVICE.

Mr. SNYDER. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from New York moves to suspend the rules and pass the bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 4039) to amend section 3 of the act of Congress of June 28, 1906, entitled "An act for the division of lands and funds of the Osage Indians in Oklahoma, and for other purposes."

Be it enacted, etc., That all that part of the act of June 28, 1906 (34 Stat. L., p. 539), entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," which reserves to the Osage Tribe the oil, gas, coal, or other minerals covered by the lands for the selection and division of which provision is made in that act is hereby amended so that the oil, gas, coal, or other minerals covered by said lands are reserved to the Osage Tribe for the period ending April 7, 1946: *Provided*, That all valid existing oil and gas leases on the 7th day of April, 1931, are hereby renewed upon the same terms and extended, subject to all other conditions and provisions thereof, until the 8th day of April, 1946, and as long thereafter as oil or gas is found in paying quantities, and the Secretary of the Interior and the Osage Council are hereby authorized and directed to offer for lease for oil and gas purposes all of the remaining portion of the unleased Osage land prior to April 8, 1931, offering the same annually at the rate of not less than one-tenth of the unleased area.

SEC. 2. That the bona fide owner or lessee of the surface of the land shall be compensated, under rules and regulations prescribed by the Secretary of the Interior in connection with oil and gas mining operations, for any damage that shall accrue after the passage of this act as a result of the use of such land for oil and gas mining purposes or out of damages to the land or crops thereon occasioned thereby, but nothing herein contained shall be construed to deny to the surface owner or lessee the right to appeal to the courts without the consent of the Secretary of the Interior, in the event he is dissatisfied with the amount of damages awarded him.

SEC. 3. That all members of the Osage Tribe of Indians are hereby declared to be citizens of the United States, but this shall not affect their interest in tribal property or the control of the United States over such property as is now or may hereafter be provided by law, and all restrictions against alienation of their allotment selections, both surplus and homestead, of all adult Osage Indians of less than one-half Indian blood, are hereby removed, and the Secretary of the Interior shall, within four months after the passage of this act, determine what members of said tribe are of less than one-half Indian blood, and their ages, and his determination thereof shall be final and conclusive. The homestead allotments of the members of the Osage Tribe shall not be subject to taxation if held by the original allottee prior to April 8, 1931.

SEC. 4. That from and after the passage of this act the Secretary of the Interior shall cause to be paid at the end of each fiscal quarter to each adult member of the Osage Tribe having a certificate of competency his or her pro rata share, either as a member of the tribe or heir of a deceased member, of the interest on trust funds, the bonus received from the sale of leases, and the royalties received during the previous fiscal quarter, and so long as the income is sufficient to pay to the adult members of said tribe not having a certificate of competency $1,000 quarterly except where incompetent adult members have legal guardians, in which case the income of such incompetents shall be paid to their legal guardians, and to pay for maintenance and education to the parents or natural guardians or legal guardians actually having minor members under 21 years of age personally in charge $500 quarterly out of the income of said minors, all of said quarterly payments to legal guardians and adults, not having certificates of competency, to be paid under the supervision of the superintendent of the Osage Agency, and to invest the remainder after paying all the taxes of such members either in United States bonds or in Oklahoma State, county, or school bonds, or place the same on time deposits at interest in banks in the State of Oklahoma for the benefit of each individual member under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That at the beginning of each fiscal year there shall first be reserved and set aside out of the Osage tribal funds available for that purpose a sufficient amount of money for the expenditures authorized by Congress out of the Osage funds for that fiscal year: *Provided further*, That all just existing individual obligations of adults not having certificates of competency outstanding upon the passage of this act, when approved by the superintendent of the Osage Agency, shall be paid out of the money of such individual as the same may be placed to his credit in addition to the quarterly allowance provided for herein.

SEC. 5. That the State of Oklahoma is authorized from and after the passage of this act to levy and collect a gross production tax upon all oil and gas produced in Osage County, Okla., and all taxes so collected shall be paid and distributed, and in lieu of all other State and county taxes levied upon the production of oil and gas as provided by the laws of Oklahoma, the Secretary of the Interior is hereby authorized and directed to pay, through the proper officers of the Osage Agency, to the State of Oklahoma, from the amount received by the Osage Tribe of Indians as royalties from production of oil and gas, the per centum levied as gross production tax, to be distributed as provided by the laws of Oklahoma: *Provided*, That the Secretary of the Interior is hereby authorized and directed to pay, through the proper officers of the Osage Agency, to Osage County, Okla., an additional sum equal to 1 per cent of the amount received by the Osage Tribe of Indians as royalties from production of oil and gas, which sum shall be used by said county only for the construction and maintenance of roads and bridges therein: *Provided further*, That the proper officials of Osage County shall make an annual report to the Secretary of the Interior showing that said fund has been used for road and bridge construction and maintenance only.

The SPEAKER. Is a second demanded?

Mr. CARTER. I demand a second.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

Mr. SWINDALL. I object.

The SPEAKER. The gentleman from New York and the gentleman from Oklahoma will act as tellers.

Mr. SWINDALL. I withdraw my objection.

The SPEAKER. The gentleman from Oklahoma withdraws his objection, and the gentleman from New York [Mr. SNYDER] is recognized for 20 minutes and the gentleman from Oklahoma [Mr. CARTER] for 20 minutes.

Mr. SNYDER. Mr. Speaker and gentlemen of the House, the bill under consideration is for the purpose of extending the law that now exists for a period of 15 years in addition to the time it has to run. For the information of those Members who have Indians in their districts, I will say that there is nothing in the bill that affects any Indians anywhere outside of the Osage Tribe. It is purely and simply in the interest of the Osage Indians and those that are operating and doing business with them.

This bill has the universal indorsement of the Osage Tribe, of the oil operators, of the gas operators, and practically the universal indorsement of the surface owners. It is absolutely essential at this time, in the interest of the public, for the simple reason, taking the last phase of my statement, that under existing law and under the operation of the production of oil and gas by the authorities we are getting a continuous and universal flow of oil and gas from these lands and from the wells of the Osage Nation. The Osages themselves, about 2,100 in number, full bloods and others, are receiving this year in

royalties and bonuses an average income of more than $10,000 per capita. There are instances where families of seven, all of whom are drawing this income, are spending it riotously and otherwise; so the law is simply modified to the extent that we are impounding a portion of the money of these Indians for their future welfare and benefit. We are providing in here that every adult Indian who is a citizen shall have all of the money that is coming to him, of course, quarterly, and every incompetent Indian who has heretofore not only had his own $10,000 but the $10,000 of his children to do with as he likes—we are permitting him to have $1,000 quarterly and each of the minor children $500 quarterly for their maintenance, and that the balance will be impounded under the rules and regulations of the Secretary of the Interior in school and municipal bonds or put in the banks of the State of Oklahoma at such a rate of interest as will be a satisfactory rate.

It is provided in this bill that all of the Osage Indians less than half blood shall be made citizens, whether they desire to become citizens or not; and within four months after this law becomes effective the Secretary of the Interior is directed to make an order declaring these Indians to be competent. The committee believes that the time has come when the Indians who are competent in this tribe, who are getting all this money, should take their burdens as citizens of the country, pay their taxes, and be forced to have their children educated in the white schools, the same as other citizens.

Of course, it has been the desire of the Indian Committee to make laws of that sort operative throughout the country, but it was found impossible to do it at this session, and since the business situation is such and the agencies surrounding this proposition are so important the committee saw fit in its wisdom to submerge its efforts for two years in working out a fundamental bill for reorganization of the Indian Service and let it go in the interest of the public and in the interest of the business of the country and in the interest of the Osage Tribe and oil operators and cut everything out of the bill except that which belongs to the Osages themselves.

In my judgment, the bill should pass without a dissenting vote. It has been very carefully prepared. For a year and a half we have studied and worked upon this bill and amended it probably a thousand times. There may be some things in it yet that ought to be changed.

Just to give a little idea of what is going on out in this Osage country I would say that there are at present 6,400 wells in the Osage country that are averaging about 9 barrels per day of 24 hours and about 5,500 wells producing an average of about 3 barrels of oil a day. I have an idea that the average Member of the House when he reads about an oil well never thinks of one that produces less than 300 barrels or a thousand barrels a day, and the facts are that in the State of Pennsylvania there are about 30,000 wells that are producing less than one-third of a barrel of oil a day of 24 hours, and the same situation exists in the State of New York and in the State of Ohio. Some years they run less than half a barrel of oil per well, and the real necessity for the extension of this period is that these 6,400 wells producing 9 barrels a day each and 5,500 wells producing 3 barrels a day each are gradually running out. Unless we grant this extension, so that these people can prepare themselves to continue in such a way as to afford to operate the wells at a lower average rate than they now produce, when the time under the present law expires they will pull up their casings and leave the country. The result will be that the moneys which we hope to impound for the Osage Indians would not be there, and the public would be short of its continuous flow of oil. In the interest of the public and in the interest of the Osage Indians, in the interest of the men who have put $200,000,000 or $300,000,000 in there, this extension is absolutely necessary, in my judgment.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. SNYDER. Yes.

Mr. HASTINGS. This is a unanimous report from the Committe on Indian Affairs?

Mr. SNYDER. Yes. [Cries of "Vote!"]

Mr. CARTER. Mr. Speaker, I have charge of the remainder of the time, and I am quite willing to go to a vote at this time.

Mr. HASTINGS. This is a Senate bill, and this is an amendment to the Senate bill.

Mr. SNYDER. The House amendment to the Senate bill was read into the bill.

The SPEAKER. The question will be taken upon suspending the rules and passing the Senate bill as amended.

Mr. HASTINGS. And that strikes out the Senate bill and puts in the amendment as a substitute.

The SPEAKER. That is correct. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

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

Mr. SNYDER. Mr. Speaker, will the gentleman withhold that, in order that I may present a conference report?

Mr. BARKLEY. I withhold the point for a moment.

FORT BELKNAP INDIAN RESERVATION, MONT.

Mr. SNYDER. Mr. Speaker, I present a conference report upon the bill (H. R. 13225) providing for the allotment of lands within the Fort Belknap Indian Reservation, Mont., and for other purposes, which I send to the desk and ask to have read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing vote of the two Houses on the amendment of the Senate to the bill H. R. 13225, an act providing for the allotment of lands within the Fort Belknap Indian Reservation, Mont., and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: On page 2, line 25, of the matter inserted by said amendment, after the word "lands," insert the word "chiefly"; and on page 10, line 14, after the word "lands," insert the word "chiefly"; and the Senate agree to the same.

HOMER P. SNYDER,
P. P. CAMPBELL,
C. D. CARTER,
Managers on the part of the House.

CHARLES CURTIS,
A. J. GRONNA,
T. J. WALSH,
Managers on the part of the Senate.

Mr. SNYDER. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

STANDARD WEIGHTS AND MEASURES, DISTRICT OF COLUMBIA.

Mr. MAPES. Mr. Speaker, I call up the bill (H. R. 8067) to establish standard weights and measures for the District of Columbia; to define the duties of the superintendent of weights, measures, and markets of the District of Columbia; and for other purposes, with Senate amendments thereto.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments.

Mr. MAPES. Mr. Speaker, I move to concur in the Senate amendments. The first four amendments are simply verbal amendments to correct the language of the bill. Amendment numbered 5 strikes out the paragraph in the House bill fixing the weight of a standard sack of potatoes, and amendment numbered 6 strikes out the provision in the House bill fixing the weight of a standard barrel of flour. There was a good deal of objection to both these provisions at the time the matter was considered in the House. Amendments 7, 8, 9, and 10 relate to the cubic inches of liquid measure, the half-pint, the gill, and the fluid ounce. They reduce the decimal; that is, the Senate amendments do not carry out the decimal as far as the bill did as it passed the House. The sealer of weights and measures says that the Senate figures are the correct ones and should be adopted.

I move the adoption of the Senate amendments.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

On motion of Mr. MAPES, a motion to reconsider the vote by which the Senate amendments were agreed to was laid on the table.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3487. An act for the relief of Clarence L. Reames; to the Committee on Claims.

COPPER TRANSACTIONS DURING THE WAR.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT. Mr. Speaker, quite a number of times the subject of copper transactions during the period of the war has been before the House for discussion. Those transactions have been mentioned in official reports made from committees to the House. There has been much discussion of this in the public prints. There has been a great deal of misinformation, a great deal of misunderstanding concerning that matter, and various gentlemen have been subjected to criticism who had no connection with the matters for which they were criticized.

I have just received a letter from the President of the United States which gives some information touching this matter which, so far as I know, has not been published before, and I ask unanimous consent that the Clerk read this letter in my time.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the Clerk read the letter in his time. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

THE WHITE HOUSE,
Washington, March 1, 1921.

MY DEAR MR. GARRETT: My attention has recently been called to certain attacks made in the House of Representatives, charging that certain men who rendered distinguished service in the war had profited out of the Government as a result of the fixing of the price of copper. These charges and intimations have been satisfactorily answered, but a statement of the facts in the matter of the fixing of the price of copper during the war, on my part, may further clarify the situation.

As a matter of fact, Mr. Bernard M. Baruch and Mr. John D. Ryan, whose names have been linked with irresponsible gossip in connection with the fixing of the price of copper, had nothing whatever to do with the price-fixing negotiations, which finally resulted in the statement I made, fixing the price either at the time the price was fixed or subsequent thereto. Judge Lovett acted as chairman of the committee which considered the first price fixing of copper, and after due consideration recommended to the President, in September, 1917, that he had fixed the price at 23½ cents per pound, on condition that the wages of the employees of the copper-producing companies should not be reduced below the then prevailing price, which was based on 27-cent copper.

A year later a readjustment of the price was made necessary by an increase in the railroad rates and costs of supplies, and after negotiations which extended over many months a further increase was recommended by Mr. Robert Brooking, chairman of the War Industries Board. Neither Mr. Baruch nor Mr. Ryan had any part in these two negotiations which resulted in the fixing of the price announced by me, and the prices were fixed only after an independent investigation and most thorough report by the Federal Trade Commission as to the costs of production.

For six months after the United States entered the war the producers furnished all the copper necessary for our own war needs and all that was required by our allies without any price being asked or fixed, the producers taking the admirable position that they would furnish all the copper necessary for war purposes and adjust their business to whatever prices the Government would consider fair and just in the circumstances. The full production of the copper mines was placed at the disposal of the Government and the Allies, and without unnecessary urging upon the part of the Government or the President the production of copper was notably increased, this being an additional proof on the part of the men at the head of the copper industry of the country of their unselfish patriotism. It was their example of meeting the needs of the country that gave impetus to the movement to increase production in all the industrial plants of the country in the early stages of the war. To state that either Mr. Baruch or Mr. Ryan had influenced the action of the Federal Trade Commission in ascertaining the cost of production or attempting to dictate the recommendations either of the War Industries Board or any of the price-fixing committees is utterly foolish and without foundation of any kind. The price of copper was fixed solely by me upon the recommendations of the War Industries Board and the Federal Trade Commission, after full examination into the costs of production and without any attempt upon the part of copper producers or Mr. Baruch or Mr. Ryan to exert any pressure upon this Government or upon anybody connected with either of the boards having to do with these vital matters.

I can not allow this occasion to pass, my dear GARRETT, without again expressing my great confidence in the gentlemen, Mr. Bernard M. Baruch and Mr. John D. Ryan, whose names have been unfortunately connected with this matter. There was not a suggestion of scandal connected with either of these gentlemen in any of the war activities in which they played so notable a part, and I wish, before the closing days of this administration, again to say how admirably they served the needs of the Nation and how unselfishly they devoted their fine talents to the Government in every crisis which faced us during the critical days of the war. In every transaction which they handled for the Government in the varied activities in which they played so distinguished a part they were actuated by the highest patriotism. I know you share my opinion in this matter, for you have admirably covered it in your addresses in the House of Representatives.

With sincere regards,
Cordially, yours,

WOODROW WILSON.

Hon. FINIS GARRETT,
House of Representatives.

Mr. MAPES. Mr. Speaker, I ask unanimous consent——

The SPEAKER. The Chair does not recognize the gentleman for that purpose. The gentleman from Minnesota.

ENLARGING JURISDICTION OF MUNICIPAL COURT, DISTRICT OF COLUMBIA.

Mr. VOLSTEAD. Mr. Speaker, I ask that the bill H. R. 10074, with Senate amendments, may be laid before the House, and I shall move to concur in the Senate amendments.

The SPEAKER. The gentleman from Minnesota calls up the House bill with Senate amendments, which the Clerk will report.

The Clerk read as follows:

H. R. 10074. An act to enlarge the jurisdiction of the municipal court of the District of Columbia, and to regulate appeals from the judgments of said court, and for other purposes.

The Senate amendments were read.

Mr. VOLSTEAD. Mr. Speaker, this bill is for the purpose of enlarging the jurisdiction of the municipal court of this city. It was passed by the House, went to the Senate, and was amended there in some respects. The first amendment changes the amount the court may take jurisdiction of from $2,000 to $1,000. The House in passing the bill fixed the amount at $2,000, and the Senate reduced it to $1,000.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. JOHNSON of Mississippi. I notice in the bill that where a party is aggrieved by a judgment of the lower court that he may present his petition to the justice of the court and ask for an appeal and that he signs a bill of exceptions. Now, in the event a justice refuses to sign a bill of exceptions, the bill makes no provision anywhere for the litigant. There ought to be some provision in there made, because an arbitrary justice could prevent a man from prosecuting an appeal, and it is a frequent occurrence in some courts.

Mr. VOLSTEAD. We make a provision, one that is quite common in courts of this kind. We provide a writ of error. This matter has been submitted and fully agreed to by the court interested and——

Mr. JOHNSON of Mississippi. That does not make it perfect, for my observation is——

Mr. VOLSTEAD. If the gentleman will allow me to explain—by the bar association and the Chamber of Congress. It has been very carefully gone over and they have all agreed to this bill so far as I know.

Mr. JOHNSON of Mississippi. Is there a provision that in the event a justice declines to sign a bill of exceptions as presented to him he may have members of the bar who are present when proceedings were had to sign this bill of exceptions and prosecute his appeal? If not, what remedy has a man if an arbitrary judge refuses to sign it?

Mr. VOLSTEAD. But I do not expect there will be any arbitrary judges——

Mr. JOHNSON of Mississippi. In nearly all jurisdictions that is frequent.

Mr. VOLSTEAD. In cases where the amount in controversy is small, as in municipal courts, a writ of error is usually considered an appropriate mode of review.

Mr. JOHNSON of Mississippi. The only remedy would be to mandamus the judge, and the gentleman knows that the poor litigants can not do that. I think there ought to be some provision in there for poor people to prosecute their cases by an appeal.

Mr. VOLSTEAD. As a general rule there is no unrestricted right of appeal in small cases; and I do not believe that poor people would profit by unrestricted appeals; it is the rich that usually resort to appeals.

Mr. JOHNSON of Mississippi. As suggested by the gentleman from Michigan, I would not think of offering an amendment now to interfere with the passage of the bill.

The SPEAKER. The question is on concurring in the Senate amendments.

The question was taken, and the motion was agreed to.

On motion of Mr. VOLSTEAD, a motion to reconsider the vote by which the amendments were concurred in was laid on the table.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent that a concurrent resolution in connection with this particular measure shall be considered. There is a rather immaterial error, but it is one which I think might well be corrected now.

The SPEAKER. The Clerk will report the concurrent resolution.

The Clerk read as follows:

House concurrent resolution 77.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 10074) entitled, "An act enlarging the jurisdiction of the Municipal Court of the District of Columbia, and to regulate appeals from the judgments of said court, and for other purposes," the Clerk of the House be, and is hereby, authorized and directed to incorporate the following amendment: On page 9, line 1, after the word "and" strike out the following, "Fuel, approved August 10, 1917," and insert in lieu thereof the following: "Fuel, approved August 10, 1917, and to regulate rents in the District of Columbia."

The SPEAKER. Without objection the resolution is agreed to.

There was no objection.

EXTENSION OF DAUPHINE STREET, NEW ORLEANS, LA.

Mr. O'CONNOR. Mr. Speaker, I move to take up the bill S. 5030.

The SPEAKER. The gentleman from Louisiana moves to take up the bill S. 5030, a bill of similar import having been reported in the House before the Senate bill came over. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 5030) authorizing the city of New Orleans, La., to extend Dauphine Street in said city across the United States military reservation known as the Jackson Barracks.

Be it enacted, etc., That the city of New Orleans, in the State of Louisiana, be, and it hereby is, authorized to extend Dauphine Street, in said city, across and through the property of the United States, known as the military reservation of Jackson Barracks, said extension to be of the same width and a continuation of the same lines as said street at its juncture with Delery Street upon the easterly side of said reservation, upon condition that said street shall be improved and maintained by said city of New Orleans as a public street and without cost to the United States: *Provided, however*, That there is hereby expressly reserved to the United States the right to construct and maintain over, under, and across that said street water, gas, and sewer mains, electric lights, and telephone wires and cables, and any other requisite utilities which the use of said military reservation may require.

The SPEAKER. The question is on the third reading of the bill.

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

On motion of Mr. O'CONNOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLOSING OF CEDAR ROAD, DISTRICT OF COLUMBIA.

Mr. MAPES. Mr. Speaker, I move to take from the Speaker's table Senate bill to provide for the closing of Cedar Road, between Quincy and Shepherd Streets NW., in the District of Columbia, a bill of similar import having been reported by the District Committee in the House before this Senate bill came over.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 5023) to provide for the closing of Cedar Road between Quincy Street and Shepherd Street NW., in the District of Columbia.

Be it enacted, etc., That the commissioners are hereby authorized to close Cedar Road between Quincy Street and Shepherd Street NW., in the District of Columbia.

Mr. MANN of Illinois. Mr. Speaker, a parliamentary inquiry. How does the bill come before the House?

The SPEAKER. It is a Senate bill, a House bill of similar import having been reported before the bill came over.

Mr. MANN of Illinois. If it is a calendar bill, I have no objection.

The SPEAKER. It is on the House Calendar.

Mr. MANN of Illinois. I do not make any objection.

Mr. BLANTON. Will the gentleman from Michigan yield?

Mr. MAPES. I yield.

Mr. BLANTON. What is to be done with this land as the result of the street being closed up?

Mr. MAPES. I will yield to the gentleman from Maryland [Mr. ZIHLMAN], a member of the committee, who reported the bill, to answer the gentleman's question.

Mr. ZIHLMAN. I will say to the gentleman from Texas that under the practice here the land reverts to the abutting property owners.

Mr. BLANTON. Private individuals who would benefit by this bill, because the abutting land would revert to them?

Mr. ZIHLMAN. The land is about 20 feet wide, intersecting a city square diagonally, and quite a number of property owners would secure a few feet of land.

Mr. BLANTON. And the people living around there that would have the right otherwise to go through this street would have to go around?

Mr. ZIHLMAN. No. It is a city square, and this street which intersects it is much above the grade of the street. It is not in use. It is a private road on the old map of the District of Columbia, but under the District laws and practices it is necessary to have an act of Congress to authorize the commissioners to close any street. The commissioners have recommended the closing of this street.

Mr. BLANTON. It benefits private-land owners?

Mr. ZIHLMAN. Yes; in a limited way.

Mr. BLANTON. Mr. Speaker, is this up by unanimous consent?

The SPEAKER. It is not.

Mr. BLANTON. I raise the question of consideration, Mr. Speaker.

Mr. JOHNSON of Mississippi. Did the abutting property owners petition for this?

Mr. ZIHLMAN. A number of them did.

Mr. JOHNSON of Mississippi. Under the law, how are you going to close it unless all the abutting owners petition for it? You can not legally close it up otherwise.

Mr. ZIHLMAN. The road intersects a city square, and all the property owners in that square want it closed. I do not know that they have all joined in a petition for closing it, but it is not in use.

The SPEAKER. The Chair would state that the gentleman has moved to take up this bill, which was agreed to, and the Chair thinks that that is equivalent to a question of consideration.

Mr. BLANTON. And it is not proper to raise a question of consideration?

The SPEAKER. The Chair thinks not.

Mr. ZIHLMAN. This is only one of a number of streets the District Commissioners are endeavoring to close. The committee took up this one street because it was asked for by a number of people of the District and because they are convinced it is not needed.

Mr. BLANTON. The gentleman from Maryland realizes if, five years from now, when new commissioners might be in office they should decide it is necessary to reopen this street for the benefit of the public, it will then cost money and the Government will have to buy all this land back in order to reopen the street?

Mr. ZIHLMAN. I will say to the gentleman it could not be reopened. It is diagonally across a city square——

Mr. BLANTON. It is a thoroughfare which belongs to the Government; a part of the Government property.

Mr. ZIHLMAN. Part of the District or Government property.

Mr. BLANTON. And if we pass this bill, if the Government should ever need this street again, we would have to pay for it again.

Mr. ZIHLMAN. The gentleman is entirely wrong. The District engineer has laid off streets in that section. The commissioners recommend that this street be closed.

Mr. BLANTON. Does the gentleman think this is a measure that ought to come up in the later days of the Congress, when we have important matters to consider here?

Mr. MAPES. Mr. Speaker, I will say to the gentleman that this is the only time that we could get it up. The bill has been referred to the District Commissioners and they recommended its passage. The only way to close streets in the District of Columbia is by special acts of this kind. This is a small matter, but it is a step that has to be taken in order to get the street closed. It is a narrow street and only one block long, and it is not used by the public at all.

Mr. DEWALT. Mr. Speaker, will the gentleman allow me to make an inquiry?

Mr. MAPES. Yes.

Mr. DEWALT. In response to the inquiry of the gentleman from Texas [Mr. BLANTON], whom does this injure and whom does it benefit? Does it injure somebody, or does it benefit somebody?

Mr. MAPES. It does not injure anybody, and it does not benefit anybody, but under the law of the District the land reverts to the adjoining owners.

Mr. DEWALT. And nobody is injured?

Mr. MAPES. Nobody is injured.

Mr. BLANTON. The gentleman, however, will admit this, that if we close it up and it should be desirable to open it in the future, the people of the United States would have to pay for the reopening of it by buying this land back from the abutting property owners?

Mr. MAPES. If that contingency should occur, I think the public would have to pay a part of the expense of reopening it. But the committee has been very reluctant in reporting bills of this kind and has refrained from passing any general legislation which would allow the Commissioners of the District of Columbia to close streets without special acts. Now, this is a special act for closing this one little street, and, as I said before, it is the only way that the commissioners can be authorized to close the street.

Mr. BLANTON. If it were not for the fact that the people of the United States generally have to pay 40 per cent in connection with all of these items, I would have no objection at all. But it is that 40 per cent consideration that affects me.

Mr. MANN of Illinois. These street openings are made by a special assessment now.

Mr. BLANTON. Everywhere else they are condemned, and the party condemning them pays for them.

Mr. MANN of Illinois. They are here now. Formerly that was not the case, but we passed a law to that effect a few years ago.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Michigan [Mr. MAPES] to take the bill from the Speaker's table and consider it.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 61, noes 1.

Mr. BLANTON. Mr. Speaker, in order to have a record vote, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point that there is no quorum present. It is evident that there is no quorum 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 263, nays 2, not voting 163, as follows:

YEAS—263.

Almon	Curry, Calif.	Hicks	Mann, Ill.
Anderson	Dale	Hoch	Mansfield
Andrews, Nebr.	Dallinger	Hoey	Mapes
Anthony	Darrow	Holland	Martin
Ashbrook	Davey	Houghton	Mead
Aswell	Davis, Minn.	Howard	Merritt
Babka	Davis, Tenn.	Hudspeth	Michener
Bankhead	Dempsey	Hull, Iowa	Miller
Barbour	Dewalt	Humphreys	Minahan, N. J.
Barkley	Dickinson, Iowa	Husted	Mondell
Begg	Dominick	Hutchinson	Moore, Ohio
Bell	Dowell	Igoe	Moore, Va.
Benham	Drane	Jacoway	Moores, Ind.
Black	Dunbar	James, Va.	Murphy
Bland, Mo.	Dunn	Jefferis	Nelson, Mo.
Bland, Va.	Dupré	Johnson, Ky.	Nelson, Wis.
Boies	Eagan	Johnson, Miss.	Newton, Minn.
Bowers	Edmonds	Jones, Pa.	Newton, Mo.
Bowling	Esch	Jones, Tex.	Nicholls
Box	Evans, Nebr.	Juul	Nolan
Brand	Fairfield	Kearns	O'Connell
Briggs	Farr	Keller	O'Connor
Brinson	Fess	Kiess	Ogden
Brooks, Ill.	Fish	King	Oldfield
Brooks, Pa.	Fisher	Kinkaid	Osborne
Browne	Foster	Kreider	Overstreet
Buchanan	Frear	Lampert	Paige
Burdick	French	Lanham	Park
Burroughs	Fuller	Lankford	Parker
Byrns, Tenn.	Ganly	Larsen	Parrish
Campbell, Kans.	Gard	Layton	Patterson
Campbell, Pa.	Garrett	Lea, Calif.	Peters
Cannon	Glynn	Lee, Ga.	Phelan
Caraway	Good	Lehlbach	Purnell
Carew	Gould	Linthicum	Quin
Carss	Green, Iowa	Longworth	Radcliffe
Carter	Greene, Mass.	Luce	Raker
Chindblom	Greene, Vt.	McArthur	Ramseyer
Christopherson	Griest	McClintic	Randall, Calif.
Cleary	Griffin	McDuffie	Randall, Wis.
Coady	Hadley	McKeown	Ransley
Collier	Hardy, Colo.	McKiniry	Rayburn
Cooper	Hastings	McKinley	Reber
Crago	Hawley	McLaughlin, Mich.	Reed, N. Y.
Cramton	Hayden	McLaughlin, Nebr.	Reed, W. Va.
Crisp	Hernandez	McLeod	Rhodes
Crowther	Hersey	McPherson	Ricketts
Cullen	Hersman	MacGregor	Riddick
Currie, Mich.	Hickey	Magee	Robsion, Ky.
Rogers	Smithwick	Taylor, Tenn.	Weaver
Romjue	Snell	Temple	Webster
Rose	Snyder	Thompson	Wheeler
Rouse	Steagall	Tillman	White, Kans.
Rowe	Stedman	Tilson	White, Me.
Sabath	Stephens, Miss.	Timberlake	Wilson, La.
Sanders, Ind.	Stephens, Ohio	Tincher	Wilson, Pa.
Schall	Stevenson	Tinkham	Wingo
Scott	Stoll	Valle	Winslow
Sherwood	Strong, Kans.	Vestal	Wood, Ind.
Shreve	Strong, Pa.	Vinson	Woods, Va.
Siegel	Summers, Wash.	Volk	Woodyard
Sinclair	Sumners, Tex.	Volstead	Wright
Sinnott	Sweet	Walters	Young, N. Dak.
Sisson	Swindall	Ward	Young, Tex.
Slemp	Tague	Wason	Zihlman
Smith, Idaho	Taylor, Colo.	Watson	

NAYS—2.

Blanton Huddleston

NOT VOTING—163.

Ackerman	Ferris	Kleczka	Reavis
Andrews, Md.	Fields	Knutson	Riordan
Ayres	Flood	Kraus	Robinson, N. C.
Bacharach	Focht	Langley	Rodenberg
Baer	Fordney	Lazaro	Rowan
Bee	Freeman	Lesher	Rubey
Benson	Gallagher	Little	Rucker
Bland, Ind.	Gallivan	Lonergan	Sanders, La.
Britten	Gandy	Lufkin	Sanders, N.Y.
Brumbaugh	Garner	Luhring	Sanford
Burke	Godwin, N. C.	McAndrews	Scully
Butler	Goldfogle	McCulloch	Sears
Byrnes, S. C.	Goodall	McFadden	Sells
Caldwell	Goodwin, Ark.	McGlennon	Sims
Candler	Goodykoontz	McKenzie	Small
Cantrill	Graham, Ill.	Madden	Smith, Ill.
Casey	Graham, Pa.	Maher	Smith, Mich.
Clark, Fla.	Hamill	Major	Smith, N. Y.
Clark, Mo.	Hamilton	Mann, S. C.	Steele
Classon	Hardy, Tex.	Mason	Steenerson
Cole	Harreld	Mays	Stiness
Connally	Harrison	Milligan	Sullivan
Copley	Haugen	Monahan, Wis.	Swope
Costello	Hays	Montague	Taylor, Ark.
Denison	Hill	Moon	Thomas
Dent	Hulings	Mooney	Towner
Dickinson, Mo.	Hull, Tenn.	Morin	Treadway
Donovan	Ireland	Mott	Upshaw
Dooling	James, Mich.	Mudd	Vare
Doremus	Johnson, S. Dak.	Neely	Venable
Doughton	Johnson, Wash.	Oliver	Voigt
Drewry	Johnston, N. Y.	Olney	Walsh
Dyer	Kahn	Padgett	Watkins
Eagle	Kelley, Mich.	Pell	Welling
Echols	Kelly, Pa.	Perlman	Welty
Elliott	Kendall	Porter	Whaley
Ellsworth	Kennedy, Iowa	Pou	Williams
Elston	Kennedy, R. I.	Rainey, Ala	Wilson, Ill.
Emerson	Kettner	Rainey, Henry T.	Wise
Evans, Mont.	Kincheloe	Rainey, John W.	Yates
Evans, Nev.	Kitchin	Ramsey	

So the motion to take the bill from the Speaker's table and consider it was agreed to.

The Clerk announced the following additional pairs:

Mr. STEENERSON with Mr. SMALL.

Mr. REAVIS with Mr. VENABLE.

Mr. PORTER with Mr. TAYLOR of Arkansas.

Mr. MOTT with Mr. ROBINSON of North Carolina.

Mr. SANDERS of New York with Mr. LESHER.

Mr. KRAUS with Mr. DOREMUS.

Mr. BRITTEN with Mr. RIORDAN.

Mr. ECHOLS with Mr. GODWIN of North Carolina.

Mr. JOHNSON of South Dakota with Mr. WELLING.

Mr. SMITH of Illinois with Mr. MAYS.

Mr. LUFKIN with Mr. FERRIS.

Mr. KELLEY of Michigan with Mr. JOHNSTON of New York.

Mr. GOODALL with Mr. EVANS of Montana.

Mr. KELLY of Pennsylvania with Mr. OLIVER.

Mr. KENNEDY of Rhode Island with Mr. BRUMBAUGH.

Mr. FORDNEY with Mr. CONNALLY.

Mr. BUTLER with Mr. STEELE.

Mr. YATES with Mr. GALLIVAN.

Mr. DYER with Mr. DICKINSON of Missouri.

Mr. KLECZKA with Mr. GOLDFOGLE.

Mr. MUDD with Mr. MILLIGAN.

Mr. KNUTSON with Mr. LAZARO.

Mr. WILSON of Illinois with Mr. UPSHAW.

Mr. TREADWAY with Mr. MONTAGUE.

Mr. RODENBERG with Mr. MCANDREWS.

Mr. MONAHAN of Wisconsin with Mr. OLNEY.

Mr. LITTLE with Mr. FIELDS.

Mr. KENDALL with Mr. CANTRILL.

Mr. JOHNSON of Washington with Mr. AYRES.

Mr. IRELAND with Mr. POU.

Mr. GOODYKOONTZ with Mr. CASEY.

Mr. BLAND of Indiana with Mr. WELTY.

Mr. WILLIAMS with Mr. BEE.

Mr. ANDREWS of Maryland with Mr. BENSON.

Mr. SANFORD with Mr. HENRY T. RAINEY.

Mr. WALSH with Mr. PADGETT.
Mr. PERLMAN with Mr. SIMS.
Mr. BACHARACH with Mr. DONOVAN.
Mr. DENISON with Mr. GANDY.
Mr. GRAHAM of Illinois with Mr. WHALEY.
Mr. MASON with Mr. FLOOD.
Mr. VOIGT with Mr. WISE.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. MAPES. Mr. Speaker, I move the passage of the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. MAPES, a motion to reconsider the vote by which the bill was passed was laid on the table.

By unanimous consent, at the request of Mr. MAPES, a corresponding House bill was ordered to lie on the table.

ALLOTMENTS FROM NATIONAL DEFENSE FUND.

The SPEAKER laid before the House the following message from the President, which, with the accompanying documents, was referred to the Committee on Appropriations:

To the House of Representatives:

In response to the resolution of the House of Representatives of February 15, 1921, requesting the President—

if not incompatible with the public interests to furnish the House of Representatives with an itemized statement showing disbursements and allocations of all sums allotted by him to the various departmental branches of the Government, to any special commission or committee, or to any individual, from the $100,000,000 appropriation authorized in the deficiency appropriations act approved April 17, 1917, and from the appropriation of $50,000,000 authorized in the sundry civil act approved July 1, 1918, which were to be expended at his discretion for the national security and defense—

I transmit herewith a communication from the Secretary of the Treasury, together with memoranda and data, regarding the subject matter of the resolution.

WOODROW WILSON.

THE WHITE HOUSE,
1 March, 1921.

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry. Will the message and the accompanying documents be printed so that Members may have them in the morning?

The SPEAKER. Not so that Members may have them in the morning. The message has been referred to the Committee on Appropriations, so that they can determine the wisdom of printing the whole of it.

LOTS ON LOW GROUNDS OF WASHINGTON, D. C.

Mr. COADY. Mr. Speaker, I call up the bill (H. R. 12045) to provide for the conveyance of lots on the low grounds of Washington, D. C., and move to concur in the Senate amendment.

The SPEAKER. The gentleman from Maryland calls up House bill 12045, with a Senate amendment, and moves that the House concur in the Senate amendment.

The Senate amendment was read.

The motion of Mr. COADY was agreed to.

JOHN E. MOORE CO.

Mr. EDMONDS. Mr. Speaker, I call up the conference report on the bill (H. R. 11572) for the relief of the John E. Moore Co.

The SPEAKER. The gentleman from Pennsylvania presents a conference report, which the Clerk will read.

The Clerk read as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11572) for the relief of the John E. Moore Co., having met, after full and free conference have agreed to recommend and do recommend to their several Houses as follows:

That the Senate recede from its amendment.

GEO. W. EDMONDS,
E. C. LITTLE,
Managers on the part of the House.

SELDEN SPENCER,
HENRY W. KEYES,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

STATEMENT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11572) for the relief of the John E. Moore Co., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

The Senate amendment struck out the following: "and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the John E. Moore Co., or against the John E. Moore Co. in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal."

The matter which was struck out by the Senate is restored to the bill.

GEO. W. EDMONDS,
E. C. LITTLE,
Managers on the part of the House.

Mr. GARD. Will the gentleman yield?

Mr. EDMONDS. Certainly.

Mr. GARD. What is the matter which the Senate has stricken out?

Mr. EDMONDS. This bill, as well as the one which I will present in a moment, gave jurisdiction to the admiralty courts in the different localities to hear these cases and render judgments either way. They were cases that were in dispute. The Senate have receded from their amendment and have left both bills as they were passed by the House.

Mr. GARD. Do they now go to the admiralty courts?

Mr. EDMONDS. They now go to the admiralty courts for decision. I move that the conference report be agreed to.

The question was taken, and the conference report was agreed to.

WILHELM ALEXANDERSON.

Mr. EDMONDS. Mr. Speaker, I call up the conference report on the bill (H. R. 12634) for the relief of Wilhelm Alexanderson.

The Clerk read the conference report, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12634) for the relief of Wilhelm Alexanderson, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

GEO. W. EDMONDS,
E. C. LITTLE,
Managers on the part of the House.

SELDEN P. SPENCER,
HENRY W. KEYES,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12634) for the relief of Wilhelm Alexanderson, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

The Senate amendment struck out the following: "and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of Wilhelm Alexanderson, or against Wilhelm Alexanderson in favor of the United States," and inserted in lieu thereof the following: "to hear said suit and to make a finding of facts therein."

The matter which was struck out by the Senate is restored to the bill.

GEO. W. EDMONDS,
E. C. LITTLE,
Managers on the part of the House.

The conference report was agreed to.

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. 15275. An act imposing temporary duties upon certain agricultural products to meet present emergencies, to provide revenue, and for other purposes.

ENROLLED BILLS SIGNED.

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

H. R. 12634. An act for the relief of Wilhelm Alexanderson;

H. R. 16100. An act making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service for the fiscal year ending June 30, 1922, and for other purposes;

H. R. 12045. An act to provide for the conveyance of lots on the low grounds of Washington, D. C.;

H. R. 8067. An act to establish standard weights and measures for the District of Columbia, to define the duties of the superintendent of weights, measures, and markets of the District of Columbia, and for other purposes; and

H. R. 11572. An act for the relief of the John E. Moore Co.

AMENDING FEDERAL POWER COMMISSION ACT.

Mr. ESCH. Mr. Speaker, I ask to take from the Speaker's table the bill S. 4554, a bill to eliminate from the water power act national parks and monuments.

The Clerk read the bill, as follows:

S. 4554. An act to amend an act entitled "An act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," approved June 10, 1920.

Be it enacted, etc., That hereafter no permit, license, lease, or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utilization of power, within the limits as now constituted of any national park or national monument shall be granted or made without specific authority of Congress, and so much of the act of Congress approved June 10, 1920, entitled "An act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," approved June 10, 1920, as authorizes licensing such uses of existing national parks and national monuments by the Federal power commission is hereby repealed.

Mr. ESCH. Mr. Speaker, the object of the bill is to modify the Federal water power act so as to eliminate from its provisions national parks and monuments. When the act was originally passed we supposed we had sufficiently safeguarded national parks and monuments so that there would not be constructed therein any water power or reclamation projects. However, the President was in doubt as to whether he would sign the bill which was presented to him on the 4th day of June, the day before we adjourned. He referred the bill to the Secretaries of the Interior, War, and Agriculture. The Secretary of the Interior had great doubt as to the policy of giving to a commission control over national parks and monuments in the matter of water-power development. Senator JONES, chairman of the Committee on Commerce, and Senator WALSH of Montana, called upon the Secretary and conferred with him regarding the signing of the bill. The Secretary conferred with Senator UNDERWOOD and the majority leader [Mr. MONDELL], and an understanding was reached whereby the bill was to be introduced at this session eliminating the parks and monuments from the operation of the Federal power act, and this bill carries out that understanding.

Mr. BARKLEY. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. BARKLEY. What is the difference between the bill as it passed the Senate and as it was reported from the Interstate Commerce Committee of the House?

Mr. ESCH. They are identical.

Mr. BARKLEY. Would the gentleman consider an amendment to the bill as it passed, striking out the word "existing"?

Mr. ESCH. That is in the bill.

Mr. BARKLEY. The word "existing," which limits it to national parks and monuments now in existence, is in the bill as it passed the Senate?

Mr. ESCH. Yes; and as reported by the Select Committee on Water Power.

Mr. BARKLEY. I would like to ask whether the gentleman would be willing to consider an amendment to the bill striking out the word "existing"?

Mr. ESCH. I fear, Mr. Speaker, that with such an amendment the bill would fail in this Congress.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time; was read the third time.

Mr. BLANTON. Will the gentleman yield for a question? This does not create any commission?

Mr. ESCH. Not at all.

Mr. BLANTON. It is only an amendment perfecting the act, and it does not increase any salaries, or anything of that kind?

Mr. ESCH. No.

Mr. BARKLEY. Mr. Speaker, is it in order to offer an amendment to the bill?

The SPEAKER. The Chair thinks it is.

Mr. ESCH. Mr. Speaker, I did not yield the floor for that purpose.

Mr. MANN of Illinois. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. MANN of Illinois. I hope that the gentleman from Kentucky will not do that. I am in full sympathy with what the gentleman wants.

Mr. BARKLEY. If the gentleman from Wisconsin will yield to me for a moment?

Mr. ESCH. I do.

Mr. BARKLEY. When the bill was under consideration the question arose whether a limitation should be made applying to national parks now in existence or also to future parks that might be created.

As the bill passed the Senate and as it was reported to the House it limited its effect to existing national parks only, so that hereafter if more national parks shall be created, or those already in existence shall be enlarged, we must fight out on every individual bill creating a new national park or enlarging one already in existence the question whether the water power in the national park shall be used. It was my thought that we ought to make this provision apply to all parks that exist now as well as those that may be created in the future; but if the House feels that such an amendment would endanger the passage of this bill and thinks it is better to get what we can under this bill than to try to get more, I have no disposition to offer an amendment. I do desire, however, to register my objection to the provision that limits it to existing national parks instead of including all that may hereafter be created.

Mr. ESCH. Mr. Speaker, the thought as presented to the committee by Secretary Meredith and Secretary Payne was that this would safeguard existing parks and monuments, and hereafter if any project was presented to Congress for the creation of a new park or monument or the extension of existing parks or monuments it would be within the power of Congress to determine whether or not the water power act should apply to them.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. ESCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

On motion of Mr. ESCH the bill H. R. 14469, an identical House bill, was ordered to lie on the table.

UNCLAIMED FUNDS FROM OKLAHOMA TOWN SITES.

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands I call up the bill (S. 4710) to authorize the Commissioner of the General Land Office to dispose of certain trust funds in his possession, a similar House bill having been previously ordered, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of the General Land Office is hereby directed to deposit with the Treasurer of the United States as miscellaneous receipts the sum of $623.59, which by virtue of the act of July 7, 1898 (30 Stat., p. 674), is now in his custody as ex officio trustee of certain Oklahoma town sites created under the act of May 14, 1890 (26 Stat., p. 109), and the joint resolution of Congress approved September 1, 1893 (28 Stat., p. 11).

Mr. SINNOTT. Mr. Speaker, this bill needs very little explanation further than the reading of the bill. It merely authorizes the Commissioner of the General Land Office to deposit in the Treasury of the United States certain funds which he holds in trust, the owners of which he has been unable to find.

The SPEAKER. 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.

SURVEY OF ATCHAFALAYA, RED, AND BLACK RIVERS.

Mr. WILSON of Louisiana. Mr. Speaker, I call up from the Speaker's table the bill (S. 5000) directing the Mississippi River Commission to make an examination and survey of the Atchafalaya, Red, and Black Rivers and to report plans for the protection of their basins from the flood waters of the Mississippi River, a similar House bill being on the House Calendar previously reported favorably from the committee.

The SPEAKER. The gentleman from Louisiana calls up the Senate bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That an examination and survey, with a report to Congress, shall be made by the Mississippi River Commission, of the Atchafalaya, Black, and Red Rivers in Louisiana, specifying a general

plan with recommendations for the execution thereof that will give the greatest measure of protection to the basins of said rivers from the flood waters of the Mississippi River consistent with all other interests of the lower Mississippi Valley.

Mr. MANN of Illinois. Mr. Speaker, a parliamentary inquiry. How does this bill come before the House?

Mr. WILSON of Louisiana. It is a Senate bill, a similar House bill having been reported favorably by the committee, being on the House Calendar.

Mr. MANN of Illinois. I make the point of order that it belongs on the Union Calendar.

Mr. WILSON of Louisiana. This does not require any appropriation.

Mr. MANN of Illinois. It involves the expenditure of money. It directs the War Department to make a survey and it involves necessarily the expenditure of money and belongs on the Union Calendar.

Mr. WILSON of Louisiana. Mr. Speaker, this is a survey and report to be made by the Mississippi River Commission out of the problem it is already handling, under the funds it now has. The Senate did not take that view of it, and the Committee on Flood Control did not take that view of it, because it does not make any further charge on the Treasury.

Mr. MANN of Illinois. It directs the Mississippi River Commission to make a survey of a river which necessarily involves an expenditure. There is no problematical question about it at all.

Mr. WILSON of Louisiana. Of course, the Mississippi River Commission can make the report on data it already has.

Mr. MANN of Illinois. The gentleman may know about that. I do not. I know what the bill provides.

Mr. WILSON of Louisiana. It does not require any additional appropriation.

The SPEAKER. The gentleman's point is that the money has already been appropriated?

Mr. WILSON of Louisiana. Yes; this would come under the operations of the Mississippi River Commission under the appropriations already made. It does not require any additional charge on the Treasury. That was clear when it passed the Senate, and it was clear before the Committee on Flood Control.

Mr. MANN of Illinois. If this bill passes, it would be an authorization at once for an appropriation for this purpose.

Mr. WILSON of Louisiana. I beg to differ with the gentleman from Illinois.

Mr. MANN of Illinois. It would be an authorization at once for an appropriation for this purpose.

Mr. WILSON of Louisiana. No; this is expended under an amount already given the Mississippi River Commission. The gentleman, of course, is familiar with the act——

The SPEAKER. The Chair would like to hear the gentleman. The Chair is disposed to think, under the provision of the rule—the Chair understands the appropriation has already been made?

Mr. WILSON of Louisiana. It has been.

Mr. MONDELL. Mr. Speaker, I suggest that the gentleman ask unanimous consent to consider the bill.

Mr. WILSON of Louisiana. If the Chair feels the point of order is good, I would ask unanimous consent to consider it——

Mr. MANN of Illinois. It is now 6 o'clock, according to the clock above the Speaker's desk, and we had agreed to recess at 6 o'clock.

The SPEAKER. The matter can go over until 8 o'clock. The hour of 6 o'clock having arrived, the House stands in recess until 8 o'clock.

EVENING SESSION.

AFTER RECESS.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session.

The SPEAKER. When the House took a recess it was considering a bill which the Clerk will report by title.

SURVEY OF ATCHAFALAYA, RED, AND BLACK RIVERS.

Mr. WILSON of Louisiana. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 5000.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to take from the Speaker's table a bill which the Clerk will report by title.

The Clerk read as follows:

A bill (S. 5000) directing the Mississippi River Commission to make an examination and survey of the Atchafalaya, Red, and Black Rivers, and to report plan for protection of their basins from flood waters of the Mississippi River.

The SPEAKER. A similar House bill having been reported.

Mr. WILSON of Louisiana. The House bill having been reported favorably.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That an examination and survey, with a report to Congress, shall be made by the Mississippi River Commission, of the Atchafalaya, Black, and Red Rivers in Louisiana, specifying a general plan with recommendations for the execution thereof that will give the greatest measure of protection to the basins of said rivers from the flood waters of the Mississippi River consistent with all other interests of the lower Mississippi Valley.

The SPEAKER. The question is on the third reading of the bill.

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

On motion of Mr. WILSON of Louisiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

Also, on motion of Mr. WILSON of Louisiana, a House bill of similar tenor was laid on the table.

CENTRAL COMMITTEE, AMERICAN NATIONAL RED CROSS.

Mr. CAMPBELL of Kansas. Mr. Speaker, I call from the Speaker's table the bill S. 4826, to increase the number of directors of the Red Cross, an identical bill having been reported from the House committee. I ask to take the Senate bill from the Speaker's table and move its passage.

The SPEAKER. The gentleman from Kansas asks unanimous consent to consider the Senate bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 4826) to amend section 5 of the act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905.

Be it enacted, etc., That section 5 of the act for the incorporation of the American National Red Cross, approved January 5, 1905, be, and the same hereby is, amended so that the executive committee of the central committee shall consist of nine instead of seven persons, five of whom shall be a quorum.

SEC. 2. That this act shall take effect immediately.

Mr. GARRETT. Will the gentleman from Kansas yield?

Mr. CAMPBELL of Kansas. I yield.

Mr. GARRETT. As I understand it, the only effect of this bill is to increase the number of directors?

Mr. CAMPBELL of Kansas. It refers to the question of a quorum. It makes possible a quorum of the directors here in the city.

Mr. GARRETT. In the District of Columbia?

Mr. CAMPBELL of Kansas. In the District of Columbia, where the Red Cross was incorporated by an act of Congress.

Mr. GARRETT. Was there a provision in the act incorporating the Red Cross that limited the number of directors that might live in the District of Columbia? Does the gentleman remember?

Mr. CAMPBELL of Kansas. I do not recall that, but it did provide, I think, that seven could constitute a quorum, and it was quite impossible to get a quorum of the directors here. This simply makes it possible to get a quorum of the directors so that they can transact the business of the organization.

Mr. BLANTON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. BLANTON. At present there are seven directors?

Mr. CAMPBELL of Kansas. Yes.

Mr. BLANTON. This increases the number to nine?

Mr. CAMPBELL of Kansas. Yes.

Mr. BLANTON. All during the war they handled their business with seven directors, and, up to this time, for three years after the armistice?

Mr. CAMPBELL of Kansas. Yes.

Mr. BLANTON. Do these directors draw remuneration from the Red Cross?

Mr. CAMPBELL of Kansas. Oh, no.

Mr. BLANTON. They serve without remuneration?

Mr. CAMPBELL of Kansas. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the bill.

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

On motion of Mr. CAMPBELL of Kansas, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS ROCK RIVER, BELOIT, WIS.

Mr. SANDERS of Indiana. Mr. Speaker, I ask unanimous consent to call up the bill S. 5032, which is a bridge bill. An identical bill has been reported by the House committee and this Senate bill has passed the Senate.

The SPEAKER. The gentleman from Indiana calls up Senate bill 5032, an identical bill having been reported by the House committee, which the Clerk will report.

The Clerk read as follows:

A bill (S. 5032) for the construction of a bridge across Rock River at or near Shirland Avenue, in the city of Beloit, Wis.

Be it enacted, etc., That the city of Beloit, in the State of Wisconsin, be, and the same is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rock River, at a point suitable to the interests of navigation, at or near the point where Shirland Avenue, in said city of Beloit, crosses the said Rock River, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

Mr. DEWALT. Mr. Speaker, will the gentleman from Indiana yield for a moment?

Mr. SANDERS of Indiana. I yield.

Mr. DEWALT. Is this a bill which was reported from our committee for the international bridge?

Mr. SANDERS of Indiana. I think it is not the international bridge.

Mr. DEWALT. Has the gentleman any definite information in regard to that matter?

Mr. SANDERS of Indiana. Not any additional information. It is embraced in the report from our committee. An identical bill has been reported from our committee unanimously, but this bill has passed the Senate and has come over here. It is not the international bridge.

Mr. DEWALT. So I understand, but I understood that possibly that this very project was open to suspicion because it was an international bridge.

Mr. SANDERS of Indiana. No; it is not, I will say to the gentleman. It is not an international bridge.

The SPEAKER. The question is on the third reading of the bill.

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

On motion of Mr. SANDERS of Indiana, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Does the gentleman from Kansas [Mr. ANTHONY] desire recognition at this time?

Mr. ANTHONY. I do not care for recognition.

REPEAL OF WAR LEGISLATION.

The SPEAKER. The gentleman from Minnesota [Mr. VOLSTEAD] is recognized.

Mr. VOLSTEAD. Mr. Speaker, I ask that House joint resolution 382 be laid before the House. It is a House joint resolution with Senate amendments. I move that the amendments be agreed to.

The SPEAKER. The gentleman from Minnesota calls up House joint resolution 382, with a Senate amendment. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 382) declaring that certain acts of Congress, joint resolutions, and proclamations shall be construed as if the war had ended and the present or existing emergency expired.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Strike out all after the resolving clause and insert:

"That in the interpretation of any provision relating to the duration or date of the termination of the present war or of the present or existing emergency, meaning thereby the war between the Imperial German Government and the Imperial and Royal Austro-Hungarian Government and the Government and people of the United States, in any acts of Congress, joint resolutions, or proclamations of the President containing provisions contingent upon the duration or the date of the termination of such war or of such present or existing emergency, the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency, notwithstanding any provision in any act of Congress or joint resolution providing any other mode of determining the date of such termination. And any act of Congress, or any provision of any such act, that by its terms is in force only during the existence of a state of war, or during such state of war and a limited period of time thereafter, shall be construed and administered as if such war between the Governments and people aforesaid terminated on the date when this resolution becomes effective, any provision of such law to the contrary notwithstanding; excepting, however, from the operation and effect of this resolution the following acts and proclamations, to wit: Title 2 of the act entitled 'The food control and District of Columbia rents act,' approved October 22, 1919 (41 Stats., p. 297), the act known as the trading with the enemy act, approved October 6, 1917 (40 Stats., p. 411), and all amendments thereto, and the first, second, third, and fourth Liberty bond acts, the supplement to the second Liberty bond act, and the Victory Liberty loan act; titles 1 and 3 of the war finance corporation act (40 Stats., p. 506) as amended by the act approved March 3, 1919 (40 Stats., p. 1313), and Public resolution No. 55, Sixty-sixth Congress, entitled 'Joint resolution directing the War Finance Corporation to take certain action for the relief of the present depression in the agricultural sections of the country, and for other purposes,' passed January 4, 1921; also the proclamations issued under the authority conferred by the acts herein excepted from the effect and operation of this resolution: *Provided, however*, That nothing herein contained shall be construed as effective to terminate the military status of any person now in desertion from the military or naval service of the United States, nor to terminate the liability to prosecution and punishment under the selective service law, approved May 18, 1917 (40 Stats., p. 76), of any person who failed to comply with the provisions of said act, or of acts amendatory thereof: *Provided further*, That the act entitled 'An act to amend section 3, title 1, of the act entitled "An act to punish acts of interference with foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917 (40 Stats., p. 217), and for other purposes,' approved May 16, 1918 (40 Stats., p. 553), be, and the same is hereby, repealed, and that said section 3 of said act approved June 15, 1917, is hereby revived and restored with the same force and effect as originally enacted.

"Nothing herein contained shall be held to exempt from prosecution or to relieve from punishment any offense heretofore committed in violation of any act hereby repealed or which may be committed while it remains in force as herein provided."

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present. This is an important matter.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. It is not open to debate. The Chair will count.

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

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

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

Ackerman	Emerson	Longworth	Sabath
Andrews, Md.	Evans, Mont.	Luce	Sanders, La.
Ayres	Evans, Nev.	Lufkin	Sanders, N. Y.
Bacharach	Fairfield	Luhring	Sanford
Baer	Frear	McAndrews	Schall
Bell	Freeman	McCulloch	Scott
Benson	Gallagher	McDuffie	Scully
Black	Gandy	McFadden	Sears
Bland, Ind.	Garner	McGlennon	Sells
Britten	Goodall	McKinley	Sherwood
Browne	Goodwin, Ark.	McLeod	Sims
Brumbaugh	Gould	McPherson	Slemp
Burke	Graham, Pa.	Maher	Small
Burroughs	Hadley	Major	Smith, Ill.
Butler	Hamill	Mann, Ill.	Smith, Mich.
Caldwell	Hamilton	Mann, S. C.	Smith, N. Y.
Campbell, Pa.	Hardy, Tex.	Mason	Snyder
Candler	Harreld	Miller	Steagall
Cantrill	Harrison	Milligan	Steenerson
Casey	Haugen	Moon	Stiness
Clark, Fla.	Hays	Mooney	Sullivan
Clark, Mo.	Hill	Morin	Swope
Classon	Hoey	Mott	Taylor, Tenn.
Cole	Howard	Mudd	Temple
Connally	Hulings	Nicholls	Thomas
Copley	Husted	O'Connor	Tilson
Costello	Ireland	Oliver	Treadway
Cramton	James, Mich.	Paige	Upshaw
Davey	James, Va.	Phelan	Vare
Davis, Minn.	Johnston, N. Y.	Porter	Vinson
Dempsey	Juul	Pou	Walsh
Dent	Kahn	Rainey, Ala.	Watkins
Dickinson, Mo.	Kettner	Rainey, John W.	Welty
Donovan	Kitchin	Ramsey	Wilson, Ill.
Dooling	Kleczka	Randall, Wis.	Wilson, Pa.
Doremus	Lampert	Reavis	Wingo
Doughton	Langley	Riordan	Wise
Drewry	Lazaro	Rodenberg	Yates
Eagan	Lehlbach	Rogers	Zihlman
Eagle	Lesher	Rowan	
Ellsworth	Lonergan	Rubey	

The SPEAKER. On this roll call 267 Members have answered to their names. A quorum is present.

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

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. VOLSTEAD. Mr. Speaker, this resolution was introduced in the House in the early part of this session. It was passed and went to the Senate. The Senate has stricken out all the provisions of the original resolution as we passed it and substituted a resolution of their own. The first part of that resolution, however, is in almost the identical words in which the original House resolution was passed. There is one slight change. In that resolution we spoke of the war as "the present war" or "the present emergency." The Senate speaks of it in this resolution as the War with the Imperial German Government and the Austro-Hungarian Government.

In the original resolution there was one exception from the operation of the resolution that has been omitted by the Senate, but that, I presume, has been taken care of in the immigration bill. It is a provision of very little consequence, anyway.

Mr. GARD. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. GARD. Will the gentleman advise the House what that provision is which is not included?

Mr. VOLSTEAD. It is the act approved April 3, 1919, entitled "An act to prevent in time of war departure from and entry into the United States contrary to public safety." I was asked to put it in the original resolution and it was inserted, but it was afterwards stricken out in the Senate.

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

Mr. VOLSTEAD. I will.

Mr. IGOE. I have not been able to get a copy of this resolution. I should like to ask the gentleman if this now terminates the Lever Act?

Mr. VOLSTEAD. It does; that is, it suspends all provisions of it that are in force only during the existence of this war.

Mr. IGOE. The Senate amendment terminates the Lever Act?

Mr. VOLSTEAD. The Lever Act was stricken from the resolution; that is, the provision excepting the Lever Act from the resolution was stricken from it in the House.

Mr. IGOE. Has it been inserted again in the Senate?

Mr. VOLSTEAD. It was inserted by the committee of the Senate, but was rejected by the Senate itself, so that the exception is not in the bill now.

Mr. IGOE. Then the effect of it, if I understand the gentleman correctly, is that if this resolution passes the Lever Act will still be in force?

Mr. VOLSTEAD. No; the Lever Act will not be in force.

Mr. IGOE. I understood the gentleman to say that the exception of the Lever Act was retained by the Senate.

Mr. VOLSTEAD. No. If you will stop to consider the character of this resolution, you will understand what I mean. The first part of the resolution says that the effect of its passage shall be that of the adoption of a treaty of peace. Now, the Lever Act has provisions in it to the effect that it will terminate at the end of the war when a treaty of peace has been ratified. We had a provision, which was stricken out in the House, to the effect that the Lever Act should be excepted from the operation of the resolution, and while that was put back by the Senate Judiciary Committee, the Senate struck it out the same as the House did, so that the Lever Act is a part of the legislation that will be suspended or repealed by it.

Mr. IGOE. Then, the effect of it is that if this resolution passes the Lever Act is repealed in toto?

Mr. VOLSTEAD. Unless——

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. VOLSTEAD. Let me answer the question of the gentleman from Missouri first. The Lever Act, outside of a provision that relates to rents in the District of Columbia, will be repealed. The rent provision of that act is to remain in force.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. SANDERS of Indiana. The chairman of the committee will recall that when the bill was before the House the gentleman from Indiana [Mr. BLAND] offered an amendment by the terms of which the Lever Act was in effect repealed. Is that the fact?

Mr. VOLSTEAD. Yes.

Mr. SANDERS of Indiana. Now, would the effect of the amendment which was adopted relieve from prosecution persons who had violated the Lever Act and were being prosecuted under it?

Mr. VOLSTEAD. No; because there is a provision——

Mr. SANDERS of Indiana. The one originally passed.

Mr. VOLSTEAD. That is a question of law which the gentleman can decide as well as I.

Mr. SANDERS of Indiana. By express provisions of this act it is proposed that the Lever Act shall be repealed and that it shall not affect pending prosecutions. Is that the purpose?

Mr. VOLSTEAD. All provisions of the Lever Act that are in force during the existing war will be suspended, just as all other statutes that we seek to suspend. There are no exceptions of the Lever Act except that part which affects the rent question in this District.

Mr. SANDERS of Indiana. I want to call attention to the fact that in the language of the present enactment the Lever Act is not repealed.

Mr. VOLSTEAD. None of the laws are repealed outside of the one section of the bill which I will call attention to a minute later.

Mr. SANDERS of Indiana. The closing paragraph refers to "acts hereby repealed."

Mr. VOLSTEAD. If the gentleman will give me time I will explain what the resolution provides for.

Mr. JOHNSON of Mississippi. Will the gentleman yield for a question?

Mr. MONDELL. Mr. Speaker, would it not be well to allow the gentleman from Minnesota to first explain the resolution?

Mr. JOHNSON of Mississippi. So far as the Lever Act is concerned, it is only suspended for the time excepting section 2, which applies only to the District of Columbia. Is not that true?

Mr. VOLSTEAD. It suspends it, except title 2.

Mr. JOHNSON of Mississippi. It is suspended, all except title 2?

Mr. VOLSTEAD. Yes.

Mr. JOHNSON of Mississippi. But the Supreme Court yesterday declared the other unconstitutional.

Mr. VOLSTEAD. I do not want to discuss that matter. I do not know how much they did declare void. The Senate added a provision to the effect that this suspension of these statutes shall not relieve anyone who may have deserted from the Army. The Senate put in another provision to the effect that the amendment which we passed to the espionage act shall be repealed. That amendment has given a good deal of offense, and many people have been convicted under it. They provide that an old section for which that was a substitute, section 3, title 1, shall be revived. Section 3 of title 1 of the espionage act is an old section that we have had with us for many years. It is only in force during the existence of a war. They added at the last minute in the Senate a provision that the penalties that may have been incurred prior to the passage of this resolution shall survive and may be enforced, notwithstanding this resolution. I believe that would be true whether we put it in this resolution or not. Outside of these three matters—the provision in reference to desertion, the provision in reference to the espionage act, and the saving clause in regard to penalties—the resolution is practically identical with the one we passed here in December.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. MOORE of Virginia. Has the gentleman the language of section 3 of the act of June 15, 1917, so that he can tell us what the provisions in that section are?

Mr. VOLSTEAD. The one that is preserved?

Mr. MOORE of Virginia. Yes.

Mr. VOLSTEAD. I have it, but I do not have the portion that is to be repealed; that is very much more severe than that which is reinstated. I will read this section 3:

> SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies, and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both.

That statute can only be enforced during war. The other statute that we repeal is very much broader, very much more drastic, and it is the one against which the principal complaint has been made so far as complaint has been made against the espionage act.

Mr. DEWALT. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. DEWALT. Quoting now from page 3 of the proposed resolution beginning on line 17:

> Excepting, however, from the operation and effect of this resolution the following acts and proclamations, to wit: Title II of the act entitled "Food control and District of Columbia rents act," approved October 22, 1919 (41 Stat., p. 297).

Does that include the provisions of the Lever Act which have been nullified by the decision of the Supreme Court, as rendered yesterday?

Mr. VOLSTEAD. No; it does not; because it only includes the District of Columbia rent law. It does not include the original Lever Act.

Mr. DEWALT. Let me ask the gentleman another question. The Supreme Court, as I understand the decision, although I have not seen the text of it, says that the Lever Act is unconstitutional because of the indetermination of the penalties and of the time as laid out by the act itself. Is that correct?

Mr. VOLSTEAD. That is the newspaper report.

Mr. DEWALT. If that be so, then, is this inclusive of the Lever Act in toto, or only in part, and if so, why pass this resolution?

Mr. VOLSTEAD. Title II has nothing to do with the Lever Act generally. Title II of the Lever Act was a District of Columbia rent act, and that is the only part that is here excepted from the operation of this resolution.

Mr. MOORE of Virginia. And that is not touched by the decision of the court.

Mr. VOLSTEAD. Not touched by the decision at all.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. GARD. It is difficult to understand this act, because, so far as I know, it has not been brought to the attention of the Committee on the Judiciary by the chairman of the committee.

Mr. VOLSTEAD. I brought it to the attention of a number of members. I tried to see as many members as I could.

Mr. GARD. But it has not been brought to the attention of the committee itself, so that the matter is approached with some difficulty of understanding. We desire to know just what this particular resolution does. I take it, from reading it, that it does not repeal anything. It still adheres to its description and interpretation as to the meaning of certain statutes with relation to the termination of the war.

Mr. VOLSTEAD. The resolution in effect provides that upon its passage it shall be treated and considered as though peace had been declared by a proper treaty. The reason why I did not call the attention of the committee to it—although I might have done so—is because there is no material change in it now from the way it was when it passed the House, with the exception of those three things which I have called attention to, and it seems to me there can be no objection to these.

Mr. GARD. It is the ordinary policy of the chairman to call the attention of the committee to changes, is it not?

Mr. VOLSTEAD. It came in during the last few days. We are very busy, and I tried to consult everyone as much as I could.

Mr. GARD. I am not quarreling with the gentleman, but I am seeking information so that we may understand the effect of it. The exceptions from this are, first, this section 2, commonly called the rent-control act.

Mr. VOLSTEAD. That was in the original House resolution as we passed it.

Mr. GARD. I mean the exception to the general provisions of the resolution.

Mr. VOLSTEAD. Yes.

Mr. GARD. And the other exceptions are the trading with the enemy act and the Liberty bond act and a part of the espionage act.

Mr. VOLSTEAD. That is correct.

Mr. GARD. Is that all?

Mr. VOLSTEAD. The espionage act, so far as it is only in force during war after this is passed. It does not except it at all; it only provides that section 3 of the original espionage act shall remain in force in place of the amendment against which so much complaint has been made.

Mr. SANDERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. DEWALT. Will the gentleman allow another inquiry? I notice on page 4—and I have a transcript of the resolution which may not conform with the resolution the gentleman has—on page 4, line 15, "Joint resolution directing the War Finance Corporation to take certain action for the relief of the present depression in the agricultural sections of the country, and for other purposes." Is that also in?

Mr. VOLSTEAD. I beg your pardon. That was not in the original resolution, but I did not think of it. That was passed during this Congress and has been simply added as a matter of precaution.

Mr. SANDERS of Indiana. Will the gentleman yield for a question?

Mr. VOLSTEAD. I will.

Mr. SANDERS of Indiana. There were a number of members of the United Mine Workers of America who were indicted under the Lever Act and those indictments are still pending. It is my understanding that the amendment of the gentleman from Indiana [Mr. BLAND] repealed the Lever Act so that they could no longer prosecute under those indictments. Now, what I wanted to know was if the act in its present form will permit prosecutions under those indictments. I might say that the Supreme Court has held the law unconstitutional because it is so indefinite and uncertain, but on a rehearing they might change their mind about it. What I want to know is what effect this change of language has upon the amendment of the gentleman from Indiana [Mr. BLAND]?

Mr. VOLSTEAD. It is in the same position that it was when the gentleman from Indiana [Mr. BLAND] put it in.

Mr. DEWALT. In other words, will these prosecutions fail by reason of the passage of this resolution?

Mr. SANDERS of Indiana. I think they ought to fail; I think they should never have been indicted.

Mr. DEWALT. The question is, Would they have failed?

Mr. SANDERS of Indiana. That is a question I want to——

Mr. VOLSTEAD. If the Bland amendment would have made them fail they will fail under this resolution, because it is the same language. [Applause.] Mr. Speaker, I move the previous question.

Mr. HUDDLESTON. Will the gentleman reserve that for one moment? Some of us who feel an interest in this matter would like to discuss it.

Mr. VOLSTEAD. I think the discussion already has been very general.

The SPEAKER. Does the gentleman withdraw his motion or not?

Mr. HUDDLESTON. I should like to have five minutes to offer an amendment to it.

Mr. VOLSTEAD. I refuse to yield.

Mr. GARRETT. Mr. Speaker, will the gentleman yield to me? It seems to me the request of the gentleman from Alabama is a reasonable request to yield him five minutes.

Mr. VOLSTEAD. I think this matter has been discussed very fully.

Mr. GARRETT. The gentleman from Alabama desires——

Mr. HUDDLESTON. Nobody has discussed it but the gentleman from Minnesota, so far as I know.

Mr. GARRETT. It has been discussed, and yet we do not know much about it.

Mr. VOLSTEAD. The gentleman has had ample opportunity to know; there has been no material change since it passed the House.

Mr. GARRETT. Mr. Speaker, it seems to me the request of the gentleman from Alabama is a reasonable one, and I hope the gentleman will yield five minutes to the gentleman from Alabama.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question.

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

Mr. VOLSTEAD. Mr. Speaker, I ask for a division.

Mr. GARRETT. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 176, nays 122, not voting 130, as follows:

YEAS—176.

Anderson	Foster	McArthur	Sanders, Ind.
Andrews, Nebr.	French	McKenzie	Scott
Bacharach	Fuller	McLaughlin, Mich.	Sells
Barbour	Glynn	McLaughlin, Nebr.	Shreve
Begg	Good	McLeod	Siegel
Benham	Goodykoontz	McPherson	Sinclair
Bland, Ind.	Gould	MacGregor	Sinnott
Boies	Graham, Ill.	Madden	Slemp
Bowers	Green, Iowa	Magee	Smith, Idaho
Brooks, Ill.	Greene, Mass.	Mapes	Smith, Ill.
Brooks, Pa.	Greene, Vt.	Merritt	Snell
Burdick	Griest	Michener	Snyder
Butler	Hadley	Miller	Stephens, Ohio
Campbell, Kans.	Hardy, Colo.	Monahan, Wis.	Strong, Kans.
Cannon	Hawley	Mondell	Strong, Pa.
Chindblom	Hernandez	Moore, Ohio	Summers, Wash.
Christopherson	Hersey	Moores, Ind.	Sweet
Cooper	Hickey	Mott	Swindall
Crago	Hicks	Murphy	Taylor, Tenn.
Crowther	Hoch	Nelson, Wis.	Temple
Currie, Mich.	Houghton	Newton, Minn.	Thompson
Curry, Calif.	Hull, Iowa	Nolan	Timberlake
Dale	Husted	Ogden	Tincher
Dallinger	Hutchinson	Olney	Towner
Darrow	Ireland	Osborne	Treadway
Dempsey	Jefferis	Paige	Vaile
Denison	Johnson, S. Dak.	Parker	Vestal
Dickinson, Iowa	Johnson, Wash.	Patterson	Voigt
Dowell	Jones, Pa.	Perlman	Volk
Dunbar	Kearns	Peters	Volstead
Dunn	Kelley, Mich.	Purnell	Walsh
Dyer	Kelly, Pa.	Radcliffe	Walters
Echols	Kendall	Randall, Wis	Ward
Edmonds	Kennedy, R. I.	Ransley	Wason
Elliott	King	Reber	Watson
Elston	Kinkaid	Reed, N. Y.	Webster
Esch	Kleczka	Reed, W. Va	Wheeler
Evans, Nebr.	Knutson	Rhodes	White, Kans.
Fairfield	Kraus	Ricketts	White, Me.
Farr	Kreider	Riddick	Williams
Fess	Lampert	Robsion, Ky.	Winslow
Fish	Layton	Rogers	Wood, Ind.
Focht	Lehlbach	Rose	Young, N. Dak.
Fordney	Little	Rowe	Zihlman

NAYS—122.

Almon	Campbell, Pa.	Fisher	Keller
Ashbrook	Caraway	Gallivan	Kincheloe
Aswell	Carew	Ganly	Lanham
Babka	Carss	Gard	Lankford
Bankhead	Carter	Garrett	Larsen
Barkley	Casey	Godwin, N. C.	Lea, Calif.
Bee	Cleary	Griffin	Lesher
Bell	Coady	Hastings	Linthicum
Black	Collier	Hayden	McClintic
Bland, Mo.	Connally	Holland	McDuffie
Bland, Va.	Crisp	Huddleston	McGlennon
Blanton	Cullen	Hudspeth	McKeown
Bowling	Davis, Tenn.	Hull, Tenn.	McKinlry
Box	Dewalt	Humphreys	Major
Brand	Dominick	Igoe	Mansfield
Briggs	Drane	Jacoway	Martin
Brinson	Dupré	Johnson, Ky.	Mays
Byrnes, S. C.	Eagan	Johnson, Miss.	Mead
Byrns, Tenn.	Fields	Jones, Tex.	Minahan, N. J.

Montague	Quin	Sisson	Tinkham
Moore, Va.	Rainey, Henry T.	Smithwick	Venable
Neely	Raker	Steagall	Weaver
Nelson, Mo.	Ramseyer	Stedman	Welling
O'Connell	Randall, Calif.	Stephens, Miss.	Wilson, La.
O'Connor	Rayburn	Stevenson	Wilson, Pa.
Oldfield	Robinson, N. C.	Stoll	Wingo
Overstreet	Romjue	Sumners, Tex.	Woods, Va.
Padgett	Rouse	Tague	Wright
Park	Rucker	Taylor, Ark.	Young, Tex.
Parrish	Sabath	Taylor, Colo.	
Pell	Sherwood	Tillman	

NOT VOTING—130.

Ackerman	Emerson	Kiess	Riordan
Andrews, Md.	Evans, Mont.	Kitchin	Rodenberg
Anthony	Evans, Nev.	Langley	Rowan
Ayres	Ferris	Lazaro	Rubey
Baer	Flood	Lee, Ga.	Sanders, La.
Benson	Frear	Lonergan	Sanders, N. Y.
Britten	Freeman	Longworth	Sanford
Browne	Gallagher	Luce	Schall
Brumbaugh	Gandy	Lufkin	Scully
Buchanan	Garner	Luhring	Sears
Burke	Goldfogle	McAndrews	Sims
Burroughs	Goodall	McCulloch	Small
Caldwell	Goodwin, Ark.	McFadden	Smith, Mich.
Candler	Graham, Pa.	McKinley	Smith, N. Y.
Cantrill	Hamill	Maher	Steele
Clark, Fla.	Hamilton	Mann, Ill.	Steenerson
Clark, Mo.	Hardy, Tex.	Mann, S. C.	Stiness
Classon	Harreld	Mason	Sullivan
Cole	Harrison	Milligan	Swope
Copley	Haugen	Moon	Thomas
Costello	Hays	Mooney	Tilson
Cramton	Hersman	Morin	Upshaw
Davey	Hill	Mudd	Vare
Davis, Minn.	Hoey	Newton, Mo.	Vinson
Dent	Howard	Nicholls	Watkins
Dickinson, Mo.	Hulings	Oliver	Welty
Donovan	James, Mich.	Phelan	Whaley
Dooling	James, Va.	Porter	Wilson, Ill.
Doremus	Johnston, N. Y.	Pou	Wise
Doughton	Juul	Rainey, Ala.	Woodyard
Drewry	Kahn	Rainey, John W.	Yates
Eagle	Kennedy, Iowa	Ramsey	
Ellsworth	Kettner	Reavis	

So the previous question was ordered.

The Clerk announced the following additional pairs:

On this vote:

Mr. REAVIS (for) with Mr. MCANDREWS (against).

Mr. MUDD (for) with Mr. MILLIGAN (against).

Mr. LUHRING (for) with Mr. SULLIVAN (against).

Mr. BURKE (for) with Mr. SMITH of New York (against).

Mr. CRAMTON (for) with Mr. KITCHIN (against).

Mr. RAMSEY (for) with Mr. RIORDAN (against).

Mr. STEENERSON (for) with Mr. CLARK of Missouri (against).

Mr. LANGLEY (for) with Mr. CLARK of Florida (against).

Mr. ACKERMAN (for) with Mr. UPSHAW (against).

Until further notice:

Mr. ANTHONY with Mr. POU.

Mr. KIESS with Mr. HOWARD.

Mr. PORTER with Mr. PHELAN.

Mr. YATES with Mr. DAVEY.

Mr. BROWNE with Mr. AYRES.

Mr. HAYS with Mr. WHALEY.

Mr. FREAR with Mr. CANTRILL.

Mr. LONGWORTH with Mr. JAMES of Virginia.

Mr. MANN of Illinois with Mr. HARDY of Texas.

Mr. NEWTON of Missouri with Mr. LAZARO.

Mr. WILSON of Illinois with Mr. SMALL.

Mr. SANFORD with Mr. LEE of Georgia.

Mr. HAUGEN with Mr. DREWRY.

Mr. STINESS with Mr. WISE.

Mr. JUUL with Mr. GOLDFOGLE.

Mr. RODENBERG with Mr. NICHOLLS.

Mr. MCKINLEY with Mr. DICKINSON of Missouri.

Mr. BRITTEN with Mr. GANDY.

Mr. KREIDER with Mr. OLIVER.

Mr. WOODYARD with Mr. SIMS.

Mr. SCHALL with Mr. ROWAN.

Mr. TILSON with Mr. HOEY.

Mr. LUCE with Mr. WELTY.

Mr. BURROUGHS with Mr. EVANS of Nevada.

Mr. HARRELD with Mr. VINSON.

Mr. GRAHAM of Pennsylvania with Mr. DOREMUS.

Mr. DAVIS of Minnesota with Mr. BUCHANAN.

Mr. SANDERS of New York with Mr. DOUGHTON.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on concurring in the Senate amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GARRETT. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 298, nays 0, answered "present" 1, not voting 129, as follows:

YEAS—298.

Almon	Elliott	Lankford	Robsion, Ky.
Anderson	Elston	Larsen	Rogers
Andrews, Md.	Evans, Nebr.	Layton	Romjue
Andrews, Nebr.	Fairfield	Lazaro	Rose
Ashbrook	Farr	Lea, Calif.	Rouse
Aswell	Fess	Lee, Ga.	Rucker
Babka	Fields	Lehlbach	Sabath
Bacharach	Fisher	Lesher	Sanders, Ind.
Bankhead	Flood	Linthicum	Scott
Barbour	Focht	Little	Sells
Barkley	Fordney	McArthur	Sherwood
Bee	Foster	McClintic	Shreve
Begg	French	McDuffie	Siegel
Bell	Fuller	McGlennon	Sinclair
Benham	Gallivan	McKenzie	Sinnott
Black	Ganly	McKeown	Sisson
Bland, Ind.	Gard	McKiniry	Slemp
Bland, Mo.	Garrett	McLaughlin, Mich.	Smith, Idaho
Bland, Va.	Glynn	McLaughlin, Nebr.	Smith, Ill.
Blanton	Godwin, N. C.	MacGregor	Smithwick
Boies	Goldfogle	Madden	Snell
Bowers	Good	Magee	Snyder
Bowling	Goodykoontz	Major	Steagall
Box	Graham, Ill.	Mansfield	Stedman
Brand	Green, Iowa	Mapes	Stephens, Miss.
Briggs	Greene, Mass.	Martin	Stephens, Ohio
Brinson	Greene, Vt.	Mays	Stevenson
Brooks, Ill.	Griest	Mead	Stoll
Brooks, Pa.	Griffin	Merritt	Strong, Kans.
Burdick	Hadley	Michener	Strong, Pa.
Butler	Hardy, Colo.	Miller	Summers, Wash.
Byrnes, S. C.	Hastings	Minahan, N. J.	Sweet
Byrns, Tenn.	Hawley	Mondell	Swindall
Campbell, Kans.	Hayden	Montague	Tague
Campbell, Pa.	Hays	Moore, Ohio	Taylor, Ark.
Cannon	Hernandez	Moore, Va.	Taylor, Tenn.
Caraway	Hersey	Moores, Ind.	Temple
Carew	Hickey	Mott	Thompson
Carss	Hicks	Neely	Tillman
Carter	Hoch	Nelson, Mo.	Timberlake
Casey	Hoey	Nelson, Wis.	Tincher
Chindblom	Holland	Newton, Minn.	Tinkham
Christoperson	Houghton	Nolan	Towner
Cleary	Huddleston	O'Connell	Treadway
Coady	Hudspeth	Ogden	Upshaw
Collier	Hull, Iowa	Oldfield	Vaile
Connally	Hull, Tenn.	Olney	Venable
Cooper	Humphreys	Osborne	Vestal
Copley	Husted	Overstreet	Voigt
Crago	Hutchinson	Padgett	Volk
Cramton	Igoe	Paige	Volstead
Crisp	Ireland	Park	Walsh
Crowther	Jacoway	Parker	Walters
Cullen	Jefferis	Parrish	Ward
Currie, Mich.	Johnson, Ky.	Patterson	Wason
Curry, Calif.	Johnson, Miss.	Pell	Watson
Dale	Johnson, S Dak.	Perlman	Weaver
Dallinger	Johnson, Wash.	Peters	Webster
Darrow	Jones, Pa.	Porter	Welling
Davey	Jones, Tex.	Purnell	Wheeler
Davis, Tenn.	Kearns	Quin	White, Kans.
Dempsey	Keller	Radcliffe	White, Me.
Denison	Kelley, Mich.	Rainey, Henry T.	Williams
Dewalt	Kelly, Pa.	Raker	Wilson, La.
Dickinson, Iowa	Kendall	Ramseyer	Wilson, Pa.
Dominick	Kennedy, R. I.	Randall, Wis.	Wingo
Dowell	Kincheloe	Ransley	Winslow
Drane	King	Rayburn	Woods, Va.
Dunbar	Kinkaid	Reber	Woodyard
Dunn	Kleczka	Reed, N. Y.	Wright
Dupré	Knutson	Reed, W. Va.	Young, N. Dak.
Dyer	Kraus	Rhodes	Young, Tex.
Eagan	Kreider	Ricketts	Zihlman
Echols	Lampert	Riddick	
Edmonds	Lanham	Robinson, N. C.	

NAYS—0.

ANSWERED "PRESENT"—1.

Clark, Fla.

NOT VOTING—129.

Ackerman	Esch	Kennedy, Iowa	O'Connor
Anthony	Evans, Mont.	Kettner	Oliver
Ayres	Evans, Nebr.	Kiess	Phelan
Baer	Ferris	Kitchin	Pou
Benson	Fish	Langley	Rainey, Ala.
Britten	Frear	Lonergan	Rainey, John W.
Browne	Freeman	Longworth	Ramsey
Brumbaugh	Gallagher	Luce	Randall, Calif.
Buchanan	Gandy	Lufkin	Reavis
Burke	Garner	Luhring	Riordan
Burroughs	Goodall	McAndrews	Rodenberg
Caldwell	Goodwin, Ark.	McCulloch	Rowan
Candler	Gould	McFadden	Rowe
Cantrill	Graham, Pa.	McKinley	Rubey
Clark, Mo.	Hamill	McLeod	Sanders, La.
Classon	Hamilton	McPherson	Sanders, N. Y.
Cole	Hardy, Tex.	Maher	Sanford
Costello	Harreld	Mann, Ill.	Schall
Davis, Minn.	Harrison	Mann, S. C.	Scully
Dent	Haugen	Mason	Sears
Dickinson, Mo.	Hersman	Milligan	Sims
Donovan	Hill	Monahan, Wis.	Small
Dooling	Howard	Moon	Smith, Mich.
Doremus	Hulings	Mooney	Smith, N. Y.
Doughton	James, Mich.	Morin	Steele
Drewry	James, Va.	Mudd	Steenerson
Eagle	Johnston, N. Y.	Murphy	Stiness
Ellsworth	Juul	Newton, Mo.	Sullivan
Emerson	Kahn	Nicholls	Sumners, Tex.

Swope	Vare	Whaley	Yates
Taylor, Colo.	Vinson	Wilson, Ill.	The Speaker
Thomas	Watkins	Wise	
Tilson	Welty	Wood, Ind.	

So the motion to concur in the Senate amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. REAVIS with Mr. MCANDREWS.
Mr. MUDD with Mr. MILLIGAN.
Mr. LUHRING with Mr. SULLIVAN.
Mr. BURKE with Mr. SMITH of New York.
Mr. RAMSEY with Mr. RIORDAN.
Mr. STEENERSON with Mr. CLARK of Missouri.
Mr. LANGLEY with Mr. CLARK of Florida.
Mr. WOOD of Indiana with Mr. KITCHIN.
Mr. YATES with Mr. STEELE.
Mr. MCPHERSON with Mr. HARRISON.
Mr. ROWE with Mr. RANDALL of California.
Mr. ACKERMAN with Mr. BENSON.
Mr. ESCH with Mr. SUMNERS of Texas.
Mr. TILSON with Mr. TAYLOR of Colorado.
Mr. MURPHY with Mr. O'CONNOR.
Mr. JAMES of Michigan with Mr. DONOVAN.
Mr. FISH with Mr. BRUMBAUGH.
Mr. MONAHAN of Wisconsin with Mr. CANDLER.
Mr. GOULD with Mr. WATKINS.
Mr. SANFORD with Mr. KETTNER.
Mr MASON with Mr. OLIVER.
Mr. NEWTON of Missouri with Mr. WHALEY.
Mr. JUUL with Mr. SIMS.
Mr. MCLEOD with Mr. HERSMAN.

The result of the vote was announced as above recorded.

On motion of Mr. VOLSTEAD, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had receded from its disagreement to the amendment of the House No. 113 to the bill (H. R. 15543) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1922, and for other purposes, and agreed to the same.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Clerk will call the Calendar for Unanimous Consent.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that we may first take up Senate bills on the Unanimous Consent Calendar.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that Senate bills on the Unanimous Consent Calendar be first taken up. Is there objection?

Mr. BLANTON. I object.

The SPEAKER. Objection is made. The Clerk will call the list.

NATIONAL FORESTS, STATE OF SOUTH DAKOTA.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 11118) authorizing the consolidation of lands in national forests in the State of South Dakota.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MONDELL. Mr. Speaker, I think this is rather too important a matter to be taken up at this time, and I object.

The SPEAKER. The gentleman from Wyoming objects. The Clerk will report the next bill.

CLAIMS OF INDIANS OF CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12788) authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CANNON. I object.

The SPEAKER. The gentleman from Illinois objects. The Clerk will report the next one.

ARID LANDS IN THE STATE OF CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8864) to encourage the reclamation of certain arid lands in the State of California, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. BLANTON. Mr. Speaker, may we have the bill read?

Mr. GARD. I object.

The SPEAKER. The gentleman from Ohio objects. The Clerk will report the next bill.

DIKE ACROSS MUD SLOUGH ON ISTHMUS INLET, OREG.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14158) granting the consent of Congress to H. H. Haynes to construct a dike across Mud Slough on Isthmus Inlet, in section 23, township 26 south, range 13 west, of Willamette meridian in Oregon.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GARD. Reserving the right to object, Mr. Speaker, what is the necessity for the erection of this work?

Mr. HAWLEY. At high tide this valuable land overflows with salt water, which renders the land unfit for agriculture. All the interests on the slough, which are small ones, are in favor of the construction of the dike, and the War Department says it has no objection to it.

Mr. GARD. I see it is to be constructed only with the approval of plans by the Chief of Engineers.

Mr. HAWLEY. Yes. That is the usual form.

Mr. GARD. That is supposed to protect all the rights of the United States?

Mr. HAWLEY. Yes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to H. H. Haynes, and his successors and assigns, to construct and maintain a dike and approaches thereto across the Mud Slough on Isthmus Inlet at a point suitable to the interests of navigation, at or near its mouth in section 23, township 26 south, range 13 west, of Willamette meridian in Oregon, in the county of Coos, in the State of Oregon, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable water," approved March 23, 1906.

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

With committee amendments, as follows:

On page 1, line 6, after the word "Inlet," insert a comma and strike out the words "at a point suitable to the interests of navigation."

Page 2, line 1, after the word "Oregon," strike out the comma and insert a colon, and strike out the balance of the paragraph. Insert after the colon the following words: "*Provided*, That the work shall not be commenced until the plans therefor have been filed with and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That no dam or dike constructed under the consent hereby granted shall be used to develop water power nor to generate electricity."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. HAWLEY, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next bill.

CHICKASAW AND SEMINOLE TRIBES OF INDIANS IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15085) to perpetuate the memory of the Chickasaw and Seminole Tribes of Indians in Oklahoma.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CAMPBELL of Kansas. Mr. Speaker, I do not see the gentleman from Oklahoma [Mr. MCKEOWN], the author of the bill, here.

Mr. MCKEOWN. It takes nothing out of the Treasury.

Mr. CAMPBELL of Kansas. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is, authorized and directed to erect at Tishomingo and Wewoka, Okla., monuments constructed of Tishomingo granite to perpetuate the memory of the Chickasaw and Seminole Tribes of Indians in Oklahoma.

SEC. 2. That the monument erected at Tishomingo, Okla., shall have inscribed thereon such words and figures as will in the judgment of the Secretary of the Interior preserve the memory of the Chickasaw Tribe of Indians in Oklahoma.

SEC. 3. That the monument erected at Wewoka, Okla., shall have inscribed thereon such words and figures as will in the judgment of the Secretary of the Interior preserve the memory of the Seminole Tribe in Oklahoma.

SEC. 4. That there is authorized to be appropriated out of any money belonging to the Chickasaw and Seminole Tribes of Indians in Oklahoma

in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior the sum of $25,000 from each tribe, respectively.

With the following committee amendment:

On page 2, line 12, strike out "$25,000" and insert in lieu thereof "$15,000."

Mr. BEE. Will the gentleman from Oklahoma yield?

Mr. McKEOWN. Yes.

Mr. BEE. Is this money to be paid out of the Indian funds?

Mr. McKEOWN. Out of the Indian funds.

Mr. BEE. And not out of the Treasury of the United States?

Mr. McKEOWN. Not out of the Treasury of the United States, but out of the Indian funds.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. McKEOWN, a motion to reconsider the vote by which the bill was passed was laid on the table.

WAR MINERALS PRODUCERS.

The next business on the Calendar for Unanimous Consent was the bill (S. 4259) to provide further for the relief of war minerals producers, and to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved February 2, 1919.

The Clerk read the title of the bill.

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

Mr. BLANTON, Mr. BEE, and others objected.

Mr. RHODES. Will the gentleman please withhold his objection?

Mr. BLANTON. I will withhold it if the gentleman wants to explain the bill.

The SPEAKER. Several gentlemen objected.

Mr. MONDELL. Mr. Speaker, there is no use in withholding objection. Evidently objection will be made, and it simply takes time, which might be better occupied.

Mr. RHODES. I simply desire to make a brief statement.

Mr. MONDELL. Mr. Speaker, I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

PENAL CODE OF THE CANAL ZONE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13649) to amend the Penal Code of the Canal Zone and the navigation rules of the Panama Canal.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MONDELL. I object.

INDIANS OF CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3998) authorizing any tribes or bands of Indians of California to submit claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MONDELL. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

CARSON NATIONAL FOREST.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14669) for the consolidation of forest lands in the Carson National Forest, N. Mex., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. McCLINTIC. Reserving the right to object, will the gentleman in charge of the bill state what its provisions are?

Mr. HERNANDEZ. This simply provides for the exchange of private lands for forest lands.

Mr. McCLINTIC. It has the recommendation of the Secretary of the Interior?

Mr. HERNANDEZ. Yes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized, in his discretion, to accept on behalf of the United States title to any lands within the Carson National Forest, N. Mex., if in the opinion of the Secretary of Agriculture the public interests will be benefited thereby and the lands are chiefly valuable for national forest purposes, and in exchange therefor may give not to exceed an equal value of such national forest lands or timber within the national forests of New Mexico as may be determined by the Secretary of Agriculture, and in determining the relative values of the lands or timber to be exchanged consideration shall be given to any reservations which either party may make of timber, minerals, or easements.

Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become a part of the Carson National Forest.

With the following committee amendments:

Page 1, line 10, after the word "the," insert the word "said."

Page 1, line 11, after the word "national," strike out the words "forests of New Mexico" and insert the word "forest."

Page 2, line 1, after the word "and," strike out the words "in determining the relative values of the lands or timber to be exchanged consideration shall be given to any reservations which either party may make of timber, minerals, or easements" and insert "the Secretary of the Interior."

Page 2, line 6, after the word "given," insert the words "and the timber on lands given."

Page 2, line 8, correct the spelling of the word "national."

Mr. CANNON. Mr. Speaker, has this bill escaped objection?

The SPEAKER. Yes.

Mr. CANNON. I should like to be recognized to ask a question or two.

The SPEAKER. Does the gentleman from New Mexico yield to the gentleman from Illinois?

Mr. HERNANDEZ. Certainly.

Mr. CANNON. We have not been very fortunate in exchanging our lands for private forest lands. The fact is there was great abuse many years ago and many worthless lands were exchanged for very valuable timbered lands owned by Uncle Sam.

If I had been aware that this bill was coming up, I should have objected to the consideration of it at this time, because in the last hours of the session, when we are all in very good temper, much dangerous and improper legislation goes through without question. We are all in a good humor. We will soon depart to our homes for a short time——

Mr. SINNOTT. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. SINNOTT. The exchanges which the gentleman complains of were under an entirely different law. They were under the old lieu land act. This bill provides for a different standard entirely from that old law. This provides for the exchange of lands of equal value. Under the old lieu land law, which was repealed a number of years ago, a man having 160 acres of worthless land could transfer it to the Government and get 160 acres of very valuable timberland, but that can not be done under this act.

Mr. CANNON. Why?

Mr. SINNOTT. Because the lands exchanged have to be of equal value.

Mr. CANNON. You will have an army of people examining the value of the respective lands; you will have many employees. And, after all is said and done, the Government generally gets the worst of it.

Mr. SINNOTT. As a matter of fact there have been a number of exchanges authorized under which no exchange has been made at all, because the owners of the private land feel that the cruisers of the Forest Service, the officials representing the Government, are too exacting; and as a matter of fact no exchanges have been made.

Mr. TAYLOR of Colorado. Will the gentleman permit a suggestion?

Mr. HERNANDEZ. Yes.

Mr. TAYLOR of Colorado. I call the attention of the gentleman from Illinois to the fact that the unfortunate conditions to which the gentleman refers, were under the old laws and that we have passed during this Congress, and during every Congress for the last 12 years, bills like this. This is the same form being used by the Public Lands Committee and the Forest Service, and there has been no wrong or outrage on the public under the language of this bill. Every Member from the West approves of this measure and the Forestry Service approves of it. There can be no outrage perpetrated under it.

Mr. HERNANDEZ. Let me say that I am acquainted with these lands and the intention of the bill is to exchange these lands within the forests for timberland in the forests.

Mr. CANNON. Does Uncle Sam gain anything by that?

Mr. HERNANDEZ. I think so, because it consolidates the forests. The homesteader being right in the forest is sometimes rather careless about guarding against fire. There will not be more than 10,000 acres altogether of private land within the forests and there may not be one-half of it exchanged at this time.

Mr. CANNON. After all, there would not be a swap made unless the citizen thought he was making a good trade, and then we have to trust agents for whose honesty you can not vouch, and I do not feel like criticizing the constituents of the gentle-

man from New Mexico—of course, they are looking out for themselves. But they would not make the exchange unless they thought it was to their advantage to make it.

Mr. HERNANDEZ. The Secretary of Agriculture thinks it is a good bill.

Mr. CANNON. What Secretary of Agriculture?

Mr. HERNANDEZ. Secretary Meredith; and, of course, he gets his advice from the officials on the ground.

Mr. DEMPSEY. Will the gentleman yield?

Mr. HERNANDEZ. Yes.

Mr. DEMPSEY. Might not the exchange be for the mutual benefit of both? Might not the exchange be to the advantage of the Government because it consolidates the land in the forest and to the advantage of the man because he may get a little better land, and at the same time both parties get advantage by the exchange, and is not that the purpose of the act?

Mr. HERNANDEZ. Yes.

Mr. DEMPSEY. Does not the act provide in express terms that the exchange shall not be made unless in the opinion of the Secretary of Agriculture it is for the advantage of the Government?

Mr. HERNANDEZ. Yes.

Mr. MAYS. Is this a general exchange bill, or does it apply to one forest?

Mr. HERNANDEZ. It applies to one forest.

Mr. MAYS. Does it permit the exchange of cut-over lands?

Mr. HERNANDEZ. No.

Mr. MAYS. Suppose a private party owned cut-over lands from which he had taken the timber; could he under this bill exchange those cut-over lands for other land?

Mr. HERNANDEZ. I think he could; but that is up to the Secretary of Agriculture.

Mr. BLANTON. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER pro tempore (Mr. CAMPBELL of Kansas). The gentleman from Texas makes the point of no quorum. The Chair will count. [After counting.] Two hundred and fifteen Members present, a quorum. The question is on the committee amendments.

The amendments were 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. HERNANDEZ, a motion to reconsider the vote by which the bill was passed was laid on the table.

ARMY APPROPRIATION BILL—CONFERENCE REPORT.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent that the conferees on the Army appropriation bill (H. R. 15943) may have up until 12 o'clock midnight in which to present a conference report for printing under the rules.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that the conferees on the part of the House on the Army appropriation bill may have until 12 o'clock midnight in which to file their report. Is there objection?

There was no objection.

CAMP FUNSTON.

The next business on the Calendar for Unanimous Consent was House resolution 635, requesting the War Department to furnish information to the Committee on Military Affairs regarding the abadonment of Camp Funston and providing that pending the furnishment of such information and action thereon that no action toward the wrecking and abandonment of said camp be taken.

The SPEAKER pro tempore. Is there objection?

Mr. GARD. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker, I object.

AMENDING THE NEW MEXICO ENABLING ACT.

The next business on the Calendar for Unanimous Consent was the bill (S. 4310) to amend an act entitled "An act to amend the New Mexico enabling act."

The SPEAKER pro tempore. Is there objection?

Mr. CANNON. Mr. Speaker, let us have the bill reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 13 of the act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admited into the Union on an equal footing with the original States," approved June 20, 1910, is hereby amended to read as follows:

"SEC. 13. That the State, when admitted as aforesaid, shall constitute one judicial district, and the circuit and district courts of said district shall be held at the capital of said State, and the said district shall, for judicial purposes, be attached to the eighth judicial circuit. There shall be appointed for said district one district judge, one United States attorney, and one United States marshal. The judge of said district shall receive a yearly salary the same as other similar judges of the United States, payable as provided for by law, and shall reside in the district to which he is appointed. There shall be appointed clerks of said courts, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held on the first Monday in March and the first Monday in September of each year. The circuit and district courts for said district and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and the clerks of the circuit and district courts of said district, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation now allowed by law to officers performing similar services for the United States in the Territory of New Mexico."

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

Mr. CANNON. Mr. Speaker, having heard the bill read, I have no objection. It seems to me to be a very proper bill.

Mr. RAKER. Mr. Speaker, reserving the right to object, will the gentleman from Ohio [Mr. GARD] please explain the bill?

Mr. GARD. Mr. Speaker, the bill has only one purpose, and that is the time of holding court in the district court of New Mexico from the first Monday in April to the first Monday in March, and from the first Monday in October to the first Monday in September. There is no other change. It is thought desirable by those living in New Mexico, court officials and citizens generally, that the change be made so that the time of holding court shall be one month earlier in the spring term and one month earlier in the fall term.

Mr. BEE. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. BEE. Under the enabling act is it necessary for the State of New Mexico to come to Congress for this character of relief?

Mr. GARD. It is. This is a Federal court.

Mr. BEE. They have to fix it in all cases under the enabling act?

Mr. GARD. Yes. Mr. Speaker, before the House proceeds further, I would say that the chairman of the Committee on the Judiciary has called my attention to certain necessary amendments which, if there be no objection to the bill, I shall offer. Those amendments are to strike out the word "circuit" where it appears in the bill, because there is no circuit court. This applies simply to the district court.

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

There was no objection.

Mr. GARD. Mr. Speaker, is the bill open to amendment now?

The SPEAKER pro tempore. It was open to amendment. The bill has been reported.

Mr. GARD. Mr. Speaker, I move to amend, on page 1 of the bill, in line 12, by striking out the words "circuit and."

The Clerk reported the amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GARD. Mr. Speaker, on page 1, line 13, I move to strike out the word "courts" and insert in lieu thereof the word "court."

The Clerk reported the amendment.

The amendment was agreed to.

Mr. GARD. Mr. Speaker, on page 2, line 8, I move to amend by striking out the word "clerks" and inserting in lieu thereof the word "clerk."

The Clerk reported the amendment.

The amendment was agreed to.

Mr. GARD. Mr. Speaker, I move to insert the article "a" before the word "clerk," same line, same page.

The Clerk reported the amendment.

The amendment was agreed to.

Mr. GARD. Mr. Speaker, on page 2, line 8, I move to strike out the word "courts" and insert the word "court."

The Clerk reported the amendment.

The amendment was agreed to.

Mr. GARD. Mr. Speaker, on page 2, line 9, I move to strike out the word "their" and insert in lieu thereof the word "his."

The Clerk reported the amendment.

The amendment was agreed to.

Mr. GARD. Mr. Speaker, page 2, line 9, I move to strike out the word "offices" and insert in lieu thereof the word "office."

The Clerk reported the amendment.

The amendment was agreed to.

Mr. GARD. Mr. Speaker, page 2, line 10, I move to strike out the words "courts" and insert in lieu thereof the word "court."

The Clerk reported the amendment.

The amendment was agreed to.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. BLANTON. Does not the distinguished gentleman from Ohio believe that in view of the fact that the bill is so very defective, requiring so many amendments to perfect it, it ought to go back to the committee?

Mr. GARD. I have only a very few more, and I beg the gentleman's indulgence. Mr. Speaker, on line 12, page 2, I move to strike out the words "circuit and."

The Clerk reported the amendment.

The amendment was agreed to.

Mr. GARD. Mr. Speaker, in line 12, page 2, I move to strike out the words "courts" and insert in lieu thereof the word "court."

The Clerk reported the amendment.

The amendment was agreed to.

Mr. GARD. Mr. Speaker, on page 2, line 15, I move to strike out the words "circuit and."

The Clerk reported the amendment.

The amendment was agreed to.

Mr. GARD. Mr. Speaker, in the same line, same page, I move to strike out the word "courts" and insert in lieu thereof the word "court."

The Clerk reported the amendment.

The amendment was agreed to.

Mr. GARD. Mr. Speaker, on line 18, page 2, I move to strike out the words "circuit and."

The Clerk reported the amendment.

The amendment was agreed to.

Mr. GARD. Mr. Speaker, page 2, line 18, I move to strike out the word "courts" and insert in lieu thereof the word "court."

The Clerk reported the amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 210, noes 7.

So the amendment was agreed to.

Mr. VOLSTEAD. Mr. Speaker, I desire to offer an amendment. Page 2, line 13, after the word "thereof," strike out the word "respectively."

The SPEAKER pro tempore. The gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. VOLSTEAD: Page 2, line 13, after the word "thereof," strike out the word "respectively."

The question was taken.

Mr. BLANTON. Division, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas demands a division.

The House again divided; and there were—ayes 208, noes 8.

So the amendment was adopted.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

ALIENATION OF LANDS TO CERTAIN QUAPAW INDIANS.

The next bill on the Unanimous Consent Calendar was the bill (H. R. 15780) to amend section 1 of the act of Congress approved March 2, 1895 (28 Stats. L., p. 907), and to extend restrictions against alienation of lands allotted to and inherited by certain Quapaw Indians, and for other purposes.

The Clerk read the title of the bill.

Mr. GARD. Mr. Speaker, I object in order that the bill may be stricken from the calendar.

Mr. SNYDER. Mr. Speaker, I was just about to make the statement that this bill has already passed as a rider on the appropriation bill.

Mr. CARTER. And it might as well be stricken from the Union Calendar.

The SPEAKER pro tempore. Without objection, the bill will be laid on the table. [After a pause.] The Chair hears no objection.

Mr. GARD. I objected to the consideration of the bill which automatically strikes it from this calendar.

Mr. CARTER. And it might as well be stricken from the Union Calendar.

The SPEAKER pro tempore. Is there objection to striking the bill from the Union Calendar? [After a pause.] The Chair hears none.

DISPOSITION OF BORON DEPOSITS.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 15445) to provide for the disposition of boron deposits.

The Clerk read the title of the bill.

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

Mr. BLANTON. Mr. Speaker, let us have the bill reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That hereafter all deposits of boron minerals and lands containing such deposits, owned by the United States, except deposits of potassium borates provided for in the act approved October 2, 1917 (40 Stats., p. 297), shall be subject to disposition only in the form and manner prescribed for the disposal of borates of sodium in the act approved February 25, 1920 (41 Stats., p. 437), entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain."

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

Mr. BARKLEY. Mr. Speaker, reserving the right to object, has this bill passed the Senate?

Mr. SINNOTT. A bill like this has been reported to the Senate. It is a departmental bill introduced by myself at the request of the Secretary of the Interior. At the present time there is no method of disposing of the particular material referred to except by patent. Now, this provides for the leasing of boron material or mineral.

Mr. BARKLEY. Will the gentleman advise the House what purpose there is of securing final action on bills now being enacted within two days of final adjournment if they have not passed the Senate?

Mr. SINNOTT. I think this bill will be enacted in the Senate because they have reported a similar bill. The chairman of the Senate committee has reported a bill which he introduced at the request of the Secretary of the Interior.

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

Mr. GARD. Mr. Speaker, reserving the right to object, the purpose of this bill is to include boric deposits under the provisions of certain statutes?

Mr. SINNOTT. The purpose of this bill is to include within the provisions of the oil and mineral leasing act, which we passed at the last session of Congress, borate of calcium. There is no law at the present time covering the disposal by lease of borate of calcium, from which is obtained all of our borax in this country. We have a law pertaining to borate of sodium and borate of potassium, but not to borate of calcium, and therefore we use the term "boron," which is generic and comprehensive, embracing all the borates from which borax may be obtained.

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

Mr. GARD. Is the bill submitted by the department?

Mr. SINNOTT. This was introduced at the request of the Secretary of the Interior.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The bill has been read.

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

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNCLAIMED FUNDS FROM OKLAHOMA TOWN SITES.

Mr. SINNOTT. The next bill upon the calendar was passed earlier in the evening and therefore I move it be stricken from the calendar.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent that the bill H. R. 15219 be stricken from the calendar. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following House concurrent resolution:

House concurrent resolution 77.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 10074) "An act to enlarge the jurisdiction of the municipal court of the District of Columbia, and to regulate appeals from judgments of said court, and for other purposes," the Clerk of the House be, and he is hereby, authorized and directed to incorporate the following amendment:

On page 9, line 1, after the word "and," strike out the following: "fuel, approved August 10, 1917," and insert in lieu thereof the following: "fuel, approved August 10, 1917, and to regulate rents in the District of Columbia."

INCORPORATING NATIONAL CONSERVATORY OF MUSIC OF AMERICA.

The next bill on the Unanimous Consent Calendar was the bill (S. 1551) to amend an act approved March 3, 1891, incorporating the National Conservatory of Music of America.

The Clerk read the title of the bill.

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

Mr. BLANTON. Mr. Speaker, I object.

Mr. HUSTED. Mr. Speaker, I move to suspend the rules and pass the bill S. 1551.

The SPEAKER pro tempore. The gentleman from New York moves to suspend the rules and pass the bill which the Clerk will report by title.

The Clerk read as follows:

An act (S. 1551) to amend an act approved March 3, 1891, incorporating the National Conservatory of Music of America.

Mr. BLANTON. Mr. Speaker, I demand a second.

Mr. HUSTED. Mr. Speaker——

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress approved March 3, 1891, constituting the persons therein named a body politic and corporate by the name National Conservatory of Music of America is hereby amended by substituting the names of Henry White, George Peabody Eustis, Charles D. Walcott, Mary Harrison McKee, Anna Cochran Ewing, Lillia Babbitt Hyde, Helen Hartley Jenkins, Dorothy Whitney Straight, Jeannette M. Thurber, Thomas Ewing, George McAneny, and Ernest M. Stires in place of Abram S. Hewitt, Frank R. Lawrence, William Pinckney Whyte, Enoch Pratt, Fitz Hugh Lee, William H. Payne, Olive Risley Seward, John Hay, S. P. Langley, Anthony Pollock, C. R. P. Rodgers, and John M. Scofield, and that said National Conservatory of Music of America may establish and maintain branches outside the District of Columbia.

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

Mr. BLANTON. Mr. Speaker, I demand a second.

Mr. HUSTED. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HUSTED. Mr. Speaker, the sole purpose of this bill is to permit the National Conservatory of Music, which was incorporated some 30 years ago by act of Congress, to maintain branches outside of the District of Columbia. The bill does one other thing: It substitutes the names of certain living persons in place of the names of certain incorporators who are now deceased. This National Conservatory of Music is entirely supported by private funds. It has never come to the United States Government for any support of any kind, and never will. It has done a great work for music in this country. At this institution hundreds of young men and young women have been educated in music absolutely without cost. They have had upon their teaching force the most eminent composers and musicians in the country. It is an institution well worthy of the support of this Congress in granting the small requests which it asks. The time has now come when it is really to its advantage to maintain branches in other places than the District of Columbia. Under the statute as it exists it can maintain a branch nowhere else.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. HUSTED. Certainly.

Mr. HUDDLESTON. I would like to ask what is the necessity for changing the names of the incorporators?

Mr. HUSTED. Well, there is not any necessity, except that certain of these incorporators are deceased.

Mr. HUDDLESTON. What is the propriety of it?

Mr. HUSTED. The propriety of it is their desire to name certain eminent persons, eminent in music, among the incorporators now in that act. There is no other purpose that I know.

Mr. HUDDLESTON. The real purpose is to pay an honor to these new parties?

Mr. HUSTED. I presume that is the sole and only purpose.

Mr. HUDDLESTON. At the expense of those who are dead?

Mr. HUSTED. It is not at the expense of anybody.

Mr. McCLINTIC. Will the gentleman yield?

Mr. HUSTED. I will.

Mr. McCLINTIC. The gentleman made the statement that the purpose of this bill was to allow branches to be established in other States, I take it?

Mr. HUSTED. Yes, sir.

Mr. McCLINTIC. Are those branches to be permitted to charge for instruction?

Mr. HUSTED. This conservatory, as I have said, is a private institution. I suppose they have a right to charge, and I suppose they do charge in some cases. But, as a matter of fact, hundreds of young men and young women who have been financially unable to educate themselves in music have been educated at this institution absolutely free of cost. The lady who has been the moving spirit is Mrs. Francis M. Thurber. I think anybody in this country who knows anything about the cause of music in America knows she has devoted a very large fortune to that cause.

Mr. McCLINTIC. Will the gentleman yield further?

Mr. HUSTED. I will.

Mr. McCLINTIC. The gentleman makes the statement that hundreds are educated free of charge.

Mr. HUSTED. Absolutely without any charge.

Mr. McCLINTIC. Who pays the cost in connection with this education?

Mr. HUSTED. A very large part of the cost has been made by Mrs. Francis M. Thurber, who is the principal mover, and the one who is chiefly interested in this institution.

Mr. KING. Will the gentleman yield?

Mr. HUSTED. I will.

Mr. KING. I am very favorable to this proposition, and I would like to ask the gentleman why it is necessary to get the authority of Congress to establish branches in other portions of the Union?

Mr. HUSTED. The claim is made, and the claim is supported by very eminent attorneys of this association, that they would have no legal right to maintain branches outside of the District of Columbia unless authority was granted by Congress.

Mr. KING. Can they do that in spite of some law to the contrary on the part of the States?

Mr. HUSTED. I assume there is no conflict of law in the States. So far as I know, they have not run counter to any State law.

Mr. KING. What does the gentleman think about it as a constitutional lawyer?

Mr. HUSTED. Well, I do not think it is necessary to pass an opinion upon it, and I do not think the opinion of "the gentleman" as a constitutional lawyer would be of any great value. Mr. Speaker, I move the previous question.

Mr. BLANTON. Mr. Speaker, the only objection that I have to this bill is its name—the National Conservatory of Music. It is a commercial enterprise, aside from the question of art that is connected with it. The principal place of business of this institution now is New York City. Under the terms of this proposed bill this so-called National Conservatory of Music could establish a branch conservatory in Philadelphia, another one in Baltimore, another one in Cleveland, another one in Chicago, another in St. Louis, another one in San Francisco, and so on. Its name, the National Conservatory of Music, gives it an advantage over every other conservatory now existing in the United States.

I doubt not what the gentleman says—that many young students of music are educated free—is true. I doubt not that that is correct. That is the case with every educational institution in the United States to-day. You will find students who are carried free on their enrollment.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I yield.

Mr. KING. What is the gentleman's objection to the word "national"?

Mr. BLANTON. My objection is that it gives them a commercial advantage over any other musical conservatory in the United States.

Mr. KING. What about the National Biscuit Co.?

Mr. BLANTON. Oh, yes; but it is not incorporated by Congress as a governmental institution. Whenever an institution with the name of "National Conservatory of Music" is incorporated by Congress, and it is a commercial enterprise, the name itself gives it a governmental relation everywhere in the United States. That is my objection.

Mr. HUSTED rose.

Mr. BLANTON. Oh, the gentleman is not going to take me off my feet. We might as well have an orderly procedure here now as at any time. I have my rights and I know them, and, no doubt, the Speaker will see that I get them.

I reserve the balance of my time, Mr. Speaker, and I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. MOORES of Indiana. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Arkansas.

Mr. WINGO. Mr. Speaker, I do not know that I shall use all of my five minutes. Of course, most thoughtful men recognize the danger of granting Federal charters to any kind of a private institution, but it seems this Federal charter was granted a long time ago, before the gentleman from Texas [Mr. BLANTON] or myself knew anything about music, except of an infantile nature. As I gather from the explanation of the gentleman in

charge of the bill, the principal function of this society is to furnish free music, free instruction in music; and I am inclined to think that even though it is brought in here in the closing hours of the session, when we are supposed to confine ourselves to important matters, we ought not to object to it and it ought to go through. I hope the gentleman from Texas [Mr. BLANTON] will allow it to go through without objection, because if there ever was a time when the American people needed free music it is at the beginning of a Republican administration. [Laughter.]

For two years you have been in absolute control of the Government, having a majority in both House and Senate, but you have given as an excuse for your inaction that you had a Democratic President, of whom you were either afraid or who was too intelligent for you to get around him. Your newspapers are already suggesting that the people should be patient and not expect too much of you. The Supreme Court of the United States did you a favor the other day when it decided that the Congress was without power, even in time of war, to do a whole lot of things that you have been making the American people believe you could do if the cantankerous and obstreperous Democratic administration would only let you do what you wanted to do. And you claimed you would do everything the people wanted; that you would make the price of wheat go up and the price of bread go down; so I think the people, when they realize how you have fooled them, will require a lot of lulling music to keep them quiet. [Laughter.] When they find out that you, instead of relieving them of taxes, intend to increase their burdens, you will need some music to enable you to quiet them, because they will begin to howl. You had better get used to it. I know how you felt when all the "wild asses from the green corn" that made up your new membership gathered in your caucus last night, and I know what a sigh of relief you heaved when you gathered them safely into the corral. [Laughter.]

Oh, yesterday you were on your p's and q's, and you heaved a sigh of relief because you got them into the corral and got them branded, and all you did for them was to promise them just two additions to the steering committee. You told the people you were going to reduce the expenditures of the Government a billion dollars a year. Instead of doing it, when you get through with your deficiencies in the next Congress it is going to dawn on the taxpayers that this was the most extravagant Congress that ever sat beneath the Capitol dome, and you will need some music then. [Applause.] If you do not do it the American taxpayers are going to sing you a song for which you will furnish the music. [Laughter.]

You now exult in the dance of victory; but remember, you must pay the fiddler. [Applause.]

Mr. BLANTON. I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, after listening to the witty speech of the gentleman from Arkansas [Mr. WINGO], I feel reluctant to enter upon a serious discussion of this bill. I am opposed to Federal charters. I do not believe that any private concern should be incorporated by act of Congress, especially should no company under purely private control and in which there is no general public interest be given congressional recognition by a special act.

But that is not my principal objection to this bill. As I look it over, I am convinced that I am growing old—that I belong to a past generation. The main purpose of this bill is to substitute the names of living persons for those of persons who are dead, to pay honor to the living, since "flattery can not soothe the dull, cold ear of death." With such a purpose I can have but little sympathy.

The reason I think I am growing old is that as I read the names of deceased persons to be stricken from the charter of this corporation and of the living to be substituted for them, I find that I recognize all the names of those who are dead, but am familiar with but few of those which it is proposed to substitute for them. It brings a feeling of sadness. I feel like one who stands alone, a sort of last leaf of yesterday. I recognize that it is because I am growing old.

I call to the attention of the House the names that it is proposed to strike from the charter of this concern: Abram S. Hewitt, Frank R. Lawrence, William Pinckney Whyte, Enoch Pratt, Fitz Hugh Lee, William L. Payne, Olive Risley Seward, John Hay, S. P. Langley, Anthony Pollock, C. R. P. Rodgers, and John M. Scofield. These are some of the most eminent names in American history—statesmen, soldiers, philanthropists, scientists, men of letters—eminent in the walks of life.

Mr. HUSTED. Will the gentleman yield?

Mr. HUDDLESTON. No. Instead of these eminent Americans it is proposed to substitute Henry White, George Peabody Eustis, Charles D. Walcott, Mary Harrison McKee, Anna Cochran Ewing, Lillia Babbitt Hyde, Helen Hartley Jenkins, Dorothy Whitney Straight, Jeannette M. Thurber, Thomas Ewing, George McAneny, and Ernest M. Stires.

Mr. HUSTED. Will the gentleman yield?

Mr. HUDDLESTON. No. Now, I do not doubt that the names of the persons whom I have last read are well known to the present generation. No doubt they include great soldiers and poets, men of wisdom and achievement; no doubt they are all persons of the highest eminence. No doubt they are just as famous as the first names that I read, only I do not know it. I am growing old. I belong to a generation which is passing. I recognize few of the names of these newly famous ones, and it makes me sad. It must be that I am growing old. Surely such talent as that which the gentleman from New York [Mr. HUSTED] brings to bear would not be devoted during the last moments of Congress to the ignoble task of embalming flies in amber. [Laughter.]

Oh, I know them well enough—the older ones. Hewitt and Fitzhugh Lee and Langley and Hay and the rest. Not to have known them in my day was to be ignorant of our country's history—of the best and highest and noblest in American life. And now they have served their purpose and are to be dismissed and kicked out of the charter of this corporation.

I am growing old. I crave the indulgence which is the perquisite of venerable years. I beg the gentlemen who are pushing this bill to respect the feelings of the elder generation and leave, yet to remain, some of these names with which we are acquainted. Let them wait yet a little while before they bring in the names of the newly famous, of the new great statesmen, of the new great generals, of the new great scientists, of the new great men who are identified with this latter day in America. Let them not be in such haste to ring down the curtain on Scofield and Payne and Whyte and Pratt.

I am growing old. I can not give my countenance to this ruthless innovation. Let us give the recognition which the exceeding eminence of the new great no doubt commands in some way which will not do violence to the respect due to those of our elder day and time.

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

Mr. HUSTED. Yes.

Mr. GARRETT. Is the gentleman familiar with any precedent for amending one of these special acts of Congress and substituting new names?

Mr. HUSTED. I am not familiar with any congressional precedent, but there is legislative precedent.

Mr. GARRETT. I mean legislation by Congress.

Mr. HUSTED. Not by Congress, but by the State.

Mr. KING. We have amended the statute——

Mr. HUSTED. The gentleman asked whether there was any legislative precedent for the substitution of names. There is no legislative precedent by Congress within my knowledge, and I doubt if it has occurred many times. Very few of these acts have been passed; but I do know of legislative precedent for exactly that action.

Mr. GARRETT. If the gentleman will permit me, I have always been opposed on principle to these special charters by act of Congress. I have never supported any since I have been here.

Mr. HUSTED. This was incorporated some 13 years ago, and I would like to say in reply to the gentleman from Texas that we do not change the name of this corporation. It is the same name carried in this bill under which the corporation was originally created.

Mr. BLANTON. I was only objecting to New York spreading out over the United States. We do not care what goes on there in New York.

Mr. GARRETT. If it was an amendment to the charter and not fundamental, I think it would not be worth while to interpose an objection, but I say very frankly to the gentleman that I really do not think—and I do not mean to reflect on the artistic ability of any of these who are named as new persons going into the charter—but the original charter undoubtedly provided for the selection of successors.

Mr. HUSTED. It provided for a continuation.

Mr. GARRETT. They could select their successors.

Mr. HUSTED. I think the majority of the original incorporators are dead.

Mr. GARRETT. But it was a continuing corporation. Now, we have, despite the objections I made, created a great many of these special acts, confining them to the District of Columbia, except in a few cases where they slipped by and got a charter that did not make them citizens of the District of Columbia. If we adopt this precedent, all the charters that we have passed are going to come here and ask to substitute new per-

sons. They may be entirely worthy of the honor, but I believe it is giving a prestige to corporations by act of Congress, and if we amend by putting in new names Congress will be continually dealing with these things.

Mr. HUSTED. I think the distinguished gentleman from Tennessee is anticipating a danger which does not exist.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. CHINDBLOM. Are these new names the names of persons actively engaged in the corporation?

Mr. HUSTED. They are actively interested in the work carried on by the corporation, active supporters.

Mr. CHINDBLOM. You are substituting working directors for honorary directors?

Mr. HUSTED. That is it, only we give the corporation more support and extend the activities in order that more young men and more young women in this country may get the benefit that this corporation is handing out to so many young people of the country.

The SPEAKER. The question is on the suspension of the rules.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 132 ayes and 30 noes.

Mr. BLANTON. I make the point of no quorum.

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

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

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Wednesday, March 2, 1921, 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:

429. A letter from the Acting Secretary of the Treasury, transmitting a supplemental estimate of appropriation required by the Treasury Department for "Medical and hospital service, Bureau of War Risk Insurance," fiscal year 1921 (H. Doc. No. 1015); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

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

Mr. DOREMUS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 4903) to authorize the construction and maintenance of a bridge across Detroit River within or near the city limits of Detroit, Mich., reported the same without amendment, accompanied by a report (No. 1388), which said bill and report were referred to the House Calendar.

Mr. STEENERSON, from the Committee on the Post Office and Post Roads, to which was referred the resolution (H. Res. 678) requesting the Postmaster General to furnish certain information to the House of Representatives, reported the same without amendment, accompanied by a report (No. 1389), which said bill and report were referred to the House Calendar.

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16153) granting the consent of Congress to the Washington & Old Dominion Railway, a corporation, to construct a bridge across the Potomac River, reported the same without amendment, accompanied by a report (No. 1390), which said bill and report were referred to the House Calendar.

Mr. RANDALL of California, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 16140) to authorize the Postmaster General to establish a post office of the second or third class at Glendale, Calif., reported the same without amendment, accompanied by a report (No. 1393), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DALE, from the Committee on Banking and Currency, to which was referred the bill (S. 4664) to amend the first paragraph of section 20 of the act of Congress approved July 17, 1916, known as the Federal farm loan act, as amended by the act of Congress approved April 20, 1920, reported the same without amendment, accompanied by a report (No. 1394), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

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

Mr. PETERS, from the Committee on Naval Affairs, to which was referred the bill (S. 1661) for the relief of Maj. Ellis B. Miller, reported the same with an amendment, accompanied by a report (No. 1392), which said bill and report were referred to the Private Calendar.

Mr. SNYDER, from the Committee on Indian Affairs, to which was referred the joint resolution (H. J. Res. 476) to pay the actual and necessary expenses of James I. Coffey and William Lufkins in visiting Washington in the interests of the Chippewa Indians of Minnesota, reported the same with an amendment, accompanied by a report (No. 1397), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. FOCHT, from the Committee on War Claims, to which was referred the bill (H. R. 8141) to provide for the payment to Alice E. Wells, formerly Alice E. Davis, only heir at law of John C. Davis, deceased, of the amount stated in the findings of the Court of Claims in congressional case No. 9264, reported the same adversely, accompanied by a report (No. 1391), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. CHINDBLOM: A bill (H. R. 16158) to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan, in the State of Illinois; to the Committee on Military Affairs.

By Mr. SWEET: A bill (H. R. 16159) to establish in the Treasury Department a bureau of soldier rehabilitation and war-risk insurance, and for the purpose of improving the facilities and services of the Bureau of War Risk Insurance, and for further amending and modifying the war risk insurance act; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Georgia: Joint resolution (H. J. Res. 478) requesting suspension of speculative short sales; to the Committee on Agriculture.

By Mr. TINCHER: Joint resolution (H. J. Res. 479) requesting suspension of speculative short sales; to the Committee on Agriculture.

By the SPEAKER (by request): Memorial from the Legislature of the State of Colorado, concerning the Bergdoll case and the case of the two American soldiers held prisoners in Eberbach, Germany; to the Committee on Foreign Affairs.

Also (by request), memorial from the Legislature of the State of Idaho, favoring the passage of the McFadden bill; to the Committee on Banking and Currency.

By Mr. DYER: Memorial from the Legislature of the State of Missouri, requesting the presence of the President at the Missouri Centennial Celebration to be held at Sedalia, Mo., in August, 1921; to the Committee on the Library.

By Mr. EVANS of Montana: Memorial from the Legislature of the State of Montana, relating to the disposition of cut-over timber lands; to the Committee on the Public Lands.

By Mr. McARTHUR: Memorial from the Legislature of the State of Oregon, urging the establishment of the grade of lieutenant general for Maj. Gen. Hunter Liggett; to the Committee on Military Affairs.

Also, a memorial from the Legislature of the State of Oregon, requesting a treaty between the United States and Great Britain for the protection of the salmon in boundary waters of the Pacific coast; to the Committee on the Merchant Marine and Fisheries.

By Mr. RIDDICK: Memorial from the Legislature of the State of Montana, requesting Congress to enact such legislation as will enable the State of Montana to dispose of the cut-over timberlands heretofore granted by exchange; to the Committee on the Public Lands.

By Mr. HERSEY: Memorial from the Legislature of the State of Maine, urging an amendment to the water power act; to the Committee on Water Power.

By Mr. McGLENNON: Memorial from the Legislature of the State of New Jersey, favoring the Wason bill (H. R. 13558), the Stevenson bill (H. R. 10845), the Langley bill, the Rogers bill, and the Fordney bill; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BROOKS of Pennsylvania: A bill (H. R. 16160) granting a pension to Adam Keesey; to the Committee on Pensions.

By Mr. ANDERSON: Resolution (H. Res. 704) to pay Ernest H. Bradley the sum of $300 for services rendered to the Committee on Appropriations; to the Committee on Accounts.

By Mr. DEMPSEY: Resolution (H. Res. 705) authorizing the payment of $500 to Joseph H. McGann, for services rendered to the Committee on Appropriations; to the Committee on Accounts.

By Mr. MADDEN: Resolution (H. Res. 706) for the relief of J. G. Nettleton; to the Committee on Accounts.

PETITIONS, ETC.

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

6163. By Mr. BABKA: Petition of the Czecho-Slovak Gymnastic Union, of Cleveland, Ohio, favoring compulsory physical education in the schools; to the Committee on Education.

6164. Also, petition of Rev. Nicholas Pfeil (of St. Peter's Rectory, representing 10,000 persons), M. T. Mazanec, John Mazanec, Helen Mazanec, Joseph W. Divoky, and the Corlett Catholic Club, all of Cleveland, Ohio, protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6165. Also, letters from certain citizens of Cleveland, Ohio, favoring the recognition of the Irish republic and protesting against the deportation of Lord Mayor O'Callaghan; to the Committee on Foreign Affairs.

6166. By Mr. BURROUGHS: Resolution of L'Union St. Jean Baptiste d'Amerique, Council Ste. Cecile, No. 277, Suncook, N. H., protesting the passage of the Smith-Towner bill; to the Committee on Education.

6167. Also, resolution of L'Union St. Jean Baptiste d'Amerique, Council St. Jean Baptiste, No. 282, Newmarket, N. H., protesting the passage of the Smith-Towner bill; to the Committee on Education.

6168. By Mr. CROWTHER: Petition of 2,500 residents of the thirteenth congressional district of New York, protesting against the enactment of the Smith-Towner bills (S. 1017 and H. R. 7); to the Committee on Education.

6169. By Mr. CURRY of California: Petition of C. J. Johnson and Taurent Sarlatte, of Napa County, Calif., for the relief of the star-route mail contractors; to the Committee on the Post Office and Post Roads.

6170. Also, petition of the St. Francis Young Ladies' Institute, of Sacramento, Calif.; the Dominican Institute, No. 56, of Benicia, Calif.; and 130 citizens of Benicia, Calif., protesting against the passage of the Smith-Towner bills; to the Committee on Education.

6171. By Mr. DYER: Petition of the Merchants' Exchange of St. Louis, Mo., requesting an extension of time in which claims for overcharge which accrued on shipments moving during the period of Federal control of railroads may be filed; to the Committee on Interstate and Foreign Commerce.

6172. Also, petition of the Missouri Farm Bureau Federation, of Columbia, Mo., relating to reliable statistics concerning livestock holdings; to the Committee on Agriculture.

6173. Also, petitions of Michael Curran, chairman, St. Louis, Mo., signed by himself and many others, and the International Federation of Catholic Alumnæ, Missouri State Chapter, protesting against the Smith-Towner bill; to the Committee on Education.

6174. Also, petition of the American Association for the Recognition of the Irish Republic, urging prompt recognition of the republic of Ireland and its president by the Government of the United States, etc.; to the Committee on Foreign Affairs.

6175. By Mr. FREEMAN: Petition of Council Florimond, No. 74, Willimantic, L'Union St. Jean Baptiste d'Amerique; Council Cremazie, No. 196, Moosup, L'Union St. Jean Baptiste d'Amerique; Council Dame de la Valtrie, No. 161, Grosvenordale, L'Union St. Jean Baptiste d'Amerique; Council St. Cecile, No. 113, Willimantic, L'Union St. Jean Baptiste d'Amerique; Council Gagnon, No. 208, Taftville, L'Union St. Jean Baptiste d'Amerique; Council Marie de L'Incarnation, Moosup, L'Union St. Jean Baptiste d'Amerique, all in the State of Connecticut, protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6176. By Mr. FULLER: Petition of the North Western Novelty Co., of Morris, Ill., favoring the coinage of a 2-cent piece; to the Committee on Coinage, Weights, and Measures.

6177. Also, petition of W. L. Craig and sundry others of Ottawa, Ill., favoring an amendment to the Volstead Act; to the Committee on the Judiciary.

6178. Also, petition of the Women's Club of Belvidere, Ill., favoring the preservation of the national parks; to the Committee on Interstate and Foreign Commerce.

6179. Also, petition of Joseph Tiers, of Chicago, Ill., favoring the Nolan Patent Office bill; to the Committee on Patents.

6180. Also, petition of the Calline Club, of Streator, Ill., favoring the passage of the Smith-Towner bill; to the Committee on Education.

6181. Also, petition of H. G. Stewart, of Oak Park, Ill., opposing the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

6182. Also, petition of S. J. Ziener, of Rockford, Ill., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6183. By Mr. KELLY of Pennsylvania: Petition of the State Federation of Pennsylvania Women, urging the passage of the Sheppard and Towner bills; to the Committee on Interstate and Foreign Commerce.

6184. By Mr. KENNEDY of Rhode Island: Resolutions of Council Notre Dame, L'Union St. Jean Baptiste d'Amerique, of Central Falls, R. I., and Council Ste. Concorde, L'Union St. Jean Baptiste d'Amerique, of Albion, R. I., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6185. By Mr. LEHLBACH: Petition of certain citizens of Newark, Camden, and Irvington, N. J., protesting against the occupation of Germany by French colonial troops; to the Committee on Foreign Affairs.

6186. By Mr. LINTHICUM: Petition of Dr. L. P. Henneberger and Dr. Lewellys F. Barker, Baltimore, favoring Senate bill 4927; to the Committee on Ways and Means.

6187. Also, petition of William F. McAvoy, Peter I. Huesman, Mrs. Fanny C. Gough, Francis B. Wiers, Joseph M. Simon, Mary R. Simon, T. J. Dee, John T. McShane, Mrs. L. C. Michael, W. J. Stanton, Allan Macsherry, Mrs. Mary L. Ellinger, Austin J. Lilly, and Alice Louise Thompson, all of Baltimore, Md., protesting against Smith-Towner bill; to the Committee on Education.

6188. Also, petition of John W. Williams, Herbert E. Hampton, Cidney P. Thanhouser, Charles I. Weiller, and President Walter Hollander, of Public School Association, all of Baltimore, Md., favoring the Smith-Towner bill; to the Committee on Education.

6189. Also, petition of Gilpin, Langdon & Co., Baltimore, regarding protest of Senate bills 3944 and 4828; to the Committee on Agriculture.

6190. Also, petition of Dr. Charles F. Blake, Baltimore, favoring removal of 5 per cent tax on films; to the Committee on Ways and Means.

6191. Also, petition of the Crown Cork & Seal Co., Baltimore, favoring continuance of Muscle Shoals; to the Committee on Appropriations.

6192. Also, petition of the Harford County National Farm Loan Association, Bel Air, Md., favoring farm loan act; to the Committee on Banking and Currency.

6193. Also, petition of the Baltimore Fruit & Produce Association, Baltimore, protesting against H. R. 9521; to the Committee on Agriculture.

6194. Also, petition of Sparrows Point Lodge, No. 63, Baltimore, and Moving Picture Operators' Protective Union, Baltimore, approving resumption of trade relations with Russia; to the Committee on Foreign Affairs.

6195. By Mr. LUFKIN: Resolution of the L'Union St. Jean Baptiste d'Amerique, of Ipswich, Mass., protesting against the passage of the so-called Smith-Towner bill; to the Committee on Education.

6196. Also, resolution of the L'Union St. Jean Baptiste d'Amerique, of Amesbury, Mass., protesting against the passage of the so-called Smith-Towner bill; to the Committee on Education.

6197. Also, petition of L'Union St. Jean Baptiste d'Amerique, Salem, Mass., protesting against the passage of the so-called Smith-Towner bill; to the Committee on Education.

6198. By Mr. O'CONNELL: Petition of the Merchants' Association of New York, asking for adequate funds for quarantine improvements in New York, Boston, Philadelphia, and Baltimore; to the Committee on Appropriations.

6199. By Mr. PAIGE: Petition of Council Bourget No. 280, L'Union St. Jean Baptiste d'Amerique, Leominster, Mass.; Council Lamy No. 225, L'Union St. Jean Baptiste d'Amerique, Spencer, Mass.; and the Catholic Women's Club, of Gardner,

Mass., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6200. By Mr. PATTERSON: Petition of the Westville & Newbold Building & Loan Association, of Westville, N. J., indorsing the exemption of annual income of $500 when derived from investments in a domestic building and loan association; to the Committee on Ways and Means.

6201. By Mr. REBER: Petition of the Chamber of Commerce of Pottsville, Pa., protesting against the Federal coal bill and the Federal live-stock commission bill; to the Committee on Agriculture.

6202. Also, petition of Katherine O'Hara, of Pottsville, Pa., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6203. By Mr. SHREVE: Communications from Holy Name Society, St. John's Church, Erie, Pa.; Branch No. 65, Knights of St. George, Erie, Pa.; Catholic Women's League, St. John's Church, Erie, Pa.; and Corry Council No. 425, Knights of Columbus, Corry, Pa., protesting against the passage of the Smith-Towner educational bill; to the Committee on Education.

6204. By Mr. SNELL: Petition of L'Union St. Jean Baptiste d'Amerique, Council Ste. Anne, No. 357, Tupper Lake, N. Y., protesting against the passage of the Smith-Towner bill; to the Committee on Education.

6205. By Mr. TINKHAM: Petition of the Thomas McDonagh Council for the Recognition of the Irish Republic, Boston, Mass., favoring the recognition of the Irish republic; to the Committee on Foreign Affairs.

6206. By Mr. VARE: Petition of the Philadelphia Board of Trade, favoring a daylight-saving law; to the Committee on Interstate and Foreign Commerce.

6207. By Mr. WATSON: Petition of the corresponding secretary of the Langhorne Sorosis, of Langhorne, Pa., favoring the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *March 2, 1921.*

(Legislative day of Thursday, February 24, 1921.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

CORRECTION OF THE RECORD—POSTMASTERS.

Mr. HITCHCOCK. Mr. President, there is a little matter which I desire to bring to the attention of the Senate in the nature of correcting the RECORD of yesterday. I have received this morning from the Postmaster General a letter reading as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., March 2, 1921.

Hon. G. M. HITCHCOCK,
United States Senate.

MY DEAR SENATOR: On page 4327 of the CONGRESSIONAL RECORD of March 1, 1921, Senator LODGE states:

"Mr. Cleveland blanketed in 40,000 postmasters at one time."

Senator LODGE is in error, as Mr. Cleveland never issued any Executive order classifying postmasters. Mr. Roosevelt, on November 30, 1908, issued an order blanketing postmasters at offices of the fourth class in certain States into the classified service. On October 15, 1912, Mr. Taft issued an order blanketing into the classified service the fourth-class postmasters in the remainder of the States.

Very sincerely,

A. S. BURLESON,
Postmaster General.

The Postmaster General is correct, so far as the RECORD is concerned. The RECORD reports the Senator from Massachusetts [Mr. LODGE] as using the language which he quotes, but my personal recollection is that the Senator referred to employees of the Government generally and not to postmasters. However, I have offered this letter of the Postmaster General in order that the RECORD may be corrected and that the Senator from Massachusetts may have the opportunity to correct the typographical error.

Mr. LODGE. Mr. President, I did not say "postmasters." I said "offices." It is a mistake which I ask to have corrected. I very well knew that Mr. Cleveland never issued any order about post offices at all. President Roosevelt and President Taft did. It merely came into my mind when I remembered that first and last Mr. Cleveland, after the offices had been filled, put them under civil service to the number of 40,000, as I recall; but, I repeat, I did not say "postmasters"; I said "offices." President Cleveland never took any such action concerning postmasters, so far as I remember.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT laid before the Senate a communication from the Assistant Secretary of Labor, transmitting, pursuant to law, schedules of useless papers devoid of historic interest accumulated in the files of the department, and asking for action looking to their disposition, which was referred to a Joint Select Committee on Disposition of Useless Papers in the Executive Departments, to be selected by the Chair. The Vice President appointed Mr. WALSH of Montana and Mr. FRANCE members of the committee on the part of the Senate, and ordered that the Secretary of the Senate notify the House of Representatives thereof.

ENROLLED BILLS SIGNED.

The signature of the Vice President was announced to the following enrolled bills, which had previously received the signature of the Speaker of the House of Representatives:

H. R. 8067. An act to establish standard weights and measures for the District of Columbia; to define the duties of the superintendent of weights, measures, and markets of the District of Columbia; and for other purposes;

H. R. 11572. An act for the relief of the John E. Moore Co.;

H. R. 12045. An act to provide for the conveyance of lots on the low grounds of Washington, D. C.;

H. R. 12634. An act for the relief of Wilhelm Alexanderson; and

H. R. 16100. An act making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service for the fiscal year ending June 30, 1922, and for other purposes.

FRENCH COLONIAL TROOPS IN GERMANY.

Mr. SPENCER. Mr. President, I have received, as doubtless have many other Senators, a large number of anxious and protesting communications concerning alleged brutalities and atrocities in the occupied portion of Germany by the French Negro colonial troops. There is a report—No. 397—on this question that has been printed as a Senate document. I took the matter up with the Secretary of State, and very promptly received an answer in connection with the matter, which ought, in my judgment, to be printed in the RECORD. It clearly shows, largely on the testimony of American officers and representatives who are near the localities concerned, that these alleged atrocities are mere irresponsible propaganda, untrue in fact, and officially disapproved by the German Government. I ask that the letter from the Secretary of State be referred to the Committee on Foreign Relations and printed in the RECORD.

There being no objection, the letter was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, February 7, 1921.

In reply refer to WE 862t.01/232.

The Hon. SELDEN P. SPENCER,
United States Senate.

SIR: I have the honor to acknowledge the receipt of your letter of February 4, 1921, referring to reports of misconduct of French Negro troops in the occupied portion of Germany.

In reply I have the honor to inform you that the department is in receipt of many letters from individuals and from societies concerning this matter, all of which letters are answered at some length in order to correct misunderstandings. As soon as the first complaints were received an investigation was made, and from reports received from diplomatic and American military sources it is understood that there are at the present time no black troop units in the occupied territory, the French having removed such troops some time ago. It is believed, however, that there are certain Algerian and Moroccan troops still employed in the armies of occupation, such troops being Arab or a mixture of Arab, French, and other nationalities, and including a large proportion of purely French soldiers. So far as is known the Germans have made no accusations against the conduct of these troops.

The number of Senegalese troops in the occupied regions was never large. The specific attacks made against them in the German press have in most cases been refuted by investigation or by testimony on the part of responsible Germans, and where individuals have been found guilty they have been promptly punished. The American authorities in the Rhineland state that the stories of atrocities originate not in the occupied territory but in Berlin and appear to be very largely anti-French propaganda. This opinion would appear to be carried out by the fact that the agitation in the United States is carried on largely by the German-language press. Inasmuch as it is the