

stowe, and 3,193 other citizens of Rochester, N. Y., asking that legislation be enacted prohibiting the manufacture and sale of intoxicating liquors for the period of the war, opposing a separate peace for beer, and asking that the House bone-dry amendment be restored to the Lever bill when returned from the Senate; to the Committee on the Judiciary.

Also, petition of sundry citizens of Rochester, N. Y., urging prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Jacob Schnorr and about 100 others, of Werner Park, Rochester, N. Y., protesting against any kind of prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Memorial of National Conference for Extension of Education, relative to handling entire problem of food production; to the Committee on Agriculture.

By Mr. FOSS: Petition of employees of Irving Post Office Station, Chicago, Ill., urging the passage of the Tague resolution, House joint resolution 121; to the committee on the Post Office and Post Roads.

By Mr. FULLER of Illinois: Memorial of American Drug Manufacturers' Association, concerning tax on nondenatured alcohol; to the Committee on Ways and Means.

By Mr. HARRISON of Mississippi: Memorial of women of Gulfport and others of Mississippi, favoring passage of the Anthony amendment for suffrage; to the Committee on the Judiciary.

Also, memorial of Young Men's Christian Association, of Co-hay, Miss., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. LUNDEEN: Petition of members of the congregation of Christ Church, Minneapolis, Minn., Rev. O. H. Schmidt, pastor, urging the passage of an amendment to the act of March 3, 1917, allowing the mails to carry such mailing matter as is unconditionally necessary to enable churches, one and all, to secure the wine needed for sacramental purposes; to the Committee on the Judiciary.

Also, resolutions of the City Council of Minneapolis, Minn., transmitted by H. G. Benton, assistant city clerk, urging that Congress take immediate action to bring relief to the people of the United States from the exorbitant prices charged for foodstuffs, coal, and building material; to the Committee on Agriculture.

Also, resolutions of South Minneapolis Total Abstinence Society, Frederick Kavli, secretary, Minneapolis, Minn., urging that the manufacture of intoxicating liquors from foodstuffs be prohibited during the war; to the Committee on Agriculture.

By Mr. SANDERS of New York: Petition of citizens of Geneseo, N. Y., in mass meeting in the Methodist Episcopal Church, favoring prohibition of sale and manufacture of all intoxicants, the redistillation of liquors in bonded warehouses, and the removal of the tax on intoxicating liquors; to the Committee on the Judiciary.

Also, petition of 21 members of a committee of women of Brockport, N. Y., representing about 1,000 women in different organizations in that vicinity, in favor of the prohibition clause in the food bill as passed by the House; to the Committee on Agriculture.

Also, petition of 9,580 citizens of Rochester, N. Y., in a series of mass meetings, protesting against the elimination of beer and wine from the Lever bill, and favoring its passage as passed by the House; to the Committee on Agriculture.

Also, petition of the Central Labor Union of Batavia, N. Y., indorsing the food administration bill; to the Committee on Agriculture.

Also, petition of citizens of Rochester, N. Y., in three mass meetings, attended by 4,000, unanimously asking for the suppression of the entire liquor traffic for the period of the war and for the passage of the Lever bill as passed by the House; to the Committee on the Judiciary.

By Mr. SNELL: Petition of citizens of St. Lawrence County, N. Y., favoring national enfranchisement of women; to the Committee on the Judiciary.

## SENATE.

MONDAY, July 30, 1917.

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

Almighty God, we have come into the possession of a glorious heritage. Lest we forget that it is by Thy grace that we have come into this possession, we continually make mention of Thy name. We come with adoration and praise before Thee, God of all the earth, and pray Thee to lift up the light of Thy countenance upon us. Give to Thy servants in this Senate the clear discernment of the divine purpose and will. Give them the spirit to execute Thy will among us as a Nation, that the laws

they write may be a transcript of the divine mind, and that the destiny awaiting us may be the fulfillment of the divine plan. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, July 24, 1917, when, on request of Mr. McCUMBER and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

### FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of Sara F. Cox, heir and legal representative of James J. Cox, deceased, v. The United States (S. Doc. No. 68), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House agrees to the amendment of the Senate to the bill (H. R. 3331) for the protection of the desert-land entrymen who enter the military or naval service of the United States in time of war.

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication signed by Gustave Hafer, president of the Farmers' Feed Co., of New York, in which he states that a petition from that company, of which he is president, was accredited with approval of national prohibition as a war measure. He desires to state that the Farmers' Feed Co. is irrevocably opposed to prohibition, both in times of peace and war. The communication will be placed on the files of the Senate.

The Chair also lays before the Senate a communication from Ernest Bohm, corresponding secretary of the Central Federated Union of Greater New York and vicinity, stating that a petition sent by them to Congress on June 27, 1917, and presented to the Senate stated that they were in favor of national prohibition as a war measure. The fact is that they are opposed to national prohibition most determinedly and request that the Record show that the Central Federated Union of Greater New York and vicinity is opposed to national prohibition as a war measure. The communication will be filed.

Mr. SHEPPARD. Mr. President, I desire to present petitions in behalf of the nation-wide prohibition amendment, representing some ten to twelve million people. The petitions were prepared and circulated under the supervision of Miss Anna Gordon, the able and devoted president of the Woman's Christian Temperance Union, assisted by Mrs. Ellis, the faithful and effective national legislative representative. I ask that the petitions may be received and lie on the table.

Mr. POMERENE. I have received a large number of memorials signed by citizens of Cincinnati, Ohio, remonstrating against national prohibition. I ask that the memorials be received and appropriately referred.

The PRESIDENT pro tempore. The memorials will lie on the table.

Mr. PHELAN presented a petition of the Southern District of California Federation of Women's Clubs of Colton, Cal., praying for the establishment of a moral zone around the concentration camps of the Army, which was ordered to lie on the table.

Mr. McKELLAR. I present a resolution of the Southern Newspaper Publishers' Association, which I desire to have printed in the RECORD.

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

ASHEVILLE, N. C., July 9, 1917.

The Southern Newspaper Publishers' Association, composed of 105 of the leading daily newspapers of the South, in convention assembled, to-day unanimously passed a resolution expressing the keenest sympathy with the Government's needs in the present extraordinary financial situation; the most cordial willingness to cooperate in raising the necessary additional revenues; and their desire to stand their just and fair proportion of the increased taxation. The convention, however, unanimously voiced the opinion that the proposed extra tax on the net revenues of newspapers, which does not apply to other lines of business, is unjust, unfair, and discriminatory.

In reference to the proposed increase in second-class postage rates, this association believes that it has no place in a revenue bill, and the proper rate or rates should be determined by an impartial investigation. If, however, an increase in postage rates is absolutely necessary at this time, this association believes that the only fair and equitable basis is the zone system, the theory of which is fully outlined in Senator McKELLAR's amendment, with the present rate applying for the first 300 miles, which investigation has shown already affords the Government a profit, and increasing rates for longer distances in proportion to the cost to the Government for services rendered publishers.

SOUTHERN NEWSPAPER PUBLISHERS' ASSOCIATION.

Resolutions adopted by the Southern Newspaper Publishers' Association, in convention at Asheville, N. C., July 9-11, 1917.

Resolved, That the Southern Newspaper Publishers' Association, representing 105 leading daily newspapers of the South, in convention assembled, unqualifiedly approves and strongly urges the immediate adoption of the complete plans of the print-paper committee of the



American Newspaper Publishers' Association to empower the Federal Trade Commission by legislative enactment to control the production of news-print paper, to pool its distribution, and to fix its price.

This action is absolutely necessary to conserve the best interest of our Government and our people under the present extraordinary emergency.

*Resolved*, The Southern Newspaper Publishers' Association, representing 105 leading daily newspapers of the South, in convention assembled, unanimously inorses and urges the adoption of the plans for the release and development of the water power of our country as proposed in the Walsh bill in the Senate and the Reed bill in the House.

We believe that the adoption of such measures insures the development of our country along industrial lines, and especially do they promise permanent relief to the newspapers of the country from the oppressive condition brought about by the News-print Manufacturers' Trust.

#### ELECTION OF PRESIDENT AND VICE PRESIDENT.

Mr. JONES of Washington. I have a petition prepared by Julius A. Coleman, of Seattle, Wash., suggesting a plan for the direct election of President and Vice President of the United States. The petition shows a great deal of research and study, and I think, in connection with the amendments that are now pending relating to this matter, it would furnish some very valuable information and suggestions. I ask that the petition may be printed in the RECORD. I will also state that the petition is signed by about 30 very representative men from my State, and as the number of petitioners is limited to that small number, I ask that the signatures may also be printed with the petition in the RECORD.

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

The petition is as follows:

*To the honorable the Senate of the United States of America:*

Privileged by his country's Constitution, your petitioner braves the criticism of presumption in praying your consideration of the following plan to remove and prevent occasions for hurtful evil permitted in that Constitution, universally considered supreme, and, God grant, of always reverential honor.

At the same time, assuming sole responsibility for errors and imperfections in this proposal and in the argument in support thereof, he voices his petition in no tone of supplication, but with all the confidence that belongs to a coruler of a common country.

Should this proposal have the honor of your consideration, it is made with no thought that it will be submitted to the people as drawn, but to awaken your wiser effort to better its purpose in substance, phrase, and form.

To amend the Constitution of the United States so as to elect President and Vice President by a direct vote of the people.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That in lieu of section 1 of Article II of, and the twelfth amendment to, the Constitution of the United States, and to stand as section 1 of Article II of the Constitution, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part thereof when ratified by the legislatures of three-fourths of the States:

#### "ARTICLE XVIII.

##### "SECTION 1.

"CLAUSE 1. The executive power shall be vested in a President of the United States of America. He shall hold his office for the term of six years, beginning the 4th day of January next following his election, and shall be elected by the people of the United States. At the same time, for the same term, and in the same manner, there shall be elected a Vice President of the United States of America, upon whom, as President, shall devolve the powers and duties of the said office in case of the death or constitutional disability of the President to discharge the powers and duties thereof, or of his resignation or removal therefrom.

"CLAUSE 2. No person shall be eligible to the offices of President and Vice President except a natural-born citizen of the United States who has attained to the age of 35 years and been 14 years a resident in the United States; neither shall an inhabitant of the same State as the President be eligible to the office of Vice President; nor shall a person who has held the office be eligible to the office of President.

"CLAUSE 3. The legislature of each State shall by law provide for the establishment therein of election districts for such election, which districts shall, as nearly as practicable, be of contiguous territory and of equal population, and, as to such arrangement thereof, subject to the approval of the Congress; and, unless the Congress shall otherwise by law provide, shall be equal in number to the whole number of Senators and Representatives to which the State may be entitled in the Congress. Citizens of the United States in each district who have the qualifications requisite for electors of the most numerous branch of the legislature of such State, or who have the right in such State to vote for President, Vice President, Senators, or Representatives in the Congress, shall have the right to vote therein at this election, or at any election preparatory thereto that the Congress may by law provide to be held; they shall vote by ballot, and shall name in their ballots the person voted for as President and the person voted for as Vice President.

"CLAUSE 4. The Congress shall determine the day on which the election shall be held for President and Vice President, which day shall be the same throughout the United States; shall make uniform laws, regulations, and provisions for such election and for ascertaining and declaring the results thereof, which the authorities of each State shall carry into execution, but which in their default the Congress shall carry into execution; shall fix the day on which and the method whereby the votes, by districts, in all the States shall be counted at the seat of government and the results thereof declared; and shall, every sixth year, not less than one year before the date of such election, establish or cause to be established in each State a tribunal, which shall be chosen, designated, and compensated as the Congress may by law provide, but shall have as members thereof at least one of the judges of a United States court then established in such State,

and at least one of the judges of the supreme court of such State, which tribunal shall have exclusive jurisdiction over all controversies and contests as to such election, shall immediately hear and finally determine such as are brought before it, and shall keep and publish a record of its proceedings.

"CLAUSE 5. The executive in each State shall, within 10 days after the results of such election are ascertained, make in quadruplicate distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each in each of said districts in such State, which lists he shall sign and certify to under the seal of the State and dispose of as follows: One list he shall transmit sealed to the seat of government of the United States, by registered letter, directed to the President of the Senate; one list he shall transmit, in the same manner, directed to the Secretary of State of the United States; one list he shall deliver to the judge of the district court of the United States for the district in which the seat of government of the State is located; and one list he shall deposit in the archives of his office.

"CLAUSE 6. The President of the Senate on the day fixed by the Congress, which day shall not be later than 30 days prior to the date of inaugurating the President, shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes of all the districts as certified to shall then be counted.

"The person having the votes of the greatest number in each district for President shall have the vote of such district for President, and the person having the votes of the greatest number of districts for President shall be declared the President, if such number be a majority of all the districts.

"CLAUSE 7. If no person have such majority, the House of Representatives elect shall be immediately convened in special session solely for such purpose, and from the persons, not exceeding three, having the highest numbers on the list of those voted for as President shall choose immediately by ballot the President.

"In case of the death or permanent disability of either of such three persons, in his stead one of the three persons from whom such choice shall be made shall be the person voted for as Vice President in association with such person as President; and in case of either calamity to that person the person nominated by the organized national authority of the body of the people who voted for them for President and Vice President in said election.

"A quorum for this purpose shall consist of two-thirds of the whole number of Representatives elect, and in so choosing the President a majority of the whole number shall be necessary to a choice.

"CLAUSE 8. In case, however, of the death or permanent disability to discharge the powers and duties of the said office of the person so shown to have been elected President by the people, then the person shown to have been elected Vice President by the people as hereinafter provided shall be declared the President.

"And in case the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th day of January next following, and the right to choose a Vice President shall at the same time devolve upon the Senate, as hereinafter provided, the Vice President chosen as so provided shall be declared to be the President, as in the case of the death or other constitutional disability of the President.

"CLAUSE 9. The person having the votes of the greatest number in each district for Vice President shall have the vote of such district for Vice President, and the person having the votes of the greatest number of districts for Vice President shall be declared the Vice President, if such number be a majority of all the districts. If no person have such majority, then from the two highest numbers on the list of those voted for as Vice President, in case of the death or permanent disability to discharge the powers and duties of the said office of either of such two, in his stead, the person nominated, either by his associate voted for as President, or, if he do not act, by the organized authority of the body of the people who voted for them, the Senate shall choose by ballot the Vice President. A quorum for this purpose shall consist of two-thirds of the whole number of Senators and a majority of the whole number shall be necessary to a choice.

"CLAUSE 10. In case, however, of the death or permanent disability to discharge the powers and duties of the said office of the person so shown to have been elected Vice President by the people, or thereafter holding the said office, the President in office for the term wherein such vacancy shall occur, shall nominate and, by and with the advice and consent of the Senate, appoint a Vice President.

"CLAUSE 11. The Congress shall by law provide who shall temporarily discharge the powers and duties of the said offices in case of the death or permanent disability of both persons so shown to have been elected President and Vice President, or of both, while in office, and their titles, and shall fix the day on which the election of a President and Vice President to fill the unexpired terms occasioned by such calamity shall be had, which day shall not be later than six months after the date that such vacancies occur, the day on which the votes of all the said districts shall be counted at the seat of government, and the results thereof declared, and such other proceedings had, as are herein provided for, that may then be necessary, but no such election shall be had in case the date of the same would fall within one year of the date of the regular succeeding election of President and Vice President by the people of the United States.

"CLAUSE 12. The President and Vice President shall, at stated times, receive a compensation for their services, which shall neither be increased nor diminished during the period for which they shall have been elected or chosen, and they shall not receive within that period any other emolument from the United States, or any of them.

"CLAUSE 13. After the expiration of their terms of office and during their lives each of them shall be privileged to frank all correspondence through the United States mail, and shall be paid a pension as their compensations have been paid; to the former, of an amount not less than one-third the compensation paid the President; to the latter, of an amount not less than the compensation paid the Members of the Congress; which amounts the Congress shall determine: *Provided*, That in case either of such persons shall hold an office of profit under or be paid any other pension by the United States his pension herein provided for shall cease and abate during such time to the extent of the emolument of such office or the amount of such pension, and one-half of such pension shall be so paid to their widows, if any, during their widowhood.

"CLAUSE 14. The provisions of this amendment shall apply to all persons who have filled or now fill either of said offices, and to their widows, if any, who are not now paid a pension by the United States.

"CLAUSE 15. Before either enters upon the execution of his office he shall take the following oath or affirmation: 'I do solemnly swear (or affirm) that I will faithfully and impartially execute the office of President (or Vice President) of the United States, and will to the



best of my ability obey, preserve, protect, and defend the Constitution of the United States."

PROPOSED AMENDMENT TO THE CONSTITUTION.

While the test of time, its use as a pattern by every Republic and federation formed since its adoption, and the consensus of earth's ablest opinion stamp our Constitution as the wisest document ever framed by man, that part of it which earliest provoked complaint, and sought remedy in the twelfth amendment to it, is yet a matter of debate—the method of electing our President and Vice President.

Even more widespread and constant has been the discussion by, and the deep interest of, the people in the proposal to limit the tenancy of any individual to one term for President.

ONE TERM FOR PRESIDENT.

Since President Jackson in his every annual message urged one term of six years for President, his ineligibility thereafter, his election direct by the people, sentiment in favor thereof has constantly grown. The presidential year is dreaded by every business interest; its less frequent recurrence desired for universal tranquillity. The great majority feel that a term of six years is long enough to test a proposed policy and prompt its preservation, yet a term within which both Senate and House can be so changed as to check, if not wholly change, mistaken policy, while ineligibility to a second term would choke off the mortal greed for personal power that has ever gained appetite on what it fed, and insure patriotic effort for permanent good, instead of scheming for reelection.

Mankind has seen earth's apostles netted from common fishermen, a surveyor boy father of his country, a rail splitter rescue it from destruction. There never has been, never will come, a day when the American people can not say, as our second martyr said when the great grasp of the first was stricken from the helm of our ship of state, "God rules, and the Government at Washington City still lives." As long as liberty and culture last this country will be crowded with splendid capacity for presidential or any other exalted service. As long as the people rule and follow the lead of the Statesman of all time—the Nazarene—from the people will come the needed leaders when the crisis calls for their coming. God Almighty knows what He is about, and His children never did and never will need to rest their safety, their continued progress, on any one man.

History rings no truth in louder tone than that the most consuming curse of all time has been hero worship, the frenzied following of the one-man power. It has dragged nations to dishonor of plighted faith, drenched them with blood, and devastated them with wreck and ruin. It is doing this to-day.

The most nagging detriment to, unmitigated nuisance in, every business, organization, and community is the unfortunate who opinionates himself into the delusion that he is indispensable to it; and when a country reaches the stage where it imagines any one man indispensable it has ripened to the rottenness that is ready for despotism.

Self-educate, community-educate or people-educate a man to that delusion and he is given a diploma for universal fitnessness for public or for any other service.

No man ever has been or ever will be blunderless; no pattern mortal framed to form the flawless man; no vital service needed for man by man that man's Creator left, either to one alone or to the few of asserted nobility or of claimed superiority.

Obsess a people with the faith that there is but one man to lead, and the first foundation stone is laid for autocratic government—for a dictator or a monarch.

These historic teachings of common knowledge and of spreading sentiment tell the doom of autocracy and plutocracy—the destiny of democracy.

With the same emphasis they tell that the check for and cure of autocracy is in the limitation of highest authority in any individual; that such authority is ever prone to dethrone the best judgment of, and to enthrone in, the man a conceit disastrous to him and hurtful to his fellows; and, if long continued, to debauch the spirit of independence and of self-reliant confidence on the part of the people in their own ability for self-government.

This must have been the reason, when providing for a vacancy in the office of President, for inserting in clause 6, section 1, of Article II of the Constitution the word "removal" first, both as a protective provision and as a reminder that the people retain the right to remove one who might forget that the rule of "masters not men" can never exist in this country.

The same is retained in the proposed amendment, but the abhorrent thought of removal placed last instead of first.

This provision, coupled with the pension provision of this proposal, would make our ex-Presidents more serviceable servitors of our country than when in office.

Let one of them go where he will among us, and throngs of honoring fellows will greet him with heartiest and sincerest acclaim; yet, at the same time, his potential power for good will be neutralized if not killed, if the impression prevails that he is an aspirant for office, for it is impossible to prevent those of hereditary or other convincing sentiment from feeling—the maggot-minded from vociferating—that all he says and does is tainted with a personal political purpose.

He may have given the most unquestionable proof of patriotic devotion in having staked his life, and readiness to stake it again, for his country's ideal of service for humanity; there may be superlative wisdom in what he advocates; still, when the telepathic fervor of the throng has faded, this home second thought will arise, will persist, and will damn his actions and his utterances.

There is not one of you but knows and laments this fact.

These men have been schooled and fitted for advice to and service of our country; been informed in national and international affairs as but few others could possibly have been; they carry a gratitude obligation of ever-glorious burden that no man could ever discharge. We should put them where no one could feel or say they "would wade through slaughter to a throne," not to "shut the gates of mercy on mankind," but to glut, though never sate, an insatiable ambition. Put them where what they said or did for avowed public good could be neither misinterpreted nor impugned. Put them where their suggestions would be given utmost service as the suggestions of unselfish and impersonal patriotism. Put them where, if beneficent public results appealed to them more than the pomp and power of official place they would know the supreme stimulus for effort and supreme satisfaction in making it. Put them above rivalries, beyond envies, and on the highest plane of public service we could place any private citizen.

ABOLISH ELECTORS; ELECT BY THE PEOPLE.

The amendment changes what is far more important than the term or reeligibility of the President—the method of his election.

Do not electors of unlimited and unlimited powers, as now, create a menace to national welfare that demands removal? Should not that

menace be removed before the explosion comes rather than then, mid blinding smoke and falling debris, rush to repair the rents in our national walls?

Our presidential electors are our only national officials for whom, by our national authority, no qualifications are prescribed, no oath or bond binds, no precedents guide. To permit the limitless power that they possess to exist in any other, from President to poundkeeper, would be thought the limit of madness. Not even citizenship is made a qualification. Any incompetent from Alaska to Cape Horn, or anywhere else, is eligible, if his bray be loud enough, political pull be strong enough to land the prize, and there is no legal hand to stay his kicking over the traces of instruction or scotch any other outbreak of inborn asininity. The national risk is too great to permit such power in incapacity; still more dangerous to permit it in unscrupulous or designing capacity.

In the last election there were 531 electors and not 10 men in all the country can to-day name the electors of his own State. We are trusting the election of our highest officials to men no one ever heard of before or will hear of again unless for conduct that provokes humor or indignation. Could the qualifications of these electors within living memory be collected it would raise a roar of ridicule from border to border. But the continued farce some day may—will—turn into a tragedy.

Is it not high time that we cart off in some garbage can and dump in a place of safety these dynamite sticks of transient, irresponsible, unqualified, autocratic electors of unlimited powers, bury them beyond the power of harm, and give to the owners of our Union home the safe and same right to choose the chief stewards thereof that they have to choose in the Congress the best qualified, the mightiest ministers of their lawmaking?

This amendment will for the first time require by national authority qualifications for presidential electors.

It is economy. It would wipe out all the expense of the election of these worse than useless electors, and of transportation to herd them in some common corral for action, while it would cost less to transmit the two certificates of the people's election by the governor than it now costs to send the straw-drawn messenger of a motley body with its certificates 1 mile, and be less risk. At the same time, it would relieve our Representatives wasting valuable time in what we, the people, sent them to do, over the nagging for office by the misfit whose only recommendation was the windfall of some political gust.

When Horace Greeley died the electors chosen by the people who voted for Greeley and Brown, instead of obeying their voice, voted 3 for Greeley, 42 for Hendricks, 18 for Brown, 2 for Charles J. Jenkins, 1 for David Davis.

This established a precedent, not contrary to the Constitution, however contrary to any sort of intelligence, but consonant to the eternal fitnessness of electors destitute of all qualifications, so far as any national law was concerned. A precedent that they could vote for whom they pleased, dead or alive, nominated or not, and regardless of the people's vote—a precedent from which evil will flow unless the system be changed.

HISTORIC EXAMPLES OF RISKS RUN.

Under the present system the following States have been disfranchised by the throwing out of their electoral votes: Indiana, in 1817; Missouri, in 1821; Wisconsin in 1857; Georgia, in 1869 and 1881; Arkansas and Louisiana, in 1873; while the same year Texas lost half of her electoral vote. A snowstorm prevented the meeting of the electors of Wisconsin on the day fixed; probably the intelligence of the electors in some States during the reconstruction days made it difficult for them to understand when, where, or how to cast their ballots, for no national law required or presumed them to have qualifications for anything.

In 1820 a "Monroe" elector voted for John Quincy Adams in order that Washington should live as the only unanimously elected President.

In 1892, one North Dakota Republican elector voted for Cleveland and another for Weaver.

This last year, in Washington, Mr. Stream, Democratic nominee for elector, died during the campaign, and Mr. E. M. Connor was placed on the ticket in his stead. Mr. Stream received 47,977 votes; Mr. Connor, 184,481; Mr. Warren H. Lewis, highest Republican elector, 167,244. This gave Mr. Lewis the seventh highest vote for this State's electors. He, while convinced that he was legally elected, displayed an American manhood and patriotism worthy the Nation's honor by refusing to attend on the day of casting the State's electoral vote, the other electors filling the vacancy by the selection of Mr. Connor. Can this country endure a system where either accident to or ignorance of (unqualified) electors shall disfranchise the intelligent people of a State?

ABSURD DISQUALIFICATIONS.

Disqualifications were designated. Any Member of Congress who had made and was making glorious history, or any citizen who had brains enough to hold an office of trust or profit under our Government was, and yet is, barred—as near as possible assurance that no judgment or discretion should ever be expected of or exercised by an elector. In view of their faithful living up to the specifications of their political architecture in these latter years, it may be a merciful provision that such was the case, but most of us deem it an unwise oversight.

In an election as close as that of the Tilden-Hayes day, where one vote would decide the election, suppose one bought or bull-headed elector should exercise his uncontrollable constitutional power to vote for whom he pleased, what are we going to do about it? Dare we continue such risk? Not by congressional enactment, solely by constitutional provision, can we avert it.

REPRESENTATIVES WITH DISCRETION AGAINST AUTOCRATIC ELECTORS WITH NO DISCRETION.

There is sense in sending to legislate for us men of gained and gaining wisdom, special qualifications, who will have time and opportunity to study great questions of public concern, ferret through the plausible pretexes of seductive self-interest to the very bottom for accurate information, and from the clash and conference of kindred competence and character evolve laws of lasting and equal benefit to all. They can phrase our wishes as we can not. They can pour into the mold of cast and enacted law the melted heart hopes and wants of the people as we can not. They can make us profit by that Pilate who might have had eternal honor, instead of eternal infamy, had he coupled the courage of his own conviction with the matchless justice that could say, "Father, forgive, they know not what they do." Their informed conscientious courage can resolve us from frenzied, thoughtless mobs of thinking men. It was the greatest of Lawgivers who earned and has the lasting gratitude of mankind for rebuking the call



for a golden calf. The truth is not a golden nugget for which the lone prospector with bare hands digs, but the fairest of all the fair in all life's castles, for whom the days of chivalry never die, devoted suitors ever abound, and for whose winning the best and bravest of knight-errants must forever fight, and fight with best and bravest rivals. They must strain not only the born strength of strongest muscle, but be armored with the equipment of best advancement, and must ever carry the consciousness that no weak-hearted wavering ever won. The Representative who has given matters of universal concern that study that we have had neither time, environment, nor opportunity to give and stands by and tells us his honest convictions, gives reasons for his stalwart stand, has been, is, and will be the sheet anchor, the salvation of republican institutions.

This is utilizing the same developed skill and ability that is utilized in every business. There is much sense in it. But there is no sense in delegating to others the power to reexpress the expressed decision of the people. When they have made a choice, what need to have that choice retold by indiscriminate third parties whom we do not know, never heard of before, and most probably will never hear of again? Worse, what sense in setting aside our choice and giving another, and independent, irresponsible, autocratic choice to 531 out of a hundred million people? Should not such impeachment of the sense of the people for self-government, such denunciation of the very theory of government that we so loudly proclaim as the best, that is so repugnant to our entire political sentiment, existence, and experience, be eliminated from the Constitution?

Will not the adoption of this amendment do it?

"MAKE REVERENCE FOR THE LAW THE POLITICAL RELIGION OF OUR COUNTRY."

There is another reason for the change of tremendous moral significance, of governmental significance.

A law that is a dead letter is a detriment. A law that is universally disregarded, a more dangerous evil. It teaches to despise and disregard all laws.

Our Constitution says that our electors shall choose our President and Vice President—commands them to do it.

Our practice says that they are so many automata—wooden Indians—to register the vote of the people.

We disregard and trample upon the letter and spirit of our highest law in the most mighty act of a great people. Our Government itself is teaching contempt and disregard of the law.

None of our statesmen ever left us wiser advice than Abraham Lincoln when he said: "Make reverence for the law the political religion of our country." Clothe our laws with sanctity and there will be fewer infractions of them. Let us either follow and enforce this law or repeal it.

We preach that government of, by, and for the people is the best of governments, yet make our Constitution say that the people are unfit, incapable of themselves, to choose their own President.

If incapable of themselves to choose their own President, they are unfit for, incapable of, self-government.

We are making our constant and continued practice give the lie to our professions: something that our Government can not, our people will not, stand for.

#### PROMPTINGS OF OFFICIAL POWER.

No possessor of power ever studied over that possession without a growing disposition to exercise it, especially if that power be official.

Energize that disposition by coupling with the official power the command of the supreme voice of the entire country that conferred it, and what have you?

These electors have the right to say that our supreme law—our Constitution—imposes upon them an exalted obligation, a duty next to divine delegation, and that they should discharge both with the same patriotic independence that you should, and generally do, discharge yours.

We, the people, at times may chafe under and cruelly criticize your independence, due to your better information; yet at the same time we glory in it, and know in our hearts that in it you are giving our country its best and most needed service.

Such action on the part of our electors would naturally lead to the disregard of all party dictation, and the exercise of their conferred powers, the discharge of their directed duties according to the very letter of the supreme law that commands their manliest, most independent, and patriotic action.

Would the people of this country suffer that? Do not these possible and probable perils loom larger and larger with every year's renewed study of our Constitution as it stands?

On the other hand, with growing indignation, will the people feel that empowering the "chosen," the "select," the "elect" to choose the people's highest officials is the only

#### RELIC OF PLUTOCRACY

that crept into their Constitution; and more and more insistent will be their demand to remove that blot from the supreme law of the land.

#### HISTORIC TEACHING.

Never since the parable of the "wise and foolish virgins" was pronounced has the need and power of preparedness so appealed to all mankind; preparedness, not only to promote progress, but also to preserve achievement and to prevent wrong.

Never since our Government was founded has there been such study of democracy on the one hand, plutocracy and autocracy on the other, of our own governmental system and history.

This will force an enlarged recall of these almost forgotten facts.

The Congress of the Confederation never sought, but always strenuously fought such convention as framed our Constitution, the Magna Charta of Magna Chartas to confirm the rights of the "common people"; to set and mark the limits of executive, legislative, and judicial powers; to people-control the control of the powers that be.

After the people had forced the call of that convention, despite their Congress; after its assembling was a foregone conclusion and beyond the control of that Congress, that Congress ignored all recognition of that convention and called a convention of proclaimed kindred purpose to meet at the same time and place, restricting its functions to "revising the Articles of Confederation," thus sending a sort of notice or message of limitation of authority to that inevitable convention, and making such proposed "revision" effective only "when agreed to in the Congress," as well as by the legislatures of the several States.

They did not propose to loosen the collar they had on the country's neck, and they accurately foresaw what might and did result. For under the then supreme law—the Articles of Confederation—any agree-

ment to amend or revise that law had to be by the unanimous approval of the States; and Rhode Island never had anything to do with that convention; North Carolina rejected its work; that Constitution came into being by the actual secession of 11 of the original 13 States—by a peaceful revolution.

When the immortal work of that Convention was most respectfully, if not humbly, submitted to the people, and submitted to them not directly but through their State legislatures, led by two men of our country's lasting and deserving honor—Richard Henry Lee, who made the motion for the Declaration of Independence; and Nathan Hale, the New Englander of masterly ability and merited power—for eight days the opponents of even such submission bitterly fought it and did their utmost to defeat the work of that Convention, and continue in the hands of your congressional predecessors—and of you—the legislative control of the country.

At last, grudgingly, not daring to denounce, unwilling to commend, the proposed constitution was, without note or comment, so submitted by that Congress; and, opposed by Patrick Henry and copatriots of power, it never would have been ratified but for the promise to speedily incorporate therein the people's part thereof—the first ten amendments that redeemed that promise and stand as monuments to the people's wisdom.

When the "people's" convention assembled, the vast majority thereof dreaded as much the rule of the people as they did the creation of a supreme central Government. Many of its most eminent members desired the election of the President by the Congress and for life; the election of Senators by the House of Representatives and for life; even the choice of governors of the States by the Congress.

The entire trend of thought of those then in authority was to keep the rule of the country in their control. The question, with many conscientiously and patriotically, with others cunningly, was, How could this be done?

In some States the Senate was chosen by a select body of "electors" whose personal contact and acquaintance with the leading men of their State qualified them to judge of the qualifications of their fellows for the upper house of their legislature. This had worked well, and such selection of our President and Vice President by the select appealed to those who had never known and had no historic or home precedent to prove the worth of the rule of the people at large, and so could not weigh its value.

To some of the far-sighted and cunning, this plea made a different appeal, and opened a door that their fellows never saw. This enabled the creation of an "electoral body" from which were carefully excluded the very men who would have had that personal contact and acquaintance with public characters that enabled them correctly to choose, to "size up," the men most fit for these exalted stations. They secured the further hedging of their (apparently covert) desires by compelling the electors to meet and cast their ballots on the same day in their several States, thus barring them from that common conference absolutely essential for national action.

Had the anticipations of the artful who cunningly enwebbed to their aid the honest doubters of the safety of the people's rule been realized, what would have been the result?

Uninformed of the qualifications of leading characters without their own States, there would have been balloted for as many "favorite sons" as there were States, no election by the electors, and the two Houses of the Congress made the resultant choosers of our President and Vice President.

Is it not plain, that if this was so planned, and had worked out as planned, and had been kept up, your predecessors, you and your successors, would have "divided the spoils," giving the election of the President to the House of Representatives, the election of the Vice President to you? That, thus, the Congress would have had their pre-promised and suppliant tools in these great offices, and the people shorn of their apparent "select" choice of their highest officials?

It was a very "smooth" proposition, but "The best laid schemes o' mice and men gang aft a-gley." It failed to work.

Concede to these framers of our Constitution, meriting immortal and grateful memory not only by our own country, but by all mankind, the most conscientious of motives, we must, at the same time, concede the view of the vast majority—indeed almost all—of them, that the masses were not qualified for, were not capable of, self-government, and government by the country's best ability was the best for all. They must have felt that "best ability" would always be found in the Congress, as they had found it.

Of the framers, 55 of whom attended the convention, 42 remaining to its close, 18 then were, and 12 had been, Members of the Congress; two, Nathaniel Gorham and Thomas Mifflin, former presidents thereof; two, Washington and Madison, became our Presidents; Oliver Ellsworth a candidate for President in 1796; Charles Cotesworth Pinckney such candidate in 1800, 1804, and 1808; Elbridge Gerry our sixth Vice President; Jared Ingersoll a candidate for Vice President in 1812, and Rufus King the same in 1816; 19, Abraham Baldwin, Richard Bassett, Pierce Butler, Jonathan Dayton, Oliver Ellsworth, William Few, Nicholas Gilman, John Langdon, Alexander Martin, Robert Morris, Gouverneur Morris, William Paterson, George Read, Charles Pinckney, Roger Sherman and Caleb Strong, became Members of your illustrious body; while Abraham Baldwin, Daniel Carroll, George Clymer, Jonathan Dayton, Thomas Fitzsimmons, Elbridge Gerry, Nicholas Gilman, James Madison, John Francis Mercer, Charles Pinckney, Roger Sherman, Richard Dobbs Spaight, and Hugh Williamson served in the House of Representatives; and a large number became Federal Judges (Oliver Ellsworth, Chief Justice of the Supreme Court), Cabinet members, governors, and holders of other distinguished positions.

These men are not alone in American history of those eminent in place and in achievement who fancied the Nation unable to dispense with their official services. In our own day some are obsessed with the same conceit, though our ballots show the people's sentiment is generally in inverse ratio to their obsession. Nor can we forget that among them were the shrewdest of partisan manipulators. For instance, while John Jay was governor of New York the legislature elected these electors, and the Federalists in legislative majority, the anti-Federalists proposed a law whereby the electors should be elected by districts (as is proposed in this amendment.) The Federalists, confident of a majority in the coming legislature, defeated this. When it was seen that the next legislature would be anti-Federalist, Alexander Hamilton wrote to Gov. Jay urging him, for this very reason, to convene the legislature and have it pass that law. After Gov. Jay's death, that letter was found among his papers indorsed "Proposing a measure for party purposes, which I think it would be unbecoming in me to adopt."

It may not be far-fetched to feel that in this electoral provision our Constitution, with sincere intent for good, was actually degraded by what, in common parlance, is called a "joker."



The unsafe, impolitic part of clause 3, section 1, of Article II of the Constitution, awarding the Presidency to the person receiving the highest number of electoral votes, the Vice Presidency to the person next in number of such votes, provided the same were a majority of all such votes, taught such a dangerous lesson in the Jefferson-Burr contest, wherein Alexander Hamilton rose from transient partisan to always patriot and became a leading factor in favor of his old-time enemy, Thomas Jefferson, that your predecessors started the reform that was consummated in the twelfth amendment to the Constitution; but they did not touch the election of Senators of the United States by "the chosen," "the elect," "the select." This grew to be so rank in offense that you yourselves initiated the movement that, speediest of all our constitutional amendments, ended in your election by the people, who honor you and whom you honor.

If the people are the fittest to elect you, are they not equally the fittest to elect those who outrank you in, and only in, the dignity of station?

Are you content to adhere to an unused, useless, and dangerous system whose establishment was due to lack of example, historic or at home, if not to the cunning of those who anticipated and calculated upon control of our country's destinies in its Congress; a system that had, and yet has, all the possibilities of being so worked out as to have kept your predecessors, and to keep you and your successors, in masterful control of a free and a competent people? With the glorious home history of over a century blazing in your faces, will not your self-respect indignantly recoil from longer maintenance of a system that would give occasion for such a reproach upon a congress that we, the people, pay our heartfelt homage to, and proudly hold as the manliest, noblest legislative body that honors and serves this globe?

If you are not in favor of a system that could, and may, lead to such result, then help to change that system, as this amendment proposes, or, as you doubtless can, devise a better system to effect that change. Do something that will enable an apprehensive people to act toward an end universally desired before such exasperation as drove them to the Constitution's framing drives them to its amendment.

In this world struggle between democracy and twin-cursed autocracy and plutocracy that may last beyond the next national election, we can not stand any internecine conflict at home.

This is a nonpartisan affair, a people's affair, a home affair, a measure from start to finish to preclude and prevent many preventable occasions and opportunities for inflamed controversies; a measure to preserve the people's control, to insure obedience to the people's voice from primary ballot to final result, however that result may be accomplished; and right now, when preparedness is the theme of every tongue, is the time to put our house in order.

As time has worn on the people have moved up in your esteem, oh worthily honored and trusted Members of our American Congress!

Manhood has more and more appealed to your confidence, you to its. In the immediate view our people may magnify the Congresses of other days, but from future historic heights they will give the Congress of to-day the same honor—homage that you and they give to the cherished line that goes before you—that glorifies our congressional history.

One and all, people and Congress, have moved up in the comprehension of national affairs; the people in an intimacy of understanding of their Representatives in the Congress, whether Senate or House.

Even better than you yourselves, vision obscured by contact with the charm of personal virtues, they clearly see the motives that move your advocacy of or opposition to public measures; whether or not you would rather be right than Senator—are counting on the country's present and historic approval, or the local vote that will (may) keep you where you are.

Through the flames of the Civil War you—all of us—saw the fidelity of a race enslaved to the masters who owned them; a race that never knew a Judas Iscariot or a Benedict Arnold; a race that never, even when agonized by galling shackles, betrayed the trust of "their people"; their people who left their wives and children in the keeping of these sons of fidelity; a fidelity that never failed while their mental and moral systems were free from the infection of the parasites of partisan demagoguery; a race that has its Washington as well as ours.

While partisanship had, probably, more to do with it than gratitude or patriotism, you initiated the call to the ballot of millions of these men who, not to their discredit, did not know the difference between the Constitution and a concordance for the doctrines of some creed.

Nearly half a century later it began to dawn upon "us lords of creation" that our mothers, wives, and daughters who had managed and made our American homes, our American manhood, our American character, were about as fit for the ballot as the men we had, larger and larger, called to its exercise.

May we not, with national profit, recall the preacher's one-sentence prayer that rescued a synod from turmoil—the wisest prayer, save one, ever uttered—"O Lord, give us more common sense!"

This amendment retains the same qualifications for electors of President and Vice President that have always been required "for electors of the most numerous branch of the State legislature"; and, in addition, in those States wherein women are given the right to vote for National, but not for State, officials, it bows to the conceded right of the State to exalt its own, and without wounded pride accepts that State's estimate of those competent to vote for the Nation's highest in station.

#### DATE OF INAUGURATION.

We all agree that amendment of our Constitution should be dictated by only long-debated and disclosed imperative demand, and never even attempted when there is already a provision to accomplish what such amendment would; and we are all fully aware that clause 2, section 4, of Article I of the Constitution empowers the Congress to change its date of assembling. The only need, therefore, is your own action in accordance with your own oft-repeated, and the country's unanimous, opinion. Win that country's applause by exercising the courage of your own convictions.

The whole country has come to realize that the inauguration in March is a menace to comfort, to health, to life. That the assembling of Congress in December, with the confusion of the holiday break, is a waste of time and money. Should Congress, as it can, change the day of assembling to January, uninterrupted work would supplant the always useless effort of the short December session, which could be held only every six years and solely to count the Presidential vote, and declare the result.

#### ELECTION DISTRICTS.

All recognize that we hold a dual citizenship, National and State, and vote accordingly. This election is a matter not of State but of National concern. Therefore the common, universal—the national—authority should make the laws and regulations therefor the same in each and every State. The one common action of the whole people

should be uniform. The dignity of the State, the universal convenience, are subserved by leaving the execution of these provisions to the States, respectively, but keeping the power of self-preservation in national hands should any State prove derelict in this high duty.

It is impossible to hold an election, National, State, or county, without election districts.

This amendment provides for the establishment of election districts in and by each State, but of a common uniformity throughout the whole country, which, "unless the Congress shall otherwise by law provide, shall be equal in number to the whole number of Senators and Representatives to which the State may be entitled in the Congress."

This gives a wide range to "the tested and honored discretion of our Congress."

Requiring that such districts "shall, as nearly as practicable, be of contiguous territory and of equal population" appeals to fairness and propriety; and making "such arrangement thereof subject to the approval of the Congress" enables the correction of such "gerrymanders" as have dishonored the partisan powers that made them.

To make this election decisive by a plurality or a majority of the entire country's vote makes strong appeal to many of the most thoughtful, and might be best. The better ability of the Congress, and the still better ability of the press and people of the country, should debate this.

In such method is there not this danger: A populous State of large majority, or two or three States of such majority with special interests in common, could so pile up the majority as to overwhelm the small majorities in 20 or more smaller States, or as many of such States wherein the respective majorities were small.

The country-wide sentiment is what is wanted. Is it not better that this choice should be made by the major diverse sentiment of all than the congested and controlled sentiment of one, or of a few States, whose special interests dictated their votes for local advantage and thus made this more of a State than a national election?

This would give the sentiment of large parts in every State, whose expression would otherwise be suppressed, and of every section, and more nearly represent the major sentiment of the separate, yet entire, country.

It is far easier to swell majorities in particular States, to debauch and corrupt the electorate of one State than to do the same thing in so many districts. The people of districts in small States having only three votes would thereby find expression of their sentiments which an entire State vote would suppress, and the very same thing would be the case in the more populous States. The tremendous vote of New York has been decided by a majority of but little over a thousand, or wherein a change of 500 votes would settle the election for over a hundred million people.

These districts, being distinct from State and congressional districts, give a more distinct character to the vote, and prevent those local combinations that carry the election of either State or congressional candidates. Then, too, witness the diverse votes for President and Vice President and for United States Senators in California and Washington in the 1916 election.

There will be frauds, controversies, and contests in this election. In districts so arranged, under the proposed system of election tribunals, home tribunals in each State could more promptly, nonpartisanly, and justly adjust these; the final result be more readily ascertained and established.

All maintain that ours is a Union of indestructible States as well as an indivisible Union. Where the line of demarcation between the rights and functions of the two can be clearly drawn, does it not behoove us to draw that line? Can it not be clearly drawn here?

The people of the Nation at large have no business to meddle with the elections of State officials; per contra, they should equally distinguish between their functions as national and State citizens, functions entirely different though inseparably interblended and perpetually interdependent.

#### PRIMARY ELECTIONS.

President Wilson has suggested a primary law to more definitely decide the people's choice. This would be wise were this amendment in force, but as no law of Congress can abridge or enlarge constitutional powers, so long as presidential electors have the constitutional power both to nominate and elect President and Vice President, they can defy such primary instruction and set at naught even the ultimate voice of the people.

Under clause 3 of this amendment primary laws could be enacted that would bar betrayal thereof, and which, if preventive provisions against fraud and cunning were escaped, could undo such designing schemes when discovered.

It would make the primaries decisive, bar all opportunity for a recreant representative to crucify the hopes of a community that had long heard his loud advocacy of honor for the expressed will of the people, and stay the hand that would Arnold-encrown a State's entrusted agency, a party's basic principle and an American confidence.

It would preclude place for one who would pervert an entrusted vote, not because of personal preference for another than instructed for (whom, with impartial treachery, he would equally betray; with habitual blunder, only move to mislead) but because of cold-blooded calculation upon resultant service to a morbid ambition, oblivious of gratitude, incapable of instruction by uniform disaster, and consumed with greed for self-glory, grown callous to the fate of a loyal faith dragooned into a disheartened following.

#### ELECTION TRIBUNALS.

The Tilden-Hayes eight-to-seven tribunal, a resort to avert revolution, had no warrant in law. It disclosed the explosive perils that yet confront us—the risk of the last resort by an outraged electorate. It reiterated the lesson of all time—a tribunal hastily instituted at a time of universal, intense excitement is certain to be the subject of intrigue for present advantage, of action for the occasion, and to have carried into it the passions and partialities of the hour.

Some tribunal of highest qualification that would command the confidence of all should be prearranged to settle the always heated questions over this election that are certain to arise and to stir States and Nation in the future as they have in the past.

Should the Congress, or designated national or State authorities, a year in advance of this election select in each State a tribunal of five, seven, or nine members, to be composed of one judge from a Federal court, one from the State supreme court, the others from those benches or from citizens of the State of equally eminent qualifications who held no office, we would have at trifling expense tribunals whose decisions would command universal confidence and avert partisan contests and decisions in the Congress called to count the votes of these districts.

It could be made too large to tamper with; its proceedings, made of record, would be an additional safeguard for honesty and independent



intelligence; and its immediate action subserve a demand always of urgency. Its home composition would appeal to the universal sentiment of the country, no matter of what political complexion, and it would start with such exalted character as to assure independent and honest action by tested learning.

If absence of provision for appeal from the decision of such tribunal be error, that error can be readily remedied in the fourth clause by striking out the word "finally" and adding to that clause:

"Appeals may be taken from the decisions of such tribunal to the Congress in the manner that the Congress may by law provide."

The records of such tribunals would certainly lessen the labor of and furnish aid to prompt justice by the Congress, as well as prebuke partisan action.

This clause leaves the major construction of this tribunal to the best thought we have—the advised discretion of our Congress.

#### RISK REVEALED BY THE 1912 ELECTION.

It was the evident intent, and is yet the universal desire, that both high offices should not be held by inhabitants of the same State, yet the provisions of the Constitution, instead of precluding, make this calamity possible and probable. Instance the 1912 election.

The Democratic Party had 40 States; could easily have spared the electoral vote of any one State. Had the electors exercised their constitutional power both to nominate and elect President and Vice President, those from 40 States could have voted for Marshall for President; those from Indiana for some equally eminent statesman for Vice President; those from the other 39 States for Kern for Vice President; and thus lawfully elected both from the same State.

Had either wing of the divided Republican Party nominated an inhabitant of New Jersey for Vice President, and, as was much dreaded and predicted, the election been thrown into the House for President, the Senate for Vice President, the House being Democratic would have elected Wilson President, and, had the divided Republicans united in the Senate, they would have elected the New Jersey nominee Vice President, electing both from the same State, for the only prohibition on the Senate in such case is, not that the man it votes for shall not be an inhabitant of the same State as the President, but that he shall not be "constitutionally ineligible to the office of President," and the only qualifications of eligibility therefor are that he shall be native born, 35 years of age, a resident within the United States for 14 years, and not come under the inhibition of the fourteenth amendment.

The proposed amendment settles that intent and universal desire. That this will never be done is no answer. What can lawfully be done will be done, if the occasion calls for it. Indeed, like conditions as above would compel partisan policy to do this very thing.

#### ANOTHER PERIL.

This election also disclosed a far more ominous, more probable, and a hitherto unconsidered impending injustice, if not peril.

In event the failure of an election by the electors forced the choice of the President by the House of Representatives, their ballot is limited to "the persons having the highest numbers, not exceeding three, on the list of those voted for as President."

After the electors had cast their ballots and their powers had become functus officio, had either of the three leading presidential candidates in that election died or suffered permanent disability, this choice would have been limited to the other two. Had either calamity befallen Mr. Wilson, a Democratic House would have been compelled to choose between two candidates, both of eminent ability, but neither of whom represented the political convictions of that House.

In event the same conditions compelled the Senate to choose the Vice President (similar calamity to either of the two persons having "the two highest numbers on the list" of those voted for as Vice President), the Senate would have had no choice and been compelled to vote for the survivor.

Under this amendment both misfortunes are averted. In case of the President, his vice presidential associate would be one of the three persons for the House of Representatives to choose from; and in event of either calamity to him, the national committee of his party would have the right to name the third person from whom that House should make its choice.

In case of such calamity to one of the two candidates for Vice President, should the presidential candidate of that party survive, he would have the first right to nominate the candidate to be voted for by the Senate, and if he declined to exercise that right it would be vested in the same national committee.

Is not this a needed provision, if such occasion arise, in case of a contested election?

#### CALAMITY WHEN ELECTION NOT CONTESTED.

In case of the death or permanent disability of the President elect after the vote had been cast, the Vice President elect is given the vote and the voice of the people obeyed the same before as after the inauguration of their choice.

#### THE VICE PRESIDENT.

In case of either calamity to the Vice President, the President elect is empowered, when he comes into office, to nominate and, by and with the advice and consent of the Senate, to appoint a Vice President, and is also empowered so to do in event of a vacancy in that office at any time thereafter.

This provides for the continuous occupancy of the office by a method that has worked well with the Federal Judiciary and the Cabinet.

The President now so appoints a Cabinet, seven members of which may succeed him in event of his death, and there being no Vice President. There is no greater risk in so appointing a Vice President who may in a similar, yet more definite manner, succeed the President.

We have elected 28 Vice Presidents of the United States. Of these, five—John Tyler, Millard Fillmore, Andrew Johnson, Chester A. Arthur, and Theodore Roosevelt—by reason of the death of the President, became President; seven—George Clinton, Elbridge Gerry, William B. King, Henry Wilson, Thomas A. Hendricks, Garret A. Hobart, and James S. Sherman—died while in office; and one—John C. Calhoun—resigned when elected United States Senator.

Thirteen vacancies out of 28 incumbencies! Does not this large proportion of vacancies call for either abolition of the office or provision for keeping it filled?

If this office is superfluous and merely ornamental it should be abolished. If not so, the Constitution should provide for keeping it filled. It will never be abolished. Too many in Congress hope—expect—to get it to ever start such proposal. The same reasons exist for its continuous filling as do for the continuous filling of our other offices. The office has its essential and important duties, and the people should have some say beyond the life of one man for their President.

These offices are simply cogs in our national wheel that should never lack a single cog, nor have one too many. If this be one too many, let

us save material and complication of machinery by recasting the wheel without the needless cog and get simpler machinery. If not too many, provide means for prompt replacement in case of loss.

The whole history and teaching of our Government is that, while man is everything, the man is but little, purposes much; that the best are but mites in an Almighty hand, giving place to others when the purposes of their creation are accomplished.

#### OATH OF OFFICE—COMPENSATION.

There is no provision now, either for the oath of office or the compensation of the Vice President. This amendment provides for both. The induction into both great offices should be directed with the same solemnity.

#### SETTLING A MINOR DISPUTE.

The twelfth amendment provides, where there is no election of a Vice President by the electors, and such election is had by the Senate, that the person elected Vice President shall "act as President," and there has been debate as to his title and attestation of documents, whether as President or as Acting President. This amendment removes that debate.

#### INTERREGNUM—SPECIAL ELECTION.

In the same accident, 2 of President Tyler's Cabinet and 12 others were killed. Such repeated calamity might wipe out the executive authority and all succession, as at present provided for. The act of 1886 provides, in case of Cabinet succession, if Congress is not and will not be in session within 20 days, a special session thereof shall be called, but it does not say what for, nor does it say for how long this succession shall last. A capital arrangement for a political squabble that would convulse the whole country and stir up all manner of schemes, hurtful to every interest. Yet this was the best that could be done by Congress without more definite constitutional authority.

In event that, pending the election and the date of declaring the result, or of the inauguration of the newly elected officials, or of both President and Vice President while in office their death should occur, election by the people can be had, provided the same shall not occur within one year of the next regular election by the people. This gives a speedy restoration to the people of their chosen, at the same time avoids the turmoil and expense of near elections.

#### PENSIONS FOR BOTH.

It adopts the growing practice in the business and industrial world as well as with the educational world, of life pensions for deserving service. When learning, labor, and capital practice a policy, government may well take heed to it.

It is the sentiment of by far the majority of the American people to-day. They are as free from snobbery as any people, yet they do not wish to see those whom they have chosen to head the Government mix in the common struggle to maintain their families any more than set an example of stilted idleness.

They have reached the places where they belong more to the people than to themselves and should be kept in a more exalted service than even when in office. Were they to devote their after lives to travel among the different States, and the dissemination of trustworthy information about each to all, they would render one of the most needed and useful services to this country. Despite the facilities of travel and communication, how little the people of the different States and sections, even, know of each other!

Their visits would make them missionaries for American patriotism, for fair play, for better understanding by the people of each other, for study of our great system of government.

They would differ on policies to remedy what was esteemed evils in the different States. All the better. Men of similar minds learn but little from each other. The people would get what was better than from either, what was best from both.

There is not a toll-hardened hand in a factory or industrial enterprise in all this country but would applaud this policy as a teaching example to the industries to which they were giving their lives.

Continuing a proportional share of these pensions to their wives compares with both American chivalry and American discretion. From Martha Washington and Abigail Adams until to-day, with scarce, if any, exception, these women have been exemplars to American—aye, to world-wide womanhood—have been women whose unaffected American simplicity, domestic devotion, Christian character, and gracious womanly graces have made the home lives of our highest honored ideal home lives of honor to and honored by a whole home-loving country that would gladly give them the tenderest devoted adoption if bereft of their stay and support.

#### IN CASE OF CONTEST, WHICH HOUSE SHOULD CHOOSE THE PRESIDENT?

The House elect will represent either ratification or rebuke of the sitting House.

If ratification, its choice of the President would be a more fitting and emphatic voicing of the people's vote than the choice of the sitting House.

If rebuke, a displaced and resentful House would naturally choose a President who stood with it, rather than with the people who condemned it, and would, wholly or partially, thwart the final voice of the people and balk their desired change of policy.

Of necessity the House elect will represent that final voice, and its choice give the incoming President one House in harmony with the policies the people and he stood for.

Whether ratification or rebuke, the choice by the latest elect of the people conforms to our theory of obedience to the voice of the people.

Therefore this amendment changes the existing rule and transfers such choice from the sitting House to the House elect.

The majority of the House elect always has, and probably always will, come from the sitting House, be on hand ready for instant action, and the temporary organization of the new House for this one purpose be of prompt and economic accomplishment.

There could be no conflict between the two Houses, for the House elect would be convened for the sole purpose of choosing the President—have no powers of legislation.

#### NO BELL OF ALARM.

This petition seeks to ring no bell of needless alarm. The marvel of our country's progress and prosperity has given scant time, the personal and political fidelity of our people have given scarce occasion, to consider the "might have beens" and the "might bes" in our national life.

The starting step of our Nation in 1776 was made with primal recognition of the people's power in the heart avowal of "a decent respect to the opinions of mankind," to which our "fathers" made that first appeal for judgment upon the step wherein they pledged their lives, their fortunes, and their sacred honor.

Then and there we cornered our national creed on the eternal foundation "that all men are created equal; that they are endowed by their



Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

We created the complement of the enabling supplement to this creed in our fundamental law to "establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

With unswerving and unswervable faith, our people look for guidance, not to the arrogant egotism, the sacrilegious and vaulting vanity of any mortal claim to rule "by the grace of God," but to that Creator Himself to whom alone they bend their knee of adoration and in deathless gratitude charge the gift of the unsellable rights of our highest and our humblest.

Our Nation, so beginning, has continued its career. It may point with truthful finger to this bloodless history—that it never fired a shot to shackle the independence of another nation, to enforce its rule upon another people, and, at the same time, to those blood-written pages that tell where American valor has, in unstinted measure, poured out its blood and its treasure for the God-given rights of humanity, for the common good of the human race, to its oft-tested pledge to sister American Republics that it would stake its all with them in the maintenance of their governments, of, by, and for their people with the same fervor and fidelity that it would battle for its own.

It does not need, it will never need, clangor or note of any bell of frightening alarm.

This petition seeks to point, however feebly point, to the pebbles in the path of its governmental machine—pebbles that may jar and transient scar but never fracture that machine—and seeks their brushing aside for a smoother running, for a better example to peoples of kindred faith and common purposes.

The Congress guiding our destinies in this crucial hour of the world's onward progress feels the great responsibility that rests upon this Nation; see the globe study that will be given its Constitution by mankind grappling for government of the people, by the people, and for the people; the need to make it as free from flaws as it can be made.

Our Nation claims, and will ever claim, its leading place among the noblest, the proudest nations of this earth; but it ever claims, not place ahead, but place aside its sister nations in an equal and independent march up being's piled gradation to the realization of a perfect government that is by all and for all and is just to all at home and abroad.

It seeks leadership, if leadership at all, in a common world progress; in an appeal by precept and example to the ripened conscience, the refined intelligence of mankind; and to make this appeal disdaining hope or wish for mastery of any nation.

This petition prays for this precept and example in what will prove a

#### PROCLAMATION OF EMANCIPATION

not for a part of but for all our people; a declaration of the complete rule of the people in this the country of their proclaimed rule.

It is made in the faith that this amendment will simplify and make safe our electoral system; give us a more nonpartisan and independent Executive; lessen the frequency of country-wide agitation; be a measure of economy in dispensing with the expense of a useless and dangerous piece of electoral machinery; dispose of menacing questions of dispute; provide tribunals of highest character to settle electoral disputes in the States of their origin, and keep them from the broader and more dangerous theater of national controversy; give a settled system for the continuous filling of our highest offices, bar an interregnum that could only excite and injure; continue in our service the schooled ability that has been nearest the head and heart of our Government; make our Constitution and our national conduct voice the same sentiment—the people are competent to rule, and they do rule—self-government is not a veiled profession but an actual fact; make our Government teach respect for and obedience to law, and increase the reverence in which all law should be held in making our highest law say what it means and mean what it says; put this election where it belongs—in the direct hands of the people.

JULIUS A. COLEMAN,  
Seattle, Wash.

We, the undersigned, citizens of the United States and of the State of Washington, join in the foregoing petition to consider the proposed amendment.

John Arthur, first president Washington State Bar Association; Henry Hewitt, jr., landowner and capitalist; Richard T. Buchanan, editor Tacoma News-Ledger; E. J. Rathbone, naval constructor; John P. Hartman, former member board of regents State university; Joseph M. Hawthorne, former president King County Democratic Club; W. H. Parsons, vice president Dexter Horton National Bank; Robert Bridges, president port of Seattle; Wm. Hickman Moore, former judge superior court, mayor of Seattle; T. H. Bolton, city councilman, Seattle; W. C. Gray, workman; Frank Pierce, compiler Federal code and Washington code; M. F. Brown, president Seattle Daily Bulletin; P. J. Smiley, president American Railway Publishing Co.; Will D. Wilson, manager book department, Lowman & Hanford; H. W. Mason, editor and owner Washington Democrat; Chas. W. Lane, market proprietor, great-grandson Joseph Lane, of Oregon; F. R. Marshall, printer, member National Typothetae of America; Edgar C. Snyder, State chairman Progressive Party 1912; Joseph A. Sloan, shipbuilder, presidential elector 1916; Robert B. Bell, general manager Sinclair Island Canning Co.; A. Warren Gould, architect; H. C. Pigott, publisher; A. G. McBride, editor Seattle Examiner; B. J. McMahon, acting editor Seattle Union Record (labor journal); J. T. Cronin, carpenter contractor; J. A. Madsen, president Pacific Coast Longshoremen's Association; F. C. Harper, chairman Republican State committee; John D. Wenger, former president King County Democratic Club; T. J. Thorsen, vice president and manager Washington Shoe Co.; Paul Land, president Vashon Island Sand & Gravel Co., delegate national Democratic convention; William Z. Kerr, lawyer; Robert E. Jarvis, librarian, King County Law Library; Robert L. Proctor, president Central Labor Council; Ernest C. Wheeler, president Tacoma Commercial Club and Chamber of Commerce; Herbert S. Griggs, former president Tacoma Bar Association; John D. Fletcher, lawyer, Tacoma.

#### WAR WITH GERMANY.

Mr. SMITH of Michigan. I have an editorial from the Detroit News of July 28. This paper holds a leading place in American journalism and represents a circulation daily of 234,800. The editorial bears upon the present international situation and deals with the question in a large and patriotic spirit. I should like to have it printed in the RECORD for the information of the Senate.

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

#### IS THERE NO VOICE FOR PEACE?

Is there nowhere in this world a strong voice that dares raise itself for peace?

Has it become a crime to deplore the death of human beings?

Is it cowardice to have a living hope that 600,000 young men of this land may be saved from death in the trenches?

We, the people of the United States, through our representatives in Washington, have declared that we must fight back at Germany. We are taking 600,000 of our best young men, picking them from the arts of peace, and pushing them to the front to fight our fight, if needs be to die for us.

Theirs not to say aye or nay; theirs but to go forth to kill and be killed.

There is civilization left in the world.

Is it unpatriotic to say that all this slaughter is needless?

Have Governments so failed that they can do naught but set men at each others' throats to take life?

Does real service to humanity—to one's country—lie in taking life or in saving life?

Has every last effort to secure an honorable peace been exhausted? Are any efforts at all being put forth now to secure an honorable peace?

Are we so taken up with our preparations to kill that we give no thought to efforts to spare?

Are we sure that we are right in the belief that there is nothing left to this Nation but sacrifice—the sacrifice of 600,000 of our best young men, and 600,000 more to follow them, and they to be followed by still another 600,000, and each of these 600,000 to take a life for a life?

Are we sure that we are doing our full duty to our God, to our country, and to ourselves when we accept it as settled that there can be a lasting peace only through the shedding of more rivers of blood?

Has it become a disgrace to love to live, to want to save those near to us? Is there nothing left that is ennobling except to pierce a man's heart, to gouge out an eye, or to blow off a leg or an arm?

We, the people of the United States, are a self-governing Nation. We have the right and the power to have our Government conducted as we wish. Let us make our representatives at Washington understand that we have no hatred in our hearts, no false pride to be gratified, no desire but that of service to humanity.

Hatred others may have, but it is not for them to say to us: "The killing must go on; this is no time to talk peace."

Let our President and our Congress understand that they can have back of them an army of 600,000 men, or 1,200,000 men, or 1,800,000 men, or 2,400,000 men, but it must be an army that demands peace and is ready to back the demand with arms. Let the preparations for war go forward on even a greater scale, that the nation which understands the language of war better than any other language may know that our efforts toward peace are not efforts of weakness nor cowardice, but of a deep love for humanity.

Let those who represent us understand that while we will give of manhood and money for war it is done only to secure a lasting and honorable peace, with the least possible sacrifice of manhood, let the cost in money be what it may.

Is Germany ready for a peace that should be acceptable to other nations, a peace that means a drawing back of the German militaristic arm?

Germany started out with its junkerism with its pan-German policy, a policy that would have Germany control to the sea every river that rises in Germany, with its hand of trade and commerce grasping everywhere for more.

In the Reichstag Germany now declares that it wants peace without indemnity and without conquest.

Let us reason it out.

In Germany the family tie is as strong as in any other nation. The love for father and son and brother is as great as in any other people.

While Germany has been reducing the man power of France the French fighters have been hitting blow for blow and have reduced the man power of Germany. England, too, has killed hundreds of thousands of Germans; so has Russia.

Behind Germany are the rivers of blood that we see rising before us. With Germany are the dead, the maimed, and the blind.

With three great armies and some lesser ones in the conflict Germany sees rising before it another nation that can send 10,000,000 men against its army, if need be, and furnish countless supplies.

Sturdy young men in Germany have been killed or crippled to a number that runs into the millions. She must send her youth and her older men also against our Army, if they are not already in the trenches.

Germany must be weary of the slaughter, of the privation and suffering, of the debt mounting higher and higher.

We know in our hearts that we are not a blood-lust people.

We know in our hearts that we would not kill if killing could be avoided.

Do we know in our hearts that we have done all we can do to avoid killing?

Provocations? Yes.

Patience tried? Yes.

Time for calling to arms? Yes.

Time to fight? Yes; if necessary.

But while shouldering the arms should we not still let it be known that we would prefer to stop the flow of blood rather than to cause more to flow; that we would prefer to heal the wounds rather than to cause fresh wounds; that, rather than take life, we would prefer saving the lives of our enemy, as well as the lives of our own young men?

We know that we would rejoice with all the world if peace were declared.

While encouraging our officials in equipping armies and navies and ambulance corps, let us encourage them also in steps of peace, steps that will avoid the heavy toll of lives that war exacts.



## PROHIBITION IN PORTO RICO.

Mr. GRONNA. I have here an editorial from the Washington Evening Star, under date of July 24. This is a very able editorial, and I wish to have it read.

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

The Secretary read as follows:

[From the Evening Star, Tuesday, July 24, 1917.]

## PORTO RICO SHOWS THE WAY.

Porto Rico has just voted by a large majority for prohibition. The wets made their campaign largely on the economic feature of the question. Eleven millions of revenue are necessary for the annual support of the government. Estimates placed the collections from the drink traffic at two millions—almost a fifth. And so the wets asked the dries—as they thought, triumphantly—"Where else will you turn for this money?"

The dries, nothing daunted, thought they could find it elsewhere. For one thing, they declared a purpose to lay a heavier tax on tobacco. They easily carried the day, dwelling on the evils of drink and urging their extinction in the island.

The result is ascribable to American influence. It is not easy to imagine a dry Porto Rico under any other influence.

Shall continental American learn from this small ward in the sea? The drink paragraph in the food-control bill goes to conference with the economic feature uppermost and emphasized. The wets insist that the Government must have the revenue assessed against the drink traffic; that the sum is so large that finding it elsewhere would be difficult, if not impossible, at a time when assessments on other things are heavy.

The sum is large and assessments on other things are heavy. But, relatively, the sum is not much larger than that involved in the case of Porto Rico. The evils of drink are the same in both countries. If, in order to banish those evils, the Porto Ricans are willing to assess themselves heavily, should not we?

The economic feature of the question is all that remains to the wets. Every other feature has been decided against them in this country. A long campaign has been waged, and State after State has declared against drink. Churches, social organizations, political organizations, and business organizations have thrown their influence against the bar-room and all that it represents.

But, notwithstanding, the traffic has hopes centered in the conference. It will fight there to save something for itself. Just how much is not known, but enough probably to answer as a foundation for the post-war efforts which will be inaugurated to restore the traffic to its old power and make it again a financial and political influence throughout the United States.

## ADDRESS BY WALTER LIPPMANN.

Mr. FLETCHER. I have here a copy of an address delivered by Mr. Walter Lippmann, taken from the Annals of the American Academy of Political and Social Science on the subject of the world conflict in its relation to American democracy. It is a very admirable address on the larger issues, and I think it ought to be printed as a public document. I ask to have it referred to the Committee on Printing for action.

The PRESIDENT pro tempore. The address will be referred to the Committee on Printing.

## PETITION OF ALIENS.

Mr. SMOOT. Mr. President, on Tuesday, July 24, 1917, as appeared in the CONGRESSIONAL RECORD, the senior Senator from Illinois [Mr. LEWIS] presented "a petition signed by Edward de Valera, member elect of the British Parliament, and other officers of the Irish republican army, praying for the complete liberation of the Irish nation." That petition was printed in the RECORD. Such action was contrary to paragraph 5, of Rule VII, and therefore, Mr. President, I ask that in the make-up of the permanent RECORD this petition be eliminated.

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

## DRAFT FOR ALIENS.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred a joint resolution (S. J. Res. 84) authorizing the drafting of aliens, except alien enemies, into the military service of the United States, reported it with amendments and submitted a report (No. 94) thereon.

## ENLISTMENT OF ALIENS.

Mr. McCUMBER. I am directed by the Committee on Foreign Relations, to which was referred Senate joint resolution 83, looking to the enlistment of certain alien residents in the Army of the United States, to report as a substitute the following Senate resolution, and I submit a report (No. 93) thereon.

The resolution (S. Res. 108) is as follows:

Whereas there are in the United States a vast number of subjects and citizens of the several European nations now waging war against the allied central powers of Europe; and

Whereas nearly all of said subjects and citizens have emigrated to this country either for the purpose of becoming citizens thereof or for the purpose of securing the benefits of the greater wages and better opportunities afforded in this country, which opportunities have been created, defended, and maintained by the energies and sacrifices of the American people; and

Whereas it is the moral and patriotic duty of said subjects and citizens to support the several Governments to which they owe allegiance in the desperate warfare in which such Governments are engaged; and

Whereas the United States is also engaged in war against the said central powers for the protection of the rights of the several nations so waging war against the said central powers as well as its own sacred rights; and

Whereas it is most unjust to ask or require the American people to sacrifice their sons, their brothers, and their treasure in battling for the mutual rights and welfare of all the other nations prosecuting this war against the said central powers while their own subjects and citizens in vast numbers enjoying in this country the special and wonderful industrial opportunities which this war affords them are wholly relieved from service or sacrifice: Now, therefore, be it

Resolved, That the President of the United States be, and he is hereby, requested to propose to all European nations engaged in war against the said central powers and, if possible, secure from them an agreement authorizing and empowering the United States to apply the provisions of the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, to all such subjects and citizens domiciled in this country in the same manner and to the same effect as such provisions are applied to the citizens of the United States in selecting and raising an army or navy for service in the present war.

The PRESIDENT pro tempore. The report will be placed on the calendar.

Mr. McCUMBER. I ask that a letter from Hon. Frank L. Polk, Counselor for the State Department, concerning the resolution, be printed as a part of the report of the committee.

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

## LITTLE RIVER BRIDGE, ARK.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 2695) to authorize the construction, maintenance, and operation of a bridge across Little River, Ark., at or near the foot of the gar hole about one-half mile south of the Jonesboro, Lake City & Eastern Railway bridge across Little River, Ark., and I submit a report (No. 91) thereon. I ask for the immediate consideration of the bill.

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

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

## BILLS INTRODUCED.

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

By Mr. BRADY:

A bill (S. 2698) granting an increase of pension to Charles Richter (with accompanying papers); and

A bill (S. 2699) granting a pension to Sarah Van Doozer (with accompanying papers); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 2700) for the relief of the Philippine Scouts; to the Committee on Military Affairs.

By Mr. NEW:

A bill (S. 2701) to provide for the awarding of campaign badges to the members of the Dental Corps, United States Army, and fixing the regulations for awarding same; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 2702) to reimburse Susan Sanders for expenditures and expenses incurred in prosecuting the intermarried white cases on behalf of the Cherokee Indians; to the Committee on Indian Affairs.

## DONATION OF FLAGS.

Mr. POMERENE. I introduce a bill authorizing and directing the Secretary of War and the Secretary of the Navy to make and furnish to the households and families of soldiers, sailors, and marines flags emblematic of said service. I ask that the bill be printed in the RECORD and referred to the Committee on Military Affairs.

The bill (S. 2703) authorizing and directing the Secretary of War and the Secretary of the Navy to make and furnish to the households and families of soldiers, sailors, and marines flags emblematic of said service was read twice by its title and referred to the Committee on Military Affairs.

## PAPER ON PROHIBITION BY HON. JAMES T. LLOYD (S. DOC. NO. 67).

The PRESIDENT pro tempore. Concurrent and other resolutions are in order.

Mr. STONE. Mr. President, under that head perhaps as well as any other, I ask leave to have printed a paper presented to me by Hon. James T. Lloyd, formerly Member of the House of Representatives from Missouri. After some 18 or 20 years' service in that body he voluntarily retired from the service at the end of the last Congress. The paper is a discussion particularly of the constitutional features of the amendment for national prohibition which is to come before the Senate to-day, giving some sort of a historic résumé of other amendments that have been proposed and acted upon. I ask that this paper may be printed as a Senate document. It will not cover more than six or seven pages, and if this request is agreed to I should like to have the young gentlemen who have charge of the pages have this document laid on the desks of Senators to-morrow morning.



The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri?

Mr. SMOOT. I could not hear the Senator very well. He presented a paper on the general prohibition question?

Mr. STONE. Yes.

Mr. SMOOT. Of course, as that question is to be considered to-day and voted upon not later than Wednesday, I have no objection to the paper being printed at the request of the Senator, but the Senator knows that the rule generally is that such matters go to the Committee on Printing. However, I have no objection under the circumstances.

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

#### ORDER OF BUSINESS.

Mr. SMITH of Arizona. I move that the Senate proceed to the consideration of the bill (S. 1553) to give effect to the convention between the United States and Great Britain for the protection of migratory birds, concluded at Washington, August 16, 1916, and for other purposes.

The PRESIDENT pro tempore. The Senator from Arizona moves that the Senate proceed to the consideration of Senate bill 1553, known as the migratory-bird bill. Is there objection? The Chair hears none.

Mr. REED. What is the bill?

The PRESIDENT pro tempore. The bill known as the migratory-bird act.

Mr. REED. I object.

The PRESIDENT pro tempore. The Senator from Arizona moves that the Senate proceed to the consideration of Senate bill 1553. The question is on agreeing to the motion.

Mr. REED. Is the morning business closed?

The PRESIDENT pro tempore. The morning business has closed.

Mr. STONE. Will both Senators who are standing yield to me for a moment?

Mr. SMITH of Arizona. I yield to the Senator.

#### AURELIO COLLAZO (S. REPT. NO. 92).

Mr. STONE. Mr. President, the President of the United States sent a communication to the Senate some days ago transmitting a request from the Cuban Government that a certain young man, a citizen of Cuba, might be received at the Military Academy at West Point for instruction. This has been done frequently, both with respect to the Military and Naval Academy. The Committee on Foreign Relations, having considered it, directed me to report the joint resolution, which was introduced in compliance with the recommendation to which I have alluded. It will take only half a minute, and in order that it may be sent over to the House and considered there, so that the young man be received at the academy when the next session begins, I ask that the joint resolution may be considered and disposed of.

Mr. SMITH of Arizona. Mr. President—

The PRESIDENT pro tempore. If there be no objection, the Chair will receive the report from the committee and put the request of the Senator from Missouri, and he will then recognize the Senator from Arizona. Is there objection?

Mr. SMITH of Arizona. The only point I would like to make in this connection is, if no objection was made and the Chair decided no objection had been made to taking up the treaty bill, and, if I have the floor, I would be very glad to yield it to the Senator from Missouri for this purpose, not displacing the order that had been made by the Chair.

The PRESIDENT pro tempore. It is not the case that the Chair decided conclusively that there was no objection. The Senator from Missouri [Mr. REED] addressed the Chair before the Chair made that decision.

Mr. SMITH of Arizona. I have no objection, then, to the request of the senior Senator from Missouri.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri [Mr. STONE]? If not, the Secretary will read the joint resolution reported from the Committee on Foreign Relations.

The Secretary read the joint resolution (S. J. Res. 86) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Aurelio Collazo, a citizen of Cuba, as follows:

*Resolved, etc.,* That the Secretary of War be, and he is hereby, authorized to permit Mr. Aurelio Collazo, a citizen of Cuba, to receive instruction at the United States Military Academy at West Point: *Provided,* That no expense shall be caused to the United States thereby, and that the said Aurelio Collazo shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and that the said Aurelio Collazo shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States,

and that he shall be immediately withdrawn if deficient in studies or conduct and so recommended by the academic board: *Provided further,* That in the case of the said Aurelio Collazo the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

Mr. SHAFROTH. I desire to ask the Senator from Missouri a question. Is it contemplated that this cadet shall pay to the Naval Academy the amount which foreigners whom we have heretofore admitted to the academy have been required to pay?

Mr. STONE. The joint resolution expressly provides that there shall be no expense to the United States.

Mr. SHAFROTH. Well, does that mean that the cadet shall pay his pro rata of the cost of tuition there? At the Naval Academy at Annapolis, I will say to the Senator, I understand that to foreigners who are permitted to enter there the cost is about \$13,500 for a four years' term.

Mr. STONE. I know nothing about that, Mr. President.

Mr. SHAFROTH. I think at West Point it is considerably less than that amount.

Mr. STONE. I know that the Committee on Foreign Relations since my service on that committee has reported bills or joint resolutions similar to this on several occasions, and they have been considered and passed without objection, as I supposed would be the case with this joint resolution.

Mr. SHAFROTH. I suppose it is the intention that this cadet shall pay his tuition?

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri [Mr. STONE] for the present consideration of the joint resolution?

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

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

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts:

On July 27, 1917:

S. 2666. An act granting the consent of Congress to the Sebastian bridge district to construct a bridge across the Arkansas River, at the foot of Garrison Avenue, at Fort Smith, Ark.

On July 28, 1917:

S. 1811. An act for the relief of homestead entrymen or settlers who enter the military or naval service of the United States in time of war;

S. 2106. An act to authorize the county of Cass, in the State of Indiana, to construct a bridge across the Wabash River east of the city of Logansport, at a point known as Cedar or Rock Island, in said Wabash River; and

S. 2667. An act granting the consent of Congress to the Pritchard-Wheeler Lumber Co., of Wisner, La., to construct a bridge across Bayou Macon, in Louisiana, at a point east of the town of Wisner, La.

#### PROTECTION OF MIGRATORY BIRDS.

Mr. SMITH of Arizona. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 1553) to give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington August 16, 1916, and for other purposes.

Mr. REED. Mr. President, is that motion subject to discussion?

The PRESIDENT pro tempore. Under the rule the motion is not open to debate.

Mr. REED. Very well.

The PRESIDENT pro tempore. The Chair will refer the Senator from Missouri to Rule VIII, where provision is made that—

All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

The question is on the motion of the Senator from Arizona to proceed to the consideration of the bill named by him. [Putting the question.] The ayes seem to have it.

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

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

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

The roll call was concluded.

Mr. SMITH of Maryland. I transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Illinois [Mr. LEWIS] and vote "yea."



Mr. UNDERWOOD. I transfer my general pair with the junior Senator from Ohio [Mr. HARDING] to the senior Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. In his absence I transfer that pair to the Senator from Kansas [Mr. THOMPSON] and vote "yea."

Mr. WATSON (after having voted in the affirmative). I am informed that the junior Senator from Delaware [Mr. WOLCOTT], with whom I am paired, is not present, and I therefore withdraw my vote.

Mr. GERRY. Has the junior Senator from New York [Mr. CALDER] voted?

The PRESIDENT pro tempore. He has not voted.

Mr. GERRY. I transfer my pair with that Senator to the Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. SUTHERLAND. I am paired with the Senator from Kentucky [Mr. BECKHAM], but I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. GERRY. I desire to announce that the junior Senator from Kentucky [Mr. BECKHAM] and the senior Senator from Kansas [Mr. THOMPSON] are necessarily detained on important business.

I also wish to announce that the senior Senator from Arkansas [Mr. ROBINSON] is detained on official business.

Mr. SHEPPARD. I desire to announce that the senior Senator from New Jersey [Mr. HUGHES] is detained from the Senate on account of illness. I ask that this announcement stand for the day.

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

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON]; and

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

The result was announced—yeas 53, nays 4, as follows:

YEAS—53.

Ashurst	Jones, Wash.	Page	Smith, S. C.
Bankhead	Kellogg	Penrose	Smoot
Brady	Kendrick	Phelan	Sterling
Chamberlain	Kenyon	Pittman	Stone
Cummins	Kirby	Poindexter	Sutherland
Curtis	La Follette	Pomerene	Swanson
Fletcher	Lodge	Ransdell	Trammell
France	McCumber	Saulsbury	Underwood
Gerry	McKellar	Shafroth	Vardaman
Gronna	Martin	Sheppard	Weeks
Hale	Nelson	Sherman	Williams
Hollis	New	Smith, Ariz.	
Johnson, Cal.	Norris	Smith, Md.	
Jones, N. Mex.	Overman	Smith, Mich.	

NAYS—4.

Hardwick	King	McNary	Reed
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NOT VOTING—39.

Beckham	Frelinghuysen	Knox	Thomas
Borah	Gallinger	Lewis	Thompson
Brandeggee	Goff	McLean	Tillman
Broussard	Gore	Myers	Townsend
Calder	Harding	Newlands	Wadsworth
Colt	Hitchcock	Owen	Walsh
Culberson	Hughes	Robinson	Warren
Dillingham	Husting	Shields	Watson
Fall	James	Simmons	Wolcott
Fernald	Johnson, S. Dak.	Smith, Ga.	

So the motion of Mr. SMITH of Arizona was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1553) to give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington August 16, 1916, and for other purposes.

The PRESIDENT pro tempore. The bill is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. REED. Mr. President, I inquire why this bill is not read?

The PRESIDENT pro tempore. The Chair will reply to the Senator from Missouri that the bill has been read twice, once on June 28 and again on July 9, and also an amendment has been adopted by the Senate. The bill is still before the Senate, as in Committee of the Whole, and open to amendments.

Mr. REED. I desire to inquire of the Senator in charge of the bill whether the Canadian Parliament has passed an act in conformity with the treaty in pursuance of which this present pending bill is offered?

Mr. SMITH of Arizona. The whole action of the Canadian Parliament was printed in the RECORD the other day. That action is of record in this body now.

Mr. REED. Mr. President, what evidence has the Senator that the Canadian Parliament has taken any action at all? Has the Government received any official notice?

Mr. SMITH of Arizona. I do not know.

Mr. REED. I saw a document which was offered here and sent to the desk as indicative of the action of the Canadian Parliament, at the top of which in pencil was a notation indicating that it was a draft of a bill as introduced. I should like to have that paper presented to me.

Mr. SMITH of Arizona. I have a telegram from Mr. E. W. Nelson, chief of the biological survey, under date of July 23, as follows:

HON. MARCUS A. SMITH,  
United States Senate.

DEAR SENATOR: I take pleasure in informing you that I have this morning received a telegram from Canada announcing that the migratory-bird treaty enabling act finally passed both houses of Parliament July 21 without amendment. I inclose herewith a copy of the telegram.

Mr. REED. Now, Mr. President, I am inquiring for the document that was sent to the desk, and which purported to be the act passed by the Canadian Parliament. [A pause.]

Mr. SMITH of Arizona. I ask for the regular order.

The PRESIDENT pro tempore. The Chair will say that—

Mr. SMITH of Arizona. I do not think a Senator has the right to occupy the floor in absolute silence.

The PRESIDENT pro tempore. The Chair will say that he has instructed the Secretary to procure from his files the paper desired by the Senator from Missouri. The Chair does not think that a Senator has a right to occupy the floor when he makes a request of this kind in silence while the officers of the Senate are attempting to supply the paper.

Mr. SMITH of Arizona. They may be two hours getting it.

Mr. REED. Mr. President, I am getting so accustomed to reprimands from the Chair that I take them quite as a matter of course. I maintain that any Senator has the right to rise in his place and call for a document which was filed at the desk only a few days ago, and which touches directly and immediately upon the matter under consideration, when he does it in good faith, and I take it that my good faith in this inquiry will hardly be challenged. I believe that I have a fair knowledge of the rules of the Senate and of the rights of debate; and, among things, when I make an inquiry as a Senator from this floor, I have the right to a courteous reply.

The PRESIDENT pro tempore. The Chair thinks that the Chair may say properly, when the Senator from Missouri makes such a statement, that if he had observed the RECORD and knew what order had been made by the Senate, it was that the document he desired was ordered printed in the RECORD. Under the rules and practices of the Senate in such cases the document is sent to the Public Printer and is printed in the RECORD; and the Chair now has knowledge that the RECORD has been pointed out to the Senator from Missouri by one of the secretaries. The paper is not in the possession of the Senate at this time, except possibly by construction.

Mr. REED. Mr. President, I am very much obliged for that illuminating statement. I called attention to the document which was filed, and a copy or purported copy of which now appears printed in the RECORD, and to the fact that there was upon it a pencil notation tending to show that the substance of the document had not yet been made a law by the Parliament of Canada, but that it was a preliminary draft which had been forwarded here to some Senator and sent forward and by him presented at the desk. That original document, with that original memorandum on it, I wanted. I did not need to have the Chair tell me that a document presented at the desk and read at the desk would appear in the CONGRESSIONAL RECORD; neither did I need to have the Chair tell me or tell the country that the Chair now had official knowledge that the CONGRESSIONAL RECORD had been presented to me. I wanted that original document. I have inquired from the Senator in charge of this bill whether there was any evidence that the Canadian Parliament had ever ratified or confirmed our treaty by enacting a law in pursuance of that treaty, and the Senator replies that he has seen a telegram sent to some subordinate in the Agricultural Department to the effect that the Canadian Government has acted.

Now, Mr. President, I should like very much, if I can, to get the attention of the Senate to what I regard as a very material matter in connection with this legislation; and I do not care how much you may be in favor of legislation of this character, or how earnestly you may desire the immediate enactment into law of a statute ratifying and confirming our treaty with Canada and carrying it into effect by statute. Indeed, the more you may be in favor of legislation of that character, the more



the appeal I am about to make to you ought, it seems to me, to address itself to your judgment. It is this:

We have made a treaty with Canada by which it is agreed that Canada shall pass a certain class of legislation to carry out the provisions of that treaty, and to stop the slaughter or the killing of certain birds, migratory and otherwise; and now we are asked to pass a statute carrying out what it is claimed is our part of that agreement. We are asked to do that, not upon the receipt of a certified copy sent here by the Canadian Government to advise us what the action of the Canadian Government has been, but we are asked to do it upon a fugitive paper that was presented by a Senator, and upon the strength merely of a telegram received by a subordinate in the Agricultural Department stating that the Canadian Parliament has acted.

The ordinary and proper method of procedure, as everybody must know, would be to await the receipt of a certified copy from the Canadian Government, and then to refer that document to the Committee on Foreign Relations and let the Committee on Foreign Relations examine and determine whether or not the Canadian Government had passed a statute in conformity with our treaty and of such a character as to require legislation by this body.

Mr. President, whenever we fail to proceed in that way we are bound to fall into all kinds of error. Understand, if we were proceeding regardless of the action of Canada, if we were taking the initial step, and if we were legislating from that standpoint, what I may say now might not be of any considerable force; but this question is presented to us now to be acted upon on the basis that Canada has acted, and that we are to take the second step, responding to the action of the Canadian Government, and yet there is no official notice here from the Government of Canada. There is no kind of notice whatever except that which comes in this irregular way, and there has been no reference of the action of the Canadian Government upon this legislation to the Foreign Relations Committee, where it ought to go for the sake of checking up the two bills, for the sake of ascertaining whether their legislation fits our legislation; because, if that is not done, it may appear that Canada has not carried out her part of this treaty. Moreover, it may appear, even if Canada has carried out her part of this treaty, that the pending bill does not properly articulate and fit into the Canadian legislation.

So, Mr. President, I move that this bill be recommitted to the Committee on Foreign Relations, with instructions to that committee to ascertain whether or not the Canadian Government has acted in ratification of our treaty and to report to the Senate whether the present bill articulates with the Canadian legislation, if such legislation shall have been had.

Mr. LODGE. Mr. President, the Committee on Foreign Relations—I see the chairman is here—

Mr. STONE. Go ahead.

Mr. LODGE. The Committee on Foreign Relations considered this bill carefully and reported it. I can see no reason for its recommitment. So far as what the Canadian Government have done is concerned, if they had done nothing it would be just as much incumbent upon us to carry out the treaty we had agreed to; and as for getting certified copies of the laws of another country, there are some things of which courts take judicial notice and I think we might take judicial notice. There is no doubt whatever of the fact, and I see no possible reason for referring this bill again to the Foreign Relations Committee.

Mr. REED. Mr. President, will the Senator permit me to ask him a question?

Mr. LODGE. Certainly.

Mr. REED. There are some things, as the Senator says, of which courts and legislative bodies take judicial notice, although a legislative body can hardly be said to take judicial notice of anything; but I know how the Senator employs the term.

Mr. LODGE. I use that as a simile.

Mr. REED. But does the Senator from Massachusetts mean to say that a legislative body ought to take notice that a bill has been passed by the legislative body of a foreign country when there is not a living man in the body who can say that he knows the legislation has been effected?

Mr. LODGE. I understood differently, and I understood it had been printed here.

Mr. REED. I know; but that has been explained. If the Senator—

Mr. LODGE. And I understood the department had been informed of it, and I do not think there is any doubt of the fact. But when we dealt with the question of the fisheries we did not require certified copies of the acts of Canada. We took them as

a matter of public information, and dealt with them accordingly, and legislated.

Mr. SMITH of Arizona. Mr. President, if I will get the information that the Senator wants within 30 minutes, will he let us have a vote on this bill?

Mr. REED. Mr. President, that sort of bargaining on the floor of the Senate does not appeal to me.

Mr. SMITH of Arizona. A man is justified in doing any sort of bargaining under conditions of this kind. I certainly am not violating any rule or infringing on the courtesy or dignity of the Senate or kind feeling toward my friend. I recognize his rights. I am extremely anxious, as he knows, to pass the bill; and I would suggest to the Senator another proposition:

Inasmuch as we were the proponents of this treaty, inasmuch as the United States initiated it, why should we wait for Canada's action in that case? We proposed it. Whether Canada has acted or not, it is our duty to carry it out; but we are informed that she has acted, and the Canadian bill has been printed in the Record.

Mr. REED. Mr. President, that is a point that I have made perfectly plain. If we initiated the treaty, it might be said that we ought to follow it by taking the first legislative action, and that thereupon Canada, having our action before it, would act in the light of our legislation and would make its legislative act fit onto or coordinate with our legislative act. That, of course—

Mr. STONE. Mr. President—

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

Mr. REED. I do.

Mr. STONE. If my colleague will permit, I would like to say that it is not so much a question as to whether acts passed by the Canadian Parliament and by the Congress of the United States coordinate or articulate, as he expresses it, as it is whether they coordinate and articulate, both of them, with the provisions of the treaty itself. If they do not do that, if either is not in accord with the treaty, and especially if either is in contravention of the treaty, then one or both, as the case may be, will not conform to the treaty, and the act not so conforming would be ineffective, in so far as the treaty is concerned, for the treaty is the foundation, the basis, upon which the legislation in both countries would be constructed. Now, if the act that we are proposing is in accordance with the terms of the treaty, is not that all we have to do? We perform our part. Canada must take care of her own legislation. If Canada has passed or should pass a law that does not conform with the treaty, it would be of no effect, so far as this country is concerned.

Mr. REED. I do not agree with all that my distinguished colleague says. I hold, of course, that if this treaty has any binding force, and in so far as our Government could make it without impinging upon the Constitution itself, it is our duty, having made the treaty, to enact legislation in accordance with it; and it may have been, in due course, a sort of obligation upon us to act before Canada acted. But if Canada has acted, we have an interest in knowing whether the action of Canada is in conformity with the treaty, if it is desired to put it in that form. There is not a man in the Senate who can stand here and say that he knows what Canada has done; and we are asked to pass a law here in relation to a solemn treaty, thought to be of sufficient importance to negotiate, without any official notification and without any of that kind of notification which the Senator from Massachusetts calls judicial notice, because judicial notice is based upon a common and general understanding of matters, and not upon a condition such as we find here this morning, when no man can say that the act has taken place, and where there is no common or general understanding about it.

There is not any doubt in my mind, notwithstanding all the efforts that have been made on the side for this bill, notwithstanding the temper of many Senators here to press it through without consideration, that the proper course for this bill to take is to go to the committee, and let the Committee on Foreign Relations tell us what the Canadian Government has done, and tell us whether the bill, if any was passed by the Canadian Government, does conform to the treaty, because if it does not conform to the treaty then it would become perfectly manifest that we would be interested in knowing what the intentions of the Canadian Government might be.

So, Mr. President, I insist upon my motion.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Missouri to recommit the bill to the Committee on Foreign Relations, with instructions.

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



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

Mr. FLETCHER (when his name was called). I have a pair with the Senator from New Hampshire [Mr. GALLINGER]. Not knowing how he would vote, I withhold my vote.

Mr. SUTHERLAND (when Mr. GOFF's name was called). I desire to announce the absence of my colleague the senior Senator from West Virginia [Mr. GOFF] on account of illness. I will let this announcement stand for the day. My colleague has a general pair with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. SUTHERLAND (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM] and therefore withhold my vote.

Mr. VARDAMAN (when his name was called). I desire to inquire if the junior Senator from Idaho [Mr. BRADY] has voted. The PRESIDENT pro tempore. He has not voted.

Mr. VARDAMAN. I have a general pair with that Senator. In his absence I withhold my vote.

Mr. WEEKS (when his name was called). Has the senior Senator from Kentucky [Mr. JAMES] voted?

The PRESIDENT pro tempore. He has not voted.

Mr. WEEKS. I have a general pair with that Senator and withhold my vote.

The roll call was concluded.

Mr. GERRY. I have a general pair with the junior Senator from New York [Mr. CALDER]. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. SUTHERLAND. I will transfer my pair with the junior Senator from Kentucky [Mr. BECKHAM] to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. ROBINSON (after having voted in the negative). I transfer my pair with the Senator from Michigan [Mr. TOWNSEND] to the Senator from Wisconsin [Mr. HUSTING] and let my vote stand.

The result was announced—yeas 7, nays 43, as follows:

## YEAS—7.

Gore	Hardwick	King	Reed
Gronna	Johnson, Cal.	McNary	

## NAYS—43.

Ashurst	Kendrick	Page	Simmons
Bankhead	Kirby	Penrose	Smith, Ariz.
Cummins	La Follette	Phelan	Smith, Ga.
Curtis	Lodge	Pittman	Smith, Mich.
France	McCumber	Polindexter	Smith, S. C.
Gerry	McKellar	Pomerene	Smoot
Hale	Martin	Robinson	Sterling
Hollis	Nelson	Saulsbury	Stone
Jones, N. Mex.	New	Shafroth	Sutherland
Jones, Wash.	Norris	Sheppard	Trammell
Kellogg	Overman	Shields	

## NOT VOTING—46.

Beckham	Fletcher	Lewis	Townsend
Borah	Frelinghuysen	McLean	Underwood
Brady	Gallinger	Myers	Vardaman
Brandegge	Goff	Newlands	Wadsworth
Broussard	Harding	Owen	Walsh
Calder	Hitchcock	Ransdell	Warren
Chamberlain	Hughes	Sherman	Watson
Colt	Husting	Smith, Md.	Weeks
Culbertson	James	Swanson	Williams
Dillingham	Johnson, S. Dak.	Thomas	Wolcott
Fall	Kenyon	Thompson	
Fernald	Knox	Tillman	

So the Senate refused to recommit the bill.

Mr. REED. Mr. President, the motion which I made, and which has been so overwhelmingly voted down, was made in good faith and not for delay. It is absurd, in my humble judgment, to the last degree to ask the enactment of a law to carry out the purposes of a treaty which requires similar action on the part of a foreign Government and to take that action upon a mere rumor that the foreign Government has passed a certain law, a true copy of which no man can assert has arrived at the Senate. It is not in accordance with the dignity and decencies of governmental action, in my humble opinion.

If this bill were presented wholly regardless of the Canadian Government's action, presented upon its merits and in disregard of anything the Canadian Government had ever done, I would not make the remark I have made; but it has been asserted and argued here that we ought to pass the bill at this time because Canada has taken certain action, and yet nobody can vouch for the fact that Canada has taken that action. If we are to take into consideration any action by the Canadian Government, then what the Canadian Government did ought to be before us in some authentic form, and that should be referred to the proper committee of the Senate, to the end that when we come to act we shall act in the full light of what the other Government shall have done. But that was submitted to the Senate, and it has not been the opinion of the

Senate that that course should be followed. Consequently, I have no further complaint to make about it. If the Senate wants to transact its business in that way, it is for the Senate to say; and, of course, no one Member can prevent it. I venture the hazard of the prediction that if that sort of loose way of doing business is followed, there will come a day when we shall regret having adopted that method of doing business.

Mr. President, I am perfectly aware that my opposition to this bill and this class of legislation has been regarded as somewhat stubborn, and I am going to say now for the relief of the Senator in charge of the bill that I am going to give him a vote before 2 o'clock, because I shall have done my full duty, and I only want time enough to make my position perfectly clear.

This legislation is the result of a persistent lobby that has been at work for a number of years; that has been backed undoubtedly by a large amount of money. The evidence of that I put in the RECORD many months ago. It has been put before the people of the United States upon a false basis from the first. Paid agents have haunted the corridors of this Capitol to advocate this legislation, and some of them have been called by name from this seat. They have not hesitated to defame and malign every man who has opposed their purposes. They have asserted that every man who opposed this class of legislation is a game hog; that he desires to slaughter all the game there is. They have described him as a pothunter, and so forth.

The originator of this legislation I portrayed from his own book in the Senate, where I read passages in which he described the great glee he experienced when he was skinning an orang-utan and told what a thrill went through the heart of the hunter of orang-utans as the knife pierced down through their flesh, and at the same time he described the orang-utan as so nearly a human being that the mothers carried their young as a woman carries her babe, and set forth other human attributes.

The fact is there are two classes of men opposed to this legislation. One of them is that class of sportsmen who believe that when you undertake to turn over to the Agricultural Department of this country the right to make rules and regulations prescribing when and how and where game can be killed, you have put the job into the hands of incompetents, who do not know how to administer it. The demonstrations up to this day are to the effect that the Agricultural Department do not know how to administer this law, a fact which they confess by going outside of the departments of the Government and outside of any authority of law and organizing what they please to term an advisory council. This advisory council has undertaken to divide the country into zones and to specify when it shall be legal and when it shall not be legal for a sovereign citizen of a sovereign State of the United States to take game within the boundaries of his own State.

The PRESIDENT pro tempore. The Chair desires to inquire of the Senator if he still desires the paper he requested to be brought to the Secretary's desk?

Mr. REED. I do.

The PRESIDENT pro tempore. The officers of the Senate have just been able to procure the paper returned from the Printing Office. The Chair will send it to the Senator, if he desires.

Mr. REED. I thank the Chair.

This advisory committee is composed of men the majority of whom, if I recall aright, live in the city of New York. I have no doubt that a number of them have never visited the important States which they have assumed to divide into zones and precincts. Some of these men are connected with the manufacture of shotguns and other hunting paraphernalia. Funds to carry on this propaganda were gathered from the great manufacturers of arms in the country, a fact which I have also demonstrated, and in demonstrating it I did no very great task, for the evidence was furnished to me by others, but it has never been disputed, and I challenge any man to dispute it now.

Mr. SMITH of Arizona. I do not know anything about it, but I suggest that if the men who manufacture shotguns were doing that they were acting very much against their own interests.

Mr. REED. Oh, no; not at all.

Mr. SMITH of Arizona. Because if you allow shooting all the year, summer and winter, I imagine what they manufacture would be in great demand.

Mr. REED. Oh, no; these gentlemen have plenty of ways to make money out of it, and one is this: During the close season they sell vast quantities of clay pigeons for trap shooting to people who can not be permitted to get into the field. The correspondence is extant, showing how they expected to make the money and where they expected to line their purse through this legislation.



Mr. President, the principal opposition to this bill coming from sportsmen has come from that class of men who advocated remedial and protective legislation for game when Hornaday was hunting monkeys and orang-utans and boasting of the pleasure he obtained from killing them. They comprise that body of men in my part of the country who have been the advocates of stringent legislation in the State legislature; but they comprise also a body of men who have insisted that a man who will make the rules and regulations promulgated by the Department of Agriculture giving an open season for ducks at a time when every pond is frozen over and every river frozen 8 or 10 inches thick is not competent to make regulations.

But there is another class who have opposed this legislation, and in that class I include myself. It is that class of men who hold that there are certain fundamental rights and privileges and duties which belong to the several States of the Union, and that those rights and duties under the Constitution of the United States can not be taken away, and that when Congress undertakes to take them away Congress violates the Constitution that it ought sacredly to uphold.

This legislation is akin and apiece with the bill that was passed some months ago in Congress, a bill to which I have already referred. That bill was believed to be unconstitutional by a great many lawyers; I will not say by every lawyer in the United States, but I think by nearly every good lawyer. Of course, I must make some exceptions among the good in order to allow the few advocates of this bill who are lawyers to be classed as good lawyers. It was held by those lawyers that the bill was unconstitutional, first, because it had been decided time out of mind that game, until taken, is the property of the State, and not of the Federal Government. The authorities with reference to this point I have already given to the Senate, and I shall not weary the Senate by again referring to them more than in this passing way?

It is sufficient to say that that principle of law was established more than 50 years ago—I think, if my recollection serves me aright, quite 75 years ago—and it has been steadfastly adhered to from that day to this. Therefore the men who believe that the Constitution ought to be upheld and who believe that the Federal Government ought not to try to take over to itself rights and powers that belong to the respective States have contended against this class of legislation. That they were warranted in their contention is demonstrated by the fact that three Federal courts, having this question presented squarely to them, have held the law unconstitutional, and that no Federal court of record up to this time, to my knowledge, at least, has ever held otherwise.

The principal one of these cases arose in the State of Arkansas before the Federal court of that State, and in an illuminating decision the judge of that court, citing authorities running back almost to the very origin of our Government, held the statute unconstitutional and void; held it unconstitutional and void upon the broadest grounds, and in the most certain terms. The same question came before his honor, Judge Pollock, of the Federal court, sitting for the State of Arkansas, and in a decision equally lucid Judge Pollock held the doctrine I have just announced. The case in the State of Arkansas was entitled "United States against George L. McCullagh." Now, observe what the court has to say with reference to this matter. The court does not treat it as a trivial thing that can be passed upon by Senators who refuse to hear argument and who leave the Chamber. I say it now, in all pleasantness, and by way of parenthesis, the day is going to come—and come soon—when men who do not stand by the Constitution of the United States will find other men occupying their seats in Congress, for, just as certain as the old sun will lift its head in the east and disappear at eventide in the west, just as certain will the day come when the people of the United States will discover that this much-maligned Constitution is their Constitution; that it is their charter of rights; that it is their harbinger of safety; and that those who strike it down or lay unholy hands upon it are worse than anarchists, because the anarchist parades his infamy in the open, while those who undermine the Constitution do it under the pretense of performing a public service; but whoever undermines the Constitution will some day find that the people will rise and say: "This was our Constitution; we wrote it in blood and in tears; we inscribed it as the charter of our rights; and we demand that obloquy and disgrace shall be visited upon every man who has assisted in debasing that Constitution." Make no mistake. We shall be held to a strict accountability.

Now, let me call attention to just a phrase of this opinion of his honor, Judge Pollock:

In ruling this question certain fundamental principles so firmly established in the laws of this country as to become truisms must be borne in mind. As the act assailed on constitutional grounds expresses the deliberate action and intent of a coordinate branch of government, it

must be either upheld and enforced or its invalidity must be made to appear so clearly as to be beyond all question of doubt.

Omitting part of the opinion, it continues:

In the present case the Government asserts the power by Congress exercised in the passage of the act challenged is found in either what is commonly called the general-welfare clause, subsection 2 of section 3, Article IV, of the Constitution, which reads as follows:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

Or to be authorized by the commerce clause, which reads:

"To regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

It is quite evident the thought in the mind of Congress which gave rise to the passage of the act in question, and the common good thereby sought to be accomplished, was the preservation of the migratory bird life of the country from extermination as has in past been the lot of some species of its wild game, animals, and birds. However, no matter how laudable the purpose of Congress in the passage of the act in question may have been, or how great the ultimate end sought thereby to be attained for the common good, such end does not justify the means employed if it be found on examination to lie beyond constitutional bounds. In such event the only proper course lies in amendment of the Constitution.

Mr. President, I do not intend to read this very learned opinion, although it is not very long, in which the court goes over the entire line of authorities. It is sufficient for me to say that the court expressly holds that the act is violative of the Constitution. The concluding paragraph of the opinion is as follows:

Not only is this true, but the argument of necessity, so strongly urged on the part of the Government at the hearing, to preserve the migratory-bird life of the country from extinction, would seem to the thoughtful mind more fanciful than real, and for this reason: The several States, as has been seen, possess the most absolute and plenary power of control over the subject matter of wild-animal and wild-bird life within their territorial domains it is possible to either conceive or to grant. In the exercise of this unlimited power the States acting together may, beyond all question, prohibit absolutely and unconditionally the taking of any such wild life in any part of this country either temporarily or for all time. Hence, it turns out, the argument of necessity for action on the part of the Government arises not so much from any want of power to control on the part of the several States as from dissatisfaction as to the manner in which such plenary power possessed by the several States is exercised. It is quite obvious differences of opinion and difficulties of the nature involved are inherent in the very form and structure of this Government, subject to change or correction, however, only in the manner prescribed by its founders.

And the same decision entered in this case, which was that a demurrer to the information be sustained, was rendered in another case then pending.

Mr. President, the Arkansas case in due course reached the Supreme Court of the United States. Something over a year ago I believe it was argued, and the court took the question under consideration, as is customary. After having held it for some months, the court asked a reargument of the case. That reargument took place, and the question is now in the mind of the court. The decision may be expected within the next 90 days. If the decision should be that the States have control of bird life and that the question, therefore, is not one for the consideration of Congress, this bill can not, of course, be enacted in its present form. It might be that some power could be exercised by the Federal Government touching the matters named in the treaty, but they would be of an entirely different character from those which are now written in this bill. If, upon the other hand, the Supreme Court should hold the law constitutional, overturning the decisions of all the Federal courts that have decided the question up to this time, then, of course, we would understand what has never been understood in the history of the world before, namely, that the wild birds of this country belong to the Federal Government, and not to the several States. Then we would be in a position to legislate in the light of that revolutionary decision.

But the advocates of this bill, Mr. President, are not willing to wait. I know why they are not willing to wait, and they know why. They fear that the Supreme Court of the United States will declare that law unconstitutional. They hope by some process of reasoning—I do not know what it is—that the United States Supreme Court, in deciding the case now before it, will in some way take into consideration the fact that we have made a treaty with Canada. They seem to be obsessed with the idea that Congress can do by treaty an act in violation of the Constitution of the United States which it can not do by statute—a remarkable kind of logic, which, I think, can only be indulged in by a man who has become thoroughly obsessed with this bird legislation.

Mr. President, we are passing through a time when every man who ventures to mention the Constitution makes of himself in a way a subject of ridicule. We are passing through a time, which I hope and pray we shall pass through safely, when the ordinary rules of life are brushed aside, when the ordinary powers of government are treated as though they could be extended without limit. We are passing through a time when men are permitted to stand on the floor of the Senate, without rebuke, and



practically to declare that the Constitution of the United States has ceased to be.

I am not a pessimist or alarmed because of this, for I know that the great American people always discover the virtues of a question in the end. It may take two or three months for the truth to filter out; it may take six months or a year, but in the end the facts reach the brains of the American people, and when the facts do reach the brains of the American people the decision is nearly always, if not quite always, a wise one; at least, it is one which we all must cheerfully accord with and obey.

But I protest that it is a pitiable thing that there can be created in Congress a spirit that seems to be willing to ignore the Constitution whenever, in the opinion of some Member of Congress, it is for the public welfare, the Congressman forgetting that it is not for him to decide whether a thing prohibited by the Constitution be for the public welfare or not; that the very purpose of all written constitutions is to make a rule for the people that can not be set aside by men who are temporarily invested with the powers of government.

In the vast majority of cases the liberties of the peoples of various countries who have had liberty and have lost it by men who permitted the rights of the people to be impinged, and who at the time thought they were doing a good service; but, sir, they made a precedent that lived to become the instrument in the hands of others to bring about evil for their country. And so I still have the temerity to stand here, although I stand alone, with nothing back of me except the unbroken decisions of half a century of the courts of the United States and the courts of the several States, with nothing back of me but the decisions of at least two Federal courts rendered recently with reference to a law exactly like the one now before us—I have the temerity to stand alone and to protest against this legislation.

It is called up here in the morning hour. I could talk for 15 or 20 minutes longer, and the bill would go over, but the Senate, by an overwhelming vote, has expressed its desire to vote upon this bill. I have never yet engaged in a filibuster. I hope I shall never be obliged to do so. So, with what I have said, registering my protest not only to deaf ears but to ears of those who leave the Senate and refuse to listen; with the fact before me that the only Senators paying any attention are the Senator from Texas [Mr. SHEPPARD], the Senator from Florida [Mr. TRAMMELL], the Senator from Wyoming [Mr. KENDRICK], the Senator in charge of this bill [Mr. SMITH of Arizona], the Senator from North Dakota [Mr. GRONNA], the Senator from Washington [Mr. JONES], the Senator from West Virginia [Mr. SUTHERLAND], and the Senator from Indiana [Mr. NEW]; knowing that the Senate does not intend to consider this bill, that it has not considered this bill, that it does not know what is in the bill, and that it proposes to pass it non obstante, I close my remarks, and let the vote be taken.

The PRESIDENT pro tempore. The bill is still in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. SMITH of Arizona. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested. The Secretary will call the roll.

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

Brady	Kellogg	Overman	Smith, Md.
Chamberlain	Kendrick	Page	Smith, Mich.
Cummins	Kenyon	Poindexter	Smith, S. C.
Curtis	King	Ransdell	Smoot
Fletcher	McCumber	Reed	Sterling
Gerry	McKellar	Robinson	Stone
Gronna	McNary	Saulsbury	Sutherland
Hardwick	Martin	Shafroth	Swanson
Hollis	Nelson	Sheppard	Trammell
Johnson, Cal.	New	Sherman	Underwood
Jones, N. Mex.	Newlands	Shields	
Jones, Wash.	Norris	Smith, Ariz.	

The PRESIDENT pro tempore. Forty-six Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. FERNALD, Mr. HALE, Mr. WARREN, and Mr. WATSON answered to their names when called.

Mr. FRANCE, Mr. LODGE, Mr. BANKHEAD, Mr. PITTMAN, Mr. PHELAN, Mr. WEEKS, Mr. POMERENE, Mr. LA FOLLETTE, and Mr. VARDAMAN entered the Chamber and answered to their names.

Mr. KING. I desire to announce that the Senator from Illinois [Mr. LEWIS] is necessarily absent on account of public business. I will let this announcement stand for the day.

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

Mr. REED. Mr. President, just one word before we vote.

I called for the original of a document that was sent here, and it reached me during the latter part of my remarks; and therefore I was not privileged to say why I wanted it. I want the Senate to understand that I did not call for this document out of any mere caprice. I had a reason for wanting the original, and it is this:

At the head of the document which is presented as the act of the Canadian Legislature is this pencil memorandum, which has since been erased, but, nevertheless, it can be read:

Advance copy of Canadian migratory bird treaty enabling act. Introduced in Parliament June 21, 1917.

If the bill was only introduced on the 21st of June, the inquiry naturally would arise whether it had been enacted into a law; and it was because of this memorandum being on the original papers that I desired their production. However, I have said now all that I wanted to say in reference to this bill, which I believe to be unconstitutional, and I am willing that the vote shall be taken.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole. The amendment was concurred in.

The bill was ordered to be engrossed and to be read a third time.

The bill was read the third time.

Mr. KING. Mr. President, I should like to ask the Senator having charge of this bill whether section 5 was amended in consonance with the suggestions made by the Senator from Idaho several days ago?

Mr. SMITH of Arizona. Yes; that amendment was agreed to. The Senator from Missouri, the Senator from Idaho, and myself took up the matter, and it has been agreed to.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill was passed.

#### NATION-WIDE PROHIBITION.

Mr. SHEPPARD. I ask unanimous consent that the joint resolution providing for nation-wide prohibition be laid before the Senate.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent that Senate joint resolution 17, subject to the unanimous-consent agreement which goes into effect at 2 o'clock, shall be laid before the Senate. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 17) proposing an amendment to the Constitution of the United States, which was read, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein).* That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

#### "ARTICLE —

"SECTION 1. The manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, and the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes are hereby prohibited.

"SEC. 2. The Congress shall have the power to enforce this article by appropriate legislation, and nothing in this article shall deprive the several States of their power to enact and enforce laws prohibiting the traffic in intoxicating liquors."

The PRESIDENT pro tempore. There are several amendments proposed by the committee.

Mr. SHEPPARD. Mr. President, as I understand, under the unanimous-consent agreement we are to vote on the joint resolution and the amendments at 4 o'clock Wednesday afternoon.

Mr. CURTIS. Mr. President, was it the understanding that the votes on the amendments were to be had to-day, or are the votes to be taken Wednesday after 4 o'clock p. m.?

The PRESIDENT pro tempore. The Chair does not think there is anything to prohibit a vote being taken before that time.

Mr. SHEPPARD. I ask unanimous consent that we take the resolution up now for the purpose of discussion until 2 o'clock, and after 2 o'clock the unanimous-consent agreement will be in force.

Mr. GRONNA. Mr. President, I trust the Senator will not insist upon taking up the amendments at this time.

Mr. SHEPPARD. I do not. On the other hand, I suggested that we do not consider the amendments until 4 o'clock on Wednesday afternoon.

Mr. GRONNA. I did not hear the Senator.



Mr. CURTIS. I did not hear the Senator make that suggestion, either. I think that is the proper course.

Mr. SHAFROTH. Mr. President, I think the amendments ought to be considered before 4 o'clock, but ought not to be voted upon until the day of Wednesday.

Mr. SHEPPARD. That was what I meant to say—to vote on them at 4 o'clock. Of course, they may be discussed between now and then.

Mr. UNDERWOOD. Mr. President—  
The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Alabama?

Mr. SHEPPARD. Certainly.

Mr. UNDERWOOD. We have come to a definite agreement for the consideration of this measure. I do not think it ought to be changed in any respect; and, although I do not desire to propose any amendment myself, I understand that at least one important amendment will be proposed. I think it ought to come up at a time when it can have some discussion and consideration; but, without changing the agreement, I think it would be very well if we reached an understanding—not an agreement but an understanding—between ourselves that the general debate shall run to-day and to-morrow, and when we reach the 10-minute rule on Wednesday that the amendments shall be considered. As I understand, the unanimous-consent agreement which has already been made contemplates that procedure.

Mr. SHEPPARD. It is contemplated under this agreement that all amendments and the joint resolution itself may be discussed until 4 o'clock on Wednesday afternoon.

Mr. STONE. It is understood, I presume, that amendments may be offered at any time, to be pending.

Mr. SHEPPARD. That is correct.

Mr. STONE. From this date until the final disposition of the bill.

Mr. SHEPPARD. That is true; until 4 o'clock Wednesday afternoon.

The PRESIDENT pro tempore. The Chair will state that any question regarding what this unanimous-consent agreement provides for, the present occupant of the chair, if in the chair, will leave to the Senate for determination under the rule.

Mr. SHEPPARD. Mr. President, this is a historic occasion. For the first time in its annals the Senate is to vote on the submission of a constitutional amendment for nation-wide prohibition. The method ordained by the Federal Constitution for its own alteration is being strictly followed. If the proposed amendment should be adopted by three-fourths of the States, the traffic in intoxicating liquors for beverage purposes would be forbidden anywhere within the American Republic. Prohibition would be imbedded in the organic law of the Nation.

At the outset an inquiry may arise as to why a subject of this kind should have assumed such importance as to justify the proposal of an amendment to the Federal Constitution.

Let Abraham Lincoln give answer:  
The liquor traffic is a cancer in society, eating the vitals and threatening destruction, and all attempts to regulate it will not only prove abortive but will aggravate the evil. There must be no attempts to regulate the cancer. It must be eradicated, not a root must be left behind, for until this is done all classes must continue in danger of becoming victims of strong drink. \* \* \* Slavery is abolished. The next great question would be the overthrow of the legalized liquor traffic. And you know, Merwin, that my head and my heart, my hand and my purse, will go into that work. In 1842, less than a quarter of a century ago, I predicted that the day would come when there would be neither a slave nor a drunkard in the land. I have lived to see one prediction fulfilled; I hope to see the other realized.

Senators, a vote for the amendment now pending will help to realize the dream of Lincoln.

Let one of the foremost scientific and professional bodies of the Nation, the American Medical Association, give answer. At its sixty-eighth annual session in the city of New York, in June of this year, the following resolutions were adopted:

Whereas we believe that the use of alcohol as a beverage is detrimental to the human economy; and  
Whereas its use in therapeutics, as a tonic or a stimulant, or as a food, has no scientific basis; Therefore

Resolved, That the American Medical Association opposes the use of alcohol as a beverage; and be it further

Resolved, That the use of alcohol as a therapeutic agent should be discouraged.

To make the second resolution plainer, let it be said that therapeutics is that branch of medicine dealing with the treatment of disease.

Let Arthur Mee and Stuart Holden, noted students of the drink problem in England give answer:

The drink trade in these 50 years has deprived the country of man power equivalent to the whole of the British Army under arms. \* \* \* If you would know how we destroy our children, there is a little new book that will tell you. It is Dr. Norman McLean's noble book, "Stand Up, Ye Dead." \* \* \* You will learn from it that we sacrifice one-

third of our possible growth of population losing in the way of France, which cries in vain to-day for her best men. There are other causes than drink for these things, but there is tragic meaning in the words of one of our great medical officers of health, Dr. Millard, of Leicester, which says that were he offered the abolition of drink alone or of all the other enemies of public health put together, he would choose the abolition of drink. \* \* \* Is it nothing to us that these social Zephelins of ours, not content to have stolen our man power in the past, not content to imperil our land to-day, not content to turn the happiness of millions into misery through all the years they live, saps the very foundations of our future and writes across the entrance of the world for millions of children who come through its gates—"All hope abandon, ye who enter here"?

Let the New York Tribune give answer:

Upon what does the liquor traffic depend? Upon debased manhood, wronged womanhood, and defrauded childhood. It holds a mortgage on every cradle, a deed written in the heart's blood on every human life.

Let Dr. Howard A. Kelly, medical professor of Johns Hopkins Hospital, give answer:

- (1) Alcohol is nonessential as a food, a most awful, wasteful substitute.
- (2) May be classed as a drug and a poison.
- (3) Has no rightful position as a medicine.
- (4) Destroys individual, domestic and civil felicity.
- (5) Increases taxation by filling prisons, madhouses, and workhouses.
- (6) Greatest foe to civilization in heathen lands.
- (7) Therefore could be wholly abolished with profit.
- (8) Therefore, as one of the human family, an individual member has no right to introduce into the household or use for his own pleasure that which hurts even one other member or set at work an evil influence he has no well-grounded hope of controlling. \* \* \* It is clear in the light of experience and of recent research work that alcohol ought to be classed in the list of dangerous drugs, along with morphine, cocaine, and chloral, a drug which may so affect the will power as to gain the complete mastery over a patient and in the end destroy him. \* \* \* As a citizen, I note that it is alcohol which fills our prisons, whether taken in the form of a strong beverage as whisky, or beer, as a representative of milder beverages. It is at the bottom of most crimes, domestic infidelity, poverty, seductions, murders; it is allied to all that is evil and destructive of the high aims of civilization.

Let Rudyard Kipling give answer. He had seen two young men in a concert hall in one of our American cities get two young women drunk and then take them into a dark street. He had not been a total abstainer himself, nor had he commended temperance in his writings, but he wrote as follows of that scene:

Then, despite previous opinions, I became a prohibitionist. Better it is a man should go without his beer in public places and content himself with swearing at a narrow-minded majority; better it is to poison the inside with very vile temperance drinks and to buy lager furtively at back doors than to bring temptation to the lips of young fools such as the four I had seen. I understand now why the preachers rage against drink. I had said: "There is no harm in it, taken moderately;" and yet my own demand for beer helped directly to send these two girls reeling down the dark street to—God alone knows what end.

Let the following facts also give answer:

Alcohol is a liquid poison. It attacks the tissues that compose the various parts of the human organism. These tissues are immersed in water containing salts, and from the water and the salts the organs of life obtain nutrition. Alcohol absorbs this vital fluid, without which there can be no normal life, and then attacks the organ itself. It thus disturbs, impairs, and finally destroys the vital functions, the process being slow or rapid in proportion to the amount consumed, the regularity and persistence of the drink habit. Six or eight ounces taken at one time may produce death very shortly, even in those long accustomed to intoxicating liquors. It produces structural changes in the tissues, making them more and more dependent on its presence, as disintegration and decay proceed. A forced and abnormal activity follows, a temporary sense of warmth, vigor, comfort, congeniality, requiring larger and larger quantities to restore it. And what is at first a mere craving for this drug becomes in the end a clamor so resistless that the victim would sacrifice anything—honor, hope, self-respect, position, wife, children—for its satisfaction.

The most delicate tissues are those composing the brain and nerves. Here alcoholic poison works especial havoc. It impairs the highest functions of the brain, the sense of right, of moral conduct, of proper obligation to society and to God. It thus imperils virtue, integrity, respect for law and order—all that is sacred and pure in civilization. It is a chief source of immorality and crime.

Madame Tarnowsky, in her famous study of "female offenders," says that 82 per cent of fallen women were brought to ruin by alcohol. In a recent investigation the Massachusetts Bureau of Labor Statistics found that 84 per cent of the convicted criminals of that State were made criminals by drink. A lord chief justice of England said that if sifted, nine-tenths of the crime of England and Wales could be traced to drink. Col. L. Merwin Maus, who served 41 years in the Medical Corps of the United States Army, who organized the Public Health Service in the Philippines, and who has made a profound study of the effect of alcoholic liquors on the human race, says that probably



all the crime committed in the Army, directly or indirectly, can be traced to alcohol. He says, further, that nearly all crime may be traced to alcoholic drink. He calls alcohol "our racial poison" and holds it mainly responsible for our 200,000 insane, our 250,000 feeble-minded, our 100,000 deaf and dumb, our 100,000 blind, our 50,000 juvenile delinquents in institutions, our 100,000 paupers, our 150,000 prisoners and criminals. Vance Thompson, who has written a stirring and impressive indictment of alcohol under the ironical title "Drink and be sober," says:

But alcohol is a curious thing. It is often as erratic in its manifestations as electricity. Its ordinary way of work is to degenerate its man, making for general organic degeneracy, with progressive waning of the intellectual faculties. Now and then it has another way. Instead of slowly murdering its man it attacks him furiously at intervals. Now and then, at an unforeseen moment, out of the blue a drinkstorm beats upon him and sweeps him away from his usual moorings. The best man who drinks is never sure that crime may not get him; that when his moral discrimination is put to sleep by the drug a strange new criminality may not start up in him. The chance is one in a hundred? If it be only one in a thousand it is a bad chance to take, and it is on the edge of this peril that one finds the most awful and the most sad tragedies of life. One such adventure in life haunts me. The youth I loved most was an undergraduate at one of the English universities. Destiny had given him birth in a famous English family—near the head of it. Once, I remember, we had wandered far afield, debating the old Utopian idea, and a winter night shut down on us. We went into a little wayside inn for dinner and took what we could get. It was an alehouse and there was no wine to be had. And I remember his pathetic exclamation, "How can a gentleman dine without a half pint of claret?"

Let me interrupt here to say that a few days ago a Senator who has everything the world can give to make life beautiful, useful, inspiring, and worth while, who has eloquence, genius, and charm, who has in him the making of a President, said in my hearing, "What possible harm can come from a glass of sherry in the home?" And that Senator is going to vote against this amendment. He is going to vote to continue a traffic which will send millions of men and women to careers of crime and shame because personally he can see no harm in a glass of sherry in his palatial home.

But let us return to Vance Thompson and the story of his ill-fated friend. He continues:

Now, in the horoscope of this grave and gentle lad was the maddest night ever written by the stars. I did not witness it. I was not even in England, but what happened I know and I know the end. He had been studying hard and late and in the afternoon he rode out for an hour or so—those were the days when youth took its pleasure on a horse—and he came back and dressed to dine in town with some friends. There you have him at a trifle before 8 o'clock. He had never been drunk in his life; he was the half-pint-of-claret sort of a man; the man who wets his pipe with a glass or two of whisky and soda; a clean-mannered man who had as soon think of drinking to excess as of rolling in the kennel like a dog. Where he went that evening I do not know. The bolt from the blue struck him. At 10 o'clock he was a drink-mad maniac, scouring the streets of the town with an American revolver—Heaven knows where he got it; I have forgotten—in his hand, and five minutes later he shot and killed a constable who expostulated with him in the kindly British way. They hanged that boy. In spite of the mighty weight of his family name, in spite of his dazed defense, in spite of the evident madness of that drink storm they hanged him on a gallows. "I don't remember anything about it" was all he could say. How could he? Science would have made clear to-day that he was in an alcoholic trance. When he went out to kill the real man in him—the man I knew and loved, the dreamer of Utopia—was deaf and blind. I do not care to write any more about this boy's life and death, only this: No man who plays with the lawless force of alcohol knows when or where the bolt from the blue will strike. No man knows. For inexorably as a triangle is imbedded in a circle there is hidden in alcohol the swift potentiality of crime.

Other disasters follow the presence of alcoholic poison in the brain tissues. Quickness and accuracy of judgment, memory, perception, coordination, ability to receive and transmit impulses, appreciation of the highest standards and motives of human conduct, faculties of initiative and originality, thrift, energy, all are affected at the very fountains of their being. The resulting loss to the individual and to society is beyond all estimation. In an age of machinery and of business transactions on a scale more enormous and complicated than ever before the clear eye, the quick brain, and the steady nerve are imperatively demanded. Society is more dependent to-day on the man at the machine than at any previous period. We are coming to understand that the engine of the body must have the same care as the engine of the aeroplane, the battleship, the railway train, the steamship, or the automobile; that the trade in alcohol is a form of sabotage which the human machine can not endure; that it is no more to be tolerated than would be the business of making and selling scrap iron to be dropped into the delicate and complex machinery of modern manufacture, transportation, and commerce.

But alcohol does not confine its devastations to the brain. Nor are its ravages limited to the production of inefficiency, immorality, and crime. Permeating all the organs of the body and attacking their component tissues it weakens them to such an extent as to invite and hasten the inroads of disease. It finds its way into the blood vessels that carry nutriment to every part of the human anatomy. It paralyzes, more or less,

both the red and white corpuscles in the blood, injuring the disease-resisting power of the former, the microbe-destroying function of the latter. Entering the stomach, it produces, with continued use, gastric catarrh and disturbs the entire digestive apparatus. It alters the tissues of the liver, dilating the cells, interfering with the liver's basic functions, producing cirrhosis, with possible complications of dropsy, swollen veins, and jaundice in its train.

A prominent authority tells us that regular and moderate drinkers are more liable to cirrhosis than those who indulge in occasional sprees. It attacks the tissues of the heart, causing in time a fatty degeneration and leaving that vital organ weakened and imperiled. In the kidneys it becomes one of the principal agencies of Bright's disease. According to Prof. Woodhead diseases of the heart, arteries, and kidneys are usually found in moderate drinkers. Prof. Strumpell avers that to alcohol may be traced nearly all cases of chronic inflammation of the stomach and intestines. Passing into the lungs it again begins its war on the normal tissue. Here it becomes the principal ally of tuberculosis, which is also engaged in tearing down the tissues. By the same process everywhere it leaves the entire body not only without the natural weapons against disease, but especially susceptible to contagious maladies of every sort. Perhaps it is most effective in the encouragement and transmission of venereal trouble. It destroys self-control, unleashes the savage passions, goads them to satiety which, in a climax of deviltry, it crowns with foul contagion. It makes the moderate drinker and the saloon as well a breeder and a carrier of communicable disease. It is a menace to the health as well as the morals of the Nation, and should be abated like any other nuisance or any other malignant plague.

The indictment is not yet complete. This alcoholic drug adds poverty of the blackest, dreariest, and most hopeless sort to the list of its offenses. Such is its power that men will take bread money from their families and make it blood money for drink. Such is its power that the American people are expending two and a half billion dollars for it every year, an average consumption of about 22 gallons for every man, woman, and child in the Republic. Nearly all of the American people must earn a living with the labor of their hands. Keep in mind the fact that those who bear most of the Nation's burdens, produce most of the Nation's wealth, and constitute the chief source of the Nation's vitality are the individuals, male and female, who earn a living by manual labor.

It is not generally realized how large an element of our population they represent. With their families they compose about five-sixths of the American people, and many of them begin work at as early an age as 10 years. Of these manual laborers over eleven and a half millions are engaged in agriculture. I do not refer to the million large farmers who either do not or need not perform the actual labor of the farm. Over 10,000,000 are at work in manufacturing and mechanical industries. Over 900,000 are laboring in the mines and in the oil, gas, and salt wells. Over two and a half millions are engaged in the different forms of transportation and communication, such as water, road, street, railway, express, mail, telegraph, and telephone. Over 3,250,000 are workers in the wholesale and retail trades, including the small merchants. Over 330,000 are in the official service of county, State, and Nation. Over three and a half millions are doing domestic and personal service. Nearly a million and three-quarters are in the clerical occupations. There should be included the millions of women and children who comprise the households and toil in the homes of these workers.

These figures are taken from the last census and refer to persons over 10 years of age in occupations requiring manual labor. They account for practically 34,000,000 people, about 7,000,000 of whom are women and girls, and these 34,000,000, with their families, make five-sixths of the Nation. They produce, prepare, and deliver for consumption the commodities that sustain the lives, clothe the bodies, and make possible the occupations of the entire American population. An analysis of the country's wealth will show that it is mainly the concrete expression of the muscle and sweat of these manual laborers. Indeed, they are the bulk of society itself and form the buttress of those social conditions, such as observance of law, preservation of order, recognition of property, respect for individual rights and contract obligations, which are essential to the peaceful accumulation and undisturbed possession of wealth. And yet these workers, the principal pillars of this Republic, the main factors in the creation of its wealth, whose bodies must be its chief defense in time of war, get an average gross return of less than \$700 a year.

Mr. President, with returns so small that they can barely provide their families with life's necessities, the laboring mil-



lions can not afford to waste over two billions a year on a beverage that impairs strength, undermines health, corrupts morals, and sends an ever-widening stream of defectives and incompetents to the asylum, the penitentiary, the hospital, and the grave. Add to this the fact that even the moderate drinker transmits the alcoholic taint to the unborn child, predisposing the helpless little being to disease, to shame, and to sin, and the horror of it all will begin to appear.

In view of the fact, Mr. President, that the toiling millions are to be the principal beneficiaries of the abolition of the liquor traffic, is it not astounding that there should have been a definite effort to enlist organized labor in behalf of this traffic? The laboring hosts of America, with their families, seventy-five or eighty millions strong, are asked to oppose prohibition, presumably because 100,000 bartenders have a union, as well as probably most of the 62,000 brewery, distillery, and other beverage-factory operatives. Labor is asked to imperil its very existence, to take food from the mouths and clothes from the backs of men, women, and children, to sustain a traffic meaning hunger, disease, insanity, and death for the masses, while liquor barons thrive in luxury, on account of these few men who would be infinitely better off in some other line. Also workers in certain occupations, such as paper hangers, plumbers, carpenters, teamsters, gas fitters, blacksmiths, boiler makers, iron-ship builders, joiners, carriage and wagon workers, coopers, electrical workers, steam engineers, stationary firemen, journeymen horseshoers, leather workers on horse goods, machinists, and so forth, are urged to take an active interest for the liquor traffic because some of them are employed to a greater or less degree in connection with the 68,000 saloons and the less than 2,500 breweries, distilleries, and vinous liquor plants in the United States.

Let me again quote from Vance Thompson:

Taking five leading industries in this country, namely, textiles and the finished products, iron and steel and their products, lumber and its manufactures, leather and its finished products, and paper and printing, and comparing them with the liquor business (including the malting industry) with regard to the number of wage earners employed, capital invested, and wages paid, we arrive at some interesting conclusions. Based upon the figures found in the Abstract of Statistics of Manufacture we discover that the number of wage earners for each \$1,000,000 invested in each of these industries was as follows: Liquor, 77; textiles, 578; iron, 284; lumber, 579; leather, 469; and paper, 367.

In plainer words, every million dollars invested in the drink industry gives employment to only 77 men, while a similar sum invested in lumber, for example, gives a living to 579 men.

What is all this boast about what the liquor industry is doing for labor? The ratio of wages paid to the workers in proportion to the capital invested is so criminally small that it should not stand for an hour in the face of this sociological investigation which Mr. Steiwe and his associates have made. In the textile industries—and that fairly represents all the other industries—the ratio of wages paid to capital invested is 23.9 per cent, a fair ratio; in the liquor business the ratio is 5.6 per cent.

It is not much that the laboring man gets out of the millions invested in alcohol. Small, indeed, is the financial harm he would suffer were it taken away.

What of the two billions the country spends a year in drink?

Simply this: Were it spent for food and clothing it would give employment to nearly eight times as many workers, who would receive collectively five and a half times as much in wages.

Another charge against beverage alcohol must now be added—that of economic waste. Over a hundred million bushels of grain and vast quantities of other foodstuffs intended by nature to be used in supporting life are converted into a beverage that corrupts and destroys it. Millions of tons of coal are employed in the processes of distillation and fermentation while human beings are suffering for lack of warmth. Thousands of freight cars are required to haul the brew of death while legitimate industries suffer from lack of transportation. Hundreds of thousands of laborers are engaged in the liquor business when they could be contributing to the supply of genuine economic needs. Lumber, glass, all other forms of building material, warehouses, stores, autos, teams, wagons, could all be enlisted in the promotion of some necessary industry instead of an enterprise that answers no proper requirement.

Finally, the constant activity of the liquor interests in the politics of the country is another peril to free institutions. They understand that their business has no inherent constitutional right of existence, that it continues purely by tolerance, and that it may be destroyed by an aroused electorate at any time. They know that the agitation against it will persist as long as humanity is able to protest against the traffic in broken hearts and ruined homes. Therefore self-preservation keeps them always on the alert. They are thoroughly organized for the making and unmaking of men and Congresses and legislatures. There can be no satisfactory solution of legitimate public questions so long as this formidable force measures men by their attitude on liquor and endeavors by the lavish use of money to bring about their success or defeat.

As an illustration of this pernicious activity let me quote various paragraphs from a memorandum furnished a few months

ago by the Hon. E. Lowry Humes, United States district attorney, to the court at Pittsburgh, in the case of the United States against the United States Brewers' Association et al.:

In a report to the trustees of the United States Brewers' Association it is said:

"The organization bureau: This department, which is our fighting field force, is financed by a voluntary fund. It has taken an active part during the past two years in State and local campaigns throughout the country. No less than 46 States and Territories have had the personal service of the bureau. The statement with regard to the elections of November 8, 1910, which has gone out to our members, indicates the extent of the recent work. There were 27 State campaigns in which we were interested, and we won substantial victories in all except one of them. Surely this speaks for itself."

And again, under the heading "Federal relations," the report says: "Our counsel has guarded our interests in the matter of Federal legislation with most remarkable success. During the last two sessions in Congress over 200 bills adverse to our interest have been introduced, many of which have had the backing of the entire prohibition and temperance organizations in this country. Only one measure affecting our interest has passed Congress in this period, and that went through with our assent. You can readily imagine what this has meant in winning and keeping friends in congressional districts. It is also literally true that Congress has been kept from doubling the tax on beer by our unaided efforts."

"In addition to this the labor bureau might be of very great value in our political organization by establishing a permanent working connection with the other labor bodies who make up the American Federation of Labor."

At about this time Mr. Percy Andraea became president of the Interstate Executive Association. One of the representatives of the organization bureau of the United States Brewers' Association said in his report to the head of that bureau in referring to a particular State: "I went over the State more with a view of meeting with the most influential labor men and in securing their support now and in the fight that may come, and I am sure that, if it is necessary, we can muster to our support all the labor men in the State, with one or two exceptions, and they believe they can deliver the union-labor vote."

The financial activities of the National Association of Commerce and Labor, in carrying out this comprehensive plan of Mr. Andraea, are most interesting. During the year 1914 the United States Brewers' Association turned over to Mr. Andraea the sum of \$330,138. The Wholesale Liquor Dealers' Association paid him \$90,000. These items and miscellaneous contributions which he received aggregated in that year \$525,116.28. The only activities of Mr. Andraea and his associates were political in nature. They participated extensively in numerous State campaigns concerning themselves and using their funds to influence the election of governors, lieutenant governors, United States Senators, Members of Congress, and members of State legislative bodies.

The extent of the operations of the United States Brewers' Association in 1914 reached startling proportions. Because of the alleged destruction of records, the Government has no assurance that it has a complete record of the funds raised and distributed by that association. We do, however, have an absolute record of the collection by the United States Brewers' Association in 1913 of \$755,385.18, a considerable portion of which remained in the treasury of the association at the close of its fiscal year. In 1914 we have an absolute record of collections aggregating at least \$999,300.88. How much more was collected during that year, of which we have no knowledge, because of the destruction of the association records, we can make no estimate. We do know, however, that the bank accounts which we have thus far succeeded in discovering show an aggregate in the neighborhood of a million and a half of dollars. The Pennsylvania State Brewers' Association was one of the associated organizations which constituted the general scheme of the defendant brewing companies and their association to control the political affairs of the Commonwealth of Pennsylvania.

The defendant companies, through the association, undertook to control the nominations and election of practically every public officer elected within the Commonwealth of Pennsylvania from governor down, including Members of Congress and United States Senators. At a conference called by its representatives in 1914, candidates for legislature and State senate, for Members of Congress, for United States Senator, and for governor were selected, and not only the individual effort but the moneys contributed to this association by the brewing companies who have entered pleas in this case were used to put through the slate thus selected.

As a result of the cases in connection with which the above memorandum was filed the brewer defendants practically pleaded guilty to violations of the Federal corrupt-practices act and paid enormous fines.

That the United States Government helps pay the freight in the political campaigns of the brewers comes out in a statement of United States District Attorney Humes in a brief to the United States Circuit Court of Appeals in re application of Hugh F. Fox, secretary of the United States Brewers' Association, for writ of habeas corpus, 1916. Mr. Humes says:

The Government had information that brewery corporations for many years past had been making illegal money contributions in connection with national elections, and also, in order to cover up their crimes, had been deducting from their tax returns sums equivalent to the amounts thus criminally expended in connection with elections, thereby adding crime to crime and cheating the Government out of a large amount of revenue.

The Supreme Court of the United States in the case of *Crowley v. Christenson* (137 U. S., 86) has the following to say regarding the liquor traffic:



By the general concurrence of opinion of every civilized and Christian community there are few sources of crime and misery to society equal to the dramshop, where intoxicating liquors in small quantities, to be drunk at the time, are sold indiscriminately to all parties applying. The statistics of every State show a greater amount of crime and misery attributable to the use of ardent spirits obtained at these retail liquor saloons than to any other source. \* \* \* There is no inherent right in a citizen to sell intoxicating liquors by retail. It is not a privilege of a citizen of the State or of a citizen of the United States.

That the trade in a poison like alcohol should have reached the proportions it has assumed in the United States, and that its promoters should have acquired the influence they possess is a matter no less of amazement than of humiliation. It is a menace to the Nation's health, the Nation's morals, the Nation's efficiency, and it is a stain on the Nation's name.

Is it not time that the Federal Government, the largest social unit we have, should take a hand when the traffic in a poisonous drug is taking from the earnings of the American people six times as much as they expend for bread, ten times as much as they expend for furniture, twice as much as they expend for clothing? The Federal Government has already established nation-wide prohibition as to other narcotic drugs through the Harrison law, prescribing the minutest regulations as to its sale for medicinal purposes, punishing violations with rigorous and effective penalties.

Prohibition by State or local option now prevails in an area equal to two-thirds of the United States, and that area contains more than half of the American people. Millions of American people have petitioned Congress to submit an amendment to the Federal Constitution destroying the liquor traffic in every part of the Nation. It has obtained such a hold on some of the larger States that it can never be ousted from this Republic by State action alone. No State has the right to harbor a traffic which is a menace and a disgrace to the Republic. For that matter, neither the Federal Government nor any State may claim the right to license a wrong. In *Stone v. Mississippi* (101 U. S., 816), the United States Supreme Court uses this language:

No legislature can bargain away the public health or the public morals. The people themselves can not do it, much less their servants. \* \* \* Government is organized with a view to their preservation and can not divest itself of the power to provide for them.

The pending amendment, therefore, violates the rights of neither State nor Federal Government. It deprives both of the power to authorize an immoral, unhealthful, corrupting, and dangerous traffic, and leaves both with an equal power to destroy it. It is a declaration of truth and right and duty for Nation and for State. Such are the facts which call for joint national and State action against the liquor traffic and justify at least the consideration of the necessary means to such an end in the manner provided by the Federal Constitution for its amendment.

If the liquor traffic is to be eradicated, the aid of the Federal Government must be invoked. I believe in fighting it in every political division from precinct to Nation, but I realize that its roots are in the Capitol at Washington. The partnership between the liquor traffic and the Federal Government is one of the most frightful heritages of the Civil War. In order to obtain revenue in that national crisis the Federal Government assumed jurisdiction over the liquor traffic for purposes of taxation, and has shared in its proceeds ever since. It now receives about two hundred and thirty million tear-stained dollars a year in revenue from this traffic, and thus reaps a sinister harvest from the chief agency of despair and ruin within its borders. In order to make sure of its shameful toll it keeps its hand on the deadly stuff from the still to the bar and no State can take it off. No citizen can make an ounce of liquor without the permission and supervision of the Federal Government, although his pockets may be bulging with licenses from his State authorizing him to do so. A citizen with a State license alone attempting to manufacture liquor within the State granting the license would be put in a Federal jail, and if a State officer should interfere to protect that citizen in the exercise of the authority conferred by the State, he would be jailed also. The Federal Government already prohibits the manufacture and sale of intoxicating liquors anywhere in the country except on its own terms, and has thus instituted nation-wide prohibition to that extent. The Federal Government taxes the manufacture of stills, and no still can be set up for the purpose of distilling without its consent. Every still must be registered with the Federal Government, whether intended to be used or not, and no matter for what purpose it is to be used. Every person desiring to become a distiller, or to continue as a distiller after the 1st of May of each year, must give a notice to the Federal Government containing a minute description of his business, machinery, and premises. The Federal Government may confiscate the land on which a dis-

tillery is situated for unpaid liquor taxes, regardless of what taxes that land may owe the State. The Federal Government requires the furnace of every still to be so constructed that a Government lock may be successfully attached; that there shall be painted on the fermenting tubs their numbers and cubic contents in gallons in oil colors and in figures not less than 3 inches in length and 2½ inches in breadth; that cisterns of a certain capacity shall be constructed in a room so built that no person can enter it in the absence of the Government gauger; that office accommodations shall be provided for Government officials who weigh out the mash and supervise every stage of distillation.

The Federal Government requires every distillery and wholesale liquor dealer to keep a conspicuous sign on the outside of the establishment with letters not less than 3 inches in length, painted in oil or gilded, containing name and business, under penalty of \$500 for not doing so. The Federal Government limits the height of the fences that may be placed around distilleries and requires distillers to furnish revenue collectors with as many keys to gates and doors of distilleries as they may demand, and to keep the distilleries always accessible to officers with such keys. The Federal Government requires every distiller at his own expense to provide a warehouse for the storage of distilled spirits, which is to be under the direction and control of the Government revenue collector and in charge of a Government storekeeper, with no locks on its doors but Government locks, which are at all times in the possession of the storekeeper. Neither the distiller nor anyone else may enter except in the presence of the storekeeper. No liquor may be taken from the warehouse except by permission of the Federal Government. Distillers must keep books in the form and manner prescribed by the Federal Government. The Federal Government prescribes the hours of fermentation and requires all locks and seals in a distillery to be procured by Government officials and placed wherever they may deem necessary. The Federal Government prohibits rectifiers, wholesale or retail liquor dealers to purchase or receive distilled spirits in quantities exceeding 20 gallons from any person not authorized by it to distill, rectify, or sell at wholesale, except at judicial sales or sales by an authorized auctioneer; it prescribes the books to be kept by rectifiers and wholesalers and permits no retail dealer to sell in quantities of more than 5 gallons. The Federal Government forbids the distillation of alcoholic spirits except in a distillery it has authorized or the use of the said spirits unless produced in such distillery on penalty of fine or imprisonment. Similar Federal regulations exist as to the brewing of malt liquors, although they are not quite so elaborate.

And yet with the Federal Government exercising this minute and rigid control of the liquor traffic at every step, we are gravely told that the States through their police powers have exclusive control of the production and sale of liquor and that nation-wide prohibition deprives the States of such function. Where are those police powers to-day, in so far as the liquor trade is affected, when a State can not enable its citizens to make or sell liquor unless he first secures permission from the Federal Government and can not interfere with the extensive jurisdiction now held by the Federal Government over the traffic? If a State should attempt to go into the liquor business itself, it would have to pay a tax to the Federal Government. This was settled in a case before the Federal Supreme Court involving the status of the South Carolina dispensary system. What nation widens want is to stop this superior control by the Federal Government and compel it to join with the States in eradication of the liquor traffic on equal terms. The elaborate supervision of the liquor traffic by the Federal Government, of which I have given only a few illustrations, requires a larger and more complex Federal machinery than absolute prohibition could possibly require.

The nation-wide amendment puts the States in a far more dignified position in regard to the liquor traffic than that they now occupy. At present the power of the States to authorize, control, and regulate is secondary to that of the Federal Government. The nation-wide amendment clothes the Federal Government with a jurisdiction and power to prohibit and does not in any way deprive the State of an equal power of prohibition which they already exercise within their respective borders. It deprives both the Federal Government and the States of the power to authorize the liquor traffic, treating the Nation and the States absolutely alike. The amendment reads as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein).* That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:



## "ARTICLE —.

"SECTION 1. The manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation . . . ."

But they say that under our Constitution no State should be deprived against its consent of power to authorize the liquor traffic. I say that such a statement is contrary to the language and the spirit of the Constitution. When the States met in convention at Philadelphia in 1787 to frame the present Constitution the question arose as to how it should be amended if at any subsequent time any change should be demanded by the public welfare. A provision was submitted to the effect that the Constitution might be amended by a vote of three-fourths of the States. A motion was made to strike out the words "of three-fourths," so that the consent of all the States would be required. Every Southern State voted "No" on this motion, namely, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, the only northern State voting with them being Pennsylvania. The three States voting for the motion were Massachusetts, Connecticut, and New Jersey. To make the issue clearer a motion was then made that no State should, without its consent, be affected in its internal police or deprived of its equal representation in the Senate, and every Southern State, except Delaware, voted "No." Later a provision that no State should, without its consent, be deprived of equal suffrage in the Senate was added to the amending clause. Thus by the votes of Southern States the power to amend the Federal Constitution was vested in three-fourths of the States, the only exception being the matter of equal representation in the United States Senate.

In his famous reply to Webster in the United States Senate on February 26, 1833, John C. Calhoun, the greatest exponent and defender of State rights in American history, said in regard to the action of the States in framing the Constitution:

In this compact they have stipulated, among other things, that it may be amended by three-fourths of the States; that is, they have conceded to each other by compact the right to add new powers or to subtract old by the consent of that proportion of the States without requiring, as would have been otherwise the case, the consent of all—a modification no more inconsistent with their sovereignty than any other contained in the compact.

In his notable work on Government, written shortly before his death, he explained at length and with characteristic clearness why three-fourths of the States had the right under the Constitution to bind all the States. He said that it was as necessary to guard against too much facility as too much difficulty in amending it, that "if to require the consent of all the States for that purpose would be in effect to prevent amendments which time should disclose to be, or change of circumstances make necessary, so, on the other hand, to require a bare majority only, or but a small number in proportion to the whole, would expose the Constitution to hasty, inconsiderate, and even sinister amendments on the part of the party dominant for the time"; that the proportion of three-fourths was sufficiently large to prevent the dominant portion of the Union or combination of the States from opposing the weaker portion of the Union or a majority of the States. Nothing can be clearer, therefore, than that the expressions "State rights" and "State sovereignty" mean under our Constitution no such thing as the right of one State or any number of States not exceeding three-fourths to oppose the will of the remainder of the States in the matter of amending the Constitution, except only as to equal representation in the Senate. If it is wrong for one State to say what another State shall do, then it was wrong to have adopted the amendment to the Federal Constitution providing a Federal income tax. Two States rejected it, namely, Connecticut and Rhode Island. It was imposed on them without their consent. One of the highest forms of State rights under the Constitution is the right of the States, acting through three-fourths of their number, to change, add to, or take from the powers and functions of the Federal Government, or to pass upon the advisability of so doing. If, when the States pass upon the prohibition amendment, three-fourths can not be found to favor it, their constitutional function will have been exercised, and their action will be final until proper time arrives for another trial. Until, however, they are permitted to judge its merits, they will have been deprived of one of their most fundamental capacities.

Permit me now to say that not only did the Southern States in the convention that created our present system vote solidly for the right of three-fourths of the States to amend the Constitution, but also that all the 11 Southern States that seceded from the Union and for four years yielded up their blood and treasure in defense of their conception of State rights, gave majorities in the National House of Representatives for the submis-

sion of the nation-wide prohibition amendment with only the two exceptions of Louisiana and Texas. South Carolina, the first State to secede, the very cradle of State rights, voted solidly to submit the amendment. Arkansas and Tennessee, where southern ideals are worshipped with a devotion unsurpassed, did likewise. Virginia, State of Washington and Jefferson, Madison and Monroe, Jackson and Lee, stood 8 for to only 2 against. North Carolina, the State claiming to have been first at Bethel, farthest at Gettysburg, and last at Appomattox, stood 7 for to 2 against, with 1 not voting and unpaired. Mississippi, the State of Jefferson Davis, stood 7 for to but 1 against. Georgia, State of Alexander H. Stephens and John B. Gordon, stood 8 for to 2 against, with 1 not voting and unpaired. Alabama, State of Pelham and Semmes, was equally divided. Florida, as deeply attached to southern traditions as any other State, stood 3 for, with 1 not voting and unpaired. Texas, with seven-eighths of its territory under prohibition, stood only 4 for to 13 against, with 1 not voting and unpaired. A different story will be told as to Texas, however, when the vote is taken in the House again. It is true that the Texas State Democratic convention in 1916 declared against nation-wide prohibition, but the question had not figured in the primaries and the people had given no instructions. We have in Texas an election law providing for instructions on public questions by the voters at primaries to convention delegates. In Texas 180 counties are totally dry, 22 counties wholly wet, 49 counties partially dry. In the 251 Texas counties there are 2,002 post offices in dry territory and 528 in wet territory.

Having vested the power of amending the Constitution in three-fourths of their number, the States provided that Congress, whenever two-thirds of both Houses should deem it necessary, should propose amendments, meaning, of course, whenever two-thirds of Congress should deem proposal necessary. The States would have no more delegated the amending power, or any substantial part thereof, to the Federal Government—that is, to Congress—than they would have delegated to it the right to make the Constitution in the first instance. By reserving to themselves the unqualified and exclusive right of amendment they kept intact their sovereign capacity in so far as the organic law of the Nation was concerned. The Member of Congress who will not vote for the submission of a constitutional amendment to the decision of the States, where it belongs, unless he personally believes it should become a part of the Constitution usurps the function of the States, arrogates to himself and the Federal Government a prerogative that belongs to the States and violates the very essence of their sovereignty. Furthermore, over 12,000,000 of the American people have petitioned Congress to submit the prohibition amendment to the States. In refusing these people the right to appeal to the only tribunal having the power of amendment, the tribunal of the States, for the redress of what they consider one of the most terrible grievances in the Republic, Congress would deny to them one of the most sacred of all popular rights—the right of petition. Were I opposed on principle to nation-wide prohibition, I would vote to submit the amendment to the States in order that they might exercise one of their fundamental rights. An issue is thus presented by the nation-wide amendment entirely independent of prohibition, and that issue is expressed in two questions:

(1) Shall Senators and Representatives in Congress, either wholly or partly, substitute themselves for the States as the amending power of the Constitution, thereby centralizing sovereignty at Washington to a degree threatening the extinction of the State?

(2) Shall they refuse the people the right of petition? Senator George, of Mississippi, a vigorous and outspoken anti-prohibitionist, was a member of the Senate Committee on Education and Labor, to which was referred a national prohibition amendment some 40 years ago. He joined in a favorable report for its submission on the ground that to do otherwise would be to deny to millions of people the right of petition. Let me quote from that report, which was signed by both antiprohibitionists and prohibitionists:

It is proper to say that there are members of the committee who concur in the report recommending the submission of the proposed amendment to the States who do not, by such action, indicate their approval of the adoption of the amendment as a part of the Constitution, nor that they would themselves advocate its ratification by the legislatures of the States; but in deference to the immense mass of petitions for this amendment of the organic law, coming from the people in all parts of the country, and believing that an opportunity should be given to them to be heard upon the merits of their cause in the forum of the States, where alone it can be heard and decided, the majority of the committee would deem a refusal to submit the proposed amendment to the State for consideration analogous to the denial of the right of a party to be heard in court upon a question of private right. The method provided in the Constitution for its own peaceful amendment would be destroyed by failure to submit the proposition for amendment in cases of grave moment involving the approval and prayers of multitudes of the people, for where the remedy sought



is admitted to be without the jurisdiction of the fundamental law, the petition is really addressed to the only tribunal which can enlarge that jurisdiction—that is to say, to the States themselves. Should, then, Congress in such case refuse to submit the proposal to the States, such refusal would constitute a substantial denial of the right of petition itself.

The changes in the National Constitution, made indispensable by the development of the Nation, can only be peacefully accomplished by a judicious and liberal exercise of the power of Congress to propose amendments to the States upon the petition of those who desire to be heard in the great court of the people exercising their sovereignty through the States, as in the formation of the Constitution.

It is well known that but for the belief in the conventions of the States that the opportunity to amend the Constitution would be most liberally afforded by Congress in accordance with the forms provided in that instrument, the original ratification never would have been obtained.

While the committee would by no means justify the submission of trifling or uncalled-for propositions for the consideration of the States, yet they firmly believe that the perpetuity and peace of the country under the forms of constitutional government demand that there be no captious or arbitrary denial of the right of petition for the amendment of the fundamental law through the forms of Congressional submission to the tribunal of the people in the States.

The issues involved in the submission of the amendment are by no means similar to the constitutional issues of the American Civil War. At no time during the controversies leading to that conflict was the right or power to abolish slavery through an amendment to the Constitution, submitted and considered in the manner provided therein, questioned either at the South or at the North. The Southern States seceded because they believed that guaranties already embodied in the Constitution were being nullified and could no longer be preserved within the Union. The Northern States believed that the South should have fought out its problems inside the Union, and that secession at any time should be forcibly prevented. It is entirely probable that if there had been an easier way of amending the Constitution, the slavery question might have been submitted and settled long before the terrible tragedy of the Civil War.

At the close of this debate we will have an opportunity to enable the States to exercise their highest function—the right to shape, alter, and develop the Federal Constitution. They are the proper tribunal to decide the fate of this amendment. They compose the mightiest array of free Commonwealths united in a federated whole the world has ever seen. There are chapters in the history of each that add honor to American citizenship. If there is anything in the amendment subversive of their liberties and their welfare, they can be trusted to condemn it. Let not Congress assume to judge for them. Let Congress discharge its preliminary task of submission and stand aside. Let it put in motion the referendum provided by the Nation's organic law—the method of amendment the States themselves established when they created the Constitution. Let the States perform the duty which remains the sole instance of their sovereignty over the Federal Government itself. If the State and Nation may each retain the attributes contemplated in the Constitution, if each shall be kept within its sphere and permitted to perform its appointed agency—the most beneficent system of government yet devised will be strengthened and glorified for all time.

As I view the matter, the member of either branch of the American Congress who denies the power of amendment to the States, especially an amendment which vast numbers of the people desire the States to consider, violates the basic principles both of the Constitution and of popular government, repudiates the fundamental rights of the States and overturns the two most sacred privileges the people possess, the privileges of referendum and of petition.

Mr. SHAFROTH. Mr. President, before the Senator from Texas takes his seat I should like to ask him a question.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Texas yield to the Senator from Colorado?

Mr. SHEPPARD. I do.

Mr. SHAFROTH. Before I ask the question, I want to congratulate the Senator upon the powerful speech which he has just delivered.

Mr. SHEPPARD. I thank the Senator.

Mr. SHAFROTH. What I desire to say, however, is that I notice the Senator has collated a great many statistics relative to the pernicious effect of alcohol upon the human system. I some time ago heard, but I can not recall exactly where, that the War College of the United States had estimated the number of persons who had been killed in battle from the birth of Christ until about 1910, and I saw the further statement somewhere to the effect that the use of alcohol had killed five times as many men in one year as had been killed in battle in that long period of time. I should like to ask the Senator whether he has investigated that subject, and whether he can give to the Senate light upon the verity of those figures?

Mr. SHEPPARD. I have heard of the statement to which the Senator refers, but I have never seen the original,

Mr. SHAFROTH. Has the Senator any statement in regard to the number of people who are killed each year in the United States by the use of alcohol?

Mr. SHEPPARD. I have not; but that phase of the subject has been thoroughly discussed in speeches of Mr. Hobson in the House of Representatives and on the lecture platform. I think he gave the figures to which the Senator from Colorado refers, as well as the authority for them.

Mr. UNDERWOOD. Mr. President, the questions involved in the consideration of the pending resolution, to establish the prohibition of the manufacture and sale of alcoholic beverages in the United States, involves the fundamental principles of our Government and reaches far beyond the question as to whether the ideals of the temperance advocate can be obtained by statutory enactment or constitutional restrictions.

It is difficult to approach the consideration of the question in a judicial way, because the prejudice that surrounds the subject makes it almost impossible to fully and fairly discuss it without having your motives misconstrued by those who have already attained a finality of judgment.

In the discussion of the question many unfair and unjust statements have been made without warrant of fact to sustain them, and fundamental principles that involve the life of the Nation are swept aside "as mere scraps of paper" in the mad rush to establish high moral life for men and women by the law's enactment.

If the lives of men could be saved and the souls of men could be redeemed by governmental action the world would not have waited 2,000 years to find it out, but there are undoubtedly governmental restrictions that lessen immorality.

The extreme advocate, from the beginning of time, has always been prepared to use the sword to force other men to accept his views of moral questions, regardless of the momentous consequences that may follow his action to the people he desires to serve.

The statesman can only attain the ends of good government by laying aside passion and prejudice, with the realization that the accomplishment of high ideals must come through an enlightened public sentiment, carrying with it the acquiescence of the people in the laws that are written for their government.

If there is general assent among all good people to the ultimate object that the prohibition advocate desires to accomplish there is pronounced dissent from the people of many States in the Union as to the ways and means of achieving it, but it would be unjust to hold the mass of prohibitionists accountable for the extreme position of their leaders.

The criticism of personal motives will accomplish nothing for good. We can try this case only on what will probably be the inexorable consequences that will result from the passage of the pending resolution.

It has been said by another that—

In the comfortable glow of reform people are apt to forget that in combating oppression by an overreaching traffic it is possible to invite another species of tyranny more inimical to government because it is subtler, less tangible, and more enduring in its effect—the tyranny of political and social coercion exercised in the name of public morals. The use of force to obtain a "sanctified" end is as ancient as history, selling the pages of Christianity itself. The prohibition propaganda merely illustrates a phase of such coercion, and the application of methods that are more dangerous because of their apparent innocence. A slight reflection on our theory of government should make this clear.

The sound and underlying theory of democracy "that a just form of government requires the consent of the governed" is often subject to perversion. President Hadley, of Yale University, in his Standards of Public Morality, says:

Not content with saying that all just government is based on the consent of the governed, the enthusiastic advocates of democracy hold that if you could only find what a majority of the governed wanted you could easily incorporate it into law. Never was there a greater practical error. Public law, to be effective, requires much more than the majority to support it. It requires general acquiescence. To leave the minority at the mercy of the whims of the majority does not conduce to law or good government or justice between man and man. Even Rousseau, the leading apostle of modern democracy, saw this most clearly. He said in substance: "A majority of the people is not the people and never can be. We take a majority vote simply as the best available means of ascertaining the real wishes of the people in cases when it becomes necessary to do so."

Mr. President, political principles such as I have just read, although elementary in their nature, are often brushed aside by those who advocate sumptuary legislation. It does not forgive the error of government to be able to command majorities in legislative bodies when a vast number of people stand in opposition to statutes which they feel and believe trench on their personal rights and endanger their personal liberty.

The great difficulty in the past in enforcing prohibition laws in many communities has been due to the fact that the laws were not in accord with the sentiments of the people who were compelled to live under them. Enact a law by insecure majorities in any State in the Union and its fate is fore-



doomed in advance. Let the law represent the enlightened and universal sentiments of the community and its enforcement will take care of itself. How often has an obnoxious law, ill-advisedly written by legislatures, become a dead letter, and its nonenforcement publicly advocated, bringing the entire body of law into disrespect and disrepute.

Real temperance has made great advances in the United States through laws allowing local communities the privilege of determining for themselves whether sumptuary rules should be adopted for the government of the liquor trade, where the sentiment of the community has been behind the law. In such cases the law has been effective and accomplished good results, but almost universally where laws of this kind have been forced upon an unwilling people the result has been disastrous, and no real good has been born of the legislation.

Let us analyze the purpose of the pending resolution. It proposes to submit not to the people but to the legislatures of 48 States the ratification of a constitutional amendment that will give the Federal Government, and not the State governments, control over police regulations relating to the manufacture and sale of alcoholic liquors used for beverage purposes. The adoption of this amendment will undoubtedly be favorable to the sentiment of the people in some of the States. It is equally sure that it will be contrary to the sentiment of the people in a number of other States.

In the latter case it will be necessary to enforce obnoxious police regulations upon an unwilling people. The amendment may be adopted without the consent of the States representing a majority of the population in the Union. It will require three-fourths of the 48 States to secure its ratification. There are 12 States that could not prevent the ratification of this amendment if it were agreed to by the other 36. They are Massachusetts, New York, New Jersey, Pennsylvania, Ohio, Indiana, Michigan, Missouri, Illinois, Kentucky, Tennessee, and California, that under the census of 1910 had a population of 50,556,065 out of a total, as given by that census, of 91,972,266. These 12 States have 238 Congressmen in the House of Representatives and the other 36 States have only 197. If this amendment is adopted, it may be ratified without the consent of the States I have just named. The result of its adoption would be to in part destroy the principle of local self-government that our people have cherished and protected since the beginning of the Government. It would take away in part the State sovereignty from the States. It would have a tendency to centralize our Government under a police autocracy such as exists in Germany and Austria-Hungary. It would entrench national authority and weaken the sovereignty of the people in the several States. It would disregard entirely the habits of life, circumstances, and conditions that surround the inhabitants of the different States.

I see no reason myself why we can not now trust, as we have in the past, the enlightened electorate of each State to pass the necessary laws for the domestic control of their own people. I see no reason why the people of Alabama or New York should be haled before judges appointed by the President of the United States instead of being tried by magistrates of their own choosing. I see no reason why it should be necessary to establish any army of United States deputy marshals to enforce the law in the Federal courts that can be as satisfactorily enforced in the State courts if the people of the several States are in favor of it.

If the Federal Government is once called on to enter the field, apprehend, and punish the petty vices of the citizens of the States in respect to the matters authorized by this resolution, it will not be long before efforts will be made to further extend the police powers of the Federal Government and result in destroying State boundaries and the abolition of State governments.

When that time comes we will have abandoned the great principle that enables 100,000,000 people of divergent views, dissimilar modes of life, different political, climatic, and industrial surroundings to live in harmony in one great Republic.

We will have broken down the principle of local self-government. A national force bill providing for the supervision of State elections by United States marshals was at one time proposed in the Congress of the United States. The theory of this bill and the one now under consideration are identical. It was an attempt on the part of the Federal Government to interfere with the sovereign power of the States, and was repudiated by the unanimous sentiment of the constituency that I have the honor in part to represent.

Let me call to your attention what was said on this subject by the foremost democrat of his day. Gen. Andrew Jackson said:

In the domestic policy of this Government there are two objects which especially deserve the attention of the people and their representatives, and which have been and will continue to be the subjects of my increasing solicitude. They are the preservation of the rights of the several States and the integrity of the Union.

These great objects are necessarily connected, and can only be attained by an enlightened exercise of the powers of each within its appropriate sphere in conformity with the public will constitutionally expressed. To this end it becomes the duty of all to yield a ready and patriotic submission to the laws constitutionally enacted, and thereby promote and strengthen a proper confidence in those institutions of the several States and of the United States which the people themselves have ordained for their own government.

My experience in public concerns and the observation of a life somewhat advanced confirm the opinion long since imbibed by me that the destruction of our State governments or the annihilation of their control over the local concerns of the people would lead directly to revolution and anarchy and finally to despotism and military domination. In proportion, therefore, as a general government encroaches upon the rights of the States, in the same proportion does it impair its own power and detract from its ability to fulfill the purposes of its creation.

In my humble judgment, no man has ever lived within the confines of this Republic who has had a clearer conception of the great principles of democracy and the right of a free people to govern themselves than did the author of the Declaration of Independence.

Bearing on the subject before us, Thomas Jefferson said:

Our country is too large to have all its affairs directed by a single government. Public servants at such a distance and from under the eyes of their constituents must from the circumstance of distance be unable to administer and overlook all the details necessary for the good government of the citizens, and the same circumstance, by rendering detection impossible to their constituents, will invite the public agents to corruption, plunder, and waste.

It is not by the consolidation of centralization of powers but by their distribution that good government is effected. Were not this great country already divided into States, that division must be made that each might do for itself what concerns itself directly and what it can so much better do than a distant authority.

When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another and will become as venal and oppressive as the government from which we separated.

I do not believe there is such threatened danger from intemperance that it is necessary for us to take from our States their control over local affairs and lodge the power with the Government in Washington. Such principles up to this time have never been entertained by the great men who have presided over the destinies of the Nation.

President Wilson expressed himself clearly and forcefully on the subject some years ago when he said:

I am in favor of local option. I am a thorough believer in local self-government, and believe that every self-governing community which constitutes a social unit should have the right to control the matter of the regulation or withholding of licenses. But the questions involved are social and moral, and are not susceptible of being made parts of a party program. Whenever they have been made the subject-matter of party contests they have cut the lines of party organization and party action athwart to the utter confusion of political action in every other field. They have thrown every other question, however important, into the background, and have made constructive party action impossible for long years together.

If the people of my State desire to prohibit the manufacture and sale of alcoholic beverages within the confines of the State, it is their right and privilege to do so, but I can see no reason why they should desire to invade the lives and homes of the people of a sister State and force upon them a law that they are as yet unwilling to accept.

The people of the State of Colorado may have a very firm conviction that all the inhabitants of their State over the age of 21 years, male or female, white or black, should have an equal right to exercise the right of franchise and vote at all elections. If that system of government has proven satisfactory to the people of Colorado, no one can complain that their laws have the breadth and scope that they now have. On the other hand, if the people of Alabama believe that a somewhat restricted suffrage guards their civilization, protects their homes, and establishes a safer and sounder government, should they be compelled to change their present ideas as to their local government because they are not satisfactory to the people in other States?

There are some who would have us believe that no one is concerned about this matter except the prohibitionist on the one hand and the people who make money out of the liquor trade on the other. Such an assumption is not only untrue but is so monstrously false that it is amazing that men can be found to discuss the question solely from that standpoint.

The contention that the Members of Congress should abandon their individual responsibility on this subject under the idea that they can shift that responsibility to the shoulders of the people in the several States is so subversive of the spirit of representative government in relation to the most solemn responsibility that the Constitution itself places upon the Members



of this body that it is difficult for my mind to grasp the viewpoint of those who believe they have the right to abandon their personal and representative responsibility to the legislatures of States which may or may not voice the sentiments of their constituencies.

The police power is inherent in the States. It was reserved to them when the Constitution of the United States was adopted and is necessary to their existence as organized governments.

I do not see how it can be maintained in its sovereign integrity when it is proposed to abandon it in part. It can not be contended that there is an excuse for the adoption of this amendment, because the laws of the Federal Government prevent the States from exercising full and complete control over the question of prohibition of the manufacture and sale of alcoholic beverages in the several States.

The Congress of the United States has passed every law that the most extreme prohibition advocate has demanded to enable the States to enforce their laws at home.

We not only have a Federal Statute that prohibits the shipment of alcoholic beverages into dry States, but we have a recent enactment of the Federal Congress that under severe pains and penalties prohibits the shipment of liquor into States where its sale is prohibited, even where the State statute did not prevent the citizens of the State from obtaining a limited quantity of beverage alcohol from States where the manufacture and sale was not inhibited.

In my judgment, it is the part of wisdom to leave this question solely for the determination of the States. The cause of temperance can and will be satisfactorily regulated and advanced in this way. The injection of the national police power into the homes of the people will undoubtedly lead to an oppression of our people and the overthrow of the principles of government in which we believe.

I therefore can not support the amendment. I am not prepared to place the consciences of the people in matters moral and religious in the keeping of Government officials. A free people will be no longer able to exist if their personal affairs must be governed by an army of Federal spies.

Mr. President, I am willing to trust the people of Alabama to live moral and righteous lives. I am confident that they will place on the statute books of their own State all laws necessary to protect their homes against intemperance and immorality. I do not believe for one moment it is necessary for the Federal Government to inject itself into the police jurisdiction of the State of Alabama for the improvement or the moral upbuilding of the people of my State, and I am not willing to reflect on the peoples of other States by assuming that they are not equally as capable and willing to maintain honest laws, just conditions, and temperate surroundings as are the people who constitute my own constituency.

Mr. ASHURST. Mr. President, I will occupy the time of the Senate for a brief period and will discuss not only this proposed amendment but also the polity of the American system with respect to constitutional amendments.

I believe I can truly say that the distinguished junior Senator from Texas [Mr. SHEPPARD] has given to us an example of statesmanship of a high order. He has pressed this great reform—national prohibition—sedately and wisely, and it is pleasing to all who desire to see this amendment submitted to the States that the labor has been done without heat, without malice, and in a way that challenges, and I believe ought to challenge, the admiration of all persons, whatever position they may take and from whatever angle they may view the amendment.

I expect, of course, to vote for the amendment.

I did not hear all of the speech of the distinguished Senator from Alabama [Mr. UNDERWOOD]. It is my loss, because I know he always speaks interestingly and is well informed upon any subject upon which he speaks; but there is one point to which I wish to advert with reference to the Senator's very able speech, namely:

This proposed amendment is not an attempt to force upon a State something it does not want. It is, and only is, a great referendum giving the various States an opportunity to say, in the manner prescribed by the Constitution, whether or not they wish this particular change in organic fundamental law.

Only a short time since some of the wisest and most profound citizens of this Republic believed that by reason of the complicated procedure and large majorities required it was difficult, if not impossible, to amend the Constitution of the United States, and some eminent statesmen even urged that strained constructions should be placed upon the Constitution so as to change somewhat the structure of our political system, bring it into conformity with the dynamic conditions of the day, and thus secure needful reforms.

But, contrary to the opinion which a few years since prevailed among many thinking people, within the past four years two amendments to the Constitution of the United States have been proclaimed.

The framers of the Constitution were not sanguine enough to suppose that the organic law which they framed was so perfect that it would never be altered. The experience under the Articles of Confederation had produced the belief that there was need of a system of amendment by which the Constitution could be made to conform to the requirements of future times.

The idea that some provision should be made in the instrument of government itself for the method of its amendment is peculiarly American. Provision for the regular and orderly amendment of an instrument of government first appears in the Pennsylvania frame of government of 1683. A similar provision reappears in the act of settlement of 1683, in the Pennsylvania frame of 1696, and in the Pennsylvania charter of privileges of 1701. Each of these documents provides that it shall not be altered, changed, or diminished "without the consent of the governor" "and six parts of seven of the assembly."

It is difficult to avoid the conclusion that it was the expectation of the members of the Federal Convention that a frequent use of the amending power would be exercised. They doubtless thought that the plan adopted would secure the desired end whenever the popular will would justify a change.

When our Federal Constitution was written in 1787 two methods of amending it were provided; and, unless I am mistaken, it was the first written Constitution in history which provides for two methods of amendment.

I am in favor of this proposed amendment and believe it will be ratified by the requisite number of States if submitted, and believe it will be ratified at an early date. The Senate must pardon me if I indulge in the discussion of a matter which may not seem to be at all relevant to this question, but which is in truth a very important question in discussing constitutional amendments.

It seems to me some provision ought to be proposed, not only to this amendment but to all other proposed amendments, limiting the time within which a submitted constitutional amendment could be adopted or ratified by a State; and I think we ought to begin, as a part and a parcel of our great civil and constitutional polity, to set a time within which constitutional amendments may be or may not be ratified. Mr. President, it is startling to investigate and then reflect for a moment as to the abuses that have come and that may in the future come by a failure or a refusal to set a time within which an amendment may be adopted. I am delighted now to see that I have the attention of the Senators, and especially the distinguished Senator who presides temporarily [Mr. JONES of Washington], because he has been a great leader for this reform, and his temperateness and his sanity in this reform reflects credit upon him.

On September 15, 1789, 12 constitutional amendments were presented by the first Congress to the various States for their adoption or their ratification. I ask leave to incorporate the first thereof in the RECORD at this point without reading.

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

The matter referred to is as follows:

ARTICLE 1. After the first enumeration required by the first article of the Constitution there shall be one Representative for every 30,000 until the number shall amount to 100, after which the proportion shall be so regulated by Congress that there shall be not less than 100 Representatives, nor less than one Representative for every 40,000 persons, until the number of Representatives shall amount to 200, after which the proportion shall be so regulated by Congress that there shall not be less than 200 Representatives, nor more than one Representative for every 50,000 persons.

Mr. ASHURST. The first two amendments were not adopted. No. 1 failed by one State to secure ratification. The second amendment then proposed—and I will read it—was:

ART. 2. No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

That was known as amendment No. 2. The other 10, numbered from 3 to 12, inclusive, became a part of our governmental system and a part of our Constitution, and they may be found on page 97 of the First Statutes. Opposite amendments Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 is marked by the early printers the word "Adopted"; "Adopted"; and so forth; but after the first two that were proposed to the Constitution there is a blank, indicating to us, of course, that those two amendments are still pending. They are before the American people now and have been for 128 years, and are subject to ratification or rejection by the States. And now, Mr. President, after those two proposed amendments, to wit, Nos. 1 and 2, had been in nubibus, "in the clouds," for 84 years, the State Senate of the State of Ohio in 1873 resurrected



amendment No. 2, that was proposed in 1789, and passed a resolution of ratification through the Senate of the State of Ohio. It would seem to me that a period of 128 years or 84 years within which a State may act is altogether too long, and I am prepared to and will support an amendment limiting the time in the case of this amendment or any other amendment to 10, 12, 14, 16, 18, or even 20 years, so that we will not hand down to posterity a conglomerate mass of amendments floating around in a cloudy, nebulous, hazy way, which a State here may resurrect and ratify and a State there may galvanize and ratify. I believe that we ought to have a homogeneous, constant, united exertion and certainly a contemporaneous action with reference to these various proposed amendments.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Nebraska?

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

Mr. NORRIS. I am very much interested in the historical account which the Senator from Arizona is giving us; but I should like to suggest to him that it does not seem to me to be fair to attach to any particular amendment such a provision. That ought to be, I should think, an independent, separate amendment, and become part of our Constitution, so that it would apply to all amendments. I agree with the Senator that there ought to be some limitation.

Mr. ASHURST. The Senator is entirely correct about that; and while I would probably vote for an amendment limiting the time within which this amendment may be adopted, provided the time is reasonably long, I do believe that a general amendment to the Constitution should be adopted limiting the time on all amendments, especially when we remember that Congress is in session every year, and can resubmit the same amendment again and again at any time it pleases.

Mr. President, I have pointed out two amendments, floating around about us for 128 years, and have stated that one of them, after having reposed for 84 years by reason of a great burst of indignation that swept over the land regarding the "back-salary grab" in 1873, was picked up by the State of Ohio, through its State senate, and passed through the Ohio Senate.

There is yet another reason why I think a reasonable time limit should be set:

When the 12 amendments were submitted in 1789, when there were only 13 States, Vermont had not yet been admitted, if I remember correctly. Should three-fourths of the States then in the Union, or three-fourths of those now in the Union, be the test as to what shall be the number required for ratification?

In 1810 the following amendment was proposed to the Constitution of the United States by a joint resolution of both Houses of Congress, and that joint resolution was submitted to the States under one of the most interesting and peculiar set of auspices that ever came before a legislative body. The proposed amendment was passed by the two Houses of Congress on May 1, 1810, and it read:

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

Unfortunately, the annals of Congress and contemporary newspapers do not give any of the debate upon this interesting proposition. The only light thrown upon the subject by the annals is the remark of Mr. Macon, who said "he considered the vote on this question as deciding whether or not we were to have members of the Legion of Honor in this country." What event connected with our diplomatic or political history suggested the need of such an amendment is not now apparent, but it is possible that the presence of Jerome Bonaparte in this country a few years previous, and his marriage to a Maryland lady, may have suggested this measure.

An article in Niles's Register (vol. 72, p. 166), written many years after this event, refers to an amendment having been adopted to prevent any but native-born citizens from being President of the United States. This is, of course, a mistake, as the Constitution in its original form contained such a provision; but it may be possible that the circumstances referred to by the writer in Niles relate to the passage of this amendment through Congress in regard to titles of nobility. The article referred to maintains that at the time Jerome Bonaparte was in this country the Federalist Party, as a political trick, affecting to apprehend that Jerome might find his way to the Presidency through "French influence," proposed the amendment. They thought the Democratic Party would oppose it as unnecessary, which would thus appear to the public as a further proof

of their subserviency to French influence. The Democrats, to avoid this imputation, concluded to carry the amendment. "It can do no harm" was what reconciled it to all.

I see no harm in the proposed amendment. That amendment was submitted 107 years ago, and it was ratified within two years by Maryland, Kentucky, Ohio, Delaware, Pennsylvania, New Jersey, Vermont, Tennessee, Georgia, North Carolina, Massachusetts, and New Hampshire. It was rejected by two or three of the States, and when the last State that acted favorably upon it ratified that amendment it only lacked the vote of one State of becoming a part of our organic law; and, indeed, Mr. President, for years the schoolbook histories and the public men believed that it was a part of our organic law, because in the early days of our Government the Secretary of State did not send messages to Congress or promulgate to the public any notice whatever as to when an amendment became a part of the Constitution. Indeed, I have caused the journals, records, and files in the Department of State to be searched, and there can not be found any notice of any proclamation or promulgation of the ratification of the first 10 amendments to the Constitution. It was not an unwarranted or violent assumption, hence the States assumed that when the requisite number of States—the last one was Virginia—had ratified this amendment it was then and there a part of our organic law. So we find that schoolbook histories and journals published years after 1810 believed that this amendment which was proposed in 1810 was a part of the polity and policy of our constitutional form of government.

Mr. President, when the great conflict known as our War between the States began to throw its dark shadow over the people of this land, men rushed with a compromise here and with compromise there to heal the breach and tried to avert the shock that was apparently about to come to our structure. Compromise after compromise was proposed, and just before the adjournment of Congress, to wit, March 2, 1861, the following amendment to the Constitution of the United States, known as the Corwin amendment, was proposed to the States and was submitted to them for their ratification or adoption. It read as follows:

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State. (12 Stat., 251.) Proposed by Congress March 2, 1861.

That was submitted by Congress on the 2d of March, 1861. I warrant there are not 5,000 people in the United States today who know that that amendment is now pending before the various States of our Union for their adoption or ratification. That amendment was ratified by the State of Ohio; it was ratified by the State of Maryland through the State legislature and by the State of Illinois in 1862 by a convention.

So I say a system which permits of no limitation as to the time when an amendment may not be voted upon is not fair to posterity. It keeps historians, publishers, and annalists, as well as the general public, constantly in doubt.

Having searched closely as to whether there is in the Constitution itself any expressed or implied limitation as to when an amendment may not be adopted, I am driven irresistibly to the conclusion that once having proposed an amendment to the Constitution, though it were proposed September 15, 1789, it could not be recalled even by the unanimous vote of both Houses, if Congress wished it recalled, because the power to submit an amendment is specifically pointed out, no power being given to recall it, and when power is denied, silence is negation.

Mr. President, I am not without authority on this subject, and I wish for a moment to read from Jameson on Constitutional Conventions, paragraph 585, fourth edition:

DISCUSSION OF CONSTITUTIONAL QUESTIONS INVOLVED.

(Jameson.)

SEC. 585. VI. Two further questions may be considered: (1) When Congress has submitted amendments to the States can it recall them, and (2) How long are amendments thus submitted open to adoption or rejection by the States?

1. The first question must, we think, receive a negative answer. When Congress has submitted amendments, at the time deemed by itself or its constituents desirable, to concede to that body the power of afterwards recalling them would be to give to it that of definitely rejecting such amendments, since the recall would withdraw them from the consideration of the States and thus render their adoption impossible. However this may be, it is enough to justify a negative answer to say that the Federal Constitution, from which alone Congress derives its power to submit amendments to the States, does not provide for recalling them upon any event or condition, and that the power to recall can not be considered as involved in that to submit as necessary to its complete execution. It therefore can not exist.

2. The same consideration will, perhaps, furnish the answer to the second question. The Constitution gives to Congress the power to submit amendments to the States; that is, either to the State legislatures or to conventions called by the States for this purpose, but there it stops. No power is granted to prescribe conditions as to the time within which the amendments are to be ratified, and hence to do so would be



to transcend the power given. The practice of Congress in such cases has always conformed to the implied limitations of the Constitution. It has contented itself with proposing amendments, to become valid as parts of the Constitution, according to the terms of that instrument. It is, therefore, possible, though hardly probable, that an amendment once proposed is always open to adoption by the nonacting or nonratifying States.

The better opinion would seem to be that an alteration of the Constitution proposed to-day has relation to the sentiment and the felt needs of to-day, and that, if not ratified early, while that sentiment may fairly be supposed to exist, it ought to be regarded as waived and not again to be voted upon unless a second time proposed by Congress.

SEC. 586. In discussing the question of the right of the States to vote upon proposed amendments at any time after the date of their proposal it is proper to look into the consequences of such a right. If they have the right there are now floating about us, as it were, in nubibus, several amendments to the Constitution proposed by Congress which have received the ratification of one or more States but not of enough to make them valid as parts of that instrument. Congress could not withdraw them, and there is in force in regard to them no recognized statute of limitations. Unless abrogated by amendments subsequently adopted they are, on the hypothesis stated, still before the American people to be adopted or rejected.

In 1873 the Senate of Ohio, acting upon the theory that once proposed an amendment to the Constitution is always open to ratification, adopted a joint resolution ratifying the second of the 12 amendments submitted to the States by Congress in 1789, but then rejected, providing that "no law varying the compensation of Members of Congress shall take effect until an election for Representatives shall have intervened." This resolution, prepared by Madison, was an excellent one; but suppose it had been unjust, proposed, perhaps, in the interest of a section or of a party, and, failing at the time to receive the requisite majority, it had subsequently by a concerted rally of those interested in its adoption, been carried without discussion or a clear express of the existing public will; is that a true construction of the Constitution which may be followed by so dangerous consequences? And, supposing the right referred to exists, by what majority shall the resurrected amendments be adopted? If proposed in 1789, when the States numbered but 13, and when a majority of 10 States might have ratified the amendment, how many would have been requisite in 1873, when there were 38 States which would have been called upon to vote? If the answer should be that 29 States must have voted to ratify, since that number was three-fourths of all the States in 1873, however reasonable such an answer might seem, it would be founded upon no statute or custom of the country, and therefore different opinions as to its reasonableness might well be entertained. Hence the danger of confusion of conflict. We discuss this question here merely to emphasize the dangers involved in the Constitution as it stands and to show the necessity of legislation to make certain those points upon which doubts may arise in the employment of the constitutional process for amending the fundamental law of the nation. A constitutional statute of limitation prescribing the time within which proposed amendments shall be adopted or be treated as waived ought by all means to be passed. (Jameson, John A. A treatise on constitutional conventions (4th ed., 1887), pp. 634-636.)

I ask consent to incorporate in the RECORD without reading some copious extracts on this subject.

The PRESIDING OFFICER. Without objection, leave will be granted.

The matter referred to is as follows:

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES PROPOSED BY CONGRESS BUT NOT RATIFIED BY THREE-FOURTHS OF THE STATES.

APPORTIONMENT OF REPRESENTATIVES.

After the first enumeration required by the first article of the Constitution, there shall be one Representative for every 30,000 until the number shall amount to 100; after which the proportion shall be so regulated by Congress that there shall be not less than 100 Representatives nor less than one Representative for every 40,000 persons, until the number of Representatives shall amount to 200; after which the proportion shall be so regulated by Congress that there shall not be less than 200 Representatives nor more than one Representative for every 50,000 persons. (1 Stat., 97.) (Submitted at the same time as those which became part of the Constitution as Amendments I to X.)

Proposed by Congress September 25, 1789.

Ratified by the following States:

New Jersey, November 20, 1789. (Senate Journal, p. 199, 1st Cong., 2d sess.)  
 Maryland, December 19, 1789. (Senate Journal, p. 106, 1st Cong., 2d sess.)  
 North Carolina, December 22, 1789. (Senate Journal, p. 103, 1st Cong., 2d sess.)  
 South Carolina, January 19, 1790. (Senate Journal, p. 50, 1st Cong., 2d sess.)  
 New Hampshire, January 25, 1790. (Senate Journal, p. 105, 1st Cong., 2d sess.)  
 New York, March 27, 1790. (Senate Journal, p. 53, 1st Cong., 2d sess.)  
 Rhode Island, June 15, 1790. (Senate Journal, p. 110, 1st Cong., 2d sess.)  
 Virginia, October 25, 1791. (Senate Journal, p. 30, 2d Cong., 1st sess.)  
 Pennsylvania, September 21, 1791. (Senate Journal, p. 11.)  
 Vermont, November 3, 1791. (Senate Journal, p. 98, 2d Cong., 1st sess.)  
 Pennsylvania had first rejected the proposed amendment March 10, 1790.

Rejected by Delaware January 28, 1790.

The Journals give no record of the action of the Legislatures of Massachusetts, Connecticut, and Georgia. (Ames, Proposed Amendments, p. 320.)

COMPENSATION OF MEMBERS OF CONGRESS.

No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened. (1 Stat., 97.) (Submitted at the same time as those which became part of the Constitution as Amendments I to X.)

Proposed by Congress September 25, 1789.

Ratified by the following States:

Maryland, December 19, 1789. (Senate Journal, p. 106, 1st Cong., 2d sess.)

North Carolina, December 22, 1789. (Senate Journal, p. 103, 1st Cong., 2d sess.)

South Carolina, January 19, 1790. (Senate Journal, p. 50, 1st Cong., 2d sess.)

Delaware, January 28, 1790. (Senate Journal, p. 35, 1st Cong., 2d sess.)

Vermont, November 3, 1791. (Senate Journal, p. 98, 2d Cong., 1st sess.)

Virginia, December 15, 1791. (Senate Journal, p. 69, 2d Cong., 1st sess.)

Rejected by New Jersey, November 20, 1789 (Senate Journal, p. 199, 1st Cong., 2d sess.); New Hampshire, January 25, 1790 (Senate Journal, p. 105, 1st Cong., 2d sess.); Pennsylvania, March 10, 1790 (Senate Journal, p. 39, 1st Cong., 2d sess.); New York, March 27, 1790 (Senate Journal, p. 53, 1st Cong., 2d sess.); Rhode Island, June 15, 1790 (Senate Journal, p. 110, 1st Cong., 2d sess.).

The Journals give no record of the action of the Legislatures of Massachusetts, Connecticut, and Georgia. (Ames, Proposed Amendments, p. 317.)

TITLES OF NOBILITY.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power such person shall cease to be a citizen of the United States and shall be incapable of holding any office of trust or profit under them or either of them. (2 Stat., 613.)

Proposed by Congress May 1, 1810.

Ratified by the following States:

Maryland, December 25, 1810.  
 Kentucky, January 31, 1811.  
 Ohio, January 31, 1811.  
 Delaware, February 2, 1811.  
 Pennsylvania, February 6, 1811.  
 New Jersey, February 13, 1811.  
 Vermont, October 24, 1811.  
 Tennessee, November 21, 1811.  
 Georgia, December 13, 1811.  
 North Carolina, December 23, 1811.  
 Massachusetts, February 27, 1812.  
 New Hampshire, December 10, 1812.  
 Rejected by New York (senate) March 12, 1811; Connecticut, May session, 1813; South Carolina, approved by senate November 28, 1811, reported unfavorably in house and not further considered December 7, 1813; Rhode Island, September 15, 1814. (Ames, Proposed Amendments, pp. 329, 330.)

AMENDMENT ABOLISHING OR INTERFERING WITH SLAVERY PROHIBITED (CORWIN AMENDMENT).

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State. (12 Stat., 251.)

Proposed by Congress March 2, 1861.

Ratified by the following States:

Ohio, March 13, 1861.  
 Maryland, January 10, 1862.  
 Illinois (convention), February 14, 1862.  
 (Ames, Proposed Amendments, p. 363.)

Mr. ASHURST. So, Mr. President, I believe if we should begin and lay down as a part of our organic law and a part of the policy of our Government the limit of time within which an amendment under a particular submission may be adopted, we would be doing a public service.

I have pointed out already that there are now pending before the States four amendments for their action, for ratification or rejection. The whirlwinds, simooms, and siroccos of politics do strange things. I advert for a moment to what happened in one of the sovereign States of this Union, now so well represented by her two Senators—the State of Delaware. Mark you, the fifteenth amendment to the Constitution of the United States was, by proclamation of the Secretary of State, declared adopted March 30, 1870. The requisite number of States ratified the same, for by that time the Secretary of State had begun the wise policy of announcing by proclamation when the required number of States, the requisite three-fourths, had ratified amendments. Yet in the turmoil, struggle, and the tumult of a political situation in the State of Delaware it seems that the State got temporarily under the dominion of the Addicks "machine," and that that "machine," thinking to flatter, thinking to pander to, and do what we call "catch" the negro vote, dealt with the fifteenth amendment to the Constitution, which had already been ratified for 31 years. Delaware ratified that amendment solemnly and gravely on the 12th day of February, 1901—adopted a proposed amendment which had been a part of our system since 1870.

So I say there ought to be a limitation on the time when an amendment should be ratified. We ought not to have a State waiting 84 years and then pass a resolution or wait until an amendment is adopted for 31 years and then solemnly pass a brutum fulmen, a harmless thunderbolt.

Mr. President, I have some copious data in relation to this subject which I wish to incorporate into the RECORD. I shall not detain the Senate by reading the same at this time, but I ask to be allowed to incorporate it in the RECORD. It gives the history and the dates of ratification of the various amendments. It sets out in extenso those now pending and, I think, shows the necessity and the need for setting up some sort of a statute



of limitation as to when a State may no longer act favorably or unfavorably upon a submitted amendment.

Personally, as I said in the beginning of my remarks, I would be glad for a limitation of 12, 14, 16, 18, or 20 years, but I think that when the State acts it should act in the light of the evidence and discussion before it. It should act contemporaneously in some degree, at least, with the resolution of Congress.

#### ATTEMPTS TO REGULATE RATIFICATION.

On May 23, 1866, when the resolution proposing the fourteenth amendment was under consideration, Mr. Buckalew, of Pennsylvania, submitted an amendment to add to the resolution the following additional section:

"Sec. 6. This amendment shall be passed upon in each State by the Legislature thereof which shall be chosen, or the members of the most popular branch of which shall be chosen next after the submission of the amendment, and at its first session; and no acceptance or rejection shall be reconsidered or again brought in question at any subsequent session; nor shall any acceptance of the amendment be valid if made after three years from the passage of this resolution." (Cong. Globe, vol. 36, p. 2771.)

When the fifteenth amendment was before the Senate on February 3, 1869, Mr. Buckalew, of Pennsylvania, proposed to add to the resolution submitting it to the States the words:

"That the foregoing amendment shall be submitted to the legislatures of the several States, the most numerous branch of which shall be chosen next after the passage of this resolution." (Cong. Globe, vol. 40, p. 828.)

His speech in support of this proposal on February 5, 1869, is reported in the Congressional Globe, volume 40, pages 912 to 913. On February 9, 1869, this amendment was rejected—yeas 13, nays 43.

On February 17, 1869, an amendment practically identical with the above was offered by Mr. Hendricks, of Indiana, and the constitutionality of such a limitation was discussed by Senators Morton, Bayard, Buckalew, Dixon, and Yates. The question being taken, the amendment was rejected—yeas 12, nays 40. (Cong. Globe, vol. 40, pp. 1311-1314.)

On January 30, 1882, Mr. Berry, of California, introduced a joint resolution (H. J. Res. 116, 47th Cong., 1st sess.) proposing an amendment to the Constitution to regulate ratification, as follows:

"SECTION 1. The legislature of a State shall not vote upon a proposed amendment to the Constitution of the United States except at a regular session held following an election of the members of the most numerous branch of the State legislature, which election must take place subsequent to the time of submission by Congress or a convention of the proposed amendment.

"Sec. 2. This amendment shall not take effect until the 5th of March, 1885."

On March 17, 1869, Mr. Morton, of Indiana, introduced in the Senate, and on March 29, 1869, Mr. Shanks, of Indiana, introduced in the House identical joint resolutions (S. J. Res. 32 and H. J. Res. 57, 41st Cong., 1st sess.) which read as follows:

"Be it resolved, etc., That on the sixth legislative day of a regular session, or of a legally called special session, of any State legislature, each house of said legislature, at the hour of 12 meridian, shall proceed to the consideration of any amendment of the Constitution of the United States that may have been submitted by the Congress of the United States to the legislatures of the several States for ratification, according to the provisions of the fifth article of the Constitution of the United States: *Provided*, That such amendment may not have been acted upon at any preceding session of said legislature. And if, upon the consideration of such amendment, it shall receive the votes of a majority of the members elected to each house of said legislature, it shall be held to be duly ratified by such legislature. And if final action is not taken upon the first day, then the house shall meet the next day at the same hour and so continue to meet from day to day (Sundays excepted) until final action is taken upon such amendment. Nor shall the action of either house of said legislature upon such amendment be hindered or prevented by the resignation or withdrawal, or the refusal to qualify, of a minority of either or of both houses of said legislature.

"Sec. 2. *And be it further resolved*, That if such amendment or amendments shall be ratified according to the provisions of the preceding section, the same shall be duly certified by the officers of each house and shall be transmitted by the governor of the State to the President of the United States."

(Cf. Ames, H. V. The proposed amendments to the Constitution of the United States during the first century of its history. pp. 287-292.)

Mr. SHAFROTH. Mr. President, I did not think of addressing the Senate to-day upon the prohibition constitutional amendment, but the reference of the Senator from Alabama [Mr. UNDERWOOD] to the laws of the State of Colorado has made me believe that I ought to put into the Record, following his speech, something with relation to the operation of the State constitutional amendment for prohibition in Colorado, which was adopted by the people at an election and took effect January 1, 1916.

The Senator from Alabama has said that if Colorado is satisfied with the laws which that State makes, it is all well and good, but that when it comes to Colorado attempting to interfere with the laws of the State of Alabama, it is all wrong.

Mr. President, we have found from comparing the result of carrying out the amendment to the Constitution in the State of Colorado with the previous condition that great good has been produced in that State. I hold in my hand a collection of some of the facts with relation to the effect of prohibition in Colorado.

There were 1,615 saloons closed and 17 breweries by that act, which took effect January 1, 1916. Denver is a city of 250,000 population.

The arrests during the year 1915, which is termed the wet year, were for drunkenness in that city 3,219, but in the year 1916, which was the first year of the operation of the prohibition law, the number was reduced to 1,549. In other words, more than half of the arrests for drunkenness in 1915 were caused

by the fact that we did not have a prohibition law in the State of Colorado.

The arrests for vagrancy in Denver dropped from 3,714 in 1915 to 1,148 in 1916. In other words, by the passage of that constitutional amendment the cases of vagrancy were reduced more than two-thirds.

The arrests for gambling in Denver decreased from 515 in 1915 to 252 in the prohibition year of 1916. In other words, gambling was not indulged in to the extent of more than one-half. A person can readily see the reason. As long as the saloons were open the games were going on; if not openly, they were being played in a back room; and while the arrests would not represent the violations of the law in every instance, it shows that there was considerably less gambling in the prohibition year of 1916 as contrasted with the wet year of 1915.

The average number of arrests for all offenses in the city of Denver for the six years preceding the adoption of the prohibition amendment were 13,922. The total number of all arrests during the dry year was 9,985; in other words, they were reduced about one-third.

Before prohibition was adopted in Colorado 402 cells in the city and county jail were occupied nearly all the time. Since prohibition the daily average number of prisoners has fallen to approximately 75. Thus the number of those who were guilty of all offenses punishable by the laws of the States was diminished more than two-thirds by the enactment of that law.

In the State penitentiary the record is startling. Prohibition has reduced, according to the warden of the penitentiary, Mr. Tynon, the prisoners committed to that institution by 40 per cent.

The prison population dropped from 782 on May 5, 1916, to 676 April 11, 1917. In other words, while discharges are being made from the penitentiary the number that are sent back to the prison is not nearly equal to the number of discharges.

Mr. President, it is a little misleading to refer to the per cent of decrease in the population of the penitentiary, because many are in the penitentiary for life and many are in for long terms of years, and, of course, they must be counted in the population during the wet year and also during the dry year. So the statement of the warden to the effect that the decrease is fully 40 per cent is undoubtedly correct. One entire wing of the cell house of the State penitentiary of Colorado has been closed. That speaks for itself of the great good that is resulting from prohibition in that State.

Upon the other hand, we find that the amount of savings accounts in the State of Colorado has increased enormously since prohibition has been adopted. There was an increase of 26 per cent in the amount of savings-bank deposits in Denver alone for the first nine months of the year 1916 compared with the same period of the wet year 1915. New savings-bank accounts were opened in Denver the first dry year in a larger number than in any similar period of the city's history. There was an increase of more than 16 per cent in deposits in the banks and trust companies of Denver compared with the same period in the previous year.

Mr. President, when it was proposed to adopt prohibition in the State of Colorado the predictions were made that particularly Denver would be wiped off the map. The prediction was made that there would be vacant stores throughout all the business portion of the city and that the places made vacant by the numerous saloons would not be filled by those engaged in any other business. In fact, it was predicted that bank accounts would not be so numerous; that deposits would not be so great, and that business would be stagnant. Yet the very statement that I have read shows that there was a large increase instead of a decrease in business.

In the first dry month the Denver Gas & Electric Co. increased its gas and electricity current sales more than \$10,000, whereas it had figured upon a probable loss of \$15,000. In other words, they argued with themselves, no doubt, that as the saloons were brilliantly lighted, each of them having a brilliant electric-light sign, there would be a great loss in the amount of electricity sold. Yet during that first month the amount sold was increased instead of decreased. It was the same way with the building permits. The building permits for the year 1916 were almost double those of 1915 in the city of Denver. The financial transactions of the Denver post office indicated the enormous increase of \$1,258,000 over the year 1915.

But, Mr. President, there was one thing that was said with a great show of reason, namely, that there would be a falling off in the tourist trade of Colorado. It was said people will not come to a State where they can not buy liquor, and there seemed to be perhaps some reason in that declaration and prediction. But, Mr. President, when we compare the number of tourists to Colorado for the year 1916 with that of 1915 we



find that directly the opposite occurred. In other words, we find that the number of tourists who visited the Rocky Mountain National Park in Colorado in 1915 was 31,000 and in the dry year of 1916 the number increased to 51,000—nearly double the number. It was found that the men who wanted to take their families concluded that they would rather go to a dry State than to go to resorts where there might be carousing produced by the use of intoxicating liquors. Thus the tourist trade which it was predicted with absolute confidence would be ruined, as a matter of fact almost doubled the very first year of prohibition. The reports this year indicate that the tourist travel to Colorado is still greater than in 1916.

Mr. President, I wish to read right here a statement which I clipped from a paper the other day as to the attitude of the mayor of the city of Denver on this question. This is his statement:

**BOB SPEER CONVERTED.**

At last Mayor Speer, of Denver, has come out for prohibition. Here is an extract from what he said in a recent public address:

"I voted against prohibition when the question was before the people. Yet, notwithstanding what I have said, if the question were submitted again I would vote for it. The success of no city depends upon the sale of liquor, and Denver to-day is better off than it was when saloons were running.

"About \$6,000,000 was spent for liquor in Denver during the year 1915, when saloons were running; about \$2,500,000 was spent for it in 1916, being for liquor shipped into Colorado for private use, a saving of \$3,500,000 a year.

"The shipments last year were generally made to people who could afford to buy it and the saving of \$3,500,000 was largely to those who could least afford to spend their money in that way. What became of this large amount saved? Many men who formerly spent their evenings in saloons can now be seen taking their entire families to moving-picture shows at a less cost than they formerly spent in saloons. The sun is now shining in many homes of Denver where gloom and fear formerly shut it out."

Mr. President, it seems to me that that testimony of a man who had been upon the other side of the question and who voted against the prohibition constitutional amendment of Colorado ought to have great weight in the determination of this question.

There is one fact that is lamentable but nevertheless true. While Colorado is a prohibition State, there is a large quantity of liquor that has been coming into that State by shipments from a neighboring State. It seems almost impossible to stop the shipment of liquor to Colorado from outside of the State. Shipments to the extent of at least \$2,500,000, according to the statement of the mayor of Denver, came from outside sources.

Mr. President, the very fact that large quantities of liquor have gone into the State of Colorado, most of it illegally, is the clearest proof why an amendment to the Constitution of the United States is absolutely imperative.

States can not fully enforce their constitutional prohibition amendments; States are powerless to do so, except to a limited degree. When a prohibition State has across its border, as is the case in Colorado, a State that does not at all prohibit the use of intoxicating liquors, it can readily be seen that absolute prohibition is impossible.

Mr. President, it is not the fault of the laws of Colorado, and it is not the fault of those who administer the laws of the State of Colorado, that prohibition in that State is not as effective as it should be. It is almost impossible to discover every individual sale of liquor and every illegal importation of liquor from one State to another. The line between States might almost be said to be imaginary so far as the enforcement of liquor laws.

Mr. President, that is the reason I have always believed that an amendment to the Constitution of the United States would stop the use of intoxicating liquors and bring the beneficial effect prohibition is designed to accomplish.

This joint resolution is not to enforce a law except in a legitimate way; it is not to make a law for one State by singling it out. That State has joined in the ratification of a constitution which provides that an amendment applying to all the States of the Union can be submitted to the States, and if ratified by three-fourths thereof, shall become binding on each State. I can not see how anyone can contend, under the mode of procedure prescribed by our national Constitution, that we are impairing or annulling any right of a State.

I can say that Colorado has found it beneficial to have even partial prohibition, and I must say that we can not have prohibition to the extent that we should have, without a United States constitutional amendment. It is for Colorado's own protection, as well as for the beneficial effect which will be the result in other States that we desire the amendment. We know the Federal courts would more effectively enforce such a measure. Violators of the law fear the Federal courts more than the State courts. We can not in Colorado get absolute prohibition without the aid of a national constitutional amendment, and conse-

quently when we vote for this joint resolution we believe it to be for the purpose of accomplishing that enforcement. We therefore believe that it should be adopted and should become a part of the Constitution of the United States.

Mr. SHEPPARD. Mr. President, it seems that no other Senator desires to speak this afternoon. I therefore move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 31, 1917, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

MONDAY, July 30, 1917.

The House met at 12 o'clock noon.

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

We come to Thee Almighty God our heavenly Father, with glad hearts, rejoicing in the possession of life, and its splendid environments, its lofty hopes and glorious aspirations which leap like angels from the temples of our hearts, and which are ever leading us onward and upward to greater heights of manhood and glory. \*Increase our faith in Thee, so that when sorrows gather like clouds thick and fast about us we shall not fail; when the storms of adversity break upon us we shall be firm; when temptations come rolling in upon us like the mighty waves of the ocean we shall be strong to resist, forgetting not that "he that dwelleth in the secret place of the most high shall abide under the shadow of the Almighty." This we ask in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Thursday, July 26, 1917, was read and approved.

### LEAVE TO ADDRESS THE HOUSE.

Mr. McLAUGHLIN of Pennsylvania. Mr. Speaker, I ask unanimous consent for 15 minutes to speak on a resolution which I introduced last Wednesday.

The SPEAKER. The gentleman from Pennsylvania asks leave to proceed for 15 minutes on a resolution which he introduced last Wednesday. Is there objection?

Mr. HEFLIN. Reserving the right to object, Mr. Speaker, what is the resolution about?

Mr. McLAUGHLIN of Pennsylvania. The resolution is in reference to freedom for Ireland, and I believe it is also very essential in the winning of this war.

The SPEAKER. Is there objection?

Mr. SMALL. Reserving the right to object, I will not object if the gentleman will permit me to submit a request for unanimous consent before he begins his address.

Mr. MADDEN. I will object to unanimous consent on the river and harbor bill.

The SPEAKER. You can not object until it is asked. Is there objection to the request of the gentleman from Pennsylvania [Mr. McLAUGHLIN] to speak for not more than 15 minutes?

Mr. SMALL. Mr. Speaker, I will not object if the gentleman will permit me to submit a request for unanimous consent before he begins.

Mr. McLAUGHLIN of Pennsylvania. I certainly will.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its reading clerk, announced that the Senate had passed, with amendments, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 4285. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

### 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 July 24, 1917:

H. R. 5326. An act to authorize the President to increase temporarily the Signal Corps of the Army and to purchase, manufacture, maintain, repair, and operate airships, and to make appropriations therefor, and for other purposes.

On July 27, 1917:

H. R. 646. An act for the relief of Mrs. Nancy E. Mullins;  
H. R. 4892. An act authorizing the President to take possession, on behalf of the United States, for use as sites for permanent aviation stations for the Army and Navy and for aviation school purposes, of the whole of North Islands in the harbor of San Diego, Cal., and for other purposes; and



S. 2666. An act granting the consent of Congress to the Sebastian bridge district to construct a bridge across the Arkansas River at the foot of Garrison Avenue, at Forth Smith, Ark.

On July 28, 1917:

S. 1811. An act for the relief of homestead entrymen or settlers who enter the military or naval service of the United States in time of war;

S. 2106. An act to authorize the county of Cass, in the State of Indiana, to construct a bridge across the Wabash River east of the city of Logansport, at a point known as Cedar or Rock Island, in said Wabash River; and

S. 2667. An act granting the consent of Congress to the Pritchard-Wheeler Lumber Co., of Wisner, La., to construct a bridge across Bayou Macon, in Louisiana, at a point east of the town of Wisner, La.

#### RIVER AND HARBOR APPROPRIATIONS.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the river and harbor bill, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take from the Speaker's table the river and harbor bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MADDEN. I object.

Mr. SMALL. Will the gentleman reserve his objection in order that possibly we may be able to satisfy him?

Mr. MADDEN. No; I think I will object.

The SPEAKER. The gentleman objects. Is there objection to the request of the gentleman from Pennsylvania [Mr. McLAUGHLIN]?

There was no objection.

#### LEAVE TO ADDRESS THE HOUSE.

Mr. POWERS. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes on the coal situation at the conclusion of the address of the gentleman from Pennsylvania [Mr. McLAUGHLIN].

The SPEAKER. The gentleman from Kentucky [Mr. POWERS] asks unanimous consent that at the close of the remarks of the gentleman from Pennsylvania [Mr. McLAUGHLIN] he be permitted to address the House for 15 minutes on the coal question. Is there objection?

There was no objection.

Mr. SCHALL. I ask unanimous consent to proceed for three or four minutes on the food situation.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that at close of the remarks of the gentleman from Kentucky he be permitted to proceed for five minutes on the food bill. Is there objection?

There was no objection.

Mr. SWEET. I ask unanimous consent to address the House for 30 minutes immediately following the gentleman from Minnesota.

The SPEAKER. The gentleman from Iowa [Mr. SWEET] asks unanimous consent that at the close of the remarks of the gentleman from Minnesota [Mr. SCHALL] he be allowed to address the House for not more than 30 minutes. Is there objection?

Mr. TOWNER. On what subject?

Mr. SWEET. On a general subject.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Pennsylvania [Mr. McLAUGHLIN] is recognized for 15 minutes.

Mr. McLAUGHLIN of Pennsylvania. Mr. Speaker, the resolution that I have introduced in the House, House joint resolution 127, is presented under the firm conviction that the successful prosecution of the war in which we are engaged makes action such as indicated therein an imperative need of the times. In offering the resolution I am prompted by an unshaken belief that its adoption, and its fulfillment in fact, would contribute tremendously to the victorious issue of American arms in the war we are now waging.

No observing man can be blind to the events in Ireland; to the unrest among the Irish race throughout the world; to the disheartening effect of the refusal of the British Government to put into immediate operation that limited home-rule act now on the statute books; and to the alienation of millions of men who are loyal to the cause of freedom by heritage and education, but who remain more or less inactive because freedom is denied to the land of their fathers.

In a world war such as we have entered the smallest factor may decide for victory or defeat. It is a phenomena of this war that the rulers of every country in the combative alliances are ever vigilant regarding the conditions existing in the realms of their

allies. We are now as much concerned in the internal affairs of Great Britain as we are in the operation of the processes of law and order in California or in the Philippines. It has been stated with vehement logic that the fates of Great Britain and America in the present war are bound together in a common peril. Any weakness which develops among the inhabitants of one country is a menace to the safety of the other.

The question of Ireland, therefore, is not merely an English question. It is an international question. The United States has as much right to share in the settlement of this question as England has. The world apparently is in process of reorganization, and the Irish people form a powerful part of this world. The fate of Ireland can be fixed in this House and the cause of the allies rendered a service far greater than can be measured by the wisest statesmen of our time.

It has been said that America will be saved on the fields of France, just as Pitt, the Earl of Chatham, said, after Braddock's defeat, that he would win America on the sands of Germany. The axiom that "history repeats itself" is presented once more to the mind in a most powerful manner, for now the cause of freedom can be saved on the hills of Ireland. This House, which has declared that the freedom of small nations was a thing worth going to war for, can thrill the world with a new declaration of independence. And just as the course of history has declared that the liberation of the American Colonies inspired the world to establish the magnificent system of republican government, so also will the liberation of Ireland fortify the faith of all free people in the eternal justice of the right of a people to govern themselves. [Applause.]

The winning of the war is a mighty duty that arouses America. The Irish race has prepared itself for this duty and grasps the weapons for the combat. But can not that race rightly ask, before its sons go forth to die, "May not this blood be shed also for Ireland?" In the cause of freedom Irish soldiers have melted in the blasts of death on every field on this continent. They have never asked why—it was theirs but to do and die. They have ever been eager to serve as Americans, to bear the burden as citizens, and to guard with their lives the destiny of this great Republic. But they have never, while doing their duty to their country, forgotten their origin. With the high spirit of a proud race they have been proud of their warlike deeds and have cherished the memory of those achievements which mark them as a separate unit of the human family. They can not forget the ties of consanguinity. They can not break those ties of blood—the blood of its sturdy manhood and womanhood which has contributed much to invigorate the American stock and to enrich the heart of this great Commonwealth, though this contribution impoverished the land of their fathers. They can not forget a line of the splendid story of the Irish in America during the last 200 years. It is the proudest page in the annals of the Irish race. And as multitudes of youth—youth of the Irish race—now assemble for the conflict in the armies and fleets of their country, there are millions who will read the Irish names on the muster roll in this war, as did Gen. Charles Lee in the War of the Revolution, when he said, "Half the Continental Army is Irish."

They can not forget a longer and more glorious story, a story gleaming with triumph and dark with defeat, but cherished nevertheless by the Irish race with a devotion unexampled in the record of nations, with a love like that of mothers for their children, with a reverence such as is given to religion exalted through generations of persecution and disaster, and with that lofty idealism that is imperishable amid decay. For 800 years the Irish race has cherished the dream of freedom. Before the President of the United States uttered those fateful words on the second day of last April they had been uttered by nearly forty generations of Irishmen. Before the Congress of the United States declared for the freedom of small nations countless millions of the Irish race had registered a vow to live and die for the freedom of their own small nation. When this Government chose the path of war and announced to the world that the sword would not be sheathed until Belgium, Serbia, Roumania, and Poland were free, can you not understand how the millions of the Irish race on this continent were struck with an unexpressed wonder? Can you not imagine—at least vaguely—the chill at the heart, the shattering of a hope, when yearning eyes failed to find the name of Ireland among the small nations that were to be redeemed?

It is no light thing for a powerful race to surrender its dream. Yet the Irish race will gladly and trustingly surrender the dream of eight centuries in order to insure the safety of America. But the spirit that won independence in a long and bloody revolution, the sympathy that has united the people of Ireland and the people of America for more than a hundred



and fifty years, can not be ignored even in the face of a crisis that divides and all but paralyzes the world.

The principles of the Irish race are not written on a "scrap of paper." They can not be torn from the heart of the race. The race can not be asked to perish, to consume its soul, to pile its treasures on the altar of expediency, and to light the sacrificial pyre of its liberty to win the freedom of other nations and entirely disregard their own.

There is unswerving loyalty at this moment in every man and woman of Irish blood who owes allegiance to this Government and to its flag. But there is also a longing that this Government shall wield its mighty influence—speak its fateful words—for Irish liberties. Those whose fathers have been so often betrayed are searching their souls and asking if once again the race is to lose its cherished dream of freedom. They look back over the past and reflect with bitterness that on the fields of Flanders, on the plains of France, on the hills of Austria, the young men of Ireland have laid down their lives—but not for Ireland. They ask in the silence of their own hearts, "Are we always to die and never to gain the object of our devotion?"

Let this Congress ask that Ireland, too, shall be free—shall be as free as Belgium, as Montenegro, as Serbia, as Roumania, as Poland, as Greece. Then will a change come over the face of this war. A cheer will rise that will be heard around the world, because it will come from the lips of the Irish race in every land where constitutional justice holds its place, and from the lips of every people who wish to be free.

It is, however, not a question of conciliating the Irish race. The lives, the fortunes, the honor of that race are pledged to America. But there are more powerful bonds of fealty than pledges. There are more binding ties than those of birth, than oaths of allegiance, than convictions of the justice of a cause. Touch the deep emotions of a race and that race will feel a deathless pride in having been given the opportunity of showing its devotion to the cause to which the country is pledged. [Applause.]

Not only in the marts of commerce, in the great cities, over the wide plains of America will such a declaration be hailed with delight, but across the border into Canada, over the bush of Australia, the veldts of South Africa, on the hills and vales of Ireland, and in the mills and mines of Great Britain herself will the glad tidings go that the American Congress, toward which the yearning gaze of the Irish race is now turned, has spoken the words of destiny, and that Ireland shall be a self-governing nation.

The action that this House is asked to take has been taken by other Governments in other crises. It would be possible to enumerate instances from the records of other nations. But it is worth recalling at this time the action of this Government in the case of Texas in 1847, and of the British Government in the case of Greece in 1822. In both of these cases the hand of a powerful Government was extended to a small nation struggling for its freedom.

Another principle of statesmanship practiced since the earliest times is that of concession to the prejudices of its own citizens. In applying this principle Lincoln disarmed the prejudices of the army of McClellan by assuring the men of that army that the Civil War was not being waged to impose negro domination upon the southern people, but to save the Union. Is it not worth while to assure the Irish race that this war is being waged to establish freedom in those countries that have been deprived of it?

Every Government exists and flourishes through the sentiment of its people. Those that seize power by force of arms will not long maintain it before the advance of unconquerable democracy. The exception to this rule is the case of Ireland. In that country there are protests; there are immense meetings addressed by leading public men; there are insurrections and bloodshed; there are arrests and imprisonment for defiant citizens; there are areas of martial law and all its consequent petty tyrannies—all indicating that the cause for which America is fighting is imperiled by the oppression of a race whose sons at this very hour are marshaled to achieve the victory which shall result in establishing the rights of small nations.

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

Mr. McLAUGHLIN of Pennsylvania. Not just now. Is it not a strange spectacle—an embattled Irish race striving to break the shackles of every enslaved people except those shackles which bind the people of their cradle land to the chariot of the conqueror?

We declare that we are now repaying the debt of gratitude to France for her aid in the Revolution. Is it forgotten that the people of Ireland sent a message of good will and encouragement to the Continental Army, and that not alone was the army

of Washington half Irish but that the army of France in America at that time was also half Irish? We waged a war for the freedom of Cuba, and we protect that small nation in its right to freedom. For a century we have guaranteed the sovereignty of the South American Republics. Is it to be recorded on the annals of civilization—is it to be written in the record of this Nation—that small nations, alien in blood and language, strange in customs, and foreign in character, shall receive from the generous hand of America the dearest of all possessions—freedom—and that this priceless treasure is to be denied to that small nation whose blood has been shed in torrents for the defense of America, whose speech is our speech, whose character is the American character, whose customs are our customs, and who have never been foreigners since the first ship sailed across the sea with the soldiers who were even then fighting the battles of liberty, as they have ever fought them, and as their descendants are recrossing that sea to fight them again? I am fully convinced that the American Congress can answer the question. [Applause.]

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

The SPEAKER. The time of the gentleman has expired. The gentleman from Kentucky [Mr. POWERS] is recognized for 15 minutes.

Mr. POWERS. Mr. Speaker and gentlemen of the House, I want to make a few remarks touching the attitude of the present administration and the Government toward the coal producers of the country. I am not a coal producer. I hold no brief to speak for them. As a matter of fact a majority of them have always been against me in my congressional campaigns down in my district. The miners, in the main, have been for me. The interests of the miners and operators are so closely allied that you can not injure the one without hurting the other. The miners know I have stood by them all along the line.

It seems that the coal operators have few friends and no advocates in this Chamber. In justice to them, I want to make a few statements regarding their situation. The price of "free coal"—that is, coal not under contract—so far as the consumers of the country are concerned, is enormously high. I might say that the price that the consumers have to pay is outrageously high. But if the coal producers alone were responsible for this entire situation—a thing which they are not—even in that event there would be at least some justification for their position. I lay down this proposition, which I do not believe any gentleman here will deny, and that is that from 1900 to 1916, inclusive, 16 long years, there was not a single new dollar made by the producers of bituminous coal in the entire United States. The figures of the Federal Trade Commission, as well as the figures of the Commerce Department, fully sustain this statement. I am taking the Government's own figures for it.

It is true that some of the operators made money, others lost. I am speaking of the operators as a whole. The Federal Trade Commission, in a recent report made by them, I believe on the 20th of June, makes this statement:

For several years prior to 1916 it has been a matter of general knowledge that the bituminous coal industry of the United States was in an unsound condition.

There is no doubt about the unsound condition of the bituminous coal industry from 1900 to 1916. I know of my own personal knowledge that for the last 8 or 10 years many of the coal operators in my district—and it is fast becoming one of the great coal-producing districts of this country—were in a state of bankruptcy. I am speaking up to 8 or 10 months ago. Many of them were being forced to the wall. Others were forced to the verge of ruin. I know that of my own personal knowledge. So that if the coal operators were responsible for the high price of coal that has been prevailing for 8 or 10 months, there is at least some justification for their position, because for the last 16 years their industry in this country has been making no money. In the main, during that length of time the country has been at the high tide of prosperity with a few minor exceptions. The other industries have been making money hand over fist. During all this time the coal industry has been losing money, many of them, as I say, being forced to the wall. So that if they were responsible for it all there would at least be some justification. But are they responsible? The Federal Trade Commission, in its report of June 20, states that at least 70 to 90 per cent of the coal produced in this country is produced under contract. That is to say, railroad companies, the great steel mills, the great iron factories, the cotton mills, and so forth, which consume 80 per cent of the coal produced in the United States, buy their coal under contract.

Many of the contracts made years ago are not out of existence now. Many of the contracts have been fulfilled. In fact, nearly



all of them have been in course of fulfillment by the coal operators during the high price of coal. That is, these contracts were made at a time when wages were not as high as now, when materials were not as high as now, when coal could be produced at a much cheaper cost. And while the coal operators have been fulfilling the contracts, many of them have been doing so at a loss to themselves. It is the so-called "free coal," the panicky condition of buyers, the disreputable conduct of a few middlemen, together with the new routing of coal, which are responsible for the fluctuation of price. It is not the producers; it is not the shortage.

During 1916 there was no shortage of coal—only about 4,000,000 tons short in the anthracite output. They produced 500,000,000 tons of bituminous coal—the biggest output in the history of the country—so that the high prices of coal have not been due to the coal shortage, but have been due largely to the fear, the terror, of shortage, along with the other things to which I have just called attention. The operators could have refused to have accepted, at the mouth of their mines, the high prices offered them for about 20 per cent of their coal—that is, the so-called "free coal"—and if they were the only persons in the world getting high prices for their products such conduct might be reasonably expected of them, but not so with the world gouging them at every turn of the road. The price of coal is too high, but the price of everything else is too high.

The operators are willing to come down in the price of their products if the other fellows will. They are willing to sacrifice as much for the Government and the public as anybody else, but they object to being made the "goat." A crisis, however, is on, and certain members of the Cabinet, high-minded men, realizing that the price of coal is too high, realizing that the price of coal is hampering the Government in the proper prosecution of the war, realizing that the householder and the consumers, the wage earners, men working on salaries are paying enormously high prices for coal, realizing that there ought to be some remedy for the situation, Secretary Lane, of the Cabinet, Commissioner Fort, of the Federal Trade Commission, the coal production committee of the Council of National Defense, Mr. Manning, of the Bureau of Mines, called the bituminous coal operators of the United States to assemble here in Washington the latter part of June. They did come, and assembled through their representatives, more than 400 of them. Mr. Lane, of the Cabinet, said to these men that a national crisis is at hand. "We want you to put down the price of coal at the mouth of the mines to a reasonable figure. We want it for \$3 a ton, and we want to give you less than that if the Federal Trade Commission, now conducting an investigation, says that \$3 is too much." The coal operators agreed to take \$3 a ton at the mouth of the mines for the next 30 days and thereafter to take whatever the Federal Trade Commission said was a reasonable profit, charging the Government and everybody else only what the coal actually costs to produce. In other words, the coal producers of this country, the only men called upon to make any such sacrifice said: "We are willing, we will charge everybody what our coal actually costs to produce, and all we want above that is a fair profit, and we are willing for the Government to fix the price and the profit." The matter was agreed to.

Secretary Lane complimented the coal operators for being big men and doing a big thing in a big way. He said that they had "reason to be proud of what they had done" and that "they had worked in a spirit that makes for the success of our country." The operators went to their homes. They agreed to this thing notwithstanding the fact that 80 per cent of their output goes to the railroads, the cotton mills, the steel mills, the factories, the foundries, the munition plants of the country, all of which have been making enormously greater profits than the coal producers ever dreamed of. None of these men were called upon by the Government, or by any man connected with it, to make a similar sacrifice on their part, and yet the coal producers agreed to do this.

Mr. NORTON. Will the gentleman yield?

Mr. POWERS. Yes.

Mr. NORTON. Does the gentleman have in mind what the price of coal was per ton in Kentucky at the mouth of the mine in 1914?

Mr. POWERS. I do not remember the exact figure.

Mr. NORTON. Approximately.

Mr. POWERS. I can hardly answer that question. I am not sure what it was.

Mr. NORTON. One dollar and twenty-five cents?

Mr. POWERS. Possibly so; maybe a little higher than that.

Mr. LANGLEY. I think it was between \$1.40 and \$1.50.

Mr. NORTON. What does it sell for now at the mouth of the mine?

Mr. POWERS. About \$4.

Mr. NORTON. What was day labor worth in the mines in 1914?

Mr. POWERS. I can not give you the figures, but it has been greatly increased since that time, and the miners are demanding a further increase, and they have got to have good wages or they can not live.

Mr. NORTON. The price of coal at the mine has increased 400 per cent.

Mr. POWERS. That is the free coal that I am talking about, and that is only 20 per cent of the output, and I have explained about that increase. Most of the coal goes by contract. I am not trying to absolve the coal operators from blame, in so far as blame should attach to them, but they are entitled to fair and just treatment, and they are not getting it.

Mr. NORTON. The gentleman says that in 1914 coal at the mouth of the mine sold for \$1.40 or \$1.50.

Mr. POWERS. I do not know. I say this: That so far as "free coal" is concerned, which is 20 per cent of the output coal not under contract, the coal operators for the last 8 or 10 months have been making money hand over fist, and the price has been outrageously high, and to the extent that the coal operators may be to blame for this, I am not trying to absolve them.

Mr. NORTON. And wages have increased 25 per cent.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. POWERS. Yes.

Mr. BLANTON. Coal to-day in the District of Columbia is bringing \$8.50 a ton.

Mr. POWERS. I do not know what it brings here.

Mr. BLANTON. Can the gentleman state what that coal is worth at the mouth of the mine?

Mr. POWERS. I can not tell.

Mr. COOPER of Wisconsin. What kind of coal is that?

Mr. BLANTON. Furnace coal; what they put into the stoves here to-day.

Mr. COOPER of Wisconsin. That is anthracite.

Mr. POWERS. There is no anthracite produced in my district. Virtually all the anthracite coal is produced in the State of Pennsylvania. I am not personally acquainted with the price of that coal, but let me read you what the Federal Trade Commission has to say about some of it. I read from page 3 of this report of June 20:

For years the prices received for anthracite steam sizes have not been sufficient to pay the cost of production.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. POWERS. Yes.

Mr. GRAHAM of Illinois. Is the scale of wages of the miners of the gentleman's State fixed until July, 1918, by agreement with the operators?

Mr. POWERS. In my district they have mostly had independent labor until recently when the miners have made an organization. They have organized and they are demanding an increase in wages. A big strike is impending.

Mr. GRAHAM of Illinois. I understand that the soft-coal miners throughout most the country are under a contract or fixed scale of wages until June, 1918?

Mr. POWERS. That may be true generally, but it is not true in my district. I shall have to decline to yield further, as my time is about up.

After these operators had come here to Washington and made the agreement of which I have spoken, they returned to their homes no doubt feeling that they had made a great sacrifice, especially in view of the fact that nobody else had been called upon to make any, and in view of the further fact that neither the Government nor the public had come to their relief in the days of their sore trial and threatened destruction. To this magnanimity on the part of the operators, what has been the attitude of the Federal Government and this administration since that time? It is common knowledge, of course, that the good work of Secretary Lane, Commissioner Fort, and Mr. Manning have been knocked into a cocked hat by Secretaries Baker and Daniels and President Wilson. So the real answer of the administration to the magnanimous conduct of the coal operators is found in the provisions of the food-control bill now before us.

The SPEAKER pro tempore (Mr. HEFLIN). The time of the gentleman from Kentucky has expired.

Mr. POWERS. Mr. Speaker, I ask unanimous consent to continue for 10 minutes more.

The SPEAKER pro tempore. The order is that the gentleman from Minnesota [Mr. SCHALL] shall proceed for 5 minutes following the gentleman from Kentucky [Mr. POWERS], having 15 minutes.



Mr. POWERS. I know that is the order, but I submit my request.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to proceed for 10 minutes more. Is there objection?

There was no objection.

Mr. POWERS. Mr. Speaker, I want to take up now the attitude of the administration to the coal trade and the coal operators of the country, as we can judge it from the provisions contained in the food-control bill, and of necessity I must be brief. Let us take section 4 of both the Senate and the House bills. We find this, that general provision is made for governmental control of apparently all necessities, although the title to the bill does not cover any such thing. Under section 4 it is provided that there shall be no monopoly of the necessities of life. Further it is provided that it shall be unlawful to make any unjust or unreasonable rate or charge. This of course includes coal, because if there is any commodity that touches the public weal at as many angles as coal touches it I do not know what it is. Coal is absolutely essential to the transportation facilities of the country. It is absolutely essential to the great industrial world. It is absolutely essential to the household welfare of the land. Coal must be included in this provision of the bill. The section further provides that no one shall enhance the price or exact excessive prices for any necessities. That provision covers coal. The administration is not content with putting coal on the same footing as some other things, so in section 5, which is the license section of the bill, it is provided that if, in the opinion of the President, it is necessary to require the coal operators of the country to get out a license, under such rules and regulations as he may prescribe, in order that they may operate the coal mines at all, that shall be done. That is section 5 of the bill. Section 6 is the hoarding section. It is a mighty good section, one of the best sections in the entire bill. It provides that you can not either hoard coal or other necessities, and I endorse nearly all of that section. But section 8—why, they strike at coal operators in almost every section of this bill, and chase them like they were a band of malefactors. Section 8 provides that the President, if in his judgment it is necessary, may commandeer the fuels of the country, may take over all the coal produced. Section 9 provides that the President, if he desires to do it, may force the coal operators of the country to sell their coal only to the Federal Government through an agency to be established. And will it not be some job to establish an agency to handle the 2,000,000 tons of coal daily produced in this country?

Section 10 provides that the President may commandeer, if he sees fit to do it, all the coal mines of the country, take them with all their equipment. How would he operate them if he had them? Section 22 provides—and that is the Pomerene amendment—that the President of the United States shall be empowered to fix the price of coal and coke, and I notice from the morning's papers that the conferees have broadened that provision so that the President may not only fix the price, so far as the Government is concerned in its needs in this war, but may fix the price for everybody. If a price is fixed for the Government, the same price certainly ought to be fixed for the consuming public. The President is to fix the price and establish the rules and regulations under which the operators are to operate the mines, and if they do not operate the mines as the President believes they ought to be operated, out they go. I will just read the language of the Senate bill:

If, in the opinion of the President, any such producer or dealer fails or neglects to conform to such prices or regulations and conducts his business inefficiently, etc.

Why, the President has got the power to take over the coal mines and all the coal of the country. My understanding is, as I gather from the public press, that it is the purpose of the President to fix a uniform price of coal at the mouth of the mine. He expects thereby, it is said, to solve the high price of coal to the ultimate consumer, to increase the output of the mines, to greatly strengthen our national defense, and to bring unalloyed relief and joy to the citizenry of the entire country, save and except the operators themselves. Delusive dreams, Mr. President, delusive dreams. Judging from the statements in the public press, the President has said that \$1.50 per ton ought to be the price of coal at the mouth of the mine. I want to say this, that if the President of the United States fixes a uniform price of coal at the mouth of the mine at \$1.50 per ton, or anything akin to that price, I predict for this country the greatest calamity that it has ever had. Such a course will put the operators of small veins of coal and many small operators out of business, if not many larger ones. The small operators produce about 50 per cent of the entire output. What will this country do with its output of coal reduced 50 per cent?

The production of coal is the crying need of the hour. While the price of coal ought to be reduced, the production of it is the real demand of the times; and you can get more milk by feeding the cow than you can by twisting her tail.

What will become of this country from the standpoint of the home user of coal? What will become of it industrially, what will become of it in the conduct of the war if such action is taken here as will materially reduce the output of coal? Out of 300 working days, the mines run last year but 230. By permitting them to run at their full capacity 259 days this year they will produce enough coal to supply the needs of this country generally, and the needs of the allies in the conduct of the war. But you have got to permit them to run. The operators have got to have men and they have got to have cars. They have got to have such a price for their coal as will permit them to operate. Does the President mean to fix the price of coal at \$1.50 per ton at the mouth of the mine? Does the President propose to fix the same price for all the mines, not taking into account the quality of coal, not taking into account the thickness of the vein, not taking into account the labor conditions; is the price going to be uniformly fixed? If so, the plan is already doomed to failure. Let me read to you part of the Federal Trade Commission's report of a few days ago:

All the nations at war have relieved coal miners from military duty, urging that their greatest service to the State can be performed by remaining at their regular employment.

Let me pause long enough to say that the nations at war, whether on the side of the allies or whether on the side of the central powers—all the countries engaged in the war—if the report of the Federal Trade Commission can be relied upon, have relieved from military duty the coal miners of those various countries. But the attitude of this Government toward the coal miners of our country is upon an entirely different footing. In other words, they are not relieved from military duty under the conscript law passed by this Congress, over my protest some time ago. The ranks of the miners are already being seriously depleted by the lack of steady employment, by big wages paid in munition plants and other employments; and now you propose to further deplete them, contrary to the policy and experience of every other country engaged in the war, by sending them to the front to shoot and be shot at. Let me read you further what the Federal Trade Commission says about this:

Already in this country the ranks of the miners are being seriously depleted by enlistment.

Many remedies have been urged upon the commission. Government ownership or at least Government operation is argued by many, but perhaps the most common is the suggestion that the Government fix prices at the mines. This suggestion has been carefully considered and it seems clear that unless a uniform price is fixed each ton of coal will have to be followed through to the consumer lest any given ton be retailed at a price based upon the price fixed for the highest cost mine.

If a uniform price were fixed, many mines will be shut down unless the price is high enough to make the highest cost mine profitable. Such a price, in operation, might be found unfair as to the public and especially as to the railroads. No remedy will be effective that does not include constant employment to labor and at fair wages; maximum production of all equipped mines, fair profits to all mine owners, and prompt, equitable, and economical distribution to all consumers, both domestic and industrial.

It would seem that steady employment, fair compensation to labor and capital, equitable distribution, and stable prices could be secured by pooling all coal and coke production in the hands of the Government.

If the producer at each mine were paid his full cost of production with allowance for depletion, maintenance, upkeep, and all the usual items, and to this were added a fixed and uniform net profit per ton, with due regard to quality, the coal thus produced at widely varying costs, if pooled, could be sold through the Government at an average and uniform price, quality considered, which would be entirely tolerable to the consuming public, and a price much lower than could be fixed if an effort were made to fix a uniform price to the producer.

Such a method would require careful supervision as to economical operation, but this task and the expense involved in performing it will be very small in proportion to the net saving gained to the Nation. As a matter of practice, many large contracts are being made on a basis of cost or production plus an agreed profit.

It will be observed that the Federal Trade Commission strongly advises against attempting to fix a uniform price of coal at the mouth of the mines, as is the intention of the President, if he has not been misrepresented and misunderstood.

It would mean ruin to the coal industry, and therefore ruin to the country, to fix a uniform price at the mouth of the mines unless that price was fixed sufficiently high to save the small producers and the operators of small veins of coal. To do this, the price would be so high as would likely work some hardship on the country generally.

There seems to me to be but few solutions to this coal problem: One is for the Government to pool all the coal at a fixed net price, but pay each operator "his full cost of production, with allowance for depletion, maintenance, upkeep," and a "fair profit," as the Federal Trade Commission recommends, but in order for this plan to work there would have to be both a maximum wholesale and retail price; and another is to leave



the trade to the law of supply and demand. But neither of these methods will prove effective if left solely to themselves, as this bill proposes to leave the price fixing. The mere fixing of a price of coal per ton is not enough, even if the price fixed were satisfactory. The operators have got to have men, and they have got to have transportation. Without these no price fixing will amount to anything. Let me read to you what the Federal Trade Commission says on this subject:

The pooling of coal in the hands of a Government agency would still be ineffective either as to distribution or as to the promotion of a maximum of production unless similar control extended over all means of transportation, both rail and water, and to meet this the pooling of railroads and boat lines is clearly indicated. The railroads of the country, if operated as a unit and on Government account, could be used to transport coal and other products by the most direct route to their point of destination, and the efficiency of the roads themselves, and of existing rolling stock and of motive power would be vastly increased.

The operation both of the mines and of the transportation agencies could be carried on by the present employees and officials, and after the war they could be returned unimpaired to private operation.

In other words, the coal operators have got to have railroad cars in which to ship their coal. They must have cars on the spot as the coal is gotten out, because they have no facilities for storing the coal. In fact, there is no storage room anywhere for 90 per cent of the coal produced.

And let me say here that there are plenty of cars if the operators could only get hold of them; and there are operations a plenty to produce all the coal we need if they were but given a chance. What the Federal Trade Commission says on this subject after full investigation ought to carry great weight. Let me read from their report of June 19, 1917:

The present production of bituminous coal the country over is about 40 per cent short of the possible maximum, and this limitation is solely to be charged, as to primary cause, to faulty rail transportation. The present demand for coal is unprecedented, but the mines now open are capable of filling this demand if adequate car supply is furnished.

It is a fact in the bituminous industry that the capacity of a mine for production and the capacity of labor is limited absolutely by the supply from day to day of coal cars for the moving of the product. Thus we have found that, with the market at unheard-of prices, labor is often standing idle at the mines and production is limited as compared with the possible productive capacity.

We find that mine labor is being disorganized by reason of irregular employment and forced idleness, and that in some fields bituminous mines are working only three or four days a week and that willing labor and willing operators are standing idle half the time.

In other fields where there is now a more nearly adequate car supply the irregularity of car supply in months past has so disorganized and discouraged labor that these mines are not now nearly at full capacity of production. The irregularity and uncertainty of employment has caused the miners to be tempted to leave the mines and go into other employment, and, having left, it is difficult to bring them back.

The commission believes that there are enough coal cars in the country but that there are not enough coal cars delivered to the mines, and that, an adequate supply having been delivered to the mines and loaded, these cars are not moved to the point of consumption either with the greatest of expedition nor are they promptly discharged upon their arrival at their destination.

The commission has much testimony of widespread abuse in the use of coal cars by speculators for the storage of coal for speculative purposes, and that the practice of reconsignment is wasteful and a cause of delay and market manipulation.

The commission finds that coal is not sent to the point of consumption by the most direct route, and that coal cars are being used for transportation of many other sorts of product.

Here we have the trouble in a nutshell. Listen further to what the Federal Trade Commission says:

The coal problem can not be worked out so long as the railroads are permitted to divide and allot traffic; to lay embargoes without regard to their immediate effect upon industry or upon the systematic distribution of coal; to give priority to the movement of high freight rate commodities; and to use the device of "long haul."

How do you expect and how does the President expect to solve the coal problem by merely fixing a price on coal? This bill does not attempt to solve the problem of transportation, yet the coal problem can not be solved without it. My district is rich in coal. My constituents are vitally interested in the coal provisions of this bill; the operators are interested; the miners are interested; the farmers are interested; the owners of land having coal under it are interested; my district generally is interested; and I shall do all I can to have eliminated from this bill its unfair provisions. Many of them, if the bill comes to final passage as it now stands, I do not feel like I can afford to vote against; some of them I do not feel like I can afford to vote for; but I will have to vote either for or against when the time comes. [Applause.]

Mr. SCHALL. Mr. Speaker, the present moment is big with the future. The Nation waits expectant, breath holding. Our glance is forward; the past has no precedent. Our burdens as a Nation seem almost greater than we can bear. Everywhere undercurrents of bitter feeling. Strife secretly festering. Greed taking new and ugly forms. Revolt and overthrow of all manner of oppression in the very air. All around distrust and suspicion.

The blanket charge is made on every hand that Congress is fiddling, wasting time. The man in the street does not know that the House has passed in record time the war resolution, the selective-conscription bill, the revenue bill, the aviation bill, trading with the enemy, the espionage bill, the food-survey and food-control bills; in short, every one of the administration's war measures, with the utmost minimum of debate consistent with honest endeavor to frame bills that would bear the weight of the future. If the critics would refer their charges specifically to the Senate instead of blanketing Congress, it would let the country know where the hitch is. The food, feeds, and fuel bill was ready for the Senate in plenty of time for it to be passed by July 1. Yet, with the certain knowledge that every day is a day of gold to the enemy, there has been this indefensible delay. If their deliberation were to the improvement of the people's condition it would be endurable. But nearly every change in the revenue measure has been to the detriment of the plain people. Instead of remedying the defects in their proposed revenue bill (which they virtuously claim is the reason for delay), instead of removing the injustices with which it is full, they are only serving to heap further the burden on the shoulders of the poor and take away from the obligation of the rich in their attempt to usurp the functions of the House in originating revenue measures. They make of it a rich man's bill. Those who can afford it should pay for this war.

My heart sickens at the thought of millions of people waiting patiently, hoping against hope that something will be done by the men they sent down here to care for their interests, while the disgusting spectacle of personal squabbles and persistent obstruction continues. The lower House was through weeks ago with the war legislation; we are now compelled to mark time waiting for the Senate to catch up. Having completed our bit, having done our uttermost, we say, "We are helpless. Our hands are tied. We have finished our work and can do nothing more." But the people do not like helpless Congressmen. All they know is that the revenue bill has not been passed and the loan is almost gone; the food-survey bill, passed weeks ago by the House, is still hung up; the aviation bill was allowed to drag along, though France is imploring us to send aviators to save her. And, worst of all, there is a bitter struggle in conference, further delaying the food bill, already delayed six weeks, with its provision for cheaper food and fuel, though July 1 is passed and the southern crops are moving into the speculators' hands, for the troublesome Members of the other body have thrown a monkey wrench into the machinery. Food gamblers have already cornered the tin-plate output. Canned goods to-day are higher than fresh. Overnight, without reason, they vault upward. And now, instead of proceeding with the revenue bill, which would net the Treasury better than \$500,000 a day, clear the streams of trade, settle the method of raising the revenue, and put business on a firm foundation, they took up the river and harbor bill and squabbled over the distribution of "pork," when there is still in the Treasury unexpended for river and harbor purposes \$33,000,000—plenty of money for emergency care of navigable rivers and harbors.

And with but two days' discussion, passed it last Thursday, 50 to 11, with 35 not voting. Exhausted with lugging large burdens of "pork" to their respective States, they feel it incumbent to take two days' rest, adjourning over till to-day, though the country is demanding their immediate consideration of the revenue bill.

It is the House every time that has sustained the President, and vigorously and with patriotic promptness pushed his measures to decision.

What does it profit us to pass remedial measures here in the House when they must be turned and picked and prodded an endless time at the other end of the Capitol, then be returned to us with every particle of effectiveness extracted, every chance of benefit crushed?

The food, feed, and fuel bill contains a provision that holds out a hope for the relief of the fuel situation of the Northwest, acutely threatening to-day. The coal supply at the head of the Lakes is over 2,000,000 tons short. Many boats come empty to Duluth. There should be 10 cargoes a day, whereas only 3 are received. If the needs of the northwestern winter are to be met, the Northwest must be supplied while boats can ply the Lakes. Unless the docks are filled up by the beginning of September, the chances of accumulating enough coal before the close of navigation are small. There must be sufficient freight cars released by the railroad committee of the Council of National Defense to enable mine operators to supply northwestern needs.



The people are clamoring for relief. If the Government can not get action from the railroads, or a decent price per ton for soft coal and bituminous coal, it had better take over mines and railroads, and take a hand at running the business itself. For four months Great Britain has controlled the coal mines.

There is no reason for a great increase per ton at the mines. The report of the Federal Trade Commission on the coal situation shows that in 13 companies the increase in operating costs and general expense has been 28 cents since 1913, most of it since April, 1916, namely, increase in labor is 15 cents; supplies, 2 cents; general expense, 11 cents. An increase of 28 cents does not justify a leap to \$4.50 to \$5 per ton at the mouth of the mines. The cost of production has increased less than 25 per cent, while the selling price has increased 300 to 400 per cent. The mines threaten to close if they are not given their price. More "pay"-triotism. Let them close. The Government should find a way to open and run them. The dollar mania enfrenzies these men. They can see nothing but their dream of wealth. No consideration of suffering in their fellow creatures or necessity of their Government appeals to them. The only club they can feel is a hit at their own interest. They will bow to nothing but fear. Traitor is not too strong a word for them, and a traitor's punishment is their dessert.

What will the Northwest face this winter if the coal famine is not averted? Schools and factories must shut down, factories that supply war material and necessities and furnish labor must suspend, apartment houses will suffer lack, and the misery among the poor is unbearable to contemplate.

What matter if food and fuel be denied the weary laborer? There is no more burning necessity in America to-day than the question of food and fuel investigation and control. There should have been, months ago, action on this question to alleviate the suffering increasing from day to day. The people back home will not be fooled by the wolves of Wall Street. The philanderers and slackers and players of party politics shall feel the whip of public scorn and obloquy and impatience for obstructing this measure.

It is amusing to hear Wall Street come to the aid of the farmer. I got a letter from a Wall Street firm this morning crying out against the quack legislation of the food bill that was going to harm the poor farmer. The farmer has nothing to lose but everything to gain. He is assured of a minimum price of \$2 in this bill; he is not obliged to sell. It is not the farmer that objects; it is Wall Street that objects. But it is not Wall Street we want represented so faithfully. We, the American people, do not believe that it is our duty to let our property and our lives be confiscated by these great combinations and money powers, these trusts, these monopolies.

All over the country the greed and selfishness of the food pirates is the cause of untold suffering and misery among the poorer classes. There is no punishment too great for him who coins his countrymen's necessity into gold, who is so devoid of conscience as to ruthlessly involve his country, already in deep peril, in worse danger.

There is no hope for that national spirit we need so much, for that broad democracy and equitable distribution of wealth that is the dream of those who love their fellow men, while speculators and food hoarders continue to gorge the public to the tune of \$110,000,000 a month, while good food is permitted to rot to boost up the price, though the plain people starve. Bread can be bought in France, 35 ounces for a little over 8 cents in our money; in Belgium, 35 ounces for 11 cents; and in England, 4 cents a pound, all of which is made from our grain, while we are being gouged 10 cents for a supposedly 14-ounce loaf.

It is not alone the food of the plain people that is being boosted out of reach by the frenzied, money-mad ring; their very means of livelihood is in jeopardy. By an underground concerted movement in every field of clothing, manufactured articles, every necessary, has been artificially, without rhyme or reason, raised to the "nth" price. Every article and material needed in the building and allied trades has been advanced, in some cases, up to 300 per cent. People are not building. They can not afford to have remodeling or painting done.

The architects and builders already feel the slump. Carpenters and painters are out of work and have a prospect of remaining so when nails and laths and plaster, lumber and paint and glass and steel are flying up, up, up.

The price of food went up 9 per cent in the month of April, and has been steadily going higher. In the absence of food control corn went from \$1.60 to \$2.25 a bushel since the last of June. There will be a day of reckoning for the dilly-dallying failure to enact legislation that will check these pirates. The children of America are undernourished; they are crying for bread. Will it make their fathers more patriotic when they

feel little hands tugging at their coats and hear hunger in little voices, when they realize that Uncle Sam can hear the voices of babies across the sea but is indifferent to the wail of his own little citizens?

Patriotism does not thrive on an empty stomach. This is a war of defense. Our defense should begin while we can fight it out in the other fellow's back yard before it can spread to our shores. The people, owing to the peculiar diplomatic relations of the world, do not grasp that our own hide is ultimately at stake; hence this is not a popular war, and its popularity is little enhanced by the actions of the body at the other end of the Capitol who are so careful to protect the pocketbook and the income and the business of the poor, unfortunate rich.

This maddening and deadly delay is putting it further and further out of power to remedy the situation. It is so much easier to initiate an abuse than it is to stop it. It takes raw, bald effrontery and initiative to do what the food gamblers are doing. It will take centralization, one man, a man of successful experience, keen initiative, with ample authority back of him, to cope with them.

In Herbert Hoover there is such a man, to our hand, trained by the providence of circumstance; who brought order out of one chaos; who has already made a success in managing a nation's food supply. What difference does his previous experience make against the big fact that he has done and done well this one thing we now need to have done in America? No one needs be jealous of the appreciation this man has earned.

There has not been one act of patriotism to thrill the blood in all this machine-made war. How far we have strayed into lip service when we contrast our terms of patriotism with those in the warring nations on the other side. Perhaps, when we feel the whip of necessity, we shall awaken. The only hopeful thing, the only redeeming ray in all this national sordidness, scramble for place, and general inefficiency is the glorious response of the majority of our youth to their country's call. Last Friday I visited our boys at Quantico; 556 from the North Star State, together with 3,500 other marines. Have you seen the ranks of splendid boys, springing along in their strength and pride? Have you seen them drilling with stern, set purpose? What did their faces tell you? The sturdy tread, the click and stamp of their guns, the crash of their bare palms in the setting-up exercises to me spell devotion, consecration, patriotic love for this old country of ours; this country, good enough for any man to die for. Can a man have greater love than this, that he be willing to lay down his life for his country; that he sacrifice his future prospects in business, in education, in family, and all he holds dear? Wealth ought never to hesitate to weigh itself in the balance with such red-blood sacrifice! There are worse things than death. What good is life if we can not live it and be free?

The only remedy for a hideous gathering abscess is the surgeon's lance. Will the war be a lance to the grievous sores of our modern life? We can not go on in this way. It is inconceivable that as the masses of the people wax more and more intelligent they will endure to be entangled more and more in the chains of economic slavery.

We thought the war impossible. "England will never go to war," we said. And then we whispered in our hearts, "The United States will never be dragged into this conflict." Perhaps we are even now saying the Russian disintegration will never find a counterpart here. It should not require a prophet to see that certain things must be provided before grim winter adds its terrors to the already too hard life of the poor, namely, the cost of the war must be laid on incomes, liquor, and excess and war profits; drastic regulation of food gambling must be enacted; fuel must be restored to its normal price; high prices that have been artificially made must be cut; greed must be bankrupted or put behind bars.

What is the good of telling the housekeeper to save a teaspoonful of beef roast when at 40 cents a pound beef roast is hard to come by? The laborer needs no advice to put a meatless day in his already meatless week. It does not save the consumer's purse to add 10 cents to his restaurant bill for bread and butter.

Industrial and commercial abuses to-day permitted to go unthrottled are so great that the integrity of this Nation is menaced. The resources of this rich, rich country are being diverted into the capacious maw of a few corporations. These same corporations reach their long, grizzly arms in, make and control too many lawmakers, both State and National. Big business is all powerful. They suggest legislation. Shall we wait until the aggression, becoming too open and shameless, the people raise a mighty uproar at the high-handed piracy? Shall we suffer the senseless, devastating sweep of anarchy when just a little forethought, just a little prescience, just a little con-



sideration for our brother man would suffice? It takes very little to satisfy him.

Simple justice is all he asks. The law of compensation is bound to have its toll, and through the very streets that Siberian exiles were knouted on their way the aristocrat now slinks and shivers. Will power be as stupid in its exercise of autocracy as mob violence ever shows itself to be? Power wastes our human wealth, outrages and exploited masses wreak their fury on material wealth.

We must learn the lesson of renunciation, or the bold leader of the Industrial Workers of the World may seek to carry out his threat that his troop shall take a hand at misrule. The difference between the privateering of his class and the present robber band is that in his case universal and indiscriminating destruction rages, and no one is benefited. At least, under the present methods a remarkable system of efficiency is growing up, without wasting material; a curse this system is unless it shall be tempered with the quality of mercy. It is easy to believe, in these days of cataclysmic changes, that all that does not adapt itself to the world good shall pass away.

True greatness is true service in humanity's onward course. The effort of the human race has always been for liberty. As the deeds of a nation aid or antagonize progress, so is it glorified or cursed by the judgment of time.

And the greater need right now is that the soul of us all shall be quickened to the absolute need of sacrifice. Things seen are mightier than things heard. As long as the tragedy of battle is distant from our shores it is hard to sense its actualities.

We have a long way to go to understanding. We devise fine-sounding slogans, and repeat them. Our women, fashionably gowned and jeweled, gather around the tea table and make bandages or knit. But when it comes to real sacrifice, we have not tasted it; we are not considering it; it has become no part of our national life. Our energies are content to be dissipated in futile fads. Why is it that Germany is licking the world? It is because every man, woman, and child within her borders feels that they are at war. Whether anybody is watching them or not, they are devoting their life to the nation at war. "Du sollst entbehren, sollst entbehren!" (Sacrifice, sacrifice!) Goethe's immortal refrain beats out in their daily lives. There the war is the nation's business, to which every energy, every nerve, is strained. Here the war is the treasure ground of certain members of big business, the speculator in foodstuffs. If this war weeds out the drones in this country, from I. W. W. hobo to society trifter, it will be a precious thing. The day of trivial things is passing. Nonessentials must drop below the surface. This is not a war of conquest. America has nothing to gain from entering the war, except the preservation of her codes of liberty, and her influence to that end among the nations of the world. And we must not let party questions rise up between us and our patriotic duty.

Let us be thrifty, frugal, patriotic, ready to sacrifice. Let selfishness and individualism bow to the good of the whole Nation. Let us leave nothing to chance, and let the prime business of each of us be waging and winning the war. Let us bear necessary suffering cheerfully, but do not let us endure, nay, invite, unnecessary suffering for the poor by delaying any longer to take this most necessary step. American energy can make possible the impossible. It is necessary for us to realize our dangers, abandon our narrow, selfish horizon. The miracle has been wrought in France; it must take place here.

Wars have been won heretofore by the superiority of one instrument, a catapult, a musket, an infantry or cavalry formation, a monitor, a knived chariot has spelled victory. This war to the uttermost of mechanical invention digs into the earth, lurks beneath the sea, weaves into the clouds, and lays tribute not on one weapon, but on every form of activity that can be focused on an enemy. It is the migration of nations to the front. It will be won by superior mechanism, supported by supremest courage and supremest faith and sacrifice. [Applause.]

Mr. SWEET. Mr. Speaker, at the outset I wish to express my profound appreciation to those who so graciously granted me time to speak on this occasion.

We are now engaged in the greatest conflict of all the ages. The issues at stake are tremendous and of far-reaching influence on our country and all mankind. The welfare of every inhabitant of the globe is dependent upon the outcome. We have been overwhelmed by the mighty and ever-advancing tide of human affairs. We have been borne forward on the surge and flow of the great ocean of events in this and other countries for the last three years.

The situation in the main is not of our own making. Yet, we are destined to play a heroic part in the greatest drama of recorded time. To our care and keeping, largely, have been con-

fided the perpetuation of the principles of free institutions among the sons of men.

A spirit of uncertainty now broods above a troubled world. For weal or woe, for good or ill, the die has been cast. Diplomacy has failed. The time for polished phrases and glowing rhetoric has passed. The hour for action is at hand.

The deathless memories of heroic achievements that hover over our historic battle fields beckon us on. The sacred traditions that almost deify the fathers, the saviors and the soldiers of the Republic call us to duty. The strains of discord that now and then arise from the crowded thoroughfares of our great cities will ultimately be lost in the grand refrain of a unified country as the war progresses.

This generation will not be found recreant to the trust confided to it. When the history of this period is written I am sure that it will be recorded as in the days of the past, "The American Republic never retreats." [Applause.]

Since the fateful 6th day of April Congress has dealt with some of the most momentous legislation in the history of the Republic; in fact, in the annals of all time. Many of the questions have been new and of far-reaching influence on the welfare and destinies of our people.

The legislation that has been passed during the last four months affects directly or indirectly every inhabitant of the Republic. It touches "every living heart and hearthstone all over this broad land" of ours.

Never has a greater task confronted a legislative body. In the turmoil and the excitement of the hour it is important that we do not lose sight of the fundamentals that underlie the foundations of free institutions.

Never has preparation for war been inaugurated on so gigantic a scale.

Billions of dollars have been appropriated. Millions of men have been provided for.

Never before has important legislation passed Congress with greater facility and with less factional friction.

Many propositions have been urged and debated. Many schemes have been suggested. Many plans, the products of many minds, have been presented.

Some have been slow to enter this war, but this in itself should not be a ground for condemnation.

As one of America's greatest patriots said on the floor of this House on a similar occasion:

Surely there was more evidence of the patriotism of the man who, doubting the expediency and even the entire justice of the war, nevertheless supported it because it was the war of his country. In the one it might be mere enthusiasm and an impetuous temperament; in the other it was true patriotism, a sense of duty. Homer represents Hector as strongly doubting the expediency of the war against Greece, gave his advice against it, had no sympathy with Paris, whom he bitterly reproached, much less with Helen; yet, when the war came and the Grecian forces were marshaled on the plain and their crooked keels were seen cutting the sands of the Trojan coast, Hector was a flaming fire; his beaming helmet was seen in the thickest of the fight. There are in America many who have the spirit of Hector, who strongly doubt the propriety of war, and especially the manner of its commencement, who yet are ready to pour out their hearts' best blood like water and their lives with it on a foreign shore in defense of the American flag and American glory.

Some have differed with the President as to the policies to be pursued after the war was declared.

They have felt that while it is necessary to cooperate with the entente powers that "entangling alliances" should be avoided if possible, thus keeping in mind the Farewell Address, the last public admonition, of Washington to his countrymen before he stood in the presence of his Maker.

Some have thought that the President should state more clearly the objects and aims of the war.

In this respect the President complied with this general sentiment in his message to Russia, made public June 10; and on June 15 the Committee on Public Information, consisting of the Secretary of State, the Secretary of War, the Secretary of the Navy, and George Creel, issued a pamphlet entitled "How the war came to America."

Some of the great patriotic newspapers of this country still believe, and now advocate, that there should be a revision of the war aims of the entente powers.

They urge that "the effect, not only in Russia but in America, would be to drive indifference and opposition out of camp." They believe that our Government should take the initiative in this matter.

They realize that this Nation is now engaged in a world movement and that oneness in thought and action among our people is essential. We should be masters of the situation; we should be directors of the storm.

We have been called upon in the name of "freedom" to assume the dual rôles of the advocates of war, as a means to an end, and of the devotees of peace, as the spirit of our age, in the



greatest drama of world events ever staged on the theater of human action.

Some believe that in downing autocracy abroad we should not jeopardize the freedom of the free at home.

Some believe that free speech and liberty of the press should remain inviolate as guaranteed by the Constitution of our country.

That the people should know the truth, and the truth will keep them free.

A majority of the Members of Congress have already voiced their adherence to this doctrine.

Some believe that those who are being daily enriched by this war should bear a large part of the financial load instead of imposing it upon the ordinary man, those who really bear upon their shoulders the burdens of the world in war and peace. In short, that every inhabitant of the Republic should bear his equitable burden of taxation.

Some believe that the Constitution of our country is in force at all times and under all circumstances; that it is a bulwark of safety in times of peace and a citadel of refuge in times of storm.

This position finds confirmation in a decision of the Supreme Court of the United States. In the case of *Ex parte Milligan* it is written:

Every act of Congress passed during war times must square with the Constitution.

The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances.

Some believe that the executive branch of our Government has of late in some instances been encroaching upon the legislative branch.

Some believe that these two great branches should work in harmony, and yet that each branch should exercise the functions and perform the duties under the authority and within the limitations granted to each by the Constitution.

All agree, or should agree, that our gallant troops now on foreign soil are entitled to and should receive the support and protection of the American Congress and the American people to the uttermost. [Applause.]

It should be further understood, and all should have faith, that this solemn guarantee is behind all those who are now engaged in or may hereafter be a part of the Military and Naval Establishments of this Government in the further progress of the war.

Some believe that in a number of instances the administration forces have asked for too much power. Others believe that the Executive should be granted all the power demanded during the present war.

All agree, or should agree, that the Executive should be granted the necessary and proper authority and power as President of the United States and as Commander in Chief of the American forces to carry on and prosecute the war to an early and successful termination. [Applause.]

To grant more would tend to usurpation. To grant less would be evidence of weakness and in the end suicidal.

The President said, "This is a people's war." Ah, Mr. Speaker, how true this is! Whatever may be done by the President and Congress as public servants must finally be reviewed by the sovereign people.

All great questions in this country must have the approval or disapproval of an enlightened public opinion. Its decrees are inexorable. It is no respecter of persons, fame, or fortune. It can not be restrained. Its presence can not always be detected or felt. It evades close analysis and investigation. Yet on its footsteps millions wait, and on its decisions momentous questions hang. [Applause.]

Not here in the Halls of Congress during these momentous days is the fate of nations to be ultimately determined. Not here in the stately mansions of place and power is the destiny of the Republic to be finally decreed. Not here in Washington in the sweltering heat of summer are all these great measures to be fully settled; but by the firesides of twenty millions of homes, scattered all over this great Republic—on the broad prairies of the West, and in the hamlets and cities throughout the land, away from the roar and tumult incident to the preparations for war, in the seclusion of the household, in the quiet eventide, with father and mother surrounded by their children, with the thoughts of loved ones and country, with reverence for the fathers and saviors of the Nation and their mighty deeds, with solicitude for the present and future of our Nation's welfare, with the fires of patriotism aglow in their hearts, is to be found the serenity of mind, the communion of souls, the sincerity of purpose, the absence of guile, where God in His infinite mercy, justice, and wisdom finally prepares and decrees the destiny of all mankind, living under the banner

which exemplifies the freedom of the free, wherever it floats, the whole wide world around. [Applause.]

In this troubled hour may the American people rise serenely to the supremest test ever imposed upon a democracy. [Applause.] May we go courageously forward to the end.

Mr. Speaker, to me "Americanism" is one of the grandest words in the English language. It has become symbolical of civil and religious liberty on the Western Continent. It represents the shining goal toward which the human race has been tending since time began. [Applause.]

We find epitomized in it the struggles, the hopes, the dreams, and the aspirations of man for better days and better things since the time when he cringed and crawled in the dens and caverns of barbarism, and groped and felt his way through the long night of the stagnant centuries toward the dawn of a grander day up to the present hour when we behold him revealed, standing upright, with the sunlight of heaven in his face, or walking with uncovered head beneath the silent stars, contemplating as to the handiwork of the Creator and the betterment of the human race.

The true fundamentals of Americanism are based upon the teachings of the Lowly Nazarene.

In fact, a quarter of a century ago it was said by one of America's greatest statesmen:

When Christ proclaimed to the world the fatherhood of God and the brotherhood of man, and the priceless value of the humblest human soul, He made tyrants and despots tremble on their thrones. He laid the foundations of democratic self-government and the sovereignty of the people. From His teachings have come the emancipation of childhood, the elevation of woman, and our rich and splendid heritage of religious, civil, and constitutional liberty.

Americanism is the new civilization.

Americanism has become synonymous with the spirit of civil and religious freedom throughout the world. With us and all thinking men Americanism has become like a mighty and ever-widening stream. Its source lies hidden somewhere in the swamps and lowlands of barbarism. Its origin is coeval with the human race. It has been fed by passing clouds that drop their garnered fullness down, by innumerable rills that gush from the mountainside, by springs that well up into its unseen depths, and by subterranean rivers that joyously swell its ever-increasing volume as it moves on in solemn majesty toward the eternal sea.

It wanders through every land, permeates every soil, and touches all the shores of thought. Sometimes its course has been through pleasant fields bestrewn with Nature's rarest gifts. Sometimes it has been o'erhung with embowering trees that fleck its surface with tremulous and ever-changing shadows.

Sometimes it flows through the forest depths, by cave and woodland dell. Sometimes through deep morass, or canyon wild, or plunges over the cataract's brink to the level far below. Sometimes it has been temporarily dammed or obstructed by driftwood or debris, but the ever-swelling tide, chafing at delay, finally overcomes all obstacles and throws off all restraint. Sometimes it flows by the princely palaces of the rich or the straw-thatched cottages of the poor. Its course is ever onward.

At its touch parched areas blossom and become fertile again. Upon its borders grow every flower that graces a true Christian civilization; and there, too, may be found the full fruition of every plant and shrub and tree which springs spontaneously from the soils of equal opportunity and individual effort.

"On its broad bosom float a thousand barks. There genius spreads its every purpling sails. There poetry dips its silver oar." There opportunity sparkles from the crest of every wave. There art, invention, discovery, science, morality, and religion may safely and securely float.

On its surface serenely rides our ship of state, amid the storms of war, unchecked by devious currents or adverse winds that blow.

"The hopes of humanity are hanging breathless on its fate." The waters at times seem troubled, but our course is plain. An enlightened public opinion is our pilot and our grand Constitution is our chart and compass. I trust that the fine conception of the great poet may be realized:

Thou, too, sail on, O ship of state!  
Sail on, O Union, strong and great!  
Humanity with all its fears,  
With all the hopes of future years,  
Is hanging breathless on thy fate!  
We know what Master laid thy keel,  
What Workman wrought thy ribs of steel!  
Who made each mast, and sail, and rope,  
What anvils rang, what hammers beat,  
In what a forge and what a heat  
Were shaped the anchors of thy hope!

[Applause.]

Let the stream of Americanism flow on until it engulfs the world. Let it flow on until all the races and all the children of



men shall receive its blessings and enjoy its energizing and revivifying influences. Let it flow on until it ends with the consummation of all things earthly at the throne of God. [Applause.]

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to proceed for 15 minutes, subject to any business which may come up in the House.

The SPEAKER pro tempore (Mr. BOOHER). The gentleman from Missouri asks unanimous consent to proceed for 15 minutes. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, upon what topic?

Mr. BORLAND. On the topic of daylight saving.

Mr. DOWELL. Mr. Speaker, what was the request?

Mr. BORLAND. I asked unanimous consent to proceed for 15 minutes.

Mr. LONDON. Reserving the right to object, I understand that the gentleman from Missouri has no objection to my making a request at this time?

Mr. BORLAND. None whatever, Mr. Speaker. I yield to the gentleman for that purpose.

#### PRIVILEGES OF THE MAILS.

Mr. LONDON. I ask unanimous consent for the present consideration of a resolution of inquiry, which I send to the Clerk's desk.

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

The Clerk read as follows:

#### House resolution 115.

Resolved, That the Postmaster General furnish the House with the following information:

Has any print, newspaper, circular, periodical, or other publication been denied the privileges of the mails in the enforcement of the espionage law (public act No. 24, 65th Cong., "An act to punish acts of interference with the 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")?

Mr. MOON. Mr. Speaker, let the Clerk suspend for a moment. Enough of that resolution has been read to identify it as a resolution that has been adversely reported to the House, and I object to its consideration.

The SPEAKER pro tempore. The gentleman from Tennessee objects.

Mr. POU. Mr. Speaker, I offer a privileged resolution from the Committee on Rules.

The SPEAKER pro tempore. The gentleman from North Carolina offers a privileged communication from the Committee on Rules, which the Clerk will report.

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

The SPEAKER pro tempore. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count.

#### ADJOURNMENT.

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

Mr. CROSSER. Will the gentleman withhold that a moment?

The SPEAKER pro tempore. The gentleman from North Carolina moves that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 23 minutes p. m.) the House adjourned until to-morrow, Tuesday, July 31, 1917, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting schedules of claims allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund (H. Doc. No. 294); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for an additional force of one clerk of class 4 and one clerk of class 3 in the office of disbursing clerk, Treasury Department, for the fiscal year ending June 30, 1918 (H. Doc. No. 295); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Acting Secretary of State submitting an estimate of deficiency in the appropriation for relief and protection of American seamen for the fiscal year ended June 30, 1917 (H. Doc. No. 296); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, submitting copy of a communication of the Secretary of Commerce submitting an estimate of appropriation for construction of a fireproof radio laboratory building, Bureau of Standards (H. Doc. No. 297); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims which have been presented to this department and require an appropriation for their payment (H. Doc. No. 298); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting a communication from the Attorney General, submitting a list of judgments rendered by the Court of Claims in favor of claimants in Indian-depredation cases (H. Doc. No. 299); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Acting Secretary of the Treasury, transmitting a list of judgments rendered against the Government by the district courts of the United States, as submitted by the Attorney General and which require an appropriation for their payment (H. Doc. No. 300); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Indian Bayou, from Sunflower River, Miss., to Indianola, including consideration of any proposition for cooperation by local interests (H. Doc. No. 301); to the Committee on Rivers and Harbors and ordered to be printed.

9. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Flint River, Ga., from Albany to the limit of practicable navigation above said city (H. Doc. No. 302); to the Committee on Rivers and Harbors and ordered to be printed.

10. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Willis River, Va. (H. Doc. No. 303); to the Committee on Rivers and Harbors and ordered to be printed.

11. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Cape Vincent Harbor, N. Y. (H. Doc. No. 304); to the Committee on Rivers and Harbors and ordered to be printed.

12. A letter from the Secretary of Commerce, transmitting petitions by certain lighthouse keepers stationed in the State of California for an increase of compensation; to the Committee on Interstate and Foreign Commerce.

13. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of inland waterway on the Gulf coast of Florida, connecting St. George Sound with Tampa Bay (H. Doc. No. 305); to the Committee on Rivers and Harbors and ordered to be printed.

14. A letter from the Acting Secretary of the Treasury submitting result of investigation relative to loss of documentary stamps in the office of the collector of internal revenue, second district of New York, and tentative draft of legislation for relief (H. Doc. No. 306); to the Committee on Claims 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. BARKLEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 5335) to extend the time for constructing a bridge across the Tug Fork of the Big Sandy River near Warfield, Ky., and Kerrit, W. Va., authorized by an act approved January 28, 1916, reported the same with amendment, accompanied by a report (No. 113), which said bill and report were referred to the House Calendar.

Mr. POU, from the Committee on Rules, to which was referred the resolution (H. Res. 126) providing for the consideration of House bill 4285 as amended by the Senate, reported the same without amendment, accompanied by a report (No. 114), which said bill and report were referred to the House Calendar.



## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. HERSEY: A bill (H. R. 5553) to provide for the erection of a public building at Dover, Me.; to the Committee on Public Buildings and Grounds.

By Mr. NOLAN: A bill (H. R. 5554) to commission acting assistant or contract surgeons of the United States Army who have served in the Army for a period of at least three months to be first lieutenants in the United States Medical Reserve Corps, and to add to the Medical Corps of the Army in case of necessity; to the Committee on Military Affairs.

By Mr. KRAUS: A bill (H. R. 5555) to conserve the seniority rights, service-pension rights, interest in pension, and insurance funds that employees of certain employers may have at the time they enter the armed forces of the United States; to the Committee on Military Affairs.

By Mr. LONERGAN: A bill (H. R. 5556) to provide that duly certified letters of soldiers, sailors, and marines in the service of the United States during the present war be forwarded without payment of any postage whatever; to the Committee on the Post Office and Post Roads.

By Mr. FISHER: A bill (H. R. 5557) to amend section 11 of the act approved December 23, 1913, known as the Federal reserve act, as amended by the act of September 7, 1916; to the Committee on Banking and Currency.

By Mr. THOMPSON: A bill (H. R. 5558) to amend section 101 of the Judicial Code; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: A bill (H. R. 5559) to authorize a preference right of entry by certain Carey Act entrymen, and for other purposes; to the Committee on the Public Lands.

By Mr. ANTHONY: A bill (H. R. 5560) to extend the benefits of the act of June 27, 1890 (as amended by the act of May 9, 1900), granting pensions to soldiers and sailors who served in the military or naval forces of the United States, their widows, minor children, or dependent parents, and the act of February 6, 1907, granting pensions to certain enlisted men, soldiers, and officers, who served in the Civil War and the War with Mexico; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5561) authorizing the Secretary of War to donate one cannon, with its carriage and cannon balls, to the city of Horton, Kans.; to the Committee on Military Affairs.

Also, a bill (H. R. 5562) authorizing the Secretary of War to donate one cannon, with its carriage and cannon balls, to the city of Nortonville, Kans.; to the Committee on Military Affairs.

Also, a bill (H. R. 5563) to place the National Home for Disabled Volunteer Soldiers under the administration of the War Department; to the Committee on Military Affairs.

Also, a bill (H. R. 5564) providing for military highways between Forts Leavenworth and Riley, Kans., and between Fort McPherson and the Government rifle range near Waco, State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 5565) authorizing the Secretary of War to donate one cannon, with its carriage and cannon balls, to the city of Wathena, Kans.; to the Committee on Military Affairs.

By Mr. HULBERT: A bill (H. R. 5566) to remove the restrictions on advance payments imposed by section 3648 of the Revised Statutes, or by any other act, as they apply to the expenditure of appropriations contained in the act entitled "An act to authorize the President to increase temporarily the Signal Corps of the Army, and to purchase, manufacture, maintain, repair, and operate airships, and to make appropriations therefor, and for other purposes," approved July 24, 1917; to the Committee on Military Affairs.

By Mr. ANTHONY: A bill (H. R. 5606) for the erection of a public building at Holton, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. SMALL: Resolution (H. Res. 126) for the consideration of H. R. 4285 as amended by the Senate; to the Committee on Rules.

By Mr. HULBERT: Resolution (H. Res. 127) authorizing, empowering, and directing the Committee on Expenditures in the War Department to make full inquiry into any expenditures upon the part of the Government under, and pursuant to, any appropriation heretofore made by this Congress for the account of the War Department; to the Committee on Expenditures in the War Department.

By Mr. DILLON: Joint resolution (H. J. Res. 132) to encourage foreign trade and to create uniformity in weights and measures; to the Committee on Coinage, Weights, and Measures.

By Mr. HOUSTON: Concurrent resolution (H. Con. Res. 18) authorizing the printing of the report of the Alaskan Engineering Commission for the year ended December 31, 1916; to the Committee on Printing.

## PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ANTHONY: A bill (H. R. 5567) granting a pension to John Groth; to the Committee on Pensions.

Also, a bill (H. R. 5568) granting a pension to Carl S. Jones; to the Committee on Pensions.

Also, a bill (H. R. 5569) granting a pension to William Sommers; to the Committee on Pensions.

Also, a bill (H. R. 5570) granting a pension to Alexander R. Banks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5571) granting a pension to Thomas Maginnis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5572) granting a pension to Edward J. Meacum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5573) granting an increase of pension to John R. Meredith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5574) granting an increase of pension to Lilly Ann Newberry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5575) for the relief of Maude Craig Smyser; to the Committee on Claims.

Also, a bill (H. R. 5576) for the relief of Hugh Cameron; to the Committee on Claims.

By Mr. DALLINGER: A bill (H. R. 5577) granting a pension to Mamie E. Carruthers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5578) for the relief of Preston D. Alden; to the Committee on Military Affairs.

By Mr. DUPRE: A bill (H. R. 5579) granting a pension to Lulu Mahler; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 5580) granting an increase of pension to David Chapman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5581) granting a pension to Thomas Phillips; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 5582) granting a pension to Ernst A. Selander; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 5583) granting a pension to Fidelia A. Baker-Boyd; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 5584) granting a pension to Charles C. Dougherty; to the Committee on Pensions.

Also, a bill (H. R. 5585) granting a pension to Frank Crane; to the Committee on Pensions.

Also, a bill (H. R. 5586) granting a pension to Sheldon S. S. Campbell; to the Committee on Pensions.

Also, a bill (H. R. 5587) granting a pension to John F. McCarthy; to the Committee on Pensions.

Also, a bill (H. R. 5588) granting an increase of pension to Emma M. Nicholson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5589) granting an increase of pension to Julia Rosenthal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5590) granting an increase of pension to Fairfield Dresser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5591) granting an increase of pension to George W. Daniels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5592) granting an increase of pension to James Dagnan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5593) granting an increase of pension to Lucinda Atwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5594) granting an increase of pension to Betsey La Joy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5595) granting an increase of pension to Robert Liddell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5596) granting an increase of pension to Elizabeth Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5597) granting an increase of pension to Charles F. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5598) granting an increase of pension to Horace F. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5599) granting an increase of pension to Kate I. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5600) granting a pension to Mary Kostenbader; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5601) for the relief of William Dixon; to the Committee on Military Affairs.

Also, a bill (H. R. 5602) granting an increase of pension to George Newschafer; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 5603) granting an increase of pension to Seth W. Gray; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 5604) granting an increase of pension to W. C. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5605) granting an increase of pension to Rebecca M. Bearden; to the Committee on Pensions.



By Mr. HULBERT: Joint resolution (H. J. Res. 131) to grant citizenship to Charles E. Beck, jr.; to the Committee on Immigration and Naturalization.

#### PETITIONS, ETC.

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

By the SPEAKER (by request): Memorial of Mississippi State Bar Association, urging passage of a bill for additional United States district judge for Mississippi; to the Committee on the Judiciary.

Also (by request), memorial of common council of the city of Schenectady, N. Y., asking independence for Bohemia; to the Committee on Foreign Affairs.

Also (by request), memorial of women of the State of Mississippi, favoring immediate passage of suffrage amendment; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of New York State Pharmaceutical Association, against tax on alcohol; to the Committee on Ways and Means.

Also, petition of G. T. Moss, of Amsterdam, N. Y., favoring bill for osteopathic doctors to serve in Army and Navy; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: Petitions of the National Sewing Machine Co., of Belvidere; the J. D. Tower & Sons Co., of Mendota; the Valley Chemical Co., of Chicago; the Western Glass Co., of Streator; and the Illinois Valley Manufacturers' Club, of La Salle, all in the State of Illinois, protesting against the sliding-scale rate on excess profits as proposed in the war-revenue bill, the elimination of the Jones amendment, and the substitution of a flat rate on the net earnings of business enterprises, with the allowance of at least 8 per cent on minimum profits; to the Committee on Ways and Means.

By Mr. GARD: Petitions of Engineers and Firemen, Local Union No. 255, and Central Labor Union of Dayton, Ohio, against national prohibition; to the Committee on the Judiciary.

By Mr. HAYES: Memorial of members of the Woman's Christian Temperance Union of Cupertino, Cal., favoring a protective zone about military camps; to the Committee on Military Affairs.

By Mr. HULBERT: Memorial of citizens of New York, favoring food-control bill; to the Committee on Agriculture.

Also, memorial of sundry citizens of United States, favoring change in patent law relative to manufacture of medicines and chemicals; to the Committee on Patents.

By Mr. KALANIANA'OLE: Petitions of Woman's Guild of St. Andrews Cathedral and Main Branch of Woman's Board of Missions, of Honolulu, Hawaiian Islands, favoring zone around military camps; to the Committee on Military Affairs.

By Mr. LUNN: Petition of Charles H. Bennett and citizens of Broadalbin, N. Y., asking for prohibition of the manufacture, sale, and transportation of intoxicating liquors during the war; to the Committee on the Judiciary.

Also, resolution of Misha Applebaum, representing the Humanitarian Cult, and favoring the immediate enfranchisement of women, as a necessary development of democracy in this hour of stress; to the Committee on the Judiciary.

Also, petition of Roe Reamy Mitchell and citizens of Sprout Brook, Cherry Valley, and town of Canajoharie, asking for immediate prohibition of the manufacture and sale of alcoholic liquors as a measure of food conservation; to the Committee on the Judiciary.

Also, petition of Rev. Thomas Stevenson and citizens of Long Lake, N. Y., asking for prohibition of the manufacture and sale of alcoholic liquors as a means of food conservation during the war; to the Committee on the Judiciary.

By Mr. MOTT: Memorial of Jefferson County Suffrage Organization, favoring woman suffrage; to the Committee on the Judiciary.

Also, petitions of citizens of Adams and members of the Baptist Church of Oneida, N. Y., favoring prohibition as war measure; to the Committee on the Judiciary.

Also, petition of united churches of Black River, N. Y., against polygamy in the United States; to the Committee on the Judiciary.

Also, petitions of members of North Hannibal Grange, No. 672; Copenhagen Grange, No. 90; and Brookfield Grange, No. 1235, all of the State of New York, against passage of the food-control bill; to the Committee on Agriculture.

By Mr. PLATT: Petitions of sundry citizens of Middleton, Clinton, and Montgomery, N. Y., favoring national prohibition; to the Committee on the Judiciary.

#### SENATE.

TUESDAY, July 31, 1917.

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

Almighty God, Thou hast called us into being as a Nation. Thou hast gathered together many of the different kindred and blood of the peoples of the earth and shaped and fashioned them into a mighty Republic of the west. We thank Thee that the inspirations which are before us are not limited to the traditions of any line of blood, but that the passions of humanity are the passions of our great Nation. Grant us, we pray Thee, to see with clear vision the path over which Thou wouldst lead us, and that out of this Nation Thou wouldst send forth a mighty force to gather the nations into the larger brotherhood and lift the world to a higher life. May we feel that there is a divine mission and purpose in our national life. For Christ's sake. Amen.

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

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed the bill (S. 2695) to authorize the construction, maintenance, and operation of a bridge across Little River, at or near the foot of the gar hole about one-half mile south of the Jonesboro, Lake City & Eastern Railway bridge across Little River, Ark.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMALL, Mr. BOOHER, and Mr. KENNEDY of Iowa managers of the conference on the part of the House.

#### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 3331) for the protection of desert-land entrymen who enter the military or naval service of the United States in time of war, and it was thereupon signed by the President pro tempore.

#### PETITIONS AND MEMORIALS.

Mr. CUMMINS. I present two resolutions of the General Assembly of the State of Iowa, one relating to universal military training and the other relating to the term of enlistment of the National Guard. I ask that they be printed in the RECORD and referred to the Committee on Military Affairs.

The resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

#### Concurrent resolution.

*Be it resolved by the senate (the house concurring):*

Whereas this Nation must at last face the stark and naked truth that to-day we are virtually at war with a foreign power; and whereas the one great principle that is to be determined in the stupendous conflict that is now devastating the civilized world is whether or not government of the people, by the people, and for the people shall not perish from the earth; and whereas the blood of our breed, all the way from Bunker Hill to Appomattox Courthouse and Manila Bay, has been gladly, willingly, and joyously spent in the preservation and defense of the God-given principle that the people and not the kings or classes shall rule: Therefore be it

*Resolved by the senate (the house concurring),* That at this moment in the world's history, when the inevitable conflict between democracy and despotism has arrived at its supreme test, and with as full a realization of the import and solemnity of our action as that which inspired our forefathers who enunciated the Declaration of Independence that has made this world a livable place for the common people, we, the senators and representatives in the Thirty-seventh General Assembly of Iowa, conscientiously believing that we hereby express the will and sentiment of our State, call upon the Congress of the United States at once, and before it is too late, to enact into law a bill that provides for such general military training in this Nation to the end that the blood of our forefathers shall not have been shed in vain and that constitutional government, bought by that blood, may yet survive; be it further

*Resolved,* That engrossed copies of this resolution be, and they are hereby, ordered transmitted to the President of the United States, to the Hon. ALBERT B. CUMMINS and the Hon. WILLIAM S. KENYON, Senators of the State of Iowa, and to each of the Members of Congress from the State of Iowa.

ERNEST R. MOORE,  
President of the Senate.  
M. B. PERRY,  
Speaker of the House.