

The SPEAKER. The Chair knows; but on a question of personal privilege you can not go into the byways and highways of history and these various ramifications that are going on over in Russia. If you did, you never would get through with it. Now, if the gentleman has anything to say about his own case, the Chair will hear him.

Mr. MASON. I think, Mr. Speaker, I have stated my own case myself to my colleagues, and I will let it end with that for the present until I can have the time and comply strictly with the rules. You have all been more or less lied about by newspapers, and instead of having your condemnation I should have your sympathy when I say that I love this country; that I am opposed to force being used; that in Chicago we drink that in with the milk we get in our childhood. We are opposed to any change of form of government by violence, and the man who charges me, if some of these pulpheads—you know what a pulphead is? We have had pinheads and blockheads, and now the pulphead comes along, made of soft pulp with a little printing ink on it, and he reads an article that you are a bad man.

And the next moment you say, "Why, the gentleman from Illinois is a fine man." And then they will praise you and sing and shout your praise until the next morning, when some piece of pulp comes out with another piece of ink and the same "pulphead" begins to shout to down you.

Let me say before I sit down that I am sorry to say that many of my colleagues in both branches of Congress, instead of going to the meeting and hearing what was said, being too indolent physically to give a little time to consider and hear the facts, simply get the "pulphead" idea and say, "It is in the newspapers; it must be true."

I say to you the meeting was not in the interest of the "Reds." The young man and the young woman who spoke there spoke simply to give their ideas of what the truth was over there. There was not an insulting remark made, nor was there a suggestion made to change the laws of the United States.

That answers the gentlemen who so far have shown their characteristics of having pulp instead of brains and run off chasing wild rumors because some newspaper is interested in the propoganda of the spawn of the Czar.

#### CONTESTED-ELECTION CASE—DAVENPORT VERSUS CHANDLER.

Mr. TILLMAN. Mr. Speaker, I ask to call up the House resolution 523 and dispose of it. It is the report of the Committee on Elections No. 2, seating Mr. CHANDLER of Oklahoma, the sitting Member. It can be disposed of in a moment, I think.

The SPEAKER. The Clerk will report the resolution. The Clerk read as follows:

House resolution 523.

Resolved, First. That James S. Davenport was not elected to the House of Representatives from the first district of the State of Oklahoma in this Congress and is not entitled to a seat therein.

Second. That T. A. Chandler was duly elected to the House of Representatives from the first district of the State of Oklahoma in this Congress and is entitled to seat therein.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

#### VALIDATION OF CERTAIN WAR CONTRACTS—CONFERENCE REPORT.

Mr. DENT. Mr. Speaker, I call up the conference report on the bill H. R. 13274.

The SPEAKER. The Clerk will report it. The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13274) to provide relief where formal contracts have not been made in the manner required by law, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

On the amendment of the Senate to the bill and to the title of the bill the conferees have been unable to agree.

S. H. DENT, Jr.,  
W. J. FIELDS,  
JULIUS KAHN,

Managers on the part of the House.

GEORGE E. CHAMBERLAIN,  
DUNCAN U. FLETCHER,  
C. S. THOMAS,  
F. E. WARREN,  
P. C. KNOX,

Managers on the part of the Senate.

Mr. DENT. Mr. Speaker, I move that the House agree to the conference report as read.

The SPEAKER. There is not anything to act on.

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. The parliamentary motion in a case of this sort is to recede from the position of the House conferees and agree to the Senate amendment, is it not?

The SPEAKER. That is a preferential motion when the time comes to make it.

Mr. DENT. Mr. Speaker, let me state what the facts are, so that my motion may be understood. The Senate struck out all of the House bill after the enacting clause and inserted as one entire amendment a separate bill, so that the conferees had to bring back a report showing an entire disagreement. As a matter of fact, the conferees did reach an agreement practically on every proposition except that involved in section 7 of the Senate bill, which relates to mine and mineral war contracts.

Now, I am moving at this time to agree to the report of the conferees disagreeing to the Senate amendment. Then I shall follow that with a motion to agree to a further conference asked for by the Senate on yesterday afternoon.

The SPEAKER. The gentleman moves to further insist on the disagreement to the Senate amendment No. 7.

Mr. DENT. No. I move that the House further insist on its disagreement to the Senate amendment.

The SPEAKER. That is exactly what the Chair said, and was going to put it.

Mr. GARNER. Will the gentleman from Alabama yield for a question?

Mr. DENT. I will.

Mr. GARNER. If the House should agree to the conference report—that is, the statement of the committee—and further insist on its disagreement and agree to the conference, do the conferees still think they would be bound by the agreement they made to the House in the beginning as to section No. 7?

Mr. DENT. I will state to the gentleman that I propose, after we vote on the first motion I made, to adopt the conference report, to move to go into conference; and I shall state frankly and accurately the position of the conferees and await the different instructions the House may see fit to give.

Mr. HAMLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMLIN. At what period of these proceedings will it be in order to move that the House instruct the conferees to further insist on their disagreement?

The SPEAKER. The gentleman is making a motion to further insist.

Mr. HAMLIN. He is moving now to agree to the conference report as reported.

Mr. DENT. That is the motion, and the effect of that motion is that we insist on disagreement to the entire Senate bill.

Mr. MANN. Oh, no.

The SPEAKER. Here is the situation about it: If this motion of the gentleman carries, he asks for a new conference; and then, if the House agrees to a new conference, before the conferees are appointed the time comes to make a motion to instruct the conferees.

Mr. MANN. Mr. Speaker, if this motion is agreed to—and it is immaterial whether it is or not—then it will be in order for the gentleman to move that the House further insist upon its disagreement to the Senate amendment and ask for further conference.

Mr. DENT. That is what I stated to the House.

Mr. MANN. If that motion is agreed to, then it will be in order to instruct the conferees.

The SPEAKER. That is precisely what the Chair stated.

Mr. DENT. I thought I had stated that.

The SPEAKER. That is precisely what the Chair stated.

Mr. HOWARD rose.

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. HOWARD. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. At any stage would not the preferential motion be for the House to recede from its position in disagreement and agree to the Senate amendment?

The SPEAKER. Yes. It is in order right now.

Mr. HOWARD. Then, Mr. Speaker, if it is in order, I move that the House recede from its disagreement to section No. 7.

Mr. MANN. The conference report properly ought to be disposed of first.

The SPEAKER. There is nothing to dispose of. He reports a disagreement.

Mr. MANN. That is a report of the conference committee. It is not important.

The SPEAKER. You do not have to act upon the report. There is no report. That is the truth.

Mr. MANN. Very well.

The SPEAKER. The gentleman from Alabama [Mr. DENT] moves that the House further insist on its disagreement to the Senate amendment, and the gentleman from Georgia [Mr. HOWARD] makes a preferential motion that the House recede from its disagreement and concur in the Senate amendment. Those in favor of the motion of the gentleman—

Mr. DENT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DENT. Would not the effect of the motion of the gentleman from Georgia be to adopt in its entirety the Senate bill?

The SPEAKER. Of course it would.

Mr. HAMLIN rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. HAMLIN. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMLIN. If the motion of the gentleman from Georgia is a preferential motion, on that motion how much debate will there be?

The SPEAKER. If somebody moves the previous question, there will not be any.

Mr. DENT. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Alabama moves the previous question. The question is on ordering the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HOWARD. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 101, noes 68.

Mr. DENISON. Mr. Speaker, I ask for tellers on that vote.

The SPEAKER. Tellers are demanded. Those who favor taking this vote by tellers will rise and stand until counted.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. I asked the Speaker whether the previous question was on the motion of the gentleman from Georgia. I understood it was.

The SPEAKER. It is on both.

Mr. DENT. It was only on the motion of the gentleman from Georgia.

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. The part of the conference report that my motion of agreement was made upon was what is known as section 7 of the Senate bill, known as the Henderson amendment. The motion that I have made had no reference to any portion of the bill except that. If I can get a vote on that proposition, which includes these mining claims—

The SPEAKER. The Chair knows; but the gentleman can not argue that question now—

Mr. HOWARD. I want to make myself clear—

The SPEAKER. Until we get through with this vote. The gentleman from Alabama [Mr. DENT] says he did not include in his motion for the previous question anything but the motion of the gentleman from Georgia.

Mr. SLOAN. Mr. Speaker, let the amendment be reported. We can not understand it.

The SPEAKER. The House is dividing. Those who favor taking this vote by tellers will rise and stand until they are counted. [After counting.] Thirteen gentlemen have risen—not a sufficient number. The previous question is ordered on the motion of the gentleman from Georgia [Mr. HOWARD].

Mr. FIELDS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FIELDS. Is it in order to offer an amendment to the motion of the gentleman from Georgia?

The SPEAKER. The previous question is ordered on it.

Mr. FIELDS. I wanted to straighten out the situation, if I may be permitted to do so, by offering an amendment to the motion of the gentleman from Georgia.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Georgia.

Mr. SLOAN. Mr. Speaker, may we have the amendment read?

The SPEAKER. By unanimous consent it can be read.

Mr. SLOAN. I ask unanimous consent that the Senate amendment, in which the House is now asked to concur, be read.

Mr. FOSTER. I object. That is the whole amendment.

Mr. MANN. That is a matter of right, to have the amendment read under the rule.

The SPEAKER. The Clerk will read the amendment.

Mr. DENT. Mr. Speaker, I ask unanimous consent to make a statement of one minute's duration.

Mr. DENISON. I object. I tried to get tellers on this thing, and no one over there would stand for it.

The SPEAKER. The Clerk will report the Senate amendment.

Mr. HAMLIN rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. HAMLIN. I understood the gentleman requested only the reading of the amendment known as section 7 of the bill, and not the whole.

Mr. FOSTER. No. He demanded the reading of the amendment.

The SPEAKER. Not a word was said about section 7. It is not confined to that. The Clerk will read.

The Clerk read as follows:

*Strike out all after the enacting clause and insert:*

"That whenever during the war emergency and prior to November 12, 1918, any individual, firm, company, corporation, or foreign government has made an agreement with the Secretary of War, or with any officer or agent acting under his authority, or with any agency of the Government authorized to procure for the War Department, for the production, manufacture, sale, acquisition or control of equipment, materials or supplies, or for services, or for facilities, or other purposes connected with the prosecution of the war, and such agreement was reduced to the form of a contract or accepted procurement order and executed or signed on behalf of the Government, but the agreement did not comply with statutory requirements, in every such case the Secretary of War is authorized and directed to waive, on behalf of the Government, such noncompliance: *Provided*, That he finds such waiver is not inconsistent with the public interest, and in this event the said agreement shall have the same validity and effect it would have had if such statutory requirement had been complied with: *And provided further*, That such waiver shall not validate such contract or procurement order in so far as any claim for unearned profits may be involved.

"That whenever, prior to said November 12, 1918, any individual, firm, company, corporation, or foreign Government has made any agreement, oral or written, express or implied, with, or has received any order or request, oral or written, from the Secretary of War, or any officer, agent, or agency as aforesaid, for any of the purposes aforesaid, and the same has not been reduced to contract form, or when the Secretary of War has not waived such noncompliance, but such individual, firm, company, corporation, or foreign Government has in good faith made expenditures, incurred obligations, acquired or furnished facilities, equipment, materials, or supplies, or rendered services, in reliance on such agreement, order, or request, in every such case the Secretary of War is authorized and directed, on behalf of the Government, to enter into such contract with such individual, firm, company, corporation, or foreign Government as will, under all the circumstances, fairly and equitably compensate him or it for the expenditures made, obligations incurred, equipment, materials, or supplies furnished or acquired, or services rendered, as aforesaid: *Provided*, That in no event shall such contract provide for compensation on terms more favorable than the terms, if any, for which the aforesaid agreement, order, or request may have provided.

"That whenever, prior to said November 12, 1918, the War Department, through its officers or agents, has taken possession of any land, or whenever the holder or owner of any land has removed from or removed any improvements from such land at the order or request of the War Department and no valid contract has been made with respect thereto, then the Secretary of War, if he finds that the public interest does not require the possession or occupancy of such land by the Government, is authorized to make compensation to the owner or holder thereof for the fair value of such improvements so removed and the expense incurred by such owner in removing therefrom or for the fair value of the use of such land of which the War Department has taken actual possession and for any expense or loss incurred by the owner or holder by reason of such possession.

"Sec. 2. That a commission is hereby created and established, to be known as the War Contracts Appeals Commission (hereinafter referred to as the commission), which shall be composed of three members, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall continue in office for one year from the date of this act. One member of the commission shall represent the War Department, one member shall represent the Department of Justice, and one member shall represent the business interests of the country. None of the members of the commission shall be interested in any order, contract, or agreement within the purview of this act or have any interest in any firm or corporation having such orders, contracts, or agreements. Each member of the commission shall receive a salary of \$7,500 a year, payable in the same manner as the salaries of judges of the courts of the United States. The commission shall choose a chairman from its own membership and may appoint a secretary, who shall receive a salary not exceeding \$5,000 a year, to be determined by the commission and payable in the same manner as the salaries of the members of the commission.

"That there is hereby appropriated, for the purpose of defraying the reasonable expenses of the commission, including the payment of salaries herein authorized, out of any money in the Treasury of the United States not otherwise appropriated, available immediately and until expended, the sum of \$50,000.

"That within 30 days of the date when the Secretary of War offers any contract or compensation as provided in this act or refuses to offer such contract or compensation, the party to whom said contract or compensation is tendered or refused, or the Government by a duly authorized officer from the Department of Justice may file with the chairman

of the commission a notice of appeal: *Provided, however,* That if the representative of the Department of Justice agrees with the action of the War Department there shall be no appeal by the Government, but settlement can be made at once. If the Secretary of War shall refuse to waive noncompliance with statutory requirements in respect to any agreement within the purview of the first paragraph of section 1 of this act or upon the expiration of 60 days from the date of the taking effect of this act shall have failed to waive such noncompliance, the contractor named in any such agreement may, within 30 days after such refusal or after the expiration of such 60 days, file with the chairman of said commission a notice of appeal. In all cases where an appeal is taken hereunder the commission shall proceed to examine and review the facts and circumstances of the case and make its award or finding thereon according to the justice and equity thereof. Upon giving receipt in full of all demands against the United States arising out of the transaction by reason of which the award is made, the appellant shall be entitled to receive the amount of any award so made, and the proper officer of the United States is hereby authorized and directed to pay the same, but if the appellant is dissatisfied with the amount so awarded he shall be paid 75 per cent of the amount awarded and shall be entitled to sue the United States in the Court of Claims to recover such further sum as added to said 75 per cent shall make up such amount as will be fair and just compensation as provided in this act, and the Court of Claims is hereby given jurisdiction to hear said suit and render judgment therein.

"That whenever the Secretary of War and the contractor shall fail to agree in the matter of the adjustment or settlement, or as to the interpretation or application of the terms, of any contract which has been made for any of the purposes set forth in this act, and in the execution of which there has been compliance with statutory requirements, or compliance has been waived as herein provided, the contractor or the Government by a duly authorized officer from the Department of Justice may give notice to the Secretary of War of intention to appeal to the commission, and provided notice of appeal is filed with the chairman of the commission within 30 days: *Provided, however,* That if the representative of the Department of Justice agrees with the action of the War Department there shall be no appeal by the Government but settlement can be made at once. On an appeal being taken the commission shall thereupon proceed to determine the questions at issue as set forth in said notice of appeal; and the contractor shall be entitled either to receive the whole amount of such award as may be made as in full of his claim on the questions submitted or 75 per cent of the same and sue the United States in the Court of Claims for any remainder, all as provided next above as to agreements otherwise within the purview of this act.

"That in executing the duties and powers conferred by this act the commission may make its own rules and regulations and may hear and determine issues informally. It shall be the duty of the Secretary of War to furnish to the commission such evidence, documents, or papers pertaining to transactions as to which notice of appeal has been filed as the commission may request. The commission is authorized in its discretion to appoint an examiner in any region or district when such region is within the United States where in its judgment the taking of additional testimony is necessary to the determination of any case. Such examiner shall be a resident of the region or district for which he is appointed, and shall not have any interest, directly or indirectly, in any contract or transaction coming before him or receive any compensation save and except such per diem compensation and expenses as shall be fixed by the commission. Whenever the commission shall refer to any such examiner any claim presented hereunder, the examiner shall proceed, under the direction of the commission, to hear the parties, take the proofs, and return the same to the commission with his recommendations thereon as promptly as possible: *Provided,* That in no case shall any award either by the Secretary of War, the commission, or the Court of Claims include prospective or possible profits on any part of the contract beyond the goods and supplies delivered to and accepted by the United States and a remuneration, which may include a reasonable profit, for expenditures and obligations or liabilities necessarily incurred in performing or preparing to perform said contract or order: *Provided further,* That the foregoing provisions shall not apply to any contract executed in compliance with all statutory requirements.

"Sec. 3. That nothing in this act contained shall be held to validate any such contract unless the officer who was at the time of the making of such contract the chief of the division or bureau, as the case may be, in which said contract was negotiated, or in the event that such officer was not responsible for the making of such contract, then the officer in such division or bureau who was so responsible, together with the officer who signed said contract, shall each severally make and subscribe to an affidavit in writing, giving the definite terms of such contract, the name or names within his knowledge, of any such officer or officers who took part in the negotiation or making of the same, and stating whether or not within his knowledge any officer aiding in such making was interested, directly or indirectly, in said contract, and in addition subscribing to an oath to be appended to said affidavit in substantially the following form and tenor:

"I, \_\_\_\_\_, chief of the division or bureau (naming it) in which the contract hereinbefore mentioned was negotiated, at the time of negotiation thereof, and the officer in the division or bureau (naming it) responsible for the making of the contract hereinbefore mentioned, and I, \_\_\_\_\_, the officer who actually signed said contract, do hereby each severally swear that I am not and was not at the time of the making of said contract directly or indirectly interested in said contract."

"That in respect to any such contract as to which any one of said officers can not take the foregoing oath, or after diligent search or inquiry by the contractor can not be found, or is at the time actually engaged in foreign service, or refuses to take said oath, then upon such facts and the fact required in the oath of such officer, appearing by an affidavit of the contractor, or of one of its partners, chief officers, or chief agents acting in its behalf, the Secretary of War shall promptly report such contract to the War Contracts Appeals Commission and furnish to said commission such evidence, documents, and papers pertaining to the transaction as may be within his control, and such commission may request, and original jurisdiction is hereby vested in, said commission to hear and determine said claim with the powers and upon the procedure hereinbefore described in this act. Said commission shall make its award or finding thereon, and deny said claim or grant it in whole or in part, according to the justice and equity thereof, and the award or finding shall have the same force and effect, and create the same rights as if made under the provisions of section 3 of this act. And it shall be the further duty of said commission in hearing, investigating, and determining such claim to find and determine whether any

of such officers is or was at the time of the making of said contract directly or indirectly interested in said contract.

"Sec. 4. That nothing in this act contained shall be construed to validate any agreement, contract, or order procured by fraud or to relieve any officer or agent of the Government from prosecution under the penal statutes of the United States for any fraud, criminal conduct, illegality, or irregularity in connection with any of the agreements or orders referred to herein or the execution or signing thereof. In all proceedings hereunder witnesses may be compelled to attend, appear, and testify, and produce books, papers, and letters, or other documents; and the claim that any such testimony or evidence may tend to criminate the person giving the same shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person in the trial of any criminal proceeding.

"Sec. 5. That no settlement of any claim arising under the provisions of this act shall bar the United States Government through any of its duly authorized agencies, or any committee of Congress hereafter duly appointed, from the right of review of such settlement, nor the right of recovery of any money paid by the Government to any party under any settlement entered into, or payment made under the provisions of this act, if the Government has been defrauded, and the right of recovery in all such cases shall extend to the executors, administrators, heirs, and assigns, or any party or parties: *And provided further,* That nothing in this act shall be construed to relieve any officer or agent of the United States from criminal prosecution under the provisions of any statutes of the United States for any fraud or criminal conduct: *And provided further,* That this act shall in no way relieve or excuse any officer or his agent from such criminal prosecution because of any irregularity or illegality in the manner of the execution of such agreement: *And provided further,* That the names of such contractors and the amounts of such partial or final settlements shall be filed with the Clerk of the House for the information of Congress and printed in the CONGRESSIONAL RECORD, or as a public document, within 10 days after such confirmation.

"Sec. 6. That whenever, under the provisions of this act, the Secretary of War shall make an award to any prime contractor who shall have sublet any part of said contract for material, equipment, or supplies to any other person, firm, or corporation who has in good faith made expenditures, incurred obligations, rendered service, or furnished material, equipment, or supplies to any prime contractor, with the knowledge and approval of any agent of the Secretary of War duly authorized thereunto, the Secretary of War shall apportion the amount of said award justly due to each of the subcontractors of said prime contractors. Before payment of said award the Secretary of War shall require any prime contractor to present satisfactory evidence of having paid said subcontractors or of the consent of said subcontractors to look for their compensation to said prime contractor only; and in the case of the failure of said prime contractor to present such evidence or such consent, the Secretary of War shall pay directly to said subcontractors the amount found to be due under said award; and in case of the insolvency of any prime contractor the subcontractor of said prime contractor shall have a lien upon the funds arising from said award prior and superior to the lien of any general creditors of said prime contractor.

"Sec. 7. That the Secretary of the Interior be, and hereby is, authorized and directed to ascertain and determine the amount or amounts of money heretofore invested or contracted to be invested and obligations incurred by any and all persons and investors for producing or for the purpose of producing or preparing for producing, within the United States, to supply the urgent, published, and evident needs of the Nation during the war, any ores, metals, minerals, or mineral substances mentioned and enumerated in an act of Congress approved October 5, 1918 (Public, No. 220), entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be of an inadequate supply"; the production of which by any claimant or claimants was requested, or demanded, by personal solicitation of, or personal inducement to, such claimant or claimants made by the War Industries Board, the Shipping Board, or the Department of the Interior.

"And that said Secretary ascertain, determine, adjust, liquidate, and out of the moneys provided and appropriated by said act pay to the parties entitled thereto the amount of such losses and damages as he, the said Secretary, shall find and determine have been sustained and suffered or are likely to be sustained and suffered, by reason of having made such investments for said purposes or having produced surplus stocks of such materials; and that in each case he shall make such determination, provision, settlement, advancement, or final payment, and by agreement with owners and claimants make such other adjustment, or take such other action as he shall find and determine to be just, equitable, reasonable, and expedient; and that he make such provisions as he may deem necessary, advisable, and reasonable to prevent further losses pending final decision, settlement, and disposition in any case or cases; that the payments herein authorized be made to the claimant or claimants the said Secretary shall find to be morally, equitably, and justly entitled thereto; that in ascertaining and determining the losses and damages sustained or to be sustained, and the adjustments, settlements, payments, and provision to be made the said Secretary shall consider the prices and conditions existing at the time of each investment and the prices and conditions existing prior to the war, as well as those existing at the time of such determination, adjustment, and settlement, together with all of the circumstances and conditions of each case; that the final determination, decision, provision, disposition, and action of said Secretary in each case shall be conclusive and final; that all payments shall be made and all expenses incurred by the Secretary paid from the funds and appropriations provided and appropriated by said act of October 5, 1918 (Public, No. 220), and that said funds and appropriations shall continue to be available for said purposes until such time as the said Secretary shall have fully exercised the authority hereby granted and performed and completed the duties hereby provided and imposed: *Provided, however,* That said Secretary shall consider, approve, and dispose of only such claims as shall be made hereunder and filed with the Department of the Interior within three months from and after the approval of this act.

"That a report of all operations under this section, including receipts and disbursements, shall be made to Congress on or before the first Monday in December of each year.

"That nothing in this section shall be construed to confer jurisdiction upon any court to entertain a suit against the United States."

Mr. HOWARD. Mr. Speaker, I ask unanimous consent, for the purpose of simplifying this situation, to withdraw my mo-

tion that I previously made, and at the proper time the chairman of the Committee on Military Affairs will make a motion, and I will then ask the Chair to recognize me to make a motion to instruct the conferees on the particular section of the amendment, section 7, which will very greatly simplify the situation.

The SPEAKER. The gentleman from Georgia asks leave to withdraw his motion.

Mr. MANN. The gentleman has the right to withdraw it.

Mr. HOWARD. I will withdraw my motion.

The SPEAKER. The gentleman withdraws it.

Mr. DENT. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

Mr. CANNON. Mr. Speaker, we can not hear. I suggest to the gentleman from Alabama that he come down in front.

Mr. DENT. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment, and agree to the further conference asked for by the Senate.

The SPEAKER. The gentleman moves that the House further insist on its disagreement to the Senate amendment and agree to the conference asked for by the Senate.

Mr. DOWELL. Mr. Speaker, I want to inquire of the chairman of the committee to what part of it the gentleman desires to disagree?

Mr. DENT. I intend to make a statement as to the situation, as briefly as I can, when I am recognized on my motion.

Mr. DOWELL. But the gentleman's motion is to disagree to all of the Senate amendments.

Mr. DENT. The Senate amendment is one entire proposition.

The SPEAKER. The Chair will take the liberty of stating to the House, as there has been a good deal of a muddle on this thing, that there is only one Senate amendment, though it contains several sections. The gentleman from Alabama [Mr. DENT] is entitled to one hour.

Mr. DENT. Mr. Speaker, as just stated by the Speaker, there is one Senate amendment, which is the bill the Senate adopted. The Senate struck out all of the House bill after the enacting clause and adopted a bill of its own. Consequently we had to come back to the House, under the promise that I had made to the House that we would ask for instructions in regard to section 7, before any final action was taken on the entire amendment. As a matter of fact the conferees have practically agreed on the bill in every particular with two exceptions. One is the Senate provision requiring that the contracting officer who happened to make the contract shall make an affidavit as required by law that the contract was beneficial to the Government and that he himself had no personal interest in the contract, and that this must be done before the claim can be considered. The other is section 7, which has brought up so much trouble here on the floor of the House, and which provides for the payment of claims arising out of the development of war minerals by the Shipping Board, the Secretary of the Interior, and the War Industries Board. The conferees on the part of the House refused to agree to that section. I think if the House will read that section there will be no question in the world that there ought to be a unanimous vote not to adopt it in the language in which it was adopted by the Senate. According to the construction that we placed upon it and which it is possible to place upon it, every person in the country who happened to own a piece of land with an undeveloped mineral deposit upon it, upon reading the statement of the Secretary of the Interior in the newspapers that he should develop these particular ores needed for war purposes, and who went to work to do it, would have a claim against the Government. Why, the language of section 7 of the Senate bill may be so construed as to authorize the Secretary of the Interior to recognize any moral obligation that he sees fit. I do not believe that there is a single Member of this House who is willing to let Congress go that far.

Mr. WINGO. Will the gentleman yield for a question?

Mr. DENT. Yes.

Mr. WINGO. On page 16 of the bill I find this language:

The production of which by any claimant or claimants was requested, or demanded, by personal solicitation of, or personal inducement to, such claimant or claimants made by the War Industries Board, the Shipping Board, or the Department of the Interior.

How does the gentleman reconcile that language with his statement that the Secretary of the Interior would be permitted to settle these claims where a man simply read something in the newspaper?

Mr. DENT. That is not the only provision in section 7. Section 7 contains about three pages. The gentleman has read only one short paragraph of it.

Mr. WINGO. The question is, Does not that section limit the consideration of these claims to cases where there was personal inducement or solicitation to the individual?

Mr. DENT. I do not think so. I think that is one among many various clauses in it that are improper, and I do not believe in that sort of thing. It is a strange thing in legislation to provide that an obligation be recognized because of some personal solicitation. What does "personal solicitation" mean? Can anybody define it? Can anybody construe it? Does anybody know what in law the words "personal solicitation" mean? Is that language used in any statute in any State of the Union or by Congress at any time or anywhere?

Mr. DENISON. I want the gentleman to explain to the House, if he will, why he objects to settling claims that are merely moral obligations growing out of transactions with the Department of the Interior, and yet is willing to settle moral claims growing out of transactions with the Secretary of War? I want him to explain the distinction.

Mr. DENT. I will explain to the gentleman. I am glad he asked me that question, because I am coming to that. I have no objection—of course it would not make any difference whether we objected or not—but personally the conferees have no objection to being instructed. We would be glad to be relieved of that responsibility. I stated to the conferees of the Senate that I was willing to state on the floor of the House that if this bill was sent back to conference I would agree to a separate section giving the Secretary of the Interior the right to adjust, discharge, and settle contracts in exactly the same language that we have given that right to the Secretary of War, and that is as far as, I think, anybody ought to ask us to go.

Mr. HOWARD. Will the gentleman yield for a question right there?

Mr. DENT. Yes.

Mr. HOWARD. In order that the House may understand the gentleman's position, as a matter of fact the House passed what is known as the war minerals bill, carrying an appropriation of \$50,000,000; that fund did not become available until after the armistice was signed, and the aggregate amount of those claims, as it is estimated, that could have been paid out of that appropriation was less than \$8,000,000, and was so reported by the Secretary of Agriculture.

Mr. GORDON. Will the gentleman yield?

Mr. DENT. If I may have time.

Mr. GORDON. Nobody claims to have any contract under this war minerals law.

Mr. HOWARD. Well, let us see—

Mr. DENT. I decline to yield further.

Mr. HAMLIN. Will the gentleman yield to me for a question?

Mr. DENT. For a question. I should like to finish my statement, though.

Mr. HAMLIN. Is it not true that the claims embraced in the so-called war validating act which we have passed through the House every one of those claims included in that act is based upon a contract, either perfect or imperfect?

Mr. DENT. That is true.

Mr. HAMLIN. But not upon a moral obligation alone.

Mr. DENT. That is true.

Mr. HAMLIN. Is it not also true that the moral claims, called, are claims on no kind of an obligation, but simply moral ones?

Mr. DENT. Some of them may be.

Mr. FORDNEY. Mr. Speaker, I am going to ask that the gentleman be permitted to continue and not be interrupted.

Mr. SUMNERS. Will the gentleman yield for a brief suggestion?

Mr. DENT. Yes.

Mr. SUMNERS. If the gentleman would refuse to be interrupted and proceed to make an orderly statement—

Mr. DENT. That is a good suggestion, although I dislike to decline to be interrupted.

Now, I repeat that I am willing if this bill is sent back to conference to agree to support the section giving the Secretary of the Interior the right to adjust contracts in the same manner that we have given the right to adjust contracts made with the War Department. But I am not willing to agree to section 7 as it passed the Senate. I want to say to the House that ordinarily I would not be willing to go that far, because I do not think that this legislation is germane to the bill this House passed. The Senate has put on an amendment which is not at all germane to the subject matter of the bill as it passed the House, and I think a committee having jurisdiction of that subject, whatever it may be, should have had hearings and introduced a bill of its own. I do not think it is wise legislation on matters of this kind simply by amendment on the floor of the Senate when not a single committee of either House has had an opportunity to examine the question. [Applause.] But in order to get a bill—and this matter is urgent and pressing—in order to get a bill, I am willing to go as far as I have stated to the House, and that is to authorize the Secretary of the In-

terior to adjust contracts made under his department in the same manner and in the same form that we authorize the Secretary of War. I will now yield to the gentleman from Georgia five minutes.

Mr. GRAHAM of Illinois. Before the gentleman yields, will he yield to me for a question?

Mr. DENT. Yes.

Mr. GRAHAM of Illinois. I am asking for information. I have been informed by one of the principal chrome producers in the United States, who has been producing chrome during the war at the request of the Government, that if there was an embargo placed on the shipment of these rare minerals and substances into this country at this time, or if there was protection afforded by a proper tariff law, that these people could continue their present business in the production of these minerals, and claims would not be necessary.

Mr. DENT. The gentleman's question illustrates the point that I recently made, that all these things ought to be investigated by a committee.

Mr. CRISP. Will the gentleman yield?

Mr. DENT. Yes.

Mr. CRISP. Can the gentleman inform the House as to the total amount of claims involved in this amendment?

Mr. DENT. I can only say to the House that a representative of the Department of the Interior appeared before the conferees and stated that the total sum involved would be somewhere from four and a half million dollars to eight million dollars, but the number of claimants he did not give us.

Mr. GORDON. Will the gentleman yield?

Mr. DENT. I will.

Mr. GORDON. The representative of the Interior Department did not claim that any of these contracts had been made under this law?

Mr. DENT. He said some had been made.

Mr. GORDON. By whom?

Mr. DENT. The Secretary of the Interior.

Mr. GORDON. My understanding was that the Secretary of the Interior did not get a copy of the bill until after the armistice was signed.

Mr. DENT. Oh, no.

Mr. GORDON. I am talking about the war mineral bill.

Mr. DENT. The commissioners were not actually appointed until after the armistice.

Mr. KINCHELOE. Will the gentleman yield?

Mr. DENT. Yes.

Mr. KINCHELOE. I am asking for information. There is no doubt that the War Industries Board and the Fuel Administration all requested the coal people to go on and make investments for the output of coal, and a lot of fellows were exempted to go into the mines instead of fighting. The question I want to ask is, if a man did develop a coal mine at the request of the War Industries Board, got his hole in the ground and his tippie up about the time the armistice was signed, could he not come in under the provisions of section 7?

Mr. DENT. I think so.

Mr. WINGO. No; coal was not included in the rare-minerals bill. If the gentleman will read the bill, he will see that coal was not included.

Mr. DENT. Now, Mr. Speaker, I reserve the balance of my time and yield five minutes to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Speaker and gentlemen of the House, here is the situation in a nutshell. I will ask not to be interrupted, because I have only five minutes. There was a great shortage in this country of pyrites, chrome, and manganese. Pyrites was wanted to make sulphuric acid for ammunition; chrome was wanted to harden the gun metal, and so was manganese. The lining of all the guns was of chrome steel, to make it efficient and durable. The Secretary of the Interior himself puts the stamp of his approval on this bill; he has practically dotted every "i" and crossed every "t," and we have led these men up to the very brink of bankruptcy by inducing them to go into the production of these war minerals, going to the banks and borrowing large sums of money to increase the output. These gentlemen up to this very minute have not received one single penny. The gentleman from Alabama says that there is no germaneness between this amendment and the former war-contract bill that we passed. He takes the position that the Government of the United States should not recognize the moral obligations on the part of the high officials of this Government.

Why, the man who stopped long enough to consider, to put his fingers to his forehead to get his mental equilibrium, to determine where this or that thing would lead him, was denounced as unpatriotic and a slacker. He was told that the Govern-

ment needed him, and these patriotic gentlemen responded to this call, and now we want to force these men into bankruptcy and force them to carry these large loans in the banking institutions that have raised the rates of interest on them from 5 per cent to 6½ per cent. The Government of the United States induced them to produce it, and not a single unjust dollar is going to be paid under the provisions of this act to any single solitary man in the United States of America. We would have been impotent to conduct this war if England had cut off the entire manganese supply to the United States during the pendency of the war, if it had not been for the miners of manganese. These gentlemen responded, and section 7 gives to the Secretary of the Interior power to administer this fund, and if the war-minerals bill had become a law in time these gentlemen could have received the funds from the Public Treasury, but under the delay incurred in the passage of that bill, up to this good hour, these men who have invested their all in response to their Government's call have not received a penny, and yet gentlemen are willing now, after they have done their part and done it nobly and patriotically, to say to these men, "You can be dragged into a bankruptcy court; you can forfeit the savings of a lifetime, and your Government will permit you to suffer." That is the situation, and you appropriated \$50,000,000 for this very purpose in the minerals bill, and at the very maximum, paying all of these claims under the provisions of this amendment, will not exceed \$8,000,000. They are just. There is no looseness about it. There are limitations and restrictions put upon the powers of the Secretary of the Interior that amply protect the Government against fraud, and against those who did not enter into these undertakings in good faith, and I ask the gentlemen in the House to give these men who responded to their country's call in time of great peril justice and relief, and see to it that these claims are paid promptly and expeditiously. [Applause.]

Mr. DENT. Mr. Speaker, I have had so many requests for time that I ask unanimous consent that the time that I have at my disposal be extended for one-half hour.

The SPEAKER. The gentleman from Alabama asks unanimous consent to have his time extended half an hour. Is there objection?

There was no objection.

Mr. DENT. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, I do not blame the gentleman from Alabama [Mr. DENT] for opposing legislation outside of and beyond the jurisdiction of his committee, added on by the Senate, but there are some things that go on in this House that make even that course sometimes necessary. It is absolutely impossible for anyone to collect 5 cents by way of a claim bill against the Government of the United States, and the House is largely to blame for it. We have a day for consideration of private claim bills on the Private Calendar about once every four years, usually considered at a night session, when unobjected claims only are taken up, usually with only about half a dozen Members present, when anyone can make the point of no quorum and break up the proceedings and all claims fail. This is exactly what happens.

Whether wisely or unwisely, on October 5, about one month before the armistice was signed we passed this bill, and I want to read two short paragraphs of it. It is in point. It is the thing on which this section 7 is based:

SEC. 2. That the President is authorized from time to time to purchase such necessities and to enter into, to accept, to transfer, and to assign contracts for the production or purchase of same, to provide storage facilities for and store the same, to provide or improve transportation facilities, and to use, distribute, or allocate said necessities, or to sell the same at reasonable prices, but such sales made during the war shall not be at a price less than the purchase or cost of production thereof.

That gave the President power to take a man's property away from him and to do whatever he wished with it. But we did not stop there. Section 4 penalizes the man if he does not submit to this performance. That section reads as follows:

SEC. 4. That any person who shall neglect or refuse to comply with any order or requisition made by the President pursuant to the provisions of this act, or who shall obstruct or attempt to obstruct the enforcement of or the compliance with any such requisition or order, or who shall violate any of the provisions of this act, or any rule or regulation adopted hereunder, shall, upon conviction, be fined not exceeding \$5,000, or be imprisoned for not more than two years, or both.

Everyone knows that the President had nothing to do with it, but these several boards were given power to and did order men in before them, and said, "You come in here and turn over your business or I shall take it away from you by force and run it by the Government."

Mr. CARTER of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. FERRIS. In a moment. First we authorize that a man's business shall be taken away from him by a vi et armis proceeding, and, second, we propose to fine him \$5,000 if he does not willingly submit to it, and now it is proposed that we shall not pay him anything for it if he does it. I do not say that this is the place to put this on; it may not be a good place to add legislation to this bill; but what I do say is that during war times, having by force of arms taken a man's property away from him and penalized him when he did not turn it over, then afterwards we ought to pay him for it. [Applause.] We at least ought to give him a chance to be heard. This does that and no more. Secretary Lane will protect it.

It has been current conversation around where I have been sitting that this bill did not pass until after the armistice was signed. That is not true. The bill was signed October 5, one month before the armistice. Some one may say that we knew the war was ending. We did not know the war was ending. We do not know that it is ended now, and judging from some of the performances that have been taking place around the Capitol the last few days it does not seem to be at an end.

Mr. SANDERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. SANDERS of Indiana. Does the gentleman know of a single instance where the property of these miners or mine operators was taken by the United States Government?

Mr. FERRIS. Oh, I have a brief on my desk that it would take all day to read showing what the proceeding was.

Mr. CARTER of Oklahoma. What minerals did the act of October 5 apply to?

Mr. FERRIS. The recital of them includes a whole paragraph, which I shall insert at this point:

*Be it enacted, etc.,* That by reason of the existence of a state of war, it is essential to the national security and defense, and to the successful prosecution of the war, and for the support and maintenance of the Army and Navy, to provide for an adequate and increased supply, to facilitate the production, and to provide for an equitable, economical, and better distribution of the following-named mineral substances and ores, minerals, intermediate metallurgical products, metals, alloys, and chemical compounds thereof, to wit: Antimony, arsenic, ball clay, bismuth, bromine, cerium, chalk, chromium, cobalt, corundum, emery, fluor-spar, ferrosilicon, fullers' earth, graphite, grinding pebbles, iridium, kaolin, magnesite, manganese, mercury, mica, molybdenum, osmium, sodium, platinum, palladium, paper clay, phosphorus, potassium, pyrites, radium, sulphur, thorium, tin, titanium, tungsten, uranium, vanadium, and zirconium, as the President may, from time to time, determine to be necessary for the purposes aforesaid, and as to which there is at the time of such determination, a present or prospective inadequacy of supply.

They are rare minerals needed for the linings of cannons, and in connection with munition plants, and this bill gave the Government plenary power to order a man in and take his property away from him whether he would or not. Section 4 provided a fine and imprisonment if he did not submit, and now it is proposed that we shall refuse to pay him for what we have taken and refuse to give him any tribunal to which he may appeal. It is not a square deal; it only affects the small men—the small miners. They can not afford to wait always for their pay. They can not afford to go into the courts and litigate this case; it is too much to expect; it is only common honesty; only common justice. We can not afford to do less. They served us well in this war. Let us so treat them that they would serve us again if emergency arose.

Mr. DENT. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Speaker, the other day, when this bill was sought to be sent to conference, I insisted that the conferees ought to give assurance to the House that this amendment of the Senate, known as section 7, should not be agreed to in conference without first giving the House an opportunity to know something about it. I did not at that time say, and do no now say, that all these proposed claims are without merit; that the Government is not under a moral obligation to make compensation in certain cases; but I did say that we ought not to establish a precedent in this House of subjecting \$50,000,000 to the payment of claims, the validity of which the House had never for one moment considered one way or the other. Now, the trouble of the matter is that there is a wrong impression, in my judgment, in the House as to the character of claims which would come under section 7, as compared with those in the other portion of the bill.

There is not a single proposition included in what is known as the war-validating contract portion of this bill, and which bill was carefully considered by the House, that does not rest upon a contract of some kind, either a perfected contract under the law or a contract informally made by some one who had authority to make a formal and valid contract. But the Secretary of War is not authorized to compromise and settle a single claim that does not rest upon some such contract. That

is the point. The difference between that class of claims and those embraced in section 7 is that no contracts were ever made with these mine owners by the Government, neither could have been made, for Congress had not authorized them. If the Secretary of the Interior had wanted to make a contract with one of these fellows he could not have done so, because he was not authorized by law to do it. Consequently not one single one of these claims mentioned in section 7 rests upon a legal foundation, but if they exist at all they must rest wholly on moral grounds, and the fellows who are pressing these claims recognize that fact to be true. Why, bless your soul, as soon as this war-validating-claim bill was introduced in this House these mine owners made a grand rush upon the Capitol that would do credit to any football team in existence and landed down here in the conference room of the Bureau of Mines. Not knowing exactly what they wanted they proceeded to organize themselves into a convention, and after proceeding while they finally concluded, as one of them expressed it, that since other people are being taken care of by the Government he could not see why they should not "get theirs"—that their claims were moral and the Government ought to acknowledge a moral obligation as well as a legal one. That is all there is to it. Now, it may be that there are certain circumstances surrounding some of these particular claims that would warrant the Government in paying them, but, gentlemen, we ought to safeguard that. If you are going to recognize so-called moral claims that have no foundation in law, then where are you going to stop?

Mr. DENISON. Will the gentleman yield?

Mr. HAMLIN. For just a question.

Mr. DENISON. Of course, the gentleman knows there are a great many of these war contracts that have no foundation of law at all, but are merely moral obligations?

Mr. HAMLIN. No; I do not know that.

Mr. DENISON. The gentleman is not informed about the bill.

Mr. HAMLIN. I am informed about the bill and every single one of the claims embraced—if I had time I could read here—are founded upon a contract. Here is the law in regard to the contract-validating bill:

That whenever during the war emergency and prior to November 12, 1918, any individual, firm, company, corporation, or foreign government has made an agreement with the Secretary of War, or with any officer or agent acting under his authority, or with any agency of the Government authorized to procure for the War Department, for the production, manufacture, sale, acquisition, or control of equipment, materials, or supplies, or for services, or for facilities, or other purposes connected with the prosecution of the war, and such agreement was reduced to the form of a contract or accepted procurement order and executed or signed on behalf of the Government, but the agreement did not comply with statutory requirements, in every such case the Secretary of War is authorized and directed to waive, on behalf of the Government, such noncompliance.

Mr. CANNON. Right there, will the gentleman yield for a question?

Mr. HAMLIN. Certainly.

Mr. CANNON. That requires a contract.

Mr. HAMLIN. Absolutely.

Mr. CANNON. Now, then—

Mr. HAMLIN. And no one questions the right upon the part of the Secretary of War to make such contracts.

Mr. CANNON. Now, then, am I right in the understanding that if this bill goes to conference again, that after section 7, Senate amendment, that you will write into it authority for the Interior Department exactly as we did for the other?

Mr. HAMLIN. I am not on the conference committee and can not answer that question.

Mr. CANNON. Are there no original contracts?

Mr. HAMLIN. There is not.

Mr. CANNON. I know how I am going to vote.

Mr. HAMLIN. Here is a brief filed by these people who have these claims.

The SPEAKER. The time of the gentleman has expired.

Mr. HAMLIN. I would like to have about five minutes more.

Mr. DENT. I am sorry, but I can not yield to the gentleman.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent that the time may be extended five minutes and I may have that time.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. HARDY. Will the gentleman yield for just one question?

Mr. HAMLIN. I have here now—the gentleman from Georgia talks about the War Industries Board, the Interior Department, the Bureau of Mines, the Geological Survey, and so forth, insisting and demanding—and my friend from Oklahoma expatiated along the same lines—that these people produced these minerals on the request of somebody connected with the Government, and therefore there is a contract. The gentlemen overlook the fact that no one connected with the Government had any right to make a contract. Now, let us see. They have

set out here in a brief, which I take for granted is the strongest evidence they have on that point, and the first thing set out is an advertisement by the California Chrome Co. insisting that all the chrome producers produce all they can because the Government needs all the chrome; then next a bulletin from the Geological Survey says this:

Unfortunately for the United States, the present domestic supply of chromite is scarcely one-fourth of the quantity needed for war and domestic uses.

At present we are facing a deficit in the supply of chromite and we should spare no effort to increase the output in this country as well as that of adjacent countries.

Now, that is the statement made by the department; not promising to take care of them in any sense of the word, but asking them to redouble their efforts as patriotic men to produce over that which they had been producing in small quantities.

The Du Pont Powder Co. tendered to the Secretary of the Interior their advertising space in the magazines of the country, and he made an announcement of the pressing needs of the country for those minerals, just as the Food Administration and the President and everybody else were insisting that the farmers of this country plant more acreage, grow more wheat, more corn, raise more hogs and more cattle, because they said that "food would win the war." Does any man in this House believe that in doing that they were placing this Government under obligations to compensate these farmers for any loss they might sustain in case the war should end?

Mr. HOWARD. They did it to the extent of \$1,250,000,000.

Mr. HAMLIN. They never paid them a cent nor made a contract until Congress had given them the authority to do so. That is exactly what we had not done in this case.

Mr. WINGO. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. WINGO. The gentleman talks about newspaper advertising being the basis of this. Does the gentleman think the newspaper advertising has come within this limitation of law which says the claim shall be limited to where there was personal demand on the part of certain agencies of the Government?

Mr. HAMLIN. I am contending that the only pretense they have for any kind of claim upon the Government are the things they set out here themselves in the advertisements to the effect that the country would need this material.

Mr. WINGO. Does the gentleman state that was the only thing?

Mr. HAMLIN. I want to say—

Mr. WINGO. Does the gentleman say there were no personal letters?

Mr. HAMLIN. I want to say to my friend from Arkansas, who is a good lawyer, that he knows if they could prove that the War Industries Board, the Bureau of Mines, or the Geological Survey, or any other agency of the Government promised these people absolutely to indemnify them against any loss that that promise would not be worth the snap of your finger, because they had no authority to make it. Consequently if your claim has any foundation whatever, it must be wholly upon moral grounds.

Mr. WINGO. I have not been talking about that.

Mr. HAMLIN. The gentleman refers to that.

Mr. WINGO. I am trying to get the gentleman away from something that we all agree on to discuss something that is in issue.

Mr. HAMLIN. I can not yield any further.

The thing resolved itself into this one proposition, that there is no basis in law for these claims at all, none whatever, no contract made, and none could have been made. And the difference between this character of claims and those embraced in the balance of this bill is as great as night is from day. And, as the gentleman from Alabama says, this character of claims has no more business on this bill than a wart has on the nose of a prima donna.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. HAMLIN. I will.

Mr. GARRETT of Texas. I want to ask the gentleman if there is any reason, if these gentlemen have any sort of claim, why they should be put on a different basis than these others that have claims?

Mr. HAMLIN. I will say to my friend from Texas let them do what the people under the balance of this bill did. Let them have a bill introduced and let it go to the committee having jurisdiction of the matter and let that committee investigate it, and hold hearings, and let the House consider it as it considers ordinary measures. Let the Senate consider it as it considers ordinary measures. And then, if the Congress of the United States wants to throw open wide the doors of the Treasury to claims not based upon law, of course, then it will be all right to let the money be paid; but do not let us tack it as a

rider on this bill without giving it any consideration. [Applause.]

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. SANDERS].

Mr. SANDERS of Indiana. Mr. Speaker, like the gentleman from Missouri, I am a member of the Committee on Mines and Mining. The chairman of that committee introduced a bill in this House which had practically verbatim the provisions of the amendment covered by section 7. That bill was introduced for the purpose of relieving the persons who had become operators in war minerals. We had no hearings on that bill, but it was taken and put on as an amendment to this bill.

I think the House ought to become aware of the fact that it is proposed here by an amendment to authorize the use to the extent of \$50,000,000 of money already appropriated by this Congress. I was interested in the passage of what is known as the war-minerals bill, and the gentleman from Oklahoma [Mr. FERRIS] seemed to think there was something in the provisions of that bill that justified this proposed amendment. There is nothing in that bill which justifies it. That bill simply authorized the President of the United States to go out and purchase these war minerals. It authorized the President of the United States, if there was an idle mine, and a mine that was not operating sufficiently, to go out and take it over; but there was nothing in that bill to authorize any man under any of the provisions of this amendment to make a claim against the United States Government.

I do not claim that there may not be some men who engaged in the production of these war minerals who have a just claim against the United States Government, but it seems clear to me that the Congress of the United States would be very unwise, without the consideration by any committee of the House and without the consideration by the Committee of the Whole, to enact this legislation which authorizes a part of the executive department to pass upon claims without any law to guide him, without any rule to guide him, but simply upon the supposed proposition that there is a moral obligation.

I assert that there is not a Member of Congress who has considered this measure or who knows anything about the measure, that could rise in his seat now and tell us of a specific instance of a mine operator who has so invested his money as to have a just and valid claim against the United States Government.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. SANDERS of Indiana. Certainly.

Mr. RAKER. Is it not a fact that the Committee on Mines and Mining reported out section 7 to the Senate regularly and then simply placed it on this bill so as to insure its passage?

Mr. SANDERS of Indiana. I do not know what steps were taken to insure its passage.

Mr. RAKER. Now, one other question.

Mr. SANDERS of Indiana. I understand that there have been no hearings on this bill.

Mr. RAKER. Is it not a further fact that the Committee on Mines and Mining of the House sort of tentatively had an understanding that that committee would not dispose of the matter, but would let the Senate dispose of the matter in such manner as they saw fit?

Mr. SANDERS of Indiana. Not to my knowledge. Now, I can not yield further. I have only five minutes.

Mr. RAKER. All right.

Mr. SANDERS of Indiana. We have already been furnished with a brief on this subject. That brief was furnished by the men who suffered these great losses, and I certainly sympathize with them very deeply, and I hope there will be some remedy found for them. But that brief bases their claim largely on the fact that the executive departments of this Government violated a tacit agreement with them—with these ore producers—by permitting imports to come into the United States.

Now, I would like to know if that would form the basis of a moral obligation on the part of the United States? There is a provision in the war mineral bill to the effect that the President of the United States has the right to put on a tariff to protect these men. He did not do it. I would like to know if that is an instance of a violation of a moral obligation.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GORDON].

The SPEAKER pro tempore. The gentleman from Ohio is recognized for five minutes.

Mr. GORDON. Mr. Speaker, I was trying to find in this brief of these claimants a statement which I am certain that I read in it, in which they expressly disclaimed having any contract with the Government. They disclaimed having invested a

dollar upon the faith of any statement of any official authorized to act or speak in the premises.

That is the real objection to this bill. Now, with sobs and tears, the gentleman from Oklahoma [Mr. FERRIS] read the provisions of this mining bill, and he read the provisions showing that it authorized the President to do a great many things. But he did not tell you that any of these claimants had acted under that authority of the President or under the authority of anybody authorized by the President, and the truth is that the President never did authorize any of these claimants, and no person acting for the President in that matter under this bill ever authorized anybody to spend a dollar under this legislation.

Mr. HAMLIN. Mr. Speaker, will the gentleman yield?

Mr. GORDON. Yes.

Mr. HAMLIN. There is a statement in that brief there from Dr. Leaf stating that the bill spoken of by the gentleman from Oklahoma [Mr. FERRIS] was not operative, because it could not become operative if there was an overproduction, and he said there was an overproduction, and it could not operate.

Mr. GORDON. Yes. That is the fundamental objection to this bill. I call your attention to the fact that section 7—if you will get it and read it—which is now before the House does not require that these claimants should have been authorized by the President or anyone acting for the President. There is the vice in all this proposition. They take themselves right out from under the provisions of this mining bill, because this section 7 does not require that these expenditures which they made and these obligations which they incurred must have been made or incurred pursuant to the authority granted by the President or anyone acting in his behalf.

Mr. HAMLIN. Mr. Speaker, will the gentleman permit another interruption?

Mr. GORDON. Yes.

Mr. HAMLIN. I may be mistaken as to Dr. Leaf. My eye caught this: Mr. George L. Pratt says:

It seems to me that anyone who can read English will see why this bill is inoperative. The Secretary of the Interior would have to complain of a shortage.

Mr. GORDON. Certainly. It never became operative.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. GORDON. Yes.

Mr. HARDY. The gentleman says this was not done at the suggestion of the President. It must have been done at the solicitation of one of the departments.

Mr. GORDON. The law does not authorize a department to do that.

Mr. HARDY. Does the gentleman know whether a citizen who is sent for by a department official would have any way of knowing whether that official was authorized or not?

Mr. GORDON. Oh, you can not take the authorization of every Tom, Dick, or Harry. This mining bill does not permit that. You can not do that.

Mr. HARDY. Is the head of this department one that could be called a Tom, Dick, or Harry?

Mr. GORDON. These dollar-a-year men go around and say to people, "Get busy and help win the war." Do you say that you can base a claim against the Government on the mere unauthorized statement of one of these officials or dollar-a-year men?

Mr. HARDY. Nobody has said anything about the dollar-a-year men. This bill does not embrace any of the men you are talking about.

Mr. GORDON. This mining bill upon which they are undertaking to base section 7 requires that a contract must have been made by authority of the President, and, as the gentleman from Missouri [Mr. HAMLIN] just stated and read out of the record, before the President is authorized to act in the matter he must find that there is a shortage of these minerals. There has never been any such finding, and neither the President nor anybody else had authority to act in the matter.

Mr. HARDY. The gentleman refers to these as activities entered upon at the suggestion of Tom, Dick, and Harry. But this bill limits it to "the production of which by any claimant or claimants was requested, or demanded, by personal solicitation of, or personal inducement to, such claimant or claimants made by the War Industries Board, the Shipping Board, or the Department of the Interior." Does the gentleman think that a private citizen of America, when called upon by one of these departments to do something for the Government, should go and make inquiry as to whether that department was authorized by the President?

Mr. GORDON. Of course; he must do that. He is bound to do it at his peril. This mining bill confers extraordinary powers on the President, but it limits and restricts the power

of the President to commit this Government. The President must first find that there is a shortage of these minerals.

Mr. STEAGALL. Will the gentleman yield for a moment on that point?

Mr. GORDON. Yes.

Mr. STEAGALL. This bill does not limit these claims to those who were requested or solicited by the Interior Department, or the War Industries Board, or anybody. That is the section of the bill which deals with their investigation of claims; but the section which authorizes them to pay claims says they may pay anybody who went out for the purpose of producing something that might be needed, because they had read in a paper somewhere that the Government would need it.

Mr. GORDON. Certainly.

Mr. HARDY. I do not know anything about a paper, but I have in mind a particular case where a man was sent for by the Secretary of the Interior, who urged him to produce minerals—

Mr. GORDON. That does not justify any claim against the Government. You personally might go out and induce somebody to produce something for the Government. Do you mean to say that that would make any valid claim against the Government, or that it would bind the Government in any way?

Mr. HARDY. It would bind me if I induced you to do something, and, in my opinion, the Government is as properly bound and is under the same moral obligation to pay its just debts as an individual.

Mr. GORDON. You are entirely mistaken about that. You open the doors of the Treasury to everybody who has done anything which might be construed as helpful to the Government since this war started.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, the amendment of the Senate to the House bill is for the purpose of validating contracts which are not legal, and according to the decisions of the Comptroller of the Treasury not one of these \$2,000,000,000 contracts could be paid unless the claimant should go into court and there be able to secure a judgment against the United States.

Mr. HAMLIN. Will the gentleman yield right there?

Mr. FOSTER. Just for a question.

Mr. HAMLIN. Is it not true that the ruling was based on the fact not that they were not contracts but that they were not formally reduced to writing and signed, as the law specifically requires?

Mr. FOSTER. The gentleman from Missouri is a good lawyer and has practiced law, and he knows the difference between a legal contract and an illegal contract and whether an illegal contract can be enforced in the courts or not. Now, these are contracts that could not be paid under existing law.

Mr. KAHN. If the gentleman will permit, that is only one of the kinds of contracts contemplated by the bill that is in conference. The case that the gentleman from Missouri names is only one phase of it. There are three other phases of it.

Mr. FOSTER. Here are a lot of men who were induced to speed up and do work in order to secure the war minerals that were necessary in prosecuting this war.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. FOSTER. No; I can not yield. I have only five minutes. I will yield later if I get more time. Men were asked to come to Washington on this matter of war materials. I hold in my hand a copy of a telegram sent to a man in Arkansas who came here and was urged to go back home and mine as much manganese as possible in order that it might be used for the war. He had two sons then in the Army and three more going, which made five sons who went to help win this war in Europe. He remained at home, and each week when his men were paid off he would make a speech urging them to work harder and longer in order that they might get out more of this material for the use of the Government and win the war quickly. To-day that man is a bankrupt, because he acted in good faith and did as he was urged to do.

Is this great Government of ours willing to say to its citizens, "When we urged you to go and put your money into a mine in order that you might produce the necessary material to win the war, now we are not going to pay you anything for it"? That man told me that before the war he was worth \$100,000. To-day he has lost it all. Is the Congress of the United States going to say to these little fellows throughout the country, "We will not help you, but we will protect the men who hold the great contracts amounting to billions of dollars"? I say we should be ready to protect the little fellows, too. [Applause.] I voted for the bill to validate these contracts when the bill passed the House, because I believed this Government ought to settle up these contracts. Now, I believe we ought to settle



the contracts of these men who were urged by the Government to go out and produce these war materials. It is true that the bill which passed the House early in May went to the Senate and remained there until October before it came back, and was agreed to and finally signed on the 5th day of October. Before it was turned over to the Secretary of the Interior to administer it was too late to do anything with it. The Secretary, wisely in my judgment, refused to administer that law until further action was taken by Congress. Now, can we not trust Secretary Lane under this bill not to permit payment of illegal contracts that ought not to be allowed? I believe we can trust him, and I believe that we ought to agree that these small claims shall be settled along with the others, which amount to two or three billion dollars. Let us not forget the small men. [Applause.]

Mr. FIELDS. I yield five minutes to the gentleman from Arkansas [Mr. OLDFIELD].

Mr. OLDFIELD. Mr. Speaker and gentlemen, I want to tell you something about how this situation has worked out with regard to one of my constituents. Mr. W. H. Denison, from my home county, went into the manganese business in 1887. I know of no better citizen anywhere. Some 15 or 20 years ago the manganese industry ceased to be profitable, on account of manganese coming from South American countries; but when the war started Mr. Denison was sent for and came here at the solicitation of the War Industries Board, the Shipping Board, and the Interior Department, and was told what to do. He was a loyal citizen. He was anxious to do anything that his Government needed he should do to help win the war. He had three sons in the Army and two more to go. Five of those sons did go into this war. Three of them have returned. When those three sons went to war Mr. Denison was a man in good circumstances in our country, worth \$100,000. When they returned he was broke, and he was broke because this Government told him what to do, and because he had done it, and now the Government, or some Members of Congress at any rate, seem not to want to carry out the understanding that the Interior Department and the War Industries Board had with him.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. SANDERS of Indiana. The gentleman is talking about a specific case, and that is what I have been wanting. The gentleman has mentioned the name of a person who produced manganese. What I would like to know is, What agency of the Government created this obligation, what particular officer of that agency dealt with this gentleman?

Mr. OLDFIELD. This man was not a lawyer, as the gentleman no doubt is. He did not wait for a legal contract as some gentlemen probably would. He was anxious to win the war and he wanted to win it before his sons were killed in France. Therefore all he knew was to do what the authorities at Washington told him to do. He said to them, "Gentlemen, take over my mines and operate them, I will be your superintendent until the war is over without a nickel of compensation; I have sent every boy I have to France." They said, "Oh, no; we do not want to take over the mines."

Mr. SANDERS of Indiana. Who are "they"?

Mr. OLDFIELD. The War Industries Board and the Shipping Board and the Interior Department. I do not know which particular one, but he did not want to take these chances. He said, "I have lost a great deal of money in the manganese game; I have saved up something like \$100,000 in other business, and I would rather work for the Government for nothing than to take any chances." They said, "No; we can not do that, you go back and do it," and they intimated that if he did not do it he was a slacker. Now, gentlemen, that was a very bad name to call a man in my country. A man would rather do anything than be called a slacker in Arkansas. Therefore he went back and did it.

When these boys came home from France—and remember that these boys were in business with him before they went away; they are efficient young fellows and well educated. They were helping him run the various businesses, and he dispensed with their services. One of them resigned from a lieutenantcy in a camp in Arkansas and went to France as a private in order to get into the war. He was at Chateau-Thierry, and he now comes back and finds his father and mother paupers because his father had enough confidence in the United States Government to do what they told him to do. Now, is not that a moral obligation?

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. GREENE of Vermont. Assuming it is a moral obligation in the broad and general sense, how would the claimant reduce

to specific figures the exact measure of damages that he holds against the Government, there being no contract?

Mr. OLDFIELD. I assume that the Secretary of the Interior will adjust that matter, just as the Secretary of War is going to adjust those matters.

Mr. GREENE of Vermont. But these matters are matters of incomplete contracts; they have had a beginning, or they are proceeding under an old one.

Mr. OLDFIELD. The Secretary of the Interior knows that he can do it, and the War Industries Board knows that it is largely responsible for making paupers out of business men in the country. They think they can adjust these obligations, and I am willing to leave that to them.

Mr. GREENE of Vermont. But these are all generalities only.

Mr. OLDFIELD. Mr. Speaker, I desire to print in the Record a letter which I received from Mr. Denison:

Hon. W. A. OLDFIELD,  
Congressman from Arkansas.

DEAR SIR: Below I quote the exact telegrams as passed between myself and the Mineral Division of the War Industries Board:

WASHINGTON, D. C., March 15, 1918.

MANGANESE DEVELOPMENT CO.,  
Care W. H. Denison, Cushman, Ark.:

You are invited to attend a conference of producers of manganese ores with Mr. L. J. L. Replegle, of War Industries Board, and Messrs. Leigh and Spurr, of Shipping Board, meeting to take place Friday afternoon, March 22, at 2:30, room 716, National Defense Building, Eighteenth and D Streets, Washington.

POPE YATEMAN,  
Raw Minerals Division, War Industries.

To which I replied, as follows:

CUSHMAN, ARK., March 18, 1918.

POPE YATEMAN,  
Raw Minerals Division, War Industries Board,  
National Defense Building, Washington, D. C.:

Your wire 15th, inviting me to attend conference producers manganese ore on 22d. Please wire nature of this meeting and who you expect to be present; will be there if possible.

W. H. DENISON.

Receiving the following:

WASHINGTON, D. C., March 18, 1918.

W. H. DENISON,  
Cushman, Ark.:

Meeting to get views of producers, with a view of stimulating production and cutting off part of imports to release shipping for war needs. Manganese producers from all over the country will be present.

POPE YATEMAN,  
Raw Minerals Board.

I attended the meeting, offered the Government my mines free, also my services without compensation, for the duration of the war, as I at that time had two sons in the Army and three more going. I wanted to do anything to win the war, and win it quick.

The sense of our meeting with the war boards here was that we must speed up production. I hastily returned to Arkansas, invested every dollar I had, and induced many others to do likewise, also borrowed, along with my associates, over \$50,000, and put it into the manganese-mining business.

Without the pending relief measure, I am bankrupt, will lose every dollar I have, and my credit also.

Respectfully,

WALTER H. DENISON.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Speaker, I am going to try and speak simply on the legal aspects of this bill. Gentlemen have addressed themselves to a brief that has been filed by some claimants—what claimants they do not say. They have talked about a brief as being involved in the bill, but that brief can have no possible relationship to the bill before us. The question is not what the people said in the brief, but the question is, What are the provisions of this bill? The chairman of the committee started the discussion by saying that anyone in the United States who has a piece of land upon which or under which there are minerals can prosecute a claim against the United States and enforce it, and then he says that it provides for the adjustment of simply moral claims.

Now, that is the general line of discussion here. The question is, Are these two things true? Can any man who has a piece of land with underlying minerals present and enforce a claim, and, secondly, does this bill provide for the adjustment of claims which have no basis except a moral basis?

I say neither of these things is true. Let us turn to the bill and see; and I am going to read all that is important, and I ask if you will be good enough to follow my reading.

Section 7 is as follows:

SEC. 7. That the Secretary of the Interior be, and hereby is, authorized and directed to ascertain and determine the amount or amounts of money heretofore invested and obligations incurred by investors for producing, to supply the urgent, published, and evident needs of the Nation during the war, any ores, metals, minerals, or mineral substances mentioned and enumerated in an act for encouraging the production of ores necessary in the prosecution of the late war and which have formerly been largely imported, or of which there is or may be an inadequate supply.

Then follows a provision in the first section of the act limiting the claimants to those who have been requested by three agencies of the Government—by the Shipping Board, by the War Industries Board, by the Secretary of the Interior—to produce these metals as to which we passed this act.

It does not provide that any man who has some land under which manganese may lie may present a claim, but only those men who have been requested to produce this metal in pursuance of this act by these three agencies of the Government. They are not subordinate officers, they are not dollar-a-year men, they are not Tom, Dick, or Harry, they are not second lieutenants or captains. They are the responsible agents of the Government. What more responsible agency of the Government can you mention than the Secretary of the Interior? During a time of national peril, what more important and responsible agency of Government can you name than the War Industries Board? During a time when it was important and necessary to transport our ships and materials to France, what more responsible agency of the Government could you suggest than the Shipping Board? Having provided that only those who are authorized by the Secretary of the Interior, by the War Industries Board, and by the Shipping Board can present these conditions, what is the next provision? The next provision is that for payment. Does it provide, as gentlemen have claimed, that only moral claims or claims based upon a moral obligation alone shall be adjusted? No. Let us take the language and see.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. HARDY. Is not a moral obligation upon an honest man binding upon him?

Mr. DEMPSEY. Surely it is, and I am not decrying the force of a moral obligation, but I am saying that gentlemen are wrong when they say that it is possible under this act to adjust a claim which has its only basis in moral obligation, and I point to the act itself, which reads thus:

That payment herein authorized be made to the claimant or claimants the said Secretary shall find to be morally, equitably, and justly entitled thereto.

What is the meaning of "equitably"? I have turned to the dictionary and I find the following to be the definition of "equity":

Equal justice; in practice, the impartial distribution of justice.  
2. The application of principles of right and justice to the legal adjustment of differences, where the law, by reason of its universality, is deficient.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Speaker, as I understand a moral obligation against myself, it is an obligation that I ought in good conscience to pay, and I feel that I should pay a moral obligation just the same as I should a legal obligation; and I feel that my Government should recognize and pay a moral obligation—an obligation which in good conscience it ought to pay—just the same as it ought to recognize and pay a legal obligation. When the war-contracts bill was before the House I was in favor of the settlement of those claims. I voted against the bill, because I did not approve of the method of settlement proposed by the bill. That bill has been so changed in the Senate that I think it has been very materially improved, and I can support the bill as it comes from the Senate. As to these war mineral claims, I want simply to say this: These men who owned the mineral lands and the mines have invested their money on the request of the Government and with the faith that the Government would see that they could sell their product. They did it at a time when the Government needed their product for war purposes, and when the Government had stopped the supply of such products from coming into the country from other countries. On the faith of that understanding, that promise, that request, of the Government, they have invested their money. If the Government could or would give them protection against ruinous competition from other countries, so that they could continue their business and sell the product of their mines, all of these gentlemen, I dare say, would be satisfied. I have talked with a number of them, and they say if they could go ahead with their business and sell the product of their mines, they would make their money back and be satisfied. But the present administration will not give them protection, so they can never get back the money they have expended at the request of the Government and for the good of the Government in any other way, so far as I can now see, except in the manner provided in this bill. If I could have my way about it, I would give them protection against competition with other countries where the cost of production

is so much cheaper than in this country. That would enable them to continue operating their business and let them get their money back in that way; but I can not have my way about that, and I do not intend, if I can help it, to let this Government make those men lose the money they have invested for the benefit of the Government and not get it back from some source.

Mr. HARDY. The gentleman would not induce a man to perform such labor for himself without compensating him?

Mr. DENISON. Certainly not.

Mr. HARDY. Is the gentleman willing to have his Government repudiate an obligation which he as an individual would recognize?

Mr. DENISON. I am not.

Mr. DECKER. Who made this promise to these miners?

Mr. DENISON. The Secretary of the Interior and the War Trade Board.

Mr. DECKER. Where did they get their authority to do that?

Mr. DENISON. The war minerals bill passed the House several months before the war ended, and the country was given to understand that the bill was going to become a law. It passed the House promptly, and was held up, it is true, for a long time in the Senate, but the country was given to understand that it was going to become a law; we all recognized the absolute necessity that it should become a law, and on the faith of its becoming a law some of the departments of the Government went ahead and induced these men to invest their money.

Mr. DECKER. Does the gentleman mean to say that these men, with enough intelligence and information and money to run a mine, did not understand that the Secretary of the Interior could not make such a guaranty as that?

Mr. DENISON. They not only had enough intelligence and money, but they had enough patriotism. [Applause.] And they did go ahead and put their money into these investments in order to help win the war.

Mr. HAMLIN. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. HAMLIN. The gentleman said awhile ago that he was in favor of his Government keeping its moral obligations.

Mr. DENISON. Yes.

Mr. HAMLIN. I think we all agree with him upon that.

But the gentleman does not mean to convey the impression that an adverse vote here to-day would mean the Government would not keep its moral obligation, if there is any?

Mr. DENISON. I do not mean to say that; I do not know whether it will or not. I am saying, as far as I am concerned, that the Government ought to meet these obligations, and ought to do it in the manner provided in this bill, if it will not do so by giving them enough protection to enable them to continue operating their mines and plants.

The SPEAKER. The time of the gentleman has expired.

Mr. HAMLIN. Does not the gentleman think a bill ought to come in in the regular way and let the House consider it?

Mr. DENISON. That would be preferable, of course; but just now there does not seem to be any chance to get a bill through Congress in that manner. Besides, if we are going to authorize the War Department to settle the moral obligations they have incurred, we ought with equal justice to let the Interior Department settle the moral obligations they have incurred. In either case, it is claimed, the obligations were properly incurred in the prosecution of the war.

Mr. FIELDS. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, I am in favor of the provision for two reasons. One of them is that I believe it is the duty of the Government, the same as an individual, to meet its moral obligations. The other reason is a practical one from the standpoint of the Government. The gentlemen arguing against this proposition ask, Why do not you bring in a separate bill? If you vote down this proposition to-day and there is not some provision made for the settlement of these claims, mark my prediction, these valid contracts that no man can investigate and honestly say that the Government ought not to pay will be used as a wedge by which bad claims will get into this House during the next 15 or 20 years, and sooner or later you are coming in with an omnibus bill that will carry many times the few millions of dollars that will be paid out under this bill. I did not like to vote for the original bill, but I finally came to the conclusion it was to the interest of the Government from a monetary standpoint to clean these matters up now while the issues are fresh, while the officials are present, and while all the evidence is available to get them out of the way. Now, what is involved in this? The only question it involves is this: Are you going to undertake to meet the moral obligation of an informal contract, ille-

gal contracts, if you please, made by one department of the Government, attached as a provision on a bill providing for the same kind of contracts in another department of the Government? If I had my way about it I would write a general bill which would require all these claims of every class to come in and be presented within the next six months and thus clean them up and get them out of the way and not consume the time of this Congress during the next 20 years in undertaking to consider the claims. Some gentleman said, "What authority did these gentlemen have to make these claimants do what they did?" I will tell you what they had, the strongest authority that ever existed in this country, the authority which existed during this war and that was the fear of your Government, the fear of being called a slacker. Why I know of one instance where one of these representatives went to a farmer who had a small deposit on his land and he said, "You must either go to work and get this out or we will take charge of your farm." He said, "By what authority am I required to do that?" He had a copy of the bill that this House passed months before, and he said, "This bill is still pending in the Senate, and the President has written a letter for it. It is going to pass. You will either do this or we will take away your property." Tell me, is that not the strongest authority that any man would recognize during these trying times, the demand of his Government to do something for the prosecution of the war?

Oh, but the gentleman says these claims are based on newspaper advertisements. I deny it. I am opposed to allowing such claims, and the pending proposal excludes them by limiting relief to claims based upon personal solicitations, personal inducements, and personal orders of Government representatives. I wish to God that every contract that will be settled under the War Department provision will be as clean as the contracts that Mr. Lane will settle under section 7. Gentlemen talk of the original bill that passed this House—the war-contract bill—covering only those cases where they had a contract of some kind a little bit informal. Oh, no; you are going to take care of cases like this where a man, a department employee, sits here in Washington and calls up contractors and orders without limit their output. "What is your price? We are not fixing any price; send in the goods and your cost sheets and then we will fix your price." They will settle claims where there was not even a price agreed upon, in some instances. You tell me you are going to settle these claims and pay the bill and talk about the authority to settle claims with the little mine owners throughout the country. I have not one in my district of which I know. I would be ashamed of our Government if it should say it would settle the claims of these big war contractors and then say to a man like the old man Bill Oldfield talked about, "There is no legal obligation; nothing but a moral obligation; and the Government does not meet its moral obligations." A government that will not meet its moral obligations falls into contempt.

The SPEAKER. The time of the gentleman has expired.

Mr. FIELDS. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. GARLAND].

Mr. GARLAND. Mr. Speaker and gentlemen, I am opposed to this bill because of section 7. Section 7 came before the Committee on Mines and Mining. It was taken away from there. It came in the form of a bill. It was taken out and attached to this bill. There have been no hearings on this. As a matter of fact, section 7 opens up the possibility of any man to come in with a claim that he had developed, or tried to develop, a mine, and although he did not give one single pound of ore to the Government he still was attempting to produce the ore that was provided for development in the bill we passed on December 5, 1918.

Mr. DENT. Will the gentleman yield for a question?

Mr. GARLAND. Not now. An attempt was made in this bill to pay everybody, whether they produced material or not. It seems to me that claims of that kind are not any more just than the claims of those who are abroad now and who lost all of their business. I met men on the other side and in this country who had gone into the Army at the call of war and who lost all of their business. Have they not just as much claim because of the fact that they had to go to war and forsake their business? They are coming back now without anything to which to go.

This bill that we passed on November 5 provides also that the President of the United States can issue a protective tariff to take care of these men and their business. He has refused to do it.

The SPEAKER. The time of the gentleman has expired.

Mr. GARLAND. And I want to say that I believe when the Republicans come in that they will pass a tariff bill to take care of them.

Mr. FIELDS. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. I am not opposed to this Government's paying its honest debts, whether they be in such shape as meets the technical requirements of the law of contracts in every case or not. Of course, in the haste with which we have proceeded in the conduct of the war there has been unavoidable waste. That was not unexpected in the unusual situation that confronted the country. But we ought by all means to throw every possible safeguard around the allowance of claims not supported by clear and well-established contract. I am willing to take care of the sort of obligations that seem to be contemplated by those who support the Senate amendment No. 7. But while I hesitate to differ from the able lawyers on this floor who have contended otherwise, I am thoroughly of opinion that the chairman of the Committee on Military Affairs [Mr. DENT] is eminently correct when he states to the House that this amendment would embrace claims where there has never been even any semblance of a contract or obligation on the part of this Government, and where there has never been any sort of request or demand or solicitation upon any claimant for any particular production to support such claim.

Mr. SNYDER. Will the gentleman yield right there?

Mr. STEAGALL. No. I have not the time.

This amendment will open up a flood of claims from every corner of the country, if people desire to bring them in, as they may be expected to do under its blanket provisions. The chairman said they had had an estimate from one party only as to the amount of claims that would probably be presented. I believe he said the Secretary of the Interior had suggested that they would amount to about four and one-half millions. I take it that he had in mind such claims as he had information about, or in connection with which his department had been asked to accept responsibility. But we have not heard from the Shipping Board nor the War Industries Board nor any others. No man can tell what these claims will amount to nor how high they will mount. The only limit we know of is that payments can not be made in excess of \$50,000,000, as provided in the other bill, out of which appropriation it is proposed that payments shall be made.

Mr. CARAWAY. Will the gentleman yield?

Mr. STEAGALL. I regret that I have not time to yield.

I wish to discuss for a moment the legal effect of the language used in this amendment, which is the purpose for which I arose. I ask those who have discussed this phase of the bill to follow me for a moment while I call attention to the language used. The first paragraph of the amendment authorizes and directs the Secretary of the Interior to ascertain and determine the amount or amounts of money that may be claimed, and so forth. This paragraph merely authorizes and directs the Secretary of the Interior to investigate claims, and it is this paragraph which contains the limiting clause which it has been argued restricts payment to such claims as are based upon production, which was requested or demanded by personal solicitation to, or personal inducement to, such claimant or claimants, made by the War Industries Board, the Shipping Board, or the Department of the Interior. The limitation seems to have been shrewdly drawn to apply only to the clause which directs and authorizes the Secretary of the Interior to make investigation of claims. The investigation which he is directed to make, as provided in the first paragraph of the amendment, is safeguarded by the limiting clause referring to production requested, demanded, or solicited by department officials, but this paragraph of the amendment carries no authorization for the payment of money to claimants. The succeeding paragraph is the one which authorizes the payment of claims. This paragraph also directs the Secretary of the Interior to ascertain, determine, and adjust claims and directs that they be paid to parties that he may determine are entitled thereto such losses and damages as he may decide have been sustained or suffered or that may be sustained and suffered. This paragraph which directs payment does not carry the limitation set out in the first paragraph, which directs the Secretary of the Interior to make investigation of claims. I think it is clear that no such limitation applies to payments to be made under any recognized rule of construction of the language used in the amendment. In any event, it is surprising to me that any man in this House should be willing to support this amendment, so carelessly worded as it is in its present form. I think if such legislation is to be carried in this bill it should at least be carefully framed and its meaning made clear. I do not for a moment question that the bill

will be administered in perfect good faith and with all due regard to the obligation resting upon those who will represent the Government in all adjustments involved. But I think it is due them, as well as the Government, that their duties should be clearly defined and the interest of the Government safeguarded as far as possible against all unjust and unfair claims. [Applause.]

Mr. FIELDS. Mr. Speaker, how much time is there remaining?

The SPEAKER. Twenty-three minutes.

Mr. FIELDS. Mr. Speaker, I will yield to myself eight minutes.

Mr. Speaker and gentlemen of the House, when the conferees went into conference upon this bill they went in, practically, instructed upon this proposition. The chairman of the committee had stated to the House that he would bring the matter back to the House before taking action upon it. We therefore felt that we were instructed upon the proposition.

Now, I do not believe that there is a Member of the House who wants section 7 of the Senate amendment in its entirety. I do not believe, on the other hand, that there is a Member of the House who wants the Government to repudiate any honest, moral obligation. If the conferees are instructed, why, of course, I as one of the conferees shall abide by the instructions given us. If we are sent to conference with a free hand, I as one of the conferees will do all in my power to help to amend the provision so that it will take care of moral obligations and at the same time protect the Government against unjust claims.

I am not in favor of recognizing the claim of every man who says that he enlarged his operations because he read an advertisement in the newspapers that the Government wanted him to do so. On the other hand, where the Government or any of its agents in charge of the prosecution of the war, or in preparing the means for the prosecution of the war, induced men to invest their money and produce these materials, the claims of these producers are just as legitimate as the claims of any other producers, and that class of producers should be cared for. I am not in favor of individuals growing rich by reason of special favors extended to them by the Government.

On the other hand, I am not in favor of bankrupting honest men and destroying legitimate business by the strong arm of the Government. I realize that a great deal of amendment must be made to this provision before it should be accepted; and, if given a free hand in conference, I shall do all in my power to help to perfect the amendment, so that it will do justice to the Government on the one hand and to the honest, legitimate business man on the other.

I believe that it would be a mistake to instruct the conferees. If you instruct them to disagree to this amendment in its entirety, it must go out of the bill. If you do not instruct the conferees to disagree, the amendment can be revised or amended in conference. Therefore, instructions would mean that the amendment would be accepted as it passed the Senate or rejected in its entirety. I think that either course would be a mistake. On the one hand it would give advantage to men who have no just claims, and on the other it would defeat many honest obligations. Therefore, I hope the conferees will be permitted to work out a provision that will take care of honest and legitimate claims.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. HARDY. Will the gentleman tell me where, under section 7, any man would have a legitimate claim except where they were asked to do work by one of these departments?

Mr. FIELDS. I am not in favor of recognizing a claim which has as its only basis the fact that a man read in a newspaper that the Government wanted him to produce these minerals.

Mr. HARDY. Can the gentleman show me, under section 7, where such a claim could be made?

Mr. FIELDS. I think it could be done. But I would put such safeguards into the amendment as would prevent that.

Mr. HARDY. Is the gentleman in favor of putting in the bill a provision authorizing the payment of all persons who at the solicitation of these departments had invested their money and made an expenditure?

Mr. FIELDS. I said a moment ago that I am not in favor of this Government, because of its ability to do so, bankrupting any honest, legitimate business man.

Mr. HARDY. Then I take it that the gentleman is in favor of paying the moral obligations of the Government.

Mr. FIELDS. I am absolutely in favor of the Government paying its moral obligations. I have no patience with the in-

dividual who will look for legal or technical excuses to get away from moral obligations.

Mr. HARDY. I believe the gentleman wants to see justice done. Does not section 7 require that every claim under it should show that the work done was done at the request of one of these departments?

Mr. FIELDS. There is some difference of opinion on that, and I think that the conferees should be careful to throw proper safeguards around it.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. DENT. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. KAHN].

Mr. RUCKER. Mr. Speaker, before the gentleman does that and closes debate, I would like to have five minutes on this bill. I wondered if the gentleman would object if I would ask unanimous consent for five minutes, not to be taken out of the gentleman's time?

Mr. DENT. I will not object.

Mr. KAHN. I believe the time has been agreed to by the House. I have no objection to the gentleman asking for further time.

Mr. DENT. I understand one gentleman yielded back two minutes of his time, and if the gentleman from California [Mr. KAHN] is willing, I will yield those two minutes.

Mr. KAHN. And I will yield to the gentleman from Missouri three minutes of my time.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. RUCKER. I am recognized for five minutes. If there is any controversy about it, that settles it.

Now, Mr. Speaker, I am not a member of the committee that has charge of this bill or of any committee that deals with this or any kindred question, and the most I know about the pending measure is derived from the debate I heard here to-day. I understand this bill, especially section 7 of the Senate amendment, provides a method by which certain claims may be presented against the United States, allowed, and paid. Gentlemen say the claims provided for in the Senate amendment are founded upon a moral obligation, not founded upon a legal obligation.

Mr. HAMLIN. Mr. Speaker, will the gentleman yield right there?

Mr. RUCKER. Yes. Make your question short.

Mr. HAMLIN. Section 7 does just what the gentleman says, and makes the findings of the Secretary of the Interior absolutely final.

Mr. RUCKER. I am greatly obliged to my colleague, but I hope I shall not be interrupted any more, because I want to say in the time given me what I have in mind. Gentlemen say—and my good friend the gentleman from Texas [Mr. HARDY] has put everybody to the test by inquiring, "What is the difference between a moral and a legal obligation between honest men?" Everybody should answer, "There is no difference." Ought not the Government to pay its moral obligations as well as its legal obligations? My answer is, "Yes." But I want to suggest another thing. I am surprised to hear gentlemen argue strenuously here—as has been done eloquently by gentlemen from Arkansas [Mr. OLDFIELD] and from Georgia [Mr. HOWARD] and Texas [Mr. HARDY], and the Lord knows who else, because there are many of them—in the behalf of paying everything asked for by men and corporations of great wealth, who have large claims against the Government, but say nothing in behalf of the poor man or the man of moderate means who has suffered a loss. Is it possible that the time has come when before the Congress of the United States the millionaire's claim will get the ear of Congress while the poor man's claim can never force itself through the doors which exclude him from this floor?

Let me suggest that I am in favor of doing what is morally right, but let me also suggest to the gentleman from Texas [Mr. HARDY] and to these other advocates of complying with and discharging moral obligations—let me suggest to them that when you give ear to the rich you should go clear down the line and enter into the humble homes of the millions of people who have lost, just as these manufacturers and other rich men have lost, and carry a little sunshine into the homes of the poor. Oh, you say, "They do not pay the taxes nowadays, because under a Democratic administration, thank God, we have made the wealth of this Nation pay a large part of the revenues by levying an income tax upon the rich." That is true. But the poor pay their part—not the bulk of it. But I tell you again, that when Old Glory was in danger, when she was waving in the air and flying in the breezes, and the summons came to the boys to respond to the call to arms, most of the boys came from the

homes of poor men, because there are more poor men than there are rich men, and although the poor men individually have less dollars than rich men, everybody knows that poor men have the larger number of boys.

What are you advocates of the "moral-obligation" doctrine going to do in a case like this?

The Government asked the farmers of the country to plant more corn and to sow more wheat, and the farmers responded nobly and patriotically. They relied upon having the services of their sons on the farms to help harvest the increased crops; but before the corn matured, before the golden grain waved in the sunshine and the breeze, another draft law came along and took the 18-year-old boy and the man 32 years old and up to 45, and, by reason of the draft law, the farmer was deprived of his help to harvest his crops. Storms came, and the wheat fell and rotted in the field. Ought you not, as a moral obligation, to determine how much you owe that man and pay him? And what about the young man, like one from my district, who had been progressive and industrious, honest, sober, and frugal, who had exercised great business sagacity and accumulated property of considerable value, who was part owner of a bank, cashier in the bank, owner of a large hardware store, owner of four or five hundred acres of land and the stock upon it, who was drafted into the service? The summons came to him, "You must leave your bank counter, abandon your hardware store, turn your farm over to tenants, sacrifice your stock and crops, and go to war." Such a man is to-day at the front, where the firing line recently was in France. He has a mortgage debt of over \$30,000 on his property and has an interest rate of \$5 or \$6 a day to meet. He was taken away from a profitable business and put in the trenches with a gun in his hand to fight back the enemies of democracy. Would it not be fair and morally right to pay that man his salary as bank cashier and refund to him the interest he has paid? The Government prevented him from earning money to pay it and, therefore, is morally obligated to reimburse him. Oh, before you attempt to be morally fair with millionaires, for God's sake be morally fair to the poor men of my country. [Applause.]

Mr. DENT. Mr. Speaker, I yield the remainder of my time to the gentleman from California [Mr. KAHN], and when he has concluded his remarks I shall move the previous question.

The SPEAKER pro tempore. The gentleman from California is recognized for 12 minutes.

Mr. KAHN. Mr. Speaker, I favor the principle involved in section 7 of the Senate amendment. Now, let us look at the situation in all fairness. We were getting manganese and chrome and pyrites, minerals absolutely necessary for the manufacture of our ordnance and ammunition, from Rhodesia and South Africa. On account of the exigencies of war our supplies from those sources were cut off, and the various departments and bureaus of our Government that were called upon to furnish the ordnance and ammunition for our country necessary to the winning of the war looked with apprehension upon a serious situation. Thereupon the Secretary of the Interior called to Washington some of the owners of land on which these minerals could be found and explained to them the situation. He appealed to their patriotism to put the necessary mining machinery upon their lands in order to develop the mines situated thereon. In all good faith these owners of the land proceeded to meet the requirements of the Government. It has been said here that if they had not done so they would have been denounced as "slackers." That is probably true. If they had refused to help their country they certainly would have been subject to the charge of being unpatriotic. Therefore I deem it proper to review the situation that was pending in this country. We were in the midst of war. I was informed this very morning by Gen. Lord that our expenses for the whole of that war, up to January 1, 1919, averaged \$24,879,202.32 a day. But I feel confident that toward the close of the war the expenses of this Government were probably nearer \$40,000,000 a day. The sudden closing of the war was undoubtedly a happy surprise to most of the people of this country. They feared a longer struggle. One day more of this war would have cost this country at least \$24,880,000. Now, the sum total of the claims involved in this paragraph, as stated to the conferees by Mr. Manning, of the Mining Bureau, would at the outside be \$8,000,000, and possibly \$4,500,000 would be nearer the correct figure.

When these gentlemen who owned the mining properties came to Washington to consult with the Secretary of the Interior and other Government officials and were told the situation, they went honestly and patriotically to work to produce the ores that were needed by our Government in order to manufacture those materials that were essential to the winning of the war.

Mr. BLACK. Will the gentleman yield?

Mr. KAHN. No; I can not yield. I am sorry, but I have not the time. If the war had continued for any considerable length of time, these people could and would have delivered to the Government every pound of ore they produced, and could and would have received their pay for it. And no one would have objected. That is the truth of the matter. But the armistice, coming as suddenly as it did, found these men almost at the beginning of their operations. They paid out of their own pockets in good faith hundreds of thousands of dollars to develop these mines, and I say they undoubtedly have an equitable claim upon the Government. Oh, the gentleman from Missouri [Mr. RUCKER] got up here a moment ago and waxed eloquent about the poor farmer not getting anything. Let me call the attention of the Members of this House to the fact that there will be reported into the House in a few days, I understand, from the Committee on Agriculture, a provision that will pay the farmers of this country \$1,250,000,000 to guarantee the price of \$2.26 a bushel for wheat. Some of the members who are violently opposed to this pending proposition will readily vote for that enormous sum for the farmers. Are not these other men, who valiantly came to the aid of their Government in the hour of its stress, entitled to something? Would you say to them, "We know that you came to the assistance of the Government, but you ought to pocket your loss; this is a poor country; you ought not to come in here and ask to be reimbursed even for the moneys that you expended in developing your plants, but the farmers are entitled to \$1,250,000,000 out of the Public Treasury to maintain a fictitious price for their wheat?" Evidently in the minds of some Members it is entirely a case of whose ox is being gored.

There are some gentlemen in this House who think that every man who has a claim against this country is a crook. Thank God I do not believe that of my countrymen. [Applause.] I believe that there is as much honesty in the United States as you will find anywhere on the globe. I recognize the fact that every safeguard ought to be thrown around a provision of this kind. I feel confident that the conferees on the part of the House will endeavor to throw around the legislation every safeguard, so that claims that can not be fully substantiated will be rejected and thrown out. And I want to say one thing in that regard: This section of the bill would be under the jurisdiction of the Secretary of the Interior. Parenthetically, I do not believe that it is a good thing to add a legislative provision of this sort to a measure that embraces a subject that is of a somewhat different nature. You could not do it in the House, because our rules forbid it. But they can do it in the Senate. We can not circumscribe their action; we can not formulate their rules of action. The Senate put that provision on this bill. It is going to be enforced, if the House adopts it, either in this form or a modified form, by the Secretary of the Interior, Mr. Lane. I happen to have known the Secretary of the Interior for many years. He is an honored citizen of my State. There is not a man, woman, or child within the confines of California that could for a moment think of Frank Lane doing a dishonorable thing. [Applause.]

I am willing for one, knowing the man as I do, to let him pass upon these claims. I know that justice will be done to the Government and also to those men who in good faith came to the assistance of the Government in furnishing these minerals that were so necessary to win the war.

As I said, there are only three minerals involved. They are pyrites, chrome, and manganese. They are found in a few sections of the country. We have not been able in recent years to mine these minerals profitably. The people abroad have produced them so much cheaper than they could be produced in this country that the market for these minerals in this country was practically destroyed. But the feeling that actuated the American people was that we must win the war at any cost. To win it we had to have these minerals. We could not get them from the foreign countries that have been hitherto sending them to our shores. Therefore we had to get the men in this country who have the properties on which these mines are located to produce for us the ore that we required. They went to work in good faith for the Government, and they are entitled to relief. I hope that the House will send this bill to further conference and instruct the conferees to include the principle of these provisions of section 7 in their final report.

The SPEAKER. The time of the gentleman from California has expired, and all time has expired.

Mr. DENT. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Alabama to further insist on the House disagreement on the Senate amendments and agree to the conference.

The question was taken, and the motion was agreed to. Mr. MANN. Mr. Speaker, is it now in order to instruct the conferees?

The SPEAKER. It is.

Mr. HOWARD. Mr. Speaker, I move that the House instruct the conferees on the part of the House to agree to section 7 of the Senate amendment.

The SPEAKER. The gentleman from Georgia moves that the House instruct the House conferees to agree to section 7 of the Senate amendment.

Mr. KAHN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. KAHN. If that is adopted, would it bind the conferees to the express language of section 7 as it now stands?

The SPEAKER. Of course it does. They are instructed to agree to section 7 of the Senate amendment. They can not juggle around and bring in something equivalent.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 56 ayes and 102 noes.

Mr. CURRY of California. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from California makes the point of no quorum, and evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 71, nays 226, answered "present" 4, not voting 128, as follows:

YEAS—71.

Austin	Elston	Keating	Rankin
Ayres	Evans	Kettner	Rogers
Bell	Farr	Kinkaid	Rowe
Benson	Ferris	La Follette	Shouse
Bland, Va.	Poster	Langley	Sinnott
Brodbeck	French	Lea, Cal.	Slomp
Campbell, Pa.	Glynn	McArthur	Sloan
Caraway	Goodwin, Ark.	McKeown	Smith, Idaho
Church	Hadley	Mays	Snyder
Classon	Hardy	Miller, Wash.	Taylor, Colo.
Collier	Hawley	Moore, Ind.	Tillman
Connelly, Kans.	Hayden	Neely	Timberlake
Cooper, W. Va.	Hayes	Oldfield	Walton
Curry, Cal.	Heflin	Osborne	Welling
Denison	Hensley	Overstreet	Welty
Doolittle	Howard	Platt	Wilson, La.
Dyer	Humphreys	Raker	Wingo
Eagle	Johnson, Wash.	Randall	

NAYS—226.

Alexander	Eagan	Knutson	Rouse
Almon	Elliott	Kraus	Rucker
Anthony	Ellsworth	LaGuardia	Sanders, Ind.
Ashbrook	Fairchild, B. L.	Lampert	Sanders, N. Y.
Aswell	Fairchild, G. W.	Larsen	Sanford
Bacharach	Fairfield	Lazaro	Saunders, Va.
Baer	Fess	Lehlbach	Scott, Iowa
Barkley	Fisher	Little	Scott, Mich.
Bakes	Flood	Lobeck	Sells
Beshlin	Focht	London	Shackleford
Birch	Foss	Loneragan	Shallenberger
Black	Frear	Longworth	Sherwood
Blackmon	Freeman	Luffin	Sisson
Bland, Ind.	Fuller, Ill.	Lunn	Small
Blanton	Fuller, Mass.	McClintic	Smith, Mich.
Brand	Gallagher	McCormick	Snell
Browne	Gard	McCulloch	Snook
Browning	Garland	McFadden	Stafford
Buchanan	Garner	McKenzie	Stegall
Burnett	Garrett, Tex.	McLemore	Stedman
Burroughs	Good	Magee	Steele
Butler	Gordon	Maher	Stephens, Miss.
Byrns, Tenn.	Gould	Mann	Sterling
Campbell, Kans.	Graham, Ill.	Mansfield	Stevenson
Carlin	Gray, Ala.	Mapes	Stines
Carter, Mass.	Green, Iowa	Martin	Strong
Carter, Okla.	Greene, Mass.	Merritt	Sumners
Clark, Pa.	Greene, Vt.	Miller, Minn.	Sweet
Claypool	Griest	Montague	Tague
Cleary	Griffin	Moon	Temple
Coady	Hamlin	Moore, Pa.	Tilson
Connally, Tex.	Harrison, Va.	Morgan	Tinkham
Cooper, Ohio	Haskell	Morin	Towner
Cooper, Wis.	Hastings	Mott	Treadway
Crago	Hersey	Mudd	Venable
Cramton	Hicks	Nelson, A. P.	Vestal
Crisp	Holland	Nicholls, S. C.	Vinson
Currie, Mich.	Hollingsworth	Oliver, Ala.	Voigt
Dale	Hood	Olney	Volstead
Dallinger	Huddleston	Padgett	Walsh
Darrow	Hull, Iowa	Parker, N. J.	Ward
Davis	Hull, Tenn.	Parker, N. Y.	Watkins
Decker	Husted	Peters	Watson, Pa.
Dempsey	Igoe	Phelan	Watson, Va.
Dent	Ireland	Polk	Weaver
Denton	James	Porter	Webb
Dewalt	Johnson, Ky.	Powers	Whaley
Dickinson	Jones	Purnell	Wheeler
Dies	Juul	Quin	White, Me.
Dill	Kahn	Ragsdale	Williams
Dillon	Kearns	Ramsey	Wilson, Tex.
Dixon	Kelley, Mich.	Ramseyer	Wise
Dominick	Kelly, Pa.	Rayburn	Wood, Ind.
Doremus	Kennedy, R. I.	Reed	Woodyard
Dowell	Key, Ohio	Robinson	Zihlman
Dunn	Kincheloe	Rodenberg	
Dupré	King	Romjue	

ANSWERED "PRESENT"—4.  
NOT VOTING—128.

Cannon	Emerson	Fields	Reavis
Anderson	Flynn	Leshar	Sabath
Bankhead	Fordney	Lever	Sanders, La.
Barnhart	Francis	Linthicum	Schall
Booher	Gallivan	Littlepage	Scully
Borland	Gandy	Lundeen	Sears
Bowers	Garrett, Tenn.	McAndrews	Sherley
Britten	Gillett	McKinley	Siegel
Brumbaugh	Godwin, N. C.	McLaughlin, Mich.	Sims
Byrnes, S. C.	Goodall	McLaughlin, Pa.	Slayden
Caldwell	Graham, Pa.	Madden	Smith, C. B.
Candler, Miss.	Gray, N. J.	Mason	Smith, T. F.
Cantrill	Gregg	Mondell	Steenerson
Carew	Hamill	Nelson, J. M.	Stephens, Nebr.
Cary	Hamilton, Mich.	Nichols, Mich.	Sullivan
Chandler, N. Y.	Hamilton, N. Y.	Nolan	Swift
Chandler, Okla.	Harrison, Miss.	Norton	Switzer
Clark, Fla.	Haugen	Oliver, N. Y.	Taylor, Ark.
Copley	Heaton	O'Shaunessy	Templeton
Costello	Heintz	Overmyer	Thomas
Cox	Helm	Paige	Thompson
Crosser	Helvering	Park	Van Dyke
Davey	Hilliard	Pou	Vare
Delaney	Houston	Pratt	Waldow
Donovan	Hutchinson	Price	Walker
Dooling	Jacoway	Rainey, H. T.	Wason
Doughton	Johnson, S. Dak.	Rainey, J. W.	White, Ohio
Drane	Kehoe	Riordan	Wilson, Ill.
Drukker	Kennedy, Iowa	Roberts	Winslow
Edmonds	Kless, Pa.	Rose	Wodds, Iowa.
Esch	Kitchin	Rowland	Wright
Essen	Kreider	Rubey	Young, N. Dak.
Estopinal	Lec, Ga.	Russell	Young, Tex.

So the motion to instruct the conferees was rejected.

The result of the vote was announced as above recorded.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BYRNES of South Carolina with Mr. CANNON.

Mr. BANKHEAD with Mr. CHANDLER of Oklahoma.

Mr. BOOHER with Mr. HAMILTON of Michigan.

Mr. CANDLER of Mississippi with Mr. COPLEY.

Mr. CLARK of Florida with Mr. EDMONDS.

Mr. DAVEY with Mr. ESSEN.

Mr. GODWIN of North Carolina with Mr. HEATON.

Mr. KITCHIN with Mr. FORDNEY.

Mr. LITTLEPAGE with Mr. BOWERS.

Mr. POU with Mr. MASON.

Mr. RIORDAN with Mr. WINSLOW.

Mr. SEARS with Mr. NOLAN.

Mr. RUBEY with Mr. STEENERSON.

Mr. SLAYDEN with Mr. SWITZER.

Mr. THOMAS F. SMITH with Mr. VARE.

Mr. HENRY T. RAINEY with Mr. WILSON of Illinois.

Mr. CANNON. Mr. Speaker, I would like to vote "no."

The SPEAKER. The vote has already been announced.

The gentleman may vote "present."

Mr. CANNON. Well, I shall vote "present," if I can not vote "no." I made arrangements to be sent for from the committee room.

The name of Mr. CANNON was called, and he answered "Present."

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill. Pending that I would like to see if we can agree upon a limitation to general debate.

Mr. BROWNING. Mr. Speaker, what has the gentleman to suggest?

Mr. PADGETT. I was in hopes that we might conclude it this afternoon, between now and 5 o'clock.

Mr. BROWNING. Mr. Speaker, I can not agree to that. I have requests for 2 hours and 10 minutes upon this side. I do not know what the gentleman from Tennessee has, but I told him that if he would take one hour to-morrow morning after the House goes into the Committee of the Whole House, I would be willing then that the general debate cease.

Mr. PADGETT. Mr. Speaker, I was very anxious to conclude it this afternoon.

Mr. BROWNING. So was I; but the other business has taken up too much time.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent that general debate may conclude in one hour after the House goes into the Committee of the Whole House on the state of the Union for the consideration of this bill to-morrow.

The SPEAKER. Is there objection?