

By Mr. FITZGERALD: Memorial of Miami Club, of New York City, N. Y., favoring the granting of home rule to Ireland; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Memorial of the Union Club of Boston, the Yale Club of New York City, and the Republican Club of New York City, pledging support to the President and urging universal military training; to the Committee on Military Affairs.

By Mr. HAYES: Petition of Mennonites of Paso Robles, Cal., against military training and service; to the Committee on Military Affairs.

By Mr. HILL: Memorial of New Haven County Medical Association of New Haven, Conn., relative to the patent on salvarsan; to the Committee on Patents.

By Mr. HOLLINGSWORTH: Memorial of the Presbyterian Church of Cadiz and Hopedale, Ohio, in favor of national prohibition as a war measure; to the Committee on Military Affairs.

By Mr. LINTHICUM: Petition of the John H. Jones Distributing Agency, of Baltimore, Md., against stamp tax; to the Committee on Ways and Means.

Also, petition of the Canned Goods Exchange of Baltimore, Md., favoring passage of selective draft; to the Committee on Military Affairs.

Also, memorial of Second Division, United Women of Maryland, favoring passage of the Kenyon-Sims bill, House bill 3107, relative to race-gambling bets; to the Committee on the Judiciary.

Also, petition of Maryland Cannery Association, Aberdeen, Md., favoring passage of Senate bill 1867; to the Committee on Ways and Means.

By Mr. LOBECK: Telegrams from George A. Magney and Carl E. Herring, of Omaha, Nebr., protesting against the proposed change in the rate of postage on second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, telegram from Mr. S. R. McKelvie, of Lincoln, Nebr., favoring the zone system in the postal rates on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Memorial of Watertown (N. Y.) Grange, No. 7, Patrons of Husbandry, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, memorial of sundry citizens of Oneida, N. Y., favoring adoption of an antipolygamy amendment to the Constitution; to the Committee on the Judiciary.

Also, memorial of the Humanitarian Club of New York City, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. RAKER: Petition of George Hewlett, president of California Hop Brewers' Association, protesting against prohibition of brewing of beer as a war measure; to the Committee on the Judiciary.

Also, memorial of Joint Military Engineering Committee of the United States, asking that all new units of Engineer troops be organized and maintained by the War Department; to the Committee on Military Affairs.

By Mr. RANDALL: Memorial of Highland Park Presbyterian Church, California, favoring prohibition for the war; to the Committee on the Judiciary.

Also, petition of the Centenarian Club of Los Angeles, Cal., favoring war-time prohibition; to the Committee on the Judiciary.

Also, memorial of the Friday Morning Club of Los Angeles, Cal., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. SHOUSE: Petition of citizens of Byers, Kans., against military draft; to the Committee on Military Affairs.

Also, petition of citizens of Kinsley and St. John, Kans., for investigation of treatment of negro citizens of Texas City, Tex.; to the Committee on Military Affairs.

Also, petition of Mennonite Congregation of Syracuse, Kans., asking exemption from compulsory military service; to the Committee on Military Affairs.

By Mr. STINESS: Memorial of New England Southern Conference of the Methodist Episcopal Church favoring a retirement law for all Federal employees; to the Committee on Reform in the Civil Service.

Also, petition of Arthur B. Lisle, general manager of the Narragansett Electric Lighting Co., of Providence, R. I., urging that all new units of Engineer troops be organized and maintained by the War Department; to the Committee on Military Affairs.

Also, petition of Wood River Junction (R. I.) Christian Missionary Society and Peoples Congregational Church, of Providence, R. I., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Memorial of congregation of the First Methodist Episcopal Church, of Sterling, Colo., urging absolute prohibition of the liquor traffic as a war measure; to the Committee on the Judiciary.

By Mr. WELTY: Memorial of International Molders' Union, asking for investigation of explosions in San Francisco last July; to the Committee on Labor.

SENATE.

WEDNESDAY, May 2, 1917.

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

Almighty God, we thank Thee for the cause for which we stand, a cause which is high and righteous and holy. We feel our personal unworthiness to stand in Thy name or in the name of humanity. We bless Thee that our national ideals are such as that we can invoke Thy blessing upon them and upon the Nation. We look to Thee for Thy guidance and Thy blessing as we seek to maintain them.

Grant us this day wisdom. Grant us the Divine guidance. Give to us gentleness of spirit. Give to us clear discernment of the truth; and lead us into the blessed way of success. We ask for Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Monday, April 30, 1917, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PERSONAL EXPLANATION.

Mr. CURTIS. I should like to state that on the two votes upon pages 1624 and 1625 of the Record of May 1, 1917, I voted, thinking that the junior Senator from Georgia [Mr. HARDWICK] was in the Chamber. I did not inquire about it. If I had known that he was absent I would have announced my general pair with him and refrained from voting, unless I could have secured a transfer. I think in justice to him I should make this statement at this time. I am advised that he was absent on account of illness. My votes did not affect the result in any way.

NAVAL MAGAZINE, ST. JULIENS CREEK, VA. (S. DOC. NO. 13).

The VICE PRESIDENT laid before the Senate the following communication from the President of the United States, which was read:

The Secretary read as follows:

THE WHITE HOUSE,
Washington, May 1, 1917.

HON. THOMAS R. MARSHALL,
President of the Senate.

MY DEAR MR. VICE PRESIDENT: I inclose a letter from the Secretary of the Navy recommending that legislation be enacted by the Congress authorizing the Navy Department to proceed with the development of the site to be acquired as an addition to the naval ammunition depot, St. Juliens Creek, Va.

The recommendation of the Secretary has my approval.

Sincerely, yours,

WOODROW WILSON.

The VICE PRESIDENT. The Chair is uncertain whether the communication should go to the Committee on Naval Affairs or to the Committee on Appropriations. The Chair will send it to the Committee on Naval Affairs in the first instance, at least.

Mr. MARTIN. My impression is that all such matters are treated as deficiencies and are being handled by the Committee on Appropriations.

The VICE PRESIDENT. The communication and accompanying papers will go to the Committee on Appropriations, then, and be printed.

EXPORTS TO NEUTRAL COUNTRIES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting, in response to a resolution of April 16, 1917, statements of the exports from the United States to neutral countries, etc., which, with the accompanying papers, was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DENT, Mr. FIELDS, Mr. QUIN, Mr. KAHN, and

Mr. ANTHONY managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair presents a resolution of the House of Representatives of the Legislature of Nebraska, praying for national prohibition as a war measure, which will be printed in the RECORD.

The resolution is as follows:

HOUSE OF REPRESENTATIVES,
Lincoln, Nebr., April 19, 1917.

HON. THOMAS R. MARSHALL,
Vice President, United States Senate, Washington, D. C.

DEAR SIR: I am inclosing herewith copy of resolution this day passed by the House of Representatives of the Nebraska Legislature in regular session assembled.

Very truly, yours,

G. W. POTTS,
Chief Clerk.

Resolved, That the following communication be sent by the chief clerk of this house:

"To the Senate and House of Representatives of the United States:

"The House of Representatives of the State of Nebraska hereby petitions Congress to pass a law prohibiting the manufacture, sale, and transportation of malt, spirituous, vinous, alcoholic, and intoxicating liquors for beverage purposes throughout the United States during the period of the war."

THOMAS
NORTON.
FLANSBURG.

The VICE PRESIDENT. The Chair has received a large number of petitions and resolutions praying for freedom or for home rule in Ireland. They will be noted in the RECORD and referred to the Committee on Foreign Relations.

The VICE PRESIDENT presented petitions of sundry citizens of Chicago, Ill.; of New Bedford, Mass.; and of Boston, Mass.; of the James Connolly Branch, Friends of Irish Freedom, of Taunton, Mass.; of Miss Jennie O'Brien, of Taconite, Minn.; and of the Friends of Irish Freedom of Essex County, N. J., praying for the freedom of Ireland, which were referred to the Committee on Foreign Relations.

He also presented telegrams from the congregation of the Methodist Church, of Rosedale, Ind., and the congregation of the First Baptist Church of Columbia, S. C.; petitions from the congregation of the Central North Broad Street Presbyterian Church, of Philadelphia, Pa.; the congregation of the United Brethren Church of Rich Valley, Ind.; of the ministry and laymen of Jersey Shore, Pa.; of the congregation of the Washington Street Methodist Church, of Columbia, S. C.; of the Men's Club of the Grace Evangelical Church, of Chicago, Ill.; of the alumni and friends of North Western College, of Chicago, Ill.; of the student body of the University of Oklahoma, of Norman, Okla.; of the congregation of the Reformed Presbyterian Church of Bellefontaine, Ohio; of the Monthly Meeting of Friends, of Swarthmore, Pa.; of the congregation of the Christ Lutheran Church, of Gettysburg, Pa.; and of the Texas Division of the United States Army for Food Service, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. McCUMBER. I have resolutions adopted by the citizens of Grand Forks, N. Dak., at a great patriotic mass meeting in that city Tuesday evening, April 10, 1917, forwarded to me by Prof. McVeigh, president of the University of North Dakota. These resolutions present the patriotic sentiment of the people of our State so strongly that I ask that they may be printed in the RECORD, together with the names of the committee.

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

Resolutions adopted by the citizens of Grand Forks, N. Dak., at a great patriotic mass meeting in that city Tuesday evening, April 10, 1917.

Whereas the President, through his messages to Congress, has laid before us the conditions of the relations of our Government to the Government of the German Nation; and

Whereas, in recognition of the facts so presented, being coerced and forced thereto by a ruthless war waged against it by the Imperial German Government, our Nation has recognized and declared to exist the said state of war thus relentlessly and cruelly forced upon us, and our President has been authorized to make use of all the resources of the Nation for its protection, for the safeguarding of our people, and, as he has well said, "to vindicate the principles of peace and of justice in the life of the world as against selfish and autocratic power and to set up amongst the really free and self-governed peoples of the world such a concert of purpose and of action as will henceforth insure the observance of those principles";

Now, therefore, the people of the city of Grand Forks, N. Dak., in mass meeting assembled, with bitterness toward none "but with firmness in the right," do hereby

Resolve—

First. That as loyal and patriotic citizens we heartily and thoroughly commend and approve the action of our President in severing diplomatic relations with the Imperial German Government; and

Second. That as loyal and patriotic American citizens we heartily and thoroughly commend and approve the action of the Congress of the United States in recognizing and declaring to exist the war which has been waged against us; and

Third. That we promise our hearty and enthusiastic aid and support to the Government in every step and act to protect the safety of our Nation and the cause of freedom and democracy throughout the world; and

Fourth. That we urge our Government to conduct the war thus forced upon us with all the vigor, power, and strength of our Nation, and in thus resorting to arms to protect ourselves from the attacks relentlessly made upon us we disclaim any desire or purpose of conquest or of waging any war other than in defense of our persons, our property, and our sacred honor and in vindication of human rights, and in the peace which follows this war it is our hope and prayer that our beloved Nation, which has through the years since its birth led all the peoples of the earth in the pathway of individual freedom and liberty, may then add its authority and its power to the authority and force of other nations and create and form with them an enduring league of peace; and

Fifth. To this task we "dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured"; and

Sixth. That the chairman of this meeting cause copies of these resolutions to be made and that one of such copies be sent to the President of the United States and one to each of the Senators and Representatives of our State in Congress.

Geo. A. Bangs, Roger W. Cooley, Henry Holt, E. P. Robertson, J. B. Wineman, W. P. Davies, J. Nelson Kelly, O. B. Burtness, Tom Parker Junkin, J. D. Taylor, John M. Gillette, P. O. Thorson, W. H. Matthews, committee.

Mr. McCUMBER. I have a copy of resolutions passed in a convention by the Equity Cooperative Exchange, of my State. It covers many phases of the questions involved in the war, most of them, I think, relating to agriculture. I ask that it may be printed in the RECORD, together with the names of the officers signing it, and that it be referred to the Committee on Agriculture and Forestry.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

I.
LOYALTY.

Whereas with war has come the supreme test of the Nation, necessitating vast economical and scientific production of foodstuffs upon a scale heretofore undreamed of: Therefore be it

Resolved by the members of the Equity Cooperative Exchange in special convention assembled, That we pledge anew our loyalty to the Nation, our faith in her democratic ideals, and our unwavering effort to omit no step which will make for increased production and the most effectual cooperation in the sale and distribution of farm products.

II.

THE GOVERNMENT SHOULD ELIMINATE SPECULATION AND FIX PRICES FOR FOOD PRODUCTS.

That by reason of the unlimited speculation and systematized price manipulation which has heretofore obtained in the so-called regular grain exchanges of the country, which practices are now immeasurably increased by reason of the abnormal and unprecedented conditions enforced by the war, the entire business of grain production has become a mere gamble, the outcome of which is determined by the riot of gambling and speculative transactions which daily and hourly raises and lowers the prices of commodities grown, which destroys all stability of price and lends itself to dishonest and selfish manipulation, to the detriment and injury of loyal workers in the field; be it further

Resolved, That we call upon the Federal Government, as a war measure and for the protection of workers everywhere engaged in production—

First. To abolish forthwith the practice of price manipulation in grain exchanges, together with the instrumentality through which this is accomplished, namely, future trading in grain and grain products.

Second. To fix and determine, with careful regard for the present disorganization of industry and the immensely increased actual and prospective cost of production, a schedule of minimum prices for farm products sufficient to guarantee to the producer a reasonable return and to insure him against the unnecessary gambling hazards of the present system. We call attention to the fact that practically all of the warring nations have already adopted this course and that the resultant stimulus to agriculture has been incalculable.

III.

Resolved, That we commend the action of the Government in its investigation of the speculative ownership and sale of grain and foodstuffs, and we urge the Government to take such steps as will prevent undue and unjustifiable profits in the manufacture and distribution of grain and grain products. We especially urge the Government to investigate the profits growing out of the manufacture, sale, and distribution of flour at present prices.

IV.

FARM LABOR, SEED, FEED, AND MONEY.

Whereas an assured and competent supply of labor, seed for planting, and feed for farm animals is absolutely essential to proper production; and

Whereas to our knowledge competent farm labor has been increasingly difficult to obtain in past years, good seed is scarce and its price almost prohibitive, and many producers in the Northwest are literally without feed for necessary farm animals and without money to obtain or pay for the same: Therefore be it

Resolved, We call upon the Government, both State and Federal—and all the agencies of each—as well as upon the banks and all patriotic individuals with means, to assist the producers everywhere in obtain-

ing necessary labor, seeds, and feed, and we further solemnly warn the country that unless cooperation and assistance is advanced the farmers of the Northwest can not hope to produce to the full limit of their capacity, and that assistance, if rendered at all, must be rendered within a few weeks and before the planting season is over.

We earnestly suggest that the Government take immediate steps to provide for the free, or practically free, transportation to and from the harvest fields of all persons in the cities who are able and willing to work on the farms, to the end that all idle and unproductive elements of city population may be profitably and productively employed in agriculture.

V.

TAXATION TO MEET WAR EXPENSES.

Whereas our Government has authorized the raising of \$7,000,000,000 for war purposes; and

Whereas it is evident to all that the raising of this stupendous sum is but a start upon future amounts which it will be necessary to raise in order to effectively prosecute the war; and

Whereas, further, the experience of the European nations engaged in war has resulted in stupendous bonded indebtedness, which has already entailed endless burdens upon posterity and even threatens to plunge the Governments of those nations into national bankruptcy and repudiation: Therefore be it

Resolved, That we demand that the Government of the United States adopt a pay-as-we-go policy and refrain from burdening posterity and inviting financial ruin by the assurance of any bonds except for temporary purposes and for the additional purpose of loans to ally nations; that we call upon the Government to adopt a system of income taxation which shall place a tax of at least 10 per cent upon the excess of incomes over \$2,500 and up to \$5,000, and shall rapidly progress until, if the duration of the war and its cost make it necessary, all of that portion of incomes in excess of \$50,000 shall be taken entirely; that, further, a tax be imposed upon war profits which shall take a very large percentage of such profits, together with an increased tax upon all luxuries.

We further call attention to the fact that the universal experience shows that permanent bond issues produce inflation, thereby increasing the cost of living and the cost to the Government of purchasing munitions and war supplies and generally financing the war. The taxation of incomes, luxuries, and war profits is a fair, equitable, and democratic method of meeting war expenses. The poor man in the trenches will be called upon to give his all, even to his life. If maimed or injured, what he has given can not be returned. If the wealthy are merely called upon to invest in bonds, they give but little. The investment they make will be repaid with interest, and in the meantime it is exempt from taxation and secure. It would be inequitable to expect the poor man who, with sacrifice and suffering to himself and family, has fought the country's battles in the trenches, to return to civil life and assume the more than life-long burden of taxation which would be necessary to repay the profitable war-loan investments of his wealthier and more fortunate brother who merely loans money and performs no further service.

We therefore demand, in the interests of equal and democratic service, and the efficient conduct of the war, that incomes and profits be at least equally as liable to conscription as human lives.

We further demand that United States soldiers be paid a living wage of at least \$40 per month, and we take the occasion to record our belief that after the end of the war the Government should show its loyalty to its defenders by making adequate provision for the comfortable maintenance of all injured soldiers, together with their families and the families of the dead, not as a matter of charity, but as a matter of absolute right.

VI.

Resolved further, That we extend to the city of Fargo, and particularly the Commercial Club of the city, our sincere appreciation of the uniform courtesy and hospitality which has been extended to us.

VII.

Resolved further, That copies of these resolutions be mailed to the Secretary of Agriculture of the United States and to all Members of the United States Congress from the Northwestern States.

C. J. LEE, *Fargo, N. Dak.*
ALEX S. HILL, *Newburg, N. Dak.*
J. W. BOEING, *Fargo, N. Dak.*
M. TEIGEN, *Kramer, N. Dak.*
C. B. MAX, *Argusville, N. Dak.*
ABRAM BALDWIN, *Oberon, N. Dak.*
BENJAMIN DRAKE, *Minneapolis, Minn.*

Mr. WALSH. I present resolutions adopted by the Serbian Society of Red Lodge, Mont., pledging their loyalty to the Government, which I ask may be printed in the RECORD.

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

CHAMBER OF COMMERCE,
Red Lodge, Mont., April 23, 1917.

Hon. T. J. WALSH,
United States Senate, Washington, D. C.

DEAR SIR: I take great pleasure in transmitting to you the following resolutions passed by the Serbian Society of Red Lodge, Mont., April 22, 1917:

"Whereas the United States of America is now at war with the Imperial German Government; and

"Whereas the Serbian Society of Red Lodge, Mont., numbers among its more than 100 members men who, although their time of residence in the United States is more or less of recent beginning, yet yield to none in their devotion to the principles of liberty and order, and who believe that in their leaving European soil and joining their lives and fortunes with the lives and fortunes of native children of the Stars and Stripes they have established a just claim to recognition as members of the American family; and

"Whereas centuries of fighting for freedom against oppression and tyranny have bred into the bone and blood of Serbians an instinct of battle for their homes: Therefore be it

Resolved by the Serbian Society of Red Lodge, That we pledge our united and individual support and loyalty to the United States of America in word and deed, and to the President of the United States of America, and to the Armies, Navies, and established institutions of the United States of America; and that we publish to the world our

allegiance to the cause of freedom and democracy in all lands and under all flags, and in particular our allegiance to the banner of the United States of America and our determination to perform to the full extent of our knowledge and ability our utmost duty as citizens of this our country and protectors of this our flag, which resolution is made reverently under the witness of the Almighty God; and further be it

Resolved, That copies of this resolution be sent to the President of the United States, the congressional delegation, Gov. S. V. Stewart, and the press.

"MIKE D. DIMIC, *President.*"

Yours, very truly,

QUINCY SCOTT, *Secretary.*

Mr. WALSH. Mr. President, I have received a brief letter from a farmer of my State breathing sentiments of patriotism so practical in their nature that I am moved to ask that it be read at the desk.

There being no objection, the letter was read, as follows:

LAUREL, MONT., *April 21, 1917.*

Hon. T. J. WALSH,
Washington, D. C.

MY DEAR SENATOR: I will be 59 years old the 1st day of next July. Rather old for the Army or Navy, but I see no reason that because a man is past military age that he should not serve his country in time of war without being allowed to make a fortune out of his country's misfortunes. I see no patriotism in raising wheat at \$2 a bushel, and unless the Government takes some action to fix the price of wheat that is what it will cost. I have half interest in 225 acres of fall wheat, and will have about as much spring wheat sowed on my irrigated land, and if the speculators fix the price each farmer will try to get all he can for his wheat. But if our President would come out with one of his popular appeals to the patriotism of the farmers I believe they would respond and feel that they were actually doing something worth while.

I hate to think that I belong to a class that think only of the almighty dollar in a time like this. Farmers can raise wheat and make money—lots of it—at \$1 a bushel. I have raised lots of wheat and never received \$1 a bushel until two years ago.

I wish that you could see your way clear to use your great influence to require farmers to sell their wheat at not more than \$1 direct to the General Government and require the mills to grind it at a reasonable price. I know that this seems like a queer proposition in America, but it looks reasonable to me.

I am too old for the Army or Navy, as I said in the first place, and I have only one son, and he has lain in a sick room for more than six weeks fighting for his life against a very serious case of typhoid fever. Yesterday the fever turned and we feel sure now that he has won out, but it will be a long time before he is fit for active duty. For the sake of our own self-respect give us a chance to do the right thing and cut out the speculators.

Sincerely, yours,

L. A. NUTTING.

Mr. BECKHAM. I have received a number of telegrams and communications from business firms and associations in my State, which I ask to have printed in the RECORD. It will not be necessary to print all the names.

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

LOUISVILLE, KY., *May 1, 1917.*

Hon. J. C. W. BECKHAM,
Senate, Washington, D. C.:

On behalf of the Intercollegiate Prohibition Association of the Southern Baptist Theological Seminary, and in order to make our country strong at this critical hour, we petition you to use your support to a measure prohibiting the manufacture of intoxicating liquor during the war.

J. B. LOSTER,
President Intercollegiate Prohibition Association.
E. P. LEE,
Vice President Intercollegiate Prohibition Association.
D. H. WILETT,
Secretary Intercollegiate Prohibition Association.
J. R. EASLEY,
President Young Men's Christian Association.
NORMAN WILLIAMS,
Vice President Young Men's Christian Association.

LOUISVILLE, KY., *April 30, 1917.*

Senator J. C. W. BECKHAM,
Washington, D. C.:

The Men's Federation of Louisville, representing entire constituency of the Protestant churches of the city, urge you to support pending legislation in Congress for the prohibition of beverage liquor traffic, as a war measure; to conserve food supply; and promote factory and military efficiency. Patriotism and the welfare of our country appeal alike for this legislation.

MEN'S FEDERATION OF LOUISVILLE,
C. J. MEDDIS, *Executive Secretary.*

LOUISVILLE, KY., *April 30, 1917.*

Hon. J. C. W. BECKHAM,
United States Senate, Washington, D. C.

DEAR SIR: There are times when every man's brain should be clear and his nerve steady. The man in the factory and in the office can not work efficiently when he is slightly under the influence of liquor.

We strongly urge the prohibition of the liquor traffic as a war measure, first, on account of efficiency; and, second, because it would save an immense amount of food products which the Government is straining every nerve to supply.

Let's dare to do what we know is right.

Very truly,

DOW WEBB & IRON WORKS,
By W. HUME LOGAN, *President.*

A petition.

We, the undersigned citizens of Bell County, Ky., respectfully request that you use all possible efforts to effect the legislation prohibiting the use of grain in the distilling of liquors as a beverage or for other than war purposes throughout the duration of this present war.

E. C. Perkins, J. T. Martin, W. L. Cooper, Henry Broughton, Joe Medlin, A. Linsfert, Russ Collins, J. S. Wilder, A. E. Worley, E. R. Roberts, George Voesbeker, E. K. Young, D. H. Disney, C. J. Stines, Rosco Cadee, A. P. Steele, Thomas Polly, James Green, C. H. Harris, E. R. Nicholson, W. L. Harmon, W. D. Wilder, George W. Roberts, H. B. Trozer, J. D. Dusini, Russ Chappin, W. A. Stines, F. E. Gilbert, J. S. White, B. Mullin, Sam Hickey, H. Phipps, S. B. Day, C. H. Thomson, E. L. Green, Levi Slover, W. N. Taylor, C. T. Kirby, Charles B. Richardson, D. L. Soard, Dr. Charles V. Stark, L. Castle, A. D. Hill, W. C. Smith, H. C. Johnson, Frank Vance, R. C. Mullins, Jonas Jones, Tom Sulfridge, J. M. Richardson, J. L. Tugman, C. G. Turner, Henry Dixon, C. O. Haskins, Fred Hohwarth, W. G. Fultz, J. T. Martin, Missionary to Southeastern Kentucky, Box 372, Harlan, Ky.

COVINGTON, KY., April 30, 1917.

MY DEAR SENATOR BECKHAM: I am inclosing a petition which I have confidence you can best use for the purpose we have in view.

I hope you will not only labor for the suppression of the manufacture of alcoholic beverages but will do all you can to prevent entrenching the business more deeply by making it a large contributor through revenues of our Nation. We do not want our Nation supported by revenues on vicious business of any kind. Let us have an income tax that will reach the lowest income as well as the highest, equitably, and let us all individually contribute our share of our Nation's cost.

No true American can want some one else to pay his debt to our Government. Let all be taxed.

Very sincerely,

HUGH LEITH,
Minister First Presbyterian Church, Covington, Ky.

LEXINGTON, KY., April 25, 1917.

TO HON. J. C. W. BECKHAM,
Washington, D. C.:

We, the following residents of Lexington, Ky., realizing that our country faces a great war in which the conservation of food and manhood are prime essentials, and learning that the military encampment near our city is likely to be increased to from ten to forty thousand young men, we call upon our National Congress to pass and our President to sign a law enacting prohibition for our entire territory, at least during the continuance of the present war, in order that our young men may not have to face the inevitable danger of being preyed upon by the traffickers in intoxicating liquors, and in order that food-bearing grains may not be more than wasted by being converted into strong drink during these months of national peril.

THOMAS B. ROBERTS
(And others).

NEWPORT, KY., April 30, 1917.

HON. J. C. W. BECKHAM,
United States Senate, Washington, D. C.

DEAR SIR: As loyal citizens of the United States, we hereby petition you in the interest of our country that as a war measure our food crops shall be conserved, and that we shall have prohibition of the manufacture and sale of alcoholic liquors. When our entire population could be fed for many months each year by the grain that is turned into liquor and other intoxicants, and when our men are rendered inefficient by the drinking of the article manufactured from the grain, it furnishes its own reason why consistency should cause laws to be enacted to rid ourselves of this great impediment to victory.

Yours, very truly,

LEROY M. ANDERSON,
Pastor Central Christian Church.

Signed by the members present Sunday, April 29, 1917.

HON. J. C. W. BECKHAM,
United States Senator from Kentucky, Washington, D. C.

SIR: A nation's trial tests the loyalty alike of its leaders and its people. The war which we have entered at the call of justice and humanity has made more acute the food crisis at home and the problem of hunger among our smitten brothers elsewhere. We commend our President's call to our people to increase and preserve in every possible way our country's food supply.

To this end we urge the passage of such laws as shall prevent, at least during our national crisis, the use of needed fruit and grain for the manufacture of alcoholic drinks. We therefore urge our President and lawmakers to express now that high honor and humanity which called us to take up arms by such legislation as shall conserve this fruit and grain for food and shall safeguard that greater treasure of our homes—the strength and honor of the young men who are answering the country's call—that they render the best service now and when the war is over.

Respectfully submitted,

Mrs. JAS. H. WHITE
(And others).

We the undersigned citizens of the city of Covington, State of Kentucky, respectfully petition the Congress of the United States of America to prohibit the manufacture and distribution of alcoholic beverages throughout the United States and its dependencies. Especially do we desire this in these times of the stress of war.

HARRIET NORRIS
(And others).

Mr. JOHNSON of South Dakota. I present a petition of the ministers and laymen of the Sioux Falls district of the Dakota Conference of the Methodist Episcopal Church of South Dakota, and also of a large number of citizens of my State, which I ask

may be referred to the appropriate committee for serious, and, I may say, I hope favorable, consideration.

The petitions were referred to the Committee on the Judiciary, as follows:

Petitions of sundry citizens of Brookings, Wessington Springs, Mitchell, Holmquist, Emery, Pierre, and St. Lawrence, all in the State of South Dakota.

Mr. GRONNA. The Committee on Agriculture and Forestry are now holding hearings upon various bills for the conservation of food. A certain gentleman from Michigan, Mr. Grant H. Slocum, who is supreme secretary of the Gleaners, a farmers' organization, appeared before that committee. I have a telegram from him since his return to Michigan, which I ask may be read. I think it contains a great deal of valuable information.

There being no objection, the telegram was read, as follows:

DETROIT, MICH., May 1, 1917.

HON. ASLE J. GRONNA,
Committee on Agriculture, Washington, D. C.:

Have tabulated returns from 176 farmers, who average 120 acres. They will plant 1,958 acres of beans, 739 acres of potatoes, 2,385 acres of corn, and 1,918 acres of fall wheat. They will plant under a minimum guaranty 3,037 acres of beans, 1,273 acres of potatoes, 3,077 acres of corn, and 3,228 acres of fall wheat. This means an increase in beans of 1,079 acres; potatoes, 534 acres; corn, 692 acres; wheat 1,310 acres. Remember these farmers are not asking for help. This organization will lend \$10,000 to members for seed at interest of 2½ per cent under a minimum guaranty. Quick action necessary.

GRANT H. SLOCUM,
Supreme Secretary of Gleaners.

Mr. GRONNA. I present a number of telegrams asking for national prohibition. A few of them protest against an increase in postal rates. They are all very brief, and I ask that they may be printed in the RECORD without reading.

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

BISMARCK, N. DAK., April 21, 1917.

Senator A. J. GRONNA,
Washington, D. C.:

Please urge support of all prohibition measures up to date.

W. M. LANGER, Attorney General.

BISMARCK, N. DAK., April 21, 1917.

Senator A. J. GRONNA,
Washington, D. C.:

Wire passage of dry-zone camps; also prohibit sale of liquor to soldiers.

T. L. WATKINS.

MINNEAPOLIS, MINN., April 23, 1917.

Senator A. J. GRONNA,
United States Senate, Washington, D. C.:

My associates in Russell Miller Milling Co., Wells-Dickey Co., and Electric Steel Elevators Co. agree with me in recommending war prohibition, for reasons quite needless to repeat. Should you be in accord, will you please furnish copies of this message to Minnesota and North Dakota Representatives.

E. P. WELLS, President.

EGLAND, N. DAK., April 25, 1917.

HON. A. J. GRONNA,
Washington, D. C.:

The Church of the Brethren here at Eglend are unanimous in favor of prohibition, and urge your support to make the liquor traffic of the Nation a war-emergency measure so as to conserve food supply.

Yours, truly,

A. M. SHARP, Pastor.

KENMARE, N. DAK., April 23, 1917.

Senator A. J. GRONNA,
Washington, D. C.

HONORABLE SIR: We, the representatives of the Woman's Christian Temperance Union of Kenmare, N. Dak., respectfully petition you to support the movement for national prohibition as an emergency war measure.

We feel that this step is absolutely necessary for the proper conservation of our foodstuffs and the manhood of the country.

Respectfully, yours,

Mrs. KATE HUGHES,
Mrs. RUTH SPEAKER,
Committee.

VALLEY CITY, N. DAK., April 24, 1917.

Senator A. J. GRONNA,
Washington, D. C.

DEAR SENATOR: The Ministerial Association of Valley City, N. Dak., at its meeting held on April 24, 1917, unanimously voted to appeal to President Wilson, Senators, and Representatives, urging the prohibition of the liquor traffic in the Nation as a war-urgency measure. It would seem as though circumstances demand such action, and the association feels confident that it would be in accordance with the wishes of the congregations represented, as well as the wishes of the majority of the people in this community. The association sincerely hopes and prays that the administration can see its way clear to enact this legislation.

J. F. S. BOHNHOFF, Chairman.
ERNEST A. MARTELL, Secretary.

JAMESTOWN, N. DAK., April 26, 1917.

Hon. WOODROW WILSON, President of the United States,
Washington, D. C.

DEAR SIR: The session of the First Presbyterian Church of Jamestown, N. Dak., recommend and urge that you use your influence to have Congress enact laws prohibiting the manufacture and sale of intoxicating liquor as a war measure, so as to conserve the food supply and increase the military efficiency of the Nation.

Yours, very respectfully,

H. B. ALLEN,
Clerk of Session.

Hon. A. J. GRONNA,
Washington, D. C.

DEAR SIR: The above letter was sent to the President. Please use your influence for the enactment of such a law.

Yours, very truly,

H. B. ALLEN,
Clerk of Session.

FORT RICE, N. DAK., April 26, 1917.

Hon. A. J. GRONNA,
Washington, D. C.:

We, the undersigned voters of Fort Rice, N. Dak., supporters of the North Dakota Enforcement League, earnestly desire to see a nationwide prohibition of the liquor traffic.

S. C. QUIST.
O. PAULSON.
P. GWYTHER.
R. GWYTHER.
J. GWYTHER.
G. COLBY.

H. McDONALD.
H. DAVIS.
B. GWYTHER.
J. WEAD.
GEO. LANEY.

SHERWOOD, N. DAK., April 26, 1917.

Hon. A. J. GRONNA,
Washington, D. C.:

We, as mothers and members of the Woman's Christian Temperance Union, in behalf of our boys who are responding to their country's call, do respectfully and earnestly appeal to you to do all within your power for nation-wide prohibition as a war emergency measure, to conserve foodstuffs, and for health and efficiency in this time of our Nation's need. Also to close dens of vice.

ALICE M. GOHEEN,
Acting Corresponding Secretary.

BATH GATE, N. DAK., April 30, 1917.

Senator ASLE J. GRONNA,
Washington, D. C.:

Every town and community in Pembina County strongly favors national prohibition as an emergency war measure.

C. STAGERMAN,
Sunday School Temperance Superintendent for County.

EDGELEY, N. DAK., April 28, 1917.

Senator ASLE J. GRONNA,
Washington, D. C.:

The Edgeley (N. Dak.) Woman's Christian Temperance Union petitions for the immediate enactment of national prohibition of the liquor traffic as a war emergency measure. As mothers we insist on the duty of the Nation to protect our boys whom we give to protect the Nation.

EDGELEY UNION.

WILKINSBURG, PA., April 30, 1917.

Hon. ASLE J. GRONNA,
Senate Office Building, Washington, D. C.

DEAR SIR: Your bill to prevent grain being wasted by brewers and distillers is a good one. Bread has gone to 10 and 15 cents a loaf here to-day. My brother was killed by the Pennsylvania Railroad October 6, 1915, after having spent his last dollar for whisky. If we are to have conscription, let the whole United States vote on it.

Yours, respectfully,

JOHN HOUSEL.

EDGELEY, N. DAK., April 24, 1917.

Senator ASLE J. GRONNA,
Washington, D. C.:

We request the immediate prohibition of the liquor traffic as an emergency war measure, the conservation of our food supplies, the protection of our sons in the service, and prevent the traffic and giving aid and comfort to our enemies. We have given our sons for the country's protection and appeal to you to safeguard them.

Charles Gunther, Jake Anderson, A. J. Kesler, James Laylor, W. T. Martin, H. E. Sox, Ralph Hall, W. R. Scobic, Jud Brown, C. R. Crowley, E. C. Harrison, Geo. Bulmer, Chas. Sturgeon, Aug. Brodtkers, J. Flannery, L. S. Howe, M. M. Miracle, W. C. Gray.

EDGELEY, N. DAK., April 24, 1917.

Senator ASLE J. GRONNA,
Washington, D. C.:

The Edgeley (N. Dak.) Methodist Episcopal Church congregation, by unanimous rising vote, urge immediate national prohibition of the liquor traffic as a war emergency measure, to conserve food supply, to protect our sons in service, to increase national military and working efficiency, and thus and in other ways to stop the traffic, aid, and comfort to the enemy.

A. LINCOLN SHUTE, Pastor.
CHAS. GUNTHERP, President Trustees.

EDGELEY, N. DAK., April 24, 1917.

Senator ASLE J. GRONNA,
Washington, D. C.:

As a father giving a son to the service, I beg for immediate prohibition of the liquor traffic as a war emergency measure, to conserve morals, efficiency, and food, our boys and our crops for our country, but neither for the great liquor ally of our enemy.

A. LINCOLN SHUTE, Methodist Pastor.

Senator A. J. GRONNA,
Washington, D. C.:

We urge you, as our representative, to do all within your power to obtain national prohibition as a war emergency measure to save our husbands, fathers, sons, and lovers from moral degradation.

Mrs. S. F. BEER,
President Woman's Christian Temperance Union
of Tolley, N. Dak.

FARGO, N. DAK., April 24, 1917.

Senator A. J. GRONNA,
Washington, D. C.:

We earnestly request immediate prohibition of the liquor traffic to conserve the food supply and to promote factory, farm, and Army efficiency.

BRISTOL & SWEET HARNESS Co.,
By F. C. BRISTOL.
SENTINEL BUTTE SADDLERY Co.,
By W. F. PETERSON.
FARGO PLUMBING & HEATING Co.,
By P. W. FARNHAM.

GRAND FORKS, N. DAK., April 26, 1917.

Senator A. J. GRONNA,
Washington, D. C.:

The executive committee of the North Dakota Bankers' Association on food production ask, if possible, that your good service be enlisted with the proper authorities to have all time put in as farm laborers by our men who have homesteads to count the same as if actually living on the homestead. We want Montana-Dakota homesteaders to help with our crops; we also strongly favor selective conscription so as to save our boys for farm work.

WESLIE C. McDOWELL,
Chairman, Marion, N. Dak.

LISBON, N. DAK., April 24, 1917.

Senator A. J. GRONNA,
Washington, D. C.:

The North Dakota druggists have no desire nor wish to evade just burden of taxation, but do protest against the imposition in the form of a stamp tax as it is discriminating and disturbing to trade conditions, brings about unfair methods of competition, and is unsatisfactory to manufacturers and dealers.

W. S. PARKER,
Secretary North Dakota Pharmaceutical Association.

DICKINSON, N. DAK., April 27, 1917.

Senator A. J. GRONNA,
Washington, D. C.:

The bill increasing postal rates and establishing zones will work hardship and almost make circulation of some high-class publications prohibitive in certain localities. Any fair effort on your part to avoid this condition will be duly appreciated by the undersigned readers of the Christian Science Monitor, published in Boston, Mass.

N. Malcolm, B. B. Davis, A. O. Ross, A. Jensen, B. Sutherland, O. P. Brenick, E. H. Knapp, C. Langdon, C. Goodall, L. Egan, C. Fink, E. Bradford.

GRAFTON, N. DAK., April 27, 1917.

Hon. A. J. GRONNA,
Washington, D. C.:

Bill increasing postal rates and establishing zones will work hardship and almost make circulation of some high-class publications prohibitive in certain localities. Any fair efforts on your part to avoid this condition will be duly appreciated by the undersigned readers of the Christian Science Monitor, published in Boston, Mass.

W. C. TREUMANN.
L. E. GRAY.
B. DUNN.
A. DUNN.
A. HOOVER.
E. B. TREUMAN.
A. M. GROVER.
H. E. HALTER.

DEVILS LAKE, N. DAK., April 27, 1917.

Senator A. J. GRONNA,
Washington, D. C.:

Bill increasing postal rates and establishing zones will work hardship and make circulation of some high-class publications prohibitive in certain localities. Any fair effort on your part to avoid this condition will be duly appreciated by the undersigned readers of the Monitor, published in Boston, Mass.

EDGAR LARUE.
GEORGE A. KELLOG.
C. W. KELLEY,
A. L. SMITH,
C. E. DAHL.

GRAND FORKS, N. DAK., April 27, 1917.

Senator A. J. GRONNA,
Washington, D. C.:

Bill increasing postal rates and establishing zones will work hardship and almost make circulation of some high-class publications prohibitive in some localities. Any fair effort on your part to avoid this condition will be duly appreciated by the undersigned readers of the Christian Science Monitor, published in Boston, Mass.

H. N. WELLS.
C. W. GRAVES.
H. W. NUNN.
W. P. DAVIES.
J. D. BACON.

ABERDEEN, S. DAK., April 27, 1917.

Hon. A. J. GRONNA,
Washington, D. C.:

Our president, Herbert Myrick, suggested to Mr. KITCHIN, by letter April 12, equitable plan for war tax estimated to produce millions from publications it taxes in accordance with their ability to pay. Myrick wrote him April 25, showing that proposed doubling or trebling of second rates or zone system would utterly bankrupt our own farm periodical and many others. He has to-day wired Mr. KITCHIN that if they prefer war-tax advertising, it might be stamp tax upon invoices for advertising and publicity of all forms whatsoever, including posters, billboards, window signs. Beginning at 1 per cent for \$5 to \$99, increases graduated upward to 5 per cent upon invoices of \$2,000 and over. Would suggest 1 cent tax upon each package mailed by parcel post, producing \$15,000,000. Please urge these views on KITCHIN, RAINEY, DIXON, FORDNEY, and LONGWORTH. National needs of farms press more than ever in this crisis. Do not annihilate them.

WILLIAM C. ALLEN,
Editor the Dakota Farmer.

Mr. WOLCOTT. I am in receipt of resolutions adopted by the City Council of Wilmington, Del., relating to the acquisition of a canal connecting the Delaware and Chesapeake Bays, which I ask to have printed in the RECORD without reading.

There being no objections, the resolutions were ordered to be printed in the RECORD, as follows:

WILMINGTON, DEL., April 19, 1917.

Whereas it has become alarmingly apparent that the Chesapeake & Delaware Canal in time of war would be absolutely necessary for the perfect protection of a great portion of the Atlantic coast, with its great cities and important manufacturing plants: Therefore be it

Resolved by the Council of Wilmington, That Congress is hereby urged to take immediate action looking toward the purchase of the canal or to institute immediate proceedings for acquiring the same by condemnation; and be it further

Resolved, That a copy of this resolution be forwarded to our Senators and Representative in Congress; and be it further

Resolved, That the Council of Wilmington heartily approves of Senator SAULSBURY'S interest in the project and his endeavor to have the Government purchase or condemn the canal, and the council respectfully solicits the cooperation of Senator WOLCOTT and Representative POLK in bringing about the Government control of the canal, and later of its improvement.

THE MAYOR AND COUNCIL OF WILMINGTON,
By HENRY C. DOWNARD,
President of the Council.

Attested:
[SEAL.]

HOMER C. SIMMONS,
Clerk of the Council.

Mr. PITTMAN. I have a couple of telegrams, one addressed by the governor of my State to the President, urging the prohibition of the manufacture of spirituous liquors from food grain during the war. The second telegram is from prominent men in the State of Nevada, taking the opposite view. I ask that both telegrams may be printed in the RECORD.

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

CARSON CITY, April 20, 1917.

Hon. WOODROW WILSON, President of the United States,
Washington, D. C.:

I most earnestly and respectfully urge you to use your great influence in securing adoption of national prohibition during period in which we are at war. The economic waste resulting from the manufacture and use of liquors, amounting, directly and indirectly, in this country each year to a sum estimated as equal to more than a third of the \$7,000,000,000 which you have just provided as a war fund, should not be allowed to continue at such a time as this. I am sure that you properly want advice regarding intelligent public sentiment on a question of this character, and I do not hesitate to say, after investigation, that Nevada is strongly favorable to the proposition of utilizing all our needed food resources beneficially, of increasing national efficiency, and decreasing internal disorder by an inhibition of the manufacture and sale of all spirituous liquors, at least during the present crisis. Here we have proposed prohibition by the initiative, and it is confidently predicted by those best able to judge that it will carry.

EMMET D. BOYLE, Governor.

RENO, NEV., May 1, 1917.

Hon. KEY PITTMAN,
Washington, D. C.:

The following message is self-explanatory; show Senator NEWLANDS: "THE PRESIDENT OF THE UNITED STATES, WOODROW WILSON:

Washington, D. C.:

"YOUR EXCELLENCY: The utterances conveyed to you by the Hon. Emmet Boyle, governor of Nevada, asking for national prohibition do not speak the sentiments of Nevada. Therefore we pray you, in your wisdom, knowing that you will not let the minority govern the majority, to consider our wishes as well and not grant national prohibition, thereby working innumerable sufferings and hardships on loyal and true Americans, whose livelihood would be taken from them. Nevada stands first, proportionately, in its quota of enlistments, but that is not due to those who ask national prohibition of you now. The enlistments have come from our class of people, who are just as loyal and patriotic as any in Nevada, and, no matter what happens, we are with you."

H. G. Humphrey, chairman State Republican central committee; George Wingfield, mine owner and banker; S. M. Pickett, chairman Democratic State central committee; Roy W. Stoddard, attorney at law; Frank J. Byington, mayor of the city of Reno; H. H. Kennedy, cashier Reno National Bank; C. A. Stout, stockman; A. Parker Lewis, M. D., physician; Washoe Building Trades Council, by George Townshend, president; Reno Business Men's Association, by P. Y. Gillson; Reno Central Trade and Labor Council, by B. F. T. Schmidt, secretary; United Nevada Industries, by John J. Donnelly, executive secretary.

Mr. KENYON presented petitions of sundry citizens of Iowa, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented petitions of sundry citizens of Nebraska, praying for the enactment of legislation to prohibit the manufacture of food products into intoxicating liquor, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Nebraska, proposing methods of taxation to meet the expenses of the war, which were referred to the Committee on Finance.

He also presented a petition of members of the Nine Mile District of the Interstate Canal System, of Minatare, Nebr., praying to be allowed the benefits of the farm-loan act, which was referred to the Committee on Banking and Currency.

He also presented a petition of the United Improvement Clubs, of Greater Omaha, Nebr., praying for the enactment of legislation to prevent speculation in foodstuffs, which was referred to the Committee on Agriculture and Forestry.

Mr. SHEPPARD presented petitions of the Mothers' Council, of Dallas; the congregation of the Grace Presbyterian Church, of Temple; of the Woman's Christian Temperance Union, of Yoakum; of the congregation of the College Avenue Presbyterian Church, of Fort Worth; and of sundry citizens of Longview and Amarilla, all in the State of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of Council No. 59, United Commercial Travelers of America, of Houston, and of sundry citizens of Sherman and of Harrison County, all in the State of Texas, praying for compulsory military service, which were ordered to lie on the table.

Mr. WEEKS presented petitions of the congregation of the Immanuel Baptist Church, of Newton; the Committee of Public Safety, of Hanover; the Woman's Club, of Norwood; and the Public Safety Committee, of Whitman, all in the State of Massachusetts, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

He also presented a petition of the Committee on Public Safety, of Hanover, Mass., pledging support to the President, which was referred to the Committee on Foreign Relations.

Mr. SHERMAN. I present resolutions of the Board of Supervisors of Rock Island County, Ill., which I ask leave to have printed in the RECORD.

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

Whereas the theory of well-directed government embraces the doctrine of "the greatest good to the greatest number," a republican form of government is based upon the principle of deriving its just powers from the consent of the governed, therefore the people, the greatest number, constitute the government; its official representatives are its servants, to work out and enforce such policies as are best calculated to guarantee equal rights to all, special privileges to none; and

Whereas government in the broadest sense exercises authority in regulating action, control, supervision; while such control implies regulation by established laws, government is even more; it may recognize an emergency, an unforeseen occurrence, or accommodation of circumstances calling for immediate remedy and direct by arbitrary will; and

Whereas an emergency now exists—an emergency of the gravest character, an emergency demanding immediate relief—in our beloved Nation, dedicated to the eternal principle of equal rights, the great mass of our people are struggling under the burden of unnatural and abnormal price inflation, constantly soaring higher and higher, until the bare necessities of life are beyond the reach of the average incomes; in the land of sovereigns we are dominated by kings more arbitrary than absolute monarchs or petty despots—food kings, oil kings, fuel kings, meat kings, transportation monarchs, and despots controlling every necessity—until the old principle of supply and demand has nothing to do with market quotations; and

Whereas the method of "investigation" as practiced in recent years has proven ineffective, lengthy investigations, elaborate collection of evidence, and the slow process of conclusion fall as a palliative, consume unreasonable lengths of time, during which the people suffer unrelieved, and ultimately come to naught, relief now, immediately, is the imperative demand; and

Whereas our Government is supreme in its power to protect its citizens, if its lawfully established means are inadequate to meet this emergency, its duty is clear—do it by arbitrary will. Confiscation is not suggested nor even desired, but compulsory action of no ordinary character, yet plainly within the province of the authorities, must protect the people if needs be: Therefore be it

Resolved by the Board of Supervisors of Rock Island County, Ill., That we memorialize our President and our Senators and Representatives in Congress to act quickly, decisively, and fearlessly in regulating the abnormal inflation of food prices, and see to it, by any and all means at their disposal, that our people be now relieved from this unnecessary, uncalled for, and unwarranted condition; and be it further

Resolved, That this resolution be spread upon the records of this board and copies furnished to the President of the United States and to our Senators and Representatives in Congress.

STATE OF ILLINOIS,
Rock Island County, ss:

I, Henry B. Hubbard, county clerk and clerk of the board of supervisors in and for the county and State aforesaid, do hereby certify that the foregoing is a true copy of a resolution introduced by Supervisor

Bauersfeld and unanimously adopted by the board on the 25th day of April, A. D. 1917.

Given under my hand and seal, at Rock Island, Ill., this 26th day of April, A. D. 1917.
[SEAL.]

HENRY B. HUBBARD,
County Clerk.

Mr. MYERS presented resolutions of the Hardin Community Club, of Montana, favoring selective conscription, which were ordered to lie on the table.

He also presented a petition of the Hardin Community Club, of Montana, praying for the enactment of legislation providing for the opening to settlement of the Crow Indian Reservation, which was referred to the Committee on Indian Affairs.

He also presented a petition of the Presbytery of Kalispell, Mont., praying for the enactment of legislation to prohibit appropriations for sectarian purposes, which was referred to the Committee on the Judiciary.

He also presented resolutions of Hell Gate Lodge, No. 383, Benevolent and Protective Order of Elks, of Missoula, Mont., pledging support to the President on all preparedness measures, which were referred to the Committee on Foreign Relations.

Mr. KENDRICK. I present telegrams from the mayor and prominent citizens of Riverton, in my State, which I ask to have printed in the RECORD.

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

Hon. JOHN B. KENDRICK,
United States Senate, Washington, D. C.:

RIVERTON, WYO., April 29, 1917.

Labor question is a serious problem. Many acres of fertile land untilled, crops not planted, teams standing idle, while saloons are filled with indifferent and intoxicated laborers. Wages being high, it requires only a week's work to provide sufficient funds for the average laborer to live in a saloon for a month. Closing saloons and prohibiting sale of liquor will not only give us more laborers but all help will be more reliable and trustworthy. Liquor traffic is the producers' greatest handicap, and unless remedied immediately many acres will not be cultivated; crops will not be planted, cultivated, or harvested. Prospects for coming crops are very discouraging and Congress should suppress liquor traffic without delay and confiscate all grain hoarded by breweries and distilleries.

J. A. Defelder, mayor of Riverton; Riverton Commercial Club, J. A. Defelder, president; W. T. Judkins; Earl Warren; O. N. Gibson; Riverton Review; F. Chatterson; George F. Dobeler; Albert B. Tonkin, M. D.; Thad H. Stratton; R. W. Warren; J. G. Jewitt; A. P. Nesbitt; W. J. Martin; W. H. Bower.

Hon. JOHN B. KENDRICK,
Senate Chamber, Washington, D. C.:

RIVERTON, WYO., April 29, 1917.

To-day's joint telegram describes actual conditions here. Best ranches in valley have many teams idle for want of labor. Streets and saloons full of men who decline work at exorbitant wages offered. Our situation is serious, principally due to drunkenness among laborers, who can't resist liquor when they have money. Instant suppression of all liquor traffic would bring great relief.

EARL WARREN.

Hon. JOHN B. KENDRICK,
Senate Chamber, Washington, D. C.:

RIVERTON, WYO., April 29, 1917.

Joint telegram states exact truth. Farmers and business interests demand relief from handicap of liquor traffic.

J. G. JEWITT.

EXEMPTIONS FROM DRAFT.

Mr. McCUMBER. I present a petition signed by Rev. Christian Reimche on behalf of the Mennonite congregation of Harvey, N. Dak., praying that they and other noncombatant Christians be exempt from compulsory service. I ask that it may be printed in the RECORD.

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

The Mennonites of this country are either immigrants or the descendants of immigrants from various countries in Europe which they left to avoid compulsory military service. Assurance was given them by high officials of the United States, including President Grant in 1873, that they need fear no compulsory conscription here.

In view of this our attitude regarding military service we petition the Congress of the United States to exempt us and other noncombatant Christians from all compulsory military training and service in the event of the enactment of such a law.

Our people are mostly engaged in agriculture and are in every way loyal citizens. They pray for this exemption because they try to follow the doctrine of our Lord Jesus Christ, stated in Matthew 5:44—"Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you and persecute you."

Our hope that this petition will be granted is based on the fact that in a democracy the conscience of the individual is duly considered and the further fact that in Canada our brethren have been assured by the government that the exemption for which we pray is granted them.

Mennonite congregation at Harvey, N. Dak., April 28, 1917.
CHRISTIAN REIMCHE, Pastor.

Mr. McCUMBER. Mr. President, at this time I ask permission in view of the character of the petition presented to say just a word.

I wish also to present another petition in the form of a telegram from New York. This petition reads:

We strongly urge your support of exemption from military service for those who have conscientious, moral, or spiritual objections to warfare. Why should Quakers be allowed more freedom of conscience than other equally moral and spiritual persons? Freedom of conscience should be the sacred right of each individual. Without it there can be no progress.

ELSIE B. GOLDSMITH,
EDITH BORG.

In view of the position which I took yesterday, I ask permission at this time to say that if all the Christian people of the world, or even a half of them, were like this congregation of Menonites, or other noncombatant Christians referred to in the gospel of Matthew, if all were so kindly disposed there would be no war and never an occasion for compulsory service. But unhappily the world is not so constituted. In every age of the world the greater military nations have bullied, attacked, crushed, and enslaved the nonmilitary and peace-loving nations. And as liberty is better than slavery, as justice and right must be defended by force, as no nation can long exist that will not oppose force with force, I hold it the sacred duty of every citizen to bear his breast to the onslaught and draw his sword in defense of liberty and nationality.

As governments are instituted for the sole and only purpose of protecting the weak from the strong, the lowly from the great, and as in this country the people themselves are the Government, the obligation of each citizen to furnish his moiety of the force necessary to enforce the laws or defend the life of the Nation becomes imperative.

So, too, Mr. President, I have a conviction as deeply rooted and earnest as that which ever rested upon a religious creed, that the citizen whose property and liberty and very life are protected by his government and by the lives and liberties of other members of society owes to that country a debt which can only be repaid in the tender of like sacrifices. Imbued with this conscientious creed concerning the duty of American citizenship, I could not, without a gross violation of my conviction, vote to relieve any class from the sacred duty of citizenship.

This view, Mr. President, also answers the second petition. There is not, there can not be, such a thing as a moral right of exemption from the performance of moral duty.

SELECTIVE DRAFT.

Mr. STONE. Mr. President, some days ago I received on one morning 19 telegrams from the town of Malden, Mo., one of which I read to the Senate, concerning what is known as the selective draft or conscription bill, then pending. I then expressed some wonderment as to how these 19 men in one comparatively small town had waked up suddenly to send this bunch of telegrams on the same morning and just what influence had operated to excite their sudden spasm of patriotism. I stated that I would send a copy of the RECORD containing my remarks to each one of the senders of these telegrams with the hope of finding out how it happened. This morning I am in receipt of a letter, the body of which I will read, as follows:

Noticing your comment on the telegram received by you from Malden, I am inclosing you a circular letter which likely explains the sudden outbreak of patriotism. I have not heard of any enlistments from Malden, however. Stand by your convictions. Your friends will be able to do the rest.

Yours, very truly,

Mr. President, the letter inclosed is from St. Louis and was sent to the writer of the letter I have just read. It is headed "St. Louis Branch, The National Security League." It is an appeal sent out April 24, broadcast, I assume—certainly to practically all the senders of the telegrams I received. I am not prepared to say that the letter I hold in my hand from the Security League was sent to any other towns or post offices than that of Malden, although it would seem strange if that were not so.

Mr. President, I am going to ask to have this letter from the chairman of the branch of the National Security League at St. Louis printed in my remarks.

This is not important, and I would not refer to it at this time except that I had stated when I brought the matter to the attention of the Senate some days ago that I would seek to ascertain through what inspiration this propaganda was begun and has been carried on. I think this is the explanation. It was the result of suggestion or solicitation. I ask to have the letter printed in the RECORD without reading; that is to say, I shall not take the time of the Senate to read it.

The VICE PRESIDENT. Without objection, it is so ordered. The letter referred to is as follows:

St. Louis, Mo., April 24, 1917.

DEAR SIR: Our country is at war with the greatest military power that the world has ever known, and we are face to face with a crisis in which every American citizen must do his part.

It is your duty and ours to support President Wilson in every way in our power.

He is badly in need of your support now, and we appeal to you to telegraph and write your Congressman to stand by the President and to vote for the bill that he advocates, providing that our Army shall be raised by selective conscription.

Selective conscription means that the War Department shall select and conscript as soldiers those who are best fitted to be soldiers. It means that those who are working on farms, on the railroads, and in munition plants and other factories, who are rendering as great public service as if they were actually fighting in the trenches, shall not be taken from these necessary occupations, but shall continue doing work that is equal to any in honor, patriotism, and usefulness in this great national crisis.

The experience of England and our own failure in obtaining recruits proves the volunteer system to be a failure.

The President knows this. He is the Commander in Chief of all our armies and must be given our support in quickly raising our Army to war strength in the way that he knows to be right.

This appeal is addressed to you because of your known patriotism, loyalty, and influence in your community.

The only way your Congressman can know your views is for you to telegraph him to stand by the President and to urge all your friends to do so.

Yours, very truly,

NATIONAL SECURITY LEAGUE,
By GEORGE M. BROWN,
Chairman St. Louis Branch.

BUDGET SYSTEM.

Mr. KENYON. Mr. President, I introduced a few days ago a joint resolution with reference to the adoption of a national budget system. I ask unanimous consent to have that joint resolution printed in the RECORD. I also ask unanimous consent to have printed a list of the nations of the world having a national budget system, evidencing the fact that the United States and Turkey are the only two prominent nations of the world without such a system.

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

Joint resolution (S. J. Res. 46) creating a commission to report a plan for the adoption of a national budget system.

Whereas in times of peace the expenditures of the Government were increasing yearly at a rapid rate; and

Whereas our entry into the world war will enlarge these expenditures to enormous proportions; and

Whereas the increased taxation to support the Government will place new burdens upon the shoulders of every citizen of the United States; and

Whereas this vast sum of money should be spent with the utmost efficiency and economy, and under modern methods of control; and

Whereas the estimates for the expenditures of the Government come to Congress without revision or scrutiny by any centralized agency of the Executive Government and are not treated by Congress as a part of its legislative program; and

Whereas under our present methods of legislative procedure the responsibility for the expenditures of the Government is scattered amongst a number of standing committees in the two Houses of Congress, which work independently of each other and of the Executive Government in providing funds; and

Whereas it is possible for private Members on the floors of the two Houses to offer amendments at will increasing the items of expenditure provided in the respective appropriation bills beyond the amounts requested by the Executive; and

Whereas under this procedure the evil practices, known as "log-rolling" and "pork-barrel" methods, have grown up and flourished; and

Whereas under this system there is no possibility of a governmental business program, or of a financial policy, or of a coordination of expenditures with revenues; and

Whereas it is the consensus of opinion among men of business, publicists, and students of public finance that the adoption of the national budget system would put the finances of the Government upon a sound, efficient, and economical basis by making possible a business program prepared upon the responsibility of the Executive and presented by him to Congress to be enacted into law; and

Whereas the chief political parties of the country in their platforms in 1916 pledged themselves to carry out budgetary reforms for the Federal Government; and

Whereas it is the experience of practically all foreign Governments that the national budget system is the only efficient method of dealing with the expenditures and revenues; and

Whereas to plan such a system for this Government requires careful study: Therefore be it

Resolved, etc., That a joint commission to report out a plan for adoption of a national budget system is hereby established. Its membership shall consist of the Secretary of the Treasury and two other officials of the Executive Government, to be appointed by the President; three Members of the Senate and three Members of the House, to be appointed by the presiding officer of the House and Senate, respectively.

SEC. 2. That no compensation shall be paid to any member of said commission.

SEC. 3. That said commission is hereby empowered and directed to report at the opening of the next session of Congress a plan for the adoption of a national budget system for the Government of the United States, and showing therein what changes, amendments, or adjustments the adoption of said budget system would cause in the rules of the Senate and the House in the laws now in operation relative to revenues and expenditures, in the organization of the Treasury Department, in the forms and method of preparation of the departmental estimates, in the method of presenting said estimates to the Congress, in the methods of accounting and audit, and such other and further information as said commission may see fit to lay before the Congress.

SEC. 5. That said commission is authorized to employ such experts and such clerical assistance as may be necessary to carry out the provisions of this resolution.

SEC. 6. That the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this resolution.

SEC. 7. That said commission shall expire on the 31st day of December, 1917.

LIST OF NATIONS HAVING A NATIONAL BUDGET SYSTEM.

Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, France, Germany, Great Britain, Greece, Guatemala, Honduras, Hungary, Italy, Japan, Liberia, Luxembourg, Mexico, Montenegro, Netherlands, Newfoundland, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Roumania, Russia, Salvador, Serbia, Siam, Spain, Sweden, Switzerland, Union of South Africa, Uruguay, and Venezuela.

ARTICLE ON CONSCRIPTION.

Mr. STERLING. I have here a letter from the president of the Encyclopædia Britannica, whose letter incloses an article on conscription taken from the Encyclopædia Britannica, the eleventh edition. The article is very instructive; it treats of the subject historically and also from the economic standpoint; and I believe it is worth while, in view of the present interest in the subject, that it should be printed as a public document. I therefore ask that it be referred to the Committee on Printing. The VICE PRESIDENT. It will be so referred.

FOOD CONTROL.

Mr. POMERENE. Mr. President, I present an article which appeared in the Ohio State Journal of April 29, 1917, on the subject of food prices. This article is based upon an investigation which was made by Mr. George Thomas Crawford, of the New Philadelphia Chamber of Commerce. It contains the retail prices of 31 food articles obtained in 59 Ohio cities on March 15 and 16. There is such a variance in the prices in the different cities that I feel that the article may be of interest to Members of the Senate.

As illustrations, turnips in Portsmouth were worth 85 cents a bushel, while in Mount Vernon they were worth \$6 a bushel. Corn meal was 20 cents for a 10-pound sack in Washington Court House and 50 cents in Ashtabula and Paulding. Onions were worth \$2.75 a bushel in Kenton, as against \$11.20 in Lebanon. Other articles had as large differences in prices. This newspaper article contains the minimum and maximum prices of these different articles, and I ask to have it printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The article referred to is as follows:

[From the Ohio State Journal, Apr. 29, 1917.]

FOOD CONTROL BY STATE MAY COME IN FALL—DISTRIBUTION AND REGULATION OF PRICES BY OFFICIALS IS EXPECTED TO BE AN ACTUALITY BEFORE ANOTHER YEAR OF WAR—INITIAL STEPS ALREADY TAKEN—SURVEY OF RETAIL PRICES ON FOODSTUFFS IN 59 OHIO CITIES SHOWS WIDE VARIATIONS—TOO GREAT, DEFENSE COUNCIL HOLDS.

One of the biggest tasks of the State branch of the National Council for Defense is expected to be that of control of food distribution and regulation of prices before another year of the war rolls around, possibly by next fall.

Figures showing a wide variation of prices of foodstuffs in different localities of the State were submitted yesterday to Gov. Cox, who turned them over to the council for defense. Such a staple as eggs, for instance, varied from 22 to 38 cents; rib roast, 16 to 30 cents; potatoes, \$2 to \$3.80, on the same day.

The Federal Government is expected to take a hand in distribution and price regulation, and place the State work in charge of the councils for defense, which will furnish the basic information and machinery for control.

TABULATES OHIO PRICES.

Promotion of food production, in which the State council now is engaged, is known to be only a small portion of the work mapped for it. The Federal Government has under consideration the fixing of a minimum price for foodstuffs to farmers and is working on marketing, transportation, distribution, and further price-regulation problems.

Everything undertaken by the defense council, which will be enlarged as needs demand, is planned on a three-year war basis.

George Thomas Crawford, of the New Philadelphia Chamber of Commerce, has tabulated retail prices of 31 food articles gathered from mayors and civic organizations of 59 Ohio cities as of date March 15 and 16. Following are typical differences in prices:

Turnips, 85 cents a bushel in Portsmouth, against \$6 in Mount Vernon; corn meal, 20 cents for a 10-pound sack in Washington Court House, against 50 cents in Ashtabula and Paulding; onions, \$2.75 a bushel in Kenton, against \$11.20 in Lebanon; lamb chops, 20 cents a pound in Canton, 38 cents in Lakewood (suburb of Cleveland); rib roast, 16 cents in Canton and Chardon, 30 cents in Piqua; pork roast, 15 cents in Painesville, 31 cents in Lakewood; creamy butter 40 cents in McArthur and Newark, 50 cents in Ashtabula, Cincinnati, Chardon, Elyria, Lakewood, and Mount Vernon; country butter, 28 cents in Washington Court House, 45 cents in Warren, Ravenna, Painesville, and Dover; fresh eggs, 22 cents in Waverly, 38 cents in Warren; potatoes, \$2 at McConnellsville, \$3.80 at Delaware.

SAY RANGE EXCESSIVE.

Members of the defense council assert that even after allowance is made for variation of quality and proximity to place of production and distribution, the figures show too great a variation. Some of the highest prices on a particular commodity were quoted in cities in the center of a community producing it.

In each case the lowest price in a city is taken. The following table shows minimum and maximum prices found in the State:

	Mini- mum.	Maxi- mum.
Fish:		
Halibut steak.....pound.....	\$0.18	\$0.30
White fish.....do.....	.18	.30
Beef:		
Rib roast.....do.....	.16	.30
Rump roast.....do.....	.16	.26
Sirloin.....do.....	.22	.30
Round steak.....do.....	.20	.27
Pork:		
Chops.....do.....	.22	.33
Roast.....do.....	.15	.31
Bacon:		
Sliced.....do.....	.25	.40
Whole.....do.....	.20	.40
Ham:		
Smoked, sliced.....do.....	.25	.50
Smoked and whole.....do.....	.23	.34
Lamb:		
Chops.....do.....	.20	.38
Leg of lamb.....do.....	.18	.35
Butter:		
Creamery.....do.....	.40	.50
Country.....do.....	.28	.45
Oleo, uncolored.....do.....	.18½	.32
Eggs:		
Fresh.....dozen.....	.22	.38
Storage.....do.....	.25	.35
Lard.....pound.....	.20	.26
Flour.....½ barrel.....	2.65	3.25
Corn meal.....10 pounds.....	.20	.50
Potatoes.....bushel.....	2.00	3.80
Apples.....do.....	1.00	3.84
Onions.....do.....	2.75	11.20
Turnips.....do.....	.35	6.00
Cabbage.....pound.....	.10	.15
Rolled oats.....box.....	.08½	.12
Beans, navy.....pound.....	.15	.18
Sugar, granulated.....25 pounds.....	2.10	2.85
Soap, ivory.....6 cakes.....	.25	.33

Toledo is shown to have prices remarkably low as compared with the other four larger cities in the State. Columbus prices are average. Lowest prices, March 15 and 16, in the five principal Ohio cities were:

	Cincinnati.	Cleveland.	Columbus.	Dayton.	Toledo.
Fish:					
Halibut.....pound.....		\$0.20	\$0.25	\$0.24	\$0.24
White.....do.....		.20	.20	.25	.18
Beef:					
Rib roast.....do.....	\$0.25	.24	.22	.25	.20
Rump roast.....do.....	.20	.26	.22	.25	.18
Sirloin.....do.....	.30	.25	.25	.25	.22
Round steak.....do.....	.30	.24	.25	.25	.22
Pork:					
Chops.....do.....	.30	.27	.28	.30	.25
Roast.....do.....	.24	.25	.25	.27	.23
Bacon:					
Sliced.....do.....	.36	.30	.28	.35	.30
Whole.....do.....	.28	.28	.25	.28	.25
Ham:					
Smoked, sliced.....do.....		.30	.30	.40	.28
Smoked, whole.....do.....	.24	.24	.25	.28	.24
Lamb:					
Chops.....do.....	.35	.28	.30	.35	.25
Leg.....do.....	.30	.28	.25	.30	.20
Butter:					
Creamery.....do.....	.50	.47	.48	.49	.45
Country.....do.....		.40	.43	.41	
Oleo, uncolored.....do.....	.22	.27	.22	.25	.23
Eggs:					
Fresh.....dozen.....	.31	.35	.30	.30	.31
Storage.....do.....	.27				
Lard.....pound.....	.20	.22	.22	.25	.22
Flour.....½ barrel.....	2.70	3.00	2.65		2.91
Corn meal.....10 pounds.....	.40	.45	.40		.37
Potatoes.....bushel.....	2.80	2.90	3.00	3.00	3.16
Apples.....do.....	2.40	1.75	1.50	3.20	2.90
Onions.....do.....	4.50	4.15	7.80	7.00	6.25
Turnips.....do.....		2.25	4.20	3.00	2.75
Cabbage.....pound.....	.12	.10	.12	.12	.12½
Rolled oats.....box.....	.10	.10	.10	.10	.10
Beans, navy.....pound.....	.18	.15	.15	.15	.17
Sugar, granulated.....25 pounds.....	2.13	2.29	2.15	2.38	2.23
Soap, ivory.....6 cakes.....	.30	.30	.30	.30	.25

In these figures it must be taken into consideration that some instances of high prices may be due to temporary shortage of supply. Turnips, for example, may have been \$6 in Mount Vernon only temporarily because of a shortage. This would be because of inefficient distribution. Again, it is possible that the \$11.20 price for onions in Lebanon refers to fresh, greenhouse onions, while most of the other onion quotations are on onions harvested last fall.

Mr. GALLINGER. Mr. President, in that same connection I present a table prepared by the Old Dutch Market Co. showing a comparison of retail prices of foods during April, 1914, before the war, and April, 1917. This table includes staple articles in the grocery line as well as beef, pork, and vegetables. It shows the startling fact that since April, 1914, to April, 1917, there has been an average increase in prices of 85.32 per cent.

The table is very interesting, and I ask that it be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The table referred to is as follows:

Comparison of retail prices of foods during April, 1914, before the war, and April, 1917.

	April, 1914.	April, 1917.	Increase (per cent).
GROCERIES.			
Sugar, granulated.....pound.....	\$0.04	\$0.09	125
Flour:			
Gold Medal.....barrel.....	7.25	14.00	93
Hecker's.....do.....	6.50	13.50	107
Milk:			
Condensed.....can.....	.09	.15	67
Evaporated.....tall can.....	.07½	.12	65
Do.....small can.....	.03½	.06	70
Tomatoes, standard, 2½'s.....can.....	.07	.17	142
Corn, standard, 2½'s.....do.....	.07	.13	85
Peas, D. J.....do.....	.07	.10	45
Baked beans.....do.....	.08	.13	65
Corn meal.....pound.....	.02½	.05	100
Hominy.....do.....	.03	.05	66
Rice, best.....do.....	.08	.09	12
Oatmeal.....do.....	.03½	.06	70
Macaroni and spaghetti, bulk.....do.....	.08	.13	65
Prunes, small.....do.....	.05	.08	60
Salmon:			
Chum.....can.....	.08	.14	75
Red Alaska.....do.....	.14	.23	64
Soups.....do.....	.08	.13	65
Navy beans, best.....pound.....	.07½	.18	140
Lima beans, dried.....do.....	.07	.20	185
Catsup.....bottle.....	.08	.12	50
Sirup.....can.....	.08½	.12	41
Corn flakes (Quaker).....package.....	.04½	.08	78
Split peas.....pound.....	.06	.12	100
Scotch peas.....do.....	.05	.09	80
Black-eye peas.....do.....	.04	.08	100
BEEF.			
Rib roast.....pound.....	.20	.25	25
Chuck roast.....do.....	.17	.22	30
Plate (soup meat).....do.....	.13	.16	23
Porterhouse steak.....pound.....	.28	.37	32
Sirloin steak.....do.....	.24	.34	42
Round steak.....do.....	.20	.32	60
Chuck steak.....do.....	.18	.25	38
Hamburg steak.....do.....	.15	.20	33
PORK.			
Fresh hams.....do.....	.15	.27	80
Fresh shoulders.....do.....	.13½	.22	58
Fresh pork chops, lean.....do.....	.16	.28	75
Fresh pork chops, loin.....do.....	.18	.32	80
Fresh pork roast, lean.....do.....	.16	.28	75
Fresh pork roast, center.....do.....	.18	.30	66
Corned shoulders.....do.....	.13½	.20	50
Corned hams.....do.....	.15	.24	60
Smoked hams, whole.....do.....	.17	.25	47
Smoked hams, sliced.....do.....	.28	.45	60
Smoked shoulders.....do.....	.13½	.21	50
Smoked bacon, sliced.....do.....	.24	.34	42
Smoked sausage.....do.....	.12½	.25	100
Lard:			
Pure.....pound.....	.12½	.25	100
Compound.....do.....	.10	.20	100
Butter—first grade.....do.....	.30	.55	83
Eggs, fresh.....dozen.....	.21	.38	80
VEGETABLES.			
Potatoes.....peck.....	.23	.90	291
Kale.....do.....	.20	.40	100
Spinach.....do.....	.20	.40	100
Onions, yellow.....pound.....	.04	.13	250
Lettuce.....head.....	.05	.10	100
Sweet potatoes.....peck.....	.35	.75	114
Cabbage, new.....pound.....	.03	.15	400
Yams.....peck.....	.40	.60	50

Total of items, 60.
Total increase, 5,119 per cent.
Average increase on all items shown on this list, 85.32 per cent.

COMMITTEE ON COAST AND INSULAR SURVEY.

Mr. THOMPSON. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably with an amendment in the nature of a substitute Senate resolution 46, submitted by the Senator from Delaware [Mr. SAULSBURY], and I ask unanimous consent for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, to strike out all after the resolving clause and insert:

That the Committee on Coast and Insular Survey, or any subcommittee thereof, during the Sixty-fifth Congress, be authorized to send for persons and papers and to administer oaths and to employ a stenographer, at a cost not to exceed \$1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before

said committee; that the committee may sit during the sessions or recesses of the Senate; and that expenses contracted hereunder shall be paid out of the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

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

By Mr. SMITH of Maryland:

A bill (S. 2123) to regulate the practice of podiatry in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CALDER:

A bill (S. 2124) to fix the salary of the United States district attorney for the eastern district of New York; to the Committee on the Judiciary.

A bill (S. 2125) directing the reexamination of the accounts of the late Peter G. S. Ten Broeck; to the Committee on Claims.

By Mr. KENYON:

A bill (S. 2126) to punish speculation in food products and prevent dealing in futures; to the Committee on Agriculture and Forestry.

A bill (S. 2127) granting an increase of pension to Mark Whitney (with accompanying papers); to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 2128) to correct the military record of Francis M. Benson; to the Committee on Military Affairs.

A bill (S. 2129) for the relief of Edwin S. Metcalf; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 2130) to increase the pensions of those who have lost limbs or have been totally disabled in the same in the military or naval service of the United States; to the Committee on Pensions.

By Mr. SAULSBURY:

A bill (S. 2131) to increase the salary of the United States district attorney for the district of Delaware; to the Committee on the Judiciary.

By Mr. SUTHERLAND:

A bill (S. 2132) granting an increase of pension to James A. Criswell; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 2133) to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes; to the Committee on Finance.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 48) directing a survey for a military road along the Pacific coast; to the Committee on Military Affairs.

By Mr. SMITH of Maryland:

A joint resolution (S. J. Res. 49) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States; to the Committee on the Library.

HEARINGS BEFORE COMMITTEE ON THE JUDICIARY.

Mr. CULBERSON submitted the following resolution (S. Res. 53), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Judiciary, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer at a cost not exceeding \$1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before that committee, the expenses thereof to be paid out of the contingent fund of the Senate, and the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE THE COMMITTEE ON COMMERCE.

Mr. FLETCHER submitted the following resolution (S. Res. 54), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Commerce, or any subcommittee thereof, be, and the same are hereby, authorized during the Sixty-fifth Congress to send for books and papers, administer oaths, and employ a stenographer, at a price not to exceed \$1 per printed page, and to employ such assistants as may be required to report such hearings as may be had in connection with any subject which may be pending before said committee or under investigation or examination thereby; that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate, the expenses thereof to be paid out of the contingent fund of the Senate; and that such committee, or subcommittee thereof, may sit during the sessions of the Senate or during the vacation of the Senate at any place in the United States.

HOUSE BILL REFERRED.

H. R. 3971. An act making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Estab-

lishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

RAILROAD REVENUES.

Mr. SMITH of Georgia. Mr. President, I request the consideration of Senate resolution 52.

The VICE PRESIDENT. The Senator from Georgia asks unanimous consent for the immediate consideration of Senate resolution 52.

Mr. SMITH of Georgia. My understanding is that under the rule this resolution can be called up during the morning hour.

The VICE PRESIDENT. The Chair did not know merely from the number what the resolution was. The Chair is now advised that it is a resolution coming over from a former day, and he therefore lays the resolution before the Senate.

The Senate proceeded to consider the resolution (S. Res. 52) as follows:

Be it resolved, etc., That the Interstate Commerce Commission is hereby directed to furnish for the use of the Senate a statement of the gross and net revenue of the railroad companies reporting to the commission for the first fiscal year for which reports were made after the creation of the commission, together with a statement showing the gross and net income of said railroads since said time, the statement to be total of said roads and not statement as to each road.

The commission is furthermore directed to furnish for the use of the Senate a statement showing the gross and net incomes of said roads for the last six months of 1916, the statement to be totals of said roads and not statement as to each road.

The commission is furthermore directed to furnish for the use of the Senate a statement of the bonded and other liabilities of the railroads, together with their capital stock, preferred, common, and debentures. Also statement of the net income of said roads after paying interest on their bonded debts. The above information to be applied to the fiscal year ending June 30, 1916.

The commission is furthermore directed to furnish for the use of the Senate a statement of the gross and net incomes of the said roads for the last six months of 1916, with a comparison of same with the gross and net incomes for the corresponding six months of 1915, reference being had to the calendar months.

The commission is furthermore directed to furnish for the use of the Senate a statement showing a comparison of the gross and net income of said roads, for the months of January, February, and March, 1917, with the gross and net income for the corresponding months of 1916, together with the total book costs or property investment account of said roads for the fiscal year ending July 1, 1916.

The commission is furthermore directed to furnish for the use of the Senate a list of the roads making a total net income of 7 per cent or more upon their capital stock during the fiscal year ending July 1, 1916, together with a statement showing the percentage of profits upon the capital stock for the fiscal year of 1916.

The commission is furthermore directed to furnish for the use of the Senate a list of the roads making a total net income of 7 per cent or more upon their book values during the fiscal year ending July 1, 1916, together with a statement showing the percentage of profits upon the book values made by each.

Mr. SMITH of Georgia. Mr. President, this information is all in the possession of the Interstate Commerce Commission, and a couple of competent men can in a very short time put it in shape, as directed by the resolution, for our use. I have most of it already; but I would be glad, in using it, to be sure of the accuracy of my figures; and I can only feel perfectly sure if I have the figures compared with the records of the commission.

To call attention to the importance of these figures, I wish to mention that I expect them to show the capital stock, preferred and common, and debentures of the railroads reporting to the commission, which cover all the railroads earning a gross income of a million dollars a year or more, amounted on July 1, 1916, to \$6,963,000,000, leaving out the thousands. I expect also to show that, after paying all operating expenses, taxes, and so forth, and the interest on all their obligations, they had for that fiscal year a net income of \$601,508,000. That is to say, the railroads of the United States netted for the fiscal year ending July 1, 1916, more than 8½ per cent on their capital stock—first preferred, common, and debentures, all capital stock obligations. Of course, some of them earned very much more than 8½ per cent, while some earned less than that; but the average income, as I am advised, for the fiscal year ending July 1, 1916, was 8½ per cent.

I expect to show, further, coming to the classes of roads, that certain roads, as the Pennsylvania Central, cleared for that year 10.76 per cent; the Pennsylvania Co., a branch, I believe, of the Pennsylvania Railroad, or a part of that system, cleared 17.84 per cent; the New York Central, 16.18 per cent; the Norfolk & Western, 14.61 per cent; and the Chesapeake & Ohio, 10.96 per cent.

Coming down to the class of southern roads, the Central of Georgia earned 20.43 per cent; the Nashville, Chattanooga & St. Louis, 14.61 per cent; the Alabama & Great Southern, 13 per cent; and the Louisville & Nashville, 19.51 per cent.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. SMITH of Georgia. Yes.

Mr. THOMAS. Does the Senator take as a basis of his calculation of percentages the capital stock, including the common stock of these railroads?

Mr. SMITH of Georgia. All.

Mr. THOMAS. Has the Senator made any calculation, then, of the percentage of profit upon the capital actually invested, the common stock, as the Senator well knows, being what is generally known as "water," something that has no value except that which comes to it from the increased revenues of the concern issuing it?

Mr. SMITH of Georgia. I can answer the Senator only in this way: I do not know the actual value of the properties. They are now being appraised by the Government to ascertain actual value. Turning, however, to their books, I find that the book estimate of value exceeds about \$1,000,000,000 the amount of liabilities, including stock issued. So far as my information goes the figures mentioned are correct, but I wish to state most positively that I do not personally assume responsibility for these figures, and it is for that reason that I wish this report from the Interstate Commerce Commission—

Mr. THOMAS. The figures of the Senator remind me of a statement made by a prominent railroad man a few years ago upon the witness stand, that 90 per cent of the stock issues of the railroads were water.

Mr. SMITH of Georgia. Answering the Senator, my advice is that the records of the commission will show that the bond indebtedness, capital stock, preferred, common, and debentures, amount to \$16,922,000,000, and the property investment account of these roads, as kept by the roads, amount to \$17,984,000,000. As to the accuracy of the property investment account, of course, question has been raised. I was simply calling attention to the dividends earned for the year ending July 1, 1916, upon their capital stock and debentures, to let it be seen that a general advance of fifteen one-hundredths in freight rates would be neither reasonable nor just.

Mr. WEEKS. Mr. President, may I suggest to the Senator from Georgia that I understand those figures are based on the capital, not on the selling price of the securities?

Mr. SMITH of Georgia. They are based on the capital, as I understand.

Mr. WEEKS. Mr. President, many of those securities sell for less than par. Some of them sell for very much more than par. The suggestion, therefore, that has been made by the Senator from Colorado [Mr. THOMAS] is not entirely true, because in many cases the laws require that stock shall be issued at a market price, and in many States they have been issued at a premium of 50 per cent, and even of 100 per cent in some instances. So that there are a good many different conditions that would have to be taken into account in arriving at an accurate statement of the actual capital invested.

Mr. THOMAS. Mr. President, I think the criticism made by the Senator from Massachusetts is sound so far as it goes, but it does not go far enough. Because a railroad company is doing an enormous business does not justify an increase of its capital stock, however valuable that capital stock may become, and then ask people to pay an additional amount of freight in order to keep up the dividends on that stock or to make it a paying investment.

Now, if the Senator from Georgia will pardon me a moment, let us suppose—

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

Mr. THOMAS. Let us suppose that Mr. Ford, whose company does a business of something like a hundred million dollars annually, with an actual profit last year of \$58,000,000, should capitalize his concern on the basis of 6 per cent on those earnings. The stock would be enormously valuable, but it would be water just the same. And then if Mr. Ford came here and asked permission through us, if we had the power to grant it, to increase the price of his cars in order to meet the dividends or to pay a dividend upon this increased stock because of increasing expenses, that stock would be as fictitious for such a purpose as though it had no value whatever behind it. It would not represent the capital invested in the business.

Mr. WALSH. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Montana?

Mr. SMITH of Georgia. I will yield to the Senator from Montana, but I will request that I be allowed to finish after his interruption is ended, because it was not my desire to enter into any discussion as to the effect of this evidence.

Mr. WALSH. I rise to ask the Senator from Georgia if he has any information about the western roads, the transconti-

mental lines, traveling through more sparsely settled territory, and territory less directly affected by war conditions?

Mr. SMITH of Georgia. Mr. President, I have not in detail that information with reference to them, except for the month of January of this year, which I will give in a moment; but the resolution which I have introduced will give us all of this information from the Interstate Commerce Commission.

Having called attention to the status of the roads, according to their business year ending July 1, 1916, or rather with reference to the fiscal year prior to July 1, 1916, I wish to state that as I am advised, and as I gather from this sheet taken from the Interstate Commerce Commission, their net profits for the last six months of 1916 exceeded their net profits for the last six months of 1915 by between fifty and sixty million dollars, although the large net profits to which I have referred were made for the fiscal year ending July 1, 1916, including the last six months of 1915.

Now, with reference to the present year: I understand that in the eastern district there has been a decline of net profits of some 16.6 per cent as compared to 1916; that during the month of January, 1917, there was a falling off of net profits in the eastern roads as compared to 1916, but that in the southern district there was an increase of net profits for January, 1917, as compared with January, 1916, of 22.9 per cent, and that in the western district January, 1917, showed an increase of net income of 42.7 per cent as compared to January, 1916.

It is this information, which I think is so valuable to us, that I am asking by this resolution to obtain; and I am sure it can be furnished with very little difficulty. A couple of the many excellent accountants that the Interstate Commerce Commission have can prepare it for us in a very short time.

Mr. POMERENE. Mr. President, I want to suggest to the Senator from Georgia that we were informed this morning in the Interstate Commerce Committee that the information for March, 1917, was not yet available, but that it probably will be in the course of several weeks.

Mr. SMITH of Georgia. If March is not available, we will abandon it; but I was advised that we could now obtain the figures for March from the Interstate Commerce Commission, also.

Mr. KELLOGG. Mr. President, I should like to ask the Senator from Georgia a question. I notice that in the resolution, from line 21, on page 2, down to and including line 8, on page 3, the Senator asks for the net earnings of the railroads showing an income of 7 per cent or more upon their capital stock, in the first part.

Mr. SMITH of Georgia. Yes.

Mr. KELLOGG. What is the objection to giving us the information as to the net income on the capital stock of all the railroads?

Mr. SMITH of Georgia. I am perfectly willing to accept that suggestion.

Mr. KELLOGG. Then, I suggest the following amendment to page 2. Strike out lines 21 to 25, inclusive, and lines 1 and 2, on page 3, and insert the following:

The commission is furthermore directed to furnish, for the use of the Senate, the net income of all the railroads upon their capital stock during the fiscal year ending July 1, 1916, together with a statement showing the percentage of profits upon the capital stock for the fiscal year 1916.

Mr. SMITH of Georgia. I accept that, Mr. President.

Mr. POMERENE. Mr. President, allow me to suggest that instead of the word "all," the Senator use the word "each."

Mr. KELLOGG. That is satisfactory—"each."

Mr. SMITH of Georgia. I accept that.

Mr. KELLOGG. And the second amendment: Strike out lines 3 to 8, inclusive, on page 3, and insert the following:

The commission is furthermore directed to furnish, for the use of the Senate, a list of the roads, together with the income upon their book values during the fiscal year ending July 1, 1916, together with a statement showing the percentage of profits upon the book values made by each.

Mr. SMITH of Georgia. I am perfectly willing to accept that.

Mr. McCUMBER. Mr. President, I should like a little information from the Senator from Georgia. For what use are we to secure this information?

Mr. SMITH of Georgia. There is a resolution now pending before the Interstate Commerce Committee of the Senate asking for an investigation of the subject, and there is also a resolution pending before the Senate requesting the commission to suspend the proposed 15 per cent increase. It is information for the use of the Senate in connection with any consideration we may see fit to give to the proposed 15 per cent flat increase of freight rates throughout the entire United States.

Mr. McCUMBER. Mr. President, some years ago we created a commission to pass its judgment upon all the information with respect to the rates. Then later we gave the commission power to fix rates according to a certain standard fixed by the Congress of the United States—that they should be just and reasonable. The commission having all the information, I want to ask for my own information why it is necessary for us to take up the matter and secure this information? Do we doubt that the commission will act properly in the case?

Mr. SMITH of Georgia. I do not know what the commission will do. For myself, if the commission does not suspend these rates, I am ready to support a measure to suspend them by congressional action. I go further and state that I believe there is a condition existing that the Interstate Commerce Commission really is not in a position to handle. If there are weak roads that need help, perhaps legislation upon the subject may be necessary. Surely we should not build up enormously increased percentages to roads making 20 per cent because some other road is not able to make more than 1 or 2 per cent. I regard it as a matter of information for legislative consideration, that we may determine whether there is a responsibility resting upon us and that at least we may have the facts before us during this session.

Mr. McCUMBER. Then at the present time the Senator does challenge the good judgment of the commission in its action?

Mr. SMITH of Georgia. No; I do not; but I do not waive the responsibility of Congress.

Mr. McCUMBER. I have no objection to receiving the information, but I did want to know whether or not the Congress had now come to the conclusion that its own creature has failed to perform its functions in accordance with the law passed by Congress.

Mr. SMITH of Georgia. I wish to answer the Senator in this way: I am not at all sure that the legislative discretion vested in the commission is broad enough to handle the subject. I doubt it. I believe that probably a condition exists that existing legislation does not meet, and I think this information will help us to correct that condition.

Mr. KELLOGG. Mr. President, answering the Senator from North Dakota further, I will say that I have no objection to the resolution of the Senator from Georgia requiring the commission to give us all the information; but in answer to the Senator from North Dakota I think it is fair to the commission to say that they have already ordered a hearing as to whether or not they will suspend these rates. That hearing is going on now, or will go on soon, as to the merits of their demands. I should like to send to the desk and have read the substance of a statement put out by the commission within the last few days, which will show that the commission are proceeding to hear the railroads and the public and the shippers on the question as to whether or not they will suspend these rates.

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

The Secretary read as follows:

The Interstate Commerce Commission has readjusted its calendar for the month of May so as to set apart the week beginning May 7 for hearings before the commission on carriers' proposals to generally increase freight rates and the protests thereto. The hearings will be held in the ball room of the Raleigh Hotel, in Washington, beginning at 10 o'clock a. m. During those six days it expects the carriers will put in their case. Hearings will be resumed on May 23, and it has been suggested that full presentation of the carriers' side may be facilitated if the cross-examination of their witnesses is deferred until subsequent hearing. This will give the representatives of shippers and of the public additional opportunity in which to prepare to cross-examine, as well as to prepare the case in chief against the proposed increases.

Hearings will be continued until adequate opportunity has been afforded for presentation of such matters as in the opinion of the commission may aid in determining whether or not it should suspend all or any of the supplements carrying the proposed increases, or require modification thereof as a condition of their becoming effective July 1, their proposed effective date.

Mr. POMERENE. Mr. President, I have no objection at all to the passage of this resolution; but as a member of the Committee on Interstate Commerce I want to make this observation:

A year or two ago, when there was an application pending before the commission for a 5 per cent increase of the freight rates generally throughout the country, a regular propaganda was begun throughout the country in an effort to influence the finding of the Interstate Commerce Commission. My mail was burdened with letters from shippers and manufacturers asking me to use my good offices toward getting this increase. I uniformly declined to take any action in that behalf, believing that the question of increase or decrease in freight rates was one which should address itself wholly to the commission. It is organized for that purpose. In the matter of the determination of rates it sits as a court; and I would no more assume to inter-

fere with the findings or judgment of a court than I would with the findings of the Interstate Commerce Commission.

The matter of rates should be determined upon the evidence that is presented. In my judgment, there are very few Senators who can give to this question the time which would be required in order to enable them to come to a correct conclusion as to whether rates should be increased or decreased; and I do not feel that in advance of these hearings we are justified in saying that we will not abide by any finding that the commission may make. I trust that they will find that it is not necessary to grant an increase, but I do not know whether the facts are such as would justify them in making that order or not; and I simply wanted to take this opportunity of expressing my view in that behalf. I have no sufficient information to justify my coming to any conclusion now. I do not know what the increased cost of supplies or of operation may be.

Mr. WALSH. Mr. President, I propounded the inquiry which I addressed to the Senator from Georgia by reason of the fact that there came into my hands a few days ago a report of one of the western roads for the year 1916, conveying the very highly gratifying information that its net receipts for the year 1916 showed a very substantial increase over what had been realized in any preceding year in its history; and I am very well satisfied from other information which comes to me that a similar condition exists in the case of practically every other one of the transcontinental systems.

Mr. President, it is true that quite a good many years ago the Congress of the United States constituted an agency for the purpose of regulating rates and for hearing in all its details any controversy that may arise between the public on the one hand and the railroads upon the other, the shippers likewise being an interested party; but, Mr. President, it does not occur to me that the responsibility of the Congress of the United States to the people represented by the Members thereof is entirely released and discharged simply because they created such an agency. I apprehend that the responsibility still rests upon Congress to regard with some degree of attention, at least, the work of that commission; to keep itself advised, at least in a general way, concerning what it is doing; and it seems to me that in a great controversy of this character, involving a mass the aggregate of which simply staggers the imagination, it is quite appropriate for Congress, in order that it may follow the investigation with some degree of understanding, to call upon the commission for such information as it has at its command concerning the salient and more important features of the case.

It may develop another thing, Mr. President—and I should not be surprised if it did—that it would be a part of the duty of Congress, considering the tremendous interests involved, to make some additional provisions so that the interests of the public may be adequately and appropriately presented to the commission. I should not be surprised at all if when this report comes in it would be deemed advisable by the Congress of the United States to employ the best legal talent the country can afford to aid the able force now at the command of the commission in presenting the public side of this controversy.

It seems to me, Mr. President, that the information called for by this resolution ought to be furnished promptly to Congress.

Mr. FLETCHER. Mr. President, while I agree in a general way with the statement made by the Senator from Ohio [Mr. POMERENE], it does not seem to quite do away with the suggestion of the Senator from Georgia that there may be some need for further legislation. Take, for instance, this question of what is called car shortage. It develops that some roads have not control or possession of more than 40 or 50 or 60 per cent of their own cars. It is not so much a problem of car shortage as it is a problem of proper distribution. I doubt very much whether there is power in the Interstate Commerce Commission to control the question of the distribution of cars.

Mr. GALLINGER. May I ask the Senator a question? I heard the Senator make that same statement a little time ago in private conversation, and he rather startled me by suggesting that there was one road that had not more than 20 per cent of its own cars. I ask the Senator if there is a real shortage of cars. Do not the roads have the cars of other roads in their possession?

Mr. FLETCHER. It seems not. It appears they have not only lost the control of a very large percentage of their own cars, but they have not any cars to take the place of their own cars.

Mr. GALLINGER. My information is—in fact, I have some knowledge on the subject—that each of these roads have agents going over the country looking after their cars and seeing that they are returned. I have supposed that they were inter-

changeable and that the roads having a shortage of cars of their own have in their rolling stock cars belonging to other roads, which in due time will be returned to the rightful owners. But, of course, I have no definite knowledge on that point as to the roads the Senator has in mind.

Mr. FLETCHER. Of course they do interchange cars, but the situation in some portions of the country is very serious, and the reports are that certain roads not only have not enough of their own rolling stock but a large percentage of it is in the possession of other roads and they have not any rolling stock of those roads to take the place of it. The difficulty is to give some power and authority somewhere to compel the roads who seize the cars of other roads *volens volens* and keep them as long as they please, probably paying demurrage and things of that sort, which they can well afford to do at the present freight charges and the prices of goods, and so forth. They make the shippers pay for it, probably; but there seems to be an absence of power in the commission to control the matter of car distribution, and the roads do take one from the other.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Nebraska?

Mr. FLETCHER. In a moment. They take and retain just as they please cars of different lines, and that is largely responsible for the present condition. It may have a bearing on this question of rates; I do not know. I yield to the Senator from Nebraska.

Mr. NORRIS. I should like to suggest to the Senator from Florida that a witness testified yesterday before the Agricultural Committee in regard to refrigerator cars. He made the statement that it was admitted by the officials of most of the railroads at a hearing held by the Interstate Commerce Commission recently in regard to the distribution of cars that many of the roads had in self-defense taken all the cars they could get, no matter whose cars they were, and kept them as long as they could. He told us of an instance where refrigerator cars made and built for the purpose of carrying perishable products were then taken by other roads than the owners and put into other business, carrying dead freight, such as iron ore and things of that kind, which could just as well be carried in other cars, thus creating a shortage of refrigerator cars at a time when it was absolutely necessary to have refrigerator cars to move the perishable crops and goods that are produced in various parts of the country. He said the effect was a shortage of refrigerator cars for the purpose of moving that kind of freight at a time when they have less refrigerator cars and a greater amount of those products than in the preceding year.

Mr. FLETCHER. I think that confirms one point I rose to suggest, that there is a problem which may call for further legislation to strengthen the authority and power of the Interstate Commerce Commission over that condition. Unquestionably these products are now paying as high price as they ought to pay, and to increase those rates in order to relieve the roads and increase their earnings, and so forth, where their earnings are decreased by reason of their lack of control over their cars and lack of control in some power over that situation, would be a very doubtful proposition. I simply rose to suggest that as a matter which might be considered in connection with the adoption of the resolution and as one of the things that might be reached.

Mr. POMERENE. Mr. President, in answer to what the Senator from Florida has said I beg to inform the Senate that some time ago I introduced a bill conferring full authority upon the Interstate Commerce Commission to control the distribution of cars, and we are to have hearings on that bill to-morrow before a subcommittee of the Interstate Commerce Committee. Some time ago this question was before the Interstate Commerce Commission and by a vote of 4 to 3 they decided that they already have that power. If there is any doubt about it at all, of course Congress will be only too anxious to clear it up.

In further explanation of what I said a moment ago, as perhaps I did not make myself entirely clear, I stated that I had no objection to the passage of this resolution; I only took issue with the statement which was made to the effect that if the commission should make a certain finding some Senators would be ready to condemn them. I confess I am so constituted that I can not judge of a finding of a commission before the finding is made and before I know what the evidence is.

Mr. WEEKS. Mr. President, the truth is probably that there are not freight cars enough in the United States to do the business of the country. If these freight cars were all under one jurisdiction, so that they could be sent to the points where business is pressing, undoubtedly they could handle the business of the country better than it is done now; for instance, if they were handled as are the cars of the Pullman company. If traffic

is running north and south the Pullman company divert cars to that service; if it is a summer resort or a winter resort business the cars are diverted for that purpose.

As a matter of fact, there are five prominent railroad presidents sitting in Washington trying to adjust this car situation as far as it is possible for them to do it. They represent the Pennsylvania, the Chesapeake & Ohio, I think, the Southern, the Chicago, Burlington & Quincy, and the New Haven Railroads. They are trying to determine where the need of cars is most pressing, and they, if I understand the question correctly, have full power of the railroads to divert cars to carry the business which is most pressing and most necessary for the time being.

That is really what the law should provide, that the cars should be sent where the service is most pressing. If that were followed out, either by the Interstate Commerce Commission or as a result of further legislation, it would answer the purpose as far as the number of cars available would enable it to be responded to.

But I do not believe that there are nearly enough cars in the United States to do the business that is offering to-day. We must remember that the building of cars now is a very expensive operation. The probabilities are that a freight car costs very nearly twice as much as it would in normal times, and in the final analysis the cost of the car is going to be imposed in freight, so that the public, if the railroads do build liberally, are going to pay the additional cost of the equipment which is furnished in this way.

Mr. HUSTING. Mr. President, I hope very much that the resolution will be adopted. I also hope that the other resolutions touching upon the same subject now before the committee will be reported out and adopted. I do not believe that Congress should always take for granted that its offspring is going to do exactly the right thing.

I can understand the theory and the practice of intrusting questions of rates to the Interstate Commerce Commission, especially at times when it concerns only certain commodities or in ordinary times to make a horizontal raise even, but at a time like this, when we are engaged in a world war, I think the Interstate Commerce Commission should have some solicitude and respect for the opinion of the people of the United States and Congress particularly, and should not object to but welcome advice or direction which Congress may give upon so important a subject. I think it might be very helpful to the Interstate Commerce Commission to ascertain the opinion of Congress as to the wisdom of a great raise in freight rates at this time, and particularly in respect to putting a rate in force at once pending the investigation. I want to give it as my judgment that the people will condemn the Interstate Commerce Commission or Congress if at this time a rate is put into effect increasing the present freight rates at all pending an investigation.

This is not a question of technical knowledge or technical information. There are some things connected with this demand for increased freight rates that I think even an ordinary citizen can understand, that even an ordinary Senator can understand. What has happened that would warrant a 15 per cent increase in the railroad rates? A short time ago the railroads came in and asked for a 5 per cent increase in freight rates. Why? Because they said they were not doing a normal business. At that time they pointed to the empty freight cars that were congesting traffic in the freight yards, and they said they had many cars which were idle and which were bringing in no revenue. That was true to a certain extent, although the wisdom of the raise was then questioned. There were a great many people well posted in this business who said that the railroads, on their legitimate investment, were then earning more than a fair return on the investment.

Mr. NELSON. Will the Senator yield to me for a moment?

Mr. HUSTING. Certainly.

Mr. NELSON. I desire to say that the car shortage which we hear so much about arises partly from two causes, one of a permanent nature and the other of a transitory character. The great eastern roads terminating at New York, like the Baltimore & Ohio and the Pennsylvania roads, have failed to do what our great western roads have done terminating at the head of Lake Superior—they have failed to supply large terminal elevators in which grain can be stored. The same is the case, I think, with the roads terminating in Boston. At the head of Lake Superior, where we have two great transcontinental lines terminating, we have large terminal elevators that can take care of the grain in the winter, so that it can be stored there until spring and shipped. The eastern seaboard cities lack entirely the terminal facilities in the shape of grain ele-

vators that they ought to have to store the grain that comes in there.

Another reason that I referred to is that a large number of cars have reached the seaboard on the East from the interior and the West with agricultural supplies and all other commodities, and the cars are retained at the seaboard for warehouse purposes. For the lack of shipment to take the goods abroad they do not take the products out of the cars. You will find cars by the scores and hundreds full of western freight tied up there and used as warehouses instead of putting the goods into terminal warehouses. If the eastern roads were to supply warehouse facilities for the western products, grain and flour and all other commodities, it would remove to a large extent the car shortage which arises not so much from lack of cars but because the cars are stranded on the eastern seaboard and used for warehouse purposes.

Mr. HUSTING. Mr. President, I want to thank the Senator for the information; but the point I want to make is that at that time the railroads were asking for a raise upon the ground that they had an oversupply of cars; that they had no use for the cars they had; that they were not doing any business; that their cars were idle, their trains were idle, and they dismissed a number of their crew, and that consequently they were not making the amount of money the law allowed. On these grounds they got a 5 per cent raise. Now they come here and ask for a 15 per cent raise because they say they have not got enough cars to do business with; that their facilities are overtaxed; in short, that their business is too good.

If there is any grabbing of cars, I assume that every road grabs whatever cars it can get, and thus, at least in part, is equalizing what damage it suffers at the hands of other roads. On the other hand, it is apparent that cars are in great demand, and that every car in the United States is in operation, is being used, and is bringing revenue to the railroads. It means that they have not got facilities enough to do the business that is brought to their lines; that they have not cars enough; that they have not engines enough; that they have not crews enough. What does that mean? Does that mean bad business, or does it mean good business? Does it mean a losing business, or does it mean a prosperous business? It does not take a scientist to understand that when business is so good that it overtaxes the facilities of the roads, that when there is no idle rolling stock and no idle capital, that when no men are laying off but all are working; in short, when every energy of the railroads is taxed to the utmost and everything is in motion and in service, the roads are not losing money but are making money.

So I say that the ordinary man can understand that if a raise of 5 per cent was necessary two years ago because the cars were idle and were doing no business, now, when the roads are doing business and overtaxed to the extent that they have not enough cars, it means they are offered so much business that they can not handle it, and that if they could have more cars and better facilities they would make still more money; in other words, it does not mean that they are losing money now, but it means that they are not making as much money as they would make if they had still more cars and still greater facilities for handling them. And it does mean most emphatically that the roads are making money now. These two inconsistent theories, that they need a raise when cars are idle and that they need a much greater raise when they have got so much business that the roads can not handle it, are not going to stand up very well before the ordinary citizen.

Another thing about this proposed 5 per cent raise at this time: We were told then that the railroads were not making quite the percentage which they were entitled to make. Very well. Suddenly a great streak of prosperity hit this country, and now they are doing so much business that they have not enough cars to do the business and their receipts have jumped up by leaps and bounds beyond anything in the history of railroad operation. I have not the slightest doubt that the figures of the Senator from Georgia [Mr. SMITH] are practically correct. So a year after the 5 per cent increase they had not only got back to normal conditions but to supernormal conditions the other way. Before the hard times of 1914 and part of 1915 and before the 5 per cent raise they had not made any complaint; they were making money before the hard times hit them. When normal times came back, and on the top of that still more prosperous times came, what did that mean? It meant that they were making more money than they did before they got the 5 per cent raise.

Well, why are they not here with an offer of restitution? Why should they not offer a reduction in rates? If they could get along without the 5 per cent prior to the time they asked for it, why can they not restore the 5 per cent or reduce their rates 5 per cent, when they have not merely returned to normal

times but to better than normal times, for they are now making more money than they ever did? To the ordinary individual it would seem that they ought to be coming here with an offer or a prayer to the Interstate Commerce Commission to reduce rates by 5 per cent instead of asking to boost them 15 per cent. I think that is what will appeal to the ordinary man who puts two and two together.

It is said that because of the passage of the Adamson law the operating expenses of the railroads have increased. Well, it may be that operating expenses have increased a little, but nothing compared with the raise that they demand. It has been stated here, I think in one of the preambles of the resolutions of the Senator from Georgia, that this raise on account of the Adamson law, as has been estimated, varies from \$30,000,000 to \$60,000,000, while their demands for a 15 per cent increase means \$400,000,000 increase in freight rates. Are the railroad companies acting in good faith when they come before the Interstate Commerce Commission and, because of a slight increase in operating expenses, demand a 15 per cent increase in rates?

I venture to say, further, that if the figures of the Senator from Georgia are correct, viz, that the Adamson law increases the operating expenses between \$30,000,000 and \$60,000,000, and that a 15 per cent increase would mean now an increase of \$400,000,000, then a 5 per cent increase, which they are enjoying now and to which they are not entitled, would amount to one-third, or over \$130,000,000, and much more than overcomes the increase caused by the Adamson law. So they are now enjoying the "velvet" of the rates between the cost under the Adamson law and the 5 per cent increase; and, therefore, they are already getting more than they are entitled to.

There is another feature of this matter. The President not long ago sent out an appeal to the country calling upon men, high and low, to serve the country. As a consequence of that appeal, men are coming in and offering their services gratuitously. Industrial concerns are coming in here and offering to put their plants at the disposal of the Government without profit. A manufacturer of shoes in Milwaukee has made an offer to the President to furnish 500 pairs of shoes a day at absolute cost, to be figured by the Government.

Not only that, Mr. President, but we have passed a conscription law by which the Government can enter any home and put its hand on a man, and say, "You must serve the country; you must sacrifice your life, if need be; you must give up your position, whether you are earning \$1,000, \$2,000, \$10,000, or \$50,000 a year, and you must serve the Government at \$30 a month." When the Government conscripts a man, it conscripts his earning capacity, and when it conscripts his earning capacity, it conscripts his property as well as his life. It is a poor rule that does not work both ways. Are you going to conscript men and their lives and their service at \$30 per month and at the same time reward others who are not conscripted by enormous increase in rates and in profits?

You have heard of the high cost of living and yet by a 15 per cent freight increase you are going to pile on top of the already staggering cost of living extraordinary transportation charges, to be saddled upon the backs of those who are left at home because their breadwinner has gone to the war and who must subsist on \$30 per month?

Mr. President, this is no time, in my judgment, for business or for railroad companies or for industrial enterprises or for anybody else to come in and ask to have high profits or even to have profits increased. This is a time for service, not for gain, not for profit. The judgment of Congress and of the people of the United States, and their seal of condemnation should at once, and for all time, and at the very start, be put upon any such attempt as this. If this is going to be a game of grab, if men are going to set out at once to get hold of all they can while men are sacrificing their lives upon the battle field, everybody will grab, and everybody, instead of trying to find opportunities to give, will devote his time and energies looking for opportunities to get.

Not long ago there was a bill under consideration here providing that the Government should advertise in the newspapers and pay the newspapers for advertising for recruits. Very properly the Senator from Nebraska [Mr. HITCHCOCK], although himself a newspaper man, condemned the bill upon the ground that newspapers should be willing to do their part. This is the high plane to which other agencies should lift themselves or to which they should be lifted. Now, I say, let the railroads serve; let the industrial organizations serve; let everybody serve. Those who do not have to serve with their bodies at least should serve with their money or their service in some other way. Let us help to pay and not try to take. Let us not fill our pockets; let us rather try to empty them in the general

cause and for the general welfare. If it should come about that the Interstate Commerce Commission should increase these rates, as requested, under these circumstances, who, I ask, will oppose the United States taking over these railroads and commanding them in the interests of the general welfare? I for one will not, and I want to predict that the people will demand that the Government take them over.

If it is going to appear to the people of the United States that the men at the head of our great transportation companies are going to be actuated by sordid motives and are not looking toward the service of the Government, but toward service of self, I here say there will be a sentiment going throughout this land in favor of this Government doing what other Governments have already done, namely, taking over the transportation companies and operating them for the purpose of serving the people in this great emergency.

Mr. CALDER. Mr. President—
The PRESIDING OFFICER (Mr. HUTCHESON in the chair). Does the Senator from Wisconsin yield to the Senator from New York?

Mr. HUSTING. Certainly.

Mr. CALDER. Of course, the Senator from Wisconsin knows that the farmers of his State are getting for their products double what they ever received before; that the manufacturers of his State are getting double what they ever got before; that the railroad companies are paying double what they formerly paid for equipment, steel rails, wages, and everything else.

Mr. HUSTING. I do not know that the Senator's figures are correct. I know that it is generally supposed that the farmers are getting very high prices, that industrial concerns are getting very high prices, that railroad companies have to pay large prices; but it also appears, on certainly as good authority, that the railroad companies are making more money now in net earnings than they ever did before in the history of this country, and this notwithstanding the increased cost of operation.

Mr. CALDER. Mr. President, I can say to the Senator from Wisconsin that the people of New York State who are buying the products of the farmers in his State and the products of the manufacturers in his State are paying double what they ever paid before; and I do not see how any industry can be expected to live when it is compelled to pay double for everything it uses without any opportunity to increase its revenues.

Mr. HUSTING. I will answer the Senator that, according to his philosophy, as I understand it, because the farmers are getting double, because the manufacturers are getting double, therefore the railroads should get double. I ask if we permit one class of men to charge more than is equitable shall we then extend the privilege to everybody and let everybody else also fatten upon the country or shall we rather, as I would propose, restrict them? Where men are getting too much, do not let them have it. I do not advocate favoring any class, whether it be the farmers or whether it be the manufacturers or the transportation companies, or permitting them to take undue or unfair advantage of the people or the country, at a time like this, especially. I say at a time like this everybody should serve; everybody should make sacrifices of some kind. If one can not, by reason of age or otherwise, be of service at the front let him at least be willing to serve at home. All citizens ought at least be willing to do something in the nature of sacrifice and not insist upon having an advantage.

Mr. CALDER. Mr. President—

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

Mr. HUSTING. Certainly.

Mr. CALDER. If the Senator can develop a scheme by which the people of the country can buy the things they need more reasonably than they do now, I shall be glad to help him work it out.

Mr. HUSTING. I will say to the Senator that I am more anxious to restrict undue advantages or restrict profits already existing than I am to extend such undue profits to others and thus make conditions still more unendurable than they are now, and I hope before the end of this session something will be done to bring about a greater equality of service and benefits and a greater equality of the burdens of war. I sincerely believe that the Senator from New York will cooperate to that end when the time comes or opportunity is afforded.

Mr. KING. Mr. President—

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

Mr. HUSTING. Certainly.

Mr. KING. I desire to suggest, for the consideration of the Senator from Wisconsin, that the rule which should govern the

profits of public-service corporations, such as transcontinental railroads, should not be the one applicable to determining the profits made by individuals in their private activities.

Mr. SMITH of Georgia. Mr. President, if the Senator from Wisconsin will allow me—

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

Mr. HUSTING. Certainly.

Mr. SMITH of Georgia. I only desire to express the hope that the Senator from Wisconsin will not go so far into the general merits of the question as to prevent action on this resolution. It only asks for information. I am afraid that part of the figures I have given to the Senate have been incorrect, and I want to get the real facts.

Mr. HUSTING. I will say to the Senator that I consider this a very good time now to make the observations I have made.

I want to say that the rule suggested by the Senator from Utah [Mr. KING], which is applied to public-service corporations which are supposed to serve the public in a quasi public capacity, is a far different rule from that applied to individuals. I will even go further and say now that all should serve, whether they are private corporations, public-service corporations, private individuals, or officials—they should all serve.

I say this is a good time now to make these observations, because any attempt of this kind should be discouraged "right off the bat." This whole business should be lifted onto a higher plane, and men engaged in any walk of life, in any industry or vocation, whether it be farming or whether it be manufacturing, merchandising, or any other form, should understand that at a time when some men must sacrifice position, salary, business, and life itself there ought to be no encouragement for other men to increase their material advantages. I say it is not fair to conscript men and make them go to the front or make them give up positions where they have got to sacrifice not only profit but the very living of their families, and then encourage, on the other hand, increases of profits. In my judgment, all these transportation companies and these men at their head—and I respect many of them very highly—ought to be good sportsmen, ought to be good citizens, and good patriots, and instead of coming here asking for increased rewards and profits, they ought to come here offering something to the country. If the country will get together on that basis, it will find no dissatisfaction with the war.

I desire to sound this word of warning: That if this is going to be a fight for money as well as a fight for glory on the part of some men, if men are to be sent overseas to fight and die for their country so that others may stay here and get rich in their absence, you will have dissatisfaction with the war. I am anxious to see that this war shall be a success; that class distinctions shall die over here; that the captains of industry and the captains of transportation will so conduct and demean themselves in this crisis that all class feeling and class hatred will die away, and we shall have a brotherhood of American citizens, all willing to sacrifice something for their country, all willing to share in the burdens of war. To get increased profits will not involve sacrifice. Sacrifice can be made only by the relinquishment of something of value, not by the taking of something valuable. I say that this is the only way, in my judgment, that this war can be fought out successfully and leave this country in a stronger position than it now is.

I do not stand here and ask for confiscation, although I want to point out that in war even confiscation is not only justifiable, but is actually practiced. The Government, when it drafts him, is confiscating the man. It is confiscating his earning capacity when it drafts him and puts him into the service, and I say if the Government can do that with a man's life why should it not be just to do that with a man's property?

However, that is not what I am talking about. I am talking about fair play. I say that men and corporations should not come here and ask to have profits heaped upon profits at a time of stress like this; and I say that it would be well for the Interstate Commerce Commission to understand this, and to understand that the people are not in a temper to look with complacency on governmental action which has for its object and purpose the increase of profits at this time.

I hope that this resolution will pass and that the Interstate Commerce Commission will raise no rate temporarily or otherwise before the public's side can be fully heard.

Mr. GALLINGER. Mr. President, I submit a proposed amendment, to which the Senator from Georgia, the author of the resolution, does not object, and I trust that it will be agreed to.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. At the end of the resolution it is proposed to add the following:

The commission is furthermore directed to furnish for the use of the Senate a list of all railroads in the United States now in the hands of receivers, with the percentage of mileage covered by said roads as compared to the total railroad mileage of the country.

Mr. SMITH of Georgia. I accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment will be considered as adopted.

Mr. KNOX. Mr. President, I find myself in entire accord with so much of the observations of the Senator from Wisconsin [Mr. HUSTING] as cover the idea that this is a time for service. I am interested at this period in the railroad problem with the view, and with the exclusive view, of seeing that the railroads of the country, as its highways, render the greatest possible service in this emergency. The railroads are the highways of commerce; and it is over the railroads that the resources and the troops and the materials, whether they be food products or munitions of war, that are required by this Government and that are required by our allies, must be transported to the consumer.

A railroad as a highway can no more be maintained without profits than the Mississippi River could be maintained as a highway without rain. Railroads wear out; the roadbed deteriorates; the rails break or are worn out; the rolling stock is gradually consumed; and all of these things must be replaced. I do not understand that it is the suggestion of the Senator from Georgia that railroads should be disallowed profit. His resolution only goes to the question as to the obtaining of information from which some estimate of the justness of those profits could be made.

Mr. President, that is primarily the function of the Interstate Commerce Commission. I happened to be a Member of the Senate in 1906, and happened to take an active part in the discussion of the questions that were then before the Senate in respect to the regulations of railroads and the enlargement of the powers of the Interstate Commerce Commission. As all Senators will remember who were then Members of this body, and particularly those who participated in the debate, that was a period of self-renunciation. We had reached the conclusion, and perhaps wisely—indeed, it was almost unanimous—that it was not a possibility for us to deal legislatively with these great problems of railroad transportation, and that for that reason a commission should be employed, and that the powers and the functions of the then existing commission should be enlarged so that they could primarily, in the first instance, intelligently pass upon these questions, and practically determine the rule by which the railroads should be governed in their relations to the public.

Mr. President, there is a vast difference between the service that we shall exact from the private corporation and the service that we exact from the railroad. There is a vast difference between a railroad and the owner of a profitable operating concern in the city of Milwaukee or in the city of Pittsburgh or Philadelphia, who in all probability has a fat bank account, who has accumulated the savings of years, and is rich independently of the operation of his property. A railroad would cease to exist as a useful highway if you ceased to keep it up to the times, if you ceased to make good the deterioration to which I have referred. These are times of war, Mr. President. We know not what the future has in store for this country. If it is at all similar to the experience of the countries where the great battles are now being fought—France and Belgium—we will find that one of the great things that causes the suffering and the delays in the movement of troops and supplies is inadequate railway facilities. The fact is, Mr. President, that they are tearing up the railroads in Great Britain and shipping the ties and the rails and the cars to Flanders, because of the tremendous increase in the demand upon the functions of the railroads.

Mr. President, I have not the slightest objection to the Senate obtaining all the information called for in this resolution; but the theory of the Senator from Georgia, as I understand, is this: We want to be in possession of information that will enable us to judge whether the decision of the Interstate Commerce Commission, which is to pass primarily upon these questions, is just and is warranted by the facts. Now, if that is the theory—

Mr. SMITH of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Georgia?

Mr. KNOX. I do.

Mr. SMITH of Georgia. That is not the only theory. I regard it as a very important question, and I think the information may lead to additional legislation with reference to

the powers of the commission, and, broadly, that it is information entirely outside of this action by the commission that Congress ought to have at this time. I have never really suggested any final action that I thought ought to be taken. I have introduced a resolution requesting the Interstate Commerce Committee of the Senate to consider the whole situation and see what they think ought to be done. I have even suggested before them that if they find a particular difficulty at some particular place in railroad service, it might be advisable, in view of the general situation, for the Government to seek to relieve the trouble.

Mr. KNOX. Well, Mr. President, I had accepted that as one of the purposes, and I understand the Senator from Georgia does not disavow that that is one of the purposes.

Mr. SMITH of Georgia. Yes; that is true—for consideration.

Mr. KNOX. But assuming that there is the additional purpose to which the Senator now alludes, it only strengthens the argument that I am about to suggest for broadening this resolution.

This resolution, in my judgment, calls for mere ex parte evidence, supposed to be tending to prove that the railroads are not entitled to the increase they are asking. Now, they may be or they may not be. I know nothing about that, and the Senate will know nothing about it unless it hears all of the evidence and all of the information bearing upon the subject. My suggestion is that this resolution ought to go to the Committee on Interstate Commerce, in order that it may compile a schedule of the information that we desire, that will enable us to deal intelligently with the entire subject; and I do not think we should pass the resolution asking only for the specific information therein set out.

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

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

Mr. KNOX. Certainly.

Mr. HUSTING. I just wanted to ask the Senator, in view of what he said on the question of profits of railroads, whether he understood that I took the position that railroads should make no profits; that they should be run at a loss, or that they should be run at such rates as would destroy their usefulness?

Mr. KNOX. I certainly gathered, from the illustration the Senator used in speaking of the patriotic citizen of Milwaukee having turned over his factory to be operated without profit, that he meant to convey the suggestion that that was what the railroads should do.

Mr. HUSTING. I just want to say, then, in reply briefly to the Senator's understanding, that I merely cited that as an illustration of what citizens were ready and willing to do and were offering to do, and also pointing out that men were compelled by the Government to relinquish positions of profit to work for the Government at the rate of \$30 a month, and that in view of that fact the railroads should not ask for increased profits; that they should be willing even to take less than the law would allow them in case of an adjustment of rates. In other words, my position was that if men were willing to make sacrifices of all their incomes plus their own lives, railroads should not be coming and asking for increased profits, but should be willing to do the work at a minimum profit and not a maximum profit.

Mr. KNOX. Mr. President, I am really gratified to know that I did misunderstand the Senator from Wisconsin. As to what may be a reasonable profit, or whether an advance at this time is justified or not, I do not know. My point is that if we are going to pass upon that question at all, and pass upon it intelligently, we ought to have all of the evidence bearing upon the question laid before the Senate.

It may be that the railroads are not entitled to a penny of advance; but, if my memory serves me, at the time the Adamson bill was passed the President of the United States, who evidently had been devoting his mind for many days and many nights to thoughtful consideration of the railroad problem, said or intimated that the time had come when the railroads could with propriety consider an application for an increase of rates. I may be mistaken as to that having been his position, but that at least was the position that was presented to the public through the press; and I still think the Senator from Georgia ought to consent to allow this resolution to go to the committee, and then let the committee determine the scope of the inquiry.

Mr. SMITH of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania further yield to the Senator from Georgia?

Mr. KNOX. I do.

Mr. SMITH of Georgia. If others want additional information, they can ask for it; but I do think we are entitled to this information now. I especially want it because I have used a number of those figures, and if I have been wrong I wish to correct them. I think I was wrongly informed as to some of them.

Mr. KNOX. Mr. President, if you are entitled to any information now, you are entitled to all the information now. Men are liable to form a judgment upon *ex parte* testimony. They are liable to form a judgment upon a *prima facie* showing that a subsequent examination of evidence tending the other way is often unable to uproot.

In dealing with a great problem of this kind, the time for us to decide, if we are called upon to decide anything in connection with this matter, is when we have all of the facts before us.

Mr. LODGE. Mr. President, the Senator from Minnesota [Mr. NELSON] made some statements about grain elevators at the eastern ports in which I think he was a little in error. Of course we have not at Boston or New York the system of enormous grain elevators which they have on the Lakes, but we have very large grain elevators at both those ports. On the Lakes they have to carry an immense amount of grain during the season when navigation is closed. Navigation is not closed at the Atlantic ports, and the elevators are built upon the theory that they will hold the grain only for a short time, that it will pass through rapidly to foreign countries, so that there will always be room for the grain as it comes in over the railroads.

Just now we are short of tonnage. Grain gathers in the elevators at Boston and New York, and, no doubt, other ports, and they can not take the additional grain that comes in the cars, and then the cars are held for storehouse purposes, as the Senator from Minnesota said; but the center of the problem is just where the center of the problem is in the war in which we are engaged, and it is part of that problem. It centers on the ships.

If you can get the grain and the rails and the locomotives and the thousand and one articles that are needed by the allies and by those who are now fighting with us against a common foe taken out of the Atlantic ports and carried across the ocean, a great deal will be done to relieve the congestion and apparent shortage of cars in this country.

Mr. SMITH of Maryland. Mr. President, if the Senator will excuse me—

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

Mr. LODGE. Certainly.

Mr. SMITH of Maryland. I do not know what the conditions are in other cities, but I will say that in Baltimore they are building and preparing to build very largely increased facilities in the way of storage elevators. There is one already completed, and I understand the Pennsylvania Railroad expects to put in \$2,000,000 in building increased elevator storage in Baltimore city. I do not know how it is in other seaports.

Mr. LODGE. I will ask the Senator, before he takes his seat, if he does not think that what I have stated about the congestion of the great Atlantic ports is largely true—that it is the difficulty of finding tonnage to get the wheat abroad?

Mr. SMITH of Maryland. That has evidently been the trouble. They can not get export; they can not get vessels to ship the grain in, and it has created a congestion that, of course, can not be remedied at once; but they are endeavoring to remedy it in the city of Baltimore now to a very great extent.

Mr. LODGE. I do not know whether they are building additional elevator space in Boston and New York or not, but I think I have stated the general situation correctly. It seems to me that at this juncture it is perhaps more important to do everything we can to promote the attack upon the common enemy than to amuse ourselves by assaulting our own railroads. Of course, as the Senator from Pennsylvania said, we all sympathize with what the Senator from Wisconsin said. Nothing is more sympathetic to any one than to make somebody else act on a high plane. We all like it. It is a form of altruism that appeals to every one of us. But it seems to me that even the railroads are entitled to a fair hearing, and I say, with all respect to my friend from Georgia, that this resolution calls for the evidence on one side and creates what seems to me to be an unfair impression on its face. If we are going to have the gross and net incomes, I want also the operating expenses.

Mr. SMITH of Georgia. The net income is what they have after they get through paying their operating expenses.

Mr. LODGE. Yes; but I want to know what the operating expenses are, and I want to see how they have increased if they have increased or decreased if they have decreased. Gross and net incomes are not all. The movement of operating expenses is a very important thing in judging of the relations of any

corporation, and I think we ought to have that. I shall move to insert, after the words "gross and net incomes," wherever they occur, the words "and operating expenses."

Mr. SMITH of Georgia. I accept the suggestion.

Mr. LODGE. Although I think the amendment moved by the junior Senator from Minnesota in regard to not confining this to railroads with 7 per cent income—

Mr. SMITH of Maryland. I ask the Senator, would it not be well to find out what the railroads make—those over 7 per cent or below 7 per cent.

Mr. SMITH of Georgia. I have already accepted the amendment suggested by the Senator from Massachusetts.

Mr. LODGE. I was not aware that it had been accepted. I was going to say simply—

Mr. SMITH of Georgia. I will accept any suggestion for the fullest information asked for by anyone.

Mr. LODGE. Very well, I thought it only included the roads in the hands of receivers.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill No. 2.

PUNISHMENT OF ESPIONAGE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Gerry	Lewis	Shields
Bankhead	Gronna	Lodge	Simmons
Beckham	Hale	McCumber	Smith, Ariz.
Brady	Hardwick	McKellar	Smith, Ga.
Brandegee	Hitchcock	Myers	Smith, Md.
Calder	Hollis	Nelson	Smoot
Chamberlain	Husting	Norris	Sutherland
Culberson	Johnson, S. Dak.	Overman	Thomas
Cummins	Jones, N. Mex.	Page	Thompson
Curtis	Jones, Wash.	Phelan	Underwood
Dillingham	Kellogg	Pittman	Walsh
Fall	Kendrick	Poindexter	Warren
Fernald	Kenyon	Pomerene	Watson
Fletcher	King	Ransdell	Weeks
France	Knox	Saulsbury	Williams
Gallinger	La Follette	Sheppard	Wolcott.

Mr. LEWIS. I have been requested to announce that the Senator from Arkansas [Mr. ROBINSON] is detained on official business.

Mr. THOMAS. I desire to announce that my colleague [Mr. SHAFROTH] is detained on important business.

I was also requested to announce that the junior Senator from Mississippi [Mr. WARDAMAN] is unavoidably absent, and he has a general pair with the junior Senator from Idaho [Mr. BRADY]. I will let this announcement stand for the day.

Mr. CHAMBERLAIN. I desire to announce the absence of my colleague [Mr. LANE] on account of illness. I ask that this announcement may stand for the day.

Mr. SUTHERLAND. I wish to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. CURTIS. I desire to announce the unavoidable absence of the junior Senator from New Jersey [Mr. FRELINGHUYSEN]. I will let this announcement stand for the day.

The PRESIDING OFFICER. Sixty-four Senators have answered to their names. There is a quorum present.

Mr. SMOOT. Mr. President, the President of the United States, the Congress, the governors of the different States, the mayors of cities, the commercial clubs, and thousands of other organizations in this country have been pleading with the people to plant and cultivate every possible acre of ground for the purpose of raising sufficient food crops to feed the American people and our allies engaged in the present war for the coming year. Lands have been offered freely without recompense in any way, and there has been, I was going to say, almost a universal response on the part of the people.

But, Mr. President, I find from letters received by me from different parts of the country that there is an imposition being imposed upon the public by many concerns distributing seeds, and that the prices charged for them are outrageously high. I expect to call the attention of the Secretary of Agriculture to it. I believe that some movement should be made to prevent people who have responded so willingly to the appeal of the President and those whom I have already mentioned from being robbed as they are being robbed to-day in the purchase of seed.

A friend of mine writes me that after attending one of the meetings at which an earnest appeal was made for the cultivation of every possible acre of land he decided, upon leaving the meeting, to put all his back yard into vegetables and cultivate the land in the best way that he could. The next morning he started out to purchase some garden seed. He went to a seed house and bought some 10 or 20 packages of garden seed of different kinds. He took them home thinking he had plenty of seed to plant the small piece of ground. In opening the packages that were sold to him at five cents a package this is what he found:

He found just eight peas in the package of peas. I notice on the front of a package a picture of a pea pod and I count in the pod nine peas; but inside the package you will find only eight. The package was put up by the New York Seed Co., of New York.

The package of beets was put up by William Elliott & Sons, of New York, and there were just 13 beet seeds in the package.

That is not all. I see that in a package of radishes for which they charged 5 cents there were 15 radish seeds. I have not a pair of scales nor had I the time this morning to go to an apothecary's shop to see what 15 radish seeds would weigh, but at the rate charged for the 15 seeds it would amount to \$20 or more a pound for radish seed. That is what people are paying for the seed they are going to plant in small lots to help feed the people of this country.

Of lettuce seed we find enough in the package to perhaps plant not to exceed a row of 5 feet.

Mr. President, I wish to call this to the attention of the Senate, hoping that something will be done to relieve the situation. I asked why they did not buy the seeds in bulk. In one case it was stated that the town was so small there was not a seed house in it and the only way they could buy seed was to purchase them in packages put up by the seed companies.

If this is to be universal, Mr. President, there will be millions of dollars spent by the American people in purchasing seeds put up in the form to which I have called the attention of the Senate.

Mr. CALDER. Mr. President—

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. I yield to the Senator.

Mr. CALDER. Were the seeds purchased in the city of New York?

Mr. SMOOT. Of these seeds two of the packages—the beet seed and the radish seed—were purchased by Mr. W. P. Monson, of New York.

Mr. CALDER. In the city?

Mr. SMOOT. In the city. The other two packages that I have were purchased out West.

Mr. CALDER. They were purchased at retail from a retail dealer in a small place, but manufactured in New York.

Mr. SMOOT. They were put up in New York.

Mr. President, I simply call attention to this matter hoping that something will come from it. I am going to ask the Secretary of Agriculture to take up the question, so that in those places where there are no seed houses people can buy seeds in the bulk; that there shall be some arrangement made by which they can be sent out and the people not robbed as they are being robbed all over the country by purchasing seed in packages as put up to-day.

Mr. KENYON. Mr. President—

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

Mr. SMOOT. I yield the floor.

Mr. KENYON. I should like to ask the Senator a question before he takes his seat.

Mr. SMOOT. Certainly.

Mr. KENYON. I ask the Senator from Utah if he has given consideration to the bill now before the Committee on Agriculture, section 5 of which covers to some extent this question, to enable the Secretary of Agriculture—

Mr. SMOOT. I have read the bill, I will say to the Senator, but I have not given any special attention to it, because I did not think that was necessary until the bill was either reported to the committee or we knew that some action was to be taken upon it.

Mr. KENYON. That bill is now before the Committee on Agriculture and Forestry and they are devoting consideration to that very question.

Mr. SMOOT. I so understood, Mr. President.

Mr. THOMAS. Mr. President, the facts laid before us by the Senator from Utah are deplorable, but they are not surprising. The seed men and all those who retail food products are taking

advantage of existing conditions, just as everybody else are doing. Hence there is nothing new in the Senator's disclosures. If there are any producers on a large scale outside of some of the farmers, who are not profiting by the opportunities now presented, I have not heard of them.

I received a letter yesterday from a woman living in the city of Denver, my home city, calling attention to a situation at the other end of the food line, which is equally reprehensible and which, I fear, is not at all local in its application. I desire to read the concluding sentences from the letter, which refer to that situation. The lady says:

About the food situation, there is a lot of talk about women wasting food. Well, they do, of course. There is more or less of that, but not among the masses. * * * But what about the men who buy up the fields and orchards and allow the food to rot?

I was in Kansas City recently and heard the people there talking about the food destroyed there last year and this year. If people grow as much stuff as they expect to, what will be the result? Why, only the growers will benefit, for the speculator will destroy all that can not be sold at high prices to the nonproducer. There must be some drastic measures taken at once.

The name of this lady is Mrs. Frances Walden, 4554 Irving Street, Denver, Colo.

Mr. CURTIS. Mr. President—

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

Mr. THOMAS. I do.

Mr. CURTIS. Does the lady indicate the kind of produce destroyed? I ask the question because I had a similar letter, and in it there was no mention of the kind of produce that had been destroyed.

Mr. THOMAS. No; she does not. I will say to the Senator, however, that I was told about two months ago by a gentleman whose word is beyond question, that he knew of instances within 40 or 50 miles of Chicago, where last fall men from that city bought the product of some farms chiefly consisting of pumpkins, winter squash, and so forth, paying an extraordinarily high price for them, but which were never gathered. No pretense was made of harvesting the crop, and it having been sold the farmer, of course, could do nothing with it. The purchasers simply permitted them to remain on the ground, and thus decrease or minimize the amount of similar products upon the market. The effect upon their prices is obvious.

Mr. McCUMBER. Mr. President—

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

Mr. THOMAS. I yield.

Mr. McCUMBER. I wish to say to the Senator that I have in my office a letter inclosing a clipping from one of the papers in my State, and in that clipping there is an announcement that there had been destroyed in Chicago 150,000 bushels of potatoes, that they had been destroyed lately, and destroyed for the purpose of decreasing the supply. I can not believe that that is true; I feel certain that it can not be true; and yet stuff of that kind is being circulated through the country to excite our people. Has the Senator any knowledge of any such destruction?

Mr. THOMAS. I have given the instances that have reached me directly. I recall, now that the Senator mentions it, seeing that account of the destruction of potatoes in or near Chicago. I do not say that these things are true; I hope they are not true; but I believe that the speculators would not hesitate to go to that extreme, if necessary, to enhance the price of their products.

Mr. McCUMBER. I can say, Mr. President, if it is true, there are some people in the United States unhung who ought to be hung. But I can not believe that the statement is true.

Mr. THOMAS. I quite agree with the last sentiment expressed by the Senator from North Dakota. I know of no crime more serious and reprehensible to-day than the deliberate destruction of food products anywhere. I know of no crime that approaches it so nearly as the practice which does prevail of cornering food products to enhance their prices. There is no question but that such practices are flourishing and the law seems to be unable to reach or punish them. I greatly fear that unless something is soon done to prevent them, resort will be had to the lamp-post.

I do not care to take the time of the Senate further in discussing the subject. I propose to offer when chapter 7 of the bill now before the Senate is reached an amendment suspending boards of trade and chambers of commerce in the United States which permit speculation in food products until the President by proclamation declares the war to have ended.

Mr. WILLIAMS. Mr. President, I agree with the Senator from North Dakota [Mr. McCUMBER]. I do not believe there has been any deliberate destruction of food products in the United States. Prices are not fixed by demand and supply; they are fixed by estimated demand and estimated supply. The

traitors who were in the pay of Von Papen and Von Rintelen and Von Igle are now spreading these reports all over the United States, with the view of making food cost as much as possible to the American people, the American Army and American Navy, and the armies and navies of our allies. There has not been anything like a deliberate destruction of food products anywhere. Somebody would have known it; somebody would have seen it; somebody would have seen the fire or the other method of destruction.

Prices depend upon psychology, contrary to the general impression. If you fix the psychological impression upon the public mind that supplies are being destroyed and are being diminished, prices go up, and if you fix the opposite psychological impression, the opposite result follows. I believe that the full amount of the German corruption fund has not yet been exhausted.

Mr. BORAH. Certainly the German corruption fund has not actually raised the prices.

Mr. WILLIAMS. Yes; it has and does now. The German corruption fund has created a hysteria; it has created a psychological impression that foodstuffs are short and the supply is insufficient, and in creating that it has increased prices.

Mr. BORAH. I think it was well founded, but the most alarming information which has gone to the country at all has gone from the Agricultural Department.

Mr. WILLIAMS. I am not talking about that, because that information, real as it is, can not account for the present prices. It can not account for the situation just disclosed by the Senator from Utah that there is a condition actually existing in places in which the nonproducing part of the population of the world in armies and navies is eating food to an enormous extent, out of all proportion to normal conditions, when there would be a similar proportion of the people producing food. That is undoubtedly true, but that does not account for this condition.

Now, this condition exists worse in the boll-weevil districts of the South than almost anywhere else right now. The people had their cotton crops destroyed by the boll weevil. So they wanted to raise foodstuffs this year. They have found that they can not buy a great many things, soy beans for one thing. Velvet beans are very scarce. Even cowpeas are said to be very scarce. Yet there is not a man throughout that country who does not know that we raised last year a bigger crop of cowpeas than we ever raised before in our lives. But the cowpeas are being cornered somewhere, and the impression is being placed upon the public mind that peas are scarce.

There is no one who does not know that the South planted more corn this year than it ever planted, and it planted more last year than it planted in the year previous. Because of the Mexican boll weevil and because of the high price of corn a man would say, "I can not afford to raise cotton with the proceeds of which I must purchase corn. Corn is \$1.75 a bushel"—as it was for a short while—"so I will raise corn."

Now, you must remember that there is a great deal of hysteria in the country outside of all the German espionage and German corruption funds, which have been deflected to this new purpose since the gentlemen whom I previously mentioned had to leave the country. Outside of them there is a general hysterical war condition existing. People are going crazy about some things.

A man came around to me the other day. I have a little back yard on Sixteenth Street, about as big as from that desk to this one and back there [indicating]. He wanted me to plant vegetables. I could not plant vegetables enough there to furnish food for the family for hardly more than three breakfasts. It is stupid.

Now, the first thing you have got to get rid of is this psychological condition. You have got to get rid of the hysteria, and let the voice go out to the American people that there is no great shortage of the foodstuffs of America, or that at any rate while there may be a shortage it is not the extravagant shortage that the newspapers are feeding us on every day.

A newspaper boy naturally hunts the sensational; he has got to put things in the paper—by the way, he is about the fairest fellow in the world to us and to everybody else—but he is always hunting news, and the more extravagant the news is the more welcome it is and the further it goes. It is the psychology of the situation more than anything else, and we can correct it better from right here than from any other place in the world.

Mr. BORAH. Mr. President—

Mr. WILLIAMS. One word further. In the meanwhile, in order to correct it, let us take the course indicated by the Senator from Utah [Mr. Smoot]. Let us put our hands upon the throats of these speculators, if there be any great number of them, so that we may fix for the farmer the minimum price and

fix for the consumer the maximum price that shall be fair to all. Meanwhile, let us not let our allies in Europe think that their main dependence for food—America—can not be depended upon. We have the food, we have the money, we have the men, we have the courage, and we have got everything else.

One other thing I want to say. So far as the South is concerned, just at this moment, the trouble in raising food is not so much the lack of seed—though that is a trouble with vegetables and some other things, like soy beans and velvet beans, the new crops—but it is the lack of labor, though already in many places throughout the South men are beginning to substitute machinery for labor.

Mr. BORAH. I suppose the Senator would include fertilizer also, because we appropriated \$10,000,000 for that yesterday.

Mr. WILLIAMS. I would, undoubtedly, but I was dwelling upon the chief trouble. The chief trouble in the South is the lack of labor. The whole South wants to turn itself into a place to raise food. You can raise oats and cowpeas and wheat and plant them with a tractor plow. One man on one place of mine now has put 150 acres into oats with a tractor plow, and is to follow it in the same year with peas. There never was a tractor plow seen around there before. But we simply can not get labor. The immigration from Europe has been shut off. As a consequence, the negro labor of the South has been going North. A man told me not long ago that he saw a camp of negroes working in Vermont—a thing never before seen there, I presume. Now, in the South farmers are gradually substituting for man power machine power, and it will not be long before they have substituted a sufficient amount of it to meet the trouble. But whatever else happens, let us not get hysterical.

Mr. THOMAS. Mr. President, I merely want to add to what I have said one reflection suggested by the remark of the Senator from Mississippi [Mr. WILLIAMS]. I think it is undoubtedly true that the hysteria of the time has much to do with some of the conditions of which we complain; but my imagination is not vivid enough to ascribe to it all of the evils which we are now discussing. I do not believe that German propaganda is the cause of the very small number of seeds in these bags, to which our attention has been called by the Senator from Utah, nor of the impression that our food supply may be confronted with a shortage. I agree with the Senator in that. I do not think there is immediate danger of such a calamity. I certainly hope not; yet, as suggested by the Senator from Idaho [Mr. BORAH], much of the information—some of which proceeds from official sources—may have been subject to the general hysteria and can not have been influenced by any German propaganda.

Mr. WILLIAMS. Mr. President—

Mr. THOMAS. I yield to the Senator from Mississippi.

Mr. WILLIAMS. The Senator from Colorado must admit that the agents of the Agricultural Department to-day are largely actuated by the motive of persuading the people to put in more and more foodstuffs, and are, therefore, very naturally biased in making their estimates as to what will be planted. They want to scare the people, so that there will be no danger of a lack of foodstuffs.

Mr. THOMAS. I think so, Mr. President, and I think that that is a very commendable course to pursue.

Mr. WILLIAMS. I think so, too.

Mr. THOMAS. I am sure that the Senator from Mississippi and I would agree on that proposition; at the same time there is a basis for the apprehensions of the department, which I think is pretty well founded.

This shortage is actually threatening us in some directions, due not to the lack of supply but to the manner in which that supply is controlled. I refer to a speculation which would confront us irrespective of the activities of enemies within our midst. For example, I have two clippings from the New York World of April 24. The first informs us that—

SPECULATORS ARE HOARDING VAST SUPPLIES OF FOOD.

Developments yesterday in the wholesale produce district here and at Chicago disclosed that large speculative syndicates, backed by millions of cash capital, are buying and hoarding vast quantities of eggs, dried beans, cheese, and some other foodstuffs urgently needed by our allies within the next few weeks.

This hoarding is going on just in advance of very large bids by the Government at Washington for food supplies for the Army and Navy and by the allied Governments for supplies to be shipped abroad.

The other is a telegram clipped from the same paper, as follows:

SPECULATORS HOLD 36,000,000 EGGS—COMMISSIONER DILLON'S AID TELLS OF VAST SUPPLY IN CHICAGO.

CHICAGO, April 24.

About 200 carloads of eggs, approximately 36,000,000, are on railroad tracks in Chicago to-day and they are being held by speculators, according to Hebert A. Emerson, who is on his way to his home in New York from the Pacific coast, where he investigated food conditions for John J. Dillon, commissioner of the State of New York.

Mr. Emerson said that the Pacific Coast States this year, instead of importing eggs as they have done usually, will have a surplus of 75,000 to 100,000 cases. This will release the supply from the Northern and Middle Western States which has been going to the coast in the past and will turn that supply toward the East. Mr. Emerson said he had no evidence of an Egg Trust, but said he is sure there is a "mighty close understanding" among the big dealers.

"The butter situation is a parallel," he said. "The Pacific coast this year will be able to ship east a surplus of 150 cars of butter, 24,000 pounds to the car. Four years ago the coast imported 200 cars." He said Chicago is now paying higher prices for eggs and some other foods than London and Liverpool.

This accounts in part for the failure of the large production of beans, to which the Senator from Mississippi referred, to affect sensibly and by way of reduction the prices for those commodities. It is this speculation in food products, Mr. President, which holds up the consumer, the Government, and our allies, and which will reap huge benefit from the \$5,000,000,000 which this Congress has just voted for war purposes.

The real enemy of the American people to-day is the speculator and the combinations which seek to control the necessities of life and dictate their prices to the people and to the Government. They are creating a situation certain to create a crisis more serious than the war crisis now confronting the Nation. I earnestly hope that before we adjourn we shall enact legislation whereby the Government may take such people by the throat and keep its strangle hold until this war is over.

Mr. BORAH. Mr. President, I agree with the views expressed by the Senator from Colorado [Mr. THOMAS] as to one of the causes of the high cost of living at the present time; I have no doubt that the element of speculation enters into it to a very large degree; but I disagree entirely with the Senator from Mississippi [Mr. WILLIAMS], and with others, who express belief that there is not a shortage of food in this country. There is, and there has been for the last six months, a very wide and extended suffering upon the part of the poor people of this country for want of food. There is not any more doubt about it than there is that we are here in this Senate Chamber. The facts are to be gathered upon every hand. If it were not that we are having our attention diverted by conditions of war the facts would be so pointedly presented that no one could doubt them. There is a shortage of food supplies, and there will continue to be unless the most persistent, extraordinary, sustained, and vigilant efforts upon the part of the American people prevents it.

In my judgment, the most serious and stupendous fact which confronts us to-day with reference to the question of war is that of food; and there is no use of blinding our eyes to the fact. If this war continues for two years and there is not the most extraordinary exertion, sustained and constant upon the part of the American people, we shall face a world famine.

More important than men upon the front, and more important than any other question connected with this war, is the organization of the industries of this country, so that we may see that the people who go to the front are fed and the people who are at home are not visited with widespread famine. If the United States can do its part and if it can arouse the people to the necessity of doing their part in regard to this matter—as the Senator from Mississippi says, we have the men, we have the material, we have the territory, we have the area, we have the acreage—we can prevent it; but we can not prevent it by drifting.

Mr. President, this is not alone due to the fact of the conditions superinduced by war. There has been a constant rise in food prices for the last 15 or 20 years. There has been a constant decrease in acreage, proportionately speaking, and a constant increase of population in the cities. There has been a large number constantly going into the cities and a smaller number going to the farms to feed them. Mr. James J. Hill, who was not only a great railroad builder, but also an empire builder, warned us 10 years ago that if there was not turning from the city to the farm and an increase in acreage in proportion to the increase in population, we must face the fact that there would be universal want among the people who were drawing small salaries and earning small wages in this country. That prophecy has come true. He gave us the decrease in acreage from year to year in the production of wheat in proportion to the population, the decrease in acreage in the production of corn in proportion to the population; and it proves itself. It is a mathematical proposition. There is not enough being produced to feed those for whom the producers are working.

Here is an illustration of it. In 1890, according to an authority before me, we had 62,000,000 people, and we had at that time in this country 58,000,000 cattle. Now we have 100,000,000 people and 41,000,000 cattle. That is not a condition which has been superinduced by German spies or German corruption funds. It is a fact which had been demonstrated long before the situation which now confronts us was apparent to

the country; and that must be overcome in order to meet this situation. It is just as necessary, Mr. President, as the question of raising armies and men to fight upon the battle front.

The American Steel & Wire Co., in a recent statement, said:

Live-stock growing is the most important subject in the country at this time. America in the past has offered meat three times a day to all comers; now things are changing, for the population is increasing faster than the meat to feed it. Must the country go backward to the European standard? Live stock is leaving the farms too fast—the raising of live stock has become unprofitable in the face of the greatest demand the world has ever known.

This is an illustration of what the Senator from Colorado [Mr. THOMAS] has said. It is by reason of the fact that there is a gigantic combine, a gigantic monopoly, which is in control of the situation, constantly impoverishing those who are raising the stock and constantly increasing the price to those who must feed upon the meat, if they get it at all.

Mr. James F. Pool, editor of the Live Stock Journal, in an article in the Chicago Examiner of January 20, 1917, says:

"Texas never has been as short of cattle since it grew grass," said Robert R. Hammond. "In one section of the Panhandle, where 200,000 head could easily have been found at this season a few years ago, I was able to find less than 200,000." Similar information comes from every section of the southwestern breeding grounds.

There will not be enough mature cattle to fill Flint Hill's pastures in the spring, to say nothing of the northwestern grass requirements.

Now, Mr. President, I turn back to some of the reasons for this situation. The American National Live Stock Association, at a meeting some time ago, passed these resolutions:

The packing interests of the country to-day are in control of practically all the stockyards at the market centers, exchange buildings, and all terminal facilities for the caring for and handling of stock.

In a very large measure they are in control of the banks and cattle-loan companies at these market centers.

To-day a farmer ships his car of finished stock consigned to a commission man, who is found to rent his office from the packer—the buyer—and does his business with a packer-controlled bank. Under these conditions it is impossible for the seller to meet the buyer on equal terms. While the packer by his methods is impoverishing the producer, the cost of meats to the consumer is higher than ever before in the history of the country.

The object of the association is to bring about such a condition as will give the producer a fair profit and to once more raise the consumption of meats by the consumer to the level of five years ago by reducing the cost to the consumer. The shrinkage per capita consumption of meat during the last five years has been about 18 per cent.

The following resolutions were read and adopted:

"Whereas the big meat packers of the United States are largely in control of stockyards and the terminal facilities thereof, of the slaughter and distribution of cattle, sheep, hogs, and poultry, and the products thereof, including hides, tanneries, and the products thereof; many of the articles that are made from the horns and hoofs, including glue, buttons, combs, etc.; cottonseed oil mills and refineries, the products of which are used in the manufacture of lard compounds, soap, and various oleo products; and

"Whereas they also control the price of fertilizers, with which the fertility of the farms of the Nation is maintained; and

"Whereas they largely own and control the refrigerator cars and icing facilities used in the transportation of fruits, vegetables, and other perishable products; and

"Whereas in many localities of production they control the price paid and the distribution of fresh and canned fruits, and are thus able to influence the effect of supply and demand and to cause violent fluctuations in prices to the great detriment of the producer and without benefit to the consumer; and

"Whereas such control as recited above gives those possessing same a practical monopoly of the marketing of goods and other necessities of life and is a menace to our country: Therefore be it

Resolved—

Then they ask for an investigation, I think, by the Federal Trade Commission in regard to the facts.

Only a short time ago what is known as the National Conference of Marketing and Farm Credits, which was attended, it was said, by 2,000 delegates from 47 States, passed this resolution:

We earnestly urge upon Congress the imperative need of a prompt and thorough investigation by the Federal Trade Commission, assisted by the Department of Agriculture, of the marketing of live stock and the meat-packing industries in this and other countries. We urge that this investigation be followed by a report with constructive recommendations for the improvement of the conditions and methods under which live stock is marketed, and the products thereof manufactured, distributed, and sold.

ADEQUATE APPROPRIATION AND AUTHORITY.

We urge upon Congress the making of an adequate appropriation and the giving of adequate authority to the Federal Trade Commission to enable it to cover all important phases of the problem.

Mr. CURTIS. Mr. President, will the Senator permit me an interruption?

Mr. BORAH. Yes, sir.

Mr. CURTIS. The Senator will remember that in the last sundry civil appropriation bill \$250,000 were appropriated for that investigation. I think that was in response to a resolution similar to the one to which the Senator has referred.

Mr. BORAH. I know that that appropriation was made, but I am convinced the situation requires a remedy more speedy and drastic than a congressional investigation.

Mr. NELSON. Mr. President, will the Senator allow me an interruption?

Mr. BORAH. Yes.

Mr. NELSON. I desire to say to the Senator that the representative of the organization whose resolution the Senator has read, a former Secretary of the Interior, has been here lately and advocated this specific appropriation. He said it was just what he wanted to cure the situation.

Mr. BORAH. Yes; but does not the Senator from Minnesota—

Mr. NELSON. The Senator from Idaho knows to whom I refer.

Mr. BORAH. Of course, I know.

Mr. NELSON. I refer to Secretary Fisher, who was here. He wrote me about this matter and came to see me in regard to it; there is no secret about it. He wanted an appropriation of \$400,000, but if he could not get that he would be satisfied with \$200,000, but he said this was just what he wanted.

Mr. BORAH. Precisely; and I know how badly he wanted it, because he wrote me about it, and it was a step, perhaps, in the right direction. We would have a very learned and industrious investigation; it would reveal a startling state of facts, the volumes of which investigation would go into the archives of the Capitol, and there they would remain for all time to come; but the increase in the cost of living would proceed apace.

Mr. CURTIS. Mr. President, does not the Senator believe that, with the interest now manifested in this question, Members of the other House and of the Senate will thoroughly study that report?

Mr. BORAH. Mr. President, of course we thoroughly study all these questions, but the remedy which we usually provide is homeopathic; it does not seem to purge the system. There is not much doubt about the facts. Then why investigate? Does anyone really doubt the complete and absolute monopoly of the packers of this country over the live-stock industry? It can be demonstrated by the calling of a grand jury in three days; and you will never stop it by mere congressional investigation.

I said a moment ago that the most serious question in this war right now is the question of the supply of food; and, in my judgment, if the war continues, as I have said, for any length of time, that is going to be the situation with which it will be most difficult to deal.

We are conscripting men. I am for conscripting the means by which to feed the people of this country and the people of Europe, and I am in favor, as a war measure, of this Government taking possession of the packing plants of the country, to officer and run them for the benefit of the American people from now on, so long as the war continues.

Mr. THOMAS. Mr. President, does not the Senator also think we should conscript all of the food in the different cold-storage warehouses of the country as well as the meat supply?

Mr. BORAH. Yes; I do.

Mr. WEEKS. Mr. President, I should like to ask the Senator from Idaho if he really thinks the retail prices of meat products would be any less if the Government were controlling the business?

Mr. BORAH. I think they would. Does the Senator from Massachusetts think they would be no less?

Mr. WEEKS. I have great doubt about it. I am inclined to think that the prices would be higher rather than lower.

Mr. BORAH. Well, two of the packing companies last year declared in the way of stock and cash dividends \$125,000,000.

Mr. WEEKS. Let me ask the Senator from Idaho how much business they did?

Mr. BORAH. It does not make any difference to me how much business they did; they did a tremendous amount of business; but we propose to do the same amount of business with their plants, and give the American people the benefit of the \$125,000,000 profit during the war.

Mr. WEEKS. How much capital did they have involved?

Mr. BORAH. I do not know.

Mr. WEEKS. How much rent would you pay, and how much higher wages would you pay?

Mr. BORAH. The Senator is talking about something that does not enter into this matter at all with me, so long as this war continues. We would not need to pay any higher rent or any higher wages. And then, when the war is over I would turn them back stripped and purged of their monopolistic elements. I would make the situation such that independent packing companies would dare to start and be able to live.

Mr. REED. Mr. President, I am interested in the Senator's figures. I propose to ask him whether there is any possibility of a mistake? I remember some months ago looking up the figures, and, as I recall, the profits of the Armour packing plant, which is one of the largest in the country, were \$20,000,000, and not \$120,000,000 or \$125,000,000. It seems to me there is an

error, and I know that the Senator from Idaho does not want to make an error. If I am wrong, I should like to be corrected. I do not say that as any answer to the Senator's argument, but in the interest of accuracy I make the suggestion that the Senator may be mistaken.

Mr. BORAH. Mr. President, I have before me a statement of facts, furnished to me by a gentleman in Chicago. I do not feel free to give his name, but the statement which he furnished me carries, to my mind, the evidence of verity, because it is sustained by a very thorough presentation of the facts, and he has been giving a great deal of time to the subject. I may be in error about it, but my information is that what I have given is a correct statement.

Mr. REED. I do not challenge the Senator's statement; I simply call attention to it, because it is in such great variance with the figures that I found. My figures, however, are some months back. Whatever the facts are I know we want to know all of them.

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. BORAH. I yield to the Senator.

Mr. SMOOT. Mr. President, I received the annual statement of the Armour Packing Co. for the fiscal year ending December 31, 1916; and that statement, if I remember correctly, showed a profit for the year of nineteen million and some odd dollars. It also showed that the profit on the gross business—that is, on the amount of business handled—was a trifle less than 2 per cent, or, in other words, that for every \$1,000 of business done by Armour & Co. the profit amounted to a trifle less than \$20. Of course, I wish to say to the Senator—

Mr. KENDRICK. Mr. President—

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. BORAH. In just a moment. Of course, if I have been led into attacking an impoverished concern—a concern which is on its last legs financially—I should be glad to record my apology, when the facts are properly presented to show that fact.

Mr. SMOOT. I do not want the Senator to understand that I intimated that they were not making a good profit upon the amount of money invested. I simply called attention to the fact that, even if the Government of the United States were going to handle the business, it is very probable that it could not be handled for less than 2 per cent; and yet 2 per cent upon the great volume of business that they do shows a good profit for last year's business on the amount of money invested.

Mr. BORAH. Does the Senator, when he refers to the financial statement, take into consideration the stock dividends declared as well as the cash dividends?

Mr. SMOOT. Every dividend declared, and all of the profits that were made from every source.

Mr. BORAH. Then I venture to say that the Senator has been—something that does not often happen to the Senator—very sadly misled.

Mr. SMOOT. Well, I say to the Senator now that I base my statement on the annual report that was sent in pamphlet form to all of the stockholders and to many of the business men of the United States, showing the exact amount of business done during the year, the assets and the liabilities of the company, and showing the net profits of the company for that year. I can not say, of course, whether they were correct or not. I can only say that that was the statement that was given out by the company and signed by the president.

Mr. KENDRICK. Mr. President—

Mr. BORAH. I will yield to the Senator from Wyoming in just a minute. I would not quote a mere news publication which did not seem to be verified with reference to this matter, but I am quoting from one who has convinced me by his position to know, and by his long and industrious investigation, that he is pretty familiar with it. I may be in error.

I now yield to the Senator from Wyoming.

Mr. KENDRICK. Mr. President, I should like to say for the information of the Senator from Idaho, in answer to the statement made by the Senator from Utah, that the claim has been made by the packers for the past quarter of a century that they were not receiving a greater profit than he has indicated here; but the facts show beyond the shadow of a doubt that their profits are in the by-products that they produce, and that they are uniformly piling up profits, while those who produce live stock are, at least in many cases, losing money as producers. It can be shown without any question that their profits greatly exceed the claims they make, because they are covered up in the by-products.

Mr. SMOOT. Mr. President, the annual report to which I have reference—and, by the way, I will send for it and have it

here in a very few moments—takes into consideration every dollar of profit made by the concern. It not only takes into consideration the profits on the purchase of the stock but it takes into consideration the profits on all by-products. The company deals in sheep, cattle, hogs, wool, hides, glue, and they use everything there is in a carcass with the exception of the squeal, as somebody has so well said.

Mr. THOMAS. The squeal.

Mr. SMOOT. Nothing is lost; and that is absolutely shown in the report. The report shows the amount that is made in every subsidiary company of the concern, and I think the Senator is mistaken when he says that the profits in the by-products are not taken into consideration. But, Mr. President, I want it distinctly understood that it can be shown upon the face of the report that 2 per cent upon the volume of business done by the concern will bring about the profits of the institution as shown by their reports. It is not 2 per cent upon their capital; they turn that capital over many many times a year; and, of course, the profits upon the amount of capital invested are, as I said before, particularly the last year, amounts in the aggregate to a good profit.

Mr. KENDRICK. Mr. President—

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

Mr. KENDRICK. If the Senator from Idaho will pardon me, I will say that this question of profits is one very easily juggled and covered up. It is true beyond a doubt that while within two or three years the imports into this country of meat products have fallen off our own consumption has greatly increased; our exports have increased at the same time; and yet it can be proved with figures, and is shown by the records, that the producers were receiving lower prices than they were under former conditions, the packers accumulating, by their own statements, enormous profits, and thousands of men who produced the live stock going on the rocks of failure.

Mr. BORAH. I believe the Senator from Wyoming has stated the matter just as it is; and one of the greatest evils of the situation is not the mere fact that the packing companies may or may not be making large profits, but by reason of the manner in which the business is conducted, the farmer being in a sense the peon of the packing companies, the farmer is discouraged from raising cattle and hogs and stock. He must deal alone with the packing company. When he goes to a commission merchant, the commission merchant, he finds, has his office rented in a packers' building. When the farmer wants to borrow money for the purpose of marketing it, he finds that he borrows it of a packers' bank; and so he is in every sense the industrial slave of the packing companies of the country.

So long as that is true, you may be sure that the farmer will feel discouragement, and it will be shown by a decrease of the production of live stock, as it has been for the last 10 years, notwithstanding the fact that meat prices have been constantly going up. If things were normal, if conditions were permitted to have their sway as they should, the natural rise in prices would naturally produce more stock, and in that way produce an equilibrium and a fair price; but here the amount of stock is constantly decreasing while the value of meat products is constantly going up.

I want to read again, for the benefit of some of the Senators who have come in since, the article which I read a few moments ago from the Live Stock Association, which bears out precisely what the Senator from Wyoming says:

The packing interests of the country to-day are in control of practically all the stockyards at the market centers, exchange buildings, and all terminal facilities for the caring for and handling of stock. In a very large measure they are in control of the banks and cattle loan companies at these market centers. To-day a farmer ships his car of finished stock consigned to a commission man, who is found to rent his office from the packer, the buyer, and does his business with a packer-controlled bank. Under these conditions it is impossible for the seller to meet the buyer on equal terms. While the packer, by his methods, is impoverishing the producer, the cost of meats to the consumer is higher than ever before in the history of the country—

And so forth.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. BORAH. Yes.

Mr. GALLINGER. If I correctly remember some of the figures in the report to which the Senator from Utah has called attention, the Armour Co. claimed that they were receiving only one-fourth of a cent a pound profit on their meats—on beef. Of course they produce a vast amount. I have looked into this matter a little, however, and it strikes me that the middleman, and in some instances the retailer, are quite as much to blame for the high prices as the packers.

Mr. BORAH. Yes; but, Mr. President, when we talk about the profits of the packing company, we do not get at the profits they get by reason of being stockholders in a bank which does the financial part of the business and takes its "rake-off."

Mr. GALLINGER. Certainly not.

Mr. BORAH. We do not get at the profits they make by reason of being perhaps copartners with the commission merchants, salesmen, and so forth. They reap a profit all the way down the line, and they make a report to the American people of the final profit of the packing company, which is only a small part of the profits which they get out of the business.

Mr. GALLINGER. One other suggestion: The Senator suggests that the Government ought to commandeer these establishments, and perhaps that is right; but am I wrong in my recollection that some of these concerns, and perhaps all of them, offered to turn their establishments over to the Government a little while ago?

Mr. BORAH. I do not know.

Mr. GALLINGER. I think I am correct in that.

Mr. BORAH. Well, then, that would make it that much easier. I do not know upon what terms they offered; but I would take them at their offer.

Mr. KENDRICK. Mr. President—

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

Mr. KENDRICK. I just wish to say to the Senator from New Hampshire that in conversation with the Secretary of Agriculture a few days ago with regard to this same question, he stated to me—and I think I betray no confidence in repeating it—that there had been more said about turning over these packing houses in the newspapers than had been said to him by the packers.

Mr. THOMAS. Mr. President—

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

Mr. THOMAS. I saw the statement to which the Senator from New Hampshire referred, that the profits made by the packers were only a quarter of a cent a pound; but the Senator will remember that the turn-over, so to speak—I think that is the commercial expression—is almost daily. Suppose, however, it were every five days: That would be a quarter of a cent for five days, and if you calculate the amount of profit during the year upon such a basis the Senator can very easily calculate what the actual profit is.

Mr. BORAH. I can understand that it is pretty large.

Now, Mr. President, I want to refer to another feature of the food question, perhaps not so interesting, but one upon which I do not have to rely so much upon the statements of other people.

The Secretary of Agriculture and the President, in his address to the American people, have both urged the American people to cultivate as large an area as possible, in view of the fact that they understand perfectly that it is necessary to make every exertion to meet the situation in reference to food; and people have been advised to cultivate their lots. I believe the Senator from Mississippi [Mr. WILLIAMS] said that he was requested personally to cultivate his back yard, which was a space of about 2 by 4, or something like that.

Mr. WILLIAMS. A little bit larger.

Mr. BORAH. And so on. Now, I agree with all that. I am in perfect harmony with it. I may disagree with my colleagues here upon some matters with reference to the method of preparing for this war, but I do not disagree with them at all as to the necessity of preparing to feed this situation. I have given more attention to it, and perhaps am therefore more imbued with the necessity of it. But if you suppose that you are going to draft men from this walk of life and that walk of life and send them out upon these farms to raise food products and to help raise live stock, and so forth, without relieving the situation as to the speculator, as to the monopoly which controls the situation, without having a vast amount of trouble in this country, you are doomed to disappointment.

If the American people can feel that they are to have the fruits of their labor, and if they are to be compensated according to their industry legitimately, you will not have much occasion for the enforcement of that part of the bill which refers to partial military service; but if you do not relieve the situation by lessening the grip of those who are collecting their millions in the way of speculation in this hour of peril, and undertake to force people to work as peons for these great organizations, you are going to have a vast amount of trouble in this country for which you will need an army before this war closes. You must relieve the situation from above, and then you will have very little occasion to draft people to go into these industries and work.

Again, Mr. President, out West we do not have to till our back yards. We have a vast amount of territory out there which is waiting for the hoe or the plow or the cultivator. If we can simply get the Government to assist us in putting that territory under water, we have not only large yards out there but we have hundreds of thousands of acres of as rich and

fertile land as lies outdoors, upon which the settlers are now settled and waiting for the Government to assist them in putting the water upon the arid land so that they may cultivate it.

It is true that this will not meet the situation for this year, but I think you are going to be disappointed if you suppose that this war is going to end before another season. If we could take the censorship off of the situation, if the facts were to come through as they exist in Russia and England and France, no man would believe that this war would be over by next winter, and we must prepare for another season and another year. In order to do that we ought to reach out, by the aid of the Government, wherever we can and encourage men to go upon these lands and prepare to do their part in raising the food which will be supremely necessary for another year.

We have pending here before the Congress measures providing the means by which to do that. Now, it is not the fault of the able Secretary of the Interior that it has not been done. I am sure that the Secretary of the Interior would have been glad to reclaim these lands during his administration for the last four years, but he is limited in the amount of funds which he has at his disposal for this purpose, and he is unable to go forward without Congress helping him; and the Congress of the United States, in view of the fact that every dollar of this money comes back, ought not only to loan its credit and guarantee these bonds which are to be placed upon these irrigation projects, but it ought to make a loan of fifty or seventy-five millions of dollars to the reclamation fund to enable the Secretary of the Interior to proceed.

These projects can be utilized inside of six months. The settlers are there; the lands are ready for irrigation; in many instances vast canals are flowing within a reasonable distance, and all you have to do is to build the side canals, and these hundreds of thousands of acres can be utilized.

Mr. STERLING. Mr. President—

Mr. BORAH. That makes me think that the Senator from South Dakota has pending here a bill which is also of great importance in this matter. He has pending a bill which subordinates the lien of the Government upon these projects to the farm-loan mortgages which may be put upon them. Now, these people can have that kind of aid, and that bill ought to be passed. It is a war measure. These people can have that kind of aid without costing the Government ultimately anything whatever, because this money all comes back into the Treasury.

I urge, Mr. President, in all seriousness, that any measure which has for its purpose the reclaiming of an acre of land and putting it under cultivation is just as much an emergency measure and a war measure as almost any other measure which may come before us concerning this great conflict.

Mr. WILLIAMS, MR. REED, and Mr. NELSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WILLIAMS. Mr. President, men differ very much more in words than they do in ideas; that is, men of sound thinking. There is no doubt about the fact, as the Senator from Idaho [Mr. BORAH] has said, that the most important thing in connection with this world conflict is the production of food enough to carry the conflict through. It is of more importance than the furnishing of men in the trenches. Of course the men are the first line of defense, and if there are not enough of them we will lose; but in the ultimate end, unless you can feed the men that you can put there, you will lose anyhow.

Mr. President, the Senator is right about another thing. There is no doubt in the world about the fact that there is something absolutely "rotten in Denmark" about the manner and price at which I sell a cow in Mississippi and then buy beef in Washington; the manner and price at which I sell a hog in Mississippi and buy bacon in Washington; or the manner in which I sell a sheep in Mississippi and buy mutton in Washington. Whether that is the fault of speculation or the fault of bad distribution, I confess I have not thus far been able to learn, though I am inclined to think that a great deal of it is the fault of a misdistribution—costly, wasteful, and uneconomical distribution—though I think that much of it is also attributable to the hand to which I referred a few minutes ago that has the American agricultural throat within its grip, which hand ought to be made to turn it loose, and that is speculation.

Mr. CURTIS. Mr. President—

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

Mr. WILLIAMS. I do.

Mr. CURTIS. I should like to ask the Senator if he does not have the same trouble in buying beef, mutton, and other products in the cities in the South as well as in Washington?

Mr. WILLIAMS. Oh, just the same; but it just so happens that I sell cattle and sheep and hogs in Mississippi, and for the most part of the year I buy the finished products here, so I referred to them in that way; but with a little bit less emphasis the same difference exists.

Mr. President, there are several reasons for this condition. One of them is a legislative reason, and I want to call the attention of the Senator from Idaho to that. For the last 30 or 40 years five of the great powers of the world have been engaged in legislation, the very end of which, if not its very intent, was to hothouse out of agriculture into manufacturing the labor and consumers of the United States, of Germany, of Russia, of France, and of Italy. Now, that has had a great deal to do with it. Then there is another reason, and that is a natural reason. It is the bent of all civilized countries, as they become more and more civilized, to become more and more industrial and less and less agricultural. That can not be prevented. That is a natural tendency that must prevail everywhere. It prevails because of two reasons: First, because as a State becomes more industrial the wages of industrial pursuits are greater in proportion than those of agriculture, and, secondly, because machinery takes the place of hand labor and of horse labor on the farm, and that is occurring more and more. But the amount of food-stuffs produced per capita ought not to decrease in the same proportion as the agricultural population decreases; but that takes place simply because machinery can not keep up with the decrease of labor all the time. After a while it will, of course, catch up as far as that particular matter is concerned.

There is another reason and that is the war reason, and that is the reason facing us now, and that is the thing I do not want us to get hysterical about. The Senator and I, like all men of tolerably fair sense, agree about things in the main; but the point that I was trying to make this morning was that we must not overexaggerate this situation. We must not overexaggerate the influence of the war upon the situation. You must remember the other things that have influenced it and have created it and were already causing it to exist before the war broke out. Wages were not keeping up with the cost of living before this war broke out; not only not here but not anywhere else on the surface of this earth, except perhaps in Asia Minor and part of Africa. So you must not overemphasize that, and you must not go around frightening and scaring into hysterics the people with a lot of new discoveries about "starvation certain to approach in the immediate future" when it is not going to approach in the immediate future.

Why, even Great Britain will raise a larger crop of foodstuffs next year than she ever raised in her history before, because she is putting down her deer parks and her sheep walks and everything, with all human labor and with motor plows running them. The South will raise more, because every day the South is substituting motor power for man power and horsepower. The whole world is sizing up the situation, and the world is going to face it, and we must not encourage these speculators in frightening the people about food scarcity. We must not by our talk here give them ground whereupon to proceed to excite the public imagination in favor of a speculative view of short supplies and in favor of increased demand. The war has just this much to do with it, and no more: Just in proportion as men go off of the farm and into the Army they keep the demand what it was before, and they decrease the supply and thereby in proportion raise the price. Now, that is all. It has no more to do with it than that.

The Senator from Idaho is eminently right when he says that one of the best things we can do is to put water on land that needs it to produce food. I can tell him another thing we can do that does not apply to his country, but does apply to mine, and that is to take water, where there is too much of it, off of land so that it can produce food.

Mr. BORAH. Mr. President, the bill to which I had reference, and which I introduced, includes the swamp lands as well as the arid lands.

Mr. WILLIAMS. I know that. I am agreeing with the Senator. He and I generally agree.

Mr. BORAH. I am complimented by that fact.

Mr. WILLIAMS. But I want to emphasize that "being as how," as the darkies say, he has emphasized the other side of the proposition, I want to emphasize the fact that it is just as important to take the water off of the land of the lower Mississippi Valley, where it is as rich as the Valley of the Nile, or richer, as it is to put water on the hillsides and valleys in Idaho. The Senator is precisely right about that.

But I did not rise in the first place in order to minimize the danger, but I rose for the purpose of putting an end, at any rate as far as I could, to any expression or any view which might encourage the very evil which the Senator has been de-

scribing. Frequently it goes out all over the country that Congress thinks that the country is about to be threatened with a famine, and then speculators will have a much easier job before them in raising prices than they had without it.

I agree with the Senator about another thing. This war is not going to close in one year or in two years. I know the German people. They are just going to begin fighting when they get back to the Rhine. We will have 2,000,000 men in Europe before this war is over, if you do not have more, unless some revolution there, some domestic trouble there, puts an end to the war. International conflict is not going to put an end to it in that length of time. It is going to take the money and the resources and the man power and the virility and the mental power of the United States, added to the democratic forces all over this world, to whip German, Austrian, Hungarian, and Turkish military autocracy to its knees.

The Senator is eminently right in thinking that the things which will ultimately end this war will be not men so much as resources—food, munitions, money, and men—but we must not act the part of cowards while we are about it. We must not be satisfied merely with resources, with food and munitions. We must show that we are fit to be the brethren of the French who fought at Verdun and who fought in the trenches, and the English under Gen. Haig, and all that brave little allotment of Belgians who died almost to a man in the most wonderful struggle that a free people ever made against insolent tyranny. We have got to prove that to all the world.

I merely want to emphasize this: That we shall not by our conduct and voices here unnecessarily increase popular hysteria; that we shall keep our heads cool and shall not mislead the people into hoarding food for the reason that they have been frightened about not having it week after next or some other time.

There is plenty of it to feed us even if we can not send much of it abroad, and, in my opinion, plenty to feed the world. By a good many things that have been said by the Agricultural Department and a good many things that have been said by popular associations and a good many things that have been said here we are creating a sort of psychological situation which leads people to speculate, which leads them to corner foodstuffs, and which leads them to do it by holding out the hope of an immense profit if they do, when, in my private opinion, if they cooperate thus for about a year they will lose millions.

Mr. WALSH. Mr. President, I feel very sure there will be general concurrence in the view expressed by the Senator from Mississippi [Mr. WILLIAMS] that we ought not to be unduly alarmed about any situation that can be remedied. To those who, like him, think there is nothing serious in the whole situation, I commend an article which appeared in last Sunday's New York World by Arthur R. Marsh, one of the leading economists of this country. I am going to read a few paragraphs from the article. He says:

If there be any virtue in publicity the people of this country are now completely informed of the seriousness of the present and prospective food situation throughout the world. It may perhaps be doubted, however, whether they have as yet really passed from the stage of intellectual apprehension of the facts to that of personal realization of what these facts will ultimately mean for themselves as individuals.

Great numbers of persons—

Evidently including the Senator from Mississippi—

Great numbers of persons undoubtedly believe that all the talk of a scarcity of food, at least in this country, is fallacious and indulged in for some sinister purpose.

Naturally those in this frame of mind are indignant when told that it is now a duty of the United States, notwithstanding the scantiness of its own stores of food and the ever-increasing prices therefor, to share these stores with other still more necessitous countries, even though these be now our allies in the greatest of all wars.

Despite this skepticism, the people of the United States have to face, certainly for the coming twelvemonth, and in all probability for more than one year thereafter, a condition of things with respect to their supply of food the like of which has not been seen on the North American Continent since its earliest colonization by the white race, unless exception, perhaps, be made of the first winter of the Pilgrim Fathers.

Then, Mr. President, after giving detailed statistics concerning the world's supply, he calls attention to the fact that there still remain three great food products the planting of which may be carried on very extensively, namely, beans, corn, and potatoes. He says:

Corn and potatoes, however, must now be the country's chief recourse, both for supplementing its domestic food supply and for fulfilling its obligations to its allies. Every effort of those charged with the conduct of our affairs in these particulars should be directed first to the production and then to the saving of these crops. It is well to insist upon the importance of the second of these obligations, since the amount of really important waste in connection with these two crops is greater than perhaps for all our other crops put together.

The all-important point, however, is that the United States, in order to be safe in the matter of foodstuffs for its own and its allies' uses, ought to raise and preserve for the market a potato crop of at least

600,000,000 bushels, as compared with the 285,000,000 bushels estimated to have been grown in 1916, and at least 3,500,000,000 bushels of corn, instead of the 2,500,000,000 bushels of the past season. It were well, too, if we could produce 100,000,000 bushels of beans, instead of our usual ten or twelve million bushels.

Mr. President, I am satisfied the people of the country—at least if I may speak from conditions which prevail in my own State—are exerting every effort to get under cultivation the largest possible acreage of ground; but a great problem confronts us, and that is the problem of providing labor for the proper cultivation and harvesting of these great crops. A citizen of my State called upon me to-day and seriously proposed that we suspend the operation of our immigration laws, so as to permit the introduction into the country of 250,000 Chinese to work upon the farms and in related industries in this country.

Mr. President, this condition of affairs, to my mind, demonstrates the wisdom and the statesmanship of the President of the United States in his action in vetoing the immigration bill passed at the last session of Congress, excluding from our shores Caucasians, who would fill this great want for labor, because they could not read or write. I regret that the chairman of the Committee on Immigration is not here. He might be moved possibly by these considerations to endeavor to procure Congress to suspend the operation of that provision of the immigration law, at least for the period of the war.

But, Mr. President, the attention of Congress has been eloquently addressed by the remarks of the Senator from Idaho to the great possibilities that we have with reference to this problem in our immense western empire and domain. Of course, nobody wants to deter anyone from cultivating his back yard or his front yard with lettuce or potatoes or anything else, but the great area from which the food supply can be drawn is from that country of which he spoke.

Mr. GALLINGER. Will the Senator permit me to interrupt him?

Mr. WALSH. Certainly.

Mr. GALLINGER. The Senator probably knows that I was as earnest an advocate of the irrigation system as any western Senator; in fact, I believe I was the only eastern Senator who took that position.

Mr. WALSH. Let me interrupt the Senator to say that the western Senators and the people of that country recognize, with gratitude, the fact.

Mr. GALLINGER. I thank the Senator. But my attention was attracted by what the Senator from Idaho [Mr. BORAH] said and what the Senator from Montana is now saying, and I wondered where the difficulty is. Have we not legislation enough, or is the Government lax in its efforts to apply the system of irrigation as we intended it should be applied? I am in favor of very liberal appropriations from the Public Treasury, and if we have not voted money enough or if our laws are not liberal enough, I want to cooperate with the western Senators in having more legislation and more liberal legislation. I have wondered where the trouble really is.

Mr. WALSH. I thank the Senator from New Hampshire. I did not rise to plead for any appropriation for aid of a financial character at all. I was going to call attention to one measure which does not contemplate the expenditure of a dollar upon the part of the Government, for which I have been pleading here for two years. The great Crow Indian Reservation, in my State, is inhabited by about 1,700 Indians, each of whom has an undivided interest in about 1,375 acres of land. Assuming that there are five members to a family, every Indian on that reservation has 7,000 acres of land. I have been endeavoring to get an act passed to control so much of that vast area as would leave to each Indian 375 acres of land, or something like 1,500 acres of land for every Indian family, and I have not been able to get a respectful hearing on the matter. I asked the Secretary of Agriculture a little while ago to send to the Senate information concerning the amount of cereal crops that could be raised upon the portion of the reservation which I ask thus to be thrown open, and he answered that at least 750,000 acres of that land is capable of tillage and the growing of annual crops without irrigation and would produce upward of 8,000,000 bushels of wheat a year.

Mr. GALLINGER. Mr. President, it is a most astounding statement the learned Senator makes, and while perhaps the Senator does not care to go into the matter it would be illuminating to me to know why that bill is held up.

Mr. WALSH. Because the Commissioner of Indian Affairs does not want it.

Mr. President, I am glad the Senator from New Hampshire has thus exhibited his interest in our problems there. Everybody recognizes that I have made myself something of a nuisance pleading here for water-power legislation. We passed

a bill yesterday appropriating \$10,000,000 for the purchase of nitrates. If any legislation had been passed upon this subject three years ago, nitrate works would have been established in abundance all over the West, so that to-day we would have had an abundant supply of nitrates in our country.

Mr. President, not only do nitrates become the basis of much of the fertilizers of the Nation, but the phosphates are equally valuable, equally necessary, and equally profitable. I have been asking for legislation that would unlock the vast deposits of phosphates in the States of Montana, Idaho, and Wyoming. I represented to the Senate here that capital to the extent of millions is ready to go into the erection of works necessary to put this product in commercial form. I trust that some day or other we may be able to get a respectful hearing for these questions. I hope, when the great food problem is so acute, the eyes of the Congress may be directed to the vast possibilities offered by that great section of the country.

Mr. NELSON. Mr. President, I am not inclined to take the gloomy view of the situation that Senators take here. It seems to me that the tenor of the speeches which have been made here both in respect to the food supply and the continuation of the war will have a serious effect. The speculators will take the speeches that are made here in Congress as an excuse for raising prices, and the men who want to volunteer will be chilled by the fact that the Senator from Idaho and the Senator from Mississippi say that the war will last two years.

Mr. BORAH. Have we arrived at a point also where the speculators not only control food but control speech in the Congress of the United States?

Mr. NELSON. I am just telling you what the facts are. It is not an academic question as to whether you control it or not. I am speaking about the effect of it. As I have said, Mr. President, I fear that some of the remarks which have been made here upon this question will have a tendency to afford speculators an excuse for raising the prices of the products which they handle and control; and not only that but the gloomy predictions made as to the prolongation of the war for two or more years will be likely to retard volunteering for the Army, which is now so essential in the great conflict in which we are engaged.

What are the cold facts? We are not so short of food in this country as is proclaimed by certain newspapers and certain statesmen. A week ago there were over 100,000,000 bushels of spring wheat in Canada stored in the elevators available. England would have drawn that wheat long ago if she had been hard pressed. Our millers in Minnesota are getting that wheat now since the duty of 10 cents a bushel was removed, because the Canadians have removed their duty of 10 cents a bushel and our millers are getting wheat from Manitoba and the other Provinces down there and grinding it because it is a little better than our wheat.

Now, let us look at the wheat situation for a moment. Our country has been producing for the last series of years a quantity varying from 600,000,000 bushels of wheat up to a billion bushels a year. The biggest crop that I recall in recent years was the crop of 1915. The winter wheat crop was unusually large and so was the spring wheat crop. We had over a billion bushels in the United States. The prices were not very satisfactory to the farmers.

The Senator says our farmers ought to go into the raising of hogs and pigs and cattle. They do. That has been the trouble. They have found the raising of cattle and hogs much more profitable than raising wheat in my part of the country, and I live in the heart of the greatest agricultural spring wheat country of the Northwest.

Mr. BORAH. How does the Senator account for the rise in the prices of meat, then?

Mr. NELSON. I account for the rise in the price of meat because during the war a large quantity of our meat had gone abroad. The farmers are getting a large profit. I have sold hogs at my little town of Alexandria within the last two months for nearly \$16 a hundred, live weight, and I have seen the time when I had to sell them at 3½ cents a pound. Superannuated cows that had gotten so far along that they could not eat hay, they were toothless—cows that formerly I would have been glad to have taken \$10 a piece for—I sold within the last three months for \$50 and \$60 a piece, and they have no doubt made the canned corned beef that went over to supply the allies in Europe.

Mr. BORAH. I wish it were within my power to take the charge from the Senator which he has placed upon himself—

Mr. NELSON. Hold on; just give me a chance to explain. Take our wheat crop. In normal years a little more than two-thirds of our wheat crop is winter wheat and a little less than a third is spring wheat. The great spring wheat States are

Minnesota, North and South Dakota, and in recent years the State of Montana.

Now, what are the conditions regarding our last crop? It was not that the farmers did not till enough land. The winter wheat crop was just an ordinary crop. The spring wheat crop, except in the State of Montana, was a failure; it was not more than half a crop in quantity and less than half in quality. What was the trouble? Why was our crop so poor? We had a cold, wet spring, and that was followed by intense heat and no rains in summer; the wheat got the black rust and it ruined our big spring wheat crop. I wish we could have had some of these modern statesmen there to have helped out our crop during that year; it might have rid us of the black rust.

Mr. President, as to this hysteria that we hear so much about, I want to tell you that our farmers in the great spring wheat States are sowing more wheat this year than ever before. They are putting in more grain than they have done for many years, wheat and oats and barley and rye. What I want is to have these statesmen come out there and give us good weather so that we can get a good crop and harvest it.

Mr. GALLINGER. Mr. President, I am interested in what the Senator says about the wheat crop; it is very fine; but a good woman said to me this morning she had paid \$15.50 for a barrel of flour.

Mr. NELSON. Now, let me tell you something. The report of the Department of Agriculture a short time ago was to the effect that the winter wheat crop was a failure, just as statesmen have been telling us on the floor here how we are all going to perdition because of a shortage of food. What did the speculators do—the dealers in futures? When that report came out, they put up the price of wheat 50 cents a bushel.

Now, I will tell you another thing. The black rust and the climatic condition was such last year that whereas we usually get from 18 up to 25 bushels an acre of wheat, it ran from 5 to 10 bushels. On my own farm, where I have my home, I got new seed; I got the best wheat in my neighborhood; and yet the yield was only 10 bushels to the acre, No. 4 wheat. It was so poor that I had to buy new seed wheat for my farm this year, and I am putting in more wheat than before. Now, if some of these statesmen will go up there and give us good climatic conditions, plenty of rain and not too hot weather in July, we will show them what we can do in Minnesota. We will raise a mighty good crop.

Now, come back to the prices of these packers. I admit that we all have a prejudice against big capitalists. I have had in my day, and I do not know that I have gotten over it yet, because I came from the very ground up, and naturally such men are prejudiced against those who have some capital. I have been getting rid of the prejudice with my advancing years, and as I grow still older I may be entirely relieved of it.

But what are the facts? I wish statesmen would look at the figures and see what the farmer gets for his hogs, what he gets for his cattle to-day, and then look at the price at which the packer sells the carcass. They sell beef by the carcass or by the quarter to the retailer in the city. Now, see what the butchers, the retailers in the city, pay the packers for a quarter of beef or side of beef, and then see what they retail it for to the poor customers. There is where the robbery, if you please, comes in. There is where the poor people are bled by these middlemen. They bleed them in more ways than one. They hold the quarter of beef on the block and keep cutting it off as long as it is a movable column and then they throw it into a barrel and call it corned beef.

We have been selling cattle in our part of the country, grass-fed cattle, range cattle, not grain-fed cattle, for 6 and 7 cents live weight. Now, what has made the high prices? In fact, as the Senator from Mississippi said, it is on account of the war. These packers have been furnishing the allies in Europe with enormous quantities of all kinds of meat, and that has made an apparent scarcity in this country, though there is a large supply of cattle. Our farmers have not depleted their herds. Once in a while a hysterical fellow will get a law passed preventing farmers from killing their calves and lambs, compelling the farmers to raise the calves up to steers and the lambs up to be sheep. That is his remedy. Then there are others who have a more attenuated pilgarlic for the occasion—that is, do not kill chickens until they become hens.

Mr. President, within less than three months our winter wheat crop will begin to be harvested. We have an abundance of wheat at present to keep our mills going to supply our own people until that time. About the last of July or the 1st of August the winter wheat from the most southern States will begin to come in; during August there will be a full supply. By the month of September our spring wheat crop will come in, and barring the elements, the weather, we will have a bigger spring wheat crop

than we have had for years. I implore these statesmen, the Secretary of Agriculture, and everybody else to see to it that we get good weather so that we can get a good crop on the large belts of fertile lands we have sown to spring wheat. If these gentlemen will help us in that respect and furnish us those things rather than hysterical elocution, we will raise a good crop and we will supply the American people with food.

Mr. McCUMBER. Mr. President, if the real figures and facts would influence the American people in dispelling this phantom of starvation, I would like to have them just read the figures which I will now give them, namely: The consumption of wheat in the United States under normal conditions for both seed and bread amounts now to about 650,000,000 bushels. If we raise 650,000,000 bushels of wheat, we have enough for our own home consumption and for bread. As a man will not eat any more as a soldier than he would as a civilian it will not require any more for the American people and the American Army than it now requires.

Again, in 1915 we raised 1,100,000,000 bushels of wheat, or about 400,000,000 bushels more than we needed for home consumption. If the acreage which we are putting in this year will yield its normal crop, we will have more than 850,000,000 bushels of wheat. We will therefore have a surplus of over 200,000,000 bushels more than we need for consumption in the United States.

As suggested by the Senator from Minnesota, a portion of this will be coming in and being ground into flour within the next three months. If we have enough wheat in the United States to supply us for three months, there will be no danger of a shortage in this country, unless this year's crop is a half failure.

Here is the question, however, with which we must deal. We have not only to supply our own demands but we have to supply the demands of our allies. That brings us face to face with a situation that is far more desperate than the danger of not producing sufficient food, and that is, how will we get that food across the ocean? We can not fill up the ocean with our wheat and expect to go dry-shod across it to our allies. That question is being considered, however, by the American people, and they are proposing to build a vast number of ships to take over our surplus, but scarcely no consideration is being given to the problem of how we shall protect those cargoes from the submarine and get them over.

I tried a few days ago to get an amendment adopted that would give proper consideration to that one great feature of getting our food across the ocean to our allies. I could not secure any consideration of the amendment which I offered at that time. I hope to bring it up and to present the facts and figures that will demonstrate that the desperation of our case is not in the matter of producing food, but is in the matter of getting food across the ocean to our allies. I want to say to the Senator from Mississippi that unless we get that food across, unless we find some means to check the ravages of the submarine, this war will be over; it will be over in less than six months, and we will not put a single soldier across the ocean. At the present rate of increase in the submarines' ravages our allies can not continue in this conflict six months because of lack of supplies for their civilians and their soldiers. I hope to present this matter again, when I shall have more than five minutes' time to refute statements that will be made against taking the proper precautions; but, Mr. President, we need not be fearful of starving in this country. This year we are bound to have an enormous abundance of food products. Whether or not our allies will be able to secure the surplus depends upon whether we can check the ravages of the submarines. That is our real problem to-day.

Mr. OVERMAN. Mr. President, I should like now to proceed with the bill which is before the Senate. When the bill was last under consideration we stopped at chapter 6. The next chapter for consideration is chapter 7.

Mr. THOMAS. I wish to offer an amendment to the bill, to be known as section 4 of chapter 7, which I will read:

Add a new section to chapter 7, as follows:
"Sec. 4. All boards of trade, chambers of commerce, stock exchanges, or other bodies or associations engaged in or permitting speculations in food products of any character in the form of what are known as futures, or in any other form or character, are hereby suspended until the President, by proclamation, shall declare the existing war to have been ended; and all agreements, wagers and contracts, or wagers regarding food products of the character now and heretofore made in or upon such exchanges, boards of trade, chambers of commerce, or other bodies or associations by the members thereof are hereby prohibited pending such proclamation. Any person, board of trade, chamber of commerce, stock exchange, or other body or association willfully violating the provisions of this section, or any of them, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed \$10,000."

I should like to have the amendment printed and lie on the table.

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). The amendment will be printed and lie on the table.

Mr. WALSH. When the bill was last before the Senate section 7 of chapter 5 was under consideration.

Mr. OVERMAN. I had lost sight of that. I will go back to that after we get through with the bill. All that was passed over, and I will call it up again. Did the Senator from Colorado ask to have his amendment printed?

Mr. THOMAS. I desire to have the amendment printed and lie on the table.

Mr. OVERMAN. This chapter might be passed this evening, and if the Senator desires his amendment printed he had better offer it to some other section of the bill.

Mr. THOMAS. I do not think the Senator from North Carolina will get through with this chapter this afternoon.

Mr. OVERMAN. Perhaps not.

Mr. THOMAS. I will say, however, that if we can get a vote upon it, I shall certainly not allow the amendment which I have offered to prevent it. I shall then offer the amendment to another part of the bill, although I think it should be appropriately considered in connection with chapter 7.

The reading of the bill was resumed.

The next amendment of the Committee on the Judiciary was, on page 24, after line 15, to insert:

CHAPTER VII.

CERTAIN EXPORTS IN TIME OF WAR UNLAWFUL.

SECTION 1. Whenever the United States is at war and the President shall find that the public safety or welfare shall so require, and shall make proclamation thereof, it shall be unlawful to export any article or articles from the United States, except at such time or times, and from such place or places, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress.

Mr. SMITH of Georgia. I desire to offer a substitute for that section, which really is an amendment to it; but I have had it printed as the section will read as proposed to be amended.

The PRESIDING OFFICER. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. It is proposed to substitute for section 1, chapter 7, the following:

SECTION 1. When during the pending war the President shall find that exports to a particular country are being used to supply an enemy country, and shall make proclamation thereof, it shall be unlawful to export any article or articles from the United States to such country except and under such regulations and orders and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress.

Mr. SMITH of Georgia. Mr. President, as originally drawn, this section has two objections. First, it is unconstitutional. I think that may still be suggested on the floor of the Senate as an objection to legislation, whether it carries much weight or not. It authorizes the limitation of exports from the ports of one State against imports of another; it allows the selection of ports from which exports are to go. It can hardly be questioned that the Constitution forbids any discrimination against the ports of States.

Mr. OVERMAN. Would the Senator call a shipment from one State to another an export?

Mr. SMITH of Georgia. No; from any port of this country to a port abroad.

Mr. OVERMAN. That is an export. The Senator said from one port in this country to another.

Mr. SMITH of Georgia. No; the Senator from North Carolina misunderstood me, or else I expressed myself very badly. I said it permits discrimination between the ports from which exports are to go abroad. Under its terms the President can designate the ports of the State of South Carolina, from which alone cotton could be shipped or the ports of Georgia, from which alone naval stores could be shipped, or the ports of any other State.

Mr. JONES of Washington. As I heard the Senator's amendment read from the desk, I gathered from it that it left that power in the hands of the President—not in express terms, but that under such rules and regulations as he might direct exports can be made.

Mr. SMITH of Georgia. Not under my amendment.

Mr. JONES of Washington. I did not notice any language in the Senator's amendment which limited the President in that respect.

Mr. GALLINGER. And, Mr. President, under the terms of the bill, I will ask the Senator if exports might not be permitted from the port of Boston and not from the port of New York or Baltimore or Philadelphia?

Mr. SMITH of Georgia. Yes; and I think that is unconstitutional.

Mr. GALLINGER. If the Constitution means anything, that provision is unconstitutional. I stand for the old Constitution; but it has been very badly fractured in the last couple of years.

Mr. SMITH of Georgia. I was suggesting that we might pay some respect to it at the present time.

Mr. GALLINGER. I think we ought to do so.

Mr. SMITH of Georgia. The language of the section as it reads expressly provides that—

It shall be unlawful to export any article or articles from the United States, except at such time or times, and from such place or places, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress.

It expressly, I think, would confer the authority upon the President to designate a particular place or a particular State alone from which exports could be made.

Mr. OVERMAN. I think it is very important that when the Senator makes that statement he should also state that that is only to be done whenever "the public safety or welfare" of the country makes it necessary.

Mr. SMITH of Georgia. Yes. I do not think we could authorize the President to select the ports of any single State and allow exports from them alone against the ports of another State. I think the Constitution prohibits the deposit of such authority with the President.

Mr. GALLINGER. In other words, Mr. President, we could not well authorize by legislation the President of the United States to suspend the Constitution of the country.

Mr. OVERMAN. What section of the Constitution does the Senator speak of?

Mr. GALLINGER. I can not turn to it immediately, but it is definitely stated in the Constitution—and my memory is very good as to that—that we can not differentiate between the ports of the United States.

Mr. BRANDEGEE. That "no preference shall be given * * * to the ports of one State over those of another."

Mr. OVERMAN. That no preference shall be given to any ports as to exports.

Mr. SMITH of Georgia. The constitutional provision is:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

Mr. OVERMAN. That is right—from one State to another.

Mr. SMITH of Georgia and Mr. GALLINGER. Oh, no.

Mr. THOMAS. Preference shall not be given to one over another.

Mr. SMITH of Georgia. That no preference shall be given to the ports of one State over those of another.

Mr. GALLINGER. That is right.

Mr. SMITH of Georgia. Now, Mr. President, the amendment which I offer also eliminates what I consider another objectionable provision in this section. I do not believe we have reached the place where we should be ready to transfer our entire export business to the control of any officer of the United States. I would be utterly unwilling to permit the President or anybody else to determine just what can be exported from the United States. To reach such a view, of necessity, I think, requires almost a feeling of hysteria with regard to present conditions. It seems to me that, while we have declared war and while we are preparing to do our full part in it, we should interfere with the general business of the country and with normal conditions just as little as possible. I believe it is best for the whole country that our interference should be as little as possible.

Now, when our commodities are going to the enemy, when shipments are going to a neutral country, but the President finds, as a matter of fact, that while they are going to Denmark they are being really shipped through Denmark to Germany, I think we may well stop that. As much as I was in favor of preserving that trade when we were at peace with Germany, now that we are at war with Germany, I am equally in favor of conducting the fight in every way we can to help bring it to a speedy close. I am thoroughly in accord with the view that if our goods needed in Germany are going to Denmark or to any neutral port and from there are being carried to Germany to aid the Germans in sustaining the war, then we, on the President finding those facts, should provide by legislation that the shipments must stop, unless under regulations prescribed by the President they can go on without, in his judgment, helping the enemy.

Mr. SMITH of Maryland. Suppose Congress is not in session when that emergency arises?

Mr. SMITH of Georgia. The amendment presented provides that regulations shall be prescribed by the President by which alone shipments can be made.

Mr. KING. Mr. President, does the Senator from Georgia think that the President of the United States in this great emergency should not have the power to interdict the exportation of those commodities absolutely essential for the welfare of the American people?

Mr. SMITH of Georgia. I am utterly opposed to giving him that power now. I am unwilling for him, or anyone else, to pass upon that question. I am not ready myself to interdict any shipments at the present time.

Mr. KING. Does not the Senator think, if he will pardon me a moment, particularly in view of the fact that we may adjourn before the summer is over, that there ought to be power vested somewhere, or that we ought to give the power to some person to prevent the shipment abroad of those commodities that would be absolutely essential to the welfare of our own people?

Mr. SMITH of Georgia. I do not.

Mr. KING. Does not the Senator know that a similar power has been given heretofore upon numerous occasions to the Chief Executive of the United States?

Mr. KELLOGG. May I inquire when that power was given?

Mr. KING. It was given in the days of Adams, in the days of Jefferson, in the days of Lincoln in effect, and in the days of William McKinley.

Mr. SMITH of Georgia. Mr. President, I do not recall it having been done. I believe, however, there was such a bill during the administration of Mr. Adams, but I do not think that it was done at any other time, and my recollection is that in that instance the law was speedily repealed and very much censured.

Mr. WALSH. Mr. President, let me inquire of the Senator—because I should like to get his idea on the subject—is not that just exactly what the embargo act passed in Jefferson's administration was?

Mr. SMITH of Georgia. I do not recall the exact effect of that act.

Mr. WALSH. The embargo act prohibited any vessels sailing out of American ports.

Mr. SMITH of Georgia. As I was about to proceed to say before the Senator from Montana interrupted me, regardless of its ever having been done in the past, I think there is no occasion for it now.

Mr. WALSH. Mr. President, if the Senator will pardon me, I was not discussing the question of the wisdom or the policy of it, but I was directing the attention of the Senator to the question as to the power of Congress to authorize the President to prohibit exports from this country.

Mr. SMITH of Georgia. I was not questioning the power of Congress to prohibit exports.

Mr. WALSH. No; but to authorize the President by a proclamation to do so.

Mr. SMITH of Georgia. I was not questioning the power of Congress to authorize the President by proclamation to prohibit exports. I questioned the authority of Congress to authorize the President to permit exports from one State and to exclude them from other States. I questioned that.

Mr. OVERMAN. Mr. President, would the President of the United States do that?

Mr. SMITH of Georgia. I do not know what he would do; but I am opposed to voting for an act that would authorize him to do an illegal thing.

Mr. OVERMAN. Does not the Senator think that we have got to trust the President in this day and time to do things that are right and honorable and just?

Mr. SMITH of Georgia. Yes; but I believe in preserving some respect also for ourselves by not putting into a bill an authority to the President that would be unconstitutional if he exercised it.

Mr. WEEKS. Mr. President, I think the difference between this proposition and the embargo act, to which reference has been made by the Senator from Montana [Mr. WALSH], is that this relates to some particular port, while that related to all ports; it closed every port in the United States.

Mr. WALSH. Mr. President, I am not unmindful of the distinction; but that goes simply to the question of that provision of the bill which authorizes the President to prohibit exports except from such places as he may designate. I was addressing myself simply to the question asked by the Senator from Utah [Mr. KING] of the Senator from Georgia, as to whether he questioned the right of Congress to place in the hands of the President the power by proclamation to prohibit exports from the country at all.

Mr. SMITH of Georgia. Mr. President, I was misunderstood if it was supposed that I questioned the right of Congress to

pass a bill authorizing the President, upon the finding of certain facts, to stop even all vessels from leaving our ports, or to stop, upon the finding of certain facts as provided for in the act, the export of any particular commodity from our country. I think we can do so. I agree with the view suggested by the Senator from Montana as to the law on the subject. I was disagreeing with the Senator from Utah as to the advisability of such legislation. I do not think the situation is one that would excuse it. I do not believe such a situation will arise. If it should arise, it will be of sufficient importance to invite us back here, if we are not still here, and for Congress to consider it. I prefer to take part in passing upon it myself, if it is done at all, before it is done; but I do not anticipate a situation which I think would make it excusable.

Just a word more. I want to explain a little further precisely what is intended to be accomplished by the amendment to this section which I have drawn. It leaves the rule to be:

When during the pending war the President shall find that exports to a particular country are being used to supply an enemy country, and shall make proclamation thereof, it shall be unlawful to export any article or articles from the United States to such country—

The President, having found that our exports to a particular country were being used to supply the enemy, and having so declared by proclamation, thereafter it shall be unlawful to export to that country—

except and under such regulations and orders and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress.

That is to say, to illustrate, the President having found that our exports of foodstuffs to Denmark were being shipped from Denmark into Germany to feed our enemies, it would be his duty to make proclamation of that fact; and thereafter foodstuffs could not be shipped to Denmark from the United States except under such limited provisions as the regulations of the President permitted until such time as the further order of the President permitted them to go more freely.

Mr. CUMMINS. Mr. President, I am rising simply to ask of the Senator from Georgia a question. Do I understand him to admit that any law we may pass can be made dependent as to its taking effect upon the judgment of the President as to the public welfare?

Mr. SMITH of Georgia. I think the Supreme Court has so held with reference to embargoes that were provided under the administration of President McKinley.

Mr. CUMMINS. I do not agree with that; but I am not going to argue it at this time. I do not think it has ever been held unaccompanied by any other consideration. I do not believe that Congress can say that a certain regulation which we adopt shall be effective if the President finds that it is for the public welfare. I simply wanted to be clear as to the admission made by the Senator from Georgia. I rather hoped that he would not admit that we could repose all powers of legislation in the President to be operative upon a finding upon his part that it was for the public welfare.

Mr. SMITH of Georgia. Stated as broadly as the Senator from Iowa states it, I do not think we could; but I do understand that it was ruled in the embargo cases under the act, passed, I think, during the administration of President McKinley, that, upon finding certain facts, he was permitted to place an embargo upon certain shipments to certain countries. There were other facts beside simply the question of the general welfare. It was limited to a peculiar class of conditions.

Mr. CUMMINS. The Senator from Georgia is now referring to the tariff?

Mr. SMITH of Georgia. Yes.

Mr. CUMMINS. And to what is known as the reciprocity provision of the tariff act?

Mr. SMITH of Georgia. Yes.

Mr. CUMMINS. I really think that presents a very different question; but I am not now rising to engage the Senator in discussion about it.

Mr. SMITH of Georgia. I think that was a much more definite case than the one referred to by the Senator from Iowa.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. THOMAS. I thought the Senator from Georgia had yielded the floor.

Mr. SMITH of Georgia. I am through.

Mr. THOMAS. Mr. President, when the bill was before the Senate more than a week ago I read very carefully the first section of chapter 7. I then thought it to be in conflict with what is known as the preference clause of the Constitution. I think that the Senator from Georgia and myself then had some discussion of the subject, and we were agreed in our prima

facie view. I have since, Mr. President, had occasion to examine the section more closely and also to read the somewhat meager list of authorities in the reports of the Supreme Court of the United States affecting that clause. Of course, the Senator from Georgia, upon the assumption that the conflict is apparent, has sought to avoid it by the amendment which is now under consideration; but I do not believe that if the Senator would give that careful attention which he would bestow upon it if the subject were involved in an important lawsuit in which he was engaged he would adhere to that opinion.

I am anxious—quite as anxious as any Senator upon this floor—that the espionage bill shall not, wherever we can avoid it, trench in the slightest degree upon any fundamental constitutional rights of the citizen. Some features of it do this, in my judgment, and should therefore be well considered before they are engrafted upon the laws of the country; but I do not think that is true, Mr. President, of this section or of the clause of the Constitution which it is said to challenge. That clause provides that—

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

Mr. NELSON. Mr. President—

Mr. THOMAS. I yield to the Senator.

Mr. NELSON. It seems to me that the objection which the Senator is about to make, I take it, and which the Senator from Georgia has made to section 1, could be avoided by putting such a proviso as I am about to suggest at the end of the section:

Provided, however, That no preference—

Using the language of the Constitution—

Provided, however, That no preference shall be given to the ports of one State over those of another.

That would incorporate the language of the Constitution and would be a restriction upon the power of the President. It would cure the constitutional objection which the Senator from Georgia has made, and, I take it, which the Senator from Colorado intends to make. I am obliged to the Senator for yielding to me.

Mr. THOMAS. The Senator is mistaken. I do not object to that feature of the section. I said—perhaps the Senator did not hear me—only a moment ago that more mature consideration of the section convinced me that no constitutional objection could be made to it. Nor do I see any objection to incorporating in the section as reported by the committee the amendment which the Senator suggests, although I do not concede its necessity.

I read this clause of the Constitution to emphasize the fact that it really covers two subjects—one relating to preference between ports, the other relating to duties levied upon vessels bound to or from one State from or to ports of another. Now, this preference clause is not an absolute one. It is limited to specific things, which are recited in the clause itself:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

In our commercial regulations and in our revenue laws we must not offend that provision. It is not to be supposed that the fathers in framing the Constitution limited this restriction unadvisedly or without full consideration. Generally speaking, as I have said, in the references to this section in the Supreme Court reports there is a liberality of construction which I think relieves the section as reported by the committee from the objection urged against it.

Mr. KELLOGG. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. THOMAS. I yield.

Mr. KELLOGG. Would the Senator claim that if the President, under this statute, made a regulation that exports could be made from certain ports and not from others that would be constitutional?

Mr. THOMAS. Undoubtedly, Mr. President; undoubtedly, if, as a war measure, the President made such a regulation, I have not the slightest doubt that the Supreme Court would sustain it. But I am now considering this matter not as sustained by the general-welfare clause of the Constitution, under which Congress is empowered to enact all legislation necessary to carry the other provisions into effect, but solely in its relation to this preference clause.

It has been several times questioned whether the levying of excise taxes upon products which are the subject of export from States did not constitute duties upon such exports, and wherever the question has been brought to the attention of the Supreme Court the decision has been against that contention. Cornell

against Coyne, in One hundred and ninety-second United States, is a case upon the subject. Let me say, in further answer to the query of the Senator from Minnesota, lest I forget it, that if such a regulation as he suggested were made by the President in times of peace it would offend this particular section; but as a war measure and for the national safety such a regulation, made under such a law as this, would be sustained under the more comprehensive clauses of the Constitution, because in war the President, clothed with authority of supreme command, would in an exigency demanding it otherwise be unable to protect the Nation if—

Mr. KING. Mr. President—

Mr. THOMAS. I yield to the Senator from Utah.

Mr. KING. As apropos of the suggestion just made by the Senator from Colorado is it not true that as a war measure the President would have the right to close and abolish ports of the United States?

Mr. THOMAS. Oh, we could authorize him to do it as a war measure.

Mr. CUMMINS. Mr. President—

Mr. THOMAS. I yield to the Senator from Iowa.

Mr. CUMMINS. I am not prepared to dispute the proposition just laid down by the Senator from Colorado; but if it is done as a war measure why is any authority necessary from Congress?

Mr. THOMAS. I do not know that there is.

Mr. CUMMINS. It would seem to be very clear that it is not, if it is done in the exercise of a power higher than the Constitution.

Mr. THOMAS. Mr. President, I will not undertake to answer that question positively one way or the other, but I have not any doubt that under a statute such as is here proposed the regulation as a war measure would be sustained.

In this case of Cornell against Coyne it was determined that—

The prohibition in the Constitution against taxes or duties on exports attaches to exports as such and does not relieve articles manufactured for export from the prior ordinary burdens of taxation which rest upon all property similarly situated.

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

Mr. THOMAS. I yield.

Mr. WALSH. I want to suggest to the Senator from Colorado that Abraham Lincoln gave a preference to the ports of the United States north of the Chesapeake over those south of the Chesapeake when he declared an embargo on all ports of the Southern States.

Mr. THOMAS. I have no doubt that other historic instances might be cited.

Mr. SMITH of Georgia. Mr. President, was not that entirely upon a different view? The Southern States were claiming to be out of the Union.

Mr. OVERMAN. He claimed that they were not.

Mr. THOMAS. Well, Mr. Lincoln never admitted that they were out of the Union.

Mr. SMITH of Georgia. No; but he treated them as being practically out of the Union.

Mr. THOMAS. And I think if Mr. Lincoln had lived they never would have been treated by the United States Government as having been out of the Union. Upon the theory, of course, that the ports against which the embargo was directed were no longer a part of the Union, there would be no necessity of appealing to the Constitution for his action or challenging its authority by measuring it with the terms of that instrument.

Mr. SMITH of Georgia. Mr. President—

Mr. THOMAS. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Was not the action of Mr. Lincoln the declaration of a blockade against those ports as against a public enemy?

Mr. THOMAS. Well, I presume that is the instance referred to by the Senator. The decision from which I just quoted only incidentally refers to the question under consideration.

Mr. KING. Mr. President—

Mr. THOMAS. I yield to the Senator from Utah.

Mr. KING. As bearing upon the suggestion made by the Senator from Montana and the question just propounded by the Senator from Georgia, I want to call the Senator's attention to the fact that Thomas Jefferson discriminated in favor of some ports as against others, and forbade the exportation of wheat and certain other foodstuffs from some ports upon the Chesapeake Bay, and permitted the exportation from other ports.

Mr. THOMAS. Does the Senator know whether the power or authority of the President so exercised was ever brought to the notice of the Supreme Court in any controversy in which the question was raised?

Mr. KING. I do not recall. In fact, I found no case where the act was construed.

In the case of the Armour Packing Co. and other packing companies against United States, known as the Packers' case, in Two hundred and nine United States, beginning on page 56, it is decided that—I read from the syllabus—

The export and preference clause of the Constitution prohibits burdens only by way of actual taxation and duty—

Only by way of actual taxation and duty—

or legislation intending to give, and actually giving, the prohibited preference, and does not prohibit the merely incidental effect of regulations of interstate commerce wholly within the power of Congress; and the fact that such regulations in the interstate-commerce act may affect the ports of one State having natural advantages more than those of another State not possessing such advantages does not render the act unconstitutional as violating that provision.

The court considers the proposition at greater length, commencing on page 79. I shall not take up the time of the Senate in reading more of the decision into the RECORD; but it will be noticed that the court determines that the Constitution prohibits burdens under this export and preference clause—and it is both—

only by way of actual taxation and duty or legislation intending to give, and actually giving, the prohibited preference.

Now, this proposed law does neither. It does not impose a burden by way of actual taxation or duty; it does not intend to give, nor does it actually give, the prohibited preference. Consequently it is not obnoxious, even under that clause, to the Constitution of the United States, in my judgment.

Now, what does it propose to do? Simply that—

whenever the United States is at war and the President shall find that the public safety or welfare shall so require, and shall make proclamation thereof, it shall be unlawful to export any article or articles from the United States, except at such time or times and from such place or places, and under such regulations and orders, and subject to such limitations and exceptions, as the President shall prescribe until otherwise ordered by the President or by Congress.

Mr. KING. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I yield.

Mr. KING. Is the Senator reading now from the original bill?

Mr. THOMAS. Yes.

Mr. KING. Or is he reading from the amendment offered by the Senator from Georgia?

Mr. THOMAS. The amendment offered by the Senator is the section as it appears in the bill, altered only by the changes printed in italics. I have read from the amendment, because it is more convenient, reading only the section as it appears in the bill.

It is true, Mr. President, that the Secretary under the provisions of that section might find it necessary to prohibit the export of articles from the port of New York, and might find at the same time, and so determine, that the exigencies requiring the closure of that port for the time being did not apply to the port of Savannah or to the port of San Francisco. Will it be said that in times of war, if such an exigency presented itself, the President could not be authorized to exercise such power? The preference would doubtless appear from the proclamation; but only as an act of war, if it be true that we can enact such legislation as may be necessary to give effect to the other provisions of the Constitution, and especially to its war provisions, then, of course, it can not be contended that such a power is obnoxious to the particular provision of the Constitution.

It will probably never be necessary that an embargo be laid upon part of the ports of one of our seabords which does not include them all. Such an authority is undoubtedly embraced within the section proposed by the committee; but what emergency, what exigency that we can foresee or even imagine, would require such a discrimination?

We can well understand how it might be desirable as a war measure to close all the Atlantic ports, leaving those on the Pacific still open and unaffected by the embargo, and vice versa; but if we have the power to do this at all, then certainly we can not afford to put any limitations upon it, since unforeseen emergencies might arise making such limitations extremely embarrassing if not destructive of the original purpose designed.

Mr. President, I am not particularly concerned about the success either of the section proposed by the committee or of the section as amended by the Senator from Georgia. I think, however, that the committee section is to be preferred under all the circumstances. The Senator from Maine [Mr. FERNALD]—and I will yield to him in a moment—the other day in an argument which did not receive the attention that it deserved demonstrated to my satisfaction that the bestowal of such authority, if it does not exist, may be very necessary to the President during this war if we are to conserve our food supply in some directions. He showed, and showed clearly, that through our exports we

are losing something like 20,000,000 tin containers of canned foods and goods per month, and that in the face of a constantly decreasing supply of the material of which they are made. This, of course—Constitution or no Constitution—places an embargo in some degree upon the continued production of those food products which must be put in containers if they are to be used at all. Unless the home supply is equivalent to the demands made upon it by the export trade, and unless the President can at this time use extraordinary power to minimize this difficulty, or destroying it entirely, then we may be seriously embarrassed, not for lack of food but for lack of those materials which are necessary to its conservation; and what is true of the canned-goods industry may become equally true of other lines of food production.

Mr. FERNALD. Mr. President, I never rise in this body without feeling that I should first apologize for taking any time. Every question is so thoroughly discussed that it seems the Senators must tire of anything anybody has to say; and yet my heart and soul is so in this section and in this bill that I am going to take a little time at this moment to discuss it in a very brief way.

I want first to pay a deserved compliment to the senior Senator from Minnesota [Mr. NELSON]. In his remarks this afternoon on this bill there was so much solid, sound common sense, and it was so enlightening and so full of the good old Democratic doctrine that we believe in in this country. He reminded us that the same rules apply to-day which have applied during all time; that the question of supply and demand still has something to do with the prices we get for our products. Why, it is surprising to me Senators so forget themselves as to overlook the fact that within a very brief period of three years products raised in this country have touched the lowest and the highest points, and all because of the production. In my own State within three years I have seen the most magnificent crop of apples hanging on the trees rotting because there was an over-production, and they were not worth picking. Only three years ago in the South cotton was so low they were begging for customers, and for everybody in the United States to "buy a bale of cotton"; and yet to-day I assume that cotton is about as high as it ever was known to be, and largely because of supply and demand.

I happen to belong to the wicked fraternity which the Senator from Idaho [Mr. BORAH] has spoken of this afternoon as the packers, who are so robbing the people of this country that something ought to be done immediately by the Congress of the United States to throttle them, and they should be cast out of respectable society, and immediate action should be taken. I have listened to Senators who advised that all the railroads of this country should be taken over immediately by the United States; that they were robbing the people; and that something must be done to them by the Government.

I have heard that all the canning establishments of the United States should be taken over at once by the United States Government, and that food would then be produced at so low a price the humblest citizen might have plenty; and yet the largest packing houses in this country, as was spoken of by another Senator, have been doing business with a profit of one-eighth of a cent per pound on beef and mutton and pork.

It has also been suggested that the farmers should be interested and lectured to in some way to get them interested in planting larger crops, greater acreage, and more seed. But let me tell you, Mr. President, that the price of \$2.50 per bushel for wheat and \$14 per hundred for hogs is the greatest inducement for the farmers of the United States to raise more hogs and sow more wheat, and there will be no trouble from that direction. I believe that every acre that it is possible to plant in the United States will this season be planted, because farmers can see a profit; and the only trouble which faces us is the lack of labor.

Mr. President, I regret that I am not an attorney. I should like to discuss this question from a constitutional and legal standpoint; but I want to say that my bill, which is almost precisely the same as this section in this bill, was drawn by the Department of Justice and has the approval of that department. I also have a letter from Secretary Redfield, the Secretary of Commerce, approving the bill, and a letter from Secretary Houston, the Secretary of Agriculture, approving the bill. It has run the gantlet of the Committee on Commerce and has a favorable report from it; and it has, so far as I know, the approval of all the people in the United States who believe that the price of foodstuffs would be reduced if this course were taken.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Missouri?

Mr. FERNALD. I do.

Mr. REED. If I will not interrupt the Senator, I should like to ask him a question, not in any antagonistic spirit, but to get his view.

The Senator states, I think, a very great truth when he asserts that the old law of supply and demand is still in good working force and effect; and he states another great truth which is akin to the one just referred to, and in fact is a sort of corollary of the one referred to—that \$2 a bushel for wheat and \$1 a bushel for corn constitute the most eloquent lectures that can be delivered to the farmers for the purpose of inducing them to plant crops. I believe that is true. I believe that if the farmer had been able to command prices of that sort for the past five or six years steadily and consistently there would have been under cultivation an immense amount of ground that has been lying idle and waste; and I believe that the certainty of such prices for the coming season would cause every farmer to exert himself to the utmost to plant and produce all that he could possibly care for and harvest.

Now, Mr. President, with that statement, which is in entire accord with what the Senator says, what will be the effect if we tell these farmers who are about ready to plant their grain, hoping for a \$2 a bushel market, that at any moment the President may destroy that market and reduce that price, or that Congress at any moment may pass a maximum-price bill, so that the farmer, instead of getting the \$2, may only get \$1, or may get a less sum?

What will be the effect of that artificial and arbitrary—I do not mean the term in an offensive way—interference with the whole proposition?

Mr. FERNALD. I thank the Senator. I want to follow my argument a little further on the constitutionality of this law.

Section 8 of Article I of the Constitution of the United States gives the Congress power to lay and collect taxes, duties, and so forth; to borrow money on the credit of the United States; and to regulate commerce with foreign nations. Mr. President, we have not only appropriated \$7,000,000,000 to carry on this war but we have given the President of the United States authority to loan that money to our friends. We have authorized the President of the United States to raise an army of 500,000 boys from 21 to 27 years old—or are about to give him that authority. We have given the President authority to send to every home in this land a military officer and take those boys from bed in the nighttime, if necessary, and if the boy says he would like to talk the matter over with his father that officer has a right to say, "No; you go with me now"; and if he should wish to have a few words with his mother he can not even do so. The officer has a right to take that boy and march him down to the post and put a gun in his hands and send him across the water and say, "You go out there and shoot to kill, and if you do not kill or if you do not shoot to kill we will kill you."

Now, we have given that authority to the President of the United States. I voted for it, and I believe it is right. Yet after that boy is shipped to France with 500,000 other boys, I assume we have got to send food over there to feed that army. Do Senators tell me that if we should ship the grain from the great West via the Grand Trunk road to Portland, Me., the natural outlet and the natural port to be shipped from, when that grain got there, and there should have been sown in the harbor of Portland hundreds of wicked mines, and that the harbor was filled with U boats, the President of the United States would not have, or ought not to have, the authority to turn the cereals to Boston or New York or some other port? Does anybody contend that ought not to be the duty of the President of the United States? Whether or not it is constitutional, it would be his duty.

A few years ago, in 1898, when we were having a war with Spain, it became necessary for the State of Maine to raise \$40,000 in a very brief time, and although the governor of the State had no authority, he paid that from his own bank account rather than call together the legislature, and as soon as the legislature met, of course, it passed a resolution to reimburse him.

It seems to me that it should be one of the first duties of the President of the United States to furnish food, and yet we have not done a single thing in this Congress until yesterday toward really helping the farmer. We did pass a bill to buy some nitrates of soda. We have recommended that the people in the cities should plant little areas, and it will amount about to the experience of the friend of the Senator from Utah, who paid 5 cents for 8 peas. That is about the way the Government

would come out in undertaking to run the packing establishments of this country.

Before we plant a single seed we have hundreds of bushels shipped in and every bag tested to know just what per cent of that seed is good. If it was left to the Government would they understand how to carry on that business or any other of the many details of the packing business?

Every one in this country realizes, I suppose, at this time—it has been repeated over and over again in the Senate and every paper in the United States has been saying it from time to time—that a world-wide famine is threatened by the war; that food is the first demand of the allies. Yesterday we had a most impressive ceremony in the Senate, and those gentlemen were sent over here almost purposely to see what could be done toward supplying food for the allies. That is the one main thing. We have undertaken to take over the German ships in our ports; we have undertaken to do almost everything except to supply food, and there is a shortage of food in the country to-day. Those who are best informed estimate that the crop is about 65 per cent to-day of a normal yield.

Why is it that wheat is \$2.50 a bushel? Because the vessels that have been going across the ocean for the last seven months have been dumping it into the sea. So long as that condition exists wheat will keep going higher and higher. We have a splendid crop in view. I feel that we ought not to be hysterical about these matters. There is no reason why we can not raise fruit and cereals and beef and mutton enough for this country of ours. We are producing something in every section of this great country all the time. We have enough to feed ourselves and we have enough to feed our Army, and we have great quantities that we will be able to ship to the allies if properly conserved.

But what brought my attention particularly to this matter is this: There is a great shortage of tin plate in this country at this time. My friend from Colorado [Mr. THOMAS] spoke of 20,000,000 cans per month. It is 20,000,000 cans every day, and that has been going on since the time when I introduced this bill.

Mr. THOMAS. I meant to have said 20,000,000 cans per day.

Mr. FERNALD. We are short on account of tin plate. Our factories are idle because of it.

Mr. THOMAS. I wish to set myself right as to the amount, if I said 20,000,000 cans a month.

Mr. FERNALD. Twenty million cans a day.

Mr. THOMAS. I stated it incorrectly.

Mr. KING. If the Senator will yield to me, I should be very glad if he would put into the RECORD the amount of tin plate that is exported to China and to other countries with which we are not at war, and the damaging effect that this constant exportation will have on the canning industry in this country.

Mr. FERNALD. I have already done that in the speech I made last week. I think you will find the figures there exactly. I have not them before me now. I gave the exact figures at that time.

As I recall it, about one-third of the tin plate manufactured in this country is shipped abroad. That is a very large quantity. We have only 12 tin-plate mills in this country; and let me say that yesterday the Secretary of Commerce called a meeting in this city of the tin-plate manufacturers, the tin manufacturers, the canners and packers of the country, and the wholesale grocers. They agreed that they would get great relief if this bill could be passed.

Mr. President, as I said, in this country we are going to plant this year every acre that is possible, but we have thousands and thousands of miles of seacoast that to-day produce millions and hundreds of millions of cases of fish that are not being packed for the want of tin plate. Those who are planting vegetables have not been able to plant the acreage they would have planted if they had known that the tin plate could be obtained from which cans needed in which to preserve their crop would be manufactured.

It has been suggested that something else might be used in the place of tin. It is impossible; there is nothing else that can be used in place of tin in a commercial way. If we used glass, the expense would be 600 per cent greater than it is with tin. There is no other way by which the canning process can be applied to many articles to keep. You understand the difficulty in shipping in glass. Every moment's delay is causing just that much less food to be produced in the country.

Now let me read, because you know, as in every crisis of the world's history, the first thing the first President of the United States did before he delivered his inaugural he called the business men of New York—April 28, 1798—together to get their ideas as to what should be done. The business men of this

country are pretty good advisers on matters of this kind. I have had within two weeks, or since this bill was introduced, I will not say thousands, but I will say hundreds of letters and telegrams, and I think every Senator in this body must have received some advice from the people back home as to the tremendous advantage this bill would give them or the relief it would give them if passed immediately.

Here is a letter from a man who commands at least \$50,000,000 worth of business in a year in canned goods. He says:

APRIL 27, 1917.

HON. BERT M. FERNALD,
Washington, D. C.

MY DEAR SENATOR: Mr. Gorrell has sent me a letter calling attention to Senate bill 1867, regarding tin plate. We are heartily in favor of this bill—

Mr. KELLOGG. Mr. President—

Mr. FERNALD. I yield to the Senator.

Mr. KELLOGG. Does the bill say anything about tin plate?

Mr. FERNALD. No, sir.

Mr. KELLOGG. Is there any other bill that does?

Mr. FERNALD. I do not know that there is, but this covers it if it is enacted into law.

Mr. KELLOGG. Is it necessary to authorize the President to place an embargo on all the commerce of this country in order to stop the export of tin plate?

Mr. FERNALD. Not to stop the export of tin plate, but I assume there are many other things which would be affected, and it would perhaps be as beneficial as in the tin-plate industry. I do not know about that.

Mr. KELLOGG. There may be. I should like to be informed on the subject whether there are any other articles that should be embargoed at this time.

Mr. FERNALD. Permit me to read the balance of this letter:

We are heartily in favor of this bill, and will so write to our New York State Senators.

You will notice the language. This is from a man who represents something in the business world.

One of the great menaces to the packing of food this year is the threatened shortage of tin plate.

I am leaving for Washington on Monday afternoon to attend a meeting called by Secretary Redfield to discuss this tin-plate matter.

That is the meeting which was held yesterday. I have many other letters from packers all over the country.

Mr. GORE. I should like to ask the Senator the date of that letter?

Mr. FERNALD. April 27.

Mr. GORE. I should like to say in this connection that the Secretary of Agriculture came before the Committee on Agriculture a few days ago and stated that a few weeks since there was a threatened shortage of tin plate, but that he had taken it up with the various manufacturers of tin plate and those who handle the different successive processes, and he is confident that the situation will be met and the emergency or crisis averted in that regard.

Mr. FERNALD. I want to read to the Senator a letter from Secretary Houston which I have received. It is dated April 27, and is as follows:

THE SECRETARY OF AGRICULTURE,
Washington, April 27, 1917.

HON. BERT M. FERNALD,
United States Senate.

MY DEAR SENATOR: I have your letter of April 26, in which you ask my views on Senate bill No. 1867, introduced by you, giving the President authority to direct exports from this country. I am heartily in favor of the bill. I was coming to the committee meeting Tuesday morning to give my personal indorsement of the bill, but was prevented from appearing by reason of very important developments here. I greatly hope that the bill will pass promptly.

Very sincerely,

D. F. HOUSTON, Secretary.

That is from Secretary Houston.

Let me say that at that time Secretary Houston did hope to intervene, and I think he has intervened. You must understand that there are great commercial interests in this country, and that the tin-plate manufacturers are likely to ship tin plate to the purchaser who will pay the highest price. They have large contracts in Asia. I do not recall exactly how much, but a large amount of tin plate that is manufactured to-day is being shipped to Asia to be used in the oil business. Those tin-plate men who have contracts abroad, unless relieved by law, will be obliged to fill those contracts; and unless we can retain sufficient in this country to manufacture the containers we need to cover the products we are raising here we might just as well be without the products themselves.

Let me say that this is no sectional matter. There is not a State in the Union that I recall but what has a canning factory, but what is able to conserve food, but what is able to produce

large quantities of food. Last year there were more than 4,000,000 cans of food put up in this country, and this year if we were assured of containers there will be more than 6,000,000,000 cans. We are losing enough every day to feed an army of 5,000 men for a day. We have already wasted 15 days since this bill was introduced, and I say it has the indorsement of all the departments, and I believe there is nothing we can enact into law which will so help all conditions. We have not only got to feed our Army and send the goods abroad, but we have got to feed the people at home. Prices have been constantly advancing until they are now out of reach of the common people, and we are likely to have trouble in our own country unless we can relieve the situation.

I am rather old-fashioned, but I believe that the least interruption, the least embarrassment we can give the business men of this country, the better it will be for the entire country. I believe all lines of business could be carried on in the usual way. I believe every manager of every great business in this country would manage it better than a new man. Already there is an unsettled condition—some lines of business have been closed down—and I believe it is the duty of the Senate to enact such laws as will relieve present conditions. This is not a drastic measure; it is not a severe measure; it simply gives the President the authority in time of war to direct the shipments of this country and to retain such goods as may be necessary for the welfare of our people. I hope this particular section will have the approval of the Senate and be given enactment at this session.

Mr. OVERMAN. I do not know whether anyone else wishes to go on to-day. I will ask an order for a recess, if no one desires to speak to-day.

Mr. JOHNSON of California. Before we take a recess, may I make a parliamentary inquiry? There has been some difference of opinion, and for that reason the inquiry is made.

It is my intention to move, when the appropriate time comes and the bill is in the Senate, to strike out all that portion of pages 8 and 9 embraced within the parenthetical (c)—the portion upon which argument was had when the bill was before the Senate. It was suggested that it would be necessary, in order that that motion might ultimately be entertained, that the right be reserved. If that be so, I wish to give the requisite notice to the Senator from North Carolina and advise him that I reserve the right and will then make the appropriate motion.

Mr. OVERMAN. The Senator has the right to make the motion at any time before the bill goes into the Senate.

Mr. JOHNSON of California. No; I wish to make it after the bill goes into the Senate.

The VICE PRESIDENT. The Senator has a right to make it in the Senate.

Mr. OVERMAN. He has a right to make it in the Senate; and he gives notice that he will make it then?

Mr. JOHNSON of California. Yes, sir.

Mr. OVERMAN. He can make it at any time without a notice. Does the Senator from California desire to speak further?

Mr. JOHNSON of California. I simply wanted to make the inquiry.

Mr. OVERMAN. I understand that some Senators desire an executive session. I therefore ask unanimous consent for an order that, instead of adjourning this afternoon, we shall take a recess until 11 o'clock to-morrow.

The VICE PRESIDENT. The Chair hardly knows how to put that request.

Mr. OVERMAN. I will make the motion later. I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Thursday, May 3, 1917, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 2, 1917.

UNITED STATES DISTRICT ATTORNEY.

Clarence L. Reames, of Oregon, to be United States attorney for the district of Oregon. (Reappointment.)

UNITED STATES MARSHALS.

J. M. Tanner, of Skagway, Alaska, to be United States marshal for the first division of Alaska, vice Harry A. Bishop, resigned. (Mr. Tanner is now serving under appointment by the court.)

Benjamin F. Sherrell, of Texas, to be United States marshal for the eastern district of Texas. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

Samuel Butler, of California, to be receiver of public moneys at Sacramento, Cal. (Reappointment.)

Sam Mothershead, of Oregon, to be receiver of public moneys at Burns, Ore. (Reappointment.)

Nolan Skiff, of Oregon, to be receiver of public moneys at La Grande, Ore. (Reappointment.)

Luren A. Booth, of Oregon, to be receiver of public moneys at The Dalles, Ore. (Reappointment.)

REGISTERS OF LAND OFFICES.

Onias C. Skinner, of Colorado, to be register of land office at Montrose, Colo. (Reappointment.)

Frank O. Williams, of Montana, to be register of the land office at Kalispell, Mont. (Reappointment.)

H. Frank Woodcock, of Oregon, to be register of the land office at The Dalles, Ore. (Reappointment.)

COAST GUARD.

Third Lieut. of Engineers Isaac John Van Kammen to be second lieutenant of Engineers in the Coast Guard of the United States, to rank as such from March 27, 1917, in place of Second Lieut. of Engineers Albert F. Patterson, promoted.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

First Lieut. Lawrence W. McIntosh, Fifteenth Cavalry, to be captain from April 20, 1917, vice Capt. Emil P. Pierson, unassigned, placed on detached officers' list.

COAST ARTILLERY CORPS.

First Lieut. Furman E. McCammon, Coast Artillery Corps, to be captain from February 10, 1917, vice Capt. Townsend F. Dodd, whose detail in the Ordnance Department is continued.

First Lieut. Louis B. Bender, Coast Artillery Corps, to be captain from March 20, 1917, vice Capt. John M. Page, retired from active service March 19, 1917.

CHAPLAINS.

To be chaplains with the rank of captain after seven years' service.

Chaplain James F. Houlihan, Second Field Artillery, from January 21, 1917.

Chaplain Louis A. Carter, Ninth Cavalry, from April 29, 1917.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Robert F. Gross to be a lieutenant in the Navy from the 29th day of August, 1916.

Ensign John L. Riheldaffer to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

First Lieut. Theodore A. Secor to be a captain in the Marine Corps from the 18th day of October, 1916.

The following-named second lieutenants to be first lieutenants in the Marine Corps from the 29th day of August, 1916:

Norman C. Bates,
Arthur Kingston, and
John A. Minnis.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 2, 1917.

ASSISTANT APPRAISER OF MERCHANDISE.

Charles E. Victory to be assistant appraiser of merchandise in customs collection district No. 10, with headquarters at New York, N. Y.

POSTMASTERS.

ARKANSAS.

Ernest W. Cato, Gravette.

GEORGIA.

B. A. Nolan, Senoia.

PENNSYLVANIA.

Albert S. Faber, Cambridge Springs.

WITHDRAWAL.

Executive nomination withdrawn May 2, 1917.

J. J. Tanner, of Skagway, Alaska, to be United States marshal for the first division of Alaska.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 2, 1917.

The House met at 12 o'clock noon.

The Rev. H. L. Haywood, of Waterloo, Iowa, offered the following prayer:

O Lord, our God and Father Almighty, Architect of our own and our Nation's destiny, we pause this moment in the beginning of these deliberations to quiet our minds in order the better to hear those eternal voices which speak within us, ever reminding us of our duties and of that high and haunting ideal which is embodied in our country. Grant to these Thy servants, Representatives of a multitudinous people and stewards of a vast responsibility, that wisdom which can alone come from sources higher than human. And may they, and we all, be reminded, while they seek to secure the internal safety of the land, of that All-Seeing Eye which maintains an everlasting espionage over the most secret thoughts and motives of our hearts. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE COMMISSIONERS OF THE ALLIES.

The SPEAKER. The Chair desires to state to the House that in accordance with the direction of the House yesterday he addressed a letter to the British commissioners, and also to the French commissioners, extending to them an invitation to visit the House of Representatives. Hon. Henry H. White a few moments ago telephoned that the French commissioners would like to come here to-morrow at about 12 o'clock, as they are going to leave the city at 3 o'clock. That being the case, the Chair suggests that some gentleman ask unanimous consent that the House meet to-morrow earlier than 12 o'clock.

Mr. KINCHELOE rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. KINCHELOE. Mr. Speaker, in view of the fact that the allied commissioners are to visit the House of Representatives to-morrow at about 12 o'clock, I rise to suggest that unless some arrangement is made with respect to the galleries our immediate families will have to come here at sunup in order to get into the galleries.

Mr. MANN. I take it there will be two tickets issued by the Doorkeeper to each Member, as is customary.

The SPEAKER. People will be admitted to the galleries on cards. The Doorkeeper will have the cards.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 43. Joint resolution making available the \$200,000 appropriation for irrigation purposes on the Yakima Indian Reservation, State of Washington, carried in the Indian appropriation act for the fiscal year ending June 30, 1918; and

S. J. Res. 31. Joint resolution to increase food crops in the United States.

The message also announced that the President had, on April 30, 1917, approved and signed bill of the following title:

S. 1800. An act to amend an act approved June 29, 1906, and entitled "An act to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate."

HOOR OF MEETING TO-MORROW.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

WAR EXPENSES.

The SPEAKER. By agreement entered into yesterday the vote will now be taken on the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes. The question is on passing the bill.

The question was taken.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. 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 is on passing the bill H. R. 3971.

The question was taken; and there were—yeas 362, nays 1, not voting 69, as follows:

YEAS—362.

Adamson	Emerson	Kincheloe	Rose
Alexander	Esch	King	Rouse
Almon	Estopinal	Kinkaid	Rowe
Anderson	Evans	Kitchin	Rubey
Anthony	Fairfield	Knutson	Rucker
Ashbrook	Farr	Krauss	Russell
Aswell	Ferris	La Follette	Sanders, Ind.
Austin	Fess	La Guardia	Sanders, N. Y.
Ayres	Fields	Langley	Saunders, Va.
Bacon	Fitzgerald	Larsen	Schall
Bankhead	Flood	Lazaro	Scott, Iowa
Barkley	Focht	Lee, Ga.	Scott, Mich.
Barnhart	Fordney	Lehlbach	Sears
Bathrick	Foss	Lenroot	Sells
Bell	Foster	Leshner	Shallenberger
Black	Francis	Lever	Sherley
Bland	Frear	Linthicum	Sherwood
Blanton	Freeman	Little	Shouse
Booher	French	Littlepage	Siegel
Borland	Fuller, III.	Lobeck	Sims
Bowers	Gallagher	Lonergan	Sinnott
Brand	Gandy	Longworth	Sisson
Browne	Gard	Lundeen	Slayden
Browning	Gardner	Lunn	Sloan
Bruckner	Garland	McClintic	Small
Brumbaugh	Garner	McCormick	Smith, Mich.
Buchanan	Garrett, Tenn.	McCulloch	Snell
Burnett	Garrett, Tex.	McFadden	Snook
Butler	Glass	McKenzie	Stafford
Byrns, Tenn.	Glynn	McKeown	Stearrall
Campbell, Kans.	Good	McKinley	Stedman
Campbell, Pa.	Goodwin, Ark.	McLaughlin, Mich.	Steele
Candler, Miss.	Gordon	McLaughlin, Pa.	Steenson
Cannon	Graham, III.	McLemore	Stephens, Miss.
Cantrill	Graham, Pa.	Madden	Stephens, Nebr.
Caraway	Gray, Ala.	Magee	Sterling, Ill.
Carew	Gray, N. J.	Mann	Stevenson
Carlin	Green, Iowa	Mansfield	Stines
Carter, Mass.	Greene, Mass.	Mapes	Strong
Carter, Okla.	Greene, Vt.	Martin, La.	Sumners
Cary	Gregg	Mason	Sweet
Chandler, N. Y.	Griffin	Mays	Swift
Chandler, Okla.	Hadley	Meeker	Switzer
Church	Hamill	Miller, Minn.	Tague
Clark, Fla.	Hamilton, Mich.	Mondell	Taylor, Ark.
Clark, Pa.	Hamlin	Montague	Temple
Classon	Hardy	Moore, Pa.	Templeton
Claypool	Harrison, Miss.	Moores, Ind.	Thomas
Coady	Harrison, Va.	Morgan	Thompson
Collier	Haskell	Mott	Tillman
Comstock	Hastings	Mudd	Tilson
Connally, Tex.	Haugen	Nicholls, S. C.	Timberlake
Connelly, Kans.	Hawley	Nichols, Mich.	Tinkham
Cooper, Ohio	Hayden	Nolan	Towner
Cooper, W. Va.	Heflin	Norton	Treadway
Cooper, Wis.	Helntz	Oldfield	Van Dyke
Copley	Helm	Oliver, Ala.	Vare
Costello	Helvering	Oliver, N. Y.	Vestal
Cox	Hensley	Olney	Vinson
Cramton	Hersey	Osborne	Voistead
Crisp	Hicks	O'Shaunessy	Waldow
Crosser	Hill	Overmyer	Walker
Currie, Mich.	Hillard	Overstreet	Walsh
Curry, Cal.	Holland	Padgett	Walton
Dale, Vt.	Hollingsworth	Paige	Ward
Dallinger	Hood	Park	Watkins
Darrow	Houston	Parker, N. J.	Watson, Pa.
Davidson	Howard	Parker, N. Y.	Watson, Va.
Decker	Huddleston	Peters	Weaver
Dempsey	Hulbert	Phelan	Webb
Denison	Hull, Iowa	Platt	Welling
Dent	Hull, Tenn.	Polk	Welty
Denton	Humphreys	Pou	Whaley
Dewalt	Husted	Powers	Wheeler
Dickinson	Hutchinson	Pratt	White, Me.
Dies	Igoe	Purnell	White, Ohio
Dill	Irelan	Quin	Williams
Dillon	Jacoway	Rainey	Wilson, Ill.
Dixon	James	Raker	Wilson, La.
Domnick	Johnson, Ky.	Ramsey	Wilson, Tex.
Doolittle	Jones, Tex.	Ramseyer	Wingo
Doremus	Jones, Va.	Randall	Winslow
Dowell	Juul	Rankin	Wood, Ind.
Drane	Kahn	Rayburn	Woods, Iowa
Drukker	Keating	Reavis	Woodyard
Dupré	Kehoe	Reed	Young, N. Dak.
Dyer	Kelley, Mich.	Riordan	Young, Tex.
Eagan	Kelly, Pa.	Robbins	Zihlman
Eagle	Kennedy, Iowa	Roberts	The Speaker
Ellsworth	Kennedy, R. I.	Rodenberg	
Elston	Kettner	Romjue	

NAYS—1.

London

NOT VOTING—69.

Bacharach	Edmonds	Hayes	Miller, Wash.
Blackmon	Fairchild, B. L.	Heaton	Moon
Britten	Fairchild, G. W.	Johnson, S. Dak.	Morin
Brodbeck	Fisher	Johnson, Wash.	Neely
Byrnes, S. C.	Flynn	Kearns	Nelson
Caldwell	Fuller, Mass.	Key, Ohio	Porter
Castwick	Gallivan	Kless, Pa.	Price
Crago	Gillett	Kreider	Ragsdale
Dale, N. Y.	Godwin, N. C.	Lea, Cal.	Robinson
Davis	Goodall	McAndrews	Rogers
Dooling	Gould	McArthur	Rowland
Doughton	Griest	Maher	Sabath
Dunn	Hamilton, N. Y.	Martin, Ill.	Sanders, La.

Sanford Scott, Pa. Scully Shackelford Slomp	Smith, Idaho Smith, C. B. Smith, T. F. Snyder Sterling, Pa.	Sullivan Talbot Taylor, Colo. Venable Voigt	Wason Wise
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So the bill was passed.

The Clerk announced the following pairs:

Mr. BLACKMON with Mr. SMITH of Idaho.
Mr. SCULLY with Mr. PORTER.
Mr. DALE of New York with Mr. DAVIS.
Mr. STERLING of Pennsylvania with Mr. WASON.
Mr. SULLIVAN with Mr. ROGERS.
Mr. TALBOTT with Mr. ROWLAND.
Mr. TAYLOR of Colorado with Mr. SANFORD.
Mr. VENABLE with Mr. SCOTT of Pennsylvania.
Mr. WISE with Mr. SLEMP.
Mr. BRODBECK with Mr. BACHARACH.
Mr. BYRNES of South Carolina with Mr. BRITTEN.
Mr. CALDWELL with Mr. VOIGT.
Mr. DOOLING with Mr. CAPSTICK.
Mr. DOUGHTON with Mr. CRAGO.
Mr. FISHER with Mr. DUNN.
Mr. FLYNN with Mr. EDMONDS.
Mr. GALLIVAN with Mr. GEORGE W. FAIRCHILD.
Mr. GODWIN of North Carolina with Mr. BENJAMIN L. FAIRCHILD.

Mr. KEY of Ohio with Mr. GILLETT.
Mr. LEA of California with Mr. GOODALL.
Mr. McANDREWS with Mr. GOULD.
Mr. MAHER with Mr. GRIEST.
Mr. MARTIN of Illinois with Mr. HAMILTON of New York.
Mr. MOON with Mr. HAYES.
Mr. NEELY with Mr. HEATON.
Mr. PRICE with Mr. JOHNSON of South Dakota.
Mr. RAGSDALE with Mr. JOHNSON of Washington.
Mr. ROBINSON with Mr. KIESS of Pennsylvania.
Mr. SANDERS of Louisiana with Mr. KREIDER.
Mr. SHACKLEFORD with Mr. McARTHUR.
Mr. CHARLES B. SMITH with Mr. MILLER of Washington.
Mr. THOMAS F. SMITH with Mr. NELSON.

The SPEAKER. The Clerk will call my name.
The name of Mr. CLARK of Missouri was called, and he answered "Aye."

Mr. FRENCH. Mr. Speaker, my colleague, Mr. SMITH of Idaho, is prevented from being present to-day because of the critical illness of his son.

The result of the vote was announced as above recorded.

On motion of Mr. SHERLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Doorkeeper will unlock the doors.

SEIZURE OF GERMAN INTERNED SHIPS.

Mr. ALEXANDER. Mr. Speaker—

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

Mr. ALEXANDER. Mr. Speaker, I wish to ask unanimous consent for the present consideration of House joint resolution 62, authorizing the President to take over for the United States the possession and title of vessels of any subject or citizen of any nation with which the United States may be at war, and for other purposes. This is intended to authorize the President of the United States to take over the German interned ships. It is a matter of vital importance. It passed the Senate day before yesterday; the Committee on the Merchant Marine and Fisheries reported out the House resolution yesterday unanimously, and in order to facilitate the passage of the resolution struck out the text of the House resolution and inserted the text of the Senate resolution by way of amendment, and I am hoping we may take up the House resolution and substitute the Senate resolution for it and pass it to-day.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent for the present consideration of House joint resolution 62. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this resolution was reported yesterday, was not in print until this morning, and no copies are now available on the floor. The gentleman from Missouri conferred with me a little while ago, and I asked him, in view of the condition, not to ask to call up the bill to-day. I am rather surprised that he has. If gentlemen think they are going to pass bills through the House without any consideration at all, they are mistaken. I object.

The SPEAKER. The gentleman from Illinois objects.

ESPIONAGE.

Mr. WEBB. Mr. Speaker, I desire to call up the bill H. R. 291, which I understand to be the unfinished business of the House, known as the espionage and neutrality bill.

Mr. MANN. The gentleman calls that up on the call of the committees.

The SPEAKER. The Clerk will call the committees.

Mr. WEBB. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WEBB. When we adjourned on Monday afternoon this bill was still under consideration, and was only laid aside yesterday morning because of the privileged bill from the Committee on Appropriations. I desire to inquire whether it is in order that this bill should be taken up now?

The SPEAKER. If the gentleman will withhold, we can get to it in half a minute.

Mr. MANN. It only comes up on the call of the committees.

The SPEAKER. The Clerk will call the committees.

The Clerk called the Committee on the Judiciary.

Mr. WEBB. Mr. Speaker, I desire to call up the bill H. R. 291, generally known as the espionage or neutrality bill.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 291) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage and better to enforce the criminal laws of the United States, and for other purposes.

Mr. MANN. Mr. Speaker, I do not know how much time remains to the gentleman from North Carolina or the gentleman from Minnesota, but I would suggest to the gentleman from North Carolina that he now ask unanimous consent that his time be extended two hours and that the time of the gentleman from Minnesota [Mr. VOLSTEAD] be extended two hours.

Mr. WEBB. Mr. Speaker, I shall be glad to make that request if there is that much time desired and will be occupied by Members.

Mr. MANN. Well, if it is not occupied—

Mr. WEBB. It can be turned back. I make the request, Mr. Speaker.

Mr. MANN. I have no doubt there will be further requests for time.

Mr. WEBB. I make the request, Mr. Speaker, that two hours be extended to my colleague on the committee [Mr. VOLSTEAD] and two hours to myself, to be controlled by us, respectively—

Mr. MANN. In addition to the time remaining.

Mr. WEBB. In addition to the time remaining. I have none remaining, but my friend Mr. VOLSTEAD has some.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that in addition to the time remaining to those gentlemen who did not use their hour that general debate be limited to four hours, half to be controlled by himself—

Mr. MANN. This is not a limitation of general debate, Mr. Speaker. It is simply extending the time of the gentleman from Minnesota two hours and the time of the gentleman from North Carolina two hours.

The SPEAKER. That the time be extended four hours, half of it to be controlled by the gentleman from North Carolina and the other half by the gentleman from Minnesota [Mr. VOLSTEAD]. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

Mr. EAGLE, by unanimous consent, was granted leave of absence for 10 days, on account of illness in his family.

LEAVE TO VOTE.

Mr. SABATH. Mr. Speaker—

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

Mr. SABATH. I ask unanimous consent that I may be recorded "yea" on the last bill.

The SPEAKER. The gentleman from Illinois [Mr. SABATH] asks unanimous consent that he may be recorded "yea" on the bill just passed. Is there objection?

Mr. MANN. Mr. Speaker, that request can not be submitted to the House under the rules. If he did not vote, there is no way of voting.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

EXTENSION OF REMARKS.

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

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

ESPIONAGE.

Mr. WEBB. Mr. Speaker, I ask that my colleague [Mr. VOLSTEAD] use some of his time if he is ready.

Mr. VOLSTEAD. I yield 30 minutes to the gentleman from Oklahoma [Mr. MORGAN].

The SPEAKER. The gentleman from Oklahoma [Mr. MORGAN] is recognized for 30 minutes.

Mr. MORGAN. Mr. Speaker, this bill, H. R. 291, is commonly known as the "spy" bill or the espionage bill. It is a long bill and covers a number of subjects. It was before the Sixty-fourth Congress and should have been passed before that Congress adjourned, March 4 last.

The measure has been widely discussed and severely criticized. In my judgment, much of this has been done by those who have had no correct knowledge of the provisions of the bill.

The main criticism upon the bill has centered upon the first four sections of Title I of the bill.

That we may have a clear idea of these sections, I wish to present a summary of the first three sections, as follows:

SECTION 1. Whoever, with intent to injure the United States, obtains or attempts to obtain any information relating to the national defense, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than 20 years, or by both.

SEC. 2. Whoever, with intent to injure the United States, communicates to any foreign government any information relating to the national defense shall be punished, (a) in time of peace, by a fine of not more than \$10,000 or by imprisonment for not more than 20 years, or both; (b) in time of war, by imprisonment for not more than 30 years or by death.

SEC. 3. Whoever, having possession of information relating to the national defense, willfully and without proper authority, communicates or attempts to communicate such information to any person, or fails to deliver same to the person lawfully entitled to possession thereof, or through gross negligence permits the same to be removed from its proper place of custody or to be lost, stolen, or destroyed, shall be fined not more than \$10,000 or by imprisonment for not more than five years, or by both.

Section 4 of Title I of the bill in full is as follows:

During any national emergency resulting from a war to which the United States is a party, or from threat of such a war, the President may, by proclamation, declare the existence of such emergency and, by proclamation, prohibit the publishing or communicating of, or the attempting to publish or communicate any information relating to the national defense which, in his judgment, is of such character that it is or might be useful to the enemy. Whoever violates any such prohibition shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than 10 years, or both: *Provided*, That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same.

Section 4 has been criticized by the press on the ground that it is in conflict with the first amendment to the Constitution, which provides:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

I do not now intend to enter into any lengthy discussion on the freedom of the press at this time, but I will call attention to the fact that the section will be in effect only in war, or when a national emergency exists caused by the imminence of war, and that it in no way limits or restricts any discussion of, comment upon, or criticism of the acts or policies of the Government or its representatives. I will discuss the freedom of the press later on in my remarks.

Mr. Speaker, I believe that this bill should be passed at the earliest date possible. The Judiciary Committee has given a large amount of time to its consideration. No two members of the committee perhaps would agree upon the phraseology of a single section of this bill. We had many different minds on the matter. I presume when this bill comes up before the House for amendment, and as well as upon its final passage, there will be a like division of opinion and sentiment upon it.

I wish to make some general observations upon the bill rather than to discuss the phraseology of the various sections. Very much, I think, depends upon the attitude of mind with which we approach the consideration of the bill. If a man approaches this bill with the idea that there is something dangerous in it; that there are provisions in here which infringe upon the rights of American citizens under the Constitution, he, of course, will approach it with a critic's eye. He will be looking for defects, and a man usually finds what he is looking for. He will magnify what defects there are and the chances are that he will see imaginary defects which are creatures of his own mind and do not really exist.

The man who approaches the consideration of this bill with that attitude of mind will probably vote against it. In the consideration of this bill we should have in our minds the circumstances which have led to the bringing of it into Congress and which have created the demand for its enactment into law.

Go back two and one-half years ago, when the great war in Europe began. This country declared itself to be a neutral power. But as that war went on this Nation found that in many respects our Government was not in a position to properly protect the neutrality of the United States or to carry out its obligation as a neutral Nation. We found also that the conditions which developed here in our own land were such that

many crimes were committed in the United States which this Government was powerless to punish by reason of the lack of law. Things were becoming worse and worse until the aggressions of the Imperial Government of Germany became so great that war with that nation was imminent. And then another stage came, by which we are to-day actually at war with that great military power.

Now, those were the circumstances, those were the conditions, that created the demand for the enactment of this measure. We should keep this in mind. The object of this bill is to enable the United States to discharge its duties as a neutral power with other nations at war and enable it when war is imminent to protect the rights of its own citizens, the property of its own citizens, and to punish those crimes which are dangerous to our peace and welfare and our honor.

Then let us approach this bill with the proper attitude of mind. The object is not to restrict an American citizen in any just right he has under the Constitution and laws of this Nation. On the other hand, it is to guard and protect those rights, to maintain the honor of the United States, to enable the United States to discharge its duties as a neutral between belligerent nations, and to provide for the general welfare, to conserve and protect our American free institutions and insure the perpetuation of the Nation. In other words, this is a war measure. It is true there are some provisions which apply only in time of peace, but in the main those provisions which apply only in time of peace are for the purpose of guarding and protecting our national defense. I do not mean by that that the laws and the Constitution should be set at naught during war; but I do mean that in time of war, in time of danger, in time of great national peril, it is necessary sometimes that individual citizens shall be willing to surrender some of the privileges which they have for the sake of the greater good. So this is a war measure, and we should proceed to its consideration with that important fact in mind.

Now, what is the source of this measure? It comes from three great departments of this Government—from the Attorney General, the Secretary of War, and the Secretary of the Navy. Why, some gentlemen seem to approach this bill with the idea that for this reason the bill demands greater scrutiny and more careful examination. Such gentlemen proceed with the idea that the heads of these great departments are trying to "put something over" on Congress and obtain power which would enable them to punish innocent citizens and deprive good, loyal citizens of their just rights. We ought not to assume that attitude. The cry has been, "Stand by the President!" but the heads of these great departments represent the President, represent the Chief Executive of this Nation.

More than that, the heads of these departments, by virtue of their positions, are the men who have come in contact with the facts and conditions and circumstances which make these laws necessary. They have been charged with the duty of hunting down, arresting, and prosecuting criminals, and with the duty of maintaining the proper relations with foreign nations. They are experts on these lines. They give their time and attention to these matters. They are under oath to discharge their duties faithfully. They come to Congress and say, "From our studies of these questions, from our efforts to enforce the law, to maintain the rights of the United States, to enable it to discharge its duties and functions and obligations to other nations, these laws and these provisions are necessary." We should remember that fact. We ought to trust those great Cabinet officers who have the responsibility of carrying out the laws and protecting the rights of citizens and who are the chosen agents of the President.

This is to be a criminal statute largely. Who is it to affect? The law-abiding citizen? Not at all. It is intended only to affect the criminal classes. And we have them in the United States. You know that we talk about recruiting our Navy up to 100,000 or more men.

We have, in round numbers, 100,000 men in the Federal and State penitentiaries throughout the United States. We have probably double that number in the minor prisons. We have our criminal classes. Here in the United States also are several thousand aliens, citizens of foreign nations. We have the right to assume that some of these aliens are unfriendly to the United States in the great struggle in which we are now engaged. Now, then, it is to control and subdue these criminal classes, these men who are unfriendly to the United States, these men who perhaps are not citizens and who would not hesitate to hinder our success in this war. I repeat it is the criminal classes that this act is intended to deter from crime, and to punish if they violate the law.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Oklahoma yield to the gentleman from New York?

Mr. MORGAN. Yes.

Mr. LAGUARDIA. Will the gentleman state how the criminal classes will obtain information of military movements?

Mr. MORGAN. Well, many of the criminals are as intelligent as any other class of citizens; they would have the same opportunity to get information as would a law-abiding citizen.

Mr. LAGUARDIA. Would the gentleman infer from that, that the War Department and the Navy Department will hand out all this information that they have indiscriminately?

Mr. MORGAN. Well, I should hope not.

Mr. LAGUARDIA. Why, then, put it in the bill?

Mr. MORGAN. Well, according to the ideas of some Members it is a crime for the Navy Department or the War Department to refuse to give out full and complete information about the doings of the Army and the Navy and the plans that they may have.

Mr. LAGUARDIA. This bill is not intended to curb the War Department or the Navy Department from giving out information. It is to curb other people from giving information. If the Navy Department or the War Department does not give out this information—and it is expected they will not—how are these criminal classes to get the information, so that they can impart it?

Mr. MORGAN. What is the object of the criminal law? It is to deter men from committing crime—

Mr. CHANDLER of New York. And to reform the criminal.

Mr. MORGAN. Yes; and to reform the criminal. That is one of the objects. Now the War Department or the Navy Department may refuse to give out information, but there are men who in their endeavor and desire to get that information to help the enemy will resort to all kinds of destructive activities, perhaps even going to the length of taking life in the endeavor to get that information. Yet ordinarily there would be no technical crime in their doing some of those acts, and so the object of this law is to make such an action a criminal offense. It is based upon the principle that all criminal statutes are based upon, in our Nation and in all the States. [Applause.] I say, therefore, that the very object is not only to punish the men, but it is to deter and prevent men from making an effort to acquire this information, which might result in injury to the United States.

Now, it is said that innocent people may suffer if this bill is enacted into law. Well, if that were a good excuse for preventing us from enacting this criminal law, then we should never enact a criminal statute in State or Nation, and we should repeal those that are already in force. We have a law against murder, though we know that there is a possibility of some innocent man suffering death under that penalty. We have laws against many other kinds of crime, and yet we know that there is a possibility that some innocent man will suffer. So it is readily seen that that objection is not sound. In times like these, when the Nation's very life and existence hang in the balance, suppose some individual does suffer a wrong.

Mr. CHANDLER of New York. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. Yes.

Mr. CHANDLER of New York. Do I understand the gentleman thinks the existence of this Nation now hangs in the balance? Is he referring to our country?

Mr. MORGAN. Mr. Speaker, we have full faith and confidence in our hearts that this war will terminate in victory for the United States. But the fortunes of war can never be foretold. When nations are engaged in war, no man can say what will be the end or when it will come. This is to strengthen our national fabric. Think of it! We had even in the last Congress, in our preparedness measures, to increase our Army and Navy Establishments, and we appropriated vast millions of dollars—

Mr. KELLEY of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. In just a moment. We enacted laws placing on our people taxes unheard of in the country since the days of the Civil War.

Mr. KELLEY of Michigan. Before the gentleman concludes his remarks, does he intend to discuss section 4?

Mr. MORGAN. Yes. I am coming to that.

Mr. KELLEY of Michigan. I will be glad to hear it.

Mr. MORGAN. And yet we have now in this Congress gone far beyond that limit. Of the taxes that we are going to impose on the people, every man, woman, and child in the United States will feel the effect. Our boys are out on battleships ready to meet the enemy, and they know not when their lives will be taken. If we get into this war, either here on our own soil

or over in Europe, our boys will be at the front facing the dangers of battle. And yet there are some men at home—some of our own citizens—who are not perhaps making any sacrifice at all, while the men at the front are giving their all, risking their all, giving up their last drop of blood. Under those circumstances should we be afraid that some man at home will have to sacrifice some little right or be subject to some inconvenience?

Mr. MOORE of Pennsylvania. Mr. Speaker, will my colleague yield?

Mr. MORGAN. Yes; I yield.

Mr. MOORE of Pennsylvania. I would like to know if there is anything in this bill that would cover a case of this kind: A resident of Philadelphia, whose family I know very well, starting in his motor boat on our inland waterways, with maps furnished to him by the Government, is arrested at New Orleans as a German spy. His ancestors came over with William Penn. There is no question about his being an American, but he is seized because he happens to have in his possession maps of inland waterways. That is all. Does the bill propose to hold men traveling over the waterways of the United States on business purposes or for pleasure because they may chance to arouse the suspicion of persons on the banks who may happen to observe their passing?

Mr. MORGAN. That illustrates the case that I am just talking about. There may be innocent men put to some inconvenience—

Mr. MOORE of Pennsylvania. In answering the question I wish the gentleman would consider the case of American citizens going about their business who may have automobile road maps or waterway maps in their possession and the possibility of their being arrested and held under suspicion by anybody who may have the notion that a German spy is hidden behind every tree.

Mr. MORGAN. That illustrates the point. It may be that innocent men will be put to some inconvenience; but, Mr. Speaker, under conditions of war every man in some way must make some sacrifice, and a man who does nothing more than to be placed at some inconvenience certainly can not complain. But under this bill no man can be convicted under sections 1 and 2 unless he obtains this information with the intent to injure the United States; and under his right of a fair trial before an impartial jury in the courts of this land certainly all of his rights would be protected.

Mr. MOORE of Pennsylvania. Will the gentleman yield for another question?

Mr. MORGAN. Will the gentleman be brief, please?

Mr. MOORE of Pennsylvania. I will. Suppose a man is sawing wood in his own cellar or, being of an inventive turn of mind, is working at some contrivance, and the man next door gets it into his head that a German spy is working in that cellar. Is there anything in this bill which protects that man against arrest upon the mere suspicion of his neighbor?

Mr. MORGAN. No. Neither is there anything to protect a man from the suspicion of being a criminal under our State laws or under our national laws to-day. Men are wrongfully suspected under every criminal law on the National or State statute books, and it will be just so under this; but a man who is a true and loyal citizen, whose intentions toward this Nation are right and proper, need not fear that he will be convicted and sent to prison unjustly and unfairly. As a rule, it is not true and loyal men who are afraid of suspicion. As a rule, it is those who ought to be suspected.

Mr. MOORE of Pennsylvania. I grant the gentleman that; but suppose a man is nailing up a box of apples or potatoes in his barn, and a man outside thinks he is putting a bomb inside the box, is he subject to arrest because some neighbor has a grudge against him?

Mr. MORGAN. I can not yield further.

Mr. MOORE of Pennsylvania. I thought the gentleman would answer. He is familiar with the bill.

Mr. MORGAN. Some one asked me about section 4 of this bill, which relates to the publication of matters concerning the national defense. It is the portion of the bill which strikes the great newspapers of this Nation, and some of them have indicated a fear lest they would not be able to perform their proper functions in this Government, and perhaps would be imposed on; in other words, that under this law there would be an abridgment of the liberty of the press. I read the other day in some newspaper—I think it was a Chicago paper—where the editor said that even though Congress should pass this law, that paper would publish what it thought was in the interest of the public, and take the chances of punishment. I think I read in this morning's paper that a man in England announced that he might take the chances of being punished under the

defense of the realm act, in order that he might accomplish some good. I could have nothing but admiration for an editor who, in the face of a possibility of being tried and imprisoned, would still publish that which he thought was in the interest of his country. He would be a hero, a martyr, and all praise to such editors as that. But how about other classes of editors who will probably publish matter not in the interest of the United States, not to the glory of the country, not to strengthen and encourage our armies at the front and help the boys to fight their battles—not for that purpose, but for some selfish, unpatriotic, disloyal purpose? Down forever with such editors as that!

Mr. RANDALL. Will the gentleman yield?

Mr. MORGAN. For a very short question, please.

Mr. RANDALL. I will make it very short. The exact language of the Constitution is:

Congress shall make no law abridging the freedom of speech or of the press.

Mr. MORGAN. Yes.

Mr. RANDALL. Now, the exact language of section 4 of this bill is:

The President may prohibit the publication of information which, in his judgment—

Now, does the gentleman think that that language involves any abridgment of the freedom of the press?

Mr. MORGAN. I think not. Now let me call your attention to this fact: I would be the last one to vote for any law that I thought would restrict the true liberty of the press of this Nation. You are familiar with the long history of the struggle for the development of the liberty of the press. It is considered a paramount necessity in a free government to have a free press, but the men who wrote our Constitution met in the Constitutional Convention, behind closed doors, and did not allow the press to publish their proceedings. The men who said this Congress shall not abridge the liberty of the press sat in that convention with closed doors. That is the way they interpreted the liberty of the press, and the Senate of the United States sat for five years in secret session, not allowing their debates to be published. That was the conception of our forefathers of the right of Congress or of the Nation to withhold information which they thought was not in the interest of the public.

Mr. KELLEY of Michigan and Mr. CHANDLER of New York rose.

Mr. MORGAN. I will yield first to the gentleman from Michigan, who has been standing some time.

Mr. KELLEY of Michigan. I should like to inquire of the gentleman whether, under this section, it might be impossible to arouse public opinion to a point where a weakness even in our military system could be corrected.

Mr. MORGAN. That is true. I say the liberty of the press ought not to be restricted.

Why, my friends, the press of the country is the great power that rules this Government. How? We say that the House of Representatives has power; we say that the Senate of the United States has power; we say that the Executive has power; we say that the judiciary has power; but what is the great power that controls this legislation? It is public sentiment and public opinion. Who makes and molds the public sentiment of this country? It is the great newspapers of this country.

The SPEAKER pro tempore (Mr. CARAWAY). The time of the gentleman has expired.

Mr. VOLSTEAD. I yield to the gentleman five minutes more.

Mr. MORGAN. You and I as individual Representatives today have no such power as the editors of great newspapers. They to-day mold public sentiment, and public sentiment rules the world. How was this military bill passed here a few days ago in this House? The newspapers created public sentiment of the Nation, and the public sentiment was reflected back to the Members of this House, and men here changed their minds, changed their ideas of what was right and what was best, followed public sentiment of the Nation and adopted a system of conscription in raising an army.

Oh, what power the press has! We want the press to continue in that power; we do not want to restrict or change it, and there is no intention to do that.

Mr. KING. I would like to ask whether this section 4 would prohibit the publication of the CONGRESSIONAL RECORD?

Mr. MORGAN. I think not.

Mr. KING. Why not?

Mr. LITTLE. Suppose the President, in his judgment, thought it ought to be suppressed, how about that?

Mr. MORGAN. It might be a good thing to do. [Laughter.]

Mr. KING. Does the gentleman think that it could be done?

Mr. MORGAN. No; I do not. If he should attempt it Congress might repeal the law, if it depended on the law.

Mr. KNUTSON. Will the gentleman yield?

Mr. MORGAN. Yes.

Mr. KNUTSON. I have been informed that Mr. Creel, of the Censor Board, stated at the Press Club the other night that in the event of the passage of this bill it might become necessary to restrict the publication of the CONGRESSIONAL RECORD at times.

Mr. MORGAN. I do not know about that; we have a right to have a secret session if we want to. If it becomes necessary in the interest of the public welfare we could have a secret session even if we were criticized at home.

Now, as I said in the beginning, let us get the right attitude toward this bill. Do not approach it with the idea that there is something dangerous to our liberties and that if it is passed free speech and a free press and our rights under the laws of nations will at one stroke be annihilated. It is not that. The object of the bill is, as I said at the beginning, to strengthen the arm of the Government in a time of war and in a time of stress and in a time of peril. This bill ought to pass.

As to the mere language of some sections, the committee, as a rule, are indifferent about that. We can not agree among ourselves, and you will not agree when you come to vote on your amendments. Nevertheless, what we want is that the bill shall be left in such strength that in this great emergency, the future of which no man can foresee or foretell, we shall in every way strengthen the Government; that we shall make the judiciary and the courts and the Department of Justice a power that will strengthen the Army and the Navy, that will help the boys at the front, and that will aid this Nation to win a glorious victory, the influence of which will live on and on through the ages and be a blessing to all mankind. [Applause.]

Mr. MANN. I would like to ask the chairman if we can not reach some agreement in reference to the consideration of the bill and amendments to the bill.

Mr. WEBB. I hope that we can.

Mr. MANN. Under the rules of the House, this being a bill on the House Calendar, any gentleman, especially the gentleman in charge of the bill, can demand the previous question at any time. Of course the House would not have to order it, but if it did it would cut out amendments. Otherwise, a man offers an amendment, and if he does it before he makes his speech he has an hour's time. If we should proceed on that theory and amendments were offered, we could not finish the bill in a month. What are the principal controversies over the bill?

Mr. WEBB. Title I and Title XI.

Mr. MANN. Why not ask unanimous consent that general debate, so called, on the bill shall be exhausted at a certain time, and after that Titles I and XI shall be read for amendment under the five-minute rule?

Mr. WEBB. I think that is a good suggestion. I think it will strike the House as being reasonable and give everybody a chance to offer amendments and to say what he pleases about the amendments and the sections.

Mr. MANN. I think possibly the gentleman from Minnesota [Mr. VOLSTEAD] has a demand for more time in general debate than he has remaining. Does the gentleman from North Carolina expect to use all of his time?

Mr. WEBB. I doubt it very much; we have only one or two more speeches.

Mr. MANN. Would the gentleman from North Carolina be able to yield to the gentleman from Minnesota a part of his time?

Mr. WEBB. I will if I can. It is hard just now to tell how much I will have. I will be as generous and fair as I can to the gentleman from Minnesota.

Mr. MANN. Suppose we give the gentleman from Minnesota a half an hour more and then ask unanimous consent that Titles I and XI shall be read under the five-minute rule.

Mr. WEBB. Mr. Speaker, I make that request. I ask unanimous consent that the gentleman from Minnesota be allowed 30 minutes more than he now has for general debate, and that Titles I and XI at the end of the general debate shall be considered under the five-minute rule for amendment.

Mr. STAFFORD. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. STAFFORD. If that consent is agreed to, would that foreclose amendments to any other title of the bill?

Mr. WEBB. No; I think not.

Mr. STAFFORD. I assume that if any Member has a meritorious amendment the gentleman would permit discussion of that amendment without moving the previous question.

Mr. WEBB. I shall not use any tactics to unduly force the bill through the House against the wishes of Members. I take it, however, that every Member will help to facilitate its passage.

Mr. MANN. I suggest that the gentleman make the request in this way, that the time of the gentleman from Minnesota [Mr. VOLSTEAD] be extended for 30 minutes over the time now allotted to him, and that at the expiration of the time now allotted to the gentleman from North Carolina [Mr. WEBB] and the gentleman from Minnesota [Mr. VOLSTEAD] for general debate, Titles I and XI shall be read for amendment under the five-minute rule. If that request should be agreed to, it would still leave the gentleman from North Carolina the right to move the previous question at that time, in order to allow amendments to be offered to the other sections of the bill.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the time for general debate be extended 30 minutes, that that time be awarded to the gentleman from Minnesota [Mr. VOLSTEAD], and that at the expiration of the time for general debate Titles I and XI be read for amendment under the five-minute rule. Is there objection?

Mr. GRAHAM of Pennsylvania. Mr. Speaker, reserving the right to object, will that preclude members of the committee hereafter from being heard upon the general merits of the bill under the usual practice and custom?

The SPEAKER pro tempore. As the Chair understands it, it would leave it within the power of the gentleman from North Carolina to move the previous question at any time and, of course, in that way cut off debate on other titles. Whether or not he would do that the Chair does not know.

Mr. GRAHAM of Pennsylvania. If he does not move the previous question, the matter will then still remain open for general debate?

Mr. MANN. This is not fixing the time for general debate, but yielding additional time for general debate and providing for what is not now under the rules in order, namely, that Titles I and XI shall be read for amendment under the five-minute rule. Otherwise no portion of the bill would be read for amendment at all. A Member who gets the floor can offer an amendment at any time.

Mr. RANDALL. To any section?

Mr. MANN. This is a House Calendar bill.

Mr. RANDALL. Reserving the right to object, Mr. Speaker, I would like to understand the right of a Member to offer an amendment to any other section. Will his right be cut off by the motion of the chairman of the committee to order the previous question?

Mr. MANN. Mr. Speaker, I would say to the gentleman from California that this is a House Calendar bill, not a Union Calendar bill. It is not considered in Committee of the Whole House on the state of the Union, and it is not read for amendment under the five-minute rule. In fact, it is not read for amendment at all. Any gentleman getting the floor is entitled to offer an amendment under the rules of the House, and he can discuss it for an hour if he desires, which would mean, of course, that not many Members would have the opportunity to present amendments. Under the arrangement that is proposed Titles I and XI will be read for amendment under the five-minute rule, and if the gentleman from North Carolina [Mr. WEBB] moves the previous question at the end of the reading of Title XI and the House orders the previous question there would be no opportunity to offer amendments to any other section of the bill; but that would be within the discretion of the House.

Mr. WEBB. This arrangement will really serve to liberalize the rules of the House which apply to the consideration of a bill on the House Calendar.

Mr. MANN. It will give a much wider latitude to offer amendments under the rules than now exists.

Mr. RANDALL. Mr. Speaker, I withdraw my reservation of objection, under the statement of the chairman of the committee that he has no intention of precluding any other amendments to the other sections of the bill.

Mr. PARKER of New Jersey. Mr. Speaker, Title XII has reference to the courts. I think some of these offenses ought to be tried by court-martial.

Mr. WEBB. The gentleman can offer that amendment if he desires, but this is a civil bill providing for trial in the courts of the United States by juries. A court-martial has nothing to do with these sections and ought not to have.

Mr. McCORMICK. Are not courts-martial competent to deal with these problems under military law?

Mr. WEBB. Yes; whenever military law prevails; but we are passing a law here to be administered by the civil courts of the United States.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I now yield 15 minutes to the gentleman from Illinois [Mr. McCORMICK].

Mr. McCORMICK. Mr. Speaker, I trust that I shall not tax the House with all of the time allotted to me, but I wish to suggest to the Members that the bill as reported is more drastic than the bill reported to the Senate. The bill, as I am advised, is not less drastic than the present English law, with this very marked difference, that this bill, if it were to become a law, would be the law 3,000 miles, and presumably 30 days by mail, from the enemy country, whereas Great Britain is within 48 or 60 hours of the enemy. The censor will control the cable and the wireless stations, and matter published—and when I say “published” I mean by word of mouth or by print—in this country would not be transmitted directly to the enemy country except by leave of the censor at the cable or the wireless station. The bill as it now stands, as I read it—and I have read it and read it a second time to determine if it has a meaning other than that which I understand—the bill authorizes the President by proclamation to prohibit the publishing, and so forth, of any information relating to the national defense which in his judgment might be useful to the enemy. Patently the President of the United States is not going to draw the regulations originally or amend them subsequently. Before we began the addition to his burdens in this Congress he was already the most overworked public official in the world. These regulations and their subsequent amendment must be made by officials in the Department of War, and therefore it will be their judgment which will determine what relates to the national defense and what may be of such character that it might be useful to the enemy.

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

Mr. McCORMICK. Yes.

Mr. DYER. The gentleman states they will likely be determined by officials of the War Department. I would ask him if he does not think they would be drawn by officials of the Department of Justice? I will say to the gentleman that the Department of Justice sent us the bill originally.

Mr. McCORMICK. Then I would suggest that if they are drawn by the Department of Justice it will be upon the initiative and with the approval of the Department of War, because the War Department will determine what information, if divulged, would be calculated to help the enemy.

Mr. DYER. It will be a cooperation between them, naturally.

Mr. McCORMICK. There will be cooperation.

Now, at the present moment, for example, there is a not inconsiderable amount of infectious disease among the new recruits in the Navy, embarrassing but not alarming. No publication of that has been made, though it might have been made under the law. But suppose there were serious infection among these recruits? Suppose that in the great camp to be established at Springfield, Mass., there were an epidemic of typhoid fever? Under this bill, as I understand it, no man, except by the leave of the department, could publish the fact that an epidemic of typhoid existed among the troops at Springfield. Of what advantage the permission contained in the proviso if there might be no utterance of the facts upon which discussion, comment, or criticism must be based? Let me illustrate further. It has been alleged and denied that the chief of the French military mission made certain requests which were deleted by the censor from his remarks. But, granting that they were not deleted by the censor, such requests could not be made public if forbidden under this act, and are they of a character which would require publication under such contingencies? Gen. Joffre has said, for example, that American troops ought to proceed forthwith to France. He said that an army division should consist not of twenty-some thousand but of 9,000 men. He has said that a military company, because of the requirements of modern warfare, should consist of 250 and not of 150 men. Now, let us conceive that possible, being human, the gentlemen in the War Department might hesitate for some time to acquiesce in the suggestion that the company unit be 250 instead of 150 men. It would imply that their testimony of two years ago was in error. It would imply that when they had an opportunity to revise the size of the company unit in recent legislation they had failed to do so. The increase of the size of the company would involve the increase in the number of lieutenants but no increase in the number of captains, and gentlemen in responsible positions in the military service of the United States have suggested to me that the reason the department had failed to make the important recommendation that a company comprise 250 and not 150 men was that such a change would increase only the number of sec-

and lieutenants but not the number of captains. I refer to this only by way of illustration. It might very well be that supplies, ammunition, clothing, foodstuffs for the troops, either here or across the ocean, were defective or unsuited to their service, and yet it seems perfectly clear that publication of the fact that such supplies were defective or unsuitable might be forbidden under the language of the bill.

Mr. BURNETT. Will the gentleman yield?

Mr. McCORMICK. I will.

Mr. BURNETT. If conditions like the embalmed-beef scandal in the Spanish-American War should arise, and the press of the country should undertake to comment on it, and to bring it to the attention of the people of the country, what would happen?

Mr. McCORMICK. Not merely the press, but neither the gentleman nor I could publish the facts on the street corner, lest the United States marshal might take us in.

Mr. PLATT. Will the gentleman yield?

Mr. McCORMICK. I will.

Mr. PLATT. Does the gentleman think the publication of such information could be properly construed as of any advantage to the enemy?

Mr. McCORMICK. I would assume that it would be in the discretion of the Executive to state what was of use to the enemy.

Mr. PLATT. Of course, there is no—

Mr. McCORMICK. Let me refer the gentleman to the interrogation of the gentleman from Alabama [Mr. BURNETT] regarding embalmed beef and supplies furnished troops. It was Lord Northcliffe who first learned absolutely from the general in command of the forces in the field that the munitions supplied by the department in England were unsuitable and that because they were unsuitable the British troops suffered horrible losses of life. Lord Northcliffe violated the law, one in terms like this bill, and made public the facts and contributed, I was going to say, not less than Lord Kitchener to the subsequent victories on the western front. This bill, gentlemen, if it becomes law, will affect you and me, affect other individuals who may come in possession of important information, the publication of which has been forbidden. It will very little affect the newspapers of this country comparable in importance with those published by Lord Northcliffe. I know, for I was in the business until five or six years ago. Such newspaper, when the situation became grave enough would employ able counsel and defy the Government—as individuals could not—defy the administration with great increase in the confidence which the public reposed in them. That defiance in the long run would be worth far more than the cost of the prosecution and its defense. There is no menace in this bill to the great newspapers which would violate the law and defy the Government if there were conditions which demanded publication, but there is a menace to the small newspapers whose columns are important channels of communication to the great American public, and there is more menace still to the individual who might discover that this or another feature of the administration in the war was at fault.

Mr. JAMES. Will the gentleman yield?

Mr. McCORMICK. I will.

Mr. JAMES. What would have happened if this bill had been in effect in 1898 when some private wrote to his mother in regard to the embalmed beef and the other things, and she had given it to a newspaper, and the local paper had printed the article?

Mr. McCORMICK. She might have been pinched by the deputy marshal.

Mr. DYER. Will the gentleman yield?

Mr. McCORMICK. I will.

Mr. DYER. Under the section to which the gentleman is referring—I take it it is section 4—

Mr. McCORMICK. I am.

Mr. DYER. There is a provision there which says:

That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives, or the publication of the same.

Does not the gentleman think that is an ample protection for the criticism of public officials in a beef scandal or anything of that kind?

Mr. McCORMICK. Let me ask the gentleman from Missouri to what does the phrase "or the publication of the same" refer? To the preceding language of the proviso, I think.

Mr. DYER. No; I do not think so.

Mr. McCORMICK. To what does it refer? If it does not refer to the preceding language of the proviso it nullifies all the other language of the section, and that would be a *reductio ad absurdum*. But if it applies, as I think, to the preceding language of the proviso, then discussion, comment, or criticism

would be valueless, because you might be forbidden to state the fact upon which to base discussion.

Mr. DYER. Would the gentleman state what, in his opinion, would make this section absolutely clear that it is not the intention of Congress to prevent the newspapers from publishing facts or acts of the Government officials, referring to the question of the gentleman from Michigan [Mr. JAMES] as to the Spanish War embalmed-beef question? I do not think there is any desire on the part of the framers of this bill to prohibit the publication.

Mr. McCORMICK. The gentleman will understand that I do not impute that to the committee.

Mr. DYER. And I am very sure from what the President said he does not want that.

Mr. IGOE. Will the gentleman yield?

Mr. McCORMICK. I will.

Mr. IGOE. Does the gentleman think there ought to be any restriction at all upon the publication of matter that might be useful to the enemy?

Mr. McCORMICK. I think that is a debatable question.

Mr. IGOE. I am very anxious to get the view of the gentleman on account of his experience in the newspaper business.

Mr. McCORMICK. I think that is a debatable question. With war 3,000 miles away, and since we may presume that public opinion and the natural patriotism of the average American will affect such a censorship as already exists, I think it is possible that further prohibition may be necessary. I am not ready to advance that view, because, having served in the profession of journalism, I have felt that in advancing it I might do so with unconscious bias, but I have been prepared to submit to the House a substitute for some of the language in section 4.

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

Mr. McCORMICK. May I have a few more minutes?

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. McCORMICK. I purpose later to offer for some of the language of the section a substitute based on the corresponding section of the Senate bill, a part of which I will read by way of illustration:

Any information with respect to the movement, numbers, description, or disposition of the armed forces, ships, aircraft, with respect to plans—

And so forth.

Mr. IGOE. Does that amendment provide that the President shall say what information with regard to those things will be prohibited, or does it simply specify in the law that nothing concerning those things shall be published?

Mr. McCORMICK. Under it the President may prohibit publication regarding a limited number of military and naval activities.

Mr. IGOE. Does not the Senate provision say "or any information regarding the national defense"?

Mr. McCORMICK. And that is precisely the part of the Senate proviso that I have not incorporated in the amendment which I have thought to offer.

Mr. IGOE. Now, when it comes to this it seems to me there is an agreement that there are things the publication of which should be prohibited and the power to say what those things are should be lodged in some one, although the Senate provision and the House amendment seem to agree upon that prohibition and that that power should be lodged in the President. Where is the difference between them?

Mr. McCORMICK. The distinction is that in one case the discretion is unlimited and in the other case it would be limited.

Mr. Speaker, candidly, I am far more fearful, and so are other Members of this House, that the administration of the War and Navy Departments will break down than that publication will be made of information hurtful to the military operations of the United States.

Mr. IGOE. It is a question of policy whether Congress wants to prohibit something or open the doors to everything. I was trying to get the views of the gentleman on those questions—whether you should prohibit them under any circumstances and in whom you would lodge the power.

Mr. McCORMICK. I would suggest that we must limit the scope of the prohibition or that we must create some other tribunal than the one provided for in the bill. If the gentleman has read articles on censorship published by officers of the War College, he will understand that while their views might be valuable under a people accustomed to such limitation of news, in this country they would be valueless. For example, they would prohibit criticism of the conduct of generals in the field.

Mr. IGOE. The most curious thing about it to me is that the papers do not seem to object very seriously to a law on the subject. That is another point.

Mr. VOLSTEAD. Mr. Speaker, I yield 15 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, when the discussion on this bill was in progress Monday I believed that the general debate on this very important measure would continue until every Member who desired to speak on the subject had an opportunity to be heard. Ample time was given to all on the war resolution. No one was denied an opportunity to voice his views on the conscription bill. Yet Monday the distinguished gentleman from North Carolina [Mr. WEBB] expressed a desire late that afternoon to commence the reading of the bill and enter on the five-minute rule. This is not a question that can or should be discussed in five minutes. No Member of this House should be limited in his opposition to this un-American and vicious legislation. And surely such Members who favor it will require more than five minutes to justify their stand.

This bill is the most important measure that has come before the House during this and many previous sessions. It is a revolutionary measure. It shocks me as much as if a bill were proposed to change the color and formation of that flag we so dearly love. Gentlemen, if you do pass this bill and if it is enacted into law you change all that our flag ever stood and stands for, even though we do not change her colors.

We are at war. I realize it. The biggest task this country has ever undertaken. I know it. A fierce struggle awaits us. Still I have no fear. I doubt not the final victorious outcome of this conflict. I have confidence in the American people. This country will continue to exist after this war, and I want to do my part that it may exist a free and independent Nation, a Republic of republics, a model and inspiration to the oppressed people of the world.

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

Mr. LAGUARDIA. Yes.

Mr. STEELE. Is there anything in this bill that limits the freedom of the people after the war?

Mr. LAGUARDIA. No; not the bill in general, but some of the measures do. I will take that up in a minute.

Now, let us examine this bill. We all agree that a spy, whoever he may be, whether a citizen or an alien, who reveals military secrets to an enemy should be summarily and expeditiously disposed of. I hardly believe any legislation for such purpose is necessary. However, anything contained in this bill to cover any contingency not included in existing law or international usage, I agree, should be put on our statute books. So that there can be no objection to sections 1, 2, and 3 of Title I of this bill.

We come, then, to section 4, which the distinguished gentleman from North Carolina, the chairman of the committee, apologetically presented to us Monday. He admitted that it was an extreme measure; he candidly stated that the committee presents it with great reluctance; he expressed a willingness to accept any amendment which would satisfy the administration and carry out the desired intent. His presentation of the bill was clear and able but as half-hearted as that of any lawyer pleading a case in the merits and justice of which he does not conscientiously believe. The distinguished chairman justifies his stand on the already overworked handmaid of the Sixty-fifth Congress, "Support the President."

I for one do not believe that I can rubber stamp every whim of our various departments and properly do my duty to my country in accordance with the dictates of my conscience, the guidance of my intellect, however limited that may be, and in keeping with my oath of office. We all have our heart and soul in this war, but because we have our heart in it is no reason why we should lose our head. It is our patriotic duty to remain calm, cool, and deliberate. We have the responsibility of carrying this country through this war without impairing or limiting any of her institutions of true liberty or losing her entity as an ideal Republic. Yes; it is easy for a Member to rise on this floor as he would in the course of a local campaign, cheer the Stars and Stripes, proclaim his unqualified support to the administration, and obtain a ripple of applause to be parenthetically included in the Record for home consumption. Ours is a bigger task than that, and never in the history of this country had Congress such a struggle on its hands to maintain a free form of government as intended by the framers of the Declaration and the strict mandates of the Constitution.

The chairman tells us that the proviso at the end of section 4—let me read:

That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same.

With this he tells you the press and the people of this country will be free to criticize and comment upon the policies of the Government. I asked him to reconcile, if he could, section 1202 on page 61 of the bill with the proviso. I asked him whether or not the one was a limitation on the other, and I was answered with the usual wave of the hand and the condescending "No" that a first-year man generally gets from a chairman of an important committee.

Let us see. Section 4 provides that after proclamation, and so forth, the President may prohibit the publication, communication, and so forth, of any information relating to the "national defense." Then the proviso limits the restriction to comments, discussions, or criticisms of the acts or policies of the Government. Section 1202 says:

The term "national defense" as used herein shall include any person, place, or thing in any wise having to do with the preparation for or the consideration or execution of any military or naval plans, expeditions, orders, supplies, or warfare for the advantage, defense, or security of the United States of America.

Section 4 refers to communications or publications relating to "national defense," so broadly defined in section 1202. With that in mind, can anyone conceive of the possibility of indulging in any discussion or comment or criticism, ostensibly permitted in the proviso without violating the provisions of section 4, thereby committing a crime and facing imprisonment for 10 years?

Mr. STEELE. Mr. Speaker, will the gentleman yield again?

Mr. LAGUARDIA. Yes.

Mr. STEELE. Does the gentleman mean to say that that prohibits saying anything in relation to the national defense? Does not the section strictly say it is to be shown to the enemy and prohibited by the President?

Mr. LAGUARDIA. Yes. The President must follow the words of section 4, and if he does that, you may be free to criticize; but you can not mention a person or a place or a thing. So what good does it do?

Mr. STEELE. Is the gentleman in favor of any restriction whatever on a publication that might be useful to the enemy?

Mr. LAGUARDIA. No; not if it infringes on the rights guaranteed by Article I of the first amendment to the Constitution, and if it does more harm than good. The bill without section 4 is ample.

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

Mr. LAGUARDIA. Yes.

Mr. HOWARD. I am very much interested in this section. Do you think there is anything in section 4 that will prohibit the papers from lambasting the War Department for inefficiency in letting contracts or inadequacy of food or anything that would not be helpful to the enemy at a strategic moment?

Mr. LAGUARDIA. I do; and I could so draw an indictment.

Mr. HOWARD. Under this act?

Mr. LAGUARDIA. Under this act.

Mr. HOWARD. The gentleman has more imagination than I have if he can do it.

Mr. LAGUARDIA. You will find if you pass this law that various United States district attorneys will have very resourceful imaginations.

Assuming the hypothetical case presented by the gentleman from Illinois [Mr. McCORMICK] of poor food being supplied to part of the military forces. That could not be criticized, for it would involve a disclosure of supplies within the meaning of the term "national defense." The term was broadened to purposely embrace every possible contingency and limit or suppress at will comment or criticism, no matter how remote. Imagine a comment or criticism without reference to place, person, or fact. The well-intended proviso of the committee might as well be omitted for all the good it will do. There can be no mistake about the intent and effect of this law. It is absolutely a limitation on the freedom of the press and speech. It is a flagrant and daring violation of the spirit of Article I of the first amendment to the Constitution.

The President realizes how extreme this measure. Let me read to you a letter from him to Mr. Arthur Brisbane, of the New York American:

THE WHITE HOUSE,
Washington, D. C., April 25, 1917.

ARTHUR BRISBANE,
New York Evening Journal, New York American,
New York City.

MY DEAR MR. BRISBANE: I sincerely appreciate the frankness of your interesting letter of April with reference to the so-called espionage bill now awaiting action by Congress.

I approve of this legislation, but I need not assure you and those interested in it that whatever action the Congress may decide upon, so far as I am personally concerned, I shall not expect or permit any part of this law to apply to me or any of my official acts or in any way to be used as a shield against criticism.

I can imagine no greater disservice to the country than to establish a system of censorship that would deny to the people of a free Republic like our own their indisputable right to criticize their own public officials. While exercising the great powers of the office I hold I would regret, in a crisis like the one through which we are now passing, to lose the benefit of patriotic and intelligent criticism.

In these trying times one can feel certain only of his motives, which he must strive to purge of selfishness of every kind, and wait with patience for the judgment of a calmer day to vindicate the wisdom of the course he has tried conscientiously to follow.

Thanking you for having written to me.

Cordially and sincerely, yours,

WOODROW WILSON.

Has not the President provided every one of us who still cling to our constitutional form of representative government and to the liberties guaranteed by the Constitution a powerful argument with which to protest and vote against such a vicious and unconstitutional law?

The only possible construction that can be fairly put upon the President's words is that if this bill is made a law it will give him power to silence criticism and to muzzle the press. But he adds that he does not expect to use that power. I sincerely believe that at the time of the writing of the letter on April 25, 1917, he did not expect to use that power any more than in the months of September and October last he expected that he could "keep us out of war." The law admittedly makes the President a despot, but with the comforting assurance that the despot about to be created has the present expectation to be a very lenient, benevolent despot—the restrictions herein created to be enforced at the will of a sort of royal prerogative. The American people do not want tolerance; they demand the continuance of their constitutional rights.

Gentlemen, so much has been said about disclosing to the enemy, through the public press, the movements of our troops, manner, and strategy of our intended warfare. What is the matter with our War and Navy Departments? Can not they control this information? Are they going to cry from the roof of the department building their proposed plans? Do the gentlemen who have argued in favor of this bill not undervalue the ability, efficiency, honesty, and patriotism of our War and Navy Departments? Will the gentlemen not agree that the press of this country have an important, necessary, and distinctly patriotic mission to perform? Have we not experienced by past performances that a vigilant eye must be kept open in a crisis like this? Food, clothing, arms, ammunition, and medicine must be provided. The very best that money can buy is not too good for the boys of the American Army. The people of this country are united in their demands that the scandals, abuses, graft, and incompetency of 1898 are not to be repeated, and the press is their medium of detecting and exposing these abuses and crimes. It is our duty as their representatives to do nothing which will impair, restrict, or limit the press in the fulfillment of that duty. This alone, without considering the destruction of one of our basic fundamental principles of liberty, is sufficient justification to arouse the indignation of this House and send this bill back to the committee, where it should die in shame and neglect.

Some of the gentlemen have spoken about the protection of the American boy. We all want to protect him. It is for his protection that I oppose this bill. You have spoken about the vicious enemy. I know the enemy is vicious. We all know that, and prepare accordingly. When the American Army meets the enemy, whenever that may be, leave it to the American Army to crush him. But what more vicious, dangerous, and cowardly than the friendly domestic enemy who is willing to turn American blood into gold and sell rotten cornbeef, wormy beans, paper shoes, defective arms for our American boys? And when the American press ferrets him out they will likewise crush that enemy. Our Army and Navy shall not be the dumping place for all the defective arms and war supplies rejected by the allies during the past two years. On the second day of this session I introduced a bill providing death punishment for dishonest contractors. I hope the Committee on the Judiciary will report it out. I will tell you more on that subject when the time comes. I had better not get started on that now.

Do you know that American warehouses are bulging with defective arms and ammunition that has been rejected by the allies in the last two years? And are we going to make our Army and our Navy a dumping ground for these defective arms and this defective ammunition? We must keep our eyes open, so that they will not try to put it across.

Gentlemen, a very similar statute as the bill under consideration was enacted in 1798, entitled "An act in addition to the act entitled 'An act for the punishment of certain crimes against the United States,' approved July 14, 1798, chapter 74."

Congress for that purpose passed an act punishing all unlawful combinations and conspiracies to oppose the measures of the Government, and, among other things, further provided for a public presentation and punishment by fine and imprisonment of

all persons who should write, print, utter, or publish any false, scandalous, and malicious writing against the Government of the United States, or of either House of Congress, or of the President, with an intent to defame them, or bring them into contempt or disrepute, or to excite against them the hatred of the good people of the United States, or to excite them to oppose any law or act of the President in pursuance of law or his constitutional powers.

It became one of the most prominent points of attack upon the then administration. The appeal made to the people was more successful and more consonant with their feelings than any other made upon that occasion. Congress then, as now, was timid about it, and, as now, did not dare to make it a permanent statute, and we find in section 4 of the act that it "shall continue in force until the 3d day of March, 1801, and no longer," a period less than two years. The act being limited to a short period, expired by its own limitation and has never been renewed, until the present attempt in the year of our Lord, 1917. Justice Storey, in his work on the Constitution, referring to the act, says:

It has continued down to this very day to be a theme of reproach with many of those who have since succeeded to power.

Just one word more, if you will bear with me. Refer, please, to section 13 of section 509, page 46, of the bill. What does that mean? Why, simply to prevent the sending of money to further the cause of any of the oppressed people of Europe, striving for centuries to obtain their liberties. My time has about expired, but I sincerely hope that some of my colleagues will give this section the attention and discussion necessary to bring about its defeat. Gentlemen, we all agree that we do not want to send filibustering expeditions to any country with which we are at peace. We do not want to fit an army of adventure and send them from here fully equipped to "start something" elsewhere in the world. We do want, and insist, to reserve our rights to extend material and moral assistance to any oppressed people anywhere in the world, whether they live on a continent or on an island. Had this section been the law of our land in the past the Republic of Portugal would not have seen light; the hopes of the Russian people would not have been realized.

With the exception of the first three articles and some of the shipping provisions, this bill is dangerous and should not pass. The liberty of the press, guaranteed by the Constitution, has been so clearly defined, construed, and limited by the courts of this country for the past 130 years. It is so restricted to guard the rights of every citizen, and under the decisions the Government is not now in need of new and additional legislation to carry out any necessary or honest limitation. We must take a decisive stand now; otherwise we may have nothing to stand for.

This is true liberty, when free-born men,
Having to advise the public, may speak free,
Which he who can, and will, deserves high praise;
Who neither can, nor will, may hold his peace:
What can be juster in a State than this?

The great Milton quoted these lines from Euripides in his plea to the British Parliament for the freedom of the press. I hope no Milton in this House will remain "mute and inglorious." [Applause.]

Mr. WEBB. Mr. Speaker, I yield 10 minutes to the gentleman from Mississippi [Mr. VENABLE].

The SPEAKER. The gentleman from Mississippi is recognized for 10 minutes.

Mr. VENABLE. Mr. Speaker, any man who does not recognize the fact that extraordinary occasions do away with ordinary rules, it seems to me, puts himself in the attitude of a man that I read of once, who refused to save another man from drowning because he had never been introduced to him and, hence, could take no liberties with his person. All normal rules are made in view of normal conditions, and extraordinary conditions necessarily remand a waiver of the ordinary rules of conduct, because the reason for a rule ends when the extraordinary circumstances arise.

There has been a great deal of discussion and criticism of section 4 of this act. I do not believe that any man desires the freedom of speech and of the press more than I. I believe that the preservation of the freedom of speech and of the press is absolutely essential to the preservation of the liberties of any people. But freedom of speech and freedom of the press never included protection for a speech or a publication which would do harm.

We have heard a great many statements that this section violates the Constitution; some claim in letter and others in spirit. I do not think that any man who knows anything about the subject would seriously contend that it violates the letter of the Constitution of the United States; neither do I believe that

anyone on careful consideration would judge that it violated the spirit of the Constitution.

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

Mr. VENABLE. Yes.

Mr. SIEGEL. Will you tell me of any case in the United States Supreme Court that upholds your contention that this proposed section 4 is not a violation of the first amendment of the Constitution of the United States?

Mr. VENABLE. I know of none that either opposes it or upholds it. This particular section has never been construed, as I understand.

Mr. ROSE. Mr. Speaker, will the gentleman yield for a question?

Mr. VENABLE. Certainly.

Mr. ROSE. I would like to call the gentleman's attention to the provisions of section 4. It says—

Where the President may, by proclamation declare—

When any information—

in his judgment is of such a character that it is or might be useful to the enemy.

If the President alone believes it to be useful to the enemy, I would like to know whether or not it is not an abridgment of the right of trial by jury. Has anybody anything to say, any jury anywhere, if the President himself believed it to be of value to the enemy? Is there any right given at all to an accused man to present his case to a jury if the President of the United States determines it to be of use to the enemy? Or does the gentleman himself believe that is in conformity with the law of this land?

Mr. VENABLE. I do not believe the right of trial by jury is involved, for the reason that the right of trial by jury includes the right of a trial according to the ordinary course of legal procedure, with a jury to determine whether the defendant has violated the statute or not. This section gives the President the power to prescribe that certain things shall not be published. In other words, the President defines the crime, and anyone who violates the statute would still have the right of trial by jury to determine whether his conduct was a violation or not. I will answer the gentleman's question a little further. As I understand it, the question involved in this is twofold. Is it just, and is it expedient? Does it violate any principle of right? If not, is it wise to adopt it?

We have heard a great deal said to the effect that this section violated the spirit of the Constitution, based, it seems to me, on some sort of an assumption that men have the right at all times and under all circumstances to say anything in the world they wish, provided what they say is the truth. Such is not the law, as I understand it. Such has never been the law, as I understand it, and I think what I am about to say will answer the gentleman who first asked me a question.

A newspaper and an individual occupy precisely and identically the same position before the law. A newspaper has no special sanctity or privilege attaching to it. A newspaper can not lawfully print or publish anything that an individual could not print or publish. The common law contains absolutely no exception in favor of newspapers. There is no special sanctity attaching to what a man says because of the fact that he prints it in a paper. Now, under the libel and slander laws, which have been in existence for hundreds of years, and operating, too, under the constitutional provision which said that Congress should not abridge the liberty of speech or of the press, a man could be indicted for criminal libel, and the truth of what he said was not of itself a sufficient defense. Of course, the plea of justification—that is, of truth—is a perfect defense as regards either slander or libel in a civil suit where an individual is seeking to obtain damages for injury, for the reason that only the private interest is there considered, and if a man be actually guilty of what he is charged with in the alleged libel or slander he has no standing before the law. But even though what a man says be true, if he prints it and commits a libel he is liable both under the common law and under the statutes of some States to indictment and punishment, fine or imprisonment, according to the terms of the statute within whose jurisdiction the crime was committed.

Mr. SIEGEL. Will the gentleman yield?

Mr. VENABLE. Not now. A little later. The reason of the rule, as I understand it, is this: In a criminal prosecution the State is not interested in the damage done to the individual, but even assuming that injury has been done, it takes the position, according to the axiom, that the greater the truth the greater the libel, the reason being that such publications are apt to cause the commission of breaches of the peace, and because it is against public interest that there should be breaches of the peace. Therefore the citizen is prohibited from publishing certain things, even though they be true, and no one has

ever made the point against that provision of the law that it violated liberty of speech.

So we find the precedents clear and clean-cut, and the principle well recognized, that even though what is said be true, if it be contrary to the public interest to have it published, it shall not be published.

Mr. GORDON. There are constitutional provisions in nearly every State which provide that the truth may always be given in evidence, and that it shall be a defense if the publication was made with good motives and for justifiable ends.

Mr. VENABLE. Yes; that is true in some States.

Mr. GORDON. That is true, I think, in most States.

Mr. VENABLE. That is true in some States as against a criminal prosecution by the State.

Mr. GORDON. In any action, civil or criminal.

Mr. VENABLE. The truth has always been a justification in a civil suit without any constitutional provision; but the point I am making is that the law, notwithstanding the constitutional provision, recognizes the principle that if the public interest demands it, a man can be prohibited from publishing that which is true, and that there is no such thing as an inherent, inalienable right to say anything that a citizen wants to say, whether by word of mouth or in the newspapers, simply upon the ground that it is true and without regard to the public interest. No one has ever contended that that rule was unconstitutional, and no court has ever so held.

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

Mr. WEBB. I yield to the gentleman five minutes additional.

Mr. VENABLE. So we find that this provision does not violate any inherent right which a man has to publish what he pleases under the claim that it is true.

Mr. CANNON. Will the gentleman allow me, Mr. Speaker?

Mr. VENABLE. Yes.

Mr. CANNON. Suppose the President issues his proclamation, and I give information that his proclamation forbids; how am I to be convicted?

Mr. VENABLE. I presume you would be indicted and tried according to law.

Mr. CANNON. By a court?

Mr. VENABLE. Yes.

Mr. CANNON. Entitled to a jury trial?

Mr. VENABLE. Yes.

Mr. CANNON. Not to be tried by a court-martial?

Mr. VENABLE. No sir. As I understand it, this is a criminal statute like all the other criminal statutes of the United States.

Mr. CANNON. And I may deny everything that I choose to deny and may offer every defense that I choose to make?

Mr. VENABLE. And the burden of proof would be on the Government to prove you guilty.

Mr. CANNON. Precisely; and I would be entitled to a jury trial.

Mr. VENABLE. Absolutely; that is my understanding.

Mr. WEBB. Yes; the law will be executed by the civil authorities.

Mr. VENABLE. Absolutely; and the court would determine the law and instruct the jury.

The right of trial by jury, as I stated a while ago, is not in any way abridged by this section. So I submit to the House that no principle is violated.

Now, the question is, Is it expedient? Will any man contend that in times like these you do not have to have a censorship? Every Government at war has it. Every Government at war must have it. Now, the newspapers, or some of them, contend that they are so wise—and I do not doubt they have a great deal of wisdom—that they do not need any censorship; that their judgment, though the editors and managers are private citizens as the rest of us are, is so good that they can determine what to print and what not to print. Of course, we must have a censorship.

Now, that power must be vested somewhere. This Congress could not possibly pass enough regulations defining circumstances so as to cover the field, for the reason that no man knows in this war from day to day what is going to happen. This Congress will not be advised and can not be advised; this Congress is not in session all the time. This Congress can not now possibly define all the circumstances or kinds of data and information that must not be given out. So you must vest the power somewhere; and this bill chooses to vest it in the Chief Executive Officer of the Government, who is supposed to have all of the available information or at least has the means of advising himself as to developments and all the facts as they come into existence from time to time.

Now, some man objects and says that this large power ought not to be given to one man. You can not conduct wars except

through dictators. I mean by that that wars can not be conducted successfully without the concentration of power somewhere. The Romans recognized that fact, and when they had a war they elected a man, or appointed a man, as dictator during the period of the war, because the actual conduct of war is purely an executive thing. You can not split up the responsibility, you can not split up the authority, so as to have a part of governmental executive power going in one direction and a part in another, without the plan failing from not being coordinated, so as to have oneness of action, oneness of purpose, and oneness of accomplishment.

Mr. FESS. Will the gentleman yield?

Mr. VENABLE. I will yield to the gentleman from Ohio.

Mr. FESS. I presume the gentleman uses the word "dictator" advisedly. But really the situation is such—

Mr. VENABLE. Oh, I do not mean that I would turn over everything to him, not a dictator in the strict sense of the word.

Mr. FESS. The gentleman has noticed some editorials as to what we ought to do in the matter of transportation and other things. I wondered if the gentleman would go that far.

Mr. VENABLE. No; I do not mean in the strict sense of the term. I mean this, that you have to necessarily concentrate authority in some one in order to get the best results. Of course, there are limits to that. I am not contending that the legislative department should turn over its functions altogether, or turn them over at all. I mean the principle of concentrating power must be observed. It is the wise course of legislation when circumstances demand it to concentrate executive power, because that is the only way to accomplish effective results.

Mr. KNUTSON. Will the gentleman yield?

Mr. VENABLE. Yes.

Mr. KNUTSON. Would the gentleman concentrate power in the Executive by pulling down the power of Congress?

Mr. VENABLE. Oh, not at all. But I say Congress, in view of the war, as a matter of wise legislation, when it comes to things that pertain to executive matters, must vest the broadest powers and authority in the Executive. You can not conduct a war in any other way. There never was a war conducted in any other way; there never will be a war conducted in any other way; some man must pass upon these questions who is best able to do it, and that man is the head of the Government, I submit. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield 15 minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Speaker, the laws of war are not the laws of peace. Laws can be passed giving some sort of trial in time of war for offenses which otherwise would be punished without trial, and necessarily so. I read from a book which I knew as a boy—Whiting's War Powers Under the Constitution. It was published in 1862, and this edition in 1871, is the forty-third edition, yet people seem to have forgotten it. On page 163 he states that the President in a time of war is Commander in Chief and has supreme authority, under the Constitution, while governing and regulating the land and military forces.

Congress may refuse supplies or to raise troops; but for the military movements and measures essential to overcome the enemy, the President is responsible to and controlled by no other department of government. His duty is to uphold the Constitution and enforce the laws and to respect whatever rights loyal citizens are entitled to enjoy in time of civil war to the fullest extent that may be consistent with the performance of the military duty imposed on him.

What is the extent of the military power of the President over the persons and property of citizens at a distance from the seat of war—whether he or the War Department may lawfully order the arrest of citizens in loyal States on reasonable proof that they are either enemies or aiding the enemy; or that they are spies or emissaries of rebels sent to gain information for their use, or to discourage enlistments; whether martial law may be extended over such places as the commander deems it necessary to guard, even though distant from any battle field, in order to enable him to prosecute the war effectually; whether the writ of habeas corpus may be suspended, as to persons under military arrest, by the President, or only by Congress (on which point judges of the United States courts disagree); whether, in time of war, all citizens are liable to military arrest, on reasonable proof of their aiding or abetting the enemy, or whether they are entitled to practice treason until indicted by some grand jury (thus, for example, whether Jefferson Davis or Gen. Lee, if found in Boston, could be arrested by military authority and sent to Fort Warren); whether, in the midst of wide-spread and terrific war, those persons who violate the laws of war and the laws of peace, traitors, spies, emissaries, brigands, bushwackers, guerrillas, persons in the free States supplying arms and ammunition to the enemy, must all be proceeded against by civil tribunals only, under due forms and precedents of law, by the tardy and ineffectual machinery of arrests by marshals, who can rarely have means of apprehending them, and of grand juries, who meet twice a year, and could seldom, if ever, seasonably secure the evidence on which to indict them; whether government is not entitled by military power to prevent the traitors and spies, by arrest and imprisonment, from doing the intended mischief, as well as to punish them after it is done; whether war can be carried on successfully, without the power to save the Army and Navy from being betrayed and destroyed by depriving any citizen temporarily of the power of acting as an enemy, whenever there is reasonable cause to suspect him of being one. * * *

Whatever any commander in chief, in accordance with the usual practice of carrying on war among civilized nations, may order his army and navy to do, is within the power of the President to order and to execute, because the Constitution, in express terms, gives him the supreme command of both.

I shall not read the rest, though there is more here, and it is stated better than I can state it. Has the President the right to prevent what is dangerous by exercising arbitrary powers of imprisonment, of arrest, of seizure, wherever it seems to him a matter of danger? There were a few facts at that time. In 1861 the majority of the Legislature of the State of Maryland was disloyal. The State itself was loyal, but the majority of the Legislature of Maryland sympathized with the Southern States, and was about to pass a resolution to secede—a resolution which Mr. Lincoln regarded as against the Constitution. The President, without any warrant of law except his duty as the military commander to prevent insurrection, arrested members of the legislature and broke up their session. In 1861 certain papers in New York sympathized with the Confederate States and published editorials, and the grand jury presented them to the Postmaster General. After that presentment the Postmaster General denied the papers the privilege of the mails. Maj. Gen. Wallace, May 18, 1864, suppressed the Baltimore Evening Transcript. Gen. Rosecrans, May 26, 1864, prohibited circulation of the Metropolitan Record in the Department of Missouri. May 19, 1864—I get all this from that great book, McPherson's History of the United States, from November, 1860, to July 4, 1864, written by a clerk of this House and a former Member—when the New York World and Journal of Commerce published a forged proclamation asking for 400,000 more troops, Gen. Dix took possession of the newspaper offices and shut them up for four days. Gov. Seymour had him arrested. Gen. Dix submitted to arrest, but the case was never tried.

With reference to arrests, I need not go over the number of people who were in Fort Lafayette and in Fort Warren. Clement L. Vallandigham violated a proclamation forbidding people in the States of the North from exciting sympathy with the South, with which the North was at war, and was imprisoned until he escaped to Canada.

This course of action was not confined to the Northern States, either. The Southern States did just the same. In 1864, after arresting people in the same way, the Confederate Congress suspended the writ of habeas corpus, at the request of the president of the Confederacy, in all cases of treason and conspiracy to resist the lawful authority of the Confederate States or combining to assist the enemy, or of communicating intelligence, preparation, or attempts to incite servile insurrection, or desertions or encouraging desertions, or harboring deserters or spies and emissaries of the enemy, or holding correspondence or intercourse with the enemy without necessity, or unlawful trading, or destroying bridges, railroads, and so forth; and under that act the Government immediately established a military commission to try persons who were accused in these cases instead of sending them to a jury.

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

Mr. PARKER of New Jersey. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has eight minutes remaining.

Mr. PARKER of New Jersey. I think that I can finish in the eight minutes, and then I will be glad to yield to the gentleman from Ohio.

Mr. FESS. I desire to know whether Lincoln did not suspend the writ of habeas corpus instead of Congress?

Mr. PARKER of New Jersey. We can not suspend the writ of habeas corpus. No one can suspend the writ of habeas corpus except in case of insurrection or invasion; but it was held by Attorney General Bates with reference to Lincoln, when Congress had never suspended the writ, that the military authorities acting in war were not subject to the writ, and that is the doctrine laid down by Whiting.

Mr. FESS. My friend will remember that Jefferson did suspend the writ of habeas corpus in 1807.

Mr. PARKER of New Jersey. I know there is a question as to whether Congress or the President has the right to do it; but in this case it is held always that the Commander in Chief in time of war is not subject to the writ of habeas corpus as to what he does in his military capacity.

The question now is what to do. In this bill the first section says something about information to be communicated to an agent of the enemy; that is, material information. Must Government agents go before a United States commissioner or grand jury and show what that information is and that it is material, and thus disclose to the enemy what it is? Must the court grant bail to a man who is accused as a spy, so that he can run away

or get his friends to run away? When you are dealing with a spy, must you try him in court and put all the evidence in that you do not want to have come out? When the accused is, we will say, proved to have accepted \$300 for giving important papers to a particular person, must it also be proved that that particular person was an agent of the enemy? The act is well drawn, but you can not carry out any such act in time of war. The United States must have, as the Confederates did, military courts to dispose of such charges. In 1863 the United States made the same rule as to spies. (Act of Mar. 26, 1863, sec. 38.)

The United States as a free people always look, when they can, to the example of England. Admit there was a spy fever there. Admit that it seemed very terrible when I was there between September and November, 1915, to see in the papers nothing but this, "Another spy has been committed to the tower." A few days afterwards, "Another spy has been tried by Justices So-and-so, sitting as a military commission, and has been condemned to be executed, and has been executed." No other word whatever, but when we knew also that Zeppelins were dropping bombs and the physician who attended my family was patrolling the streets at night with a shotgun on his shoulder—there were no regular arms—in order to protect public buildings—when we now see also such things as occurred near Philadelphia where eighty-odd poor girls were lying dead and mutilated, some unrecognizable, because of the explosion of a munitions works, we have to confess that it is war, that it is really war, and that the authority of the Commander in Chief extends to every foot of territory of these United States in order to use his power even on mere suspicion to hold every man and to prevent every act, not to punish it—how are you going to punish a newspaper by a jury trial, whoever did it?—but to prevent every act by a newspaper or anyone else which will give information to the enemy.

I desire to direct the attention of the House to the authority of the English act, it is only a page long; I will only read a part of it, and with the permission of the House I will extend my remarks to print the whole of this act, and I therefore ask that permission.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. PARKER of New Jersey. Only to the extent of printing this act.

Mr. KNUTSON. Will the gentleman yield?

Mr. PARKER of New Jersey. In a moment. In 1914, on the 27th of November, the defense of the realm consolidation act was passed. It enacted:

His Majesty in council—

That would be the President here—

has power during the continuance of the present war to issue regulations for securing the public safety and the defense of the realm, and may by such regulations authorize the trial by courts-martial, or in the case of minor offenses by courts of summary jurisdiction, and punishment of persons committing offenses against the regulations, and in particular against any of the provisions of such regulations designed—

(a) to prevent persons communicating with the enemy or obtaining information for that purpose or any purpose calculated to jeopardize the success of the operations of any of His Majesty's forces or the forces of his allies or to assist the enemy; or

(b) to secure the safety of His Majesty's forces and ships and the safety of any means of communication and of railways, ports, and harbors; or

(c) to prevent the spread of false reports or reports likely to cause disaffection to His Majesty, or to interfere with the success of His Majesty's forces by land or sea, or to prejudice His Majesty's relations with foreign powers; or

(d) to secure the navigation of vessels in accordance with directions given by or under the authority of the admiralty; or

(e) otherwise to prevent assistance being given to the enemy or the successful prosecution of the war being endangered.

The rest of it is for the establishment of courts-martial and summary courts for minor offenses. (Chitty's Annual Statutes, 1914, p. 27.) The question to be considered is whether it is better to leave the power simply to the discretion of the Executive from time to time to be exercised in his discretion, or to enact, as by the English law, that this power shall be exercised according to regulations that he shall publish. In England the revised regulations occupy some 30 pages in the following year-book: Chitty, 1915, pages 936 to 964.

Mr. WALSH. Will the gentleman yield?

Mr. PARKER of New Jersey. I will.

Mr. WALSH. Will the gentleman state how he would have all this regulated in time of peace?

Mr. PARKER of New Jersey. Not at all, by law.

Mr. WALSH. Well, does not the gentleman recognize the fact that spies can do dangerous work in peace time?

Mr. PARKER of New Jersey. Yes; and the bill is all right for peace, but the trouble about it is that it does not make provision for war.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. PARKER of New Jersey. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has one minute remaining.

Mr. PARKER of New Jersey. Let me say this one sentence first. The question is, gentlemen, Is it better in time of war to ask that the President shall regulate and give rules to his own action and to equalize his issuance of regulations and statements of what his action will be, whether by censor, or whatever it may be, to carry out these great national needs, or is it better to leave it as it was during the Civil War for unregulated discretionary action after the act had taken place, in closing up newspapers, and so forth?

Mr. COOPER of Wisconsin. Will the gentleman now yield for a question?

Mr. PARKER of New Jersey. I will do so with great pleasure.

Mr. COOPER of Wisconsin. Did the gentleman read in the papers this morning the report of a very severe criticism made by a distinguished editor in Germany criticizing the German war administration? This bill would have prevented any such criticism in this country. Does the gentleman think we ought to be less liberal than they are in monarchical Germany?

Mr. PARKER of New Jersey. I do not think that proper criticisms are at all against the regulations of this law of which I have been speaking. The English bill provides against communicating information and acts of every description. The question, as I have said before, is whether power shall be exercised by blind discretion or according to rule. [Applause.]

NOTE.—Regulation 18, Chitty, 1915, page 944, establishes the censoring of certain sorts of news carefully defined:

"18. No person shall, without lawful authority, collect, record, publish, or communicate, or attempt to elicit, any information with respect to the movement, numbers, description, condition, or disposition of any of the forces, ships, or aircraft of His Majesty or any of His Majesty's allies, or with respect to their plans or conduct or supposed plans or conduct, or any naval or military operations by any such forces, ships, or aircraft, or with respect to the supply, description, condition, transport, or manufacture or storage or place or intended place of manufacture or storage of war material, or with respect to any works or measures undertaken for or connected with or intended for the fortification or defense of any place, or any information of such a nature as is calculated to be or might be directly or indirectly useful to the enemy, and if any person contravenes the provisions of this regulation, or without lawful authority has in his possession any document containing any such information as aforesaid, he shall be guilty of an offense against these regulations.

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Speaker, as time goes on the need for a joint committee on the conduct of the war, such as is proposed by the Weeks-Madden resolution, becomes more and more apparent. Surely, the administration should take Congress and the American people into its confidence as to true conditions, for the task which we have entered upon is far too great for any one man or a small number of men to bear alone. Congress has been most generous and loyal in its support of the various administration measures that have come up for consideration, and it deserves to be dealt with frankly rather than in an evasive manner. There is a great deal of objection over the entire land to the espionage bill.

I have here a list of 15 of the leading newspapers of this country, in every one of which have appeared editorials protesting against the passage of the espionage bill.

Mr. WEBB. May I interrupt my friend? Do not those newspaper articles refer to the bill as originally reported and not to the bill as we presented it to the House?

Mr. KNUTSON. Not according to my information. I took the list which the New York American published yesterday. There was a page editorial in that paper, and there were a great many papers listed in there as being opposed to the bill in its present form.

Mr. WEBB. I really think that the so-called spy bill that has been circulated was the one introduced in February and reintroduced in the extra session. I do not think it is the bill now before the House, concerning which I do not think the newspapers have full information. So I think the criticism is aimed at the old bill and not at this one.

Mr. KNUTSON. Not having seen the original editorials I am unable to state.

The espionage bill, in making the President the sole judge as to what constitutes writings and speech to be prohibited, clearly seeks to abrogate those provisions in the Federal Constitution which guarantees free speech and the freedom of the press.

I remember the great hue and cry that went up in the press of the land over the treatment the boys were receiving at Chickamauga and other training camps during the Spanish-American

War, and the result of the publicity given to that scandal by the American press resulted in a complete change in the conduct of the Government toward our troops.

Take the Gallipoli campaign and the lack of shrapnel on the western front in the great European war; in the American papers from time to time have appeared editorials taken from the London Times and several other of the Northcliffe papers severely criticizing the conduct of the English campaign as carried on by Churchill, Asquith, and others, and I want to say there is not a ministry in office in Europe to-day that was in office at the outbreak of the war—and the European press is responsible for that fact—except I believe the German ministry is still in power. But in Germany they have a strict censorship over the press, and hence it has been possible for the German ministry to hold on longer than was the case in England, France, or Italy. Shall it be said that we, the greatest democracy in all the world, fear to go into this war with a free press and a free people behind us? Will Congress dare to assume before the people the position of favoring a measure that will stifle American liberties?

It is true that we are at war, and I heartily favor the provisions in this bill that will punish treasonable utterances and writings, but I greatly fear the provision in section 4 of the bill, which makes the President the court of last resort. I do not think that simply because we are at war it shall be necessary that Congress should abrogate its powers and turn them over to the President. [Applause.]

Mr. Speaker, I hope to see section 4 so amended as to safeguard the freedom of the press and speech and at the same time protect the interests of the Republic.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman yields back four minutes.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Speaker and gentlemen, I think everyone concedes there ought to be somewhere some power to control the publication of news during the present emergency. And I take it that if I have sensed the feelings of the Members of this House correctly in what conversations I have had with them, everyone seems to feel that there ought to be some limitation on the publication of facts during this war. And, while I think they believe that, there is another question that intrudes itself into my mind when I think about this, and that is the question of how far we can go in allowing some one to control the publication of facts that this people ought to know during the progress of this war.

I can see how the thing might be made an instrument of oppression, and it seems to me in my consideration of the bill as it is presented by the committee that it is too broad, and ought to be amended in some particulars. If I read section 4 correctly it gives to the President of the United States the right to use his judgment and to absolutely say what he thinks might or might not be useful to the enemy, and, irrespective of what it was, his judgment would be conclusive.

We have heard the right of trial by jury discussed or alluded to here by some of these gentlemen. It is true the right of trial by jury would exist, but the one thing that would be tried would be whether the man who was charged with the offense had violated some regulation that the President had made; whether, after the President had made up his mind that a certain thing might be useful to the enemy, the man could then discuss that proposition. And the gentleman from Illinois [Mr. McCORMICK] was right when he said that that would even extend to a private conversation on the street as well as to the publication in the newspapers.

I have always thought that it was highly inadvisable at any time for Congress or any other legislative body to depute its lawmaking power to some other department of the Government. I remember an instance of that kind here a year or so ago, when this Congress passed an act permitting the Agricultural Department of this Government to make regulations relative to the protection of migratory birds. The Agricultural Department, in pursuance of that authority, passed certain rules and regulations, which have been changed from time to time, and which were not equitable and fair in their operation, in my experience, and regulations which have been largely disregarded by the people. In other words, I think it is not advisable at this time for the Congress or any other legislative body to try to depute powers that ought to be exercised by it to some other department of the Government. It was not in that case and should not be in this case. I think Congress should, so far as it can, try to specify all the different classes of information which it does not desire to have given out, so that the President may by proclamation specify those particular classes so far as it is pos-

sible, and so that the people generally, gentlemen, may see written into the statutes of the country the law the violation of which will provide a penalty. But if this is passed in its present condition the President may make up his mind that a certain class of information which the people ought to have might be illegal and he can so proclaim, and the person then violating it will be subject to the penalty provided by this section. And it will be observed that the penalty provided in this section is somewhat drastic in its terms. It provides that anybody who violates the provisions of the act shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than 10 years, or both. I believe some such amendment as the gentleman from Illinois has suggested should be adopted and that we ought to specify the kinds of information we think ought not to be given out. For instance, the movement of troops, the movement of ships, the number of troops, their disposition, what they are doing, and the classes of information that are manifestly on the face of things of value to the enemy if they are disclosed. But for us to say that the President may find a class of information to be useful to the enemy, such as was developed by the spoiled-beef matter in the Spanish War, such as Lord Northcliffe has called attention to in England on several occasions, such things as ought to be made public, I do not think that is a wise power to be given to anyone. [Applause.]

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

EXTENSION OF REMARKS.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

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

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

ESPIONAGE.

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. SIEGEL].

The SPEAKER pro tempore. The gentleman from New York is recognized for 10 minutes.

Mr. SIEGEL. Mr. Speaker, I am frank to say that I am unalterably and irrevocably opposed to section 4 of this bill, which would, according to my construction of its language, practically muzzle the press of the United States during the whole war period.

I have implicit faith in the loyalty and patriotism of the newspaper men of America that they will of their own accord prevent the publication of such information as would tend in any manner or in the slightest degree to aid the enemy.

If the editors and newspaper correspondents of the press of America are not to be trusted, who is to be trusted in this critical hour in the Nation's affairs?

The power of the press has always been wielded in behalf of the best interests of the Republic, and the man who is afraid of the rays of its publicity usually has something to conceal.

The proposed section of this bill, better known as the press-muzzler section, is unconstitutional beyond any doubt.

The first amendment to the Constitution of the United States reads as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

I asked the gentleman from Mississippi [Mr. VENABLE] here to-day, when he was speaking, whether he had found any decision of the United States Supreme Court that had overridden that provision of the Constitution, and he answered promptly that he had not.

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

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from Pennsylvania?

Mr. SIEGEL. Yes.

Mr. STEELE. Is the gentleman acquainted with the suggestions made by the metropolitan press of New York?

Mr. SIEGEL. I am.

Mr. STEELE. Does the gentleman recollect this provision that they suggested should be put in the bill, that when a state of war exists the President shall prohibit the use of the mails, the telegraph, the telephone, and cables and all means of transmission of information to any foreign country—information that may be of injury to the United States, and that he shall be empowered to issue such regulations as will render his prohibition effective?

Mr. SIEGEL. I am familiar with that, but that is not what they or other people say as to the question of the constitutionality of the act. I want to say also that there were Members of this House who opposed the judgment of gentlemen who favored the finding of contempt against H. Snowden Marshall, United States district attorney for the southern district of New York, and who felt that they had the right to punish him for contempt. The gentleman from Pennsylvania and others upheld our position, and the Supreme Court of the United States took our view of the situation; so that it is not always the legal opinion of people who are older in years or in experience than others that controls or affects the opinion of the Supreme Court in regard to any laws that Congress has enacted or desires to enact. We have to learn every day in the year until the final summons comes.

It is wise at this time to recall the words of Mr. James M. Beck, who was later Assistant Attorney General of the United States, and who in *The Lewis Publishing Co. v. Morgan* (229 U. S., 288, pp. 292, 293), said:

The first amendment means, in substance, that no burden or restriction should be imposed upon the press, excepting only in matters of recognized morality and subject always to responsibility at common law for libelous statements. The history which preceded the first amendment clearly shows that it was made to prevent a censorship of the press either by anticipation through a licensing system or retrospectively by obstruction or punishment. To concede to Congress the power * * * to discipline the free press of the country would hereafter mean a stricter and more dangerous censorship, for in the matter of arbitrary power "the appetite grows by what it feeds on."

Thomas Jefferson, in 1799, said:

I am for freedom of the press, and against all violations of the Constitution to silence by force and not by reason the complaints or criticisms, just or unjust, of our citizens against the conduct of their agents.

And in 1816 he said:

Where the press is free and every man able to read all its safe.

And let me say to the gentleman from Missouri [Mr. IGOE] that in an article which appeared in the Saturday Evening Post of February 12, 1910, ex-Gov. Joseph W. Folk said:

We are too apt to accept such reforms as trial by jury, freedom of speech, and freedom of religion as matters of course, forgetting the struggle of centuries that brought these things about. It is much easier to lose these blessings than for us to gain them. The evils arising from the abuses of freedom of speech, the stage, and the press are bad enough, to be sure, but not so bad as tyranny. The power of censorship may be abused as well as freedom, and when that is abused there is tyranny. An aroused public conscience and an educated public opinion must correct these evils. There is little danger from error when public opinion is enlightened and reason is free. * * * The right of free speech does not mean only the right to say pleasant things, but the right to say things displeasing to the powers that be.

One of the gentlemen of the committee said to me, "Why, we can prosecute, if this law is enacted, in any particular section of the country." In other words, if a newspaper published in New York prints some article highly displeasing to some one in power an indictment could be found, say, in St. Louis, and a newspaper editor might be dragged from New York to St. Louis. I do not like to differ with men older than myself or more mature in knowledge and of longer service in the House than I, but let me say that that question was determined long ago, away back in 1897 or 1898, when an indictment was found in the District of Columbia against Charles A. Dana, then editor of the *New York Sun*; that indictment was found at the request of Mr. Noyes, he being the complaining witness at that time. Mr. Elihu Root appeared in behalf of Mr. Dana, and the court held at that time that you could not go and indict a man in any part of the country where a newspaper might circulate, but the indictment must be found in the particular locality where the newspaper is published. I have only to refer to the later case of the United States against *The Press Publishing Co.*, in Two hundred and nineteenth United States, page 1, where an indictment was found against the *Press Publishing Co.*—the *New York World*. I read from page 15:

In view of the unity between the act of composing and the primary publication of a newspaper containing a libelous article within the State of New York, and of subsequent publications or repetitions thereof by the publisher of the newspaper which are clearly the resultant of the provisions of the laws of New York above quoted and referred to, two propositions are, we think, plainly established: First, that adequate means were afforded for punishing the circulation of the libel on a United States reservation by the State law and in the State courts without the necessity of resorting to the courts of the United States for redress; second, that resort could not be had to the courts of the United States to punish the act of publishing a newspaper libel by circulating a copy of the newspaper on the reservation upon the theory that such publication was an independent offense, separate and distinct from the primary printing and publishing of the libelous article within the State of New York, without disregarding the laws of that State and frustrating the plain purpose of such law, which was that there should be but a single prosecution and conviction.

It was contended that you could proceed and take the editor of a newspaper where the publication takes place and take him to another part of the country. The judges of the court held

the contrary. I could also call attention, if I would, to the recent case of one Thomas Watson, in the State of Georgia, where, as we all know, he has been indicted several times, and he can never be convicted. The Attorney General had an idea that he could take Mr. Watson from the State of Georgia to some other State where a fair trial, according to the Attorney General, could be had. Several gentlemen here of the State of Georgia asked me what I thought of the proposition.

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

Mr. SIEGEL. Yes.

Mr. DILLON. Would not that depend on the statute fixing the place where the trial is to be had?

Mr. SIEGEL. Oh, no. The Supreme Court has settled that decisively and specifically in this *New York World* case, and in the case against the *Indianapolis News* a similar decision was rendered by United States District Judge Anderson. You can not drag a man from one part of the country and try him in another part of the country.

Mr. DILLON. But suppose the statute does give you the power to do that?

Mr. SIEGEL. Then the statute is unconstitutional.

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

Mr. SIEGEL. I would like to have two or three minutes more, if the gentleman can spare it.

Mr. VOLSTEAD. I yield three minutes to the gentleman.

Mr. SHERWOOD. Mr. Speaker, this is one of the most important bills before Congress. I make the point that there is no quorum present.

The SPEAKER pro tempore. The Chair will count.

Mr. SHERWOOD. Mr. Speaker, I withdraw my point of no quorum.

The SPEAKER pro tempore. The gentleman from Ohio withdraws the point of no quorum. The gentleman from New York is recognized for three minutes more.

Mr. SIEGEL. In answer to the question, Mr. Speaker, I will state that Congress passed an act on July 7, 1898, the effect of which was to incorporate the criminal laws of the several States in force in July, 1898, into a statute and to make such criminal laws the laws of the United States. The text is quite large, and it is all found in this decision of the United States against the *Press Publishing Co.*, supra.

Mr. Speaker, that the power which is sought to be given by this bill might in some cases be wrongly exercised can readily be seen from the letter which the President wrote to Mr. Arthur Brisbane, and wherein he said in part:

I shall not expect or permit any part of this law to apply to me or any of my official acts, or in any way to be used as a shield against criticism. * * * While exercising the great powers of the office I hold I should regret in a crisis like the one through which we are now passing to lose the benefit of patriotic and intelligent criticism.

I can not bring myself to vote for a measure which is clearly unconstitutional and opposed to the best interests of the Nation.

There is no demand on the part of the people of the United States for the enactment of an unconstitutional law which is going to prevent the exposure of any scandal that may arise in the present conflict or which will prevent the public from knowing whether the men who are going to fight the Nation's battles are receiving the proper kind of food and treatment which they are entitled to have.

We must realize that the press of the United States has always responded to the requests that the President of the United States has made to its representatives to keep from the public such information as the military and naval authorities deemed it inadvisable to disclose to the people at large. I have made a search of all the decisions handed down by the United States Supreme Court and I can find no information anywhere that the court has reached the point where it is going to override the first amendment to the Constitution. A reading of the opinion in the case against District Attorney Snowden H. Marshall would more than confirm the belief that the court believes in free speech and that public officials are subject to criticism of all kinds. The opinion of the court in full is as follows:

[Supreme Court of the United States, No. 606, October term, 1916. H. Snowden Marshall, appellant, v. Robert B. Gordon, Sergeant at Arms of the House of Representatives of the United States. Appeal from the District Court of the United States for the Southern District of New York.]

(Apr. 23, 1917.)

Mr. Chief Justice White delivered the opinion of the court.

These are the facts: A Member of the House of Representatives on the floor charged the appellant, who was the district attorney of the southern district of New York, with many acts of misfeasance and non-feasance. When this was done the grand jury in the southern district of New York was engaged in investigating alleged illegal conduct of the Member in relation to the Sherman anti-trust law and asserted illegal activities of an organization known as Labor's National Peace Council, to which the Member belonged. The investigation as to the latter subject not having been yet reported upon by the grand jury,

that body found an indictment against the Member for a violation of the Sherman law. Subsequently calling attention to his previous charges and stating others, the Member requested that the Judiciary Committee be directed to inquire and report concerning the charges against the appellant in so far as they constituted impeachable offenses. After the adoption of this resolution a subcommittee was appointed, which proceeded to New York to take testimony. Friction there arose between the subcommittee and the office of the district attorney, based upon the assertion that the subcommittee was seeking to unlawfully penetrate the proceedings of the grand jury relating to the indictment and the investigations in question. In a daily newspaper an article appeared charging that the writer was informed that the subcommittee was endeavoring rather to investigate and frustrate the action of the grand jury than to investigate the conduct of the district attorney. When called upon by the subcommittee to disclose the name of his informant the writer declined to do so, and proceedings for contempt of the House were threatened. The district attorney thereupon addressed a letter to the chairman of the subcommittee, avowing that he was the informant referred to in the article, averring that the charges were true, and repeating them in amplified form in language which was certainly unparliamentary and manifestly ill tempered and which was well calculated to arouse the indignation not only of the members of the subcommittee but of those of the House generally. This letter was given to the press, so that it might be published contemporaneously with its receipt by the chairman of the subcommittee. The Judiciary Committee reported the matter to the House, and a select committee was appointed to consider the subject. The district attorney was called before that committee and reasserted the charges made in the letter, averring that they were justified by the circumstances and stating that they would, under the same conditions, be made again. Thereupon the select committee made a report and stated its conclusions and recommendations to the House as follows:

"We conclude and find that the aforesaid letter, written and published by said H. Snowden Marshall to Hon. C. C. CARLIN, chairman of the subcommittee of the Judiciary Committee of the House of Representatives, on March 4, 1916, * * * is as a whole and in several of the separate sentences defamatory and insulting and tends to bring the House into public contempt and ridicule, and that the said H. Snowden Marshall, by writing and publishing the same, is guilty of contempt of the House of Representatives of the United States because of the violation of its privileges, its honor, and its dignity."

Upon the adoption of this report, under the authority of the House, a formal warrant for arrest was issued, and its execution by the Sergeant at Arms in New York was followed by an application for discharge on habeas corpus, and the correctness of the judgment of the court below refusing the same is the matter before us on this direct appeal.

Whether the House had power under the Constitution to deal with the conduct of the district attorney in writing the letter as a contempt of its authority and to inflict punishment upon the writer for such contempt as a matter of legislative power—that is, without subjecting him to the statutory modes of trial provided for criminal offenses protected by the limitations and safeguards which the Constitution imposes as to such subject, is the question which is before us. There is unity between the parties only in one respect—that is, that the existence of constitutional power is the sole matter to be decided. As to all else there is entire discord, every premise of law or authority relied upon by the one side being challenged in some respects by the other. We consider, therefore, that the shortest way to meet and dispose of the issue is to treat the subject as one of first impression, and we proceed to do so.

Undoubtedly what went before the adoption of the Constitution may be resorted to for the purpose of throwing light on its provisions. Certain is it that authority was possessed by the House of Commons in England to punish for contempt directly—that is, without the intervention of courts—and that such power included a variety of acts and many forms of punishment including the right to fix a prolonged term of imprisonment. Indubitable also is it, however, that this power rested upon an assumed blending of legislative and judicial authority possessed by the Parliament when the Lords and Commons were one, and continued to operate after the division of Parliament into two houses either because the interblended power was thought to continue to reside in the Commons, or by the force of routine the mere reminiscence of the commingled powers led to a continued exercise of the wide authority as to contempt formerly existing long after the foundation of judicial-legislative power upon which it rested had ceased to exist. That this exercise of the right of legislative-judicial power to exert the authority stated prevailed in England at the time of the adoption of the Constitution and for some time after has been so often recognized by the decided cases relied upon and by decisions of this court, some of which are in the margin (Brass Crosby's Case, 3 Wils. 188; Burdett v. Abbott, 14 East, 1; Stockdale v. Hansard, 9 Ad. & El. 1; Anderson v. Dunn, 6 Wheat., 204; Kilbourn v. Thompson, 103 U. S., 168), as to make it too certain for anything but statement.

Clear also is it, however, that in the State governments prior to the formation of the Constitution the incompatibility of the intermixture of the legislative and judicial power was recognized and the duty of separating the two was felt, as was manifested by provisions contained in some of the State constitutions enacted prior to the adoption of the Constitution of the United States, as illustrated by the following articles in the constitutions of Maryland and Massachusetts:

"That the house of delegates may punish, by imprisonment, any persons who shall be guilty of a contempt in their view, by any disorderly or riotous behavior, or by threats to, or abuse of, their members, or by any obstruction to their proceedings. They may also punish, by imprisonment, any person who shall be guilty of a breach of privilege, by arresting on civil process, or by assaulting any of their members, during their sitting, or on their way to, or return from, the house of delegates, or by any assault of, or obstruction to, their officers, in the execution of any order or process, or by assaulting or obstructing any witness, or any other person, attending on, or their way to or from the house, or by rescuing any person committed by the house; and the senate may exercise the same power, in similar cases." (Constitution of Maryland, 1776, art. 12.)

"They [the house of representatives] shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for anything said or done

in the house; or who shall assault any of them therefor; or who shall assault or arrest any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

"And no member of the house of representatives shall be arrested, or held to bail on mesne process, during his going unto, returning from, or his attending the general assembly.

"The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: *Provided*, That no imprisonment, on the warrant or order of the governor, council, senate, or house of representatives, for either of the above-described offenses, be for a term exceeding 30 days." (Constitution of Massachusetts, 1780, pt. 2, chap. 1, sec. 3, arts. 10 and 11.)

The similarity of the provisions points to the identity of the evil which they were intended to reach. Clearly they operate to destroy the admixture of judicial and legislative power as prevailing in the House of Commons, since the provisions in both the State constitutions and the limitations accompanying them are wholly incompatible with judicial authority. Moreover, as under State constitutions all governmental power not denied is possessed, the provisions were clearly not intended to give legislative power as such, for full legislative power to deal with the enumerated acts as criminal offenses and provide for their punishment accordingly already obtained. The object, therefore, of the provisions could only have been to recognize the right of the legislative power to deal with the particular acts without reference to their violation of the criminal law and their susceptibility of being punished under that law because of the necessity of such a legislative authority to prevent or punish the acts independently because of the destruction of legislative power which would arise from such acts if such authority was not possessed.

How dominant these views were can be measured by the fact that in various other States almost contemporaneously with the adoption of the Constitution similar provisions were written into their constitutions and continued to be adopted until it is true to say that they became, if not universal, certainly largely predominant in the States. (1790, South Carolina, art. 1, sec. 13; 1792, New Hampshire, pt. 2, secs. 22 and 23; 1796, Tennessee, art. 1, sec. 11; 1798, Georgia, art. 1, sec. 13; 1802, Ohio, art. 1, sec. 14; 1816, Indiana, art. 3, sec. 14; 1817, Mississippi, art. 3, sec. 20; 1818, Illinois, art. 2, sec. 13; 1820, Maine, art. 4, pt. 3, sec. 6; 1820, Missouri, art. 3, sec. 19.)

No power was expressly conferred by the Constitution of the United States on the subject except that given to the House to deal with contempt committed by its own Members. Article 1, section 5. As the rule concerning the Constitution of the United States is that powers not delegated were reserved to the people or the States, it follows that no other express authority to deal with contempt can be conceived of. It comes, then, to this: Was such an authority implied from the powers granted? As it is unthinkable that in any case from a power expressly granted there can be implied the authority to destroy the grant made, and as the possession by Congress of the commingled legislative-judicial authority as to contempts which was exerted in the House of Commons would be absolutely destructive of the distinction between legislative, executive, and judicial authority which is interwoven in the very fabric of the Constitution and would disregard express limitations therein, it must follow that there is no ground whatever for assuming that any implication as to such a power may be deduced from any grant of authority made to Congress by the Constitution. This conclusion has long since been authoritatively settled and is not open to be disputed. *Anderson v. Dunn*, 6 Wheaton, 204; *Kilbourn v. Thompson*, 103 United States, 168. Whether the right to deal with contempt in the limited way provided in the State constitutions may be implied in Congress as the result of the legislative power granted, must depend upon how far such limited power is ancillary or incidental to the power granted to Congress—a subject which we shall hereafter approach.

The rule of constitutional interpretation announced in *McCulloch v. Maryland*, 4 Wheaton, 316, that that which was reasonably appropriate and relevant to the exercise of a granted power was to be considered as accompanying the grant, has been so universally applied that it suffices merely to state it. And as there is nothing in the inherent nature of the power to deal with contempt which causes it to be an exception to such rule, there can be no reason for refusing to apply it to that subject.

Thus in *Anderson v. Dunn*, supra, which was an action for false imprisonment against the Sergeant at Arms of the House for having executed a warrant for arrest issued by that body in a contempt proceeding, after holding, as we have already said, that the power possessed by the House of Commons was incompatible with the Constitution and could not be exerted by the House, it was yet explicitly decided that from the power to legislate given by the Constitution to Congress there was to be implied the right of Congress to preserve itself; that is, to deal by way of contempt with direct obstructions to its legislative duties. In *Kilbourn v. Thompson*, supra, which was also a case of false imprisonment for arrest under a warrant issued by order of the House in a contempt proceeding, although the want of right of the House of Representatives to exert the judicial-legislative power possessed by the House of Commons was expressly reiterated, the question was reserved as to the right to imply an authority in the House of Representatives to deal with contempt as to a subject matter within its jurisdiction, the particular case having been decided on the ground that the subject with which the contempt proceedings were concerned was totally beyond the jurisdiction of the House to investigate. But in *In re Chapman*, 166 United States, 661, the principle of the existence of an implied legislative authority under certain conditions to deal with contempt was again considered and upheld. The case was this: *Chapman* had refused to testify in a Senate proceeding and was indicted under section 102 of the Revised Statutes, making such refusal criminal. He sued out a habeas corpus on the ground that the subject of the refusal was exclusively cognizable by the Senate and that therefore the statute was unconstitutional as a wrongful delegation by the Senate of its authority and because to subject him to prosecution under the statute might submit him to double jeopardy; that is, leave him after punishment under the statute to be dealt with by the Senate as for contempt. After demonstrating the want of merit in the argument as to delegation of authority, the proposition was held to be unsound and the contention as to double jeopardy was also adversely disposed of on the ground of the distinction between the implied right to punish for contempt and the authority to provide by statute for punishment for wrongful acts and to prosecute under the same for a failure to testify, the court saying that "the two being diverse intuito and capable of standing together," they were susceptible of being separately exercised.

acts the prevention of which is necessary to preserve legislative authority, by the decision of the privy council in *Kielley v. Carson*, 4 Moo. P. C. 63, which was fully stated in *Kilbourn v. Thompson*, supra, but which we again state. The case was this: *Kielley* was adjudged by the House of Assembly of Newfoundland, guilty of contempt for having reproached a member "in coarse and threatening language" for words spoken in debate in the house. A warrant was issued and *Kielley* was arrested. When brought before the house he refused to apologize and indulged in further violent language toward the member and was committed. Having been discharged on habeas corpus proceedings, he brought an action for false imprisonment against the speaker and other members of the House. As a justification the defendants pleaded that they had acted under the authority of the house. A demurrer to the plea was overruled and there was a judgment for the defendants. The appeal was twice heard by the privy council, the court on the second argument having been composed of the Lord Chancellor (Lyndhurst), Lords Brougham, Denman, Abinger, Cottenham, and Campbell, the vice-chancellor (Shadwell), the lord chief justice of the common pleas (Tindal), Mr. Justice Erskine, Lushington, and Baron Parke.

The opinion on reversal was written by Parke, B., who said:

"The main question raised by the pleadings, * * * was whether the house of assembly had the power to arrest and bring before them, with a view to punishment, a person charged by one of its members with having used insolent language to him out of the doors of the house, in reference to his conduct as a member of the assembly—in other words, whether the house had the power, such as is possessed by both Houses of Parliament in England, to adjudicate upon a complaint of contempt or breach of privilege."

After pointing out that the power was not expressly granted to the local legislature by the crown, it was said the question was "whether by law, the power of committing for a contempt, not in the presence of the assembly, is incident to every local legislature."

"The statute law on this subject being silent, the common law is to govern it; and what is the common law, depends upon principle and precedent."

"Their lordships see no reason to think that in the principle of the common law any other powers are given them than such as are necessary to the existence of such a body and the proper exercise of the functions which it is intended to execute. These powers are granted by the very act of its establishment, an act which on both sides it is admitted it was competent for the crown to perform. This is the principle which governs all legal incidents." And after quoting the aphorism of the Roman law to the effect that the conferring of a given power carries with it by implication the right to do those things which were necessary to the carrying out of the power given, the opinion proceeded: "In conformity to this principle we feel no doubt that

and light is thrown upon the right to imply legislative power to deal directly by way of contempt without criminal prosecution with such an assembly has the right of protecting itself from all impediments to the due course of its proceeding. To the full extent of every measure which it may be really necessary to adopt, to secure the free exercise of their legislative functions, they are justified in acting by the principle of the common law. But the power of punishing any one for past misconduct as a contempt of its authority, and adjudication upon the fact of such contempt, and the measure of punishment as a judicial body, irresponsible to the party accused, whatever the real facts may be, is of a very different character, and by no means essentially necessary for the exercise of its functions by a local legislature, whether representative or not. All these functions may be well performed without this extraordinary power, and with the aid of the ordinary tribunals to investigate and punish contemptuous insults and interruptions."

There can be no doubt that the ruling in the case just stated upheld the existence of the implied power to punish for contempt as distinct from legislative authority and yet flowing from it. It thus becomes apparent that from a doctrinal point of view the English rule concerning legislative bodies generally came to be in exact accord with that which was recognized in *Anderson v. Dunn*, supra, as belonging to congress; that is, that in virtue of the grant of legislative authority there would be a power implied to deal with contempt in so far as that authority was necessary to preserve and carry out the legislative authority given. While the doctrine of *Kielley v. Carson* was thus in substantive principle the same as that announced in *Anderson v. Dunn*, we must not be understood as accepting the application which was made of the rule to the particular case there in question since, as we shall hereafter have occasion to show, we think that the application was not consistent with the rule which the case announced and would, if applied, unwarrantedly limit the implied power of Congress to deal with contempt.

What does this implied power embrace, is thus the question. In answering, it must be borne in mind that the power rests simply upon the implication that the right has been given to do that which is essential to the execution of some other and substantive authority expressly conferred. The power is therefore but a force implied to bring into existence the conditions to which constitutional limitations apply. It is a means to an end and not the end itself. Hence it rests solely upon the right of self-preservation to enable the public powers given to be exerted.

These principles are plainly the result of what was decided in *Anderson v. Dunn*, supra, since in that case in answering the question what was the rule by which the extent of the implied power of legislative assemblies to deal with contempt was controlled it was declared to be "the least possible power adequate to the end proposed" (6 Wheat., 231), which was but a form of stating that as it resulted from implication and not from legislative will the legislative will was powerless to extend it further than implication would justify. The concrete application of the definition and the principle upon which it rests were aptly illustrated in *re Chapman*, supra, where, because of the distinction existing between the two which was drawn, the implied power was decided not to come under the operation of a constitutional limitation applicable to a case resting upon the exercise of substantive legislative power.

Without undertaking to inclusively mention the subjects embraced in the implied power, we think from the very nature of that power it is clear that it does not embrace punishment for contempt as punishment, since it rests only upon the right of self-preservation; that is, the right to prevent acts which in and of themselves inherently obstruct or prevent the discharge of legislative duty or the refusal to do that which there is an inherent legislative power to compel in order that legislative functions may be performed. And the essential nature of the power also makes clear the cogency and application of the two limitations which were expressly pointed out

in *Anderson v. Dunn*, supra; that is, that the power, even when applied to subjects which justified its exercise, is limited to imprisonment, and such imprisonment may not be extended beyond the session of the body in which the contempt occurred. Not only the adjudged cases but the congressional action in enacting legislation as well as in exerting the implied power conclusively sustain the views just stated. Take, for instance, the statute referred to in *re Chapman*, where, not at all interfering with the implied congressional power to deal with the refusal to give testimony in a matter where there was a right to exact it, the substantive power had been exerted to make such refusal a crime, the two being distinct the one from the other. So also when the difference between the judicial and legislative powers are considered and the divergent elements, which in the nature of things enter into the determination of what is self-preservation in the two cases, the same result is established by the statutory provisions dealing with the judicial authority to summarily punish for contempt; that is, without resorting to the modes of trial required by constitutional limitations or otherwise for substantive offenses under the criminal law. (Act of Mar. 2, 1831, 4 Stat., 487.) The legislative history of the exertion of the implied power to deal with contempt by the Senate or House of Representatives when viewed comprehensively from the beginning points to the distinction upon which the power rests and sustains the limitations inhering in it which we have stated. The principal instances are mentioned in the margin (1795, attempt to bribe Members of the House; 1800, publication of criticism of the Senate; 1809, assault on a Member of the House; 1818, attempt to bribe a Member of the House; 1828, assault on the Secretary to the President in the Capitol; 1832, assault on a Member of the House; 1835, assault on a Member of the House; 1842, contumacious witness; 1857, contumacious witness; 1858, contumacious witness; 1859, contumacious witness; 1865, assault on a Member of the House; 1866, assault on a clerk of a committee of the House; 1870, assault on a Member of the House; 1871, contumacious witness; 1874, contumacious witness; 1876, contumacious witness; 1894, contumacious witness; 1913, assault on a Member of the House), and they all, except two or three, deal with either physical obstruction of the legislative body in the discharge of its duties or physical assault upon its Members for action taken or words spoken in the body, or obstruction of its officers in the performance of their official duties, or the prevention of Members from attending so that their duties might be performed, or, finally, with contumacy in refusing to obey orders to produce documents or give testimony which there was a right to compel.

In the two or three instances not embraced in the classes we think it plainly appears that for the moment the distinction was overlooked which existed between the legislative power to make criminal every form of act which can constitute a contempt to be punished according to the orderly process of law and the accessory implied power to deal with particular acts as contempts outside of the ordinary process of law because of the effect such particular acts may have in preventing the exercise of legislative authority. And in the debates which ensued when the various cases were under consideration it would seem that the difference between the legislative and the judicial power was also sometimes forgotten, that is to say, the legislative right to exercise discretion was confounded with the want of judicial power to interfere with the legislative discretion when lawfully exerted. But these considerations are accidental and do not change the concrete result manifested by considering the subject from the beginning. Thus we have been able to discover no single instance where in the exertion of the power to compel testimony restraint was ever made to extend beyond the time when the witness should signify his willingness to testify, the penalty or punishment for the refusal remaining controlled by the general criminal law. So again we have been able to discover no instance, except the two or three above referred to, where acts of physical interference were treated as within the implied power unless they possessed the obstructive or preventive characteristics which we have stated, or any case where any restraint was imposed after it became manifest that there was no room for a legislative judgment as to the virtual continuance of the wrongful interference which was the subject of consideration. And this latter statement causes us to say, referring to *Kielley v. Carson*, supra, that where a particular act because of interference with the right of self-preservation comes within the jurisdiction of the House to deal with directly under its implied power to preserve its functions and therefore without resort to judicial proceedings under the general criminal law, we are of opinion that authority does not cease to exist because the act complained of had been committed when the authority was exerted, for to so hold would be to admit the authority and at the same time to deny it. On the contrary when an act is of such a character as to subject it to be dealt with as a contempt under the implied authority, we are of opinion that jurisdiction is acquired by Congress to act on the subject and therefore there necessarily results from this power the right to determine in the use of legitimate and fair discretion how far from the nature and character of the act there is necessity for repression to prevent immediate recurrence, that is to say, the continued existence of the interference or obstruction to the exercise of the legislative power. And of course in such case as in every other, unless there be manifest an absolute disregard of discretion and a mere exertion of arbitrary power coming within the reach of constitutional limitations, the exercise of the authority is not subject to judicial interference.

It remains only to consider whether the acts which were dealt with in the case in hand were of such a character as to bring them within the implied power to deal with contempt; that is, the accessory power possessed to prevent the right to exert the powers given from being obstructed and virtually destroyed. That they were not, would seem to be demonstrated by the fact that the contentions relied upon in the elaborate arguments at bar to sustain the authority were principally rested not upon such assumption, but upon the application and controlling force of the rule governing in the House of Commons. But aside from this, coming to test the question by a consideration of the conclusion upon which the contempt proceedings were based as expressed in the report of the select committee which we have previously quoted and the action of the House of Representatives based on it, there is room only for the conclusion that the contempt was deemed to result from the writing of the letter not because of any obstruction to the performance of legislative duty resulting from the letter or because the preservation of the power of the house to carry out its legislative authority was endangered by its writing, but because of the effect and operation which the irritating and ill-tempered statements made in the letter would produce upon the public mind or because of the sense of indignation which it may be assumed was produced by the letter upon the members of the committee and of the House generally. But to state this situation is to demonstrate that the contempt relied upon was not intrinsic to the right of the House to preserve the means of discharging its legislative duties, but was extrinsic to the discharge of such duties

and related only to the presumed operation which the letter might have upon the public mind and the indignation naturally felt by members of the committee on the subject. But these considerations plainly serve to mark the broad boundary line which separates the limited implied power to deal with classes of acts as contempts for self-preservation and the comprehensive legislative power to provide by law for punishment for wrongful acts.

The conclusions which we have stated bring about a concordant operation of all the powers of the legislative and judicial departments of the Government, express or implied, as contemplated by the Constitution. And as this is considered, the reverent thought may not be repressed that the result is due to the wise foresight of the fathers manifested in State constitutions even before the adoption of the Constitution of the United States by which they substituted for the intermingling of the legislative and judicial power to deal with contempt as it existed in the House of Commons a system permitting the dealing with that subject in such a way as to prevent the obstruction of the legislative powers granted and secure their free exertion and yet at the same time not substantially interfere with the great guaranties and limitations concerning the exertion of the power to criminally punish—a beneficent result which additionally arises from the golden silence by which the framers of the Constitution left the subject to be controlled by the implication of authority resulting from the powers granted.

It is suggested in argument that whatever be the general rule, it is here not applicable because the House was considering and its committee contemplating impeachment proceedings. The argument is irrelevant because we are of opinion that the premise upon which it rests is unfounded. But indulging in the assumption to the contrary we think it is wholly without merit, as we see no reason for holding that if the situation suggested be assumed it authorized a disregard of the plain purposes and objects of the Constitution as we have stated them. Besides, it must be apparent that the suggestion could not be accepted without the conclusion that under the hypothesis stated the implied power to deal with contempt as ancillary to the legislative power had been transformed into judicial authority and become subject to all the restrictions and limitations imposed by the Constitution upon that authority—a conclusion which would frustrate and destroy the very purpose which the proposition is advanced to accomplish and would create a worse evil than that which the wisdom of the fathers corrected before the Constitution of the United States was adopted. How can this be escaped, since it is manifest that if the argument were to be sustained those things which, as pointed out in *In re Chapman*, supra, were distinct, and did not therefore the one frustrate the other—the implied legislative authority to compel the giving of testimony and the right criminally to punish for failure to do so—would become one and the same and the exercise of one would therefore be the exertion of, and the exhausting of, the right to resort to, the other? Again, accepting the proposition, by what process of reasoning could the conclusion be escaped that the right to exert implied authority by way of contempt proceedings, in so far as essential to preserve legislative power, would become itself an exertion of legislative power, and thus at once be subject to the limitations as to modes of trial exacted by the guaranty of the Constitution on that subject? We repeat, out of abundance of precaution, we are called upon to consider not the legislative power of Congress to provide for punishment and prosecution under the criminal laws in the amplest degree for any and every wrongful act, since we are alone called upon to determine the limits and extent of an ancillary and implied authority essential to preserve the fullest legislative power, which would necessarily perish by operation of the Constitution if not confined to the particular ancillary atmosphere from which alone the power arises and upon which its existence depends.

It follows from what we have said that the court below erred in refusing to grant the writ of habeas corpus and its action must be, and it is, therefore, reversed, and the case remanded with directions to discharge the relator from custody.

And it is so ordered.

Mr. Speaker, I quote from newspapers representative of the general feeling of the people in regard to this proposed law. In a lengthy editorial the *New York American*, on April 30, 1917, said in conclusion:

As you well know, our great Bill of Rights was appended to the Constitution in the form of the 10 amendments, and the very first of these which our fathers so wrote into the supreme law of the land is this: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press."

Now, gentlemen of the Congress, there are not two consecutive paragraphs in this unconstitutional and tyrannical espionage bill which do not, either by permission or by mandate, attempt to abridge and to coerce and to destroy the freedom of speech and the freedom of the press.

And if you pass such a bill you are false to your oaths, false to the command of the Constitution you are sworn to obey and to uphold, false to your people, false to the liberties and the rights guaranteed to you and to your children, false to our noble traditions of freedom, false to the living and false to the dead who died that these institutions and promises of liberty might be the heritage of free Americans in free America through centuries upon centuries of representative constitutional government.

If you fall in your duty now, if you crouch like whipped dogs at the crack of the lash, if you do not maintain your own and your people's rights and liberties, you are not fit to represent a free people, and you will go down to posterity covered with the contempt and the resentment of those better and braver times which we still have faith to believe await our children and the Republic, which, please God, shall not perish either at the hands of foreign enemies or of the more dangerous domestic sycophants and lickspittles who would graft upon our national spirit and character the baseness and slavishness of their own contemptible and mean-spirited abasement in the dust at the feet of their rightful servants in office.

Not long ago the *New York Times* published the following editorial:

THE CENSORSHIP.

In the espionage bill now before Congress awaiting its consideration there is a section giving to the Government the power of censorship over the press, although the bill is professedly designed only to deal with spies. As it stands in the bill this section makes it possible for the Government to assume complete control over all the newspapers of

the country, to abolish and suppress the freedom of the press guaranteed by the Constitution. In the guise of safeguards against giving information of value to the enemy it puts it in the power of the Government to prevent absolutely the publication of news relating to war.

It would appear that this section has been drawn as a bill to punish the crimes of theft, arson, or murder would be drawn, with the plain intent to confer the broadest possible powers. Yet it is sufficiently obvious that under our Constitution an emergency censorship act in time of war should in its scope be strictly limited to the immediate purpose of preventing the publication of news prejudicial to the success of military operations. It would be a monstrous abuse of legislative authority to attempt to put into the hands of the Government the power to interfere with the legitimate business of the newspapers.

It is quite beside the mark to argue that this power would not be exercised—it should never be conferred. The line of distinction between justified censorship and unwarrantable encroachment upon the freedom of the press is plain. If any Senators or Members of the House believe that it would be to the advantage of the Government to deprive the people of the means of knowing what is going on, or the Government of the daily opportunity to know the thoughts and feelings of the people, a candid retrospective consideration of the manner in which the newspapers of the United States during the past six months have served the cause of democracy, human rights, and American honor by bringing home to Congress and the administration the will and desires of the people would remove that delusion. The newspapers of the country will faithfully comply with any reasonable requests or regulations of the Government. It is not even necessary that the requests should have the special authority of a statute. The press is as patriotic as the Congress.

On May 1, 1917, the *Philadelphia Inquirer* printed an editorial reading:

SHALL CONGRESS MUZZLE THE NEWSPAPERS?

With the Army bill virtually out of the way, Congress is to take up and dispose of the so-called espionage measure. That measure contains a provision for gagging and muzzling the newspapers, in direct violation of the mandate of the Federal Constitution, which declares that "Congress shall make no law abridging the freedom of speech or of the press."

When it comes to dealing with spies and traitors, we care not how drastic legislation may be. But we enter an emphatic protest against any scheme which has in view a censorship that can not but fall to play havoc with the country.

England, plunged into war without the slightest preparation for it, committed many blunders. She has had to experiment and feel her way, and these experiments were generally very costly. One of the most grievous of her mistakes was the suppression of news. It created suspicion. It bred distrust. Because of this suspicion and distrust, the truth, when told, was only half believed.

We implore Congress to take warning and be governed in the light of England's experience.

Movements of troops or of naval vessels or any information that would be valuable to the enemy should be denied publication, otherwise the press should be left free. It can be trusted. It has been eager to comply with requests from the State, War, and Navy Departments. Shipping news, for instance, is practically abandoned. The dates of steamship sailings are no longer put in print. It is foolish in the extreme to note the arrival of a vessel which has escaped the submarines at "an American port," for when a vessel is safe, that is all there is to it. The fact that she arrived at Philadelphia or New York or Liverpool can be of no advantage to Germany. But the opinion of the Navy Department is honored in this respect, as is every other request.

So the press can be trusted, and it ought to be. Forbid the printing of information of value to the enemy, but do not pass a gag law that would suppress legitimate news or repress truth. Truth can not be successfully mangled for any length of time. Truth harms no one. It is the half truth that matters—the half truth that is in itself a lie or a deception. Muzzle the newspapers and we shall have a Nation distrustful of the Government, fearful that facts are concealed that ought to be made public.

To gag the newspapers would be the most disastrous thing that Congress possibly could do.

Let me read from to-day's *Washington Times*, which prints the following editorial:

IS THE CONSTITUTION OF THE UNITED STATES STRONG ENOUGH AND SOUND ENOUGH FOR WAR TIME?

This Nation has not as yet gone deep into war. We have announced war, we are preparing for it, that is all.

With the war only beginning a democratic administration discovers that the Constitution is too weak, or too tolerant for the United States of to-day.

Washington managed to do his work obedient to the Constitution. Lincoln fought through the Civil War and did not find that the Constitution needed changing for his sake—his task was not easy.

But the democratic administration of to-day demands, at the mere suggestion of war, that the Constitution be changed, and changed in that part which more than all the rest of the Constitution guarantees freedom—freedom of speech, freedom of the press.

The first amendment to the Constitution that the so-called espionage bill would nullify reads, as follows:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

That means freedom of belief and of thought.

Freedom of the press is collective freedom of speech. The right of the people peaceably to assemble means freedom of the press, for in our day the people do not assemble in the market place as of old, but gather mentally in the columns of the independent newspaper, read by the people simultaneously each day.

And the right of the people "to petition the Government for a redress of grievances" means nothing else than freedom of the press, for it is through the press, the collective voice, that the people make their grievances known.

The dangerous feature of the espionage bill consists in this: Its serious discussion in both Houses of Congress indicates that the Government not only questions but denies the right and ability of the people to manage their affairs.

The study of mammoth forms in extinct animal life proves that when a creature grows too huge, fat, and heavy it can no longer care for itself and disappears.

Is the Democratic administration to prove that what was true of the dinosaur in its day is true now of the big, heavy, rich American Republic?

Our Nation can distribute billions among its friends, and safely promise billions more every year. Has that Nation grown so big and rich that it can not govern itself, can not be trusted to speak or think for itself?

The Democratic administration and the Congressmen that support the espionage bill declare that the United States has outgrown the ability to govern itself. When they insist upon their espionage bill they declare their belief that the people can no longer be trusted with self-government.

The nations at war in Europe have spent about a hundred billions of money, have lost millions of lives, have been fighting desperately for almost three years, yet free speech still lives among them.

Every day Northcliffe and a dozen others in England, Harden and a hundred others in Germany, representatives of free speech in France, Italy, Greece, and even Turkey, print and say that which in the United States, under the espionage bill, would put a man in jail.

Have we really come to such a pass? Must the people of this country be led like a tame bear with a ring in its nose, an elected public servant holding and pulling the string?

Have we, swimming in wealth, lost the power of self-government, as the monstrous whale, according to Darwin, lost the use of the legs with which it once walked on the land?

That question is being thrashed out in the Senate and in the House, and a most important discussion it is for the people of the United States.

Various interests are at work. The cunningest men in the Nation are in Washington, gathered like flies around a molasses jug, planning to get their share of the golden stream that gushes from the Treasury. They object to the free speech that asks questions, to the free press that prints facts.

Inexperienced men are handling great problems for the first time. It would relieve the inefficient to know that press and public were forbidden by law to criticize inefficiency. Burglars like dark streets, and dishonest legislators, arrogant public servants setting themselves above the people, will dislike the light of free discussion, free speech, and a free press.

Every man who votes for a bill that would nullify any clause of the Constitution without first submitting that nullification to the people, in accordance with the Constitution, violates his oath of office. For each has sworn to support the Constitution; and this espionage bill is an attack upon the Constitution.

In voting for the espionage bill the fraudulent public servant votes to give to himself and to the President power to put in jail any citizen who may tell an unpleasant truth or formulate a needed disagreeable criticism concerning either of them.

The espionage bill would give to the President or to any one of five hundred understrappers power to imprison any man for writing what you have just read—power to imprison you if you should say to your neighbor that it is criminal for public servants without public sanction to abolish constitutional guarantees.

Very broad is the language of these gentlemen in their official declaration that the United States dinosaur has outgrown the Constitution.

As Senator BORAH has pointed out, under this espionage bill citizens would be imprisoned, not for violating the law but for violating "regulations." And the President, or those to whom he might delegate the power, could make any regulations.

The espionage bill does away with every democratic principle, including trial by jury. For under that bill you can be fined \$10,000 or imprisoned 10 years, or both, not upon conviction by 12 of your fellow citizens but upon the individual decision of the President of the United States that it would be a good idea thus to fine or imprison you.

Eighty years ago, when an American traveled in Turkey and a cross-legged pasha asked him, "How far have you come to see me?" the interpreter warned, "Just say you have come a long way. Don't tell him it's 4,000 miles or he will think you are a liar and put you in jail."

They don't do that, even in Turkey, any more. Are they going to begin it in the United States?

Until lately in Russia the Czar individually could decide that it was wise to jail, fine, or execute his subjects.

Is the United States Congress about to give to the President the power that the Russian people have just taken from the Czar?

Back of this espionage bill you will find—
The desire of inefficiency to escape criticism.
The desire of dishonesty to avoid exposure.

The desire of official power to escape control by the public that created it.

But dishonesty tempted by the sight of seven golden billions, official vanity eager for absolute power, and incompetent conceit dreading just criticism are minor details in this degrading and shameful discussion of the espionage bill.

Here is the danger signal.

The greatest Republic in the world begins a war announcing that it is fighting the fight of democracy. And it begins that war by questioning the very existence of democracy, denying the wisdom of the constitutional theory that the people are able to govern themselves, fit to control the servants whom they employ, and to be trusted with freedom of thought and speech.

The Congressman who votes for the espionage bill expresses contempt for those that put him where he is.

"Monarchies are destroyed by poverty, republics by wealth."

The French philosopher who said that would study with interest the official hirelings of this giganticly rich Republic solemnly discussing "in an emergency" the nullification of the United States Constitution.

Now, I can go a step further, and I say that the press of this country, regardless of the enactment of any law by Congress, will publish the facts either as to adulterated food being given to the men who go to fight our battles or as to an improper plan of campaign, or as any wrongdoing by an official, be he high or low, poor or rich. You can not stifle the press of the United States by the enactment of laws that are clearly unconstitutional. Who is it that fears the truth? That question has not been answered by anyone here.

Mr. HUDDLESTON. Will the gentleman please inform us what clause of the Constitution he relies upon to protect these newspaper publishers from indictment in districts distant from where they live?

Mr. SIEGEL. I rely on the decisions of the Supreme Court and on one of the amendments to our Constitution.

Mr. MANN. Article VI of the amendments to the Constitution.

Mr. SIEGEL. Let me read to you a short dispatch that appeared in to-day's Washington Post. I ask you whether you care to have a similar state of affairs in this country:

BERESFORD THREATENS TO REVEAL SEA HAVOC IN SPITE OF CENSOR.

LONDON, May 1.

Admiral Lord Beresford, speaking in London to-day and complaining of the incompleteness of the official returns of the submarine sinkings, said that the losses were appalling.

He declared that he was so keen on the matter that he was inclined to risk the penalties of the defense of the realm act and tell the people himself, because until they were informed they would not realize the importance of economy.

Whenever you try to keep something away from the people you are showing a distrust in their loyalty and in their patriotism. Do not imagine for a single moment that you can proceed here and enact laws and enforce them if those laws do not meet with the approval of public opinion. You will never get a conviction under this proposed statute against a single newspaper in any of the large cities of the country, because you can not get convictions under any law that does not meet with public approval; and I assert that there is no public demand for the enactment of any such statute as is proposed here in section 4.

Mr. FESS. Will the gentleman yield for one question?

Mr. SIEGEL. Certainly.

Mr. FESS. I do not know whether we are getting all the truth with regard to the western front—

Mr. SIEGEL. I do not think for a moment that we are.

Mr. FESS. Do you think that the sparsity of news is due to the fact that the law will not permit the publication, or is it a matter of public policy not to publish it?

Mr. SIEGEL. I take it for granted that if the law in the various belligerent countries under their censorship statutes and regulations prohibit the sending of news, it is directly resulting in our not getting certain news giving us the true facts.

Mr. FESS. Do you think that we would do any better—that we would have any more accurate information—if there was not any censorship at all?

Mr. SIEGEL. In Europe?

Mr. FESS. Yes.

Mr. SIEGEL. Undoubtedly. There is no question about that. [Applause.]

Mr. WEBB. I yield 15 minutes to the gentleman from Missouri [Mr. IGEOE].

Mr. IGEOE. Mr. Speaker and gentlemen of the House, when this bill was originally introduced it did not satisfy me. As it was amended at various times and stages it did not satisfy me, and I regret that it is necessary to pass such laws as this.

I believe that we must have some law upon these subjects, and particularly do I believe that there must be some provision along the line of that contained in section 4, that has been attacked so much here to-day. I have heard enunciated upon this floor by two Members of this House a doctrine with which I do not agree, and against which I want to utter my protest now. That is the statement that the newspapers of this country are above the law; that we can pass laws for individuals, but that newspapers will not and can not be expected to obey the law. I do not agree with that sentiment, and I protest against it now.

Mr. CHANDLER of New York. Will the gentleman give the names of the Members who said that newspapers were above the law? I did not hear them speak.

Mr. IGEOE. The substance of what they said was that the newspapers would not obey this law, and that newspapers would not be convicted. One was the gentleman from New York [Mr. SIEGEL] and the other was the gentleman from Illinois [Mr. McCORMICK].

Mr. SIEGEL. Do you think you will obtain a conviction in New York under this law, where a newspaper publishes something which it is in the public interest to expose?

Mr. IGEOE. I hope it will never be necessary to bring a prosecution under it; but if it is enacted into law, and it is necessary to bring proceedings, then for the sake of the country and for the sake of the good name of the city of New York I hope we will be able to get convictions under it if it is violated. [Applause.]

The only purpose of the section is to prevent information going to the enemy that might be useful to him—information concerning the national defense. Now, I think that we will all agree,

and I think the newspapers do agree, that it is necessary to prevent that information going to the enemy. Now that we all want to prevent it, what is the best way in which to do it? I will remind the gentleman from New York [Mr. SIEGEL] that the newspapers of his city sent to another body a draft of a law relating to the censorship, which was more drastic than this proposed law, and if it had been enacted the President of the United States could have done much more to prevent publication than he could do under this section as drawn.

I want to say that I believe in the policy of preserving to the citizens and to the newspapers the right to criticize the actions of the Government and of its officials, and it was with that purpose that the committee wrote the proviso into this section.

I want to repudiate, too, the suggestion that the newspapers have any greater right than the people of this country, or that there is any distinction between the freedom of the press and freedom of speech, both of them resting upon the same ground. The mere fact that the Constitution states that we shall pass no law abridging freedom of speech or of the press does not mean and never has meant that we could pass no law punishing certain violations of the right of printing and speaking.

Justice Story, defining liberty of the press says:

That every man shall have a right to speak, write, and print his opinions upon any subject whatsoever, without any prior restraint, so always that he does not injure any other person in his rights, person, property, or reputation; and so always that he does not thereby disturb the public peace or attempt to subvert government.

The Supreme Court of Missouri, in *Ex Parte Harrison* (212 Mo., 88), said:

The constitutional liberty of speech and of press grants the right to freely utter and publish whatever a citizen may desire, and to be protected in so doing, provided always that such publications are not blasphemous, obscene, seditious, or scandalous in their character, so that they become an offense against the public and by their malice and falsehood injuriously affect the character, reputation, or pecuniary interest of individuals.

Mr. CHANDLER of New York. Will the gentleman allow me to suggest the distinction between freedom of speech and freedom of the press—that the freedom of speech has reference to an individual, while freedom of the press is the right enjoyed not only by the press and publishers of the country but it is a right to which the people of the country are entitled, a universal right, and that there should be freedom of the press in order that the people themselves may get together.

Mr. IGOE. I think they both rest upon the same principle. Now let me read from the decision of the United States Supreme Court in the case of *Robertson v. Baldwin* (165 U. S., p. 275, L. C. 281):

The law is perfectly well settled that the first 10 amendments to the Constitution, commonly known as the Bill of Rights, were not intended to lay down any novel principles of government, but simply to embody certain guaranties and immunities which we had inherited from our English ancestors, and which had from time immemorial been subject to certain well-recognized exceptions arising from the necessities of the case. In incorporating these principles into the fundamental law there was no intention of disregarding the exceptions, which continued to be recognized as if they had been formally expressed. Thus the freedom of speech and of the press does not permit the publication of libels, blasphemous or indecent articles, or other publications injurious to public morals or private reputation; the right to keep and bear arms is not infringed by laws prohibiting the carrying of concealed weapons.

There is a case from the State courts of New York, which is a famous case, and I have no doubt the gentleman from New York is familiar with it. I want to read from it briefly. It is a case of *The People v. Most* (171 N. Y., 423). The gentleman's State undertakes to protect the freedom of speech and the freedom of the press. In that case Most had published some article in an anarchistic paper, and in the course of the decision the Supreme Court of the State of New York said, referring to this provision of the Constitution:

While the right to publish is thus sanctioned and secured, the abuse of that right is excepted from the protection of the Constitution, and authority to provide for and punish such abuse is left to the legislature. The punishment of those who publish articles which tend to corrupt morals, induce crime, or destroy organized society is essential to the security of freedom and the stability of the State. While all the agencies of government—executive, legislative, and judicial—can not abridge the freedom of the press, the legislature may control and the courts may punish the licentiousness of the press.

And again, in the same decision, the court says of the constitutional provision:

It places no restraint upon the power of the legislature to punish the publication of matter which is injurious to society according to the standard of the common law. It does not deprive the State of the primary right of self-preservation.

It does not sanction unbridled license nor authorize the publication of articles prompting the commission of murder or the overthrow of government by force. All commentators contrast the liberty of the press with its licentiousness and condemn as not sanctioned by the constitution of any State appeals designed to destroy the reputation of the citizen, the peace of society, or the existence of government.

In the case of *State v. McKee* (73 Conn., 18), a decision was rendered in a prosecution brought under an act making it a

criminal offense to sell or offer to sell, lend, or give a paper principally made up of criminal news, police reports, stories of lust and crime. It was held that the act did not violate a constitutional provision that no law should be passed to restrain liberty of speech or freedom of the press. The court said:

The right to discuss public matters stands in part on the necessity of that right to the operation of a government by the people, but with this exception: The right of every citizen to freely express his sentiments on all subjects stands on the broad principle which supports the equal right of all to exercise gifts of property and faculty in any pursuit in life; in other words, upon the essential principles of civil liberty as recognized by our Constitution. Every citizen has an equal right to use his mental endowments, as well as his property, in any harmless occupation or manner; but he has no right to use them so as to injure his fellow citizens or to endanger the vital interests of society. Immunity in the mischievous use is as inconsistent with civil liberty as prohibition of the harmless use. Both arise from the equal right of all to protection of law in the enjoyment of individual freedom of action, which is the ultimate fundamental principle.

I contend that if the Government can pass a law punishing a libel, if it can pass a law punishing Most for putting into a paper anarchistic sentiments, certainly laws can be passed that will protect the very Government which undertakes to guarantee to the individual these very rights of free speech and press. And so there are restrictions on the liberty of the press; and when the gentleman from New York says that these proposed regulations are unconstitutional, I can not agree with him. I believe they are constitutional. As to whether or not it is wise, whether or not it is the best policy, that, of course, is a question for the Congress to decide.

I regret that it is necessary to pass laws to prohibit the publication of these things, but I believe that a majority, in fact nearly all, of the newspapers of this country are in favor of some regulation that will prevent publication of certain information.

Now, I beg to submit to this House that the newspaper owner who intends to obey the law, who has been obeying this voluntary censorship, ought to ask for some such law as this for his own protection. Because if there is no law, there can be no punishment of any violation of these restrictions, and the law-abiding newspaper and those who want to abide by reasonable rules that will be adopted will be handicapped by those newspapers that do not want to obey the restrictions. I believe that we ought to try and write the section so that freedom of criticism of the acts of the Government and officials may be preserved, and we ought to try and fix it so that only those publications of things respecting the national defense that will be useful to the enemy will be prohibited.

The strange thing about it is this. Newspapers a week ago were insisting that we had to pass the measure recommended by those in charge during the emergency here, while to-day they express dissatisfaction or distrust of the same officials who would pass upon some things that will affect their rights in some small degree. We all have to give up during the war some privileges that have been dear to us. I believe we must put this power in the hands of some one. The moment you try to write into the statute things you want to prohibit, just that moment you get into difficulty, because no man can say what may be necessary to be prohibited to-morrow. And so while I have given my approval and sanction to this measure, I would be glad if some one could submit an amendment that will make it clearer, if possible, that the individual and the newspapers can have the freedom of criticizing the conduct of affairs by Government officials.

Mr. WALSH. Will the gentleman yield?

Mr. IGOE. Yes.

Mr. WALSH. I would like to ask the gentleman if he does not think this section should apply to peace as well as to war. Why not leave it to the judgment of the President as to what shall be published in a time of peace?

Mr. IGOE. I do not know whether the gentleman asks that in a sarcastic vein or not.

Mr. WALSH. No; I am asking the gentleman to state the reason for the position that he takes.

Mr. IGOE. There are a good many powers that I would give to the President in time of war that I would not give him in time of peace. The gentleman will find, and so will the rest of us before we get through, that he will have to place more responsibility on the President, or some one else, if we are going to carry on a war successfully. As the gentleman from Mississippi [Mr. VENABLE] said a little while ago, there are many things, many powers that we will have to give to the President in this war in order to be successful.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. IGOE. Yes.

Mr. LAGUARDIA. I take it from the gentleman's remarks that he conceives the measure to be somewhat too drastic, and to embrace more than it ought.

Mr. IGOE. I will say that if the President wants to, he can go very far under this language in preventing criticism or in preventing the publication of news, but he could not go as far as he could have gone if the suggestion of the New York newspapers had been written into the law.

Mr. LAGUARDIA. I am not interested in the New York newspapers, I am interested in something greater than the newspapers, I am interested in the question of suppressing the privileges of the press.

Mr. IGOE. The gentleman must remember that anything that affects the newspaper will affect the individual. When I speak of the rights of the newspaper I am speaking of the rights of the gentleman's constituents, all governed by the same section.

Mr. LAGUARDIA. Did the committee gather any information that was justified in taking this drastic stand?

Mr. IGOE. The Commander in Chief of the Army and Navy asked the Congress to write some such law.

Mr. LAGUARDIA. A very feeble justification.

Mr. IGOE. Then we have had a very feeble justification for many things that we have done within the last few weeks.

Mr. LAGUARDIA. And you will live to regret it.

Mr. DILLON. Will the gentleman yield?

Mr. IGOE. I will yield to the gentleman.

Mr. DILLON. I would like to ask the gentleman if he thinks that Congress can delegate to the Executive the power to say what shall constitute a crime when Congress does not know what it is, and can Congress fix a penalty for something that it does not know what it is?

Mr. IGOE. I will say that there is no question about the constitutionality of that delegation. The gentleman from North Carolina will address himself to that particular phase of this discussion later.

Congress says in this proposed statute that the publication of certain information that might be useful to the enemy shall be an offense, and it leaves to the President the right to say what information in his opinion will be useful and ought to be prohibited.

Mr. DILLON. I would not doubt it if Congress made specifications, a bill of particulars, and then allowed the President to issue his proclamation in reference to those specifications.

Mr. IGOE. I will say to the gentleman that the Supreme Court has passed upon that question, and I do not think there is any question about the constitutionality of that particular feature.

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

By unanimous consent, Mr. IGOE was granted leave to extend his remarks in the RECORD.

Mr. WEBB. Mr. Speaker, I yield 15 minutes to the gentleman from Pennsylvania [Mr. STEELE].

Mr. STEELE. Mr. Speaker, the chairman of the committee on Monday went over the provisions of this bill very fully and very carefully, and the debate has disclosed the fact that there are but few provisions of the bill which really have received any serious opposition. The principal opposition, as I understand the debate as it has run along thus far, is directed against section 4 of the first title of the bill. Some of the legal questions arising out of that section have been discussed by the gentleman who preceded me—the gentleman from Missouri [Mr. IGOE]—and, without attempting to repeat what he has no doubt better said, I shall confine myself to a few other aspects of that section, and particularly with reference to the question asked him at the conclusion of his argument.

Section 4, as I read the section, attempts to do certain things. It attempts to give the President power in time of war, or when war is threatened, to issue a proclamation promulgating certain rules and regulations relating to the national defense, and those rules and regulations are limited by the further stipulation that they must relate to what would be useful to the enemy. When the question is asked, "Why not make a similar regulation in time of peace?" the answer is apparent upon the face of the section that there is nothing that would be useful to the enemy in time of peace. Therefore what is provided for in this section is that the President, who is also, under the Constitution, Commander in Chief of the Army and Navy of the United States, shall have the further authority to issue his proclamation relating to the subject matter of the section.

The gentleman from New Jersey [Mr. PARKER] referred to a principle of constitutional law which to my mind has received the sanction of the Supreme Court, and that is this: The President as Commander in Chief of the Army and Navy has certain constitutional rights, of which Congress can not deprive him. As Commander in Chief of the Army and Navy he can prepare plans for purposes of common defense and can execute them and, with

reference to the performance of these duties, Congress can not deprive him. Therefore while Congress has the power, as I view it, under the Constitution to declare war, to appropriate funds, which is its duty, the execution of the duties placed upon the President as Commander in Chief is within his constitutional authority; and within his constitutional authority, therefore, he would have the right to punish whatever would be contrary to the usages of military law. It would be highly improper, it would seem to me, to vest a divided authority over the subject you are treating in this section. It all ought to be vested in one person, because the line of division between his authority as Commander in Chief of the Army and the authority vested in Congress to make rules and regulations for the government of the Army and Navy has not been defined in the Constitution, and therefore it might be difficult to say where the line of division lies. Therefore, and wisely it seems to me, under this section these powers are vested in the same person that the Constitution makes Commander in Chief of the Army and Navy. This concrete statement of what I understand the law to be was stated by the Supreme Court in *ex parte Milligan*, where that court said:

Congress has the power not only to raise and support and govern armies but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as Commander in Chief. Both these powers are derived from the Constitution, but neither is defined by that instrument. Their extent must be determined by their nature and the principles of our institutions.

What are the nature and what are the principles of our institutions are left vague in the Constitution and they are left vague in the decision of the Supreme Court. In order to prevent any divided authority upon this subject, it seems to me that it is the purpose of the section to vest it in one single authority who can properly exercise it.

A question was asked the gentleman who preceded me as to whether or not the power to promulgate these rules and regulations that are mentioned in this section is not a delegation of legislative authority to the President beyond the power of Congress. That question, it seems to me, has also been decided by the Supreme Court. In no real sense, as the Supreme Court has said, in the promulgating of these rules and regulations is the President exercising any legislative authority. All that he is doing is carrying out what Congress has already said. Congress has said in the statute, if it is enacted, what the policy of Congress shall be with reference to it. He is authorized to promulgate rules and regulations with reference to the national defense, and what would be useful to the common enemy, but that is leaving to him details which are administrative in their character, and not legislative.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. STEELE. Yes.

Mr. MANN. By this section, as I understand it, Congress itself does not prohibit the publication of information which may be useful to the enemy. There is no prohibition in the section as I read it?

Mr. STEELE. No.

Mr. MANN. So that it is left to the President whether there shall be a prohibition.

Mr. STEELE. It is said there may be a prohibition—

Mr. MANN. Well, it is left to the President whether there will be a prohibition.

Mr. STEELE. Yes.

Mr. MANN. If this is not legislation I do not know what legislation is.

Mr. STEELE. If the gentleman will read the section carefully—

Mr. MANN. Well, I have read it carefully a dozen times, and that is probably more than any member of the committee.

Mr. STEELE. The policy that is enacted by Congress and what is prohibited by the section is this, that the conveying or publication of information relating to the national defense which will be useful to an enemy; that is the thing that is prohibited.

Mr. MANN. There is nothing prohibited by the section. I have had occasion to draw a good many laws now on the statute books where violation of regulations is made a misdemeanor and penalized, but in every case Congress has first declared that such thing is prohibited, and then provided for regulation or provided that under regulation that prohibition may be removed. I do not think the gentleman can find on the statute books anywhere a single provision of law that leaves to an executive the authority to determine whether a thing shall be a misdemeanor or penalized or not.

Mr. STEELE. Is the gentleman familiar with the decision of the Supreme Court in the case of the United States against *Grimaud*, given in Two hundred and twentieth United States?

Mr. MANN. I am not as familiar with the decisions of the Supreme Court as I am with legislation, and I have been all over these decisions in the preparation of legislation.

Mr. STEELE. If the gentleman recalls that decision, Congress enacted a statute which vested in the Secretary of Agriculture power to make rules and regulations with reference to forest lands of the country.

Mr. GRAHAM of Illinois. Will the gentleman allow me to ask him a question?

Mr. STEELE. I yield.

Mr. GRAHAM of Illinois. Conceding now what the gentleman says is correct, that there is a constitutional power which the gentleman mentions, does the gentleman think it is advisable for a legislative body to try to vest some other department of the Government with legislative authority such as this in time of peace?

Mr. STEELE. This does not deal with time of peace, that is a question entirely outside; what I am discussing—

Mr. GRAHAM of Illinois. Then the only reason the gentleman would give is that it is in time of war, is that true?

Mr. STEELE. I wish to say to the gentleman that Congress has exercised that right and that power from the beginning of this Government. You will find in the case of *Field v. Clark* (143 U. S.), with reference to a provision in the tariff act of 1890 conferring upon the President power to make proclamation that wherever any foreign country should not give the same rates as the United States gave to it, or reciprocal rates, the President shall issue a proclamation, and then certain regulations should exist between those countries, and in that case the Supreme Court reviewed the history of legislation upon this subject showing that from the very beginning of the history of the Government Congress vested such powers in the various departments of the Government.

Mr. GRAHAM of Illinois. Does not the gentleman believe, however, that it is always advisable when you are making a penalty for the violation of a certain act that it is always advisable to write not only the terms of the crime but the penalty in the statute rather than leave it to some one to issue regulations from time to time?

Mr. STEELE. In answer to the gentleman I will say that the penalty is particularly set forth in this section.

Mr. GRAHAM of Illinois. Yes; but the crime is not.

Mr. STEELE. The crime, to my mind, is.

Mr. GRAHAM of Illinois. I do not think so.

Mr. STEELE. The President's rules and regulations must be confined to the language of the section which has reference to the national defense.

Mr. GRAHAM of Illinois. I think the gentleman will agree with me that the crime is defined from time to time by the Executive for which the regulation is issued—

Mr. STEELE. If the gentleman will pardon me, when the gentleman interrupted me I was about to explain the decision of the United States v. Grimaud. In that case Congress conferred upon the Secretary of Agriculture the power to promulgate rules and regulations upon the subject of forest lands. The Secretary did promulgate them. In that same statute Congress provided the penalty as is attempted to be provided in this section, and under that section the violator of those rules and regulations was indicted in the Federal court, and the case was taken to the Supreme Court, and the constitutionality of the provision was assailed in the Supreme Court, and the act was there sustained as a valid piece of legislation, so that, so far as any attempt is concerned to assail this statute on the ground that it delegates legislative authority under these various decisions, that contention must fall. I wish also to say for the information of the gentleman that in the debate in the Senate upon the provisions of the espionage bill before them the cases that I have referred to, or some of them at least, were also referred to as sufficient authority to sustain this provision.

Mr. WALSH. Will the gentleman yield?

Mr. STEELE. I will.

Mr. WALSH. In reference to the case the gentleman stated, was it not a fact that the Government owned the lands, one of the essential elements in the trial and decision of that case, and this is not at all similar?

Mr. STEELE. I said awhile ago it had relation to forest lands—

Mr. WALSH. Owned by the Government.

Mr. STEELE. I do not see that makes any difference, because the same provision practically is in the pure-food laws and various other laws where similar authority is conferred upon departments of the Government.

Mr. WALSH. But in those lines there is a direct prohibition included in the law by the Congress, is there not?

Mr. MANN. If the gentleman will pardon me, I drew the pure-food law as it stands, and it is directly contrary to the theory of this section 4.

Mr. STEELE. I do not propose to contradict the statement of the gentleman on the subject, but commend to him the decision of the Supreme Court. It lays down a general principle, it seems to me, which can not be gotten away from.

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

Mr. CAMPBELL of Kansas. Will somebody yield to the gentleman enough time so that he can answer a question?

Mr. WEBB. Does the gentleman from Pennsylvania [Mr. STEELE] desire more time?

Mr. STEELE. I am quite ready to answer a question.

Mr. CAMPBELL of Kansas. Is it the contention of the gentleman from Pennsylvania that Congress has at any time delegated or the Supreme Court has confirmed the proposition that Congress may delegate the power to any executive body to make regulations with respect to either crimes or punishment?

Mr. WEBB. Will my friend let me read from a statute which is included in the decision of the United States Supreme Court on the subject? It is in the Two hundred and twentieth United States, in the Grimaud case, which my friend has just cited.

Mr. STEELE. Yes, sir.

Mr. WEBB. It says:

It was also declared that the Secretary "may make such rules and regulations and establish such service as will insure the objects of such reservation, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this act or such rules and regulations shall be punished," as is provided in section 5388, chapter 3, page 1044, of the Revised Statutes as amended.

Now, the Supreme Court held that that was a valid statute and held a man liable to punishment for violating the rules and regulations made by the Secretary.

Mr. CAMPBELL of Kansas. But in that case did not the act itself prohibit the act complained of?

Mr. WEBB. In that case it left the Secretary to make rules and regulations and provided that a violation of the rules and regulations should be a criminal offense, and the Supreme Court sustained the rule.

Mr. CAMPBELL of Kansas. That is, provided, of course, that the rules and regulations simply construed the act itself rather than that the regulations constituted a crime which was committed?

Mr. WEBB. That is the language of the statute, and I will explain later the interpretation which the Supreme Court gave it.

Mr. MANN. Will the gentleman permit a question in reference to that?

Mr. WEBB. Of course.

Mr. MANN. The Constitution provides that Congress shall have power to make the needful rules and regulations respecting the territory or other property belonging to the United States. Now, the gentleman may be able to correct me, but I have always understood when Congress made the rule that the Secretary of Agriculture might make rules and regulations that Congress was confined to its authority under the Constitution, because the Government owned the property; and that the same rule did not apply to the general criminal statutes.

Mr. WEBB. I think if my friend will read this decision he will not find such distinction made.

Mr. AUSTIN. May I ask the chairman of the Committee on the Judiciary a question?

Mr. WEBB. Yes, sir.

Mr. AUSTIN. I want to call his attention to an editorial which appeared in the New York American—

Mr. WEBB. I would not want to yield for the reading of an editorial.

Mr. AUSTIN. I would like to ask the gentleman if he has read the editorial and if the statements contained therein are true?

Mr. WEBB. I have read it.

Mr. AUSTIN. What does the gentleman say as to that?

Mr. WEBB. My recollection is it does not refer to section 4.

Mr. AUSTIN. I am asking if it is well founded or not.

Mr. WEBB. I do not think the editorial mentions specifically any section of this bill. It is general criticism of a censorship.

Mr. AUSTIN. What does the gentleman say about the general editorial criticism of the bill?

Mr. WEBB. I do not think it is justified at all. I think the editor there is criticizing the censorship as put into effect in Great Britain. So far as I am able to see, he has not pointed out a single line of this bill to which he objects. It is more of

a general criticism against a censorship at large, instead of pointing out definitely the language of this bill he objects to.

Mr. AUSTIN. I have just read it hurriedly here. It says that, while this original bill has been amended, that the amendments do not save it from the criticism it makes.

Mr. WEBB. That is the opinion of the New York American. There are many other great papers that say it does, such as the New York World and other great papers, that are willing to abide by the section. The newspapers of this country that are patriotic—and I believe that most of them are—ought to be willing to help the President to prevent the publication of things that would be of benefit to the enemy in this great conflict.

Mr. AUSTIN. Does the daily press of the country in whole or in part approve the bill now under consideration?

Mr. WEBB. I can not answer that question, of course.

Mr. AUSTIN. Can the gentleman name any leading metropolitan paper which advocates and indorses the pending bill? I am seeking information.

Mr. WEBB. I read in my general statement on Monday afternoon an editorial from the New York World commending section 4 as presented by this committee. The trouble with most of the papers is that they are referring to the bill presented in February and reintroduced at this special session of Congress, and not this bill before us now, as presented by the Committee on the Judiciary.

Mr. AUSTIN. This seems to be aimed at the present bill. Does the gentleman recall any other paper than the New York World?

Mr. WEBB. I do not recall any paper that is condemning it. I know there is a great effort being made to organize a propaganda among the newspapers to oppose this bill. I do not see why the newspapers should not "take their medicine" in a great fight like this as well as other people. Why they should desire to publish information that the Commander in Chief of the Nation says is useful to the enemy is more than I can understand.

They have been demanding of us, and insisting on it for these many months past, that we stand by the President, insisting that he knows more about all these things than Members of Congress, and now when we go to give him the power to say that they shall not publish certain things useful to the enemy they say we should not pass such measure. I believe in applying the same yardstick to these men just the same as to any other ordinary men in this country.

Mr. AUSTIN. Does the gentleman contend that this bill is an abridgment of the freedom of the press?

Mr. WEBB. I do not believe it is. It is not an abridgment of the freedom of the press unless the press is determined upon destroying the Government. It is a crime to publish scandalous matter now, and it is punishable by law, and if you can stop newspapers in the exercise of their "rights" freely to print such matter and prohibit them from publishing scandalous matter, why not stop them from publishing things that will be useful to the greatest enemy in time of war?

Mr. AUSTIN. I am not assuming that the press of this country is going to publish anything which will endanger the safety or the interests of this country.

Mr. WEBB. Neither am I; and I think, therefore, the newspapers ought not to be "kicking."

Mr. AUSTIN. But I do not believe in applying a radical remedy here to the friends of the Republic and going out of our way to say in advance that we anticipate that they are going to say or do something which will embarrass or injure the Republic.

Mr. WEBB. You might then say that no man will violate the law. The criminal law is made with an intent to catch the criminal. This law is made only to catch the man who wants to publish information that will be useful to the enemy and hurtful to our country. No newspaper ought to be allowed to do it, even if they should want to do it.

Mr. AUSTIN. For more than one hundred years we have not had to anticipate that we would have to have a criminal law infringing the freedom of the press.

Mr. WEBB. Yes; and we have never had the necessity of fighting an enemy 4,000 miles away, and we never before issued a loan of \$7,000,000,000. Many things exist now that did not exist 100 years ago, and considering all the powers of communication possessed by our enemy in this country it seems to me that the newspapers ought to hail with delight our attempt here to lay down a rule that would apply to all, instead of allowing one newspaper here and there, with a tip or an inside track, to get information that others would not get and which would be useful to the enemy.

Mr. AUSTIN. We have had many wars. We had the Revolutionary War, and the War of 1812, and the Civil War, and the War with Spain in 1898, and we never yet have found it necessary to put such a law on the statute books, abridging the freedom of the press. The press of this country is absolutely loyal to the country and to the administration. It is the one agency in this country which has aroused public sentiment in favor of military preparedness and the passage of the conscript bill. No agency has had more to do with the passage of that measure than the press of the country.

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

Mr. WEBB. Yes.

Mr. KNUTSON. Does the gentleman believe that the press of this country has changed materially in the last few years?

Mr. WEBB. Yes; I do.

Mr. RANDALL. Mr. Speaker, will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. RANDALL. I would like to ask the gentleman a question. The language of the bill is, "The President may prohibit the publishing of any information which in his judgment" is not so-and-so. Now, I would like to ask the gentleman if that constitutes any abridgment of the freedom of the press?

Mr. WEBB. No; I think not; absolutely not.

Mr. RANDALL. I heard the gentleman answer the question several times, and he has always said, "I think not."

Mr. WEBB. I am only expressing my opinion, as I gather it from the Constitution and the adjudicated cases. I am not a dogmatist. I may be wrong, but that is my opinion.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. COOPER of Wisconsin. I wish to ask a brief question. I would like to have the gentleman answer in his own way. An editorial appeared in to-day's Times on this bill. You will find it in the second column. I read:

As Senator BORAH has pointed out, under this espionage bill citizens would be imprisoned not for violating the law but for violating "regulations." And the President, or those to whom he might delegate the power, could make any regulations.

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

The SPEAKER pro tempore. Does the gentleman yield?

Mr. WEBB. Yes.

Mr. GORDON. Have you any authority that would warrant Congress in undertaking to delegate to the President the power to define what constitutes a crime? Have you examined that special feature?

Mr. WEBB. No. We do not do that in this section. We make the violation of the prohibition, which we authorize him to make, a crime.

Mr. GORDON. The President defines the prohibition?

Mr. WEBB. Yes. In answer to that let me read what this report, United States, 220, says:

In the nature of things it was impracticable for Congress to provide general regulations for these various and varying details of management. Each reservation had its peculiar and special features, and in authorizing the Secretary of Agriculture to meet these local conditions Congress was merely conferring administrative functions upon an agent, and not delegating to him legislative power. The authority actually given was much less than what has been granted to municipalities by virtue of which they make by-laws, ordinances, and regulations for the government of towns and cities.

It has been done often. I have here a collation of a dozen different statutes, where the Congress of the United States has left matters to the President, "if, in his opinion," the public good would require; has left it to the President "if, in his judgment," the laws are not equitable in a foreign country, or "if, in his opinion," so-and-so is required. From the very foundation of the Government to the present time the Congress has always left the execution of the laws and the making of rules and regulations in the discretion of the President and the heads of the departments if, in their opinion, it ought to be done.

Mr. COOPER of Wisconsin. Mr. Speaker, does the gentleman say Congress has ever given the President the power to make rules or regulations the violation of which would send a man to the penitentiary?

Mr. WEBB. Yes. The Post Office laws are full of such regulations, and I just read one of them a moment ago.

Mr. STEVENSON. Will the gentleman yield?

Mr. WEBB. I yield to my friend from South Carolina.

Mr. STEVENSON. I understand that Congress prohibits by this section, under penalty, the publication of anything that will be beneficial to the enemy, and merely delegates to the President the determination and declaration of what will be detrimental. Is not that what the law will be?

Mr. WEBB. That is the point exactly.

Mr. STEVENSON. That the creation of the crime is by the act of Congress, and the designation of what is detrimental to the country and beneficial to the enemy is left to the President.

Mr. WEBB. Absolutely. Now, quoting further from this opinion, which is very exhaustive—and I hope gentlemen who have doubt about this law will get it and read it—the court, citing Field against Clark, in One hundred and forty-third United States, says:

The legislature can not delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend. To deny this would be to stop the wheels of government. There are many things upon which wise and useful legislation must depend which can not be known to the lawmaking power, and must therefore be a subject of inquiry and determination outside of the halls of legislation.

Justice Lamar cites a dozen different cases to sustain that point of view.

Mr. COOPER of Wisconsin. Is that the tariff case?

Mr. WEBB. No, sir.

Mr. MASON. Fields against Clark is the tariff case.

Mr. WEBB. That is the tariff case—yes—but the quotation of it is in the Grimaud case, in Two hundred and twentieth United States, which I am reading from.

Mr. RANDALL. That does not cover the point I raised.

Mr. WEBB. No; but there is a double question here. One of my friends has got one end of it and the other the other. The first question is whether Congress can pass a law—not leaving it to the President at all to “pass a law”—prohibiting the press of this country from publishing information which will be useful to the enemy. Now, can we do that? That is the plain question—whether or not you can limit “freedom of speech” in that way. If Congress can not do it, then we will cut out this section. If there is any gentleman who thinks that in a vital conflict like the one in which we are engaged the press of the country has the right to publish information useful to our enemy, and that we can not stop it, then all I have to say is that I am of a different opinion. That is the first question, whether we can constitutionally prohibit that, and I submit that I do not think any good lawyer will say we can not. If we can prohibit the publication of scandalous matter and immoral stuff, with all this “freedom of the press” that is demanded, then why can we not prohibit the publication of information that will be useful to the enemy in the life-and-death struggle in which this country is soon to be engaged? It is absurd to argue the negative.

Mr. CAMPBELL of Kansas. There is no question about the right, so far as Congress is concerned; but the question is, Can Congress delegate that power to the President or to anybody else?

Mr. WEBB. I am trying to answer one question at a time. My friend from California [Mr. RANDALL], I understood, took the position that we have no power to abridge the freedom of the press in the way I have just stated. Is not that what my friend means?

Mr. RANDALL. Oh, no; but you can not give the power to the President to say that in his judgment—

Mr. WEBB. One at a time. If you have got the power, first, to abridge the freedom of speech by passing such a law, if we agree on that, the next question is whether we can leave the section as it is written and leave it to the President of the United States to determine what information will be harmful to the Government and useful to the enemy and therefore make its publication a crime. There are two propositions in section 4, and if we are all agreed on the first proposition—and we now seem to be—that the liberty of the press is not so sacred that we can not prohibit it from publishing matter that is useful to the enemy, we have got by the first step. Then the next step is whether under the decisions for the last hundred years we have the right to delegate to the President—if you say it is a delegation—to decide what information would be useful to the enemy, and then let Congress step in and say that such information shall not be published. I contend that there are dozens of cases decided by the Supreme Court of the United States that uphold that view of this proposition.

Mr. LENROOT. The gentleman stated in answer to a question, and just now has repeated it, that this bill by its terms prohibits the publication of information useful to the enemy and delegates to the President only the power to determine what character of information he deems will be useful to the enemy. I would like to have the gentleman point out where in this bill there is any prohibition against the publication of information useful to the enemy.

Mr. WEBB. It is in the proclamation of the President—

Mr. LENROOT. Oh!

Mr. WEBB. We do not prohibit the publication of information useful to the enemy, for we do not know what information is useful to the enemy, and therefore we delegate to the President the power to determine what information it is, and then, if it is published, we make the publication a crime.

Mr. LENROOT. Then if Congress does not prohibit that, but delegates to the President the power to do it—in other words it delegates to the President the power to make a law.

Mr. WEBB. No; if the President does not make any proclamation which is in the nature of a public statute, then there is no information which is prohibited from being published.

Mr. LENROOT. Will the gentleman yield further, because we all want information about this?

Mr. WEBB. Certainly.

Mr. LENROOT. There are two cases, one the case of Field against Clark, which the gentleman has referred to. In Field against Clark the sole power given to the President was to determine facts, and upon the determination of facts by him, then the law of Congress operated in reference to reciprocity.

Mr. WEBB. That is what we do in this section, give him the power to determine whether or not the information will be useful to the enemy. That is for him to determine.

Mr. LENROOT. Yes; but in Field against Clark the law gave to the President the power to determine whether a certain fact existed. To make this case parallel we have first to prohibit the publication of information useful to the enemy and then properly to delegate to the President to determine the character of the information.

In the other case the gentleman is aware that those decisions were sustained on the ground that Congress had declared a general policy that it is impossible for Congress to follow in all the details, and therefore the Congress could delegate to the Secretary of the Interior or to the Agricultural Department the power to make rules and regulations to carry out the purpose of the law, but nowhere did it sustain the right to delegate to the Secretary of the Interior the power to make the law or make the prohibition.

Mr. WEBB. Exactly what the committee did do; it gave to the Secretary of the Interior the power to make rules and regulations, and whoever violated them would be guilty of a crime.

I want to say this: That if you want to undertake to designate the character of all information that you want to prohibit the newspapers publishing during the entire war, put it in the bill and see where you find yourself.

Mr. GORDON. Do you require the President to specify the character of the information or disclosures which would render the offender amenable to the law?

Mr. WEBB. I think he would be required to describe the character of the information.

Mr. GORDON. Oh, the character; would he not have to describe the act?

Mr. WEBB. No; he would not.

Mr. GORDON. Then the person would never know whether he was violating the law or not.

Mr. WEBB. He would designate information for national defense, movement of troops, movement of vessels, the establishment of forts, laying of mines, and a hundred other things that you can not think of and I could not think of, and that is why we think best to leave the character of the information to the President. If you want to specify these things, go ahead and put them in and see how deep water you get into.

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. WEBB. I will yield to the gentleman from New York.

Mr. CHANDLER of New York. I want to ask the gentleman if he does not think that the great danger in prohibiting the right of the press to publish certain things is not the constitutional question, but is it not this, to give to one person, be he President of the United States or not, the power to shut out the light of public opinion?

Mr. WEBB. I admit that it is a great power to give anybody.

Mr. CHANDLER of New York. Is it not too great a power to give one man?

Mr. WEBB. It is a great power to give one man to send boys away from the United States to death and battle wherever he sees fit to send them—a much greater power than we give here. If he abuses the power, we have given the express right in the bill that nothing shall prohibit the criticism of every act that he may perform or that you and I may perform. If he abuses his powers, the newspapers will have a right and be quick to criticize him.

Mr. CHANDLER of New York. Suppose there was a wheat shortage and he sought to prohibit the information of that.

Mr. WEBB. If he should determine that it would be useful to the enemy, he might prevent it. I want to say that we have a President that we can trust.

Mr. CHANDLER of New York. Yes; but we know the characteristic feature of the President to change his mind.

Mr. SHERLEY. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. SHERLEY. I would like to ask the gentleman touching the word "communicate." I can understand why you might prohibit publishing; you might prohibit any efforts looking to publication, but the word "communicate" is very much broader, and I am informed is very much broader than the word used in a similar act passed in England since the war started.

Mr. WEBB. I think the act the gentleman refers to provides for the prohibition against publishing, communicating, collecting, recording, or attempting to publish or eliciting information concerning so-and-so; it is very broad.

Mr. SHERLEY. I think the gentleman will not find in it the word "communicate." What I am calling attention to is the fact that "communicate" would seem to embrace any sort of communication, whether it led to or was intended to lead to publication. It makes it very much broader than perhaps is required.

Mr. WEBB. That was left in the bill under the belief that the President of the United States would not prohibit the publication and communicating of anything except it was extremely vital to the life of the Government. If that was so, nobody ought to communicate it to the public.

Mr. SHERLEY. The gentleman does not quite meet the point. We can all agree that the President will exercise the power wisely, but that does not excuse us from an obligation of voting only such power as the necessities of the case demands. Now I submit to the gentleman the inquiry as to whether it is necessary to embrace in your prohibition any sort of communication which would embrace a conversation that might not in any way have or be intended to have anything to do with publication, which is what you are really aiming at.

Mr. WEBB. It would be very little profit to prohibit the publication of a thing and then let a man verbally go upon the stump and proclaim it to the public by word of mouth.

Mr. SHERLEY. That would be more than a communication. The gentleman is assuming that "communicate" is the only word whereby you can define the offense. I suggest that is broader than we need. The whole question is a question of degree; we are all agreed as to what we desire to do. The whole question is how we shall do it.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. WEBB. Certainly.

Mr. CLARK of Missouri. Is there anything in this bill that would make it a criminal offense, or would the President have the power under the bill to make it a criminal offense to publish the fact that some contractor furnished embalmed beef to the soldiers. During the Spanish War Mr. Roosevelt and some others got up a round robin and denounced that kind of stuff vehemently, and it did a great deal of good. It may have been a breach of the military discipline for all that I know, but they dragged the matter to the light of day. Now, I want to know if there is anything in this bill that would authorize the President or anybody else to squelch a newspaper from giving that kind of information to the American people?

Mr. WEBB. I do not think there is, I will say to my distinguished friend. If there were, I would not support it.

Mr. CLARK of Missouri. One other question. Suppose it turned out that some general appointed by the President of the United States was undoubtedly incompetent for his command and endangering the lives of his soldiers by his incompetency, has the President under this proposed law or anyone else the right to undertake to squelch the newspapers from publishing criticism of that worthless general?

Mr. WEBB. I think not. We especially preserve that right in line 11:

Provided, That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same.

I think that protects those situations.

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

Mr. WEBB. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has used 25 minutes and has 51 minutes remaining.

Mr. WEBB. I desire to answer all of the questions I can, but I have promised other gentlemen some time.

Mr. HUDDLESTON. I want to ask if the gentleman's attention has been directed to the fact that this section would cover a private conversation or a private letter. For illustration, sup-

pose under this section the President should forbid communicating news of the movement of troops, and a squad of soldiers should go down the road and a farmer who saw them pass his house should say to a neighbor, "I saw a squad of soldiers pass this morning," does the gentleman think that he would be guilty and could be punished under this section?

Mr. WEBB. I do not think so.

Mr. HUDDLESTON. He undoubtedly could be.

Mr. WEBB. I doubt it very much. De minimis non curat lex. That would be too small a matter for the Government to take hold of.

Mr. HUDDLESTON. I would call the gentleman's attention to the fact that that maxim does not apply in criminal law.

Mr. RANDALL. Suppose the President had prohibited the publication of information with reference to the movement of this squad of troops from one point to another, under the proviso the gentleman has just read the press would still have the right to criticize that act, and in criticizing that act necessarily they would give the information as to the movements, would they not?

Mr. WEBB. I do not know that they would.

Mr. RANDALL. You provide that the newspapers may criticize any act.

Mr. WEBB. Yes; any refusal to let the public know certain things or the character of things.

Mr. RANDALL. Then the information would be given in the act of criticism.

Mr. WEBB. I do not think so. I confess that I think our friends are "running rabbits," while we are after the real "bear" in this fight, and, of course, you can assume that a bad President will do a lot of things, abuse a lot of laws. All laws are subject to abuse, but because a man can be indicted for murder when he is not guilty, or for assault when he is innocent, is no reason why we should not have laws against assault and murder, and because it is possible to abuse a law like this is no reason why we should not bring the law into being.

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

Mr. WEBB. Yes; for a brief question.

Mr. McCORMICK. I want to be as brief as I can in recurring to the questions of the distinguished gentleman from Missouri [Mr. CLARK]. Do the last six words in the proviso refer, as I assume, to the preceding language of the proviso, or to the language of the section above? If they refer to the proviso, then criticism can only be made upon such facts as are permitted to be published.

Mr. WEBB. Yes; of course, that is correct. Otherwise you would not need to have any law if you were to allow the criticism to expose and publish all of the facts and information useful to the enemy.

Mr. McCORMICK. Precisely. Then all facts the publication of which is forbidden by the President must remain hidden from the public.

Mr. WEBB. That is true, and why not? If the Commander in Chief, who is probably more interested in the success of this Government than anyone else, says that a fact is useful to the enemy, why should you want to publish it in your newspapers?

Mr. McCORMICK. Because, even confessing the gentleman's estimate of his capacity, I still believe that he is, not all wise or omnipotent.

Mr. WEBB. I think the same thing, but I think he is wise enough to keep proper facts from these newspapers who want to publish everything about the Government, whether useful to the enemy or not, when they ought not to be allowed to do it.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield? It is not that we do not desire a law, but does this section afford a law? Can the President of the United States make a crime? Does not the Congress first have to declare the crime, and then you may authorize the President to make rules and regulations respecting it?

Mr. WEBB. We have been discussing that point for the last hour.

Mr. MONTAGUE. I do not desire to discuss it with the gentleman except to give my opinion.

Mr. WEBB. I have been reading from several Supreme Court opinions on that very question.

Mr. MONTAGUE. But those cases are distinguished from this bill. Congress can not empower the President of the United States to create, to prescribe a crime; Congress must first prescribe what is a crime. A crime must be created by law and not by proclamation.

Mr. CHARLES B. SMITH. On the same question that was asked by the Speaker and was just asked a moment ago, I would like to ask the gentleman from North Carolina if, under the provisions of this section, the newspapers would not be prevented from mentioning an act like the failure of the expedi-

tion to the Dardanelles, and if they could not mention the act itself, they could not, of course, criticize the President or criticize the expedition or anything in connection with it. Now, certainly nothing better for the English people was done than in connection with this particular criticism of the War Department of Great Britain.

Mr. WEBB. No; I do not think any man would prohibit the publication of what the gentleman calls the failure at the Dardanelles. I do not think the President would prohibit or try to prohibit it. Now, gentlemen, if this House wants to turn a newspaper loose to publish whatever it pleases, in whatever manner it pleases, wherever it pleases, and let it go wherever it pleases, carrying all sorts of information useful to the enemy, the House has the right to do it. We worked over this matter very patiently, and we thought we had a section on which we could all agree by allowing a man who is supposed and probably has as much interest as any man in making a success of this country in this war, to describe these important things that an enemy ought not to get hold of and nobody ought to publish.

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

Mr. WEBB. Just for a question.

Mr. OSBORNE. I want to ask the gentleman this question: The country has been in war now for a month. I want to ask the gentleman under the self-imposed censorship which now exists if there has been any publication to his knowledge that would give comfort and aid to the enemy?

Mr. WEBB. Oh, I can not answer that. I understand possibly some newspapers have violated this agreement. I do not know which ones, however; but my friend knows that this agreement they made did not bind everybody. Some newspaper may want to get a "scoop," and it will publish a great deal of very important stuff that the enemy may desire to see, whereas reliable newspapers will carry out their agreement. But we ought to have a law to make the fellow who does not want to do it do it, and the newspapers which are willing to keep the censorship, which they have agreed to now, ought to be willing to stand by this "censorship" that we have provided in section 4, because it will make the other fellow who does not want to obey it obey it. Now, Mr. Speaker—

Mr. AUSTIN. I want really to stand by the committee and stand by the administration, but at the same time, in view of the criticisms that are made in the public press I want to ask the gentleman this question.

Mr. WEBB. I am perfectly willing to answer.

Mr. AUSTIN. I desire to ask just this one question. In this afternoon's daily Times, in the editorial column, this appears:

The nations at war in Europe have spent about a hundred billions of money, have lost millions of lives, have been fighting desperately for almost three years, yet free speech still lives among them.

Every day Northcliffe and a dozen others in England; Harden and a hundred others in Germany; representatives of free speech in France, Italy, Greece, and even Turkey, print and say that which in the United States under the espionage bill would put a man in jail.

Here is the question: Is that statement correct?

Mr. WEBB. No; I think not, because there is no espionage bill yet, and there will be none until the President of the United States by solemn act proclaims that certain character of information would be useful to the enemy and thereby tell the newspapers not to publish it.

Mr. OSBORNE. Will the gentleman yield for one other question? I recognize, and everybody recognizes, the frankness with which the gentleman is discussing this bill, but I want to ask this question: If it is conceded that there has been no damage in this month of war by the newspapers taking the usual course which they have taken, is not there danger of doing more harm by the enactment of this section than it would be from what infractions there might come—

Mr. WEBB. Oh, I think the newspapers are honestly trying to carry out the agreement of censorship, but this is intended to make them all carry out and have a law to punish the dishonest fellow who violates the law. I will ask my friend from Minnesota to yield some of his time.

Mr. VOLSTEAD. Mr. Speaker, I yield one hour to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Speaker, the bill under consideration is really a very important measure and it did appear to this committee who considered it that it was necessary that some such legislation as this ought to be prepared and presented to the House for action. The bill, as you will notice, covers a great many subjects and, although section 4 of Title I appears to be the storm center, there is a vast field of important and valuable legislation promulgated in this proposed measure. Therefore, however we may differ as to the paragraph which has caused this discussion, we ought to remember that the country needs at this time this legislation in order that we may be properly protected and also because part of it is to ex-

ist after the war in time of peace and is intended to cover those matters which were brought to light immediately prior to this state of war upon which we have entered, and which seem to be without adequate legislation to enable the Government to take hold of and deal with them. You will notice in the bill that the first title covers what has been called the subject of "espionage." I do not know whether the title is a good one or not, or whether it fully and clearly expresses what is conveyed by the language of the first part of the bill itself. Section 1, under Title I, is a provision for the punishment of anyone obtaining information improperly, or with an improper purpose behind the obtaining of it. Section 2 is a provision punishing the communication or transmission of that information to any foreign country or to any country wherein there is insurrection or to either party to the insurrection in such country. Section 3 is intended to be a punishment for the violation of a trust, and in that connection also where one is intrusted with the care and custody of valuable documents or papers it is intended to cover and provides for punishing gross negligence by which the document or paper is lost or comes into the possession of those who are not entitled to receive it. In regard to the first two sections, the bill differs radically from the one that was presented in the House and committed to us for consideration.

Upon discussion and examination of these sections there was written into them that which safeguards the provisions from being applied to any innocent person. Some one asked the question, "Could not one be arrested who had maps and plans, and so forth, in his possession?" Certainly he might. There is no law passed that can prevent a man from being arrested on suspicion of a violation of the law. But the vital thing in all legislation is to see that no man can be convicted of a crime unless certain essential elements of criminality are found in the case.

Now, the committee wrote into these sections what is and forever ought to be the qualifying element in almost every criminal statute. It is true that with relation to food laws and other matters of that character the mere prohibition of a thing constitutes a criminal act, whether or not there be any intent to do wrong. As, for instance, to forbid the adulteration of some article of food that has to be sold to the public. The public has a right to have the article just as it is or as it ought to be, without the adulteration. And a prohibitive statute may be passed which declares that the simple adulteration may be an offense, and in that class of cases the question of intent is eliminated.

But the thing that is vital in all other criminal legislation is the intent. And the committee has written into these sections the necessary requirement of intent. Whoever with intent or knowledge or reason to believe that the information to be obtained is to be used to the injury of the United States—in respect to any of the matters which follow in that section—shall be guilty of a crime and be punished. The touchstone that must be applied is with what intent did the man obtain the plans, the documents, or the articles, or the information? It must be with the intent to injure the United States. And upon whom does the burden of proof rest in the trial of such a criminal case? It rests upon the Government.

Some one said, "You are making it too difficult for the Government to prove the intent." I submit you can never make it too difficult by the requirement of the prosecution to prove every essential element of criminality. It is necessary that everything which constitutes the crime shall be proved and the burden of proving the intent rests upon the Government in every one of these cases, so that no innocent man is imperiled by the enactment of this into statute.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. COOPER of Wisconsin. The words "with intent" do not appear at all in section 4.

Mr. GRAHAM of Pennsylvania. Pardon me, but I am coming to that. I will not disturb my course of reasoning now. I will answer that when I reach it.

Mr. SWIFT. Is it a statutory regulation that you have to prove intent?

Mr. GRAHAM of Pennsylvania. If this statute read "whoever obtains any of these documents shall be guilty of a crime," no intent need be proved. But the committee has carefully guarded innocent people who might communicate, who might obtain a photograph of some public work connected with the defense of the country, from being held liable for a criminal act, because the Government must prove affirmatively by some act or deed or word that the person obtaining it had a guilty pur-

pose, to wit, to injure the United States. Now, that applies to the first two sections.

Section 3 has not the intent in it, because it is a breach of trust, and the simple requirement there is "whoever shall willfully and without proper authority" do the things enumerated in that section. That furnishes the basis for conviction under that section.

Mr. HUDDLESTON. Will the gentleman yield—

Mr. GRAHAM of Pennsylvania. Yes.

Mr. HUDDLESTON (continuing). For me to call his attention to the fact that it also punishes gross negligence without acting willfully?

Mr. GRAHAM of Pennsylvania. I said that. The first part is "whoever willfully communicates or transmits or attempts to communicate or transmit the same to any person, or"—another case—"willfully retains the same or fails to deliver it on demand to the person lawfully entitled to receive it," and then it goes on, "or other gross negligence." There no willfulness is charged. The only thing to be proved in this latter respect is gross negligence. But you must prove such facts and circumstances as will convince the jury that the article in question was lost and its possession parted with through gross negligence on the part of the man who was intrusted with its custody. Surely it is not going too far under this clause to say that the custodian of important documents and papers connected with the public defense must exercise care and caution to preserve them from being lost?

Now we come to section 4.

Mr. FESS. Will the gentleman yield a moment on section 3?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. FESS. How broad is the word "information" in the second line? Is it limited by the words that follow it?

Mr. GRAHAM of Pennsylvania. My attention was first called in a critical way to that language and the context to-day, and it is my purpose to offer an amendment to section 3 of this kind, namely, to insert in line 10, on page 35, after the word "to" and before the word "control," the word "or." Then to strike out of line 11, "or being intrusted with any information" and insert the word "any." So that up to this point the paragraph would read:

Whoever, having possession of, access to, or control over, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, or note belonging to the United States relating to the national defense—

And so forth.

And then to take the words "or being intrusted by any such person with any information relating to the national defense" and insert them in the fifteenth line, after the word "defense." This would make the whole paragraph read down to this point:

Whoever, having possession of, access to, or control over, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, or note, belonging to, intended for, or under the control of the United States relating to the national defense, or being intrusted with any information relating to the national defense, willfully and without proper authority communicates—

And so forth.

Then I think that section would be perfected and meet the objection which the gentleman from Pennsylvania [Mr. TEMPLE] called my attention to here in the House.

As the language stands, it might be susceptible of misinterpretation. For instance, you could read it, eliminating the unnecessary words, "Whoever having possession of information communicates." A man might receive information from some one in the service, a son or a brother, and thus become possessed of information relating to the national defense and communicate it to some one else, because it says "To any other person," and thereby place himself under the condemnation of the act. But with these words changed that result can not be reached, and you will have then a consistent and harmonious enactment.

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

Mr. GRAHAM of Pennsylvania. Yes.

Mr. LENROOT. Will the gentleman kindly suggest that change again? I did not quite follow it before.

Mr. GRAHAM of Pennsylvania. The change is after the word "to," in line 10, insert the word "or"; strike out of line 11 the words "or being intrusted with any information," and substitute therefor the word "any"; then, in line 15, after the word "defense," insert the words "or being intrusted by any such person with any information relating to the national defense."

Mr. LENROOT. Mr. Speaker, may I ask the gentleman a question?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. LENROOT. The words "any such person," if that amendment should be adopted, would relate back and apply only to persons having possession of, access to, control over, these documents, writings, note books, and so forth?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. LENROOT. Suppose an Army officer intrusted a person with some information, but did not have control over these various things, and this information had no relation to it. If the words "any such person" are used in that connection, it would not be a crime. In other words, to make it a crime the officer would have to have control over those things, although it might have no relation to information that was given out.

Mr. GRAHAM of Pennsylvania. That may be. You can correct that if you think there is any loophole there and cover it. I think the language, however, as suggested will make that provision quite clear and better than it is now, and leave it free from a great many of the constructions that might be put upon that language. Besides, the section is applied to persons having custody, control, possession, or access to the things enumerated, and a military officer not having custody, and so forth, and giving information could be dealt with, and the person receiving the information could be dealt with under the preceding sections if there was any guilty intent, and if there was no intent to wrong the United States there would not be any crime, and there ought not to be any.

Now, as to section 4, I agree with the gentleman from Missouri [Mr. IOGE] in what he said in his discussion of the law about the constitutional question relating to freedom of speech and of the press, for he holds that every Government has the inherent power to control the freedom of speech or of the press in defense of its own life, as well as in defense of a question of the health or morals of the community, and that constitutional provision must be interpreted always with that thought in mind. Already we have exhibits of how the freedom of speech is curtailed. We have numerous examples of how the freedom of the press is restricted, and yet the constitutional provision is not violated.

There are difficulties connected with this section 4, and I do not think that there was any unanimity of opinion in regard to it on the part of the membership of the Judiciary Committee. I believe that those who finally framed this section and presented it to the House presented the very best thought on the subject which they could muster at that time.

It has been debated here as to whether or not a crime is denounced by the language of this section, and the question of illegal delegated power, as a defect, is also suggested. It seems to me that a crime is properly denounced by the language which the committee has used:

Whoever violates any such prohibition shall be punished.

And the question of delegating power to make rules and regulations, the breach of which will constitute a criminal act, is too well settled to be questioned. The power is expressly given under this section to the President to issue a proclamation and to say what, if anything, shall be prohibited from communication or publication, and this bill declares that whoever violates the prohibition shall be guilty of a crime and shall be punished.

But, after all, that point in and of itself, if everything else were satisfactory, is a minor matter, for it is easy for us to so change the language of this act so that it would meet the objections made by gentlemen who have criticized it. Hence we need spend no time touching that feature in relation to this section.

The word "communicating" there, as the gentleman from Kentucky [Mr. SHERLEY] said, does present some difficulties that might lead to action which you would not wish to have taken, or create criminal liability not intended to be within the contemplation of this law.

The words "in his judgment," in line 7, of page 26, are also highly important words. The President may declare by proclamation what "in his judgment" is of such a character that it might be useful to the enemy.

Mr. McCORMICK. Mr. Speaker, may I interrupt the gentleman at that point?

Mr. GRAHAM of Pennsylvania. I would rather you would not just for a moment.

That brings us to consider what it would be necessary to prove if one were to proceed to convict a prisoner accused of a violation of this section.

The first step would be the proclamation of the President, and the second to establish what the thing is that has been prohibited, and the third would be to establish the publication of that thing in the press, and your case is complete. Leaving "in his judgment" remain would foreclose the question whether or not the thing prohibited "might be useful to the enemy." The jury could not consider that, for the decision of the President would be final.

You will notice by this recital of the steps leading to conviction and the words "in his judgment" remaining in the statute would take out of the jury trial the offer of proof upon the fact

as to whether or not the thing communicated or published in violation of the President's proclamation "is useful to the enemy." Perhaps if the words "in his judgment" were stricken out it might leave the question to be determined by the jury whether or not the thing published after being prohibited was a thing that was useful to the enemy. But we have attached a proviso to this paragraph which calls for consideration. The proviso is an effort to make the section entirely consonant with the demands of the Constitution, namely, nothing in this section shall be taken to abridge the right of criticism, discussion, and comment. I do not quote the words literally, but the substance of them. The thought that prevails, in my judgment, with respect to that provision, is this: Does not that provision, when given its full and complete force and effect, destroy the first part of the section? I do not know how the discussion can be carried on or the criticism successfully made unless the subject of the criticism be disclosed and enter into the discussion. That would seem to involve revealing the thing prohibited.

A great deal has been said about the newspaper press being higher and greater than the law. That is aside from the question that we are to consider. Something has been said here about what newspaper editorials have expressed upon this subject. That is not to be considered by us. We ought to take into account only the existing conditions in this state of war, to ascertain what evils ought to be corrected by legislation, and then proceed to correct them. On the other hand, the appeal of the Constitution must come up to every one of us, and I would rather a thousand times err on the side of avoiding the making of legislation at all than to err on the side of inflicting a limitation upon the freedom of speech and the freedom of the press, both of which are so essentially necessary to the welfare of my country.

There are a number of other things that must be discussed, that ought to be discussed, which should not be left to the judgment of any one man or set of men as to whether or not they should be prohibited.

The suggestions that have been made on this floor as to the treatment of soldiers, how they are fed, clothed, and handled, the policy under which the war is being conducted, and a hundred subjects that would spring to our minds that ought not to be prohibited but that ought to be freely discussed for the welfare of the country, are subjects of national importance whose discussion ought not to be left to any one man or any set of men; and it is better to meet whatever evil may ensue from the discussion of them than to throttle the discussion and prevent the airing of evils that exist which will make against the welfare of the country and its success in the war. My own mind has reached the conclusion with respect to this section, and I give notice now, Mr. Speaker, that it is my intention to move to strike out of this bill section 4 [applause] and to leave the bill in all of its other provisions, with whatever slight amendments your wisdom may think ought to be made to them, to stand as the act of this House.

I believe at this time that more evil will ensue from the enactment of section 4 than any possible good that may come by reason of it being written into this law. [Applause.] I have tried to show the difficulties that surround its enactment. I appreciate what our distinguished chairman has said with reference to the work of the committee in endeavoring to frame language that would meet the situation. This bill originally is not the work of a Member of this House, but it came to us as an appeal practically from a coordinate branch of the Government for aid in legislation to enable them to meet and successfully deal with the evils that have been shown to exist. That appeal ought to meet with a generous response at our hands, and it was in the endeavor to meet the appeal and provide law for treating every part of the difficulty that this bill in its entirety was framed.

Those who compare them will see that the language of this section and the section in the Senate bill have the same difficulty. If there is no language in this bill denouncing the crime, neither is there in the Senate bill, which says that the President may prescribe regulations; no proclamation goes forth, but he may prescribe regulations, and whoever violates those regulations covering any of the enumerated matters included in the senatorial bill would be guilty of a crime.

Some one has suggested that we attempt to enumerate in this section the things that are forbidden, confining it and restricting it to those which are nominated in the law; but any man who reflects must concede that it would be impossible to thoroughly enumerate all the subjects; that if we begin to enumerate they should be set forth and included in the language of this section. Hence it is, facing these difficulties, facing these uncertainties, facing the question of possibly interfering

with the right of free speech and a free press, that I am going to ask, so far as my voice and reasoning may have influence, that the Members of this House join me in eliminating section 4 from this proposed measure.

I do not wish to go over all the sections in their order, but I think even a casual reading will give to the reader a conception of language intended to meet and correct conditions and evils that do exist and are not fancied but real. The next title is that which relates to vessels in port. Surely this is necessary.

Mr. BATHRICK. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. BATHRICK. Before the gentleman leaves section 4 I would like to ask him does he think that any information relating to national defense that might be useful to the enemy should be published?

Mr. GRAHAM of Pennsylvania. I do not.

Mr. BATHRICK. If you strike out this section, everybody will have a right to publish that, will they not?

Mr. GRAHAM of Pennsylvania. They have the right to-day.

Mr. BATHRICK. I understand that; but the law is for the purpose of prohibiting the right of anyone to communicate information to the enemy that might injure the country.

Mr. GRAHAM of Pennsylvania. I think anybody who does it with a guilty purpose can be caught and dealt with under the preceding sections of the bill, and anybody who merely publishes matters here at home and does it in the discharge of what seems to him to be a duty by way of criticism ought not to be prosecuted nor punished under any portion of the bill.

I wish to state, in partial answer to this question, something that came to my knowledge with relation to the conduct of the press at this time.

A matter of really serious importance became known to some of the staff gathering information for publication. Upon the request of the head of a department of Government, no publication of that fact was made, although practically every newspaper in New York, Philadelphia, and Washington knew of the instance.

Another thing: When the *St. Louis* went out as the first armed merchantman, you can recall that there was not a line in any paper telling of her departure. Although she was saluted as she passed down into New York Bay by the craft that were in the harbor, there was not a line to tell the world that she had started on her perilous voyage across the sea. I am told that in many other respects—yes; in every respect—the press of the country has been rendering loyal service in observing the requests made to it with respect to publishing things that were deemed inadvisable.

Mr. BORLAND. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I will.

Mr. BORLAND. The gentleman is quite right in stating that the press has put a patriotic censorship on itself. I would like to hear the gentleman discuss the difference between a censorship, so called, which would prevent by black brushing out certain articles that appear from day to day, and this general proclamation of the President by which a man will know in advance that if he publishes certain information he will be committing a crime. Which would be the more onerous on the press and the more inconvenient to the public?

Mr. GRAHAM of Pennsylvania. The censorship would be more onerous on the press than this law, because this law requires the President to issue a proclamation and say that A B is prohibited, and the papers would thus know and understand that A B is prohibited because it might be of service to the enemy. And if the provision is violated, the newspaper must answer for that specific thing, of which it had due notice. But a bad President could forbid matter so as to prevent our people from learning things which they should know.

When you create a censorship of the press you authorize the blue pencil to regulate and control the publications in newspapers, which is a decided innovation and would be an infringement of the rights and the freedom of the press and a most un-American institution.

Mr. BORLAND. The gentleman and I agree on that—that the censorship would be much more onerous and burdensome than this law; but has it not become necessary abroad to exercise the censorship during a period of this war?

Mr. GRAHAM of Pennsylvania. I can not answer that, because I do not know exactly what the conditions abroad are. I know this, however, that the censorship abroad has been the subject of severe criticism, and the public unrest to-day is demanding fuller disclosures of everything, and the Government will be obliged to yield to that demand, for no man or set of men can maintain a position in the face of a united and earnest demand of the people of the country.

Mr. McCORMICK. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I will.

Mr. McCORMICK. Before the gentleman concludes—because I know the House will be glad to have the benefit of his judgment—will he not speak of the possibility of enumerating the subjects of publication which might be forbidden. The gentleman has considered that question, I know, and his judgment will carry weight with the House. I think I disagree with him.

Mr. GRAHAM of Pennsylvania. I thought of two ways by which the objections to this paragraph might be removed. My colleague on the committee, Mr. VOLSTEAD, suggested that probably the striking out of the words "in his judgment," in the seventh line, would work a result that would make it acceptable. The striking out of those words would not give a remedy, but would destroy the strength of the paragraph by leaving to the jury to determine whether the fact prohibited would, if published, be "useful to the enemy."

The two ways that occurred to me, however, were these: First, to write into this section the question of intent and knowledge. Beginning in the eighth line, by striking out the word "violates," after the word "whoever," and inserting the words "with intent or knowledge or reason to believe" that the publishing or attempt to publish or communicate or attempt to communicate the forbidden or prohibited things relating to the national defense would be not only in the proclamation but would be useful to the enemy. This would make the finding of the intent to give out information that might be useful to the enemy.

The difficulty is apparent to anybody, for that would relegate the whole question to a jury, the jury would determine every fact in connection with it, and the probabilities are that except in some extreme case that would inflame the public mind and drive men away from a cool, calm, deliberate judgment; you would never secure a conviction in a case of the violation of the prohibition.

In consequence an attempt to enumerate the things to which the right of publication would be restricted would be difficult. But I confess that I could not frame language that would satisfactorily enumerate to my mind the things that should properly be the subject placed within the power of the President to be included in any proclamation of prohibition. As I said a few moments ago, in view of these difficulties I feel that you can afford to strike that section from the bill without harming the bill, and we will be able to manage our affairs through the voluntary aid and help of the press, which has already been loyally offered, and without suffering serious injury to our country or her cause.

The next provision is new and relates to "injuring vessels."

Everyone can understand why a provision of that kind is necessary. We have had object lessons to teach us.

Title IV relates to "interference with foreign commerce by violent means." There may be a question involved in this title as to how far we are intruding upon the domain of State legislation; but it was thought by the committee that so long as the section was restricted to those things which entered into foreign commerce and any effort to hinder or impede that commerce by destroying plants and works it would be a proper subject for Federal legislation.

The next title, V, relates to the enforcement of neutrality, and I am sure that when you read the sections under this title you will agree that there is nothing therein that is severe or drastic or improper.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield there in connection with Title IV?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. STAFFORD. Will the gentleman explain the necessity for the National Government taking jurisdiction over matters which are entirely of local concern, and which the State jurisdictions can amply take charge of?

Mr. GRAHAM of Pennsylvania. But they are not entirely local. If what is embodied in the gentleman's questions were true—that the States could deal with these subjects successfully—it might be that this section would be wrong; but, unhappily, it is not the case. What we want to get at is those efforts to interfere by violence with the exercise of rights that belong to the American citizen in respect to foreign commerce that can be legitimately carried on during a time of war. You can best check and hinder these attacks by the aid of the Federal power. By the aid of the Secret Service branch of the General Government you can better succeed in locating and pursuing—often from State to State, where the State authorities would be limited by the State lines and be unable to do effective work—the malefactors of violence. I said, in speaking of this paragraph, that it approaches the border line of what ought to be or ought not to be in Federal legislation; but in view of its affecting the continuance and freedom of foreign commerce we thought that

in order to meet difficulties on the part of States in enforcing it separately, we ought to make a provision by which the Federal power, with all of its resources and all of its strength, should pursue those who seek to violate the law and attempt to destroy property for their own malicious purposes in seeking to interfere with the exercise of legal rights on the part of American citizens.

Mr. STAFFORD. Is there anything to interfere with the National Government, through its officers, pursuing the same activities the gentleman has so eloquently spoken of without this authority being vested in the National Government?

Mr. GRAHAM of Pennsylvania. I think there is. I think this provision is necessary to clothe the Federal authorities with full scope and power to prevent the mischief that the section is aimed to correct.

Mr. STAFFORD. Of course, I grant you, it confers authority to prosecute those crimes in the courts of the United States, but they are still crimes under State law and the national officials can ferret them out with the same authority as under this provision.

Mr. GRAHAM of Pennsylvania. I have answered as fully as I can the question of the gentleman, and I shall proceed to finish the remarks I have to make. The next section relates to the "enforcement of neutrality," and needs no comment. The next relates to the "seizure of arms," about which there is some difficulty in existing law and this section is intended to enlarge the power and give the Government control over this subject.

The next three titles relate to "disturbance of foreign relations" and interfering in the matter of "passports," forging, and so forth.

Title IX relates to the counterfeiting of the Government seal, which ought to be carefully guarded, especially in connection with passports and any public document that might be used to interfere with our neutral relations with other countries.

Title X relates to search warrants, and with respect to that title I have a suggestion to make, that there ought to be inserted into this section a provision which would limit the search warrant provided for herein "to the enforcement of any of the matters defined in preceding sections." The Department of Justice indulges altogether too much in the idea of search and seizure to be consonant with the provisions of the Constitution of the United States, and I would ask to have this right conferred by section 10 limited to the enforcement of the matters legislated upon in the preceding sections.

The use of the mails, Title XI, speaks for itself, and then follow several "general provisions" which help to explain the language of the bill.

Mr. ROBBINS. Will not the gentleman explain Title XI? Is not that covered by existing postal regulations and laws now?

Mr. GRAHAM of Pennsylvania. I would rather have some other member of the committee answer that question than undertake to answer it myself, because I have not in connection with the article examined the existing laws upon that subject, and I do not wish to make a statement that I have not fully verified.

Mr. WEBB. I can say to my friend I do not think there is any law now prohibiting the mailing of such matter as under the section. That is why we wrote it in there.

Mr. GRAHAM of Pennsylvania. That is my impression.

Now, I wish to say in conclusion, a great deal has been published and spoken with reference to this act. We have scarcely considered a more important matter than this since the declaration of war, and if we eliminate section 4 of Title I, I am sure that we ought all to unite heartily and cordially in passing this measure and giving the benefit of its provisions to the administrative or executive department of our Government. We have all said we want to uphold the hands of the President, we want to uphold the hands of the Department of Justice, we want to uphold those who are charged with the execution of the laws and the maintenance of peace and order in our own midst, and we can do this best by the enactment into law of this proposed bill which the Judiciary Committee of the House has submitted for your consideration. [Applause.]

Mr. WEBB. May I ask how much time the gentleman from Minnesota has left and how much I have left?

The SPEAKER pro tempore. The gentleman from Minnesota has 35 minutes and the gentleman from North Carolina has 38.

Mr. WEBB. Mr. Speaker, I yield 15 minutes to the gentleman from Ohio [Mr. GARD], a member of the committee.

Mr. GARD. Mr. Speaker, this is a bill which has for its completed purpose prosecution in the civil courts of criminal actions. Sometimes the discussion may have gone far afield or suggestions may have been made that it possibly incorporates military law, but those suggestions are not well taken. It is the

purpose of and the practice under this bill to preserve the Criminal Code, to make certain cases arising under that code triable in civil courts, triable before a jury, before a judge who instructs the jury as to the law, so that in so far as anything offensive to American Ideals of justice is concerned this bill contains nothing. Upon the other hand it seeks to include matters which are not at present covered in existing law for one great purpose, and that is the protection of the United States of America. The bill in its very first provision contains that which is the gist of the entire bill when it speaks under the title of espionage of information "to be used for the injury of the United States." Now, this is the controlling feature in the entire bill, something to be used to the injury of the United States.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. GARD. I will yield. I should have preferred to wait until I made further progress in my remarks, but I will yield.

Mr. HUDDLESTON. I want to ask the gentleman if he does not think that should be confined to the military injury of the United States, not merely commercial or financial injury?

Mr. GARD. I think the purpose of the bill is that it is a military injury to the United States; it is an injury to American arms; it is any attempt to bring about anything which may be useful to an enemy, and since the bill carries that in its different provisions, clearly and manifestly the intent of the bill is to promote the success of American arms and prevent useful information being carried to an enemy. The bill has been discussed, properly discussed, under two heads, one head affecting the constitutional right, the other head being the question of expediency or of propriety, if one may use that term. Article I of the amendment to the Constitution provides "that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press." The freedom of speech and the freedom of the press stand upon the same basis of constitutional right. They derive their authority from the same article. One is as great as the other. However, this article of the amendment must be construed in the words of the Constitution coming before that, and I refer to section 8 of Article I, which provides that "Congress may make rules for the government and regulation of the land and naval forces," and that it may "make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

It is the idea, as expressed in the Constitution, that every law for its proper operation is necessary to be clothed in the flesh and blood of power. Therefore, constitutional authority is expressly given to the Congress to make rules for the government and regulation of the land and naval forces and to make all laws necessary for the purpose of carrying into execution all the powers in the Constitution contained. The authority to protect and defend the Government in time of war transcends all other authority.

Now, some gentlemen have contended here on the floor that this law is not constitutional, or perhaps one section of the law is not constitutional, namely, section 4. Before I come to that I may say, as other gentlemen have said, that there can be little genuine or well-taken objection made to the language of any part of this bill except where one considers section 4 as the gentleman from Pennsylvania [Mr. GRAHAM] has considered it, not from a constitutional standpoint, not from a legal standpoint, since he was frank enough to give his approval to its legality, but from the standpoint of practical difficulty. I take it that the sections in the bill regulating actual espionage and regulating the different elements of neutrality are all provisions which are absolutely necessary at this time to be incorporated in the law of the land. I agree with the gentleman from Pennsylvania that in this particular section 4 it comes within the rule laid down by the Supreme Court of the United States in the cases cited by those who have spoken before me, and with special reference to the citations in the Grimaud case, as appearing on page 506 and following, in Volume 220 of the United States Reports. So that the only thing after that to which our attention is brought as affecting the constitutionality of section 4 is that there has been no language defining what the prohibition is.

I myself find no fault with that, since I deem it to be necessarily included in the language used in the bill that the prohibition contained is legal and in a statutory way made. But if there be any doubt in the mind of anyone in this House that such legal prohibition is not made, I would suggest, as I have suggested to the chairman of the Judiciary Committee, that

possibly language similar to this might be employed, and I offer it merely as a suggestion:

That during any national emergency resulting from a war to which the United States is a party or from threat of such a war, the publishing or communicating or the attempt to publish or communicate any information relating to the national defense that is or might be useful to the enemy is hereby prohibited.

Then, following the language used in section 4 of this bill, which provides that the President may issue his proclamation after this law has first established a prohibitory feature therefor. But I speak of that as covering the possible defect which some gentlemen have imagined to exist in the law. For myself I do not believe it to exist and do not therefore especially urge it.

Now, we come to consider what section 4 is, and around that section has waged the entire contention this afternoon. It has been asserted that there are practical difficulties, and the gentleman from Illinois [Mr. McCORMICK] has asked the gentleman from Pennsylvania [Mr. GRAHAM] to give the House the benefit of his valued opinion upon the question of incorporating in the bill a number of things which the Senate bill carries. The Senate bill enumerates a number of items, and then follows in language which is practically similar to the language used in the House bill. The Senate bill provides that there "shall be a proclamation and promulgation thereof with respect to the publishing of any information concerning the movements, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war material of the United States, or with respect to the plans or conduct of any naval or military operation, or with respect to any works or measures undertaken for or connected with or intended for the fortification or defense of any place, or any other information relating to the public defense."

The difference between that and the House bill is that the House bill makes of general character the publication of anything relating to the national defense which may be useful to the enemy.

The phase of intent is incorporated in this bill, because when you use the language "useful to the enemy" thereby is created the element of intent which makes the violation of this particular law an offense against this country, against these United States, for to furnish information useful to the enemy is herein denominated an offense against the United States, and one so furnishing such information can not but have evil intent.

Again I find myself in agreement with the gentleman from Pennsylvania that it is both unnecessary and possibly improper to set out the different things which are intended to be prohibited, since there is only one thing intended to be prohibited, and that is the information of character useful to the enemy. When we consider this bill as we are now discussing it, limited to the practical difficulties of its observance, I would say that I find no fault, and have found no fault, with the attitude of those who control the press of our country. I believe that the editors and the owners of the newspapers of the United States of America are among our most loyal citizens, and that they would do everything to advance the interests of the United States and nothing at all to interfere with their success. But when we assume that to be true, and emphatically it is true, we must realize as a practical matter of fact that there may exist—unfortunately there may exist—in our country either newspapers or newspaper men who are not guided by the high ideals of which I have spoken and of which I know almost universally newspapers and newspaper men are guided. And, like every other criminal statute—and this is a criminal statute—it is not intended as a punishment or deterrent for the great majority of the people, but it is intended for the protection of the majority of the people against the criminal, against the man who willfully and purposely would give aid and useful information to the enemy. So in that sense—and that is the only sense in which it can be properly considered—I do not think it presents any practical difficulty to the newspapers of the United States. On the contrary, it seemed to me that the newspapers would welcome a law of this kind. They can say, as they have already said, "We stand behind the Commander in Chief of our Army and naval forces; we are ready at any time to curtail our news items so that there may be no possibility of any information creeping therefrom which might be useful to the enemy."

All of the great newspapers of our country have done this, and from the great newspapers and the press associations of the country the news is flashed out all over the country, from north to south and from east to west, into the smaller daily papers and weeklies and bi-weekly papers, which, after all, make public opinion and which in times past have made and today are making the best public opinion. So that when I say that I advocate the continuance of this section I do it because I think

it is for the protection of the good newspapers of the United States. And I am happy to say that those are very greatly in the majority among all our newspapers. I am of those who would rather bear in silence the sting of unjust criticism than sanction an abridgment of freedom of speech or of the press.

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

Mr. GARD. Mr. Speaker, may I have five minutes more?

Mr. WEBB. I yield to the gentleman five minutes.

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

Mr. GARD. And in the matter of "practical difficulties" I desire to read to the House a proposition that has been made, because certain gentlemen, notably from the city of New York, have professed to find reasons for alarm in this bill. One of the gentlemen was so frank as to say that he did not believe in anything that would prohibit the press from publishing anything at all, no matter what it might be.

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

The SPEAKER pro tempore. Does the gentleman from Ohio yield to the gentleman from New York?

Mr. GARD. You are the gentleman I referred to, and of course I yield.

Mr. LAGUARDIA. In all fairness, why do you not quote what I said in addition to that? I added, "if it infringed upon the rights now guaranteed by the Constitution."

Mr. GARD. There is no intention in this bill to infringe on the rights guaranteed by the Constitution. But I was about to read that which was said by the metropolitan press, entitled "A tentative censorship bill agreed upon by New York newspapers." Now, this is concerning a tentative censorship bill. I do not believe in a censorship. I think the time is not here, and I hope it never will be here, when the press of the United States shall have a public censorship. But there may be for the protection of the press itself a necessity of indicating to the newspapers all over the land what is information which the Commander in Chief of our forces or the Government does not want to be broadly distributed. I read from this tentative censorship bill:

When a state of war exists the President may prohibit the use of the mails, the cables, the telegraphs for the purpose of transmitting to any foreign country information that may be of value to the enemies of the United States, and that he may issue such regulations as may be necessary to render such prohibition effective.

Sec. 2. That when a state of war exists the President may prohibit the publication of information within the United States, continental or insular, of any or all information, facts, rumors, or speculations relating to the armed forces of the Government, materials or implements of war, and that as to daily newspapers the regulations prescribed by the President shall be administered by a central board of censors to be appointed by the President.

Now, this is in the face of that which the gentleman from Pennsylvania says are the practical difficulties of enforcing this law. Here is a statement by the New York newspapers, delivered to the Senate of the United States, in which they themselves agree to a central board of censorship, to be appointed by the President, which shall administer the regulations prescribed by the President.

I believe that in this matter those of us present here who see the difficulties of administration are really fighting ghosts. We think we see something which does not, in fact, exist; and I refer to the very high authority of the New York Sun, which published an article 8 or 10 days ago, an article which I think is enlightening, and with which I shall close my remarks. It is headed, "Our liberties are not in danger," and reads as follows:

OUR LIBERTIES ARE NOT IN DANGER.

The Sun does not share the honest fears of some citizens that Congress is liable to put too much power in the executive department of the Government for the prosecution of war. The Sun refuses to be deceived by those who pretend alarm to cover their hostility to American purpose.

We are under no delusion as to the importance of the struggle in which the United States has entered. In it we shall be successful, but we shall not achieve success without undergoing inconvenience, deprivation, even hardship. We shall be obliged to conform our habits to the necessities of the Nation. We must relinquish privileges that in a long period of peace some have come to regard as inalienable rights. We shall be obliged to practice a repression foreign to our dispositions and incompatible with our easy political conventions. Sacrifices will be called for, will be imperative, and they will be made gladly by all patriots.

These sacrifices will involve no permanent impairment of our liberties. Instead, they will contribute to the defense of our freedom. For a time, long or short as the victory we are determined on is early or late, we shall be deprived of some of our familiar indulgences.

With that victory will come restoration of every privilege we now possess, unimpaired and buttressed in a power not hitherto known. Meanwhile our liberties are safeguarded in the Constitution, in the integrity of our officials, and beyond all in the steadfast, unquestioned devotion of the American people.

Mr. WEBB. Will the gentleman permit an interruption?

Mr. GARD. Yes.

Mr. WEBB. Is it not generally understood that the owner of the New York Sun is also the owner of the Evening Times of this city, from which we have just had read this article condemning the censorship bill?

Mr. GARD. I know nothing of the ownership of the newspapers mentioned.

Mr. COOPER of Wisconsin. The Sun article was published before the espionage bill was reported into the House or Senate, and it closes by saying that our rights are protected by the Constitution, and the first amendment protects a free press.

Mr. GARD. The bill seeks to protect a free press and to protect our country against the publication of prohibited matters relating to our national defense which might be useful to an enemy.

Mr. SMITH of New York. Will the gentleman yield?

Mr. GARD. If my time is not exhausted.

The SPEAKER pro tempore. The gentleman has half a minute remaining.

Mr. GARD. I gladly yield to the gentleman from New York.

Mr. SMITH of New York. I will ask the gentleman if he believes that the article which he has read from the Sun is an approval of section 4 in any sense?

Mr. GARD. I would say it was an entire approval of section 4.

Mr. SMITH of New York. I differ with my friend on that subject.

Mr. WALSH. Does the gentleman believe, with that editorial, that those who are opposing section 4 are hostile to American purposes?

Mr. GARD. Oh, no; not at all. I make no such statement. I read the editorial. I think here it is all a matter of legitimate discussion in which we all should strive to do that which is best for our country.

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

Mr. WEBB. I will ask the gentleman from Minnesota if he desires to use any more of his time to-night?

Mr. VOLSTEAD. Not to-night.

Mr. WEBB. Has the gentleman any more speakers who desire to use time?

Mr. VOLSTEAD. Yes; but I have agreed to yield time to them later on.

ADJOURNMENT.

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

The motion was agreed to; accordingly (at 5 o'clock and 42 minutes p. m.) the House adjourned until to-morrow, Thursday, May 3, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Yaquina Bar, Bay, and Harbor, Oreg., including consideration of any proposition for cooperation of local interests (H. Doc. No. 109); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Taunton River, Mass., from its mouth to the head of navigation at Weir village, with a view of securing a channel of 25 feet depth, or of such depth as may be considered advisable in the interests of commerce (H. Doc. No. 110); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Navy, submitting an additional estimate of appropriation required for salaries, office of Chief of Naval Operations, Navy Department, for the fiscal years 1917 and 1918 (H. Doc. No. 111); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. DILL: A bill (H. R. 4019) to punish the speculation by any person or body of persons for the purpose of cornering the market and providing a penalty therefor, and for other purposes; to the Committee on the Judiciary.

By Mr. SCULLY: A bill (H. R. 4020) appropriating money for the improvement of the Shrewsbury River, N. J., up to Red Bank, on the North Branch, and to Branchport, on the South Branch; to the Committee on Rivers and Harbors.

By Mr. ESCH: A bill (H. R. 4021) to approve mutual cessions of territory by the States of Wisconsin and Minnesota and the consequent changes in the boundary line between said States; to the Committee on the Judiciary.

By Mr. JACOWAY: A bill (H. R. 4022) to increase the revenue; to the Committee on Ways and Means.

Also, a bill (H. R. 4023) authorizing the President to requisition and operate railroads or steamboat lines whenever he deems it necessary for the national security and defense; to the Committee on Interstate and Foreign Commerce.

By Mr. CROSSER: A bill (H. R. 4024) to provide increased revenue by a direct tax on the value of land in the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: A bill (H. R. 4025) to amend section 1 of an act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 4026) providing for the erection of a public building at the city of Benton Harbor, Mich.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4027) granting a pension to persons who are deaf or partially deaf from causes arising while in the military service of the United States; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4028) providing for the erection of a monument at St. Joseph, Mich., commemorating the establishment of Fort Miami on the site of said city; to the Committee on the Library.

Also, a bill (H. R. 4029) to purchase a site for the erection of a post-office building in the city of St. Joseph, Mich.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4030) to amend section 6, as amended, of the act to regulate commerce, approved February 4, 1887; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 4031) to increase the pensions of those who have lost one eye or have become totally blind in one eye from causes occurring in the military or naval service of the United States; to the Committee on Pensions.

Also, a bill (H. R. 4032) to provide campaign badges for officers, enlisted men, sailors, or marines who served honorably in the Spanish, Philippine, or China campaigns, and who were not in the United States service on January 11, 1905; to the Committee on Military Affairs.

Also, a bill (H. R. 4033) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, and so forth, of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, and so forth, and to grant a pension to certain widows of deceased soldiers and sailors of the late Civil War," approved April 19, 1908; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4034) providing for the erection of a public building at the city of South Haven, Mich.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4035) to authorize the establishment of a life-saving station at or near Saugatuck, Mich.; to the Committee on Interstate and Foreign Commerce.

By Mr. LEVER: A bill (H. R. 4036) to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products; to the Committee on Agriculture.

By Mr. KETTNER: A bill (H. R. 4037) to grant rights of way over Government lands for reservoir purposes for the conservation and storage of water to be used by the city of San Diego, Cal., and adjacent communities; to the Committee on the Public Lands.

By Mr. PADGETT: A bill (H. R. 4038) for making further and more effectual provisions for the national defense, and for other purposes; to the Committee on Naval Affairs.

By Mr. NOLAN: A bill (H. R. 4039) to provide for old-age pensions; to the Committee on Pensions.

Also, a bill (H. R. 4040) to amend an act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911; to the Committee on Ways and Means.

Also, a bill (H. R. 4041) to amend section 8 of the act approved June 26, 1906, entitled "An act for the protection and regulation of the fisheries of Alaska"; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 4042) to prohibit the employment of any person who is not a citizen of the United States as radio operator or telegrapher on any vessel of the United States engaged in interstate or foreign commerce, and to establish the age

of radio operators; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 4043) to provide for the establishment of a division of civic training in the Bureau of Education; to the Committee on Education.

Also, a bill (H. R. 4044) to further regulate interstate and foreign commerce by prohibiting interstate transportation of the products of convict labor, and for other purposes; to the Committee on Labor.

Also, a bill (H. R. 4045) to provide for the admission into soldiers and sailors' homes of persons who have served in the Army or in the Navy of the United States; to the Committee on Military Affairs.

Also, a bill (H. R. 4046) for the erection of new buildings for the Golden Gate Life-Saving Station at San Francisco, Cal.; to the Committee on Interstate and Foreign Commerce.

By Mr. NOLAN (by request): A bill (H. R. 4047) to establish a workers' home board for the purpose of making loans to workers with which to build or buy their homes; to the Committee on Banking and Currency.

By Miss RANKIN: A bill (H. R. 4048) authorizing Federal land banks to make loans on lands within irrigation projects, and giving priority of liens for loans so made; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 4049) granting to American women married to foreigners the right to retain their citizenship; to the Committee on Immigration and Naturalization.

By Mr. ALEXANDER: A bill (H. R. 4050) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Joint resolution (H. J. Res. 78) advocating the freedom of Finland; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ASHBROOK: A bill (H. R. 4051) granting an increase of pension to Albert Helms; to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 4052) granting an increase of pension to Joseph G. Kitchen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4053) granting an increase of pension to George Dettmer; to the Committee on Invalid Pensions.

By Mr. CHANDLER of Oklahoma: A bill (H. R. 4054) to confer jurisdiction on the Court of Claims to try and adjudicate the claims of Joe Ellis and other individual Shawnee and Delaware Indians on account of depredations committed by soldiers and white citizens of the United States; to the Committee on Indian Affairs.

By Mr. FAIRFIELD: A bill (H. R. 4055) granting a pension to Laura A. Rosenbury; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 4056) granting a pension to Menzo W. Johnston; to the Committee on Invalid Pensions.

By Mr. GRAY of New Jersey: A bill (H. R. 4057) for the relief of Edward Johnson; to the Committee on Military Affairs.

By Mr. HAMILTON of Michigan: A bill (H. R. 4058) granting a pension to Rose E. Wicoff; to the Committee on Pensions.

Also, a bill (H. R. 4059) granting a pension to Wesley H. Crockett; to the Committee on Pensions.

Also, a bill (H. R. 4060) granting a pension to Mary J. Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4061) granting a pension to Amanda J. Kemberling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4062) granting a pension to Frank Mead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4063) granting a pension to Albert C. Sheldon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4064) granting a pension to Emma L. Pugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4065) granting a pension to Sallie E. Doolittle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4066) granting a pension to Emilia Granger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4067) granting a pension to Jenette Babcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4068) granting a pension to Rebecca McCullough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4069) granting a pension to Henry F. Baldwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4070) granting an increase of pension to Anliza Griffin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4071) granting an increase of pension to Edwin P. Arnold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4072) granting an increase of pension to J. K. P. McClary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4073) granting an increase of pension to William Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4074) granting an increase of pension to William Ray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4075) for the relief of James W. Houser; to the Committee on Military Affairs.

Also, a bill (H. R. 4076) for the relief of Timothy Ellsworth; to the Committee on Military Affairs.

Also, a bill (H. R. 4077) for the relief of Park B. Chase; to the Committee on Naval Affairs.

Also, a bill (H. R. 4078) for the relief of Amanda Honert; to the Committee on Claims.

Also, a bill (H. R. 4079) for the relief of Myron Powers; to the Committee on War Claims.

Also, a bill (H. R. 4080) to correct the military records of the United States so as to muster Stewart C. Burt in and out of the service of the United States Army; to the Committee on Military Affairs.

By Mr. NOLAN: A bill (H. R. 4081) granting a pension to Bernhard Bolen; to the Committee on Pensions.

Also, a bill (H. R. 4082) granting a pension to Katie Noblitt; to the Committee on Pensions.

Also, a bill (H. R. 4083) granting a pension to Maxwell Gray; to the Committee on Pensions.

Also, a bill (H. R. 4084) granting a pension to John H. Simmons; to the Committee on Pensions.

Also, a bill (H. R. 4085) granting a pension to Robert F. Tietz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4086) granting a pension to Charles A. Lyon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4087) granting a pension to James P. Kennedy; to the Committee on Pensions.

Also, a bill (H. R. 4088) granting a pension to Mary Curtin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4089) granting a pension to Frank W. Allen; to the Committee on Pensions.

Also, a bill (H. R. 4090) granting an increase of pension to Jerome McWethy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4091) granting an increase of pension to John McMahon; to the Committee on Pensions.

Also, a bill (H. R. 4092) for the relief of Jasper J. Henry; to the Committee on Military Affairs.

Also, a bill (H. R. 4093) for the relief of David Walker; to the Committee on Military Affairs.

Also, a bill (H. R. 4094) for the relief of James Ross; to the Committee on Naval Affairs.

Also, a bill (H. R. 4095) for the relief of George F. Stedman; to the Committee on Naval Affairs.

Also, a bill (H. R. 4096) for the relief of Patrick Savage; to the Committee on Naval Affairs.

Also, a bill (H. R. 4097) for the relief of Patrick McNamee; to the Committee on Naval Affairs.

Also, a bill (H. R. 4098) for the relief of Thomas Ford; to the Committee on Military Affairs.

Also, a bill (H. R. 4099) for the relief of Mary Curtin, widow of Michael Curtin; to the Committee on Military Affairs.

Also, a bill (H. R. 4100) for the relief of Horatio S. Turrell, alias Horatio Seaward; to the Committee on Military Affairs.

Also, a bill (H. R. 4101) for the relief of the Western Grain & Sugar Products Co. of California; to the Committee on Claims.

Also, a bill (H. R. 4102) for the relief of the minor nephews of Owen F. Solomon, first lieutenant, Fourth Regiment United States Artillery; to the Committee on War Claims.

By Mr. RAKER: A bill (H. R. 4103) granting a pension to Alice C. Glover; to the Committee on Invalid Pensions.

By Miss RANKIN: A bill (H. R. 4104) granting a pension to Rebecca B. Tooley; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 4105) granting a pension to W. M. Balch; to the Committee on Pensions.

By Mr. STRONG: A bill (H. R. 4106) granting a pension to Thomas M. Hoover; to the Committee on Pensions.

By Mr. WEBB: A bill (H. R. 4107) granting a pension to George Archbold; to the Committee on Pensions.

Also, a bill (H. R. 4108) granting a pension to James F. Morrisey; to the Committee on Pensions.

Also, a bill (H. R. 4109) granting a pension to Jacob Hicks; to the Committee on Pensions.

Also, a bill (H. R. 4110) granting a pension to Guss Hughes; to the Committee on Pensions.

Also, a bill (H. R. 4111) granting a pension to Bacchus Ledford; to the Committee on Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 4112) granting a pension to Serilda Harter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4113) granting an increase of pension to John Q. Alter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4114) to correct the military record of John W. Siple; to the Committee on Military Affairs.

By Mr. BATHRICK: Petition of Rev. Warren W. Tuttle and others, of Garrettsville, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of S. M. Bixby & Co., of Brooklyn, N. Y., against a special tax of 25 cents per gallon on alcohol; to the Committee on Ways and Means.

Also, petition of Oakley & Co., of New York City, against stamp tax on goods manufactured by them; to the Committee on Ways and Means.

By Mr. DYER: Memorial of members of the faculty and students of the University of Missouri, relative to financing the war by taxation; to the Committee on Ways and Means.

Also, petition of Curtis Manufacturing Co., of St. Louis, Mo., favoring universal military service; to the Committee on Military Affairs.

By Mr. FITZGERALD: Memorial of Humanitarian Cult, of New York City, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of the Catholic Church Extension Society of the United States of America, against increase of second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of Chicago Medical Society, relative to abrogating the patents on salvarsan; to the Committee on Patents.

Also, memorial of Illinois Commandery, Naval and Military Order of the Spanish-American War, favoring universal military training; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorial of Chicago Federation of Labor, asking investigation of the throwing of a bomb in San Francisco, July 22, 1916; to the Committee on Labor.

By Mr. GARDNER: Memorial of Haverhill (Mass.) Rotary Club, favoring the conscriptive draft measure; to the Committee on Military Affairs.

Also, memorial of Massachusetts State Board of the Ancient Order of Hibernians, pledging support to the President in the present crisis; to the Committee on Military Affairs.

Also, memorial of Committee on Public Safety of West Newbury, Mass., relating to food conservation; to the Committee on Agriculture.

By Mr. HILL: Memorial of Sound Beach (Conn.) Rifle Club, favoring universal military service; to the Committee on Military Affairs.

Also, memorial of Bridgeport (Conn.) Lodge, No. 30, International Association of Machinists, relative to the food situation in the United States; to the Committee on Agriculture.

By Mr. HOLLINGSWORTH: Memorial of mass meeting at Cadiz, Ohio, asking suspension of breweries and distilleries as a war measure during the present exigency; to the Committee on Military Affairs.

By Mr. MORIN: Petition of Allegheny County Branch, State League of German Roman Catholic Societies of Pennsylvania, pledging their loyal support to the President and Government in this present trying crisis; to the Committee on Military Affairs.

By Mr. PRATT: Petition of R. W. Page, F. G. Fuller, A. W. Blair, and many citizens of Elmira, N. Y., favoring a Nation unhindered by the liquor traffic; to the Committee on the Judiciary.

Also, petition of Corning Council, No. 281, Knights of Columbus, of Corning, N. Y., by F. H. Suits, grand knight, and John J. Crowley, district deputy, expressing the utmost loyalty to and support of the course the Government has deemed wise to pursue in this hour of trial, and giving friendly assurance of their hearty cooperation; to the Committee on Military Affairs.

By Mr. ROWE: Petition of C. R. Kefanver, of Brooklyn, N. Y., against taxing building and loan associations; to the Committee on Ways and Means.

Also, petition of H. Planten & Son, of Brooklyn, N. Y., relative to levying a stamp tax along the lines of the Spanish-American War stamp tax; to the Committee on Ways and Means.

Also, petition of Illinois Society, Sons of the Revolution, favoring Army by conscription; to the Committee on Military Affairs.

Also, petition of John Simmons Co., of New York City, against taxing 8 per cent of the accumulated dividends of corporations; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of the State of New York, relative to treaty relations and bargaining tariffs; to the Committee on Ways and Means.

Also, petition of the Manufacturing Perfumers' Association and board of directors of the American Society of Civil Engineers, New York City, favoring universal military training; to the Committee on Military Affairs.

By Mr. SCULLY: Memorial of Chicago Federation of Labor, asking investigation of the bomb throwing in San Francisco July 22, 1916; to the Committee on Labor.

By Mr. SHOUSE: Petition of Mennonite congregations of Kismet, Greensburg, and Kingman, Kans., asking exemption from compulsory military service; to the Committee on Military Affairs.

By Mr. SNELL: Resolutions of citizens of Willsboro, N. Y., urging upon the President of the United States and upon the Congress thereof the advisability of prohibiting during the war the manufacture and sale for beverage purposes of all alcoholic liquors; to the Committee on the Judiciary.

Also, resolution of the Second Oswegatchie Presbyterian, Morristown Center Methodist, and Galilee Methodist Churches, of Morristown, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. STRONG: Resolution of the Men's Bible Class of the Methodist Episcopal Church of Brookville; the Holy Innocents Episcopal Church, Leechburg; and the First Baptist Church, Kittanning, Pa., favoring national prohibition during the period of the war; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Memorial of citizens of Boulder County, Colo., urging national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TOWNER: Petition of Meta Hughes, president, and the members of the Baptist Young People's Union, for prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Mr. H. L. Cosner and 115 other citizens, of Kellerton, Iowa, petitioning for legislation to prevent the use of grain for the manufacture of intoxicating liquor; to the Committee on the Judiciary.

By Mr. ZIHLMAN: Petition of 22 persons of Cumberland, Md., requesting a graduated income tax to pay the cost of the war, as well as the burden after the war, and to further legislation to bring about publicity of income-tax returns; to the Committee on Ways and Means.

Also, memorial of Improved Order of Red Men, of Maryland, offering undivided support of the President and commending Congress for casting aside partisan politics; to the Committee on Military Affairs.

SENATE.

THURSDAY, May 3, 1917.

(Legislative day of Wednesday, May 2, 1917.)

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

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Hardwick	Myers	Smith, Ariz.
Beckham	Hitchcock	Nelson	Smith, Ga.
Calder	Husting	New	Smoot
Chamberlain	James	Norris	Sterling
Culberson	Johnson, Cal.	Overman	Sutherland
Curtis	Johnson, S. Dak.	Page	Thomas
Dillingham	Jones, Wash.	Pittman	Thompson
Fall	Kellogg	Poindexter	Trammell
Fernald	Kendrick	Ransdell	Underwood
Fletcher	King	Robinson	Vardaman
France	Kirby	Saulsbury	Warren
Frelinghuysen	Knox	Shafroth	Watson
Gallinger	La Follette	Sheppard	Williams
Gore	McCumber	Sherman	
Gronna	McKellar	Shields	
Hale	Martin	Simmons	

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague, the senior Senator from New Jersey [Mr. HUGHES], who is detained from the Senate by illness.

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

CARE OF GERMAN PRISONERS.

Mr. HALE. Mr. President, out of order I desire to introduce a joint resolution, and I ask that it be read and referred to the Committee on Foreign Relations.

Mr. OVERMAN. I shall not object to the introduction of the joint resolution. I understand that it is not to be considered

but simply to be referred. However, to any matter that is called up and asked to be considered I shall object. I do not object to this.

The joint resolution (S. J. Res. 50) authorizing and empowering the President of the United States to make offer to the Governments of England and France to take over and care for German prisoners detained in those countries was read the first time by its title and the second time at length and referred to the Committee on Foreign Relations, as follows:

Senate joint resolution 50.

Whereas there are a great number of German prisoners of war in the detention camps in England and France who must now be cared for, fed, and supported by the Governments of these countries; and Whereas it is the policy of this country in every way to assist the allied powers in the matter of food supplies; and Whereas it will afford a considerable relief to these two countries if our Government takes over the care and support of these prisoners: Now, therefore, be it

Resolved, etc., That the President of the United States be authorized and empowered to make offer to the Government of these two countries to take over these prisoners of war and that provision be made, if the said offer is accepted, to convey to this country as many of these prisoners as practicable, and that the President be further authorized and empowered to prepare camps for the detention of such prisoners as are brought to this country.

For the purpose of carrying out the provisions of this resolution an appropriation of \$1,000,000 is hereby made out of any moneys in the Treasury not otherwise appropriated.

RECEPTION OF BRITISH COMMISSIONERS.

The VICE PRESIDENT. The Chair desires to make an announcement. When the British commissioners called on the presiding officer of the Senate, he invited them to appear on the floor of the Senate. It was not convenient on that occasion, and it has been delayed from time to time to suit the convenience of the commissioners. The Chair has just received notice that next Tuesday, May 8, at 12.30 p. m., will be a satisfactory time; and the Chair invited them to come and visit the Senate at that time.

ESTIMATE OF APPROPRIATION (S. DOC. NO. 14).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Comptroller of the Treasury submitting an urgent estimate of appropriation for additional force in his office, \$31,940, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from Bishop Chartrand, of Indianapolis, Ind., praying that all ordained ministers of religion and all students for the ministry be exempted from military service, which was ordered to lie on the table.

He also presented resolutions adopted by the United Irish Societies of Paterson, N. J., pledging support to the President and praying for the freedom of Ireland, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Laymen's Missionary Movement of the Methodist Episcopal Church South in session in the city of Nashville, Tenn., favoring national prohibition during the period of the war, which were referred to the Committee on the Judiciary.

He also presented the memorial of Dudley M. Shively, of South Bend, Ind., and a memorial of the Motion Picture Exhibitors' Corporation of the Northwest, remonstrating against the proposed tax on the gross receipts of moving-picture theaters, which were referred to the Committee on Finance.

Mr. SHEPPARD presented a petition of sundry citizens of Greenville, Tex., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. PHELAN presented a telegram in the nature of a petition from the president and faculty of the Leland Stanford Junior University, Palo Alto, Cal., praying for national prohibition during the period of the war, which was referred to the Committee on the Judiciary.

He also presented a petition of the Bonner Fruit Co., of Lankershim, Cal., praying for the placing of an embargo on tin plate, which was ordered to lie on the table.

Mr. NELSON presented a resolution adopted by the Douglas County Maximum Crops Association of Minnesota, praying for the establishment of maximum and minimum prices on food products, which was referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented the memorial of Dana W. Baker, of Exeter, N. H., remonstrating against an increase of postage on first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Congregational Church of Barrington, N. H., and of the Baptist Church of East Washington, N. H., praying for national pro-