

SENATE.

WEDNESDAY, July 11, 1917.

(Legislative day of Monday, July 9, 1917.)

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

ENROLLED JOINT RESOLUTION SIGNED.

The VICE PRESIDENT announced his signature to the enrolled joint resolution (S. J. Res. 33) to relieve the owners of mining claims who have been mustered into the military or naval service of the United States as officers or enlisted men from performing assessment work during the term of such service, which had previously been signed by the Speaker of the House of Representatives.

NEWS-PRINT PAPER INVESTIGATION (S. DOC. NO. 61).

The VICE PRESIDENT laid before the Senate a communication from the Federal Trade Commission, transmitting, pursuant to a resolution of June 27, 1917, a report of the Federal Trade Commission relative to the news-print paper investigation, which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the General Synod of the Reformed Church of the United States, praying for the establishment of "white zones" around all military and naval camps and stations of the United States for the protection and conservation of the young manhood in the service of the Government, in which the sale of all intoxicating liquors and institutions of vice be strictly prohibited, which was ordered to lie on the table.

He also presented a telegram in the nature of a memorial from the Socialist League of Elizabeth, N. J., remonstrating against the undemocratic persecution of the socialist press of the country and praying for the repeal of the law permitting the Post Office Department to censor publications, which was ordered to lie on the table.

He also presented a telegram embodying a resolution of the Southern Newspaper Publishers' Association, expressing willingness to cooperate in the raising of the necessary additional revenue and to stand their just and fair proportion of the increased taxation of the country, which was referred to the Committee on Finance.

CALLING OF THE ROLL.

Mr. CHAMBERLAIN. Mr. President, the amendment pending I ask to have stated, but in view of the fact that there are very few Senators present 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	Johnson, Cal.	New	Smith, Mich.
Calder	Johnson, S. Dak.	Norris	Smith, S. C.
Chamberlain	Jones, N. Mex.	Overman	Smoot
Culberson	Jones, Wash.	Page	Sterling
Curtis	Kendrick	Pittman	Swanson
Dillingham	Kenyon	Pomeroy	Thompson
Fernald	Knox	Ransdell	Vardaman
Frelinghuysen	Lodge	Ransdell	Wadsworth
Gerry	McCumber	Reed	Walsh
Gore	McLean	Shafroth	Williams
Gronna	McNary	Sheppard	Wolcott
Hale	Martin	Sherman	
Hollis	Myers	Smith, Ariz.	
Husting	Nelson	Smith, Ga.	

Mr. FRELINGHUYSEN. I desire to announce that my colleague, the Senator from New Jersey [Mr. HUGHES], is necessarily absent on account of illness. I ask that this announcement may stand for the day.

Mr. THOMPSON. The junior Senator from Arkansas [Mr. KIRBY] is necessarily absent on business of the Senate.

Mr. GERRY. I desire to announce the absence on public business of the senior Senator from Arkansas [Mr. ROBINSON] and the senior Senator from Delaware [Mr. SAULSBURY]. I wish also to announce the absence of the senior Senator from California [Mr. PHELAN] on official business.

Mr. WOLCOTT. I desire to announce that my colleague, the senior Senator from Delaware [Mr. SAULSBURY] is absent on important business. I ask that this announcement may stand for the day.

Mr. HOLLIS. I desire to announce that the junior Senator from Kentucky [Mr. BECKHAM] is detained on official business.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present.

SELECTIVE-DRAFT REGISTRATION.

Mr. CALDER. I ask permission of the Senate to have inserted in the Record a table by States showing the registration for the selective draft, the number of aliens and enemy aliens

of military age, and the percentage of aliens as compared to the total registration.

Mr. CHAMBERLAIN. I dislike to object, but there will be other Senators who will want to have morning business transacted, and I feel constrained to object until we get rid of the pending bill.

Mr. CALDER. If the Senator will pardon me, I only ask that this table may be printed in the Record. I do not desire to discuss it.

Mr. CHAMBERLAIN. I shall not object to that, but any other request I shall have to object to.

There being no objection, the table was ordered to be printed in the Record, as follows:

Total registration, aliens, and alien enemies.

United States.	Total registration.	Aliens.	Alien enemies.	Per cent all aliens.
Alabama.....	170,828	1,173	89	0.7
Arizona.....	36,932	14,652	191	40.0
Arkansas.....	147,522	566	88	.4
California.....	297,532	7,464	3,948	24.0
Colorado.....	83,038	8,077	372	11.0
Connecticut.....	169,761	8,519	1,126	37.0
Delaware.....	21,864	2,883	92	13.3
District of Columbia.....	32,377	1,570	79	.5
Florida.....	64,683	5,682	508	7.8
Georgia.....	231,418	1,224	120	.5
Idaho.....	41,150	3,883	181	9.8
Illinois.....	672,498	98,145	6,051	15.0
Indiana.....	255,145	13,661	1,149	5.8
Iowa.....	216,594	11,788	1,862	6.0
Kansas.....	150,029	6,358	611	4.3
Kentucky.....	187,573	.....	.....	.....
Louisiana.....	157,827	.....	216	2.8
Maine.....	60,176	9,969	120	16.8
Maryland.....	120,458	7,387	312	6.5
Massachusetts.....	259,323	106,014	1,508	29.9
Michigan.....	372,872	69,282	3,021	19.9
Minnesota.....	221,747	24,599	1,971	11.0
Mississippi.....	139,525	.....	567	.....
Missouri.....	299,825	10,932	1,008	4.0
Montana.....	88,273	11,790	687	14.0
Nebraska.....	118,121	5,044	1,156	7.5
Nevada.....	11,894	3,670	87	31.0
New Hampshire.....	37,342	9,597	79	25.0
New Jersey.....	302,742	77,372	4,956	27.0
New Mexico.....	32,302	4,324	108	13.0
New York.....	1,060,694	233,901	26,807	24.0
North Carolina.....	200,032	560	78	.3
North Dakota.....	65,037	7,205	415	12.0
Ohio.....	465,384	82,408	6,189	15.0
Oklahoma.....	169,211	2,947	213	1.8
Oregon.....	62,618	6,131	777	10.7
Pennsylvania.....	530,507	174,898	12,674	22.0
Rhode Island.....	53,458	15,043	126	28.0
South Carolina.....	128,030	447	58	.3
South Dakota.....	58,014	2,606	484	5.0
Tennessee.....	187,611	1,030	85	.5
Texas.....	408,702	16,029	1,524	6.8
Utah.....	41,952	7,145	344	17.0
Vermont.....	27,658	3,487	72	12.8
Virginia.....	181,825	2,575	179	1.5
Washington.....	108,330	16,001	791	15.5
West Virginia.....	127,400	10,678	1,008	9.0
Wisconsin.....	140,170	5,588	23,121	11.7
Wyoming.....	22,948	3,353	322	16.0
Alaska.....	.....	.....	.....	.....
Indians.....	6,001	.....	.....	.....
National parks.....	85	4	2	7.0
Total.....	9,668,078	.....	.....	.....

Mr. McLEAN. The Senator from New York introduced a bill, if I remember correctly, some two weeks ago seeking to remedy injustices in the registration. I should like to ask the Senator if there has been any committee meeting on that bill, and whether there is any possibility of an early report upon it. It seems to me that it is a very important matter.

Mr. CALDER. I introduced a bill two weeks ago which, in effect, would have placed the draft on the citizen registration. That bill is pending in the Committee on Military Affairs. It has not yet been reported from the committee.

Mr. CHAMBERLAIN. Mr. President, I insist on the regular order.

CONSERVATION OF FOOD AND FUEL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4961) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel.

The VICE PRESIDENT. The pending amendment will be stated.

The SECRETARY. On page 19 strike out lines 14 to 25, and on page 20 strike out lines 1 to 19, and insert section 13 in the following words:

SEC. 13. That the President is authorized and directed to commandeer any or all distilled spirits in bond at the date of the approval of this act for redistillation, in so far as such redistillation may be

necessary to meet the requirements of the Government in the manufacture of munitions and other military and hospital supplies, or in so far as such redistillation would dispense with the necessity of utilizing products and materials suitable for foods and feeds in the future manufacture of distilled spirits for the purposes herein enumerated. The President shall determine and pay a just compensation for the distilled spirits so commandeered; and if the compensation so determined be not satisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation for such spirits, in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 21, line 15, to change the number of the section from "16" to "14."

The amendment was agreed to.

The next amendment was, on page 21, line 18, to change the number of the section from "17" to "15."

The amendment was agreed to.

The next amendment was, on page 21, line 24, to change the number of the section from "18" to "16," and on page 22, line 6, after the word "essential," to strike out: "Provided, That all persons, excepting persons serving without compensation, shall be appointed in accordance with the provisions of the civil-service act of January 16, 1883," so as to make the section read:

SEC. 16. That the sum of \$2,500,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available until June 30, 1918, for the payment of such rent, the expense, including postage, of such printing and publications, the purchase of such material and equipment, and the employment of such persons and means, in the city of Washington and elsewhere, as the President may deem essential.

Mr. OVERMAN. I should like to inquire of the Senator from Oregon why this large sum of money is required. Is it simply for office expenses and the employment of bureau officers? There is no bureau in the Government that costs anything like we are appropriating here. It says "purchase of material and equipment." What equipment? Is it to build a house or something of that kind? I should like to know how this sum of money—\$2,500,000—was arrived at. What is it for?

Mr. CHAMBERLAIN. It is to cover the cost of administration as estimated by those having the food control in charge.

Mr. OVERMAN. It seems to me to be a very large amount of money for the purposes specified. There is not a bureau in the Government which costs anything like this amount of money. If it is simply for bureau expenses, it seems to me that it is enormous. Take the great Agricultural Department and the War Department and the Navy Department, the expenses of administration do not cost anything like this sum.

Mr. CHAMBERLAIN. I think it will be found that it will be the largest establishment of the Government.

Mr. OVERMAN. I think so myself.

Mr. CHAMBERLAIN. If we want to make it a success.

Mr. OVERMAN. I would like to know how this sum of money was arrived at.

Mr. GRONNA. Mr. President—

Mr. OVERMAN. I yield to the Senator from North Dakota.

Mr. GRONNA. I wish to say to the Senator from North Carolina that while the committee have not gone into details, I, as one of the members of the committee, am sure that this amount will be required. We can not compare the appropriations for this bureau with the Agricultural Department. Take the product of wheat alone, the Senator will realize the immense amount of money that will be required and the force that will be necessary to take care of that product alone.

Mr. OVERMAN. That is just what I am talking about. This does not provide for any purchases, but it is a direct appropriation.

Mr. GRONNA. It is not for purchases, but for running expenses.

Mr. OVERMAN. What is this appropriation of \$2,500,000 for?

Mr. GRONNA. It is to pay the expenses of this force. I do not think it is any too large. If anything it is too small. I am quite sure of that.

Mr. SMITH of Michigan. Are these appointments to be made from the civil service or are they appointments that may be made entirely at the discretion of the head of this bureau?

Mr. CHAMBERLAIN. They do not come under the civil service.

Mr. OVERMAN. Anyone can see that they ought not to come under the civil service. It would be impossible to get them in that way.

Mr. SMITH of Michigan. Does that mean that better service can be obtained without going through the ordinary usual custom of a civil-service examination?

Mr. GRONNA. If I may be permitted to answer the Senator from Michigan, I do not think these men ought to be placed under the civil service. These are men who will be appointed, and their services will be only temporary. If we place them under the civil service we must keep them. The service of these men will be required only during the war.

Mr. SMITH of Michigan. Is it the opinion of the Senator that efficient men can be obtained without going to the Civil Service Bureau for them?

Mr. GRONNA. It is my opinion that for this particular work we can find men as capable of doing the work as those under the civil service, and perhaps more so.

Mr. SMITH of Michigan. According to the statement of the Senator this is to be the largest bureau that is to administer the affairs of the Government.

Mr. GRONNA. It is.

Mr. SMITH of Michigan. Larger than the War Department, larger than the Treasury Department, with all the extraordinary demands that are to be made upon them.

Mr. GRONNA. I think it will be larger, and more money will be required.

Mr. SMITH of Michigan. That being true, why leave it outside of the civil service entirely? Are you hopeful that you can obtain the services of competent people without subjecting them to the delay of an examination and the test which the civil service requires?

Mr. GRONNA. It was the opinion of the committee, and I think the committee was unanimous—if I am mistaken I trust the Senator in charge of the bill will correct me—I think it was the unanimous opinion of the committee that these men should not be placed under the civil service; that the President of the United States should be left unhampered in this work; that he should be allowed to select his men and those men appointed by the President should be allowed to select their subordinates.

Mr. SMITH of Michigan. Of course, the Senator knows the President will have very few appointments to make under this provision. They probably will be made by the head of this department, whoever he happens to be.

Mr. GRONNA. I do not think there will be only one man. I think it will be a board; at least I hope it will.

Mr. SMITH of Michigan. If they are unhampered by a tenure of office and by civil-service rules these men may be employed in the discretion of the head of this department and may be discharged whenever in his opinion they are not doing the work that is required or are not necessary.

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

Mr. SMITH of Michigan. In that respect, I presume the Senator contends that the public service is being administered with more judgment than if hampered by established law?

Mr. GRONNA. I do not know; I would not make that statement, but may I ask the Senator this question? Does the Senator think it would be wise for the Government to agree to keep on the pay roll the several thousand men who will now be required just for a short time, which is during the war?

Mr. SMITH of Michigan. I have never been an ardent advocate of the civil-service laws. I would rather trust to the sound judgment of men of intelligence and experience in the selection of such subordinates as may be needed in this emergency than I would any bureau. I think the Government is tremendously hampered to-day by the civil-service laws. I think there is more favoritism to-day in the departments of the Government under civil service than there has ever been under the spoils system. I do not think the public service is as efficient in all respects as it ought to be, as it was before the civil-service laws became effective.

Furthermore, I do not believe that promotions are made upon merit. Under the civil-service law I think the rankest favoritism prevails. It is almost impossible to reach an incompetent—I was going to say "noncompetent," but it is almost impossible to reach an incompetent—official under the civil-service law. Even heads of departments find it difficult and often unsatisfactory to conduct public business with such a restriction.

Mr. OVERMAN. Mr. President—

Mr. SMITH of Michigan. Am I trespassing upon the Senator's time?

Mr. OVERMAN. What the Senator says is very interesting, and I did yield to the Senator.

Mr. SMITH of Michigan. I thought the Senator had yielded the floor.

Mr. OVERMAN. No; but the Senator is very interesting in what he is saying.

Mr. SMITH of Michigan. I apologize to the Senator.

Mr. OVERMAN. The Senator and I have discussed this matter before, and I agree with much that he has said.

Mr. SMITH of Michigan. Almost everyone agrees with the position which the Senator from North Carolina and a few other Senators hold upon this question, but we are continually giving this system greater power. These appointees have no direct responsibility to the public, and I assert that they do not do better work than will be done by employees of the Government who are selected with care by the heads of departments.

Mr. OVERMAN. Right along that line I desire to say that we passed a bill here called the narcotic-drugs bill, under the provisions of which certain experts were appointed, and they performed faithful service. There has since been a law passed requiring that appointments under that service shall be made by the Civil Service Commission. They now have a civil-service examination for such employees, and men who have now been performing faithful service for two years, because they can not answer some geographical question and work out certain problems in mathematics are all to go out, and in their stead are to be put some young boys from college, pharmacists, who are able to stand the examination and to work out problems in mathematics, or to state where some town is located in Egypt. They get the highest marks in the examination, while these experts will have to go out. That is the result of the civil-service examination. However, I am not going into that, Mr. President.

All I want to say is that I notice \$150,000,000 is provided to be appropriated here in one section, and it seems to me that the figures ought to be transposed—that the appropriation of \$2,500,000 ought to be in section 17, and the appropriation of \$150,000,000 should be for the bureau expenses. If, however, Senators on the committee have thoroughly investigated the matter and have ascertained how this money is to be spent, and it is absolutely necessary, I shall have no more to say; but to appropriate \$2,500,000 in a lump sum just simply for a bureau here in Washington, seems to be an enormous appropriation. If, however, the committee have examined the matter in detail, and say this department is to cost more than other departments in Washington, including the great Treasury Department and the War Department, I shall have nothing more to say. All I want to know is if the committee have investigated the matter, or if somebody has merely said that this will take \$2,500,000.

It seems to me that there ought to be some amendment here providing that Congress should be informed of what will be done with this money. In all these great appropriations we always require the heads of departments to make to Congress a detailed statement of the moneys expended. I hope the Senator from Oregon will offer an amendment of that sort, in order that we may keep track of how this money is being spent, where it goes. Congress ought to keep in touch with the matter, and know how the money is expended. We require that of all other bureaus of this Government and why should we not do the same as to this one under this lump-sum appropriation, a form of appropriation which I have always fought. I see it is important in this case, for as a new bureau is created, it is necessary that they should have a lump-sum appropriation, but lump-sum appropriations are dangerous, since the heads of departments are inclined to fix extravagant salaries. Congress adopted the policy some five or six years ago that we would not appropriate lump sums. The practice of the Government formerly was to make lump-sum appropriations, and when a man was getting a thousand dollar or two thousand dollar salary, he would be transferred to some other department and given \$4,000 or \$5,000 out of a lump sum, for under that system the head of a department can expend any amount of money he desires for the salary of anybody he pleases.

However, I repeat, if the committee has examined into the matter and says that it will require \$2,500,000, the responsibility is with them; but I think some detailed statement ought to be made as to how the money is expended.

Mr. SMOOT. Mr. President, the evil that follows a lump-sum appropriation has been well stated by the Senator from North Carolina [Mr. OVERMAN]. It is less than a year since we found from the last lump-sum appropriation made for a certain bureau of this Government salaries sometimes as high as 300 per cent greater than the other bureaus or divisions of our Government were being paid for similar work where a direct appropriation was made to pay the same class of labor. I do not believe that we ought to make a lump-sum appropriation in this case without some kind of a statement as to what it is to be used for. There is here proposed an appropriation of \$2,500,000, to be expended in any way that the head of the bureau may desire.

Mr. CHAMBERLAIN. Mr. President, if the Senator will permit me to propose it, I have an amendment to that section and

the following section, which meets the suggestion he is now making.

Mr. SMOOT. I will withhold further remarks, Mr. President, until the amendments referred to by the Senator from Oregon may be offered.

Mr. CHAMBERLAIN. Then, Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. Is there objection to agreeing to the amendment striking out the proviso?

Mr. SMOOT. Yes. I do not want to agree to striking out the proviso at this particular time. I should like to know what are the amendments to be proposed by the Senator from Oregon.

Mr. CHAMBERLAIN. I offer the amendment which I send to the desk, which I think meets the suggestion of the Senator from Utah, and probably covers ground which has not been suggested at all.

The VICE PRESIDENT. The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. On page 22, at the end of line 16, it is proposed to add the following:

The appropriations specified in this section and in section 16 of this act—

Mr. SMOOT. Is the Secretary reading from the old print of the bill or the new print?

The VICE PRESIDENT. The Secretary can never use anything save the original print.

Mr. SMOOT. I am aware of that, Mr. President.

The SECRETARY. On page 22, at the end of line 16, it is proposed to add the following:

The appropriations specified in this section and in section 16 of this act shall be immediately available, and shall be paid out on the order of the President or on the order of such officer or officers as may be designated by him for that purpose, which order of the President or of such officer shall be conclusive and binding upon all departments and the accounting officers of the Government as to the correctness of said accounts and disbursements.

In order to provide for necessary office accommodations and facilities for the use of any agency or agencies which may be created or used by the President in carrying into effect the provisions of this act, the President may, in his discretion, cause to be constructed a temporary office building or buildings upon any lands owned by the United States or within the District of Columbia, not required for other governmental uses, and which may be designated by him or he may lease ground from private owners and construct such temporary office building or buildings thereon. For these purposes the President may utilize and expend so much of said appropriation as may be necessary, not exceeding the sum of \$200,000.

It is also proposed to amend section 17, page 22, by inserting after the word "section," in line 16—

Mr. CHAMBERLAIN. Mr. President, the second amendment comes in after the one just read by the Secretary.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. After the first amendment, it is proposed to add the following:

And provided further, That itemized statements covering all purchases and disbursements under this and the preceding section shall be filed with the Secretary of the Senate and the Clerk of the House of Representatives on or before the 10th day of each month after the taking effect of this act, covering the business of the preceding month, and said statements shall be subject to public inspection.

Mr. REED. Mr. President, I desire to inquire—

Mr. CHAMBERLAIN. Just a moment. Let me perfect that amendment by striking out the portion providing for leasing the property. The committee thought that the Government owned enough property in the District of Columbia upon which to erect these temporary office buildings without leasing.

Mr. OVERMAN. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. The Senator from Utah has the floor.

Mr. SMOOT. I yield to the Senator from North Carolina.

Mr. OVERMAN. Mr. President, I see the Senator has offered the amendment I suggested about requiring detailed statements, but I want to ask the Senator a question. The amendment seems to confer general authority to erect a building anywhere in Washington. I do not imagine the President would want to utilize any portion of the Capitol grounds, but I assume from the general language of the amendment that it would include the Capitol grounds.

Mr. CHAMBERLAIN. I presume it covers any property that is owned by the Government, but I imagine the President would not permit buildings to be erected anywhere where they would mar the beauty of the city and its public grounds generally.

Mr. SMOOT. So far as the first part of the amendment is concerned, Mr. President, I sincerely hope the Senate of the United States will not adopt it.

Mr. REED. Mr. President, will the Senator permit me to make an inquiry before he enters into an argument?

Mr. SMOOT. Yes; I will yield to the Senator.

Mr. REED. Has the amendment that is now offered been before the Committee on Agriculture?

Mr. CHAMBERLAIN. Yes, sir.

Mr. REED. And passed by them?

Mr. CHAMBERLAIN. It has been.

Mr. REED. Now let me make a further inquiry. Is not the Committee on Agriculture in session now considering changing this bill?

Mr. CHAMBERLAIN. It is considering a substitute which was offered for the bill by the Senator from Oklahoma [Mr. GORE] yesterday.

Mr. REED. If the Senator from Utah will pardon me, what is the use of Senators considering this bill when it is well known that the committee is considering a substitute for it? Now, we have a most peculiar situation about this whole bill. A bill was introduced into the Senate and we considered that bill a while, well knowing that the House was considering a similar bill and would send it over in a few days. Nevertheless, in hot haste we were required to proceed to the consideration of the Senate bill, and after having considered that bill for a while the House bill arrived in the Senate; and then the committee were assembled in hot haste, and, without any proper consideration whatever of that bill—and I make the charge broadly and flatly—they hurried it back to the Senate, and it was substituted for the Senate bill—a bill different from the Senate bill in many respects. So that the primary discussion of the bill was to some extent lost.

We have been treated to the spectacle ever since the House bill came in of the committee bringing in amendments day after day of the most radical character. Instead of bringing us a bill that was completed, or substantially completed, they brought us a bill that they are continually asking us to change, and now we are going on this morning to consider that bill and this patchwork which has been brought in by the committee, and at the time we are considering those questions the Agricultural Committee is considering a substitute for the entire bill. Information, which I do not undertake to say is accurate, but which comes to me, is that the committee are very likely to bring in a substitute. Now, where do we get with that sort of procedure? It is unusual. I think we ought to know what we are going to have brought in by the committee.

Mr. OVERMAN. Mr. President, will the Senator yield to me for a moment?

Mr. REED. The Senator from Utah has the floor.

Mr. OVERMAN. If the Senator from Utah will yield to me, I think it is well to discuss this matter in the Senate now while we are considering it. The reason I brought up this matter as to where this building should be erected was that, while I have no doubt the President would not allow a building to be erected in the Capitol grounds proper, I have heard that somebody has selected one of the squares in the vicinity of the Capitol the buildings on which have been torn down and which it is intended to beautify and make part of the Capitol grounds. Those squares are not now really a part of the Capitol grounds proper, but it is intended that they shall be. I doubt whether we ought to mar these squares around the Capitol, for example, the one next to the Senate Office Building, or any of the others, with a temporary building. I think it would be unwise to do so.

I merely wanted to make these remarks. Probably the Senator knows of other ground that may be selected, but the rumor I have heard is that they propose to erect a building near the Capitol, the building to cost something in the neighborhood of \$150,000, which, of course, will be no more than a temporary structure. I should dislike to see the Capitol grounds—perhaps I should not say the Capitol grounds, for the President would not allow that, of course, but what is intended to become a part of the Capitol grounds—marred by the erection of a temporary structure. It was the intention originally, when the additional squares were acquired, to beautify them and make them a part, as I have said, of the Capitol grounds. In view of these facts I thought it advisable to call the attention of the Senate to the matter, so that it may be examined. I am not going to offer an amendment, but it seems to me that we ought not to have any such temporary structure erected in the immediate vicinity of the Capitol.

Mr. KNOX. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SMOOT. I yield.

Mr. KNOX. I was very much interested, Mr. President, in the information developed by the question of the Senator from Missouri [Mr. REED] that another bill is in the course of preparation, to be substituted for the bill which is now before the Senate. It seems to me this puts us in the rather ridicu-

lous position of discussing a bill here which is probably to be abandoned and another bill substituted in its place. My judgment would be that the Senate should proceed to the transaction of some business that is likely to stick, rather than to discuss a measure that is likely to be replaced in the next few hours by some other measure.

I do not know where the Senator from Missouri got his information. I read in the newspapers that such a program was pending, but had heard nothing from it otherwise. Now, I want to make my own personal protest against the Senate solemnly meeting here and discussing matters that will amount to nothing. We are not a moot court, and it seems to me that the wise Senators are the Senators who stay away under the circumstances.

Mr. SMOOT. Now, Mr. President, I will proceed.

The first part of the amendment offered by the Senator from Oregon should not, in my opinion, be adopted by the Senate. The bill is temporary, and as soon as the war is over this whole bureau will go out of existence. Why, then, should we now appropriate \$200,000 for the purpose of erecting a temporary building for this bureau when we know that it will not be used very long. It will be a waste of money.

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

Mr. SMOOT. Certainly.

Mr. OVERMAN. The Senator knows that we have \$3,000,000 worth of buildings here in this city that are absolutely unoccupied, except, perhaps, Poli's Theater. That property can be turned over—that whole hotel building there, all those buildings on the square opposite the Willard Hotel. One of the buildings there was once a great wholesale grocery store, and in the case of both of those great squares that are now owned by the Government the buildings are absolutely unoccupied, except such as are rented temporarily. Then here is the Maltby Building, and there are other buildings that might be occupied.

Mr. SMOOT. Mr. President, the Committee on Public Buildings that was appointed at the last session of Congress has not made a complete examination and report as to the buildings owned by the Government in the District of Columbia, but it has made a report sufficient to demonstrate that there is ample space in different buildings owned by the Government to-day for every person that will be employed under this bill to have ample office room without costing the Government one-tenth part of what is asked here for an appropriation to put up a temporary building.

Mr. KING. Mr. President, will my colleague permit me to ask him a question?

Mr. SMOOT. Yes; I yield to my colleague.

Mr. KING. I was down at the new Interior Department Building a short time ago, and ascertained that Mr. Hoover was about to have quarters assigned to him there. I found a large number of persons employed there, and was advised—that was my observation, too—that there was ample room in that building for these quarters or for any offices that Mr. Hoover and his associates might require.

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

Mr. SMOOT. Yes; I yield to the Senator from Nebraska.

Mr. NORRIS. The statement of the Senator from North Carolina is interesting, and it may be a solution of this problem; but the report was made to the Agricultural Committee that a search for rooms had been made all over this District, and that it was an impossibility to rent anything; that other departments of the Government, particularly the Army and the Navy, had had their agents out all over the District and in the adjoining towns and villages near here, and had rented every available space; that it was an impossibility to house this new bureau, or department, or whatever it may be called, in the District of Columbia.

I presume we are all aware that the Government owns the property mentioned by the Senator from North Carolina. There is certainly lots of room there. It is possible, however, that the Government leased the property several years ago, when they first got it. They have had it for five or six years. They may have leased it. I do not know what the facts are; but the report at least came to the committee that it was an impossibility to get any place to house these people.

Mr. CURTIS. Mr. President—

Mr. SMOOT. In answer to the Senator, I wish to say that the lease upon the whole block of buildings opposite the Willard Hotel can be terminated any day.

Mr. NORRIS. Well, then, I think they ought to terminate it.

Mr. SMOOT. The complaints that have been made to the Committee on Appropriations when asking for new quarters are somewhat as follows: "We can not rent buildings like all of the other departments are now occupying"; or, in other

words, they want a building like the State, War, and Navy Building. They want a new building with modern offices and the finest furniture.

Mr. NORRIS. Oh, well, it is not contemplated to build such a building with this money. It will be just a frame, one-story building, likely.

Mr. SMOOT. But it will be a waste of money.

Mr. NORRIS. It is a waste of money if there is any place where they can get quarters; but if there is not any place, something has to be done.

Mr. SMOOT. I will say to the Senator that the Census Building, that our Census Bureau was in for years and years, and until we built a new building for the Department of Labor, is at present unoccupied.

Mr. NORRIS. It is vacant now, is it?

Mr. SMOOT. It is vacant now, and there are other vacant buildings all over the city. They are not as good as the other departments have, however, and that is why a new building is wanted.

Mr. NORRIS. Well, certainly that building is good enough—I concede that—if it could be had at any reasonable price.

Mr. CURTIS. Mr. President, in addition to the buildings across from the Willard Hotel, I understand that the Maltby Building is only partially occupied.

Mr. LODGE. That is an unsafe building.

Mr. NORRIS. They investigated the Maltby Building, and I remember inquiry was made—

Mr. LODGE. That building has been unsafe for years. They had to take books out of it on account of the weight, when we occupied it.

Mr. NORRIS. The House of Representatives used it for offices prior to the completion of the House Office Building, after the last census, when the membership of the House was increased.

Mr. SMOOT. For instance, we have the buildings that the Bureau of Engraving and Printing moved out of. Those buildings could be fixed up for a title of the appropriation asked for.

Mr. CHAMBERLAIN. Mr. President, I desire to confirm the statement of the Senator from Nebraska. Mr. Hoover and those associated with him appeared before the committee and said that they had been all over this town to try to find buildings that would accommodate them, either buildings that the Government now owns or buildings that were subject to rent, but that they could not get along without a temporary building.

Mr. SMOOT. The Senator knows that the buildings that the Census Bureau was in is empty, and they certainly will not have any more employees in this bureau than they had in the Census Bureau. I have no doubt that that building could be rented, and save the greater part of this appropriation.

The bill itself provides, in section 16, for the payment of rent necessary for this bureau, and I think that is the wise thing to do—to rent quarters for a year, say, and perhaps it will not be needed longer than that—rather than to go to work and put up a temporary building and have that building destroyed as soon as the war ceases.

Mr. NORRIS. Mr. President, if the Senator will permit me right there, when the bill was originally drawn and reported to the Senate that was the theory of the committee. I think that is still their theory. But these people representing the administration presented to the committee the proposition that it was going to be an impossibility to rent anything. Of course, if that is true, some provision ought to be made to house these employees. There will be a large number of them and they will have to be housed here, unless we move the bureau to some other city than Washington. They represented to the committee that investigation had been made not only by them but by the War and Navy Departments as well, and that every vacant room in the District of Columbia that could be rented was rented.

It was on that information that the committee acted and reported this amendment. Now, if the committee were misinformed, nobody would be better pleased than the members of the committee themselves to have the mistake rectified. If these gentlemen misrepresented the facts to the committee, they certainly do not want to build a temporary building. They are anxious, if they can, to rent the needed offices for these temporary purposes, and not go to the extraordinary expense of building a building. They do not want to build except as a last resort.

Mr. SMOOT. Mr. President, I will ask the Senator, as a member of the committee, if he does not think that if the buildings on the square opposite the Willard Hotel, beginning with the hotel proper upon that corner, are available for this bureau, it would be wise for the Government of the United States to set that property aside for that purpose?

Mr. NORRIS. Most assuredly. I have no hesitancy in saying that.

Mr. SMOOT. Then I want to say to the Senator now that that can be done.

Mr. NORRIS. Then it ought to be done. There is not any doubt about it.

Mr. SMOOT. And for that reason I am opposed to this amendment.

Mr. NORRIS. If that can be done, it ought to be done. I would suggest to the Senator from Oregon that he pass this amendment over, and not dispose of it now, so as to let the chairman investigate and see what the facts are.

Mr. SMOOT. Mr. President, the second part of the amendment, I think, is a wise one, and ought to be adopted. It simply asks for an itemized statement covering all purchases and disbursements under this and the preceding section; that is, sections 16 and 17. The language is:

*And provided further,* That itemized statements covering all purchases and disbursements under this and the preceding section shall be filed with the Secretary of the Senate and the Clerk of the House of Representatives on or before the 10th day of each month after the taking effect of this act, covering the business of the preceding month, and said statements shall be subject to public inspection.

That is the ordinary provision that has been placed in all lump-sum appropriations.

Now, Mr. President, I hope that the amendment which the committee has recommended striking out—

*Provided,* That all persons, excepting persons serving without compensation, shall be appointed in accordance with the provisions of the civil-service act of January 16, 1883—

will not be agreed to. I think that if we are going to have a civil-service law, as long as it remains upon the statute books, it ought to be adhered to. If the Congress of the United States decides that that is not the best way to secure employees for the Government, let us repeal the law.

Mr. SMITH of Michigan. Surely.

Mr. SMOOT. But as long as the law is as it is, whenever there is \$150,000,000 to be expended and whenever there is \$2,500,000 to be expended in the employment of people by the Government of the United States, that law should apply. It ought to apply particularly under the conditions existing today. If these employees are to be selected under the civil-service law, then we will know what they are going to be paid for the class of work they perform. If they are clerks of class 1, of class 2, of class 3, or of class 4, if they are laborers or mechanics or skilled laborers or watchmen or whatever positions they may take examinations for, we will know just exactly the wage they are to receive. Without this provision they can receive anything that the head of the department may determine to give them.

As I said before, in the case of the last bureau that we created and for which we appropriated a lump sum of \$450,000 no provision at all was made for an itemized statement of the salaries; but when the Committee on Appropriations asked for a statement as to the wages that were being paid they found, in some cases, as I say, that the bureau was paying more than twice the amount that was paid for the same work in other departments of the Government. Not only that, but the Senator from North Carolina referred to the fact that the bureau referred to had taken employees from other departments of our Government, paying them not the wage they were receiving, but sometimes twice as much for similar work.

Therefore, Mr. President, we ought to have a provision here that all of these employees shall be under the civil service, or else we ought to abolish the civil-service law altogether.

Mr. CHAMBERLAIN. Mr. President, when this bill was before the House of Representatives it had in it the provision that all persons, except persons serving without compensation, should be appointed in accordance with the provisions of the civil-service act of January 16, 1883. The committee struck that out because it would lead to the employment of a large number of men who would be on the permanent civil-service roll. There are not enough men who have stood the examination and are now on the classified register to fill the requirements of this act; and the committee thought it ought to be stricken out because the employment was entirely temporary, and therefore there was no use in getting permanent employees on this roll, thereby increasing the expenditures of the Government.

Mr. SMOOT. Mr. President, will the Senator yield to me there, on this one point?

Mr. CHAMBERLAIN. Yes.

Mr. SMOOT. When they go on the civil-service roll, that does not mean that the Government of the United States has got to continue their employment when not needed. It means

that they are employed under this appropriation, and as soon as the work is over they still remain on the rolls under the law for a year; and I think they are entitled to that. I think that as long as they have passed the civil-service examination they ought to have the right to be employed by the Government of the United States, where they are needed, before anyone else who later takes the civil-service examination.

Mr. CHAMBERLAIN. But when these persons once go into the employ of the Government, whether men or women, the Senator knows what their insistence is when their term of employment has expired. The committee did not want that condition to exist, and therefore we struck out the civil-service part of it.

I am greatly in sympathy, Mr. President, with the views of the Senator from North Carolina [Mr. OVERMAN] and the Senator from Michigan [Mr. SMITH] on this question, and feel that it would not do very much harm to repeal the whole civil-service act, because it does not work with justice and equity among those who are in the employ of the Government.

One other thing, Mr. President: The Senator from Missouri [Mr. REED] is disposed to criticize the action of the committee in keeping this bill before the Senate because the committee has been from time to time making suggestions of amendments, and because the committee is now in session in the hope that some of these conflicting provisions may be reconciled. As the Senator in charge of this bill, permit me to say that there is only one bill pending before the Senate. It is true that this committee, like other committees, has been engaged in undertaking to amend the bill from time to time, to meet objections made from time to time on the floor of the Senate. The opponents of this bill seem to be hard to satisfy. They have insisted upon amendments being offered here from time to time, and then, when those amendments are suggested, they object to the amendments that are made.

Efforts have been made from time to time to have this bill referred to the committee. I have never approved entirely of that. I think this bill ought to be put in shape by the Senate itself, rather than having efforts made to refer it back to the committee, because the committee is divided upon the fundamentals of this bill just exactly as the individual Members of the Senate are divided upon it.

When the proposition was made yesterday to have the committee meet and confer about this bill again, it was communicated to me. I had no objection to their meeting, but I objected to referring the bill back. I have not any idea that the committee will agree now upon the fundamentals of this bill. They may be able to do it, and in the hope that they may be able to do it they are discussing this morning the substitute bill proposed by the Senator from Oklahoma [Mr. GORE]. Whether or not they will agree on that, I do not know; but I want to say to the Senator from Pennsylvania [Mr. KNOX] that there is only one bill before the Senate. There may not be any other. The arguments that are being had now are on provisions which would be in any bill which might be presented to the Senate, and the very matter which is being discussed now I think is in the proposed substitute of the Senator from Oklahoma; so that the discussions are not wasted.

Mr. OVERMAN. Mr. President, will the Senator yield to me for a moment?

Mr. CHAMBERLAIN. I yield.

Mr. OVERMAN. The Senator is on the Appropriations Committee. Does he not believe it would be wise to form a subcommittee to examine into all those buildings in the blocks opposite the Willard Hotel, together with the Maltby Building over here, and see whether, by the appropriation of a certain amount of money, those buildings could not be put in the necessary condition for this bureau, and save this Government, if possible, this amount of money? Of course \$200,000 does not amount to much nowadays, but still I think it might be a good plan, if we could, to save it. It would be that much saved, anyway.

Here are these buildings unoccupied on the most important corner in Washington. With a little expenditure of money they could be made useful for any department of this Government. They are not built of Indiana sandstone; they are not built of marble; but that great hotel and the great Cornwell Building are well built. If a subcommittee could be appointed to investigate the matter, then, if the conditions are such that they can not be occupied, of course everybody would be in favor of giving these people new buildings. We can utilize those buildings. The question comes up here at every session, and I must say without the Senate giving it consideration. It seems to me we should save this money. Those buildings could be put in a condition by a small expenditure of money, and it would save this outlay of \$200,000.

Mr. CHAMBERLAIN. The Senator from North Carolina is a member of the Committee on Appropriations, and he has heard the question of the lack of accommodations for the Government offices discussed time and time again before that committee. We are paying now, if I recollect aright, something like \$400,000 a year for rent.

Mr. OVERMAN. Eight hundred thousand dollars.

Mr. CHAMBERLAIN. We are paying \$800,000 in rent. The gentlemen who appeared before the committee stated it would be cheaper to expend \$200,000 in temporary buildings than to have to rent buildings that would accommodate this bureau.

I wish to say again that there is no assurance that in the discussion of any bill before the committee any agreement would be reached, so that in the last analysis the bill which is now pending before the Senate is a bill which will have to be gotten into shape. I have been opposed all the time to referring the bill back to the Committee on Agriculture.

Mr. SMITH of Michigan. Let me ask the Senator from Oregon what this appropriation of \$150,000,000 is to be used for?

Mr. CHAMBERLAIN. It is to be used under either this bill or any substitute that has been proposed for the purchase of grain and other commodities.

Mr. OVERMAN. The item we are considering in section 16 appropriates \$2,500,000.

Mr. CHAMBERLAIN. The Senator from Michigan asked me about the appropriation of \$150,000,000.

Mr. SMITH of Michigan. I asked particularly about the appropriation of \$150,000,000. It seems to me that that vests very great discretionary power. The only limitation on it is that it shall not be expended for the purposes described in the preceding section. If that is the only limitation on the use of the \$150,000,000 by some head of a department not already created, it seems to me it is a very loose way of doing public business.

I think there should be an amendment made to section 16 that none of the moneys hereby appropriated shall be used in the construction or equipment of any building, temporary or permanent, in the District of Columbia, and I think that the use of the appropriation of \$150,000,000 provided for in the other section ought to be restricted. It is perfectly absurd to pass that amount of money here.

Mr. VARDAMAN. May I ask the able Senator from Michigan if there is any restriction upon the appropriation or anything else in the provisions of this bill? It seems to me that it is too great a discretion to be left to the administration. Really it is so far-reaching in its consequences that I doubt the wisdom of vesting such discretion in any one man. I should like to have information as to the basis of the calculation for the \$2,500,000 to be used for office expenses. I should like also the basis or the facts upon which the President bases the recommendation for an appropriation of \$150,000,000 to be used by the food dictator. Does the Senator know whether there is such a basis or statement of facts?

Mr. SMITH of Michigan. There is none.

Mr. VARDAMAN. The fact is we are spending public money like a drunken pirate. Any department can ask for an appropriation for any amount and it is voted without a word of protest. We are spending so lavishly funds wrung from the toilers of this country by taxation and the sale of bonds that this sum is merely a lagniappe—a tip to the waiter.

Mr. SMITH of Michigan. The truth is that there is no estimate. The appropriation of \$150,000,000 here and \$150,000,000 there prompts me to say—

Mr. SMOOT rose.

Mr. SMITH of Michigan. If the Senator from Utah will pause for a moment, I have read this bill through from one end to the other, and I do not think the bill now under consideration is comparable to the bill which the Senate has already passed and which is now in conference. I can not understand for the life of me why that conference committee does not proceed with the bill, making it a crime to corner food products at a time like this, fixing certain limitations and restrictions upon the right of storage and otherwise protecting the public from gambling in foodstuffs, which that bill so successfully does. I refer to House bill 4188. It is the bill with which the public is concerned. I think the public have gotten the wrong impression about the bill now pending before the Senate. The bill they are interested in most is the bill which will prevent gambling in foodstuffs and cornering them for the purpose of raising the price.

Mr. VARDAMAN. I understand that the Senate passed that bill more than a month ago.

Mr. SMITH of Michigan. It was passed more than a month ago, as the Senator from Mississippi says, and was passed with-

out a roll call and with practical unanimity, and yet it never went to conference until a week ago, and only two conferences have been held. I do not understand why a bill so wholesome as that, calculated to restrain the rapacity and the greed of people who have made a business of speculating in foodstuffs, can not be brought forward from the conference committee. It is a most wholesome bill. If that bill were now pending and we were drifting along as we are drifting with the present bill, if the Senate were drifting along with that bill unacted upon and the unfinished business before this body, the Senate would be properly the subject of severe criticism. It is a bill which will save the people from the difficulties under which we now labor. It will prevent gambling in foodstuffs. It will prevent their undue storage. It will prevent an attempt to inflate values by securing the product by a deliberate plan. The bill has been passed, and it only awaits the action of the conferees. I can not understand why this bill is not brought back here.

Mr. REED. Does not the Senator know why it has not been acted on?

Mr. SMITH of Michigan. No; I do not know. I know the Senator from Missouri has been very much interested in that bill, as I have been and as other Senators have been, and we have in one way and another exchanged views about it here in an indefinite sort of way, but I do not understand why it has not been passed.

Mr. REED. I think I can tell the Senator.

Mr. SMITH of Michigan. I should like to know.

Mr. REED. It was stated here on the floor three or four times. Perhaps the Senator was not present.

Mr. SMITH of Michigan. Yes; I have been present every minute. I have heard everything going on.

Mr. REED. It has been held up by friends of this bill, because it was thought if that bill, the one the Senator has referred to, were allowed to become a law, it might be soundly urged that it was unnecessary to pass this bill.

Mr. SMITH of Michigan. I think the Senator is entirely correct. I was suspicious that that was true.

Mr. CHAMBERLAIN. Let me interrupt the Senator a moment. I am not on the conference committee, but I think the Senator from Missouri ought to modify the statement he makes as to friends of the bill. I understand now that some of the friends of the pending bill who are on the conference committee have been trying their best to get it out of conference.

Mr. REED. I did not say all the friends of this bill.

Mr. CHAMBERLAIN. The Senator said the friends, without qualification.

Mr. REED. I should have said by friends of this bill.

Mr. CHAMBERLAIN. That is all right.

Mr. REED. And some of them are pretty high up.

Mr. CHAMBERLAIN. That is true.

Mr. SMITH of Michigan. The bill which passed the Senate makes it a criminal offense to do the very things about which the country is so much disturbed. The bill says, on page 12:

If at any time during the pendency of the existing war between the United States and the German Empire the President of the United States shall find that such dealings in futures, in or about any grain exchange, unduly, or unreasonably, raise or enhance the price of wheat or other food cereals, to the injury of the people of the United States, he may at once request the traders in such exchange to discontinue for a time specified by him all dealings in futures.

This is such a pertinent and wholesome and helpful and necessary piece of legislation that some pressure ought to be brought to bear upon the Senate conferees to see if we can not get action upon the bill. If the word "fuel" was stricken out of the pending bill and added to the bill that has already passed the Senate, the bill now lying upon our tables as the unfinished business would not be necessary at all. It would reach the very difficulties which we complain of. If that bill is being deliberately held up for the purpose of whipping Senators into line for the creation of a new department over which any individual may be asked to preside, I think it is time the Senate displayed its independence and its patriotism by stopping such a proceeding as that.

I want to see the bill now in conference reported back, and if our conferees are unable to make any headway I would be in favor of discharging them and appointing other conferees in their places.

Mr. REED. I do not think the trouble is with our conferees. The trouble, I think, is with the House conferees. I think they are acting under instructions, but not instructions from the House.

Mr. SMITH of Michigan. Well, it is a very unfortunate situation that a bill as necessary, which passed the Senate unanimously and without a roll call, can not be brought back here for final action.

Mr. JOHNSON of South Dakota. Mr. President, I have not taken up five minutes on the floor of the Senate to discuss the

bill under consideration, but I believe the causes which are holding the bill up, referred to by the Senator from Michigan [Mr. SMITH], are identical to those which are delaying this bill, which has now been before this body since the middle of June. I see by this morning's paper that the President is very much dissatisfied with the action of this body yesterday in putting off a final vote upon this bill until the 21st.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER (Mr. HARDWICK in the chair). Does the Senator from South Dakota yield to the Senator from New York?

Mr. JOHNSON of South Dakota. I do.

Mr. WADSWORTH. Will the Senator indicate the dispatch or article in the newspaper which describes the displeasure of the President with the Senate?

Mr. JOHNSON of South Dakota. It was the letter I referred to published this morning.

Mr. WADSWORTH. I understood that was Mr. Hoover's displeasure.

Mr. JOHNSON of South Dakota. Mr. President, the bill before the Senate is an administration bill, as I understand, and I believe the Senator from New York knows as well as everyone knows that it has the approval of the President of the United States. This measure was introduced in the Senate on the 15th of June and reported out from the committee on the 16th of June. A bill similar to the Senate measure passed the House nearly three weeks ago, and every Member of the Senate has had ample opportunity to become thoroughly familiar with its provisions.

I am not able myself to understand why a body of men like the United States Senate can not determine in a month whether they desire to vote for a bill or whether they desire to vote against it.

We have been told that this bill was not in the proper form, and from that day those opposing it began to beat the tom-tom. They commenced to fight shadows and raise constitutional questions. I am not going to discuss that phase of it, because I am not a lawyer. I will say, however, that the greatest surprise of my life was when the senior Senator from Tennessee [Mr. SHIELDS] defined the difference between the Federal Constitution and State constitutions. If I remember his explanation, it was to the effect that each State has all the powers of government not prohibited in its constitution or surrendered to the Federal Government, but that the Federal Government has only the powers that are expressly granted to it in its Constitution.

If I am mistaken in this in a general way, I should like to be corrected.

The only comment I desire to make is that, as I view it as an ordinary layman, both State and Federal constitutions come from the people, and it is a peculiar thing, to my mind, without any knowledge on the subject, that State constitutions lead in one direction and the Federal Constitution leads directly opposite. But I am not going to discuss that, because I am not capable of doing so intelligently.

The claim has been set up that the bill before the Senate would demoralize business. I ask the question: What business?

If it demoralizes the business of the food speculators, many of whom ought at this time to be in the penitentiary and should have been there long ago, then I say let us demoralize it.

I myself do a good deal of farming. I am a producer. Perhaps no one in this body produces more than I do.

I believe that this bill will be a benefit to every producer in the United States. I believe that it will be a benefit to every citizen of the United States. I look at it, Mr. President, as the most important bill for the people generally that has been before Congress at this special session. I think this body is doing the people of the United a very great wrong by allowing this measure to drag along as has been done. Every man has his right to oppose a measure, but the great trouble has been that there are many opposing this measure who have not had the courage—and I mean the word I use—to come out in the open and state their reasons why they are against it.

I believe that the packers of the United States, the owners of the great terminal elevators of the United States, and the great storage concerns of the United States are lending all the assistance they can to those who are opposing this bill.

There has been a good deal of talk among Senators claiming to be favorable to this bill about desiring to help the President in this great fight on monopoly and about voting vast sums of money for that purpose. That is all right, Mr. President, so far as it goes. It is an easy thing for us to vote away vast sums of money, and we ought to do it in a case of this kind; but there are greater things than that. Many Members of this body, sitting in their senatorial dignity, seem to be afraid to give the President of the United States, the Commander in Chief of the

Army, the real power necessary to carry this great war to a successful termination.

Mr. President, there is no power that I would not give to the man who is held responsible for the successful prosecution and termination of the war that he might ask for, and in withholding that power we are only withholding that which is of vital importance not only to our sailors and soldiers and their families, but also to the families of the citizens of this land generally. Can it be possible that we can justify our position in refusing to grant him the power necessary to regulate the living expenses of our people in time of war? That is the power which is needed now, and it is much greater to my mind than the power of appropriating money.

All of the basic products of the United States, such as lumber, coal, foodstuffs, and everything of that kind, should be regulated during the period of this war at least; and instead of endeavoring to fix prices upon these articles let the Government say to those who handle them: "You may make a reasonable per cent of profit, and only a reasonable per cent." If they are patriotic citizens, if they are good citizens, they would be satisfied and would not continue along the path of what is worse than highway robbery, as they have been doing.

Mr. President, when the conscription measure was under consideration, in the few remarks which I then made I said that I was opposed to any age limit put on those conscripted. I pointed out then, and I am more firmly convinced now than ever, that it was the right solution, that all could then serve in some capacity in the hour of their country's need if they were called into service. Then if the manager of one of these big food depots of the country should refuse to run his business for the benefit of the country in war times at a reasonable profit, he could have been conscripted by the Government and been compelled to run his business for the real benefit of the people. If that had been done, Mr. President, I believe this food problem and all other matters pertaining to the living of the people of the United States would have been solved in a correct and truly democratic manner.

I do not care to take up more time in my few remarks; but I desire to say, in conclusion, that the people of the United States—those who are suffering under existing conditions, and will continue to suffer in a greater degree as time goes on—are watching the action of this Congress. We will have hard work to convince them that it took us a month to make up our minds whether we wanted to vote on this bill or whether we did not—a bill of the greatest importance to all of the people.

Let me further say to you, in conclusion, that the Senate of the United States is discrediting itself in the eyes of the people with its dilatory and do-nothing tactics in connection with this bill and its failure to act promptly. Every Senator knows this as well as I do.

The PRESIDING OFFICER (Mr. KING in the chair). The question is upon agreeing to the committee amendment.

Mr. WADSWORTH. I ask that the amendment be now read. I understand there have been some changes made in it.

The PRESIDING OFFICER. The Chair is advised that there were no changes made in respect to the amendment under consideration. The amendment will be reported.

The SECRETARY. On page 22, embracing lines 7, 8, 9, and 10, the committee proposes to strike out the following words:

*Provided*, That all persons, excepting persons serving without compensation, shall be appointed in accordance with the provisions of the civil-service act of January 16, 1883.

Mr. SMOOT. Is that on page 22, beginning in line 7?

The PRESIDING OFFICER. It is on page 22 of the old print of the bill.

Mr. SMOOT. Mr. President, as expressed before, I hope the Senate will not agree to that amendment. The House provided that these employees should be under civil service, and so long as this is a lump-sum appropriation the appointments ought to be under the civil service. Otherwise it is going to cost the Government of the United States nearly twice the amount of money that it otherwise would. I sincerely hope that the Senate will not adopt the amendment.

Mr. HOLLIS. Mr. President, I very much hope the amendment of the committee will be adopted. I made substantially the same argument at the time the farm-loan bill was before the Senate that I wish now to make, and I do not know that I can add much to that, except to say that the present emergency is deeper and greater and more serious in its consequences.

When a bureau is to be newly established, it is almost impossible within a reasonable time to create an entirely new set of officials.

Mr. OVERMAN. Will the Senator allow me to interrupt him a moment?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from North Carolina?

Mr. HOLLIS. I yield.

Mr. OVERMAN. I want to suggest to the Senator from New Hampshire that if this provision were adopted it would be impossible to get the employees. If there were an appropriation for the holding of an examination by the Civil Service Commission it would take three or four months to get the employees on the eligible list as the result of the examination. The Senator from Utah [Mr. SMOOT] will remember that in the last appropriation bill we had to insert an appropriation of \$20,000 additional in order to hold civil-service examinations, because the civil-service funds were practically exhausted. All these great departments have demanded during these war times many additional employees, but they can not get them, and if we do not adopt some such provision as this it will be impossible to administer the law. How low would it take to hold such examinations? At least three or four months, if the money was available for that purpose; but we should have to make an additional appropriation in order to enable the Civil Service Commission to hold examinations.

Mr. HOLLIS. Mr. President, I should like to continue my remarks. I was going to say precisely what the Senator from North Carolina has said.

Mr. OVERMAN. I beg the Senator's pardon.

The PRESIDING OFFICER. The Senator from New Hampshire declines further to yield.

Mr. HOLLIS. The reason I interrupted was because the Senator from Utah [Mr. SMOOT] rose, and I thought he wanted to reply to the Senator from North Carolina [Mr. OVERMAN].

Mr. OVERMAN. I beg the Senator's pardon. I agree with him.

Mr. HOLLIS. I am very glad to have the Senator from North Carolina give me that information, because it comes from an authoritative source.

Mr. SMOOT. I want to say to the Senator—

Mr. HOLLIS. I want to finish what I have to say now, if the Senator will pardon me.

Mr. SMOOT. I merely wanted to correct a statement made by the Senator. The Senator from Utah did not rise to ask to interrupt the Senator from New Hampshire.

Mr. HOLLIS. The Senator from Utah, as I understood, was rising to reply to the Senator from North Carolina; but that is immaterial.

I do know, as a matter of fact, that the Civil Service Commission is crippled at this time for lack of funds to do its ordinary work. It is my impression that the Senate Appropriations Committee reported an appropriation that was asked for by the Civil Service Commission, and it was agreed to by the Senate, but that the House conferees insisted on cutting it out; at least, it went out because the House insisted that it should. I do know that the Civil Service Commission is now called upon to supply hundreds and thousands of employees for the War Department, something that has not before been done; but to undertake to start out a new bureau of this sort under civil-service rules would be a very foolish proceeding. I say this as a friend of civil service. I am on the Civil Service Committee; I believe in civil service absolutely. After the Farm Loan Board had gotten started and the Appropriations Committee thought they should submit schedules of the employees they wanted I had no particular objection. I did, however, object, as some Senators will remember, to cutting the salaries of the members of the Farm Loan Board, but I do feel that if this measure is worth passing, if we are to go at it with vigor, we can not afford to cripple the administrators by the civil-service rules. I therefore hope the committee amendment will be adopted.

Mr. McCUMBER. I desire to ask the Senator in charge of the bill if he will not accept an amendment to the amendment which he has proposed? It has been stated here—and I think accurately—that where appropriations have been made in lump sums salaries have been paid sometimes 300 per cent higher than salaries for like services in other departments which are under the civil service. Now, it seems to me that there ought to be some protection or some shield against the payment of exorbitant salaries or wages. I therefore ask the Senator if he would have any objection to adding at the end of the amendment the following words:

All salaries and wages paid under the provisions of this act shall be the equivalent of salaries and wages paid in other departments of the Government for like services.

Mr. CHAMBERLAIN. I have no objection to that, Mr. President.

Mr. McCUMBER. I offer that amendment.



The PRESIDING OFFICER. As the Chair is advised, the pending amendment relates to striking out lines 7, 8, and 9, and the amendment of the Senator from North Dakota would not be appropriate to the amendment under consideration.

Mr. McCUMBER. I appreciate that fact, Mr. President, and will offer my amendment to the other amendment, when the one pending is disposed of.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. NORRIS. Mr. President, I do not remember that any particular reason was given why this language should be stricken out, at least at any meeting of the committee when I was present. Personally I do not see why the civil service should not be applicable at the starting of a bureau of this kind as well as to have it applicable later on. Certainly the temptation to make it partisan and to make a political machine out of it would be taken away. I am not charging, nor do I believe, that that would be done if the amendment were agreed to, for, so far as I know, there has been no reason given of a partisan nature why the provision as to civil service should be excluded from the bill; but I believe, Mr. President, that these employees could be selected by the Civil Service Commission better than by any other bureau or set of men. They must be selected by somebody. They will be selected under certain rules and regulations, if they are to be efficient employees, if the right men and women are selected. The Civil Service Commission do nothing else except that kind of business; they are better equipped to do it than is anybody else, and I do not see any reason why they should not do it. Therefore I do not think that the language proposed to be stricken out should go out of this bill.

Mr. OVERMAN. Mr. President, if the bureau is established, how will it get employees from the Civil Service Commission?

Mr. NORRIS. They would have, in the first place, I presume, an investigation made as to the nature of the work to be done and the kind of men and women who ought to do it, determine when examinations should be held, and then hold the examinations, to take which everyone who desired could apply.

Mr. OVERMAN. The Senator does not understand my question. These prospective employees will have to stand an examination if they are to be appointed under civil service. How are the examinations going to be held? The Civil Service Commission came before the Appropriations Committee and said that they needed to provide a list of eligibles for the War Department, and asked us for an appropriation of \$20,000 to hold examinations. We put that amount in a bill then pending in the Senate, but I understand now they have no appropriation available to hold examinations.

Mr. NORRIS. I do not know anything about the appropriations.

Mr. OVERMAN. It takes at least three or four months to hold these examinations and to establish an eligible list. The War Department, the Navy Department, and other departments have not been able to get the stenographers they need, although they have brought, as the Senator probably knows, in the neighborhood of 6,000 people to Washington. The list has now been about exhausted, and it will take three or four months to get another list from which eligibles can be appointed.

Mr. NORRIS. The Civil Service Commission could get employees just as quickly as the heads of the bureau could get them—

Mr. OVERMAN. Not at all.

Mr. NORRIS. Unless they select them at random and make a political machine out of it.

Mr. OVERMAN. I do not think anybody is going to make a political machine out of it. I do not have any idea that that will be done.

Mr. NORRIS. I hope not. I do not think any of us want that to be done.

Mr. OVERMAN. I sincerely hope not.

Mr. NORRIS. I have no doubt of that.

Mr. OVERMAN. What I meant to say was that it would be necessary for the Civil Service Commission to give notice and to send officers to conduct the examinations.

Mr. NORRIS. Will not that have to be done in any event, unless the employees are picked at random? If the Senator himself were appointed by the President at the head of this bureau, and he wanted to get a number of stenographers, a number of clerks, and a number of other assistants, he would have to adopt some method of selecting them.

Mr. OVERMAN. Yes.

Mr. NORRIS. He could not pick them at random on the street corners.

Mr. OVERMAN. That is what I am talking about—

Mr. NORRIS. The Civil Service Commission is better equipped to do that than the Senator would be, because the machinery, to a certain extent, or at least the nucleus of the machinery, is all there. They know how to do it; they have had experience along that line; and they could get at it more quickly. They have their assistants and secretaries in every State and important city in the Union, and they could cover the whole country almost overnight.

Mr. OVERMAN. Suppose they wanted to appoint some good farmers in Nebraska, does the Senator suppose the farmers would stand a civil-service examination?

Mr. NORRIS. I should think so.

Mr. OVERMAN. Mr. President, I have no idea that they would. It is mighty difficult in my section of the country to get anybody to stand a civil-service examination for anything, I am told.

Mr. NORRIS. Suppose the Senator wanted a stenographer and went out into the country and found a man plowing corn, and said, "Here, I want you to be a stenographer," would he get employees in that way?

Mr. OVERMAN. I could go and get a stenographer in some office who had not taken the examination and who would not stand an examination. I might want an expert in farming, and I could go to some good farmer somewhere, or I could correspond with some farmers' association, or with the governor of the State, and in that way get a better man than one who could stand an examination, but who might not be competent.

Mr. NORRIS. That may be true; but, if a farmer was wanted, the Civil Service Commission would have a method of examination for a farmer, which would, of course, be entirely different from a stenographer's examination. In this case, however, the bureau will not be desirous of securing farmers; they will want to get clerks and stenographers. A great many assistants of that character will be required.

Mr. POMERENE. Mr. President—

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

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

Mr. POMERENE. Of course, when it comes to the selection of stenographers and typewriters and, perhaps, bookkeepers, I assume that there is some one connected with the Civil Service Commission who is capable of conducting examinations of that kind; but the question comes up here with regard to food distribution, the production of food, and so forth. Can the Senator name anybody connected with the commission who is competent to conduct an examination on those subjects?

Mr. NORRIS. I can not even name a stenographer there; I can not even name offhand the heads of that commission; but I will say to the Senator that most of those employed in the proposed new bureau will be bookkeepers and people of that kind. A great many stenographers, a great many clerks, a great many bookkeepers will have to be appointed and there is hardly any class of employees for whom the Civil Service Commission could not hold examinations and establish a list of eligibles. They can hold examinations for lawyers, for bookkeepers, for farmers, for clerks, for stenographers, or for any class of employees. Selecting employees is part of their business, and they are equipped for it. The Civil Service Commission is the organization of the Government which we have organized and equipped to do that kind of work. Somebody must do it, and we had better have some one who is an expert secure these employees than to have them selected offhand without any reference to their qualifications.

Mr. SMOOT. Mr. President, this applies to section 16 only, and provides for the employment of stenographers and clerks mostly here in the District of Columbia. Now, let me tell you what is going to happen if this provision is stricken from the bill.

The officials of the bureau will go to work, and they in many cases will select from the other departments of our Government the very best stenographers and clerks they can get. They will raise their salaries 25 to 50 per cent; and then the other departments of the Government will have to go to the Civil Service Commission to get clerks to replace those that will be taken away from them.

Mr. POMERENE. Mr. President—

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

Mr. SMOOT. Just as soon as I finish this statement I will yield. When the next appropriation bill comes before our committee, the heads of all of these other departments will appear before the committee and say: "We could not keep our clerks of the first and second and third and fourth classes; we could

not keep our best stenographers. They were taken by the new bureau, just the same as has happened in the past."

Mr. POMERENE. Mr. President, the senior Senator from North Dakota [Mr. McCUMBER] just a minute ago offered an amendment which would prevent the very thing which the Senator is criticizing.

Mr. SMOOT. Well, that amendment has not been adopted. Then this is what the result of that will be: They will take an employee from one class of work in one department and advance him to another class, and claim it is not for similar work. I speak from actual experience, because I have served on the Appropriations Committee for years; and I know what the heads of the other departments that have to operate under the civil service say, every time an appropriation bill comes before us, in relation to giving them extra help or increasing the salaries of employees of those departments.

Mr. POMERENE. Mr. President, is it quite fair to say that that evil, if it exists—and I have no doubt it does exist—would be accentuated by this provision of this bill? Is it not rather due to the fact that there has been a feeling in all of these departments that the wages of the employees, and particularly of those in the lower classes, ought to be increased?

Mr. SMOOT. I will say to the Senator that I am not charging this up to the head of this bureau nor the men who do the work under the head of the bureau. It comes about in this way, and is just as natural as life itself: Every employee of our Government is looking for an advance. They want to be advanced; and when one of them gets to be a clerk of class 4 he has got to secure a promotion or his wages can not be advanced under the law, because the law fixes the salary of a clerk of class 4. Now, when a new bureau is created, if that bureau does not come under the rules of the civil service, there is not a clerk in any department of this Government but what knows at once that he has a chance of an advancement in salary. I am simply speaking of our experience in the past.

Mr. POMERENE. Does not the Senator overlook the fact that this is purely a temporary department?

Mr. SMOOT. No.

Mr. POMERENE. These clerks would be likely to lose their positions if they got over in this temporary department.

Mr. SMOOT. Well, Mr. President, I have seen too many chances taken by them in the past; and I do not blame them, as far as that is concerned, for getting all that they possibly can. I do not want it understood that I object to their trying to secure an increase. I am only telling the Senate what the result will be.

If the Senate wants to take that responsibility, well and good. However, if it is adopted and this money is to be expended outside of the civil service, I say now, without fear of successful contradiction, that it will cost our Government 25 per cent more than it would if the civil-service rules applied.

It is for that reason, and that only, that I hope the amendment will be rejected.

Mr. JONES of Washington. Mr. President, we have had some rather startling suggestions and statements made here today. It has been stated that a bill which passed the House of Representatives some time ago and came over to the Senate, and was amended here, and then passed the Senate, is being delayed in conference under pressure outside of Congress, and for the very purpose of forcing the passage of this bill before that

I know, Mr. President, that some of the Senate conferees on legislation is enacted.

that bill have been very earnestly in favor of early action upon it. I know that the Senator from Iowa [Mr. KENYON], who is a member of the conference on the part of the Senate, for some time called attention to the fact that this bill had not gone to conference, and that he was especially insistent that the bill should be sent to conference, so that an agreement of some kind might be reached and brought back to the two Houses. So I feel safe in asserting that the Senate conferees are not to blame for the delay in acting upon that bill.

It is a peculiar situation, to say the least of it, that a measure of the importance of House bill 4188 should be held up in conference with a view to forcing action by one of the coordinate branches of the Government upon another bill. House bill 4188 was supposed to be an administration measure. It was a measure considered of very great importance in the present crisis, and it was urged and presented as the first bill, and was passed by the House, and came over here. We were criticized very severely because we did not pass it promptly. I think the Senate did act pretty promptly upon that measure.

When the bill came upon the floor of the Senate, after careful consideration, two very important amendments were put upon it—two amendments which, in my judgment, would very largely meet the demands of the public sentiment of this country. As

I see it, what the people of this country really would like to have is legislation that would prevent the storing and hoarding of food supplies for the purpose of exacting exorbitant prices from the people for those food supplies; and they would like to have gambling in farm products stopped. If those two things were done, and the people left to their normal activities, in my judgment the food problem would be largely solved, and the public sentiment of this country would be met and the interests of the producers and consumers largely served.

The Senate put two amendments upon this bill. One of them is section 10, which provides very stringent penalties against the hoarding of foodstuffs for the purpose of exacting exorbitant rates from the consuming public; and section 33 was a section which, in my judgment, would go a long way to stop and prevent gambling in food products. The bill was passed with those two very important propositions in it. I think it was so important that the people of the country have a right to criticize anybody or any part of the Government that delays early action upon those two amendments.

As was said a while ago, the bill passed the Senate a month ago. It was not sent to conference until about a week ago, and apparently nothing has been done in the conference. It was stated broadly a few minutes ago on this floor that the delay was caused by pressure outside of either House of Congress, and that the delay is being caused in order to force the passage of this measure. Mr. President, if that is so the people of the country ought to know it, and they ought to have an opportunity to express themselves with reference to such action as that.

Now, Mr. President, another suggestion was made.

Mr. POMERENE. Mr. President, may I ask the Senator whether he has personal and direct information that pressure has been brought to bear to delay that conference?

Mr. JONES of Washington. Mr. President, I did not make that assertion on the floor of the Senate. The Senator from Missouri [Mr. REED] made that assertion on the floor of the Senate a while ago. I am satisfied that he had good reasons for making it and that he can answer the Senator from Ohio.

It was also suggested that the bill that we are now considering should be sent back to the committee. It was stated that the committee is considering the matter of submitting to the Senate a substitute.

I do not think a suggestion of that sort ought to be entertained for one moment. I do not believe that the Senate ought to abdicate its functions in behalf of any committee. If anybody should abdicate them, it should be the committee. The committee is simply the servant of the Senate.

What has been the course of this bill? A bill similar to the House bill was introduced in the Senate on the 15th of June by the Senator from Oregon [Mr. CHAMBERLAIN] and referred to the Committee on Agriculture and Forestry. On the 16th of June it was reported from the committee to the Senate without any amendment. We have a right to assume that the committee gave some consideration to the bill.

Mr. WADSWORTH. Mr. President—

Mr. JONES of Washington. But I think it was stated on the floor of the Senate—I am not sure, but my recollection is that it was stated on the floor of the Senate by the chairman—that it was reported without amendment because the committee seemed to be so divided that they were not able to reach a committee decision with reference to it; and so it was brought to the Senate for its consideration without any recommendation.

Mr. WADSWORTH. I was going to suggest to the Senator that not only was it reported without amendment but also without recommendation; and I doubt if the committee intended to make any recommendation upon that bill until it had been discussed for some time.

Mr. JONES of Washington. Well, there was no recommendation made. The Senate bill was considered for a few days, and then the House bill passed the House and came over here, and was referred to the committee. It came over here on the calendar day of June 25, and was referred to the Committee on Agriculture and Forestry. That committee, as I understand, gave special consideration to that bill, spending a great deal of the time of two days on it, and on the 27th of June it was reported to the Senate with a great many amendments, which, I understand, had the approval of the committee; and we have the bill here with these various amendments recommended by the committee.

The Senate has been at work on this bill now for a good many days. We have amended it in various particulars. We have amended the committee amendments. We have gone through the bill for the consideration of the committee amendments, and we have reached page 22 in the consideration of committee amendments. There are only 24 pages in the bill, and, aside

from the amendment we are now considering, there are only three other committee amendments.

Mr. WADSWORTH. Four. Section 3 was passed over.

Mr. JONES of Washington. I was going to say that some amendments recommended have been passed over. We will go back to them.

In this state of affairs, after we have considered nearly all the committee amendments and after we have left one or two, possibly, for further consideration by the Senate, it is now suggested that because the Agricultural Committee has seen fit to have a meeting for the purpose of considering whether or not it will propose a substitute, the Senate should stop the consideration of this bill and wait upon its committee. I think not, Mr. President. I think the Senate should go on, consider these committee amendments, and make this bill. The Senate will make the bill in any event. The Senate has more jurisdiction and more power over the bill than the Committee on Agriculture and Forestry. As a matter of fact, it has no jurisdiction over the bill now, as it is before the Senate. If that committee sees fit to consider the proposition of submitting a substitute, very well. I am glad it is trying to get matters in good shape. It is to be commended for that. It can report its substitute or bring it out and propose it as an amendment to this bill; but this bill ought not to be recommitted. Furthermore, after we have been considering it all this time, the Senate on yesterday reached a unanimous-consent agreement upon this bill and set it for a final vote on the 21st of this month.

Mr. CHAMBERLAIN. Mr. President—

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

Mr. JONES of Washington. I do.

Mr. CHAMBERLAIN. I want to say to the Senator that I am glad he takes that position. This bill is now before the Senate, and of course it can be perfected just as completely in the Senate as it could be in the committee.

Mr. JONES of Washington. I certainly think so. I do not believe the Senate has any right, under the unanimous-consent agreement, to refer this bill back to the committee except by unanimous consent, and I do not believe that by a majority vote we could practically set aside a unanimous-consent agreement and refer this bill back to the Committee on Agriculture and Forestry. At any rate, I do not think we ought to do it.

Mr. PAGE. Mr. President—

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

Mr. JONES of Washington. I do.

Mr. PAGE. I want to say to the Senator that the committee will not change section 12 in the slightest respect in any recommendation it may make. It has simply taken for that section the unanimous-consent-agreement provision and made that section absolutely identical with the section that we have passed.

Mr. JONES of Washington. As the Senator has just come in, I will state that I have not referred to section 12 at all in my remarks, but I was coming to it. I was going to do it, but I had not done it.

Mr. PAGE. Is there any unanimous-consent agreement that would in any way prevent the committee from passing upon or considering an elimination of the many articles we had in the original bill?

Mr. JONES of Washington. Not at all.

Mr. PAGE. For instance, in the original bill there have been included cotton, hides, and leather, the manufactures of iron, and so forth. In the bill that the committee have been trying to perfect and improve we have eliminated everything except wheat, meal, coal, potatoes, and beans. We have tried to improve the bill. We thought it was entirely proper to make improvement if we could except as to section 12, which we have in no way changed.

Mr. JONES of Washington. Mr. President, I do not want to criticize the Committee on Agriculture and Forestry; but it seems to me, from the statement of the Senator from Vermont, that it is assuming to know more about what ought to be in this bill than the Senate itself. The Committee on Agriculture and Forestry, when it reported this bill, did not recommend that cotton and wool and hides and skins be put in it; but the Senate itself, by a vote of the Senate, did put those things in, and the Senate amended the bill that it had under consideration by inserting those articles. In other words, it has been the expressed judgment of the Senate that those articles should be in the bill. Now the Senator says that the Committee on Agriculture and Forestry have come to the conclusion that the Senate was wrong, and they are going to take out those things or recommend that they be taken out. That may be wise upon their part; but I do want to remind the Senator that the Senate

itself put those articles in; that the Senate itself expressed its judgment that those articles should be covered by this bill, and only the Senate can undo that action.

Mr. PAGE. The Senator from Washington is reminded that the Committee on Agriculture does not propose to do more than to ask its chairman at his convenience to make a motion to amend the bill when it is properly up for consideration. I see no impropriety in the committee suggesting to the chairman that he express the views of the committee.

Mr. JONES of Washington. I have already said that the Committee on Agriculture had a perfect right to make a recommendation to the Senate and offer the amendments which have been offered.

Mr. PAGE. That is what the committee propose to do.

Mr. JONES of Washington. I know, but I am calling attention to the situation. I was referring more particularly to the suggestion made on the floor that because the Committee on Agriculture was considering the matter of a substitute we should stop the consideration of the bill here and send it back to the committee. That was the thought I was really referring to when the Senator interrupted me.

Mr. PAGE. Has anyone proposed to send the bill back to the committee?

Mr. JONES of Washington. It has been suggested two or three times by Senators that we should do that.

Mr. PAGE. That is without my knowledge.

Mr. JONES of Washington. The Senator has been engaged with the committee. He was not here.

Mr. PAGE. Perhaps I ought not to bring up the matter at this time, because I suppose the chairman of our committee will, at the proper time, speak for the committee. It has left the matter in his hands to make such motions as will accord with the views of the committee as they have been expressed after a very careful reconsideration of the bill.

Mr. JONES of Washington. Mr. President, I have said about all I care to say with reference to it, and I am going to take only a moment or two more. I was just coming to section 12 to which the Senator referred. As I understand it, section 12 has been disposed of by the Senate. I have understood that it has been, in effect, actually passed by the Senate, because we have gone further than we usually do with these unanimous-consent agreements. In the first place, it is very unusual for the Senate in the consideration of a bill to sit down or dispose of a particular amendment by unanimous consent, but that was done with reference to section 12. We further provided in that unanimous-consent agreement that after the Senate, as in Committee of the Whole, had acted upon section 12 that section should not be reserved in the Senate for further consideration or further amendment. In other words, by the unanimous consent of the Senate section 12 has, in effect, been passed by the Senate.

I noticed in the papers this morning that it was claimed that the Committee on Agriculture and Forestry had reframed a bill, and that they had reframed section 12, and that they were putting in the substitute another provision for section 12. I am glad to have the assurance of the Senator from Vermont that the committee, in whatever substitute it shall submit to the Senate, will incorporate in it section 12 as it has actually been agreed to by the Senate, thereby keeping full faith with the unanimous-consent agreement made by the Senate.

Mr. PAGE. And that is exactly what the committee has done.

Mr. JONES of Washington. I do not believe this statement made in the papers was even the voice of any member of the committee. I think the wish was father to the thought and the father to the expression in that paper, and that it was the expression of some one who hoped that section 12 would be changed in some way. As I said, I am glad to hear the Senators say they are going to report whatever substitute they have with that provision as the Senate adopted it, because it seems to me, Mr. President, that to take any other course would be violative of the good faith and honor of the Senate itself, and that we can not afford to do that.

Mr. President, I am not going to take any further time except—

Mr. CHAMBERLAIN. May I interrupt the Senator again? The Senator would not think it was a violation of the unanimous-consent agreement on section 12 of the bill if a proposed amendment were reported out of the committee leaving section 12 just as the Senate passed it the first time?

Mr. JONES of Washington. As the Senate finally passed it?

Mr. CHAMBERLAIN. Yes; as the section was finally passed.

Mr. JONES of Washington. No; that is what I said. I do not think that would be; but any attempt to change section 12 as it was finally agreed to by the substitute or in any other way would be violative of good faith. I do not think any substitute would even be subject to amendment, so far as section 12 is

concerned, under the agreement under which it has been acted upon.

Mr. CHAMBERLAIN. I asked whether I understood the Senator to mean that it would be a violation of faith to report anything out of the committee by way of a substitute or otherwise but the Senator only feels that it would be a violation of faith to report out an amendment of the liquor provision.

Mr. JONES of Washington. Oh, no; the other was not covered by the unanimous-consent agreement at all. I refer to section 12; that is all.

Mr. President, I have here a comment upon the food amendment as contained in section 12 showing the actual cost of distilled liquors and showing it to be very much less than that contended for by some on the outside. I ask that it may be printed in the RECORD and referred to the Committee on Finance. I think that is where it should properly go.

There being no objection, the paper was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

**THE SMOOT AMENDMENT.**

The Smoot amendment, to the House food bill directs the President to purchase the distilled spirits in bond at cost and not more than 10 per cent profit.

**MISREPRESENTATION BY OPPONENTS OF BILL TO CONSERVE FOODS WASTED IN MAKING LIQUOR.**

The enemies of the bill to prohibit the use of foodstuffs for making liquor now say that the Senate amendment will cost the Government \$1,000,000,000. In the same article they inconsistently argue that it will not aid prohibition, as the liquor interests will withdraw the liquor in bond before the new revenue law and the food bill go into effect.

**WHAT ARE THE FACTS?**

The cost of making a gallon of whiskey is grossly misrepresented by the opponents of this legislation. The following facts were given by M. Marcel, manager of the Anti-Trust Distilleries Co., of Kansas City, Mo.:

*Cost to produce a gallon of whiskey.*

	Cost of 50-gallon barrel.	Cost of single gallon.
9 bushels of No. 2 or No. 3 corn, at 50 cents.....	\$4.50	.....
1 bushel rye and barley malt.....	1.00	.....
Yeast for fermenting.....	.10	.....
Cost of distillation.....	.40	.....
Cost of producing.....	6.00	\$0.12
Copperage for barrel of 50 gallons.....	2.75	.05
Freight and hauling from district to original warehouse.....	1.50	.03
Total cost in warehouse per gallon.....		.20

This represents the cost of practically all the whiskey now in bond. The recent additional price is caused by the war price of corn and other food material. Seven years of whiskey supply is in bond on the above cost basis. Whiskey was recently advertised for sale in Washington at \$1.40 a gallon, which included the \$1.10 Government tax. The same whiskey has now been boosted to \$2 a gallon without the addition of any cost of value to it in the meantime.

The original cost, on the above basis, of 4-year-old whiskey which is ready to take out of bond for beverage purposes is about 21 cents per gallon. Add 10 per cent profit and it would make a little over 23 cents a gallon. It will cost about 2 cents a gallon to redistill, according to Mr. Marcel, distiller. This would make it about 25 cents per gallon if the President gave the full 10 per cent profit, which is discretionary with him.

Senator PENROSE, who is in a position to know, says that there are 208,000,000 gallons of whiskey in bond subject to this purchase, less what may be withdrawn before the President can purchase it under the law. On the above basis the cost to the Government would be only about \$50,000,000. Its value to the Government will be as much or more than this when we consider that by the time the Government would purchase these distilled spirits for munition purposes the liquor dealers will demand the advanced prices of the material, labor, and revenue which will be in effect at that time. From the standpoint, therefore, of economy, this purchase is a wise one. The actual cost of the liquor now in bond is not a matter of guesswork. The Internal Revenue Department has access to every book of the distillers and can determine accurately the cost of each season's crop during the eight years covered by the whiskey now in bond.

**LIQUOR REVENUE A BURDEN TO THE GOVERNMENT.**

Every dollar the Government gets in revenue from the liquor traffic is paid not by the liquor dealer but ultimately by the consumer. It costs the Government many dollars in return to care for the wreckage which liquor causes. The liquor dealer never has and never will ultimately pay this tax. By advancing a few million dollars he gets the privilege to rob the people of two and a half billion dollars every year.

The liquor dealers complained when the Senate passed the Cummins amendment preventing the withdrawal of whiskey for beverage purposes. Banks holding whiskey securities wired the Senate that they would be ruined. Now, when the Government offers to purchase the whiskey this same crowd yells disaster! The reason for their present cry is that the proposed plan prevents the liquor dealer from selling the whiskey at retail at about \$6 per gallon profit instead of a possible 10 per cent profit, as proposed in the Senate amendment.

**SENATE AMENDMENT A BENEFIT TO THE GOVERNMENT AND PEOPLE.**

It takes a barrel of distilled spirits to produce the powder or explosive to fire one of the great guns in this war. When the water is taken out of the alcohol there will only be something like a hundred million gallons. If it takes a barrel to fire one gun this would only leave enough alcohol

to fire 2,000,000 shots. All the alcohol in America, it is calculated, would not make the powder or the explosives for the cannonading for three days in a battle like that of Verdun. The Government can use this liquor to make liquor to kill the enemy instead of killing its own subjects and allowing these selfish interests to make abnormal profits out of it.

This Government never can grow strong by encouraging a traffic and getting revenue from a business which weakens and destroys the two essentials to victory, "Food supply and man power." When the liquor business has been entirely prohibited and the last distillery and brewery closed we will then realize the wisdom of Justice Grier's decision years ago, when he answered this whole revenue bugaboo from the Supreme Court bench in these words: "If there should be a loss of revenue from use of this power, she (meaning the Government) would be the gainer a thousandfold in the health, wealth, and happiness of her people."

JAMES CANNON, JR.,  
A. J. BARTON,  
WAYNE B. WHEELER,  
E. H. CHERRINGTON,  
E. C. DINWIDDIE,  
Legislative Superintendent.

*Legislative Committee of Anti-Saloon League of America.*

Mr. JONES of Washington. I have here a proposition by many of the great church organizations of the country submitting a proposal to take care of the question of revenues that the Government may lose by way of the stoppage of the manufacture of liquors. I ask that it may be printed in the RECORD.

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

**BOARD OF TEMPERANCE, PROHIBITION, AND PUBLIC MORALS OF THE METHODIST EPISCOPAL CHURCH,**  
*Washington, D. C., June 28, 1917.*

**LET THE CHURCHES BUY A BOND-DRY BOND ISSUE TO REPLACE LIQUOR REVENUE.**

In event of national prohibition, we pledge that the churches of the United States will buy \$500,000,000 of liberty bonds annually during the period of the war, which will more than replace the revenue that might be derived from the liquor traffic.

Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church, by Clarence True Wilson, D. D., secretary; Board of Temperance of the Presbyterian Church in the United States of America, by Charles Scanlon, LL. D., secretary; Church Temperance Society of the Protestant Episcopal Church, by Rev. Jas. Empringham, D. D., secretary; the Northern Baptists, by Rev. Samuel Zane Batten, D. D., secretary; Committee on Temperance and Social Service of the Southern Baptist Convention, by A. J. Barton, D. D., chairman; American Temperance Board of Disciples Church, by Rev. L. E. Sellers, D. D., secretary.

Mr. JONES of Washington. I have also a copy of a letter sent by Dr. S. P. Kramer, a very prominent physician of Cincinnati, to Representative LONGWORTH, of Ohio, answering a statement based upon a memorandum prepared by the Fleischman Co. and put in the RECORD a few days ago. I ask that it may be printed in the RECORD also.

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

CINCINNATI.

HON. NICHOLAS LONGWORTH,  
*House of Representatives, Washington, D. C.*

MY DEAR MR. LONGWORTH: The Cincinnati Enquirer of July 7, 1917, publishes an extract from a memorandum submitted by you for publication in the CONGRESSIONAL RECORD, wherein it appears that the abolition of brewing would seriously affect the production of bread by interfering with the manufacture of yeast.

The basis of this memorandum is given as a statement by the Fleischman Co., which is said to produce 90 per cent of the yeast used by the bakers of the United States.

Herein I beg to submit for your consideration a statement relative to this important subject. To begin with, let me say that the Fleischman Co. produce whisky and not beer. The compressed yeast marketed by this company is a by-product of the manufacture of whisky, and the yeast used by the bakers of this country is really an offal of whisky. As the result of a good deal of scientific investigation on my part, I have come to the conclusion that this is a very inferior yeast to that which would be produced as soon as the manufacture of this almost universal poison is prohibited.

Distillers' yeast necessarily is very grossly contaminated by other microorganisms, such as the lactic acid bacillus and various other bacilli. The presence of these bacilli in the yeast is really the cause of the disturbance of digestion which many persons acquire as the result of consuming fresh bread which, as is often the case in this country, has been insufficiently baked.

If, however, yeast were made independently of the manufacture of alcohol, as it will be as soon as our archaic revenue regulations are changed, then the public and the bakers would be supplied with a pure culture compressed yeast, one which does not contain these contaminating microorganisms, and our people would no longer be poisoned either by the narcotic drug whisky or by bread made from contaminated yeast, the offal of the distillery.

Permit me to add that some years ago one of the Cincinnati plants of the National Biscuit Co., Muth's Bakery, was producing and using such a pure-culture yeast. They were, however, threatened with closure of their yeast plant, and this was finally accomplished through the pressure of the Revenue Department by the enforcement of archaic internal-revenue regulations.

When the ancestors of the Fleischman Co. fled from Egypt they fled from the breweries; they had no yeast and were compelled to eat unleavened bread. This we may still eat without sin. The conclusion to be drawn from your statement is that if the people of America wish to eat bread other than matzos they must continue to permit the descendants of the aforesaid ancestors to sell poison to the people.

Very sincerely, yours,

S. P. KRAMER.

Mr. JONES of Washington. I wish to call attention to a statement in a letter from Dr. Kramer to me, in which he says:

As the matter now stands, the whisky men are drawing the whisky from bond to the limit of their credit. All of the available money in this part of the country is going into whisky, which constitutes another grave accusation against the traffic.

Mr. WADSWORTH. Mr. President, I am very glad that Senators this morning have laid emphasis upon the failure of Congress to enact the first so-called Lever bill which was passed by the Senate more than a month ago and went to conference and has since failed to emerge. Senators have referred to those provisions of the bill which are intended to prevent the undue hoarding of food products and to make such offenses punishable by fine and imprisonment, and they have also referred to those provisions of that bill which give the President discretionary jurisdiction over the grain exchanges in the event that the practices or methods indulged in by the members of such exchanges are injurious to the public in the matter of undue enhancement of prices. The President is authorized, as you remember, to correct those practices and issue regulations governing the exchanges.

The Senators, however, have omitted mention of the appropriations carried in that bill which are held up by reason of its failure to be reported from the committee of conference. The appropriations do not seem to be very large as compared with some of the appropriations which we are making but they are directed at exceedingly important undertakings. It will be remembered that some of those appropriations were made for the purpose of enabling the Department of Agriculture in cooperation with the State departments of agriculture and State agricultural colleges or any other suitable agency to carry on a nation-wide thoroughly organized campaign of education in the matter of not only food production but food conservation.

The Department of Agriculture fully expected that the bill would have reasonably prompt consideration. So confident was it that it would have such consideration at the hands of Congress that it laid plans in advance and notified the State governments and the State commissioners of agriculture and the State colleges of agriculture of its plans and invited them to cooperate and perfect the organizations within the States.

The situation resulting from the failure of the bill to be reported from the conference and to receive any final action by the Congress has been very serious in this respect. I have here a letter from the dean of the New York State College of Agriculture at Cornell, one of the greatest institutions of its kind in the world, which I beg leave to read to the Senate in order to show the Senate the seriousness of this situation. It is addressed to me at Washington and says:

NEW YORK STATE COLLEGE OF AGRICULTURE,  
OFFICE OF THE DEAN,  
AT CORNELL UNIVERSITY,  
ITHACA, N. Y., July 2, 1917.

(Albert R. Mann, acting dean.)

Senator JAMES W. WADSWORTH,  
Senate Office Building, Washington, D. C.

DEAR SIR: I am writing you concerning the Lever food-supply bill, H. R. 4188, Calendar No. 59, which carries appropriations for the Department of Agriculture and for cooperative work between the Department of Agriculture and the States. Our immediate interest is in the paragraph carrying the appropriation of \$4,348,400 "For increasing food production and eliminating waste and promoting conservation of food by educational and demonstrational methods through county, district, and urban agents and others."

He continues:

You undoubtedly know that in anticipation of the passage of this act officials of the Department of Agriculture—

That means here in Washington—

wrote to the various States indicating expected apportionments to each State for cooperative work in agricultural and home economics county agent work. For New York State the original apportionments were indicated, as follows: For county-agent work, \$59,300; for women's county agents, \$50,500; for home economics in cities, \$53,400. This was based on the original request of five and one-half millions for the above item. When Congress reduced this amount to \$4,348,400, on which we understand both Houses agreed and the item seemed, therefore, to be assured, we were informed that according to the redistribution of funds the following items would very probably be available for work in this State: For county-agent work, \$47,000; for women's county agents, \$44,700; for home economics in cities, \$20,000. In order that these funds might be of any use whatever this season it was necessary for us to make our plans immediately, as the growing and preserving season is now under way.

This letter was dated July 2. Of course, the season is even more under way since it was written—

Because of the seeming certainty that these funds would be available, we have drawn up a State program in cooperation with the New York State Food Supply Commission for the placing of food conservation agents and of additional agricultural agents in counties throughout the State. Our State council of defense, of which the governor is chairman, has approved our budget showing the joint State and Federal funds. Furthermore, we have taken steps in nearly all of the counties of the State and in the larger cities, to perfect organizations so as to place the agents immediately upon the receipt of the funds. Other

State organizations throughout the State have adapted their plans to our program and it will mean a disastrous disturbance of the entire food conservation program in this State if these funds are not forthcoming and if they are not received soon. The situation is extremely acute in view of the fact that communities throughout the State are insisting on having service. The time is ripe to do a far-reaching piece of work. It would seem impossible that we should have to inform people throughout the State that this work can now not be done because of failure of Congress to make the appropriations available.

Furthermore, in view of the assurances that the funds would be forthcoming, we have held a special training school of two weeks—

That was at the Cornell College of Agriculture—

in length to give the final preparation to the first lot of food conservation agents who are to go out; and we have announced a second training conference of similar length for the remaining number.

It means a very great deal for the State of New York that this bill shall be passed. The same is true of all of the other States, as I am given to understand that practically every State in the Union has taken steps much like our own in confident expectation that these funds will be forthcoming. I respectfully request that you do all that you can to secure the passage of this important measure; and I can not urge upon you too strongly the importance of haste in order that any effective work may be done this year.

Yours, sincerely,

A. R. MANN.

Mr. President, it is rather difficult for the Senate and perhaps for the general public to understand the seriousness of the situation confronting the people, and particularly the producers of food at this very moment. This letter from the dean of the New York State College of Agriculture refers to the New York State Food Commission, which was established to investigate very important work throughout that State, which, contrary to the impressions that exist perhaps in the far West, is one of the greatest agricultural States in the country.

It is well known that the acreage in nearly all crops planted this year is very much larger than that of last year all over the country. Two reasons stand back of that increase in acreage—first, the patriotic desire of the agricultural population to respond to the demands of the time; and, second, the comparatively high prices that have prevailed for agricultural products during the last winter and spring. Farmers in large numbers have increased their acreage in order, if possible, to make more money, a tendency in human nature that can not be overlooked. The most powerful element in this situation is the desire of every man to be prosperous.

The increase in the acreage in the State of New York on some of these products is truly remarkable, and at the risk of tiring Senators and largely for the purpose of putting it in the Record in the hope that some of the public at least, particularly the public which lives in the great cities and constitutes the great mass of the consumers, will have a clearer understanding of the situation, I am going to read the percentages of increases in acreage in the State of New York on certain products, comparing this year's acreage with last year's acreage. I take these figures from the bulletin issued by the New York State Food Supply Commission under date May 22, 1917.

We find, for instance, that the acreage in corn to be used for grain, as distinguished from corn which is to be used as ensilage, has increased over last year by 47.2 per cent. Corn for the silo has increased 16.7 per cent. Oats show 13.5 per cent increase in acreage; barley, 20.8 per cent increase; buckwheat, 16.3 per cent; winter wheat, 12.6 per cent; spring wheat, 162.1 per cent. I may remark in passing, Mr. President, that the spring wheat increased acreage in New York, while exceedingly large in percentage, does not indicate a tremendous total acreage, because spring wheat is not ordinarily raised in the State of New York upon a large scale, and it would require a comparatively small number of additional acres to bring about an increase of 162 per cent of the total. So that is not quite as impressive as the figures would indicate. However, it shows the tendency.

The increase in rye is 4.8 per cent. In beans—and the State of New York, I think, next to the State of Michigan, is the greatest bean-producing State in the Union—the increased acreage in beans is 43.1 per cent; alfalfa, 13 per cent.

The only decrease shown is in hay—a decrease of 2.7 per cent, accounted for by the fact that meadows have been plowed up in order to plant cultivated crops.

The acreage in cabbage has increased 77.1 per cent; potatoes, 25 per cent.

Mr. President, when the State of New York increases its acreage in potatoes 25 per cent—and, mind you, the State leads all the other States in the production of potatoes—it means 77,000 additional acres of potatoes, and at 100 bushels to the acre, which is an average yield, a fairly decent yield, that single increase in that State makes 7,700,000 additional bushels of potatoes.

The canning-factory crops have increased in acreage 36.4 per cent and the other vegetable and garden crops have increased 23.1 per cent, and miscellaneous crops 16.7 per cent.

Mr. President, these increases do not include the so-called home gardens which have been so encouraged throughout all the

villages and towns and cities. These increases in acreage that I have read are on the actual farms of the State operated by professional farmers who know their business, and who have gone into this increased production confident, I may say, that they shall have a chance to sell this increased production for what it is worth on the market.

The State authorities report that, so far as home gardens are concerned, the increase in that State amounts to 151 per cent, which means a vast production of perishable products by a very large number of small holders.

The bill which is pending in the conference is the one by which it is contemplated to show the people of this country, if they need any showing—to teach the people of the country, if they need any teaching—how to conserve this enormous increase in the production of food. Here it is the middle of July. It is pretty late to teach anybody to preserve the crops that are ripening to-day. The bill that is now reposing in conference, through the exercise of some mysterious influences which have succeeded in keeping it buried there, is of infinitely more importance in the months of July and August, 1917, than the bill which is now the unfinished business of the Senate.

I undertake to prophesy—I am emboldened to do it because I am in the farming business myself—I undertake to prophesy that the production of crops in the United States this year, with the single exception, perhaps, of wheat, will exceed even the figures indicated by the most recent Government reports. In other words, I believe there can be no question whatsoever that we are to have the largest production in the history of the country, and I believe that it will reach such figures as even to startle the most confirmed optimist. Not even the Department of Agriculture may really estimate what is going on in this country in the production of food.

Mr. BORAH. Mr. President—

Mr. WADSWORTH. I yield to the Senator from Idaho.

Mr. BORAH. The Senator, in making the statement which he has just concluded, has touched upon a subject to which we are not giving quite sufficient apprehension. While our legislation has been going on here somewhat slowly, the producers of the country have gone out and really solved this question so far as the production of foodstuffs is concerned, and the great question now is, How are we going to get the foodstuffs to the point where they ought to be for consumption?

Let me call attention to the fact that in my State we will have from 12,000 to 15,000 carloads of potatoes within the next 60 days, and the State of Utah will have, perhaps, from 6,000 to 8,000, the State of Washington from 10,000 to 12,000, and there will be found within the next 60 days in those three or four States some 30,000 or 40,000 carloads of potatoes.

Now, there will be no market for them, as we are informed, by reason of the fact that the means of transportation will not be sufficient and adequate to take care of them and get them to market. The food is there in abundant quantities and the production has been had—that is to say, those agriculturists and those in the business have gone forward and done the work—and the serious question now is, What are you going to do with those potatoes after you have raised them?

Mr. WADSWORTH. I was going to discuss that very point. I think an infinite harm has been done to the food-supply problem in this country so far as it affects the conservation of these crops by the wild and reckless conversation that has been indulged in by certain people in the newspapers. It would be a good thing, Mr. President, if some of the gentlemen who are constantly advising farmers how to do their business would take the elevator from the top floor of the office building and go down to the street and walk far out into the country and learn something.

The Senator from Idaho has brought out an exceedingly important phase of this situation, what to do with this tremendous crop that is coming, mind you, a crop that did not come as a result of any legislation whatsoever. Entirely natural economic causes brought it out, assisted, of course, by a patriotic impulse. The farmer can not sell his product, and, in my judgment, will seldom if ever be able to sell his product direct to the consumer across great distances. We will take the State of Idaho and its potatoes. The farmers of Idaho have no effective method of selling to the consumers in Boston. They must sell to some one who will collect, transport, and distribute them. They sell to the local produce dealers. There are produce dealers by the thousands in the United States. There is one in every little village hamlet of 300 or 400 people to whom the farmer may go and get cash for what he has to sell. Those produce dealers or a good many of them have storage facilities. They take up the slack or the surplus, as it were, in the supply and put it in storage and feed it out to the larger produce dealers in the great cities, or, if it is grain, it goes to the millers,

or for whatever purpose the article is used it proceeds through the channels of commerce.

Now, we have frightened every produce dealer in the United States. The Senator from Minnesota [Mr. NELSON] described day before yesterday what has happened in the wheat market. The dealer whose business it was to purchase wheat from the farmer and give him cash for it does not dare buy it to-day. Wheat is the first article affected by this lack of confidence on the part of the dealers, because it is the first staple article that comes to market in any large quantity. The next one will be oats. The bulk of the oats crop will ripen in August, and if the conditions in August are as they are to-day the farmers will not be able to sell their oats. Along with that will come the rye and the barley, and the same kind of dealers buy oats, rye, and barley, and the farmers will not be able to sell their rye or their barley. Next will come corn, and the same situation will result. All of these are staple products, which are listed upon the grain exchanges. Through no act of Congress, but through the utterances, public and otherwise, of gentlemen who are supposed to have tremendous influence with the administration here in Washington, every one of the dealers has reached the conclusion that he can not afford to take any chances in buying wheat. His business is to be regulated. How dare he enter into a contract involving the purchase and sale of wheat—particularly the sale of it some months hence—when there hangs over his head the suggestion that the Government may in the meantime step in and regulate the entire business? That is what is going to block the distribution of food. I believe the railroads, if they strain themselves, can carry it, but you have got to have somebody willing to buy it, and the danger at present, Mr. President, is that nobody is going to be willing to purchase.

Several days ago I ran across a dispatch which was published in the Evening Star of this city, dated from Chicago, on June 28. It says:

Government plans for food control, according to a statement given out here to-day by President Griffin, of the board of trade, include absolute control of the wheat trade in all its commercial aspects. There can be no speculation in it. Buying and selling of other grains for present or future delivery will be unrestricted.

Then Mr. Griffin's statement follows; and, mind you, Mr. Griffin, when he speaks, speaks with a good deal of authority from the nature of the position which he holds, and I venture to say that hundreds and hundreds of produce dealers read this statement. I am going to read it.

Mr. Griffin said: "Tuesday and Wednesday of this week representatives of the grain exchanges of the United States held a conference at Washington with Mr. Herbert C. Hoover, food administrator; Julius H. Barnes, his chief assistant; and others connected with the food administration. The exchanges, through their representatives, have given their whole-hearted support to the administration plans for food control."

Of course they have. They are perfectly safe when they do that. They take no chances.

Mr. Hoover and his associates have unfolded to us their plans in great detail. Naturally they are withholding the announcement of their plans and intentions until such time as the food-control bill is enacted into law. Consequently the detailed plans were submitted to us in confidence.

Imagine what the farmer who raises wheat thinks when he reads that this thing is being arranged "in confidence." What is going to happen to his wheat?

I am therefore not privileged at this time to make any complete statement. Nevertheless, there are in circulation many unfounded and unauthorized rumors affecting the situation. Therefore I have decided to announce the plan decided upon in general, but must refrain from discussing the matter in detail, as an announcement must necessarily come from Mr. Hoover. The plans decided upon will permit restricted competitive buying and selling of all commodities for present and future delivery with the exception of wheat.

Leaving out of consideration for the moment, Mr. President, the wheat problem, what is meant by "restricted competitive buying and selling of all commodities"? Dare any produce dealer buy a car of oats in the month of August when it is announced, apparently from a source that is reasonably authoritative, that some kind of "restricted competitive"—whatever that may mean—"buying and selling" will be permitted?

Mr. BORAH. Mr. President, what does "restricted competitive buying" mean?

Mr. WADSWORTH. I wish the Senator from Idaho would tell me. That is what every produce dealer in the United States wants to know; and until he does know, he will not buy Idaho potatoes nor New York beans in any great quantity. He can not do so. He does not know what is going to happen. I will continue reading this article, although I think I have just read what is perhaps the most important sentence in this rather remarkable announcement:

The United States Government, through its food administration, will completely dominate the distribution of wheat for domestic and export purposes. Not only will they purchase the wheat for this Government,

but for the allies and the neutrals as well. Millers, likewise, will come under control of the food administration, and their wheat will be purchased and flour distributed under the same control.

That is why the millers are not buying wheat to-day; that is why flour is not being ground to anywhere near the full capacity of the mills in Minneapolis or anywhere else. The price of flour to the consumer remains high because there is very little of it being ground while the wheat is in the hands of the farmer and can not be sold. It is a strange thing to see wheat with a downward tendency, and flour quoted at a very high price. The reason is that the channel of trade has been interrupted with an obstacle which the wheat can not get over; it can not be sold. I continue quoting:

As must be apparent the operation of this plan will preclude the possibility of trading in wheat for future delivery. However, commission merchants, receivers, and others acting as agents in the purchase and sale of sample grain, will be permitted to handle sample wheat on the same basis as all other commodities.

Of course, that last sentence is not so important.

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

Mr. WADSWORTH. I yield, Mr. President.

Mr. BORAH. The Senator from New York is discussing now the effect of this suspense, uncertainty, and lack of information as to what would happen, what will happen, and so forth; but is the Senator going to discuss this question: Suppose the food bills to have passed and are in operation, and this food control is going on, and the farmers know what the price and what the regulation will be, what effect, does the Senator think, it will have upon the business of the country?

Mr. WADSWORTH. Mr. President, if the Senator from Idaho had not added that last phrase in his sentence, I think I could answer it with fair accuracy; but after this bill is passed the farmers will not know what the regulations are going to be from time to time. Let us take this bill and look at the first section. There is recited a list of articles which would come pretty near filling the Sears-Roebuck catalogue, which are classed as necessities, practically everything that is produced in the United States; everything of importance, with the exception, as I think I said on a former occasion, of Portland cement. That is the only thing that I could think of that could be added to that list as an important product.

Then in the fifth section, which is the licensing section, we find that the Government or its agents are authorized to establish a licensing system controlling every person and concern engaged in the production, manufacture, distribution, or marketing of all of the necessities mentioned in section 1. Undoubtedly it is the purpose of the people who are to have the administration of this proposed law under their charge, to make their first effort to regulate the wheat market; but under the bill, as now drafted, there is not the slightest obstacle to their making efforts to regulate every other market, and just so long as that possibility exists, contained in the statutes of the United States enacted by the Congress, men will not dare to go out and do business with that freedom and initiative and enterprise that they do in ordinary times.

As I have said before, the effect of this bill will not stop at wheat, though the actual regulations affect wheat only. It will affect every product of the farm or factory.

Mr. REED. Mr. President—

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

Mr. REED. I do not desire to interrupt the Senator's discussion, in connection with the theme which he is now on, but if he has concluded as to that particular subject I should like to ask him to give us his views on the language of the article which he has just read:

The plans decided upon will permit restricted competitive buying and selling of all commodities for present and future delivery, with the exception of wheat. The United States Government, through its food administration, will completely dominate the distribution of wheat for domestic and export purposes.

I want to ask the Senator what he really thinks of the bald proposition that the destiny and fortune of every farmer in the United States who raises wheat in any considerable amount shall be put into the hands of a man who boldly announces that the entire wheat market is to be taken away from the farmers and to be absolutely "controlled"?

Mr. WADSWORTH. Well, Mr. President, of course, there is only one remedy for the situation that will be created by such a practice, and that is for the Government itself to appropriate millions and millions of dollars to be used in the maintenance of the price of wheat to the farmer at a level high enough to guarantee him against loss—I was about to say almost regardless of climatic conditions, but I shall not add that. It is the only solution. It is State socialism run wild. If you take his market away, or if you stagnate his market, you have got to guarantee him a living profit in some other way, and the only way to do it is to appro-

appropriate millions and millions of money and pay him. Otherwise we will not have any wheat in 1918.

Mr. REED. Mr. President, if we do appropriate millions and millions of money and guarantee the farmer a price high enough to insure him against loss of every kind, and, as the Senator stated he was about to say, even climatic conditions, does it not then follow under those conditions that he would plunge into the raising of wheat and stop raising other things, so that we may find a corn shortage, a cattle shortage, or a potato shortage, and has not that been the experience of countries which have allowed themselves to be Hooverized?

Mr. WADSWORTH. Well, Mr. President, undoubtedly if we start upon this policy of absolute control of any article of commerce, we will have to go clear back to the point of origin and control every little thing that enters into it; and if it should turn out, as the Senator from Missouri has suggested, that by relieving the farmer through governmental appropriations of all risk in the raising of wheat and assuring him a profitable price for that product, to be paid him by the Government if necessary—if it shall turn out, as the Senator from Missouri has suggested, that that will lead the farmer to plant nothing but wheat—why, then, of course we will have to regulate the acreage of wheat; we will have to regulate the amount of seed sown per acre; we will have to go clear back to the beginning of things and start to build up, and our people will all become automatons, Mr. President, when that system is established in the United States.

Mr. President, the phase of this situation which leads me to think very seriously about this legislation and about the conditions confronting the country is the fact that a good many people confuse our conditions here in the United States with the conditions existing in other countries. People who have lived in the atmosphere of a besieged city and who month after month have seen poor people standing in line, in fact, have seen the whole population standing in line, each with a bread card, and have seen carefully measured and weighed rations handed out to each and every one of the population—people who have lived in that atmosphere or who have read about it and have read of the measures taken by the Governments of Europe seem to think that we must meet something of the same conditions in this country in order to enable us to help the allies win this war. There could not be a worse or more serious confusion of ideas.

England and France and Belgium and Italy are tremendous importers of food supplies. They have been such for generations, and will be such for all time to come, unless their populations are greatly reduced. It is quite easy, comparatively, for the British Government or the French Government or the Belgium food administration or the Italian Government to regulate the distribution of food supplies, because each of those governments can control the importations. Those supplies are not produced in those countries, and they are not so much concerned in encouraging the production of food. All they are concerned with is that they shall be able to buy it somewhere else, bring it in, and distribute it. But with us our concern is the production of the food. No man can frighten me into the belief that we are going to have meatless days or bread cards in the United States. It is inconceivable. No man can frighten me into the belief that the food supply of the United States is decreasing. I regret exceedingly that Mr. Hoover made the announcement, in the address he made at Providence, R. I., that the food supply of the United States was decreasing, when the facts show that it is increasing by leaps and bounds.

What is the result of an announcement of that sort? What is the result of editorials penned by gentlemen who know nothing about the production of food, warning people that the days of starvation are coming? The housewives in the great cities immediately become nervous, become frightened, and they go and clean off the shelves of the grocers. I know of one woman who bought 16 barrels of flour when she read one of those announcements, and used a good part of her savings in doing so. She consoled herself with the thought that she was not going to be without bread for some years to come.

Now, when you multiply that one person by hundreds of thousands—and that is what happened in the month of May in the United States—who are rushing to the stores, to groceries, to supply houses, and buying beyond their immediate needs, you run up the price, you disorganize business, and you create the condition of hysteria that has been so prominent in all the discussions in the press and before the public on the matter of food control.

I am not at all disturbed about the production of food in this country in the year 1917; I am disturbed about the production of food in the year 1918, for, if a situation exists in 1918, or at the end of 1917, which would lead the food producer to believe

that it has not paid him to increase his acreage, that, as a matter of fact, he has been a loser by it, that he has not been able to sell or conserve his increased production, then the acreage of 1918 will be reduced.

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

Mr. WADSWORTH. I yield.

Mr. BORAH. How long is it now until the work of plowing and preparing the ground for the wheat crop of 1918 begins, particularly in the Middle States?

Mr. WADSWORTH. The fall plowing for winter wheat is done largely in the months of September and October, and the wheat is generally planted in the part of the country in which I live about the middle of October; and, of course, thousands of acres of land are plowed in the fall of the year in which crops are to be planted in the following spring. Every farmer who operates his farm with any intelligence—and I was about to say with any success—has to plan all those things in advance; he has to make provision for all his requirements, for the seed, to finance himself, and perhaps to purchase new machinery; and if there is a state of uncertainty in the autumn of 1917, and these obstacles which now obstruct the wheat market are then existing against oats and corn and rye and barley and potatoes and beans and a dozen other articles, the farmer will not and can not duplicate in 1918 the acreage of 1917. Then we will have a food shortage in so far as our ability to supply our allies is concerned in the year 1918; and that is the important consideration which every American legislator should think about when we start in discussing how we are going to control the food supply of the United States.

Mr. President, we can sit here and legislate and legislate, but we can not force production. There is no way under heaven by which we can force men to plant seed; but it is the easiest thing in the world to prevent production, and my only dread in this whole situation is that we shall so legislate and by our legislation so hamper and restrain and restrict and so stagnate the domestic markets of the United States that we will not have the production we need in 1918. That is why, Mr. President, I have deemed it my duty upon more than one occasion to express some doubts, some very grave doubts, as to some of the provisions of this bill—not all of them, but some of them. I regard the licensing section, so called, as the one which constitutes the gravest danger along the line I have just indicated, for it must be its purpose—else it would not be in the bill—to establish a restrained, restricted, and therefore inevitably stagnant market; and when you do that, you have reduced the food production of the United States.

This bill is to be before the Senate for some time to come—until Saturday, July 21. It is true, as has been intimated upon the floor this morning, that the members of the Committee on Agriculture are endeavoring to work out a substitute not to be presented by the committee as a committee substitute, because the committee no longer has jurisdiction over this bill, but the effort is being made in a perfectly proper and, I think, highly commendable way, to straighten out this situation and legislate upon those things which the majority—a clear majority—of the Senate concede to be absolutely necessary and to avoid in our legislation, if possible, incurring even the slightest risk of decreasing the production of food in this country in the year 1918. I can not prophesy that the efforts of the committee will receive my unqualified approval in every detail, and I do not suppose they will receive the unqualified approval in every detail of any Senator upon this floor; but it is perfectly apparent today that the bill now before the Senate holds more of evil for this country than of good. When the committee amendments to the first section were adopted and the Senate amendments added to it, I opposed the section as amended, because a great addition had been made in the list of articles which would fall under absolute Government control pursuant to the provisions of section 5, the licensing section.

At that time I ventured the opinion that there never has been, there is not to-day, and there never will be a government upon the face of the earth that can exercise such powers effectively. It is beyond the abilities of any group of human beings. The alternative to effective operation, which I hold is humanly impossible, is disaster; and I do not want disaster to overtake the industries of the United States nor the farmers of the United States, and thereby bring about what might amount to disaster to our allies in this war.

Mr. BORAH. Mr. President, before the Senator sits down, in the exceedingly interesting remarks of the Senator there has been no mention of one feature which I should have liked to hear him discuss, and concerning which it seems to me he may yet add something.

If you take one or two or three of these articles in section 1 and undertake to regulate and control and fix the prices of

those articles, how is it possible to do that in justice to the people who are dealing in those articles without fixing the price and controlling the articles which they must purchase and which they must utilize in producing the articles which you do regulate and control?

I think there is tremendous force in what the Senator says as to the impossibility of the human mind organizing a system or a scheme of government by which all these things can be regulated and controlled; but there is this other question: If you enter upon the subject at all and undertake to regulate and control one or two of the staple articles or important articles of the country, then must you not necessarily, in order to protect the man who is producing those articles, control all the articles he purchases and utilizes in the production of those things?

Mr. WADSWORTH. What the Senator from Idaho says would be entirely true. Of course, the instrument which the Government may use in order to protect the producer of the article thus controlled is the "minimum price." For instance, if it is decided to be absolutely necessary for the proper waging of the war and the proper assistance to our allies—who seem to be so entirely dependent upon white bread—to regulate wheat, in my humble judgment, in order to obviate the very difficulty mentioned by the Senator from Idaho, it will be necessary to fix a minimum price to the farmer for his wheat. That would relieve him from any hardship due to the restrained and regulated control of his product or arising from the high cost of clothes or farm machinery.

Mr. BORAH. Exactly; but you indirectly do, then, what you have declined to do directly. You indirectly fix the price of all these other articles in a measure, because you must make that minimum price such as will enable him to purchase these articles at these increased prices. For instance, if you fix a minimum price for wheat, you have got to fix it at such a figure that the man will know that he is justified in paying the increased prices which will be asked for the other products, and you are really putting upon the taxpayers of the country the increased price of all these products.

Mr. WADSWORTH. The last suggestion of the Senator from Idaho is a very interesting one, and so are his others. This is going to be a taxpayer's burden.

Mr. BORAH. Yes.

Mr. WADSWORTH. No food legislation is going to make something out of nothing. There is an impression around that simply by passing a food-control bill we are going to make food. There is an impression that the Congress of the United States can produce something out of nothing, somewhat after the fashion of a sleight-of-hand artist upon the vaudeville stage, who takes a pair of rabbits out of a silk hat. Now, we are not going to do anything like that. If we pay a minimum price to farmers to protect them against the conditions which the Senator from Idaho suggests may arise, and that minimum price amounts to more than the wheat is actually worth with the law of supply and demand operating, the taxpayers of the United States are going to pay the difference. We may be putting money in the right-hand pocket of some people, but we are taking it out of the left-hand pocket of those same people.

Mr. BORAH. Mr. President, Mr. Hoover has referred to the fact that by regulation, by control in France they have kept down the price of bread, and so forth; but they have performed that service to their people by the very method suggested by the Senator from New York. They have simply appropriated from the treasury a sufficient amount to meet the situation. That is to say, they go into the market and buy the wheat and then they sell it to their people at a loss, and they pay it through the treasury of France.

Mr. WADSWORTH. And the burden incident to that selling at a loss is distributed among the French people in the way of taxes.

The SECRETARY. On page 22, lines 7, 8, 9, and 10, the committee proposes to strike out the following proviso found in the House text:

*Provided*, That all persons, excepting persons serving without compensation, shall be appointed in accordance with the provisions of the civil-service act of January 16, 1883.

Mr. JONES of Washington. Mr. President, the Senator from Utah [Mr. Smoot] wanted to be here when that amendment was voted on, so I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

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

Ashurst	Calder	Dillingham	Gronna
Bankhead	Chamberlain	Fernald	Hale
Borah	Culberson	France	Hollis
Broussard	Curtis	Frelinghuysen	Husting



James	McNary	Shields	Underwood
Johnson, Cal.	New	Smith, Ariz.	Vardaman
Jones, N. Mex.	Norris	Smith, S. C.	Wardsworth
Jones, Wash.	Overman	Smoot	Warren
Kendrick	Page	Sterling	Watson
Kenyon	Penrose	Sutherland	Weeks
King	Pomerene	Thomas	Williams
Lodge	Ransdell	Thompson	Wolcott
McCumber	Reed	Tillman	
McKellar	Shafroth	Townsend	
McLean	Sheppard	Trammell	

Mr. FRELINGHUYSEN. I again announce the absence of my colleague [Mr. HUGHES] on account of illness.

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

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. There is a quorum present. The question is on the amendment of the committee.

Mr. SMOOT. Upon that I ask for the yeas and nays.

Mr. LODGE. Mr. President, do I understand that this is the proviso at the top of page 22?

Mr. SMOOT. Lines 7 to 10 on page 22 of the original bill.

The PRESIDING OFFICER. The amendment will be stated. The Secretary again stated the amendment.

Mr. LODGE. Mr. President, of course the purpose of striking that out is to make all these appointments political. It seems to me that in time of war that is a great mistake. Putting entirely aside for the moment the preservation of the classified service, I think to draw the political line on persons serving the country is a very great error; and I think to do it, besides striking down the civil service, and filling this service with persons to whom a political reward is being paid, is introducing politics into these war measures in the most offensive manner.

Mr. CHAMBERLAIN. Mr. President, I want to say to the Senator from Massachusetts that that was not the purpose of this proposed amendment; and I do not remember that there was a dissenting voice in the committee in regard to it, although there were both Republicans and Democrats there. It was stricken out simply for the reason that a very large force would be required, and it was thought that it would be impossible to get the necessary force by resorting to the civil-service classified list. The question of politics was not considered for a moment.

Mr. LODGE. Of course I understand that that explanation is the one always given. The civil-service registers are crowded with names. There is not the slightest difficulty in getting clerks. These are routine offices. Whatever the intention was, the object and purpose is perfectly plain.

Mr. PENROSE. Mr. President, another very wonderful opportunity that will be afforded by the adoption of this amendment, in addition to giving sinecures to deserving Democrats to show farmers where they are to sell their potatoes or in what back yard they are to raise wheat, will be to permit escape from conscription, so that our armies will be filled with Republicans from Pennsylvania and other Northern States, while deserving Democrats will be serving their country in the agricultural districts instructing the farmer, thoroughly outside of the danger zone. I can see many ramifications that would make the committee unanimous on this point, so far as the Democratic end of the committee was concerned.

Mr. OVERMAN. Mr. President, I understand there is an order in all of the departments that no man between the ages of 21 and 31 shall be appointed to any office. I know that is the policy in many of them.

Mr. PENROSE. Well, I can picture a vision, Mr. President, of this food-control department gradually assuming a military cast. The food controller doubtless will be a brigadier general. I am told that some of the gentlemen mentioned in connection with this appointment contemplate donning a uniform and wearing spurs—and they are putting them on now—and drawing a sword should a farmer be recalcitrant, and threatening to commandeer his farm.

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

Mr. PENROSE. Yes.

Mr. LODGE. The Senator spoke of the matter of exemption. The committee have taken care of that on the next page. The House put in a provision that the employment of any person under the provisions of this act shall not exempt him from military service, and our committee struck that out.

Mr. CHAMBERLAIN. Mr. President, will the Senator permit me for just one moment?

Mr. PENROSE. Yes; I yield to the Senator.

Mr. CHAMBERLAIN. In answer to the Senator from Massachusetts, I simply wish to say that we struck that out, because it is already provided for in the selective draft.

Mr. PENROSE. Well, it would not do any harm to have it in again.

Mr. LODGE. It would do no harm to cover these particular people who are going in on political appointments without any regard to the civil service, overthrowing the civil service to do it. It would not do any harm to say that they are not to be exempted; but care is taken in that respect.

Mr. PENROSE. Mr. President, I have, as other Senators have, hundreds of callers during the week, afflicted fathers and anxious mothers, desirous of securing some kind of exemption for their young men, and one of the frequent suggestions made is this: "Is there not some department of the Government where he could be safely stowed away and still avoid the reputation of being a slacker?"

I can see great possibilities that the food controller will have, over and beyond the control of foods and the designation of what back yards wheat shall be planted in, in this respect. So strongly impressed am I with the suggestion that these officials are contemplating assuming a military garb and becoming a military adjunct of the Government that I have been intending to offer an amendment, and I think I will offer it now, to add at the end of line 9, page 20, the following paragraph:

All persons appointed or employed under this act whether remunerated by salary or any other form of compensation or acting as volunteers shall be considered and treated as civilian employees and shall not be commissioned or enlisted in the military or naval service of the United States.

I ask that that amendment lie on the table and be printed.

Mr. President, we are making majors and colonels overnight. Civilian employees by the scores and hundreds performing only civilian duty are being sworn in and given military commissions in my opinion to the demoralization and detriment of the real soldiers of the country and in an entirely unnecessary way.

The Senate, when the Army appropriation bill was up, very foolishly provided that these appointments to military office should not be sent to the Senate when they were below the rank of colonel. I thought at the time that that was an unnecessary giving up of the prerogatives of the Senate and might lead to unfortunate consequences. I am now convinced that I ought to have done at that time what I had thought of doing and that I should have asked to have that paragraph stricken out of the bill, because I openly charge here that the grossest abuses are being perpetrated in the commissioning to military offices of civilians who are performing only civilian duties. I intend to offer a resolution as soon as I can prepare it calling on the Secretary of War to send to the Senate a list of persons appointed from civil life to military office below the rank of colonel while performing civilian duties. I want the whole list in order to examine it. I have a number of names in my mind now which, when investigated, will appear to the country so grotesque and ridiculous as almost to bring scandal on this whole transaction.

My attention was called yesterday to two gentlemen whom I happen to know personally—Francois de St. Phalle, a young gentleman of French origin, but either a naturalized American citizen or taking out his papers, and Mr. W. H. Garrett, from Delaware County, Pa. These two gentlemen were connected with the Parsons committee, which I believe is a civilian committee sent over to France to investigate the condition of the railroads in France back of the western front, and report thereon to the Council of National Defense and the advisory commission. They have made very instructive and very elaborate reports on the conditions there. They were over there entirely in civil employment examining the railroads and could have performed their duty attired in blouses much more effectively than in military costume, yet both of these men, when they were appointed, were instructed to get into a major's uniform, and they were actually appointed majors in the military service of the United States to engage in doing railroad work back of the lines in France.

I want to say for Mr. Garrett that, being a noncombatant and a sterling Pennsylvania Quaker, he bought his uniform, but has never had it on, and has threatened to resign if compelled to wear a major's uniform; and I am told that Mr. St. Phalle, the Frenchman, did appear in his uniform "somewhere in France," as the censorship bureau would describe it, and happened to meet his mother, and she burst into tears and fainted. She had two sons at the front and thought that Francois was safely hidden away in America, away from the firing line; and she was so grieved at seeing this young gentleman in a major's uniform while he was inspecting coal cars and locomotives that she fainted. [Laughter.] I am reliably informed that one of these gentlemen has never had on his uniform and the other only once, and both of their uniforms doubtless can be sold to

some aspiring warrior at a considerable reduction of price. [Laughter.]

Mr. SMOOT. I call for the yeas and nays on the amendment.

Mr. GRONNA. Mr. President, I should like to ask the Senator from Pennsylvania if he believes that the fact of these men coming into the civil service will prevent them from wearing the uniform?

Mr. PENROSE. I did not quite catch the Senator's question.

Mr. GRONNA. I want to know from the Senator from Pennsylvania if the fact of taking under the civil service these men who are to be employed in the food bureau, as I may call it, would preclude them from wearing the uniform?

Mr. PENROSE. No; it would not. My amendment, which I have offered and which is lying on the table, aims to provide that they shall be treated as civilian employees, and that they shall not be appointed, commissioned, or enlisted in the military or naval service of the country.

Mr. GRONNA. May I ask the Senator another question? We hope, of course, that this war will not last forever.

Mr. PENROSE. I hope not.

Mr. GRONNA. Some think it may last one or two or three years. Now, what are we to do with all these men after the war is over? Are we to keep them on the pay roll?

Mr. PENROSE. As long as the Democratic Party is in power I believe they will be kept on the pay roll. [Laughter.]

Mr. GRONNA. I will say to the Senator that I was not asking this in a partisan spirit.

Mr. PENROSE. Well, I was trying to tell the Senator the truth, in an entirely nonpartisan spirit, myself.

Mr. GRONNA. But, as a matter of fact, when the war is over, there will be no work for a great number of them—for many hundreds and thousands of them.

Mr. PENROSE. There is no work for a large percentage of them now.

Mr. GRONNA. I will say to the Senator that we are short of labor out in my country.

Mr. PENROSE. I refer to the gentlemen who hold these places. There is no work for them now.

Mr. GRONNA. While we are on that point, if the Senator will pardon me, I find no fault with the Senator from Pennsylvania because he is anxious to get some of his constituents into the service of farming. I am a member of the Committee on Indian Affairs and I know something about some of the Senator's constituents. I know we had one of them on a certain reservation in my State; he was sent out to buy macaroni wheat, but after the grain came up and after it was harvested it turned out to be barley. It seems that the gentleman did not know the difference between macaroni wheat and barley when he bought the seed.

It may be a favor to some people in the Eastern States to be enrolled under the civil service. To my mind, Mr. President, I think it is a disadvantage to them. I think, instead of taking these men and guaranteeing them positions as long as they behave themselves under the civil-service rules, it is the worst thing that can happen to young men if, instead of letting young men go out into the world to try to get positions upon their own merits, they are enrolled under any such law. Thousands of young men would be without a home in my part of the country to-day if they had not had the opportunity to go out for themselves and work out their own salvation.

I do not think that it is any favor to the laborers to say that they shall have the first opportunity to get these positions. I think instead of being a blessing to labor it is a curse to it. We all know that these positions are only temporary positions.

I wish to say, as one of the members of the committee, that there was no partisan politics injected into this proposition. There was not a Republican member of the committee who was in favor of putting these men under the civil service, so far as I know. It was discussed, and I think it was understood, and I believe I am safe in saying it was the unanimous opinion that these men should not be appointed under the civil service, but that the President should have the authority and the right to appoint his own men and that those appointees should have the right to appoint their own subordinates.

Mr. PENROSE. Will the Senator permit me? Of course, there would be a special examination for these particular duties that would provide a special list of eligibles. There would be taken into the service men who were graduates of State colleges, who had taken farming courses, and knew something about farming. I think there would be a special examination to ascertain the qualifications of a man in connection with his knowledge of farming, and I have no doubt it would bring about better results than to permit every Tom, Dick, and

Harry to be appointed without any official test of his qualifications.

Mr. GRONNA. I admit that there are many positions where men could be appointed as stenographers and clerks, and I take it that perhaps they will be appointed, in the way the Senator suggests.

Mr. PENROSE. I do not mean that men who have passed an examination for clerks should be appointed under this food-control measure, but I do claim that they should be examined to ascertain their qualifications and knowledge of farming, and then an eligible list should be formed, and they should not be appointed simply on their looks or their appearance.

Mr. GRONNA. I hardly think the section applies to that. It makes very little difference to me whether the amendment of the committee is rejected or not. I simply want to say that, so far as the committee is concerned, there was no partisan politics injected into it in committee.

Mr. CHAMBERLAIN. Mr. President, the remarks of the distinguished Senator from Pennsylvania, humorously made—

Mr. PENROSE. They were not humorously intended, Mr. President.

Mr. CHAMBERLAIN. Evidently they impressed the Senate and the gallery as humorous, because there was a smile, an audible smile, both in the Chamber and in the galleries; and because that does not appear of record I wish to call the attention of the Senate to the references which the Senator made to the appointment of civilian officers in order that they might go to France dressed in uniform and create an impression there as possessing military genius and skill that they really did not possess.

It is true that the President has commissioned a few civilians, and they can wear uniforms if they want to, and probably under regulations they will be compelled to wear uniforms, but it is done under a provision of the act to increase the Army temporarily and during the war. The proviso to section 2 of that act is as follows:

That the President is authorized to raise and maintain by voluntary enlistment or draft, as herein provided, special and technical troops as he may deem necessary, and to embody them into organizations and to officer them as provided in the third paragraph of section 1 and section 9 of this act.

Paragraph 3 of section 1 of the act provides how officers shall be appointed not only to the Regular Army but to all the forces, and under that subdivision of the section the President can select officers from the country at large. In other words, the technical troops can be officered by their own class, which is very essential.

I think the two gentlemen the Senator refers to were railroad men. It has been insisted here all the time that one of the defects in the Russian campaign was the total lack of railroad facilities. Among other distinguished gentlemen who have gone into this technical troop is Mr. Parsons, of New York City, one of the greatest engineers of this country. I presume if the Senator knows those Pennsylvania gentlemen they must be railroad men. It is the same case with France where their transportation facilities have fallen down and they have appealed to America to send technical men who are commanded as provided in this bill, in order that the officers may assist in the proper handling of the particular class of men.

Mr. PENROSE. Mr. President, I am not objecting to these men being sent to France. I think they ought to be sent. But I do object to the practice which is rapidly growing up of giving men military titles and standing who are merely discharging temporary civilian duty. I do not want to mention any more names, but I could give the Senate the names of members of these advisory boards who have been invited to wear uniforms and receive a military commission.

Mr. CHAMBERLAIN. I will say to the Senator I will second his efforts to get before the Senate any case where the military authority has been abused by appointing men to military command who are doing civilian duty.

Mr. PENROSE. These men are not appointed to military commands. They are not of the line. They are of the staff or attached to some alleged corps. I do not mean that the two men I referred to had any military command because they had none. They would not have known how to lead a detachment of 10 men over a road of any intricacy without getting them mixed up. They were in the discharge of civilian duties. I do not know whether the Senator thinks the advisory board ought to be sitting around in uniforms as generals and colonels and majors.

Mr. CHAMBERLAIN. No; I do not think they ought to be; but I think when we send men over there to build railroads and construct bridges and arrange for piers and such things we ought to have civilians from the United States who are

skilled in that particular work. They may not be in the command of men at all, but they are doing just as much military duty as if they were commanding troops, because they command the laborers under them.

Mr. PENROSE. Does the Senator think a man in charge of a gang of a thousand men laying the extension of a railroad could have better influence over the men as a general with epaulettes and spurs and drawn sword than as a civilian superintendent?

Mr. CHAMBERLAIN: I think not, Mr. President.

Mr. OWEN. Mr. President, the military authority would have more influence with the men. He could command them to do this particular thing. If he is going to ask as an employer for the purpose of building their railroads and bringing munitions to the front, he certainly ought to have control of the men under him.

Mr. PENROSE. These men are not enlisted men; they are per diem laborers. I do not know how it is in France, but I know in America a military officer standing over a gang of per diem laborers working along a railroad track would be mighty apt to find himself run out of camp at the end of the day.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee, on which the yeas and nays have been requested.

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

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. As I do not know how that Senator would vote on this question if present, I feel constrained to withhold my vote.

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

The roll call was concluded.

Mr. WATSON (after having voted in the negative). My pair, the Senator from Delaware [Mr. WOLCOTT], not having voted, I withdraw my vote.

Mr. FLETCHER. I have a general pair with the Senator from New Hampshire [Mr. GALLINGER], which I transfer to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. SIMMONS. I transfer my general pair with the junior Senator from Minnesota [Mr. KELLOGG] to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. DILLINGHAM (after having voted in the negative). I have already voted, but I observe the senior Senator from Maryland [Mr. SMITH], with whom I have a pair, has not voted. I therefore transfer my pair to the Senator from Washington [Mr. POINDEXTER] and allow my vote to stand.

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. In his absence I transfer that pair to the Senator from Illinois [Mr. LEWIS] and let my vote stand.

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

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Tennessee [Mr. SHIELDS].

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY].

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

The result was announced—yeas 38, nays 24, as follows:

YEAS—38.

Ashurst	Hollis	Owen	Thomas
Beckham	Husting	Pittman	Thompson
Broussard	James	Ransdell	Tillman
Calder	Johnson, S. Dak.	Shafroth	Trammell
Chamberlain	Jones, N. Mex.	Sheppard	Underwood
Culberson	Kenyon	Simmons	Wadsworth
Fletcher	King	Smith, Ariz.	Warren
Gore	McKellar	Smith, Ga.	Williams
Gronna	Martin	Smith, S. C.	
Hardwick	Overman	Swanson	

NAYS—24.

Borah	Hale	McNary	Sherman
Curtis	Johnson, Cal.	New	Smoot
Dillingham	Jones, Wash.	Norris	Sterling
Fernald	La Follette	Page	Sutherland
France	Lodge	Penrose	Townsend
Frelinghuysen	McCumber	Reed	Weeks

NOT VOTING—34.

Bankhead	Harding	Myers	Smith, Md.
Brady	Hitchcock	Nelson	Smith, Mich.
Brandegee	Hughes	Newlands	Stone
Colt	Kellogg	Phelan	Vardaman
Cummins	Kendrick	Pointexter	Walsh
Fall	Kirby	Pomerene	Watson
Gallinger	Knox	Robinson	Walcott
Gerry	Lewis	Saulsbury	
Goff	McLean	Shields	

So the amendment was agreed to.

Mr. McCUMBER. Mr. President, at this time I wish to offer the amendment which I sent to the desk a short time ago, and which I understand is agreeable to the Senator in charge of the bill.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. On page 22, at the end of line 6, after the word "essential," insert the following proviso:

Provided, That all salaries and wages paid under the provisions of this act shall be the equivalent of salaries and wages paid in other departments of the Government for like services.

Mr. PENROSE. Will the Senator permit me before he speaks on the amendment to say just a word?

Mr. McCUMBER. Certainly.

Mr. PENROSE. Mr. President, the minority Members of the Senate have been sitting here for four or five years and have witnessed frequent repetitions of the performance which we have just observed on the roll call, taken on the committee amendment regarding civil service. I want to put into the RECORD the prediction that before the expiration of the present Congress the President by Executive order will cover all these places into the civil service that have been filled by Democrats.

Mr. THOMAS. Mr. President, may I ask the Senator if that was not done immediately after the close of the Spanish-American War by President McKinley.

Mr. PENROSE. I do not remember. I supposed we were going to get a higher grade of employees after Democracy came into power.

Mr. McCUMBER. Mr. President, we have just eliminated the civil-service rule so far as it applies to this bill in the appointment of employees. I think all Senators agree with me that inasmuch as we are to vote a lump sum without any reference to salaries there ought to be some limitation. The only limitation that I propose is that the salaries and wages shall correspond with like salaries and wages paid in other departments of the Government for like services. I understand there is no objection to the amendment.

Mr. CHAMBERLAIN. I have no objection to it so far as I am concerned.

Mr. REED. Mr. President, I am in full accord with the spirit of the amendment, but it seems to me to be so very vague and indefinite that a man possessing the ordinary ability to control prices would have no difficulty in fixing the salaries to suit himself under the amendment; because it will be found impossible to show that the individual belonged to any particular class. Hence you can not get a comparison.

Mr. OVERMAN. He would have to go into one of the regular classes. There is a class at \$900; there is a class at \$1,200; a class at \$1,400; a class at \$1,600; and a class at \$1,800 a year. Those are fixed by law. Take stenographers, typewriters, or messengers, the pay of all those positions is absolutely fixed by law. Any one covered by this amendment would be paid a salary according to his class. All the appropriation bills fix salaries according to classes, and instead of making the appointment without respect to class the appointment would have to be made according to the class of the service to be performed.

Mr. REED. I do not agree with the Senator at all. I do not think, under the terms of the bill, they would be required to appoint by any strict class. I do not think any classes exist at present that would embrace many of the employees they will have to use here.

Mr. OVERMAN. It applies only to clerical positions. Other positions, of course, are not fixed.

Mr. REED. For instance, Mr. Hoover now tells us, according to the latest reports, that they propose entirely to take away the farmer's market for wheat, and that would seem to imply that the Government is going to put out agents to buy wheat. If that is done, how would you classify such an agent?

What I say about this matter is not in the way of criticizing the effort that is being made by the Senator from North Dakota, but to ask him if there is not some further limitation that should be embraced in his amendment, that no one should receive a salary above a certain amount, and those who perform a clerical service shall be classified in the manner indicated by the Senator from North Carolina indicates that they are classified. I do not agree with him on that. I think the bill as it is now drawn gives an absolutely wide-open authority to those who may execute it to pay any kind of salary they want. There is no limitation upon it.

Mr. McCUMBER. I do not think it would be possible to make it more definite under the circumstances. I can not imagine any line of employees under the bill that would be particularly different from the lines of employees in the several other branches of the Government and especially in the Agricultural Department. We now have inspectors. We have crop inspectors, and

we now provide for those who are skilled in the grading of grain. We have instructors along every line of agriculture in other departments, and the pay of all is fixed by law and by rule. It seems to me that that is the only way, and that the nearest we can approach a degree of fairness and definiteness is by the provision which I offer, which I will read again:

*Provided*, That all salaries and wages paid under the provisions of this act shall be the equivalent of salaries and wages paid in other departments of the Government for like services.

I do not think it could be made more definite or more equitable. Mr. SHAFROTH. Mr. President, it seems to me the amendment offered by the Senator from North Dakota is a wise precaution to take. It prevents favoritism. If the amendment is adopted then there will be no such thing as paying a large salary to somebody. Salaries of five or ten thousand dollars might be paid under this appropriation. If this amendment is passed it will be a curb upon those who fix the salaries. It seems to me it ought to pass.

Mr. REED. I move to amend the amendment by adding the following:

In no event shall any salary be paid in excess of \$3,500.

Mr. McCUMBER. I am willing to have the amendment voted on. I would sooner leave it in the form it now is because there might be some instance in which an expert might be required, where the salary paid in any other department would be more than that amount.

Mr. CHAMBERLAIN. I was just going to suggest that I doubt whether the salary should be fixed at \$3,500. While as a general proposition \$3,500 is more than the average salary paid in some instances where peculiar skill is required they receive more. So I think the limitation proposed by the Senator from North Dakota would be safe.

Mr. REED. The Senator from Oregon has stated himself out of court. His claim is that the amendment offered by the Senator from North Dakota puts a sufficient limitation and insures very moderate salaries, yet when I offer an amendment limiting a salary to \$3,500, the Senator in charge of the bill says there may be those whom they will want to pay greater salaries, which is, in other words, an open confession that there is in fact no real limitation carried by the amendment of the Senator from North Dakota, that it can be easily gotten by, and that there can be jobs under it that will pay more than \$3,500 a year. I predict there will be jobs made here that will pay better than \$10,000 a year if we leave it as it is. I commend the Senator from North Dakota for having gone as far as he does, but I should like to have a maximum put on it.

Mr. McCUMBER. I do not think for expert service in any line in the Agricultural Department, and perhaps in none of the others is there a salary of more than \$3,500 paid, but I do think that there are probably in each of the departments experts in certain lines whose salary and compensation is more than \$2,500. I think the Senator fixed the limit a little too low in placing it at \$2,500.

Mr. REED. I did not fix it at \$2,500. I said \$3,500.

Mr. McCUMBER. I did not understand the Senator. I think there are few if any getting \$3,500.

Mr. PAGE. Before the Senator from North Dakota sits down I should like to ask him a question. Does he not think that the rule which would obtain under the amendment of the Senator from Missouri would result in making pretty much every man who is appointed to a particular place classified as a \$3,500 man?

Mr. McCUMBER. I am a little afraid there might be an excuse of that kind. I think, as I stated in the beginning, it is safer to leave it as I had drawn it so that the salaries would be the same as those paid in other departments for similar services.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. REED] to the amendment offered by the Senator from North Dakota [Mr. McCUMBER].

On a division, the amendment to the amendment was agreed to. The amendment as amended was agreed to.

Mr. GORE. Mr. President, on yesterday I offered a substitute to the pending bill which I had prepared in expectation of the cloture. I wish to say that the Committee on Agriculture met this morning and yesterday afternoon and recommended a number of important and material amendments. I do not know what final action will be taken by the committee, but I ask unanimous consent to have the substitute printed for the information of the Senate and that it may lie on the table.

The PRESIDING OFFICER. If there is no objection, it will be so ordered.

Mr. JONES of Washington. I wish to ask the Senator from Oklahoma if what he has just presented is the substitute he offered yesterday with the amendments suggested by the committee?

Mr. GORE. Yes; I may say the amendments are embodied in the bill I now submit as a substitute.

Mr. JONES of Washington. Do I understand that the committee now recommends what the Senator presents?

Mr. GORE. No, sir; I say the committee met and considered the bill yesterday afternoon and this morning and agreed on or rather recommended these amendments. They did not take final action and authorize it to be reported as a substitute. The committee may probably meet again to consider that proposition.

Mr. CHAMBERLAIN. The amendment, as I understand, is not an amendment to the bill, but a proposed substitute.

Mr. GORE. Yes, sir; perfecting, I might say, the substitute; but I do not officially report it from the committee as yet.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 22, line 11, to change the number of the section from "19" to "18."

The amendment was agreed to.

The Secretary read as follows:

Sec. 18. That for the purposes of this act the sum of \$150,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be available during the time this act is in effect: *Provided*, That no part of this appropriation shall be expended for the purposes described in the preceding section.

Mr. SMOOT. Mr. President, I should like to ask the Senator having charge of the bill if there was any estimate made showing that \$150,000,000 will be all that will be necessary for this purpose?

Mr. CHAMBERLAIN. Mr. President, there was no estimate presented to the committee or to any member of it, so far as I know, but the \$150,000,000 was thought by those who have the bureau in charge—Mr. Hoover and his advisers—to be enough. My own opinion is that it will not be enough. It is, however, to be used as a revolving fund, and it is probable that as the commodities are bought and disposed of the fund might be sufficient. I do not know whether or not it will be.

Mr. SMOOT. Mr. President, I suppose that Mr. Hoover decided upon \$150,000,000 at the time when the bill was to include only foods, feeds, and fuel, but we have added to the bill since then petroleum and its products, aluminum and its products, hides, skins, steel and iron and their products, copper and its products, hemp, jute, cotton, wool, and sisal and their products, lead, timber, lumber, or the joint product or products of two or more of the said materials, farm implements and machinery, and fertilizers and fertilizer ingredients.

It is perfectly apparent that \$150,000,000 will be a mere bagatelle if the provisions of this bill as amended are to be carried out. Mr. President, \$150,000,000 would not purchase what wheat will be offered within the next two or three months. To try to administer this bill, including all the products named in it, with \$150,000,000 would simply be absurd.

Mr. SMITH of Georgia. The Senator does not think the appropriation in this bill would undertake to purchase all the wheat, does he?

Mr. SMOOT. I will say to the Senator that unless some other market is allowed to be developed the United States will certainly have to purchase all the wheat that is offered, and I have no doubt but that 60 days after the wheat crop is harvested and ready for market there will be over \$150,000,000 worth of wheat alone offered, which somebody has got to purchase.

Mr. SMITH of Georgia. Why does the Senator think the Government will have to purchase all of the wheat under the provisions of this bill? If the bill is so drawn that the Government will have to purchase all of the wheat, ought we not to amend the bill so that such a necessity would not exist?

Mr. SMOOT. I think we ought to amend the bill—there is not a question about that—but the Senator from Georgia must know that if the farmer's market is destroyed, as it is to-day, and there is a price put upon the wheat at which it shall be purchased by the Government, of course, the Government will have to take all wheat offered; it will have to handle it as any other purchaser would, and will sell it at a price fixed by it to purchasers in the United States and to our allies; and that is the program already mapped out. I am not complaining, for it may be the Government will be a better customer for the farmer than he has to-day; and if that is what the Senate wants and Congress is going to authorize, then I want the Congress of the United States to appropriate sufficient money so that the men administering the law can do so without question.

Mr. SMITH of Georgia. Mr. President, has the Senator from Utah pointed out to the Senate why this bill would destroy the entire market for wheat?

Mr. SMOOT. Mr. President—

Mr. SMITH of Georgia. Just one word more: If he has done so, then, if he can show that clearly, does he not think that

it will appeal to the Senate and that the Senate will be ready to so modify the bill as not to destroy the farmer's market?

Mr. SMOOT. Mr. President, the Senator from Georgia must know that the Senator from Minnesota [Mr. NELSON] and several other Senators have spoken upon that very subject matter and have called the attention of the Senate to the fact that there is not a question but that the wheat market is destroyed to-day. The Senator from Minnesota particularly called attention to the three purchasers of wheat that the farmer has to-day, and also called attention to the fact that those purchasers, for fear of the passage of this bill, would not buy wheat to-day, and if that continues the Government of the United States would be the only purchaser of wheat. I have not heard it disputed by the public press or by anyone else that the program is to be that not one of our allies or any neutral countries can buy a bushel of American wheat except through the bureau which is to be created under this bill. If that be true, where is the market for wheat other than the one we are providing now?

Mr. SMITH of Georgia. Would not the general American market still remain?

Mr. SMOOT. There would remain the little local markets, where the wheat is used for local consumption.

Mr. SMITH of Georgia. One moment. I asked the Senator that question not by way of argument but rather to draw out a discussion from him upon the subject.

Mr. SMOOT. Mr. President, I admit that gristmills that simply grind wheat for people within the city or county in which the gristmill is located no doubt would buy wheat from the farmer to carry on their small business and to provide enough flour for local consumption; but so far as exportations are concerned, and so far as the market for flour or wheat which goes into interstate commerce to any extent is concerned, there would be only the one purchaser.

Mr. McCUMBER. Mr. President—

Mr. SMITH of Georgia. Let me ask the Senator one more question.

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

Mr. SMOOT. I do.

Mr. SMITH of Georgia. Will the Senator permit me to proceed for one moment?

Mr. McCUMBER. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Would not the foreign countries that buy, if they would buy with the United States, furnish a fund entirely outside of this fund; and is not this fund solely intended to handle domestic consumption?

Again, I wish to say to the Senator from Utah that I am not asking these questions argumentatively, but rather to have them discussed, for I agree with the Senator that we have no right to destroy the wheat growers' market, and if we do so we should put up enough money to take care of it.

Mr. SMOOT. Mr. President, I admit that this appropriation is intended as a revolving fund, but the Senator from Georgia knows enough about the market to understand that somebody has got to advance the money to the farmer, for the farmer has got to sell his wheat when harvested in order to pay the debts that he owes to the local store and to the bank from which he may have borrowed money. The farmer has only one pay day in the year, and that pay day comes when he harvests his wheat and other products. Then he must pay his obligations. I admit that we should not appropriate all the money necessary to buy all the wheat produced in this country. If we did, \$150,000,000 would be a mere bagatelle for the wheat crop alone. There must be a certain amount of wheat carried the same as it has been carried by the trade in the past, and it must be distributed as it is called for, the same as in the past.

I admit, of course, that when our allies buy from the bureau created under this bill they have got to pay the money for it, and that would be a part of the revolving fund; but I am speaking now of the \$150,000,000 that is supposed to take care of the payments that are absolutely necessary for all the wheat and all of the other articles mentioned in this bill, if it becomes necessary in order to control them.

Mr. SMITH of Georgia. Mr. President—

Mr. McCUMBER. May I ask the Senator a question, which I have been trying to ask him?

Mr. SMOOT. I yield first to the Senator from North Dakota, and then I will yield to the Senator from Georgia.

Mr. McCUMBER. I want the Senator to realize that from the time the earlier crops are thrashed for the market and begin to come in until the crops are ready for the market in the North will cover substantially three months of time. That the Government will have simply announced the price that it will pay, and that that will necessarily fix the price for all grain coming from the crop of that season, whether it is hauled in a

hurry or whether it is hauled in two or three or six months. The Government can not possibly get hold of the actual grain to the amount of \$100,000,000 by any possibility, or \$50,000,000, or probably even \$25,000,000 worth. Therefore, while it is buying the first wheat and getting possession of the physical bushels of wheat, it will be turning it off at the same time for the purposes for which it has purchased. So I do not think there will be any danger whatever of \$150,000,000 not being sufficient to cover all of these things.

Mr. SMOOT. Mr. President, the Senator's ideas as to the amount of business that is covered under the provisions of this bill and mine are radically different. I can take, for instance, the one product of wool and its products. While most of that article has been sold this year for fabulous prices, if the Government of the United States undertook to control the wool in this country and its products, what would \$100,000,000 amount to in purchasing it? It would be a mere bagatelle for that one item alone, without the innumerable other articles named in the bill, covering nearly all the business of this country.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator whether there is anything in this bill that requires the Government to buy except for the purpose of guaranteeing a minimum price?

Mr. SMOOT. Mr. President, if the Government guarantees a minimum price, in view of the authority and the directions given in this bill, the only way it can guarantee that price is to buy the product, and that is exactly what they would do.

Mr. SHAFROTH. Yes; that is true; but the question of supply and demand would always come in as tending to make a higher price than the minimum, and we are not going to fix as the minimum price the regular market price. So I doubt very much whether the Government will have to buy any of the product.

Mr. SMOOT. Now, let me call attention to a condition that I have been told existed in the month of May. The neutral countries were buying wheat in that month, and wheat went up to three dollars and some odd cents a bushel—nearly \$3.25—through the neutrals buying and competing for American wheat. If reports are true, the neutral countries were told that they must cease buying American wheat, and that, if they did not do so, an embargo would be placed upon it and they could not get the wheat. They were also advised to unload the wheat they had purchased if reports be true. Those who have followed the wheat market must know that the price of wheat began to decline from that time on, and has declined over a dollar a bushel.

Mr. SHAFROTH. How much of that maximum price did the farmers get. I will ask the Senator?

Mr. SMOOT. Of course, I can not tell when the wheat was sold. If the farmer did not sell his wheat, but held it until the price rose to \$3.25, he got perhaps whatever the price was, less commission and freight to Chicago or some other grain center. But if he sold right after thrashing, I do not believe he got much more than \$1.50 a bushel.

Mr. SHAFROTH. I saw in the newspapers a statement, I think from Mr. Hoover, that the average price which the farmer received was \$1.51, whereas the speculators got as high as \$3.15. Now, if the minimum price on wheat is put at \$1.50, which is indicated in his interviews, I do not believe that there will be any sales to the Government, because I believe other purchasers will be ready to take the wheat off the market at \$1.00 or \$2 or even \$2.25, and consequently I think this appropriation will be amply sufficient for the purposes intended.

Mr. McCUMBER. Mr. President, will the Senator from Utah yield to me for a moment?

Mr. SMOOT. I yield.

Mr. McCUMBER. I merely desire to respond to the statement made by the Senator from Colorado. I think the Senator misunderstands Mr. Hoover's declaration. The farmers, of course, for the entire crop may have received an average of \$1.51; but certainly the Senator can not estimate the middleman's profit as the difference between \$1.51 and the highest market price for wheat, because there was a gradual rise all along, and the speculator bought and sold. At first he only sold for a little—perhaps 3 cents or 4 cents a bushel—higher than the farmer's price, with freight, and therefore the quantity influenced by speculation was but a few million bushels at the very most.

Mr. SHAFROTH. What the Senator now says is true. There was a gradual increase up to the maximum, I think, of \$3.25 a bushel; but the average would be somewhere in the neighborhood of \$2.50 or \$2.60; and if that is the average, then the difference between \$1.51 and \$2.50 would be the profit the middleman and the speculator received.

Mr. McCUMBER. The Senator's average is too high.

Mr. SMOOT. The trouble with the Senator from Colorado is that his average of what wheat has been selling for for the last year as compared with what the farmer received is altogether too high. He can not figure that wheat during the year 1917 has averaged \$2.50 a bushel, sale price. That is the weakness in the Senator's argument. I know, and I presume the Senator knows, that if the farmer held his wheat until May, as the speculators did who bought it perhaps a few months before—and I do not know what they may have given for the wheat; but certainly a great deal more than when it was harvested, because they are always turning over sales—but if the farmer had kept his wheat until May and the wheat had been in his bin, there is no question that he would have received over \$2.50 a bushel for it.

Mr. SHAFROTH. But, as a usual rule, the farmer does not do that. The farmer sells reasonably soon after the harvest.

Mr. SMOOT. That is what I have already said. There is no question about that. There is no difference between the Senator and myself upon that point.

Mr. SMITH of Georgia. Mr. President, the other question that I desire to ask the Senator is this: I realize fully the necessity of the farmer having a market for at least a large part of that portion of his crop which he intends to sell shortly after he harvests it.

Like the cotton farmer, his big crop is harvested practically altogether. He has spent his money to produce it; he has to pay up his obligations; and must sell part of the crop to pay his obligations. Now, what is there in this bill that will eliminate entirely the usual purchaser, and why is it that the men to whom the Senator refers who usually buy will not buy; and if they will not, what changes ought to be made in the bill to free that market and produce something like normal conditions?

Mr. SMOOT. Now, let us take the three purchasers that the farmer has had in the past and see where he stands to-day. First, was the gristmill. To-day the miller is not buying wheat to store it. The miller dare not push his mill to its utmost capacity and pile up a surplus stock of flour. The flour that is being sold to-day to the people of the United States is from the surplus stock of the gristmills of this country. The millers are not buying wheat to-day to make flour to sell at some future time; they are not accepting large orders for exportation, and then buying on the stock exchange enough wheat to protect them; so that it is impossible for them to lose if wheat should advance. That has all stopped. Now they are selling from their surplus stock, and I presume that to-day there is less flour held by the mills in the United States than there has been at any time for almost a quarter of a century.

Mr. SHAFROTH. Mr. President, I should like—

Mr. SMOOT. That is only one part of the answer to the question of the Senator from Georgia, and if the Senator from Colorado will allow me to complete the answer, I will yield to him.

Mr. SHAFROTH. Right there I should like to ask the Senator. Is not that condition of the market now due to the fact that no minimum price has been fixed, and it is not known what the minimum price will be? If the minimum price should be \$2.50, of course it would make a different condition than if it were \$1.50. Consequently it is due to the chaotic condition and to the fact that this bill has not been passed so that a minimum price can be fixed that the market is in the disturbed condition to which the Senator refers.

Mr. SMOOT. Mr. President, with a bureau able to fix the price of flour, with an administration having the power to say that no flour or wheat shall be exported from this country, and at the same time to fix a minimum price for wheat, who is going to handle it? The business men of the country are not going to purchase wheat unless they can make one or two or three cents a bushel upon it; and where are they going to find a market? If a minimum price is fixed, the farmer is not going to sell his wheat for any less than the minimum price, because he knows that he can get that price from the Government of the United States; and, of course, if that is the case, the farmer is not going to sell his wheat to anyone for less than he can get from the Government, and therefore there will be no incentive for a person to purchase the wheat.

Mr. REED. Mr. President—

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

Mr. SMITH of Georgia. I hope Senators will allow the Senator from Utah to answer my second question.

Mr. REED. I want to contribute something on this particular matter, but I will wait.

Mr. SMOOT. I will yield to the Senator from Missouri. I will not forget to answer the question of the Senator from Georgia.

Mr. REED. Mr. President, I have been told, on pretty good authority I think, that a potential gentleman has said that if this bill should pass, his method of controlling the market would be that if the wheat began to go too high he would go into the exchanges and sell wheat in sufficient quantities to put the price down. Mr. President, if anybody wants to grant that kind of power to an individual, and furnish him the money of the United States to go in and bull and bear the market, and then thinks that there will be any legitimate buying or selling upon the market and that business will not be generally disrupted, that individual and myself can not think in the same way.

Mr. SMOOT. Mr. President, replying further to the Senator from Georgia [Mr. SMITH], we will take the second market that the farmer has depended upon in the past, and that is the grain exchange. Under this bill there is not to be allowed any speculating in grain on the grain exchange where in the past there has been an unlimited market for wheat. In the past a miller would sell, say, 10,000 barrels of flour. He can not run the risk of wheat going up, and he does not know whether it is going to decline, but he makes the sale to be delivered within three months, we will say. In the past the miller has gone to the grain exchange and purchased for delivery as he wanted it during the following three months, enough wheat to make that 10,000 barrels of flour, and he pays a small commission for the privilege. That will all cease in the future. It is just the same with the cotton manufacturer. He sells his goods six months before the time of delivery. He must sell them. He takes his orders before ever a yard of the goods is made for delivery, and the first thing he does is to go into the cotton exchange and buy enough cotton to make the goods he has sold, at a price based upon the selling price of his goods. He can not run the chance of cotton advancing, and the only way that he has to protect himself to-day is to do just what he has been doing for a quarter of a century or more. Either that or he must have money sufficient to buy enough cotton at once with which to make the goods he has already sold.

Mr. SMITH of Georgia. Or he must be a speculator and take the chances of trade.

Mr. SMOOT. Or he must take the chance of an advance in cotton, and if a sharp advance in cotton did come up would go his business.

The farmers other market has been the foreign one. In the past the farmers have enjoyed the competition of all purchasers of all the foreign countries of the world. If Sweden wanted wheat more than Denmark, Sweden would bid more for the wheat than Denmark. If England wanted wheat more than France, England would bid more than France, and the highest bidder got the wheat; trade took its regular course, and there was no interference with it. Now, however, that is to be changed.

Mr. SMITH of Georgia. That is already changed.

Mr. SMOOT. Yes; as the Senator from Georgia says, that is already changed by the embargo act. The farmer has no foreign purchasers to bid for his wheat. Now, there is only one purchaser, and the Senator must know that without a foreign market and with more wheat raised in this country than it is possible for the American people to consume prices would not go above the minimum price named. That would be next to impossible. Therefore the Government would be compelled to purchase at the minimum price.

That is the situation, and it is for those reasons that I say that \$150,000,000 is not sufficient, if we are going to carry out the provisions of this bill. I am speaking now of the \$150,000,000 to cover only food, feeds, and fuel, the three items originally included in the bill; but when we have added all these other items, covering practically all the business of the United States, to appropriate \$150,000,000 for the purpose of controlling or of purchasing even an infinitesimal part of the products of this country would be utterly inadequate, a mere bagatelle.

Mr. SMITH of Georgia. Will it interrupt the Senator for me to suggest one thought that is in my mind, which, I think, indicates that the price might go above the minimum in spite even of these conditions?

Mr. SMOOT. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. It is this: It is known that a large quantity must be shipped abroad, even if only one purchaser handles it; that it will leave in this country certainly not more, probably less, than will be required for a normal, free use of the commodity. Therefore the knowledge of the fact that the private demand for what is left in this country will probably be more than the quantity left here would be calculated to stimulate the price. I agree that the conditions the Senator stated, unless that is true, would put wheat certainly not above the minimum price.

Mr. SMOOT. The Senator's reasoning is correct if there was not a further control. If the price of flour was not to be controlled, the Senator's reasoning would be absolutely correct; but the price at which flour is to be sold is to be controlled, and the decision is to be arrived at in this way; It will take so many bushels of wheat to make a barrel of flour. It costs so much to make that wheat into flour. Therefore, with wheat at \$2 a bushel, a barrel of flour costs just so much money, and the profit, or whatever is agreed upon, will be added, and it can not be sold for more.

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

Mr. SMOOT. Yes.

Mr. SMITH of Georgia. I only meant to carry my thought to the extent that the mere embargo would not hold the wheat down to the minimum price.

Mr. SMOOT. The Senator is right, if it was a mere embargo.

Mr. SMITH of Georgia. And I was asking the consideration of the Senator to the features of the bill that affect the domestic market. We must keep that in mind. The embargo is a war measure. I think that all agree we must support the embargo.

Mr. SMOOT. There is no doubt about it.

Mr. SMITH of Georgia. The question in my mind is, How can we modify anything that is affecting the local market so as to remove this burden upon the local wheat grower, and yet preserve those features of the bill that seek to prevent extortion?

Mr. SMOOT. Mr. President, of course I did not rise to speak upon that phase of the bill, though I may do so before I get through.

Mr. REED. Mr. President—

Mr. SMOOT. Just a moment. What I was interested in was this: I never like to vote for an appropriation to carry out any bill when I know the appropriation is not enough. We have seen it a thousand times down here. We have seen bureaus started with a promise that the expense of maintaining them would not be more than \$25,000 a year, and we have seen them grow until they have cost over \$300,000 a year; and I have seen appropriations of \$100,000 asked for here when anybody that knew the subject matter knew that it would have taken a million dollars to carry them out. Then, after we have made the appropriation of \$100,000, and after we have started upon the scheme, we can not help but make further appropriations; and we go on and pile it up, and when the million-dollar mark is reached there is something added to it, and it must be increased; and there is no telling when it will end.

Mr. SHAFROTH. Mr. President—

Mr. SMOOT. But, of course, I recognize that to-day a million dollars is such a little, nasty, contemptible amount of money that it is not worth spending a minute's time in considering. Anything less than a billion is to-day considered too small an amount to haggle over.

Mr. SMITH of Georgia. I was wondering if the Senator wanted a billion in this?

Mr. SHAFROTH. Mr. President, the argument of the Senator from Utah would be a good argument against providing for a bureau at all; but it seems to me that when they come and ask for \$150,000,000, for him to say that he wants to increase it to double or treble or quadruple that amount is not wise. We do not know that the position the Senator is taking is going to prove to be true, and consequently we had better appropriate only the \$150,000,000, instead of appropriating double or treble or quadruple that amount. If it turns out that it is required, Congress is in session all the time and will be ready to respond if it is deemed wise, and Congress ought to hold somewhat of a check upon the appropriation.

Mr. SMOOT. Mr. President, the Senator could not have been here a short time ago when I touched upon this very subject that he now brings up. You say that Mr. Hoover asked for \$150,000,000. Grant that it is true; but when Mr. Hoover asked for \$150,000,000 all that he ever thought would be covered in this bill was foods, feeds, and fuel. Since that time the Senate has added nearly every product manufactured in the United States; and if it took \$150,000,000 to handle foods, feeds, and fuel, does the Senator from Colorado think that with all the balance of the products of the United States it could be handled for the same amount?

Mr. SHAFROTH. Mr. President, I must say that if Mr. Hoover or the Government wanted more than \$150,000,000 they would manifest their desire here. I want to ask the Senator a question: Does he believe in giving \$300,000,000 or \$900,000,000 or \$1,200,000,000 at this place and for this purpose?

Mr. SMOOT. Mr. President, the Senator from Utah believes that if we are going to pass a bill and lead the American people to believe that all the products they produce shall be taken care of by the Government of the United States, it is nothing

more than fair to them that the Government of the United States shall provide the money to pay for them and carry out the provisions of the bill in good faith; and I know that the Government of the United States can not carry it out and do that with all of the items that are put in this bill with an appropriation of \$150,000,000.

Therefore, I am in favor of increasing it, if we are going to pass the bill.

Mr. REED. Mr. President—

The PRESIDING OFFICER (Mr. FERNALD in the chair). Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. REED. I think the Senator from Utah can compose his soul. If the bill is about to pass in this enlarged form, Mr. Hoover will send down word that he wants a few billions more, and opposition will vanish like mist before the sun. I think even our friend from Colorado will be found enthusiastically supporting the proposition.

Mr. SHAFROTH. Mr. President—

Mr. REED. Mr. President, I should like to ask the Senator from Utah a question. However, I, of course, will pause now for the Senator from Colorado to tell us what his position might be.

Mr. SHAFROTH. Mr. President, I believe this \$150,000,000 is sufficient. I believe, as a matter of fact, that not that amount will be used. The bill provides only for the minimum price to be fixed by the Government, and provides for the Government taking over only in the event that wheat or other products are lower than that minimum price.

Mr. REED. Oh, no.

Mr. SHAFROTH. For that reason, I do not believe that the Government will have to buy any.

Mr. REED. There is no such provision in the bill.

Mr. SHAFROTH. There is a provision fixing and guaranteeing the minimum price. When the question as to appropriation comes up I am rather inclined to scrutinize appropriations pretty closely, and I do not want any more than are necessary, and if I believe that an appropriation is asked that is greater than is needed I must say that I feel that I will vote against any such increased appropriation.

Mr. SMOOT. Well, Mr. President, I feel that I shall do my duty to the American people when I call the attention of the Senate to the fact that if this bill passes with present items in it and the bureau is to execute the law \$150,000,000 will be a mere bagatelle. The Senator from Colorado knows too well my position in relation to extravagant appropriations; he has served on the Appropriations Committee with me long enough to know that there is no one in this body that scrutinizes the money appropriated any more than the Senator from Utah.

Mr. SHAFROTH. Mr. President, I must say that in my association with the Senator from Utah on the Committee on Appropriations he has nearly always been in favor of lower appropriations. For that reason I was utterly astonished to find that the Senator on this occasion was talking about increasing the amount from \$150,000,000 to two or three times that amount.

Mr. SMOOT. Mr. President, I know that the Senator from Colorado is too intelligent a man and too clever a business man to think for a minute that if it took \$150,000,000 to carry out the provisions of this bill when it included only foods, feeds, and fuels, when we have added to it every other product of the country—yes; ten times more than the original amount—that the administration can be done with the same amount of appropriation. I know that the Senator, if he will stop to think of it, will say that it is an impossible thing to do. I should be delighted if it could be done.

Mr. SHAFROTH. Mr. President, I know the economical tendencies of the Senator from Utah; and I venture the assertion that if an amendment were made to this bill to increase this amount even \$50,000,000, he would vote against it.

Mr. SMOOT. The Senator could not say that after what I have said, unless he has an idea in the back of his head that this bill is not going to pass in its present form. I will say to the Senator that if this bill is to pass in its present form, and includes all of the items provided for now in the bill, not only would I vote for \$50,000,000 but I would vote for \$300,000,000 for it, because I know that we would have to provide the money for it, and I know that a deficiency would be asked for by the Secretary of the Treasury, as all other deficiencies are, as it will be an utter impossibility to administer this bill in its present shape with \$150,000,000 or \$300,000,000 if it would have taken \$150,000,000 in the first instance.

I wanted to call attention to that fact so that if this bill passes and there is an appropriation asked for of \$500,000,000

in the form of a deficiency no one can point to me if I object to it and say, "Why did you not call the attention of the Senate to it when the bill was under consideration?" I have done so, Mr. President; and I know, just as well as I know that I live, that if this bill passes and these items remain in the bill, and if it is administered as it ought to be, it will not cost \$150,000,000, but it will cost half a billion dollars.

I have said all that I care to say about this item. I do not expect to see a change made in it. Perhaps it will be said, as it has been said in other instances when appropriations have been made that were insufficient to cover what we knew would be the expense, that it is far better when we meet in December to make an appropriation, even though it be a deficiency, than to provide for it at this time. Now, I do not like that kind of legislation. If I vote for a bill, I want to vote also at the same time for sufficient money to carry the provisions of the bill out.

If that policy were followed to-day, it would save this Government millions and millions of dollars. Under the law, no officer of our Government has a right to make a deficiency, and yet there is not a single session of Congress but that deficiencies are made—first a deficiency bill, then an urgency deficiency bill, then another urgency deficiency bill, and I do not know how many will yet pass the Senate at this session of Congress.

Mr. VARDAMAN. Mr. President, may I ask the Senator from Utah a question?

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

Mr. SMOOT. Yes; I yield to the Senator.

Mr. VARDAMAN. The Senator stated, if I understood him correctly, that it would cost half a billion dollars to execute this law. What evidence has the Senator that it would cost that much money? Has the Senator any information as to how the men who wrote this bill reached the conclusion that it would take \$150,000,000? I have never been able to get any information at all on that subject, and I have made a great many inquiries. Of course I do not charge that an investigation has not been made and the figures which appear in the bill are incorrect. All that I contend is I have not seen the figures and the facts, and they have not been given to the Senate.

Mr. SMOOT. If the Senator will indulge me just a moment, when this bill was reported to Congress the men who expect to administer it stated that it would cost \$150,000,000. Included in the bill then were foods, feeds, and fuels. Now, we have added these items: Aluminum and its products, hides, skins, steel and iron and their products, copper and its products, hemp, jute, cotton, wool, sisal, and their products, lead, timber, lumber, or the joint product or products of two or more of the said materials, farm implements and machinery, and fertilizers and fertilizer ingredients. Now, I say to the Senator that if it cost \$150,000,000 to administer the bill as it was reported to Congress, in which was included only foods, feeds, and fuels, to include all of these items I have not a doubt that it will take more than half a billion dollars.

Mr. VARDAMAN. I think the Senator's reasoning is logical; but has the Senator any information upon which to base the statement that it is going to cost \$150,000,000? I understand that that is just what the proponents or authors of this bill stated that it would cost, without giving any data upon which Congress could reach an independent conclusion on the subject at all. I am willing to accept the food dictator's opinion on many things—most things connected with this bill—but I must not be blamed or censured if I occasionally hang out an interrogation point.

Mr. GRONNA. Mr. President—

Mr. SMOOT. I want to say to the Senator that I think the \$150,000,000, even for the administration of the bill as it was reported to Congress, is too little.

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

Mr. SMOOT. Yes; I yield to the Senator from North Dakota. I think the Senator from North Dakota the other day made the statement that \$150,000,000 was not sufficient.

Mr. GRONNA. I can not agree with the Senator from Mississippi, nor can I agree with the Senator from Utah. As I understand this fund, it is a revolving fund, not an expense fund. It is a fund to be used as a purchasing fund.

Mr. SMOOT. That is what I said.

Mr. GRONNA. And it is supposed that we are not to lose anything. Unless the buyer, the man who is to administer this law, does not understand his business, the Government is supposed not to lose anything. The expense fund in the bill is the two and a half millions. That is the only money that is appropriated for expense.

Mr. SMOOT. I hope the Senator will revise his statement as to not agreeing with me. I have said time and again that this is a revolving fund, and I have not even intimated that the Government of the United States would not receive from the wheat that it purchases every dollar that it costs; but I have contended that with all these items, if they are to be purchased by the Government, revolving fund as it is, it is not sufficient for the Government's purchases.

Mr. GRONNA. If the Senator will permit me, I do not disagree with the Senator from Utah in his statement that if all these articles are to be included \$150,000,000 would be insufficient capital to handle the entire industry.

Mr. VARDAMAN. Well, this fund revolves. It changes form. It is used over and over again.

Mr. GRONNA. I will say to the Senator that it is not an expense fund.

Mr. VARDAMAN. I do not see why it should take such an enormous fund, if the investments the Government makes shall be realized on, and the money used to buy wheat to-day, converted into money to-morrow, and the money used again next day. It seems to me it should not take such a large amount if it is going to be used in that way. It will be ample unless it is going to be used also in the employment of men to gather statistics and data, and paid out in that way. A prodigious amount of business can be conducted with \$150,000,000 if wisely and prudently used.

Mr. SMOOT. Why, the \$2,500,000 provides for that. Of course under this provision, however, it could be spent even for other purposes than buying and holding the products named in the bill.

Mr. KENYON. Mr. President—

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

Mr. SMOOT. I do.

Mr. KENYON. Mr. Hoover stated before the committee, and there is no secret about it and no need of beating around the bush about it, that this fund of \$150,000,000 was a revolving fund to buy wheat.

Now, of course, if all these other matters were to be purchased, it would not be enough.

Mr. SMOOT. Why, there is no doubt at all about it.

Mr. KENYON. But I want to call the attention of the Senator from Utah to one thing, if I may, while I am on my feet.

Mr. SMOOT. Yes.

Mr. KENYON. He continually refers to the fact that only foods, feeds, and fuels were covered in the original bill. I want to call his attention to the fact that it also covered "articles required for their production," which of course includes nearly everything as now defined in the bill.

Mr. SMOOT. I suppose there is no question in the mind of any Senator, and particularly in the minds of the members of the committee, but that Mr. Hoover stated before the committee that the object of the appropriation was to purchase wheat.

Mr. KENYON. That was what the \$150,000,000 was for. He was asked that, and said that. There is no question about it.

Mr. SMOOT. Yes; and as I stated in my remarks, I believe that every penny of the \$150,000,000 will be necessary to handle the wheat of this country, even though it be a revolving fund.

Mr. President, I do not want to take any more of the time of the Senate, but I felt that I ought to call the attention of the Senate to the fact that if the bill passes in its present form it would be unjust to Mr. Hoover or any other man who may be placed in a position to administer the law to ask him to do so with this appropriation only provided for.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. The Senator from Oregon offers the following amendment:

On page 22, at the end of line 16, add the following:  
"The appropriation specified in this section and in section 16 of this act shall be immediately available and shall be paid out on the order of the President or on the order of such officer or officers as may be designated by him for that purpose, which order of the President, or of such officer, shall be conclusive and binding upon all departments and the accounting officers of the Government as to the correctness of said accounts and disbursements.

"In order to provide for necessary office accommodations and facilities for the use of any agency or agencies which may be created or used by the President in carrying into effect the provisions of this act, the President may, in his discretion, cause to be constructed a temporary office, building, or buildings upon any lands owned by the United States within the District of Columbia not required for other governmental uses and which may be designated by him, and construct such temporary office, building, or buildings thereon. For these purposes the President may utilize and expend so much of said appropriation as may be necessary, not exceeding the sum of \$200,000.

"Provided further, That itemized statements covering all purchases and disbursements under this and the preceding section shall be filed with the Secretary of the Senate and the Clerk of the House of Repre-



sentatives on or before the 10th day of each month after the taking effect of this act, covering the business of the preceding month, and said statements shall be subject to public inspection."

Mr. SMOOT. Mr. President, I desire a division of that amendment. I should like a separate vote upon the first proposition and then a separate vote on the second one.

The first one provides \$200,000 for the building of a temporary office building in Washington, and if the other members of the Appropriations Committee and myself are correctly informed, they have already selected a point on which this building shall be erected near the Senate Office Building, upon ground owned by the Government of the United States. Now, the idea of appropriating \$200,000 for a temporary building, to be torn down just as soon as the war ceases, is extravagance that can not be defended, when we can rent the old Census Building, with ample room for every employee that will be employed under the provisions of this bill. We had the Census Bureau in that building for years, and, while I forget exactly how many employees they had, certainly they had as many as will be employed under this bill. A mere tithe of the amount that is asked here to put up a building will pay the rent for at least two years for that building.

Mr. OVERMAN. We have other buildings, too.

Mr. SMOOT. Yes; as the Senator from North Carolina states, we have other buildings that they can go into, and that will cost us nothing at all for rent.

Mr. McKELLAR and Mr. JONES of Washington addressed the Chair.

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

Mr. SMOOT. Yes; I yield to the Senator.

Mr. McKELLAR. Who recommends the erection of this temporary building?

Mr. SMOOT. The amendment was sent to the committee, I suppose, through the regular channels.

Mr. McKELLAR. I know; but what department, what officer of the Government, recommended it? Whose testimony was taken in regard to it?

Mr. SMOOT. I shall have to ask the Senator from Oregon to answer that question.

Mr. McKELLAR. Can the chairman of the committee tell me?

Mr. CHAMBERLAIN. Mr. President, we went all over that once this morning. Mr. Hoover and Judge Lindsey appeared before the committee and explained to the committee that they had been unable to find quarters to occupy for the purposes proposed in this act, and that temporary quarters would have to be erected for them; and upon their recommendation the committee suggested this amendment.

Mr. JONES of Washington. Mr. President, do we not own a lot of buildings down here next to the Maltby Building?

Mr. SMOOT. We do.

Mr. JONES of Washington. Why can not those buildings be used?

Mr. SMOOT. I do not think they are fine enough.

Mr. JONES of Washington. But, as I understand, they are going to put this temporary building out here on the Plaza. And my recollection is that we own all of these buildings down here to the alley this side of the Driscoll Hotel.

Mr. SMOOT. Yes.

Mr. JONES of Washington. All of those buildings along there connected with the Maltby Building we own, and I understand that the Maltby Building is being used now for some purpose.

Mr. SHAFROTH rose.

Mr. SMOOT. It is partly used; and, as the defender of the Maltby Building, I introduce the Senator from Colorado.

Mr. SHAFROTH. Mr. President, I hope the Maltby Building will be used. It is a good five-story building.

Mr. JONES of Washington. It seems to me the Maltby Building and those other buildings along there, all owned by the Government, could be put to good use.

Mr. SHAFROTH. There are 20 or 30 of them.

Mr. SMOOT. Every inch of space ought to be used.

Mr. SHAFROTH. There are 20 or 30 residences there that are now occupied temporarily; and, besides that, facing upon the other street there is a good-sized school building that has been occupied in the past year and is in good repair, and there are other buildings facing upon that court there. I can not see why they can not find, not palatial quarters, but quarters with good roofs on them and good heating apparatus. I do not see why they can not utilize those buildings.

Mr. SMOOT. I will not say anything more. I think it is so apparent that this ought not to go into the bill that I am willing to submit it to a vote of the Senate right now.

Mr. CHAMBERLAIN. My attention was called to the fact here by a member of the committee that the appropriation ought to have been \$150,000 instead of \$200,000. The amount of \$200,000 was discussed while in committee, but it was fixed at \$150,000. I wish to make that change in the amendment.

Mr. SMITH of Michigan. Senators serving here have occupied quarters in the Maltby Building for years.

Mr. SMOOT. I did so.

Mr. SMITH of Michigan. The Senator from Utah was there, and I was there, and a number of Senators occupied quarters there. They were good enough for anyone. I think we ought to strike out the second paragraph of this amendment. We have ample buildings, and if this food-administration company want to have something more elaborate than we have now, Senators can very easily vacate the Senate Office Building, or perhaps the Supreme Court room might be borrowed. There is nothing going on there and there is a throne and ample space there for garbing these people appropriately.

The PRESIDING OFFICER. The question is on agreeing to the first part of the amendment of the Senator from Oregon.

The first part of the amendment was rejected.

Mr. SMOOT. The second part of the amendment ought to be adopted.

Mr. SHAFROTH. I ask that the second part be read.

Mr. SMITH of Michigan. The second part is the part which appertains to itemizing and reports to the Clerk of the House and the Secretary of the Senate.

The PRESIDING OFFICER. It will be read.

The SECRETARY. Add, at the end of line 16, after the word "section" and before the period, the following proviso:

*Provided further, That itemized statements covering all purchases and disbursements under this and the preceding section shall be filed with the Secretary of the Senate and the Clerk of the House of Representatives on or before the 10th day of each month after the taking effect of this act, covering the business of the preceding month, and said statements shall be subject to public inspection.*

The PRESIDING OFFICER. The question is on agreeing to the second part of the amendment.

The second part of the amendment was agreed to.

The next amendment was, on page 22, after line 16, to strike out:

Sec. 20. That the employment of any person under the provisions of this act shall not exempt any such person from military service under the provisions of the selective draft law approved May 18, 1917.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

Mr. SMOOT. I do not ask to have a record vote upon it, but I do not like to have the amendment agreed to without objection. I ought to state that I have a strong objection to the action of the committee. The House provision should be agreed to.

Mr. JONES of Washington. I wish to ask the Senator in charge of the bill why that was stricken out?

Mr. CHAMBERLAIN. Because the selective-draft act covers the whole subject.

Mr. JONES of Washington. I understand under the selective draft law the President could exempt all these employees if he saw fit to do so.

Mr. CHAMBERLAIN. Certain classes of men—for instance, customhouse clerks—were definitely named in the act. Those were exempt from the service, and all other Government employees could be called on for voluntary military service as they might be utilized in connection with the national defense.

Mr. JONES of Washington. Then the employees in this temporary service could be put on the same basis as the permanent employees.

Mr. CHAMBERLAIN. Yes; temporarily, while they are in the Government employ.

Mr. SMOOT. As I said, I am not going to ask for a ye and nay vote on this amendment, but as the employees under this bill will be temporary, perhaps to be in the Government service not over one year, I can not see why they should be exempt from draft. If it affected the administration of the provisions of the act, if it affected the Government in any way, there would be some excuse for it, but I can not see why they should not be drafted the same as many other employees of the Government will be.

Mr. KING. May I inquire of my colleague does he interpret the bill as exempting the employees under the bill from military service?

Mr. SMOOT. In my opinion it can not have any other effect.

Mr. KING. I understood from the Senator in charge of the bill this morning that a general statute covers all Government employees, and that none as a class are exempt from the operation of the selective-draft act.

Mr. CHAMBERLAIN. In order that Senators may understand just what the law is, let me call attention to it.

Mr. SMOOT. I shall be glad to have the Senator do so.

Mr. CHAMBERLAIN. Section 4 of the act to increase temporarily the Military Establishment of the United States provides—

That the Vice President of the United States, the officers, legislative, executive, and judicial of the United States and of the several States, Territories, and the District of Columbia, regular or duly ordained ministers of religion, students who at the time of the approval of this act are preparing for the ministry in recognized theological or divinity schools, and all persons in the military and naval service of the United States shall be exempt from the selective draft herein prescribed; and nothing in this act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well-recognized religious sect or organization at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organizations, but no person so exempted shall be exempted from service in any capacity that the President shall declare to be noncombatant; and the President is hereby authorized to exclude or discharge from said selective draft and from the draft under the second paragraph of section 1 hereof, or to draft for partial military service only from those liable to draft as in this act provided, persons of the following classes:

Now, the act mentions them:

County and municipal officials; customhouse clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals, and navy yards of the United States, and such other persons employed in the service of the United States as the President may designate; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States.

Then it mentions the other classes.

Mr. SMOOT. I remember the law as the Senator has read it; but the House put in section 20 so that there could be no question but that the employees under the provisions of the bill would fall under the same draft law as all the other employees of the Government. But this bill, if it becomes a law, will have passed Congress after the passage of the draft act of May 18, 1917, and the House thought the best and surest way was to specifically state in this law that all the employees shall fall under the draft law of May 18, 1917.

Mr. LODGE. I think also, Mr. President, that the intent of the House was to prevent persons employed under this act taking advantage of their position to claim exemption on the ground of Government service. As to the other people now in the service, the President can grant exemption or not as he pleases, but this would prevent them, I think, from claiming exemption on the ground of Government service. I think it is a great mistake to strike it out. It makes a home for slackers.

Mr. KING. Mr. President, I agree with the expression of the Senator from Massachusetts and my colleague, the senior Senator from Utah. In this connection I wish to speak of an experience which doubtless most, if not all, Senators have had. It is a fact that many young men wholly unpatriotic are seeking service in the Government now, hoping thereby to escape conscription. Almost every day applications are made to some, if not all, Senators.

Mr. LODGE. We all get them. I think it is a very undesirable class, and I do not want to extend it.

Mr. KING. I certainly hope that the President of the United States will signify at a very early moment that few of those who are in the Government's service and who are amenable to draft shall be excused from the operation of the law. Personally I should like to see the House provision adhered to.

Mr. SMOOT. In this connection I wish to say that I had a young man call upon me the other day who asked me to get him a position in the Government service. He said, "I do not care what wages they pay me; I am perfectly willing, if necessary, to work for \$50 a month." I had never met him before in my life; he came with a letter of introduction from a friend of mine here in Washington. I asked him right out, "Why do you want to work for the Government?" He said, "If I get employment in the Government service, they can not draft me."

Mr. KENYON. The committee, I am sure, struck out this provision because they thought there was no question that these people would be subject to the draft. If there is any question about it the committee amendment ought to stay in, and I think I shall vote to keep it in.

Mr. LODGE. It can do no harm to keep it in.

Mr. KENYON. No.

Mr. LODGE. If it is superfluous or a duplication it is no harm in my judgment. It takes from the employee the right to make claim for exemption on that ground.

Mr. SMITH of Michigan. Whether it is in or out, the President still has the right under the power we gave him to exempt. He can do it on any ground.

Mr. LODGE. Of course, he may do it on any other ground, but not on the ground of Government service.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee striking out section 20, page 22, lines 17 to 21, inclusive.

The amendment was rejected.

The next amendment was, on page 22, line 22, to change the number of the section from "21" to "18."

The amendment was agreed to.

The next amendment was, on page 23, after line 9, to strike out:

SEC. 22. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

The amendment was agreed to.

The next amendment was, on page 23, after line 16, to insert:

SEC. 19. That words used in this act shall be construed to import the plural or the singular, as the case demands. The word "person," wherever used in this act, shall include individuals, partnerships, associations, and corporations.

The amendment was agreed to.

The next amendment was, on page 23, line 21, to change the number of the section from "23" to "20."

The Secretary resumed and concluded the reading of the bill.

The PRESIDING OFFICER. The reading of the bill has been completed.

Mr. CHAMBERLAIN. There were one or two amendments passed over at the request of Senators. I think the Senator from Missouri requested that the amendment inserting section 3 be passed over.

Mr. REED. Section 3 is very important. If there is any possibility of the committee amendment being rejected as it is printed, I want to be heard. But I make this suggestion to the chairman of the committee. I understand every amendment of the committee is disposed of now except one. Is not that correct?

Mr. CHAMBERLAIN. I think there were one or two provisions that went over; I am not sure. I ask the Secretary what other provision was passed over?

The SECRETARY. On page 16, line 2, after the word "both," the committee report to insert:

Provided, That such operations, practices, and transactions, at, on, or in or under the rules of any exchange, board of trade, or other similar institution or place of business, as are not prohibited by the regulations made by the President, pursuant to the provisions of this section, shall not be deemed to be within the intent and meaning of section 6 of this act.

Mr. REED. I object to the last clause.

Mr. NORRIS. On what page is that?

The PRESIDING OFFICER. Page 16, line 2, at the end of section 10. It is an amendment proposed by the chairman of the committee.

Mr. REED. Let it be read again, please.

The PRESIDING OFFICER. It will be again read.

The SECRETARY. On section 10, beginning on page 14, on page 16, after the penalty clause, line 2, after the word "both," insert the following proviso:

Provided, That such operations, practices, and transactions, at, on, or in, or under the rules of any exchange, board of trade, or other similar institution or place of business, as are not prohibited by the regulations made by the President, pursuant to the provisions of this section, shall not be deemed to be within the intent and meaning of section 6 of this act.

Mr. CHAMBERLAIN. Mr. President, if the Senator from Missouri will permit me, I will state the purpose of that amendment. It was suggested by Judge Lindsey. The object is to remove any doubt which might arise in construing section 6 in connection with section 10. Section 10 contemplates that ordinary course of trading in exchanges and boards of trades in commodities which may for the time being be deemed not to require regulation, should not be inhibited by the regulation, and thus if you can take section 10 standing alone, it would be perfectly legal.

If at any time the President desires to place any given operation, practice, or transaction on the prohibited list, he may do so, but until he does so, business should be permitted to proceed on customary lines.

The proposed amendment would remove any ambiguity between the two sections, and it was for that reason that this amendment was put in. In other words, there was fear that the two sections taken together would put even legitimate exchanges out of business.

Mr. REED. Then the proviso ought to be to section 6 instead of section 10. I have not given it careful study. Who is Judge Lindsey?

Mr. CHAMBERLAIN. He is quite a prominent western lawyer. I have only met him recently. I will state to the Senator that he suggested it did not make any difference whether it was put on section 6 or section 10, but at the request of some members of the committee we fixed the amendment so as to attach it to section 10.

Mr. REED. Since I made the inquiry of the Senator as to Judge Lindsey I have been informed by the Senator from Utah [Mr. KING] that Judge Lindsey is very well and very favorably known in the profession. I make that statement because my inquiry a moment ago might seem to indicate that I was raising a question as to his ability. I did not mean to do that. There might be a thousand Judge Lindseys, and I wanted to identify the man. I do not make any objection to this amendment under the explanation that has been made.

Mr. GRONNA. Mr. President, I am a member of the Committee on Agriculture and Forestry, but I do not think we ought to adopt this amendment in the form in which it has been presented by the Senator from Oregon.

Mr. CHAMBERLAIN. I will say to the Senator, as he will probably remember, that the amendment was not prepared by me, but was prepared by Judge Lindsey himself, after having taken these sections together, and after having gone over them carefully.

Mr. GRONNA. I was going to come to that, Mr. President. It is not a committee amendment; it is an amendment suggested by Mr. Hoover or by his attorney. If I understand the amendment correctly, it will permit transactions on boards of trade, the buying and selling of grain, according to rules and regulations adopted by such exchange; but at the same time it would not allow outside of the board of trade, or permit an individual, say a miller, or an individual engaged in some other business, to buy the actual grain and store it. I think we ought to give the matter a little more consideration.

The amendment legalizes and permits transactions which we have condemned in the strongest terms, but it does not permit of legitimate transactions. Although I am a member of the committee and would like to support the Senator in charge of the bill, because he certainly has worked diligently and has done everything possible to make this bill as good as it can be made, I shall have to vote against it. I do not think the amendment in its present form ought to be adopted.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oregon, which has been read by the Secretary.

Mr. SMOOT. Let the amendment be again stated. If the amendment really does what the Senator from North Dakota says it does, I think it is a very serious matter.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The SECRETARY. On page 16, line 2, after the word "both," it is proposed to insert the following proviso:

*Provided*, That such operations, practices, and transactions at, on, or in, or under the rules of any exchange, board of trade, or other similar institution or place of business as are not prohibited by the regulations made by the President, pursuant to the provisions of this section, shall not be deemed to be within the intent and meaning of section 6 of this act.

Mr. CHAMBERLAIN. Mr. President, let me state again that Judge Lindsey thought that section 6 and section 10, standing alone, would stop legitimate purchases and sales on boards of trade, transactions which, under ordinary circumstances, would not be prohibited, and thus might destroy markets for wheat. There has been some complaint here on the floor of the Senate that if we abolish them all overnight there would probably be a destruction of the wheat market.

Mr. NORRIS. Mr. President—

Mr. CHAMBERLAIN. Just a moment, if the Senator please. For the purpose of permitting those who are engaged in perfectly legitimate transactions to proceed, this amendment was proposed. Of course, if the Senate wants to put them all out of business, that is one thing; but if the Senate wants to leave the President the power to make regulations which would permit legitimate institutions to do business, and exclude those which were engaged in purely a speculative business, then this amendment ought to be adopted.

Mr. NORRIS. Mr. President, I may be mistaken, but as I understand, there is no inhibition in regard to boards of trade under section 10, unless the President by rule or regulation or order interferes with their method of doing business. Is not that true?

Mr. CHAMBERLAIN. I think that is true; but section 6 should be taken in connection with section 10.

Mr. NORRIS. Yes. What I do not quite understand about this amendment is that section 10 provides, in effect, that certain practices on boards of trade prohibited by rule or order

or regulation of the President shall be illegal. The proviso proposed to be added is almost in substance a repetition, it seems to me, because it says that those things which the President does not prohibit shall not be illegal. The question I want to ask is, What effect would it have, anyway, if it were adopted? I doubt whether it would have any effect.

Mr. CHAMBERLAIN. I am frank to say that the insistence of Judge Lindsey seemed to me to be a distinction without a difference. I have never been able to make up my mind positively that it was necessary, and yet he was so insistent that if we did not put in this saving clause, this amendment, there would be ambiguity which might make the bill difficult of construction, the committee concluded to put it in.

Mr. NORRIS. I do not know that I see any objection to the amendment; but it seems to me, really, that it does not change the effect of section 10 whether we leave it in or whether we leave it out. Section 10 says that certain things the President shall prohibit shall be illegal and provides punishment for those who violate the President's order. This amendment provides that those practices which he does not prohibit shall not be illegal. I think that would follow in any event. I should like to ask the Senator from North Dakota if that would not be true?

Mr. GRONNA. Mr. President, my attention was diverted for the moment, and I did not hear the Senator.

Mr. NORRIS. I was saying that I did not understand, from listening to the reading of this amendment, that it would really have any effect. Section 10, in substance, provides that the President shall have the power to cause practices and regulations of boards of trade to cease; he can provide by order that they shall cease; and if they do not, then those who violate the order become liable to the penalty provided in the act. This amendment simply says that those things which the President does not condemn in his order shall not be illegal. Would not that be true any way, whether we had this amendment or not?

Mr. GORE. Mr. President, I will say to the Senator from Nebraska that it is necessary to take into consideration subdivision (a) in section 6, which prohibits certain contracts.

Mr. NORRIS. Yes.

Mr. GORE. The amendment is designed to permit certain contracts that are not permitted to be made on boards of trade, which otherwise would be prohibited under subdivision (a) of section 6.

Mr. NORRIS. Subdivision (a) in section 6 is stricken out, as I understand.

Mr. GORE. No.

Mr. NORRIS. Subdivision (b) became subdivision (a).

Mr. GORE. But afterwards the amendment was reconsidered, and subdivision (a) was reinserted.

Mr. NORRIS. There is a subdivision (a) in the bill, but under an amendment agreed to, as I remember, what is now subdivision (a) in the bill was formerly subdivision (b).

Mr. GORE. Is that the subdivision that prohibits certain contracts?

Mr. CHAMBERLAIN. Yes; that is subdivision (b) now.

Mr. NORRIS. No; it is subdivision (a) now.

Mr. GORE. I thought it was subdivision (a).

Mr. NORRIS. It reads as follows:

(a) Held, contracted for, or arranged for by any manufacturer, wholesaler, retailer, or other dealer in a quantity in excess of the reasonable requirements of his business for use or sale by him for a reasonable time, or reasonably required to furnish necessities produced in surplus quantities seasonally throughout the period of scant or no production.

Mr. CHAMBERLAIN. The proposed amendment, as the Senator will notice, is to protect legitimate contracts and to remove them from the danger of ambiguity.

Mr. NORRIS. As I understand, the amendment really means in effect that hoarding, as defined in section 6, shall not be held to be hoarding unless the President says so.

Mr. GRONNA. Mr. President, the Senator asked me a question a moment ago. According to my interpretation of the amendment, it applies to section 6 as well as to section 10—

Mr. NORRIS. I see that it does.

Mr. GRONNA. And provides that transactions on boards of trade shall not come within the meaning of the first provision of section 6, which reads:

The necessities shall be deemed to be hoarded within the meaning of this act—

And so on.

Mr. NORRIS. Yes.

Mr. GRONNA. The way I interpret that is, for instance, if wheat is bought by any board of trade according to the rules and regulations of that board, then it is excepted from the provisions of section 6, but otherwise it is not.

Mr. NORRIS. When I first called attention to it I had not considered it in connection with section 6; but, considering it

in connection with section 6, it seems to me that it would have this effect: In section 6 we have defined hoarding and made it a crime. Now, this amendment, if agreed to, would have the effect of nullifying section 6, unless the President has said that the acts are illegal.

Mr. GRONNA. It would have the effect, if the Senator will pardon me, of excepting transactions made on boards of trade, but no others.

Mr. NORRIS. And they would all be excepted unless the President had ordered that they should not be.

Mr. GRONNA. That is my interpretation.

Mr. NORRIS. I am rather inclined to think that the Senator is right. The amendment has not been printed in the form of an amendment—

The PRESIDING OFFICER. It has not.

Mr. NORRIS. Senators have not had an opportunity to examine it. This is a very important amendment; and, since we are not going to conclude the bill anyway to-night, I think that it ought to go over and be printed, as other amendments are printed, so that we may be able to examine it and gather the full effect of it. I ask, Mr. President, that the amendment be passed over until to-morrow.

Mr. CHAMBERLAIN. I did not hear the request of the Senator.

Mr. NORRIS. I ask that the amendment go over until to-morrow and that it be printed in the form of an amendment and laid on the desks of Senators.

Mr. CHAMBERLAIN. I have no objection to that, Mr. President, and ask that it be done.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. CHAMBERLAIN. Mr. President, I do not know whether there are any other Senators who desire to address the Senate this afternoon. No one has indicated a desire to do so. I believe the Senator from Missouri would prefer to address the Senate to-morrow; and, if there is no objection to that course, I shall move that the Senate take a recess.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon that the Senate take a recess until to-morrow. The Chair will inquire at what hour?

Mr. OVERMAN. I think we ought to have an executive session.

Mr. REED. One moment. I do not intend to address the Senate upon this proposition. I think we can act upon the amendment to-night if the Senator will withdraw the second committee amendment.

Mr. CHAMBERLAIN. I was just suggesting to the Senator to let it go over until to-morrow, and the Senator can address the Senate if he desires to do so at that time.

Mr. NORRIS. Mr. President, since all the amendments of the committee have been acted upon except these two, I wish the Senator from Oregon would ask for a reprint of the bill with the amendments that have been adopted.

Mr. CHAMBERLAIN. I make the request that the bill be reprinted as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WOLCOTT. I offer an amendment to the pending bill, and ask that it be printed.

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

#### EXECUTIVE SESSION.

Mr. CHAMBERLAIN. I 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 15 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m., Wednesday, July 11, 1917) the Senate adjourned until to-morrow, Thursday, July 12, 1917, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate July 11 (legislative day of July 9), 1917.*

#### SECRETARIES OF EMBASSIES OR LEGATIONS.

##### CLASS 1.

Arthur Hugh Frazier, of Pennsylvania, now a secretary of embassy or legation of class 2, to be a secretary of embassy or legation of class 1 of the United States of America.

Leland Harrison, of Illinois, now a secretary of embassy or legation of class 2, to be a secretary of embassy or legation of class 1 of the United States of America.

##### CLASS 2.

Perry Beiden, of New York, now a secretary of embassy or legation of class 3, to be a secretary of embassy or legation of class 2 of the United States of America.

Edward Bell, of New York, now a secretary of embassy or legation of class 3, to be a secretary of embassy or legation of class 2 of the United States of America.

Sheldon L. Crosby, of New York, now a secretary of embassy or legation of class 3, to be a secretary of embassy or legation of class 2 of the United States of America.

Franklin Mott Gunther, of Virginia, now a secretary of embassy or legation of class 3, to be a secretary of embassy or legation of class 2 of the United States of America.

##### CLASS 3.

Norman Armour, of New Jersey, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Henry R. Carey, of Massachusetts, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Allen W. Dulles, of New York, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Oliver B. Harriman, of West Virginia, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

John F. Martin, jr., of Florida, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Ferdinand L. Mayer, of Indiana, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Stokeley W. Morgan, of Arkansas, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Lithgow Osborne, of New York, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Livingston Phelps, of New York, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Robert M. Scotten, of Michigan, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Benjamin Thaw, jr., of Pennsylvania, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Sumner Welles, of New York, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

Francis White, of Maryland, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

John C. Wiley, of Indiana, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

L. Lanier Winslow, of New York, now a secretary of embassy or legation of class 4, to be a secretary of embassy or legation of class 3 of the United States of America.

#### COLLECTOR OF CUSTOMS.

William H. Berry, of Philadelphia, Pa., to be collector of customs for customs collection district No. 11, with headquarters at Philadelphia, Pa. (Reappointment.)

#### NAVAL OFFICER OF CUSTOMS.

William M. Croll, of Philadelphia, Pa., to be naval officer of customs in customs collection district No. 11, with headquarters at Philadelphia, Pa. (Reappointment.)

#### SURVEYOR OF CUSTOMS.

Charles R. Kurtz, of Philadelphia, Pa., to be surveyor of customs in customs collection district No. 11, with headquarters at Philadelphia, Pa. (Reappointment.)

#### AGENT AND CONSUL GENERAL OF THE UNITED STATES.

Maxwell Blake, of Missouri, now a consul general of class 5, assigned to Tangier, to be agent and consul general of the United States of America at Tangier, Morocco.

#### COLLECTOR OF INTERNAL REVENUE.

Justus S. Wardell, of San Francisco, Cal., to be collector of internal revenue for the first district of California, in place of Joseph J. Scott, removed.

## UNITED STATES DISTRICT JUDGE.

W. E. Thomas, of Valdosta, Ga., to be United States district judge for the southern district of Georgia, vice William Wallace Lambdin, deceased.

## PUBLIC HEALTH SERVICE.

Dr. James Edge Faris to be assistant surgeon in the Public Health Service, to take effect from date of oath.

Dr. Anthony A. S. Giordano to be assistant surgeon in the Public Health Service, to take effect from date of oath.

Dr. Mark Victor Ziegler to be assistant surgeon in the Public Health Service, to take effect from date of oath.

## PROMOTIONS IN THE ARMY.

## INFANTRY ARM.

Lieut. Col. Francis E. Lacey, jr., Infantry (General Staff Corps), to be colonel from June 26, 1917, vice Glenn, Eighteenth Infantry, appointed brigadier general.

Lieut. Col. Charles Crawford, Tenth Infantry, to be colonel from June 26, 1917, vice Lacey, retained in the General Staff Corps upon promotion.

Lieut. Col. William S. Graves, Infantry (General Staff Corps), to be colonel from June 30, 1917, vice Bullard, Twenty-sixth Infantry, appointed brigadier general.

Lieut. Col. Frank D. Webster, Twenty-second Infantry, to be colonel from June 30, 1917, vice Graves, retained in the General Staff Corps upon promotion.

Maj. Charles W. Castle, Infantry, detached officers' list, to be lieutenant colonel from May 24, 1917, subject to examination required by law, vice Moore, Seventh Infantry, detailed in the Inspector General's Department.

Capt. William E. Hunt, Second Infantry, to be major from May 16, 1917, vice Rosenbaum, Fourteenth Infantry, detailed in the Inspector General's Department.

Capt. Ernest E. Haskell, Twenty-seventh Infantry, to be major from May 24, 1917, vice Simmons, Thirty-fifth Infantry, detailed in the Inspector General's Department.

Capt. Jack Hayes, Infantry (Quartermaster Corps), to be major from June 4, 1917, vice Shelton, Tenth Infantry, detailed in the General Staff Corps.

Capt. William H. Waldron, Twenty-ninth Infantry, to be major from June 4, 1917, vice Goodale, Thirty-third Infantry, detailed in the General Staff Corps.

Capt. Joseph K. Partello, Fifth Infantry, to be major from June 4, 1917, vice Fassett, Thirteenth Infantry, detailed in the General Staff Corps.

Capt. Leon L. Roach, Infantry, detached officers' list, to be major from June 4, 1917, vice Black, unassigned, detailed in the Signal Corps.

Capt. Horace P. Hobbs, Infantry, detached officers' list, to be major from June 4, 1917, vice Williams, unassigned, detailed in the General Staff Corps.

Capt. Louis J. Van Schaick, Infantry, detached officers' list, to be major from June 4, 1917, vice Merrill, unassigned, detailed in the General Staff Corps.

Capt. George S. Tiffany, Twenty-first Infantry, to be major from June 4, 1917, vice Conger, unassigned, detailed in the General Staff Corps.

Capt. Edgar A. Myer, Infantry, detached officers' list, to be major from June 4, 1917, vice Drum, detailed in the General Staff Corps.

Capt. Arthur M. Shipp, Sixteenth Infantry, to be major from June 4, 1917, vice Hayes, retained in the Quartermaster Corps on promotion.

Capt. George D. Freeman, jr., Sixteenth Infantry, to be major from May 15, 1917, to fill an original vacancy.

To be captains with rank from May 15, 1917, to fill original vacancies.

First Lieut. Owen R. Meredith, Infantry, detached officers' list.

First Lieut. James C. Williams, Infantry, detached officers' list.

First Lieut. Robert E. O'Brien, Fifth Infantry.

First Lieut. Edward S. Hayes, Fifteenth Infantry.

First Lieut. Simon B. Buckner, jr., Twenty-seventh Infantry.

First Lieut. Charles H. Bonesteel, Infantry, detached officers' list.

First Lieut. Robert H. Fletcher, jr., Infantry, detached officers' list.

First Lieut. Frederick A. Barker, Second Infantry.

First Lieut. Agard H. Bailey, Twenty-sixth Infantry.

First Lieut. George C. Bowen, Infantry, detached officers' list.

First Lieut. John H. Hester, Infantry, detached officers' list.

First Lieut. Franklin L. Whitley, Ninth Infantry.

First Lieut. Alfred H. Hobley, Second Infantry.

First Lieut. Arthur J. Hanlon, Thirty-fourth Infantry.

First Lieut. Olin O. Ellis, Infantry, detached officers' list.

First Lieut. Elmer C. Desobry, Twenty-seventh Infantry.

First Lieut. Emile V. Cutrer, Eighth Infantry.

First Lieut. Harry B. Crea, Fifteenth Infantry.

First Lieut. Robert C. Cotton, Infantry (Signal Corps).

First Lieut. G. Barrett Glover, jr., Thirty-second Infantry.

First Lieut. Henry J. Weeks, Infantry, detached officers' list.

First Lieut. Roy A. Hill, Infantry, detached officers' list.

First Lieut. Arthur E. Bouton, Ninth Infantry.

First Lieut. Enoch B. Garey, Infantry, detached officers' list.

First Lieut. Leonard H. Drennan, Infantry, detached officers' list.

First Lieut. Charles K. Nulsen, Infantry, detached officers' list.

First Lieut. John H. Muncaster, Fourth Infantry.

First Lieut. Theodore K. Spencer, Seventh Infantry.

First Lieut. Charles D. Hartman, Third Infantry.

First Lieut. Edgar S. Miller, Twenty-ninth Infantry.

First Lieut. Thomas C. Lonergan, Thirteenth Infantry.

First Lieut. Albert L. Sneed, Seventh Infantry.

First Lieut. Lester D. Baker, Infantry, detached officers' list.

First Lieut. George A. Matile, Twenty-sixth Infantry.

First Lieut. Walter R. Weaver, Infantry, detached officers' list.

First Lieut. Alva Lee, Infantry, detached officers' list.

First Lieut. Roy W. Winton, Fourteenth Infantry.

First Lieut. Frederick C. Phelps, Twelfth Infantry.

First Lieut. James L. Frink, Infantry, detached officers' list.

First Lieut. Edmund R. Andrews, Infantry (Signal Corps).

First Lieut. Henry J. Damm, Infantry, detached officers' list.

First Lieut. Max R. Walner, Twenty-eighth Infantry.

First Lieut. Robert H. Willis, jr., Infantry (Signal Corps).

First Lieut. Charles E. Coates, Infantry (Signal Corps).

First Lieut. Martin C. Shallenberger, Infantry, detached officers' list.

First Lieut. William B. Loughborough, Infantry, detached officers' list.

First Lieut. James W. Peyton, Infantry, detached officers' list.

First Lieut. Oral E. Clark, Infantry, detached officers' list.

First Lieut. Robert Coker, Infantry, detached officers' list.

First Lieut. William F. Hoey, jr., Infantry, detached officers' list.

First Lieut. John H. Stutesman, Infantry (Signal Corps), subject to examination required by law.

First Lieut. William G. Langwill, Infantry, detached officers' list.

First Lieut. James A. Sarratt, Infantry, detached officers' list, subject to examination required by law.

First Lieut. Frank M. Kennedy, Tenth Infantry.

First Lieut. John T. Harris, Thirty-seventh Infantry.

First Lieut. Albert S. J. Tucker, Thirty-seventh Infantry, subject to examination required by law.

First Lieut. Marion O. French, Third Infantry.

First Lieut. George W. C. Whiting, Infantry, detached officers' list.

First Lieut. Charles W. Elliott, Infantry, detached officers' list.

First Lieut. James D. Rivet, Infantry, detached officers' list.

First Lieut. George R. Koehler, Fourteenth Infantry.

First Lieut. Oliver S. Wood, Thirty-fourth Infantry.

First Lieut. Allen M. Burdett, Twenty-seventh Infantry.

First Lieut. Herbert C. Fooks, Sixteenth Infantry.

First Lieut. John C. Walker, jr., Infantry, detached officers' list.

First Lieut. Jacob H. Rudolph, Twenty-ninth Infantry.

First Lieut. Elbe A. Lathrop, Thirty-fifth Infantry.

First Lieut. Raymond C. Baird, Infantry, detached officers' list.

First Lieut. Matthew A. Palen, Infantry, detached officers' list.

First Lieut. Joseph T. Clement, Infantry, detached officers' list.

First Lieut. Frederick C. Rogers, Infantry, detached officers' list.

First Lieut. Clarence E. Partridge, Thirteenth Infantry.

First Lieut. Thom Catron, Twenty-third Infantry, subject to examination required by law.

First Lieut. James G. Ord, Infantry, detached officers' list.

First Lieut. Wallace C. Philoon, Infantry, detached officers' list.

First Lieut. Herbert L. Taylor, Infantry, detached officers' list.

First Lieut. Delos C. Emmons, Thirty-seventh Infantry.

First Lieut. Arnold N. Krogstad, Twenty-second Infantry.

First Lieut. Eley P. Denson, Twenty-fifth Infantry.

First Lieut. Roy H. Coles, Infantry (Signal Corps).  
 First Lieut. Robert L. Eichelberger, Infantry, detached officers' list.  
 First Lieut. Edwin F. Harding, Infantry, detached officers' list.  
 First Lieut. Joseph C. Morrow, jr., Infantry (Signal Corps).  
 First Lieut. Arthur R. Underwood, Thirty-fourth Infantry.  
 First Lieut. Robert Sears, Infantry, detached officers' list.  
 First Lieut. Thomas S. Bowen, Infantry (Signal Corps).  
 First Lieut. Lee D. Davis, Infantry, detached officers' list.  
 First Lieut. Frank L. Purdon, Infantry, unassigned.  
 First Lieut. Merl P. Schillerstrom, Infantry, detached officers' list.  
 First Lieut. Carlin C. Stokely, Infantry, detached officers' list.  
 First Lieut. Louis P. Ford, Infantry, detached officers' list.  
 First Lieut. Clifford Bluemel, Infantry, detached officers' list.  
 First Lieut. Wentworth H. Moss, Infantry, detached officers' list.  
 First Lieut. John Pullman, Twelfth Infantry.  
 First Lieut. Manton C. Mitchell, Twenty-fourth Infantry.  
 First Lieut. William H. Simpson, Infantry, detached officers' list.  
 First Lieut. Walker E. Hobson, Ninth Infantry.  
 First Lieut. Vernon G. Olsmith, Infantry, detached officers' list.  
 First Lieut. Ralph E. Jones, Infantry, detached officers' list.  
 First Lieut. James A. McGrath, Thirty-fifth Infantry.  
 First Lieut. Courtney H. Hodges, Infantry, detached officers' list.  
 First Lieut. Rollo C. Ditto, Twentieth Infantry.  
 First Lieut. Clarence M. McMurray, Infantry, detached officers' list.  
 First Lieut. Guy I. Rowe, Twenty-first Infantry.  
 First Lieut. Charles M. Everitt, Infantry, detached officers' list.  
 First Lieut. Robert E. Jones, Thirteenth Infantry.  
 First Lieut. Alexander W. Cleary, Infantry, detached officers' list.  
 First Lieut. George M. Parker, jr., Twenty-first Infantry.  
 First Lieut. James I. Muir, Infantry, detached officers' list.  
 First Lieut. Daniel H. Torrey, Infantry, detached officers' list.  
 First Lieut. John R. Emory, jr., Infantry, detached officers' list.  
 First Lieut. Durward S. Wilson, Thirteenth Infantry.  
 First Lieut. Parker C. Kalloch, jr., Infantry, detached officers' list.  
 First Lieut. Maurice D. Welty, Infantry, detached officers' list.  
 First Lieut. Joseph E. Carberry, Infantry (Signal Corps), subject to examination required by law.  
 First Lieut. Frank E. Scowden, Thirty-fifth Infantry.  
 First Lieut. Emmett W. Smith, Eighteenth Infantry.  
 First Lieut. Herbert E. Marshburn, Infantry, detached officers' list.  
 First Lieut. Thomas S. Bridges, Infantry, detached officers' list.  
 First Lieut. Walter H. Frank, Infantry, detached officers' list.  
 First Lieut. Fred B. Carrithers, Infantry, detached officers' list.  
 First Lieut. Frederick E. Uhl, Infantry, detached officers' list.  
 First Lieut. Harvey H. Fletcher, Infantry, detached officers' list.  
 First Lieut. Jasper A. Davies, Seventeenth Infantry.  
 First Lieut. John F. Landis, Infantry, detached officers' list.  
 First Lieut. Joseph S. Leonard, Fifteenth Infantry.  
 First Lieut. Walter Moore, Infantry, detached officers' list.  
 First Lieut. Oscar W. Griswold, Infantry, detached officers' list.  
 First Lieut. Robert H. Dunlop, Fifteenth Infantry.  
 First Lieut. John R. Walker, Infantry, detached officers' list.  
 First Lieut. John E. Beller, Infantry, detached officers' list.  
 First Lieut. Emil F. Reinhardt, Eighth Infantry.  
 First Lieut. Harrison C. Browne, Sixteenth Infantry.  
 First Lieut. John G. Thornell, Infantry, detached officers' list.  
 First Lieut. William A. Beach, Infantry, detached officers' list.  
 First Lieut. James A. Stevens, Infantry, detached officers' list.  
 First Lieut. Emmert W. Savage, Infantry, detached officers' list.  
 First Lieut. Tolbert F. Hardin, Twentieth Infantry.  
 First Lieut. David O. Byars, Thirty-fourth Infantry.  
 First Lieut. Frank A. Sloan, Second Infantry.

First Lieut. Russell P. Hartle, Twentieth Infantry, subject to examination required by law.  
 First Lieut. Oswald H. Saunders, Infantry, detached officers' list, subject to examination required by law.  
 First Lieut. Spencer B. Akin, Infantry, detached officers' list, subject to examination required by law.  
 First Lieut. Robert G. Sherrard, Infantry, detached officers' list.  
 First Lieut. Horace G. Ball, Infantry, detached officers' list.  
 First Lieut. Marion P. Vestal, Twelfth Infantry.  
 First Lieut. Frederick R. Palmer, Twentieth Infantry, subject to examination required by law.  
 First Lieut. Alexander Wilson, Infantry, detached officers' list.  
 First Lieut. Xavier F. Blauvelt, Infantry, detached officers' list.  
 First Lieut. Frank D. Lackland, Thirty-first Infantry.  
 First Lieut. Mason W. Gray, Ninth Infantry.  
 First Lieut. Albert S. Peake, Sixth Infantry, subject to examination required by law.  
 First Lieut. Floyd D. Carlock, Seventeenth Infantry.  
 First Lieut. Arthur Boettcher, Infantry, detached officers' list.  
 First Lieut. Fred L. Walker, Infantry, detached officers' list.  
 First Lieut. Alvan C. Gillem, jr., Infantry, detached officers' list.  
 First Lieut. Rapp Brush, Infantry, detached officers' list.  
 First Lieut. Bert M. Atkinson, Infantry (Signal Corps).  
 First Lieut. Edward G. McCormick, Eighteenth Infantry.  
 First Lieut. William A. Reed, Infantry, detached officers' list.  
 First Lieut. Harry B. Kutz, Infantry (Ordnance Department).  
 First Lieut. Thompson Lawrence, Infantry, detached officers' list.  
 First Lieut. Harry J. Keeley, Infantry, detached officers' list.  
 First Lieut. Charles P. Hall, Infantry, detached officers' list.  
 First Lieut. Alfred J. Betcher, Infantry, detached officers' list.  
 First Lieut. George R. Hicks, Fifteenth Infantry.  
 First Lieut. Haig Shekerjian, Twenty-fourth Infantry.  
 First Lieut. Charles S. Floyd, Infantry, detached officers' list.  
 First Lieut. Benjamin C. Lockwood, jr., detached officers' list.  
 First Lieut. Carroll A. Bagby, Infantry, detached officers' list.  
 First Lieut. Oliver S. McCleary, Infantry, detached officers' list.  
 First Lieut. Gregory Hoisington, Infantry, detached officers' list.  
 First Lieut. Ziba L. Drollinger, Sixteenth Infantry.  
 First Lieut. Frank B. Clay, Seventeenth Infantry.  
 First Lieut. Jesse A. Ladd, Infantry, detached officers' list.  
 First Lieut. Paul W. Baade, Infantry, detached officers' list.  
 First Lieut. James R. N. Weaver, Infantry, detached officers' list.  
 First Lieut. William H. H. Morris, jr., Infantry, detached officers' list.  
 First Lieut. Carl F. McKinney, Infantry, detached officers' list.  
 First Lieut. Allen R. Kimball, Infantry, detached officers' list, subject to examination required by law.  
 First Lieut. Ira A. Rader, Infantry (Signal Corps), subject to examination required by law.  
 First Lieut. William J. Calvert, Infantry, detached officers' list, subject to examination required by law.  
 First Lieut. Kenneth E. Kern, Infantry, detached officers' list.  
 First Lieut. David H. Cowles, Infantry, detached officers' list.  
 First Lieut. Arthur C. Evans, Eighth Infantry.  
 First Lieut. Joseph D. Patch, Twenty-sixth Infantry.  
 First Lieut. Archibald D. Cowley, Infantry, detached officers' list.  
 First Lieut. Patrick Frissell, Eleventh Infantry.  
 First Lieut. Edward L. Hoffman, Twenty-fourth Infantry.  
 First Lieut. Casper B. Rucker, Infantry, detached officers' list.  
 First Lieut. John P. Edgerly, Infantry, detached officers' list.  
 First Lieut. Lindsay McD. Silvester, Twenty-fourth Infantry.  
 First Lieut. Herbert M. Pool, Tenth Infantry.  
 First Lieut. Leonard T. Gerow, Infantry, detached officers' list.  
 First Lieut. George D. Murphey, Tenth Infantry.  
 First Lieut. Norman W. Peek, Infantry, detached officers' list.  
 First Lieut. Mord P. Short, Fifteenth Infantry.  
 First Lieut. William C. Rose, Eighteenth Infantry.  
 First Lieut. Emanuel V. Heidt, Infantry, detached officers' list.  
 First Lieut. Wesley F. Ayer, Infantry, detached officers' list.  
 First Lieut. George C. Eley, Tenth Infantry.  
 First Lieut. James A. O'Brien, Infantry, detached officers' list.  
 First Lieut. George A. Sanford, Infantry, detached officers' list.  
 First Lieut. Maxof S. Lough, Thirtieth Infantry.

- First Lieut. Ford Richardson, Nineteenth Infantry.  
 First Lieut. Lester M. Wheeler, Infantry, detached officers' list.
- First Lieut. Eugene W. Fales, Infantry, detached officers' list.  
 First Lieut. John T. Rhett, Sixth Infantry, subject to examination required by law.
- First Lieut. Livingston Watrous, Twenty-fifth Infantry.  
 First Lieut. Lester Gehman, Infantry, detached officers' list.  
 First Lieut. J. Pendleton Wilson, Thirty-first Infantry.  
 First Lieut. Charles S. Little, Thirty-fifth Infantry.  
 First Lieut. Herbert A. Wadsworth, Tenth Infantry.  
 First Lieut. George M. Halloran, Infantry, detached officers' list.
- First Lieut. William E. Brougher, Infantry, detached officers' list.
- First Lieut. Medorem Crawford, jr., Twenty-ninth Infantry.  
 First Lieut. Sumner Waite, Infantry, detached officers' list.  
 First Lieut. Albert M. Jones, Fourteenth Infantry.  
 First Lieut. John E. Creed, Fifteenth Infantry.  
 First Lieut. Harrison McAlpine, Infantry, detached officers' list.
- First Lieut. Samuel H. Houston, Infantry, detached officers' list.
- First Lieut. James R. Alfonte, Infantry, detached officers' list.  
 First Lieut. Gerald E. Cronin, Ninth Infantry, subject to examination required by law.
- First Lieut. Glenn P. Wilhelm, Fourth Infantry.  
 First Lieut. Andrew G. Gardner, Infantry, detached officers' list.
- First Lieut. Albert S. Kuegle, Twenty-eighth Infantry.  
 First Lieut. Theodore R. Murphy, Thirty-third Infantry.  
 First Lieut. Matthew J. Gunner, Tenth Infantry.  
 First Lieut. Herbert E. Pace, Infantry, detached officers' list.  
 First Lieut. James R. Jacobs, Infantry, detached officers' list.  
 First Lieut. Robert S. Lytle, Infantry, detached officers' list.  
 First Lieut. Henry Terrell, jr., Twenty-ninth Infantry.  
 First Lieut. Thomas J. Camp, Second Infantry.  
 First Lieut. Harry A. Musham, Twenty-ninth Infantry.  
 First Lieut. Frank C. Mahin, Thirty-first Infantry.  
 First Lieut. Lawrence S. Churchill, Infantry, detached officers' list.
- First Lieut. Dale F. McDonald, Eighth Infantry.  
 First Lieut. Paul K. Johnson, Infantry, detached officers' list.  
 First Lieut. Edward H. Bertram, Seventh Infantry.  
 First Lieut. Hayes A. Kroner, Fifteenth Infantry.  
 First Lieut. Allan S. Boyd, jr., Infantry, detached officers' list.  
 First Lieut. Harry L. Twaddle, Fourteenth Infantry, subject to examination required by law.
- First Lieut. John H. Harrison, Twenty-seventh Infantry.  
 First Lieut. Clarence L. Tinker, Infantry, detached officers' list.
- First Lieut. William R. White, Seventh Infantry.  
 First Lieut. Donald B. Sanger, Infantry, detached officers' list.  
 First Lieut. Martin F. Scanlon, Infantry, detached officers' list.  
 First Lieut. Philip Coldwell, Twenty-first Infantry.  
 First Lieut. William H. Gill, Eighth Infantry.  
 First Lieut. Lee H. Stewart, Infantry, detached officers' list.  
 First Lieut. Gilbert P. Strelinger, Infantry, detached officers' list.
- First Lieut. Thomas J. Hayes, Infantry, detached officers' list.  
 First Lieut. d'Alary Fechét, Fifth Infantry.  
 First Lieut. William H. Wilbur, Infantry, detached officers' list.
- First Lieut. Edgar S. Gorrell, Infantry (Signal Corps), subject to examination required by law.
- First Lieut. Basil D. Edwards, Infantry, unassigned.  
 First Lieut. Davenport Johnson, Infantry, detached officers' list, subject to examination required by law.
- First Lieut. Wade H. Haislip, Nineteenth Infantry.  
 First Lieut. William Dean, Infantry, detached officers' list.  
 First Lieut. Walter M. Robertson, Thirty-fifth Infantry.  
 First Lieut. John H. Hinemon, jr., Infantry (Signal Corps).  
 First Lieut. Charles N. Sawyer, Infantry (Signal Corps).  
 First Lieut. Gilbert R. Cook, Infantry, detached officers' list.  
 First Lieut. Max W. Sullivan, Twenty-seventh Infantry.  
 First Lieut. Franklin C. Sibert, Infantry, detached officers' list.
- First Lieut. John N. Smith, jr., First Infantry.  
 First Lieut. Stephen J. Chamberlin, Eighth Infantry.  
 First Lieut. William H. Hobson, Infantry, detached officers' list.
- First Lieut. Walter G. Kilner, Infantry (Signal Corps), subject to examination required by law.
- First Lieut. Raymond O. Barton, Infantry, detached officers' list.
- First Lieut. Walton H. Walker, Infantry, detached officers' list.
- First Lieut. Millard F. Harmon, jr., Infantry, detached officers' list, subject to examination required by law.
- First Lieut. Edward C. Rose, First Infantry.  
 First Lieut. Albert E. Brown, Infantry, detached officers' list.  
 First Lieut. Ralph C. Holliday, Second Infantry.  
 First Lieut. William G. Weaver, Twenty-seventh Infantry.  
 First Lieut. Adrian K. Polhemus, Twelfth Infantry.  
 First Lieut. Charles C. Drake, Infantry, detached officers' list.  
 First Lieut. James D. Burt, Infantry, detached officers' list.  
 First Lieut. Max S. Murray, Infantry, detached officers' list.  
 First Lieut. William J. Morrissey, Infantry, detached officers' list.
- First Lieut. Robert T. Snow, Infantry, detached officers' list.  
 First Lieut. Henry C. McLean, Twenty-ninth Infantry.  
 First Lieut. Gustav J. Gonser, Infantry, detached officers' list.  
 First Lieut. Frank V. Schneider, Infantry, detached officers' list.
- First Lieut. Frank J. Riley, First Infantry.  
 First Lieut. Benjamin F. Delamater, jr., Nineteenth Infantry.  
 First Lieut. Ralph S. Kimball, Infantry, detached officers' list.  
 First Lieut. Francis B. Mallon, Infantry, detached officers' list.  
 First Lieut. Lathrop B. Clapham, Infantry, detached officers' list.
- First Lieut. Carl J. Adler, Nineteenth Infantry.  
 First Lieut. Otto G. Pitz, Infantry, detached officers' list.  
 First Lieut. Theophilus Steele, Infantry, detached officers' list.  
 First Lieut. George H. Gardner, Thirty-first Infantry.  
 First Lieut. Dabney C. Rose, Infantry, detached officers' list.  
 First Lieut. Edward F. Witsell, Infantry, detached officers' list.  
 First Lieut. Alfred L. Rockwood, Second Infantry.  
 First Lieut. George W. Polhemus, Twenty-ninth Infantry.  
 First Lieut. Floyd C. Hecox, Seventh Infantry.  
 First Lieut. Carl A. Hardigg, Second Infantry.  
 First Lieut. Carl L. Cohen, Thirty-second Infantry.  
 First Lieut. William T. Pigott, jr., Thirty-first Infantry.  
 First Lieut. Herbert J. Lawes, Fourth Infantry.  
 First Lieut. Robert C. Williams, Twenty-ninth Infantry.  
 First Lieut. Paul H. English, Thirty-third Infantry.  
 First Lieut. Estil V. Smith, Infantry, detached officers' list.  
 First Lieut. Troy H. Middleton, Infantry, detached officers' list.  
 First Lieut. Roland F. Walsh, Infantry, detached officers' list.  
 First Lieut. Paul Murray, Fifth Infantry.  
 First Lieut. Robert C. Calder, Infantry, detached officers' list.  
 First Lieut. William D. Faulkner, Eighth Infantry.  
 First Lieut. Edgar A. Stadden, Thirty-first Infantry, subject to examination required by law.
- First Lieut. Roy M. Jones, Infantry (Signal Corps).  
 First Lieut. Arthur R. Christie, Infantry (Signal Corps), subject to examination required by law.
- First Lieut. Percy E. Van Nostrand, Infantry, detached officers' list.
- First Lieut. Frederic V. Hemenway, Thirty-third Infantry.  
 First Lieut. Clarence M. Dodson, Eighth Infantry.  
 First Lieut. James M. Moore, Infantry, detached officers' list.  
 First Lieut. Percie C. Rentfro, Fourteenth Infantry, subject to examination required by law.
- First Lieut. Sidney B. Colquitt, Infantry, detached officers' list.
- First Lieut. Carl J. Ballinger, Twenty-fifth Infantry.  
 First Lieut. Richard T. Taylor, Twenty-second Infantry.  
 First Lieut. George Le R. Brown, jr., Fifth Infantry.  
 First Lieut. John R. Baxter, Thirty-second Infantry.  
 First Lieut. John C. P. Bartholf, Infantry (Signal Corps), subject to examination required by law.
- First Lieut. James P. Cole, Infantry, detached officers' list.  
 First Lieut. Robert H. Barrett, Thirty-first Infantry.  
 First Lieut. Ernest J. Carr, Twenty-fifth Infantry.  
 First Lieut. Patrick J. Hurley, Thirty-third Infantry.  
 First Lieut. Donald R. McMillen, Thirty-first Infantry.  
 First Lieut. Hugh B. Keen, Thirty-second Infantry.  
 First Lieut. Ora M. Baldinger, Infantry, detached officers' list.  
 First Lieut. Lewis K. Underhill, Infantry, detached officers' list.
- First Lieut. Samuel J. Heidner, Second Infantry.  
 First Lieut. Harold S. Martin, Infantry (Signal Corps), subject to examination required by law.
- First Lieut. John H. Van Vliet, Fifteenth Infantry.  
 First Lieut. Leland S. Devore, Infantry, detached officers' list.  
 First Lieut. Charles A. Ross, Infantry, detached officers' list.  
 First Lieut. Douglass T. Greene, Twenty-first Infantry, subject to examination required by law.
- First Lieut. Clarence H. Danielson, Second Infantry.  
 First Lieut. James N. Peale, Infantry, detached officers' list.

First Lieut. Francis R. Fuller, Thirty-third Infantry.  
 First Lieut. Clinton W. Russell, Infantry, detached officers' list.  
 First Lieut. William R. Schmidt, Infantry, detached officers' list.  
 First Lieut. George L. Hardin, Infantry, detached officers' list.  
 First Lieut. Otis K. Sadtler, Infantry, detached officers' list.  
 First Lieut. William H. Jones, jr., Infantry, detached officers' list.  
 First Lieut. John E. Ardrey, Thirty-second Infantry.  
 First Lieut. David B. Falk, jr., Thirty-second Infantry.  
 First Lieut. Henry P. Perrine, jr., Fourteenth Infantry, subject to examination required by law.  
 First Lieut. Dennis E. McCunniff, Sixth Infantry.  
 First Lieut. Henry B. Lewis, Infantry, detached officers' list.  
 First Lieut. Henry B. Cheadle, Infantry, detached officers' list.  
 First Lieut. Samuel A. Gibson, Infantry, detached officers' list.  
 First Lieut. Paul W. Newgarden, Twenty-first Infantry.  
 First Lieut. Harley B. Bullock, Infantry, detached officers' list, subject to examination required by law.  
 First Lieut. Charles A. King, jr., Infantry, detached officers' list.  
 First Lieut. Dana Palmer, Thirty-seventh Infantry.  
 First Lieut. Alexander M. Patch, jr., Eighteenth Infantry.  
 First Lieut. Charles B. Lyman, Infantry, detached officers' list.  
 First Lieut. Robert L. Spragins, Infantry, detached officers' list.  
 First Lieut. George W. Krapf, Infantry, detached officers' list.  
 First Lieut. Charles H. Corlett, Infantry (Signal Corps).  
 First Lieut. Hans R. W. Herwig, Infantry, detached officers' list.  
 First Lieut. Howard C. Davidson, Infantry, detached officers' list.  
 First Lieut. William L. Roberts, Infantry, detached officers' list.  
 First Lieut. William A. McCulloch, Infantry, detached officers' list.  
 First Lieut. William A. Rafferty, Nineteenth Infantry.  
 First Lieut. Lathe B. Row, Infantry, detached officers' list.  
 First Lieut. Frank B. Jordan, Thirty-first Infantry.  
 First Lieut. Alfred E. Sawkins, Twenty-second Infantry.  
 First Lieut. Roy M. Smyth, Fourth Infantry.  
 First Lieut. Cleveland H. Bandholtz, Infantry, detached officers' list.  
 First Lieut. Fritz P. Lindh, Twenty-third Infantry.  
 First Lieut. Harry C. Ingles, Infantry (Signal Corps), subject to examination required by law.  
 First Lieut. James L. Bradley, Nineteenth Infantry.  
 First Lieut. Willis J. Tack, Twenty-eighth Infantry.  
 First Lieut. Floyd R. Waltz, Infantry, detached officers' list.  
 First Lieut. Weldon W. Doe, Twenty-sixth Infantry.  
 First Lieut. Carl Spatz, Infantry (Signal Corps).  
 First Lieut. Harold L. Bull, Infantry, detached officers' list.  
 First Lieut. Charles M. Milliken, Infantry (Signal Corps).  
 First Lieut. James F. Byrom, Infantry (Signal Corps).  
 First Lieut. Woodfin G. Jones, Thirty-second Infantry.  
 First Lieut. Paul C. Paschal, Thirtieth Infantry.  
 First Lieut. John L. Parkinson, Twentieth Infantry, subject to examination required by law.  
 First Lieut. Rudolph G. Whitten, Thirtieth Infantry.  
 First Lieut. Louis T. Byrne, Thirty-third Infantry.  
 First Lieut. Francis R. Kerr, Infantry, detached officers' list.  
 First Lieut. Francis M. Brannan, Infantry, detached officers' list.  
 First Lieut. William R. Orton, Sixteenth Infantry.  
 First Lieut. Francis H. Forbes, Thirty-third Infantry.  
 First Lieut. Rufus S. Bratton, Thirty-second Infantry.  
 First Lieut. Thomas G. Lanphier, Thirty-third Infantry.  
 First Lieut. Jefferson R. Davenport, Thirty-third Infantry.  
 First Lieut. Benjamin G. Weir, Infantry (Signal Corps).  
 First Lieut. Ralph Royce, Infantry (Signal Corps), subject to examination required by law.  
 First Lieut. Harry M. Brown, Twenty-second Infantry.  
 First Lieut. Thomas H. Monroe, Sixth Infantry, subject to examination required by law.  
 First Lieut. Roger B. Harrison, Infantry, detached officers' list.  
 First Lieut. Cedric W. Lewis, Thirty-third Infantry.  
 First Lieut. Clifford J. Mathews, Thirty-seventh Infantry.  
 First Lieut. Howard P. Milligan, Twenty-fifth Infantry.  
 First Lieut. Frank W. Milburn, Fifth Infantry.  
 First Lieut. J. Warren Weissheimer, Seventeenth Infantry.  
 First Lieut. Isaac Gill, jr., Ninth Infantry.

First Lieut. Walter C. Gullion, Infantry, detached officers' list, subject to examination required by law.  
 First Lieut. Hamner Huston, Infantry, detached officers' list.

## MEDICAL CORPS.

*To be captains with rank from June 16, 1917, after three years' service.*

First Lieut. Charles L. Gandy.  
 First Lieut. Alexander W. Williams.  
 First Lieut. Louis H. Bauer.  
 First Lieut. William W. Vaughan.  
 First Lieut. John B. Anderson.  
 First Lieut. E. Frederick Thode.  
 First Lieut. Walter P. Davenport.  
 First Lieut. Harry N. Kerns.  
 First Lieut. Robert H. Wilds.  
 First Lieut. Austin J. Canning.  
 First Lieut. Lanphear W. Webb, jr.  
 First Lieut. John H. H. Scudder.  
 First Lieut. Wilson C. von Kessler.  
 First Lieut. John M. Pratt.  
 First Lieut. Coleridge L. Beaven.  
 First Lieut. William G. Guthrie.

## APPOINTMENTS, BY TRANSFER, IN THE ARMY.

## FIELD ARTILLERY ARM.

*To be captains of Field Artillery.*

Capt. Lewis S. Ryan, Coast Artillery Corps, with rank from January 25, 1907.  
 Capt. Walter D. Smith, Cavalry, with rank from June 3, 1916.  
 Capt. Creed F. Cox, Cavalry, with rank from June 12, 1916.  
 Capt. Walter H. Smith, Cavalry, with rank from July 1, 1916.  
 Capt. E. R. Warner McCabe, Cavalry, with rank from July 1, 1916.  
 Capt. Charles H. Patterson, Coast Artillery Corps, with rank from July 1, 1916.  
 Capt. Donald C. McDonald, Coast Artillery Corps, with rank from July 1, 1916.  
 Capt. Clifford L. Corbin, Coast Artillery Corps, with rank from July 1, 1916.  
 Capt. Henry R. Smalley, Cavalry, with rank from July 1, 1916.  
 Capt. Henry H. Pfeil, Coast Artillery Corps, with rank from July 1, 1916.  
 Capt. James L. Collins, Cavalry, with rank from March 31, 1917.  
 Capt. Thomas D. Sloan, Coast Artillery Corps, with rank from April 1, 1917.  
 Capt. Harold Geiger, Coast Artillery Corps, with rank from April 2, 1917.

*To be first lieutenants of Field Artillery.*

First Lieut. Ronald D. Johnson, Cavalry, with rank from March 17, 1916.  
 First Lieut. Robert S. Donaldson, Cavalry, with rank from July 1, 1916.  
 First Lieut. Horace H. Fuller, Cavalry, with rank from July 1, 1916.  
 First Lieut. Belton O'N. Kennedy, Coast Artillery Corps, with rank from July 1, 1916.  
 First Lieut. Francis H. Miles, Coast Artillery Corps, with rank from July 1, 1916.  
 First Lieut. Herbert A. Dargue, Coast Artillery Corps, with rank from July 1, 1916.  
 First Lieut. Avery J. French, Coast Artillery Corps, with rank from July 1, 1916.  
 First Lieut. William C. Harrison, Coast Artillery Corps, with rank from July 1, 1916.  
 First Lieut. Byron Q. Jones, Cavalry, with rank from July 1, 1916.  
 First Lieut. Robert N. Bodine, Coast Artillery Corps, with rank from July 1, 1916.  
 First Lieut. Stephen M. Walmsley, Cavalry, with rank from July 1, 1916.  
 First Lieut. John K. Boles, Cavalry, with rank from July 1, 1916.  
 First Lieut. Richard B. Barnitz, Cavalry, with rank from July 1, 1916.  
 First Lieut. Paul D. Carlisle, Cavalry, with rank from July 1, 1916.  
 First Lieut. Casey H. Hayes, Cavalry, with rank from July 1, 1916.  
 First Lieut. Harvey B. S. Burwell, Coast Artillery Corps, with rank from July 1, 1916.  
 First Lieut. Alfred E. Larabee, Coast Artillery Corps, with rank from July 1, 1916.



First Lieut. Cuyler L. Clark, Cavalry, with rank from July 1, 1916.

First Lieut. John H. Woodberry, Cavalry, with rank from July 1, 1916.

First Lieut. William A. Robertson, Cavalry, with rank from July 1, 1916.

First Lieut. Joseph B. Treat, Cavalry, with rank from July 1, 1916.

First Lieut. Sylvester D. Downs, jr., Cavalry, with rank from July 1, 1916.

First Lieut. Orlando Ward, Cavalry, with rank from July 1, 1916.

First Lieut. John S. MacTaggart, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. William S. T. Halcomb, Cavalry, with rank from July 1, 1916.

First Lieut. Walter W. Hess, jr., Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. Thomas J. Brady, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. Herbert R. Corbin, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. Joseph D. Coughlan, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. Harry A. Harvey, Cavalry, with rank from July 1, 1916.

First Lieut. Norman J. Boots, Cavalry, with rank from July 1, 1916.

First Lieut. Hugh P. Avent, Cavalry, with rank from July 1, 1916.

First Lieut. Leo A. Walton, Cavalry, with rank from July 1, 1916.

First Lieut. Arthur A. White, Cavalry, with rank from July 1, 1916.

First Lieut. Frederick J. Williams, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. James A. Pickering, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. William Spence, Cavalry, with rank from July 1, 1916.

First Lieut. John W. Rafferty, Cavalry, with rank from July 1, 1916.

First Lieut. Robert B. McBride, jr., Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. Paul V. Kane, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. William H. Cureton, Cavalry, with rank from July 1, 1916.

First Lieut. Fay B. Prickett, Cavalry, with rank from July 1, 1916.

First Lieut. Roland P. Shugg, Cavalry, with rank from July 1, 1916.

First Lieut. Craigie Krayenbuhl, Cavalry, with rank from July 1, 1916.

#### INFANTRY ARM.

##### *To be captain of Infantry.*

Capt. Thomas F. McNeill, Coast Artillery Corps, with rank from February 1, 1917.

##### *To be first lieutenants of Infantry.*

First Lieut. Elkin L. Franklin, Cavalry, with rank from July 1, 1916.

First Lieut. Hubert R. Harmon, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. Weir Riché, Coast Artillery Corps, with rank from July 1, 1916.

First Lieut. John F. Goodman, Cavalry, with rank from July 1, 1916.

#### PROVISIONAL APPOINTMENT IN THE ARMY.

#### INFANTRY ARM.

Battalion Sergt. Maj. James Lester Ballard, First Infantry, to be second lieutenant of Infantry with rank from date of appointment.

#### APPOINTMENT IN THE ARMY.

#### CHAPLAIN.

Henry Jouette Geiger, of Alabama, to be chaplain with rank of first lieutenant from July 3, 1917.

#### PROMOTIONS IN THE NAVY.

Midshipman Gale A. Poindexter to be an ensign in the Navy from the 30th day of March, 1917.

The following-named chief warrant officers of the Navy to be ensigns in the Navy, for temporary service, from the 1st day of July, 1917:

#### CHIEF BOATSWAINS.

James Dowling,  
John F. Brooks,  
Hugh J. Duffy,  
Edward J. Norcott,  
Albert F. Benzon,  
Christian Crone,  
John W. Stoakley,  
John D. Walsh,  
Martin Fritman,  
Dennis J. O'Connell,  
William Johnson,  
Arthur Smith,  
Belmar H. Shepley,  
Gustav Freudendorf,  
Robert Rohange,  
Patrick Shanahan,  
John Eberwine,  
August Wohltman,  
John A. Riley,  
David White,  
Edward J. Damon,  
Michael J. J. Farley,  
Thomas M. Cassidy,  
Edwin Murphy,  
William A. Macdonald,  
Karl Rundquist,  
Allen T. Webb,  
Albion O. Larsen,  
Thomas W. Healey,  
Joseph Heil,  
Frank Bresnan,  
Peter Emery,  
Claus K. R. Clausen,  
Henry A. Stanley,  
John McCloy,  
Joseph E. Cartwright,  
Harold S. Olsen,  
John C. Rickertts,  
Frederick Meyer,  
James Glass,  
Nels Drake,  
John Davis,  
Gerald Ohlf,  
Owen T. Hurdle,  
John Law,  
Henry H. Richards,  
Frederick W. Metters,  
George E. McHugh,  
Arthur D. Warwick,  
Michael Higgins,  
William Jaenicke,  
John Danner,  
James F. Hopkins,  
Charles Schonborg,  
Walter J. Wortman,  
Alexander Stuart,  
Frank D. Bhakely,  
Christopher Murray,  
John P. Judge,  
John C. Lindberg,  
Birney O. Halliwill,  
Albert Seeckts,  
William E. O'Connell,  
Harry T. Johnson,  
Harry N. Huxford,  
Thomas James,  
William Fremgen,  
George R. Veed,  
Niles A. Johnsen,  
Isidor Nordstrom,  
John Atley,  
Gregory Cullen,  
Bertram David,  
Michael J. Wilkinson,  
George Knott,  
Thomas Macklin,  
Meade H. Eldridge,  
Ernest R. Peircey,  
William R. Buechner,  
Bernhard Schumacher,  
Benjamin F. Singles,  
Emory F. Hosmer,  
Ernest Heilmann,  
Otto J. W. Haltnorth,

Percy H. Bierce,  
Franklin E. Chester,  
Frank G. Mehling,  
James J. O'Brien,  
Edward Crouch,  
William De Fries,  
John B. Hupp,  
Daniel Dowling,  
Joseph W. Bettens,  
Frank Bruce, and  
Michael J. Conlon.

## CHIEF GUNNERS.

Frank L. Hoagland,  
William G. Moore,  
Allan S. Mackenzie,  
Otto Fries,  
Theodore B. Watson,  
Simon Jacobs,  
Samuel Chiles,  
Patrick Hill,  
David F. Diggins,  
William J. Foley,  
Charles Hierdahl,  
Thomas S. Aveson,  
Stephen Donely,  
Otto E. Reh,  
Charles C. Steinbrenner,  
Thomas P. Clark,  
William G. Smith,  
John T. Swift,  
Benjamin P. Middleton,  
Leonard Roll,  
David B. Vassie,  
Joseph Mitchell,  
John G. Nicklas,  
Arthur S. Pearson,  
Harold B. Barr,  
Anthony McHugh,  
James P. Dempsey,  
William T. Baxter,  
William H. Leitch,  
Augustus Anderson,  
Charles J. Miller,  
William J. Creelman,  
Frederick T. Montgomery,  
Henry Rieck,  
Constantine Clay,  
William C. Bean,  
William H. Dayton,  
Glendon W. Irwin,  
Joseph F. Carmody,  
Clarence D. Holland,  
James H. Bell,  
Charles H. Anderson,  
Richard O. Williams,  
Charles S. Schepke,  
William O. King,  
William Cronan,  
Arthure Langfield,  
John Ronan,  
William T. McNiff,  
Arthur D. Freshman,  
Leroy Rodd,  
Edward Wenk,  
Louis M. Wegat,  
David P. Henderson,  
Herman Kossler,  
Lawrence Wittmann,  
Joseph Chamberlin,  
Clyde Keene,  
William Seyford,  
William A. Cable,  
Herbert Campbell,  
Clifford H. Sheldon,  
John H. Lohman,  
William Zeitler,  
Andrew Olsson,  
James T. Roach,  
Edwin N. Fisher,  
James C. McDermott,  
Joseph Hill,  
Adolph Hasler,  
Conrad W. Ljungquist,  
Wilhelm H. F. Schluter,  
Robert E. Cox,

Harry A. Davis,  
John J. Murray,  
Herbert A. Nevins,  
Oscar Borgeson,  
Thomas J. Hurd,  
George A. Messing,  
Bernard P. Donnelly,  
Daniel Duncan,  
Edward T. Austin,  
Henry Ernest,  
Stanley Danielak,  
Gothilf C. Layer,  
Emil Swanson,  
Franklin Heins,  
Ulysses G. Chipman,  
Kieran J. Eagan,  
James F. McCarthy,  
Harry Adams,  
John Sperle, jr.,  
Roderick M. O'Connor,  
James A. Martin,  
Edward W. Furey,  
Daniel W. Nelson,  
Joseph H. Aigner,  
Charles H. Foster,  
John J. Clausey,  
Edward S. Tucker,  
Michael Macdonald,  
George D. Samonski,  
James E. Orton,  
Charles L. Bridges,  
Albert Klingler,  
William Seach,  
Arthur B. Dorsey,  
Gustav C. Tanske,  
Charles W. A. Campbell,  
Frank C. Wisker,  
Harry E. Stevens,  
Harry A. Pinkerton,  
Oscar E. Anderson,  
Alvin E. Skinner,  
Henry W. Stratton,  
George C. Smith, and  
Gottlieb Sherer.

## CHIEF MACHINISTS.

James H. Morrison,  
John E. Cleary,  
Harold I. Lutken,  
Charles H. Hosung,  
Robert J. Vickery,  
Ralph F. Nourse,  
David Purdon,  
Clarence M. Wingate,  
Charles A. Rowe,  
William B. Stork,  
Thomas O'Donnell,  
Charles Hammond,  
Daniel Mullan,  
Samuel L. Wartman,  
Lemuel T. Cooper,  
Francis P. Mugan,  
George C. Ellerton,  
Murray S. Holloway,  
Ernest Evans,  
Clarence R. Johnson,  
William James,  
Patrick Fernan,  
Frank Risser,  
Llewellyn H. Wentworth,  
Henry E. White,  
Ellwood W. Andrews,  
Adolph A. Gathemann,  
Edward G. Affleck,  
James J. Cotter,  
Edward G. Higgins,  
Matthias A. Thormahlen,  
John I. Ballinger,  
Carl Johanson,  
William T. Robinson,  
Fred F. Ingram,  
Herbert E. Fish,  
Barnett B. Bowie,  
John P. Richter,  
John R. Likens,  
Frank O. Wells,

Raymond L. Drake,  
 William Herzberg,  
 Zenas A. Sherwin,  
 Otto Boldt,  
 Arthur H. Hawley,  
 Charles S. Wolf,  
 Olav Johnson,  
 Byron C. Howard,  
 Francis G. Randall,  
 Henry I. Edwards,  
 Willis Dixon,  
 Adolph Peterson,  
 Axel V. Kettels,  
 Albert A. Hooper,  
 Charles Dunne,  
 Walter Collins,  
 Edwin W. Abel,  
 George L. Russell,  
 Otto T. Purcell,  
 Joseph R. Bradshaw,  
 William M. Miller,  
 Louis F. Miller,  
 Paul B. Cozine,  
 Newton R. George,  
 Ralph G. Moody,  
 Robert G. Greenleaf,  
 Frank R. King,  
 James MacIntyre,  
 Stephan H. Badgett,  
 Walter M. Shipley,  
 Walter Lau,  
 Charles D. Welker,  
 John E. Burger,  
 Jannis V. Jacobsen,  
 George W. Johnson,  
 John Bryce,  
 Rasmus Iversen,  
 Charles C. Holland,  
 Cornelius J. Collins,  
 William C. Gray,  
 John A. Oliver,  
 Arthur A. Smith,  
 John L. Barnswell,  
 Louis C. Higgins,  
 Augustine D. Devine,  
 Fred W. Cobb,  
 James L. McCormack,  
 George Crofton,  
 Walter S. Falk,  
 James J. Cullen,  
 John R. Burkhart,  
 Charles Franz,  
 Bernard Christensen,  
 Henry Lobitz,  
 Jarrard E. Jones,  
 Paul R. Fox,  
 John B. Martin,  
 David W. Harry,  
 George R. C. Thompson,  
 Ole P. Oraker,  
 William S. White,  
 Franz J. M. Parduhn,  
 Arthur W. Bird,  
 Charles Allen,  
 Frederick T. Lense,  
 John W. Merget,  
 Harry Champeno,  
 George J. Lovett,  
 Frederick W. Teepe,  
 Albert C. Byrne,  
 Orin R. Hewitt,  
 William R. Gardner,  
 George W. Fairfield,  
 Joseph C. Stein,  
 Robert M. Huggard,  
 Earl F. Holmes,  
 Frank Smith,  
 John McN. D. Knowles,  
 Charles F. Beecher,  
 William H. Hubbard,  
 Ernest W. Dobie,  
 Jonathan H. Warman,  
 John C. Parker,  
 Robert B. Sanford, jr., and  
 Rufus H. Bush.

The following-named chief carpenters in the Navy to be assistant naval constructors in the Navy from the 1st day of July, 1917, for temporary service:

George J. Shaw,  
 Frank Johnson,  
 James I. Haley,  
 Joseph A. Barton,  
 Frank H. Preble,  
 Thomas W. Richards,  
 Joseph M. Simms,  
 Matthew B. Pollock,  
 Walter W. Toles,  
 Frederick W. Witte,  
 Charles S. Kendall,  
 John A. Lord,  
 Frederick M. Kirchmier,  
 John T. S. Miller,  
 Timothy E. Kiley,  
 William Boone,  
 Charles Thompson,  
 McCall Pate,  
 William E. Powell,  
 Frederick C. Le Pine,  
 William H. Squire,  
 William C. Hardie,  
 William F. Hamberger,  
 Thomas J. Logan,  
 William O'Neill,  
 George A. Lazar,  
 Frank Gilbert,  
 Lawrence A. Maaske,  
 Harry E. Cooper,  
 Timothy S. Twigg,  
 Joseph Feaster, jr.,  
 Harry T. Newman,  
 Peter Treutlein,  
 Robert H. Lake,  
 Brandt W. Wilson,  
 Stuart P. Mead,  
 Francis X. Maher,  
 William H. Sampson,  
 Caleb Whitford,  
 Robert Morgan,  
 Joel A. Davis,  
 Robert H. Neville,  
 Alfred R. Hughes,  
 Ernest P. Schilling,  
 James L. Jones,  
 Frank M. Smith,  
 Harold F. McCarty,  
 Frederick Mackle,  
 Samuel C. Burgess,  
 Robert E. Wilkinson,  
 Charles R. Barr,  
 Herbert Duthie,  
 Herbert Van C. Wetmore,  
 Clarence P. Baker,  
 Stephan L. Lovett,  
 William R. Thomas,  
 Thomas B. Casey,  
 Elvie L. Kempton,  
 Albert Tucker,  
 Clifton Greenwell,  
 Wilbert O. Crockett,  
 Arno W. Jones,  
 James W. Costello,  
 James J. Murphy,  
 Thomas O. Covell,  
 Joseph J. Redington,  
 Robert Velz,  
 Louis Haase,  
 Charles J. Kerr,  
 Frederick G. McKay,  
 James P. Shovlin,  
 John A. Price,  
 Joseph F. Gallalee,  
 Ernest L. Bass,  
 Reuben R. Clarke,  
 Harry R. Taylor,  
 Tony L. Hannah,  
 William L. Wall,  
 Frank Weber,  
 Francis J. Wilson,  
 Alfred Biedsoe,  
 Morgan M. Saylor,

James G. McPherson,  
William E. Fitzgerald, and  
Albert G. Merrill.

The following-named chief pharmacists in the Navy to be assistant surgeons in the Navy, for temporary service, from the 1st day of July, 1917:

Edward R. Noyes,  
Oscar G. Ruge,  
Richard F. S. Puck,  
Charles E. Alexander,  
Howard E. Sausser,  
Laurence O. Schetky,  
Paul J. Waldner,  
Maury D. Baker,  
Carl B. Furnell, and  
Stephen Wierzbicki.

The following-named chief pay clerks in the Navy to be assistant paymasters in the Navy, for temporary service, from the 1st day of July, 1917:

Otis F. Cato,  
Fred E. Crossman,  
Archy W. Barnes,  
Frank Hunt,  
George A. Wilcox,  
Alpheus M. Jones,  
Carroll F. Bennett,  
John H. Rauch,  
John M. Holmes,  
William Craig,  
Nils B. Olsen,  
William H. Crap,  
George W. Masterton,  
Walker A. Settle,  
Timothy J. Mulcahy,  
Dayton Fisher,  
Helmer H. Koppang,  
Samuel H. Knowles,  
Harry Price,  
Rudolph A. Ashton,  
Malcolm D. Stuart,  
Joseph Reay,  
Theodore F. Howe,  
Emil E. Artois,  
Edward W. Poore,  
James E. Reed,  
Frank H. Baasen,  
Richard R. Bolles,  
George P. Seifert,  
Ambrose J. Barnum,  
Orlo S. Goff,  
Oscar J. Phillips,  
Edgar L. Cary,  
Arthur Hesford,  
John J. Lynch,  
Joseph A. Rebentisch,  
Thomas M. Schnotola,  
Charles R. Sies,  
Charles E. Sandgren,  
Philip A. Caro,  
James Gately,  
Miles Gilman,  
Lewis S. Sutliff,  
Charles H. Breyer,  
Thomas A. Culhane,  
Andrew J. McMullin,  
Noble R. Wade,  
Frederick Scherberger, jr.,  
William T. Williams,  
Burnice W. Shumaker,  
Harry Mack,  
Edward R. von Preissig,  
Carl E. Beaty,  
Frank D. Foley,  
Harry A. Hooton,  
Arthur W. Babcock,  
Gerald A. Griffin,  
William O. Wood,  
Henry L. Battle,  
Charles W. Charlton,  
Alvah B. Canham,  
Ross B. Deming,  
Effinger E. Hartline,  
Henry E. Brown, and  
Charles E. Rappolee.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate July 11 (legislative day of July 9), 1917.*

#### RECEIVER OF PUBLIC MONEYS.

John J. Birdno to be receiver of public moneys at Phoenix, Ariz.

#### COAST GUARD.

Third Lieut. Joseph Francis Farley, jr., to be second lieutenant.

Third Lieut. David Patterson Marvin to be second lieutenant.  
Third Lieut. Gustavus Urban Stewart to be second lieutenant.  
Third Lieut. Edward Mount Webster to be second lieutenant.

#### PROMOTIONS IN THE NAVY.

Capt. Henry B. Wilson to be a rear admiral.  
Commander William C. Brotherton to be a captain.  
Lieut. Commander Charles S. Freeman to be a commander.  
Lieut. Commander Robert L. Berry to be a commander.  
The following-named lieutenants to be lieutenant commanders:  
Russell Willson.  
Leigh Noyes.

#### POSTMASTER.

#### ARKANSAS.

Albert S. Snowden at Paragould.

### HOUSE OF REPRESENTATIVES.

WEDNESDAY, July 11, 1917.

The House met at 12 o'clock noon.

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

We bless Thee, Infinite Spirit our Heavenly Father, for the genius of our Republic which contemplates for each and every citizen the right to think his own thoughts, to worship Thee according to the dictates of his own conscience, and to enjoy the fruits of his own industry. Help us to cherish and hold these rights sacred to our hearts, and with patriotic zeal and fervor to guard them against all intruders. Above all, help us to use them in the spirit of the Master who taught us to do unto others as we would be done by. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate concurrent resolution of the following title was taken from the Speaker's table and referred to the Committee on Foreign Affairs.

#### Senate concurrent resolution 7.

*Resolved by the Senate (the House of Representatives concurring).* That the Congress have heard with profound satisfaction the assurance of Special Ambassador Bakhmetieff of the devotion of the Russian people and their constituted representatives to their new-found liberties and of their determination to defend and maintain these liberties and institutions.

*Resolved further.* That it is the earnest hope of the Congress that democracy and self-government may bring to the people of Russia that large measure of prosperity, progress, and freedom which they have brought to the people of America, and that Russia may be entirely successful in her concerted efforts to secure the unequalled blessings of an honorable and enduring peace.

#### CALENDAR WEDNESDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to dispense with the business of Calendar Wednesday to-day.

Mr. MADDEN. Mr. Speaker, I will have to object; this day is sacred—

The SPEAKER. The Chair would like to ask the gentleman from North Carolina [Mr. KITCHIN], and also the gentleman from Illinois [Mr. MADDEN], if the order that was made here the other day does not cut out Calendar Wednesday to-day?

Mr. MADDEN. I do not think it does.

Mr. STAFFORD. That depends upon whether the special order be a continuing order.

Mr. MADDEN. Of course, if the Speaker wants to make that ruling he can do so, but I do not think it does.

The SPEAKER. The Chair has examined into that. Of course, the Chair is as anxious to preserve the rights under Calendar Wednesday as anybody, but it looks to the Chair as if a fair construction of that order cuts out to-day. The order reads as follows:

On motion of Mr. KITCHIN, by unanimous consent.

*Ordered.* That on Monday, July 9, 1917, immediately after the reading of the Journal and the disposition of business on the Speaker's table, it shall be in order to proceed with the consideration of the bill

H. R. 4960, to punish trading with the enemy, and that such order shall be continuing until the bill is disposed of, consideration of conference reports, revenue and appropriation bills excepted.

It seems to the Chair it cuts out to-day.

Mr. MADDEN. Then it would cut out conference reports?

The SPEAKER. Oh, no; they are excepted. The Chair is always particular to include conference reports, appropriation bills, and revenue bills.

Mr. MADDEN. Mr. Speaker, if that is the order, 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, and evidently there is not.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from North Carolina moves a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Fields	Key, Ohio	Schall
Anderson	Fisher	Kless, Pa.	Scott, Iowa
Anthony	Flynn	Kincheloe	Scott, Pa.
Ashbrook	Focht	Kreider	Scully
Ayres	Fordney	Langley	Shackelford
Bacharach	Francis	Lazaro	Shallenberger
Barkley	Freeman	Lea, Cal.	Sherwood
Barnhart	Fuller, Mass.	Lehbach	Siegel
Bathrick	Gallivan	Linthicum	Sisson
Bland	Gandy	Little	Slemp
Borland	Garland	McArthur	Smith, Idaho
Britten	Garrett, Tenn.	McCormick	Smith, Mich.
Bruckner	Gillett	McCulloch	Smith, C. B.
Caldwell	Glass	McKinley	Snell
Candler, Miss.	Godwin, N. C.	Maher	Snyder
Cannon	Good	Martin, Ill.	Stragall
Capstick	Gould	Mason	Stedman
Carew	Gray, N. J.	Mondell	Stephens, Nebr.
Cary	Green, Iowa	Mott	Sterling, Ill.
Clark, Fla.	Greene, Mass.	Mudd	Sterling, Pa.
Clark, Pa.	Gregg	Neely	Stiness
Classon	Griest	Nelson	Strong
Coady	Griffin	Nichols, Mich.	Sullivan
Connelly, Kans.	Hamill	Noian	Swift
Cooper, Ohio	Hamilton, N. Y.	Oliver, Ala.	Switzer
Cooper, W. Va.	Haskell	Overmyer	Talbot
Costello	Hayes	Padgett	Templeton
Currie, Mich.	Heaton	Palge	Thompson
Dale, N. Y.	Helm	Parker, N. Y.	Tinkham
Davis	Helvering	Peters	Treadway
Dempsey	Hensley	Phelan	Van Dyke
Denton	Hersey	Platt	Vare
Dickinson	Hicks	Porter	Venable
Dominick	Hollingsworth	Pou	Vinson
Dooling	Houston	Powers	Walker
Doughton	Hull, Iowa	Rainey	Ward
Drukner	Husted	Ramsey	Watson, Pa.
Dunn	Hutchinson	Randall	Watson, Va.
Dupré	James	Rayburn	Weaver
Eagan	Jones, Va.	Riordan	Webb
Eagle	Juil	Rubey	White, Ohio
Edmonds	Kearns	Rucker	Williams
Ellsworth	Kehoe	Sanders, Ind.	Winslow
Emerson	Kelley, Mich.	Sanders, N. Y.	Woodyard
Estopinal	Kennedy, R. I.	Sanford	
Fairchild, G. W.	Kettner	Saunders, Va.	

The SPEAKER. On this roll call 248 Members, a quorum, answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors. The Chair lays before the House the following personal request.

The Clerk read as follows:

Hon. CHAMP CLARK,  
Speaker House of Representatives.

MY DEAR MR. SPEAKER: I desire to ask leave of absence for nine days, beginning to-day, on account of official business. I leave this afternoon to join the other members of the Naval Affairs Committee in Boston, and it is our purpose to be away until July 18 investigating the navy yards of the Atlantic coast.

Thanking you, I am,  
Yours, very sincerely,

W. W. VENABLE.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

#### EXTENSION OF REMARKS.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a couple of communications about the revenue bill.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing communications about the revenue bill. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts objects.

#### TRADING WITH THE ENEMY.

Mr. MONTAGUE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4960. The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4960, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4960, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 4960) to define, regulate, and punish trading with the enemy, and for other purposes.

The CHAIRMAN. When the committee arose on yesterday there was under consideration an amendment offered by the gentleman from Massachusetts [Mr. ROGERS]. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 32, lines 3 and 4, after the word "trustee," strike out the words "appointed prior to the beginning of the war and."

Mr. MONTAGUE. Mr. Chairman—

Mr. ROGERS. I understood the amendment was satisfactory to the gentleman from Virginia, and, if so, I do not care to take any time on it.

Mr. MONTAGUE. I just wanted it to go over.

Mr. ROGERS. I conferred with the gentleman from Pennsylvania [Mr. DEWALT], and I understood it was satisfactory to him.

Mr. MONTAGUE. Mr. Chairman, the amendment offered by the gentleman from Massachusetts [Mr. ROGERS] withholds the application of the provision relating to payments to the agent or trustee, whether or not that agent was appointed prior to the outbreak of the war.

I desire to call the attention of the committee to the exception to the appointment of agencies of this character, as held by the decisions of the Supreme Court, some of which I have heretofore read, is in allowing payment of debts to the agent of an alien enemy where such agent resides in the same State with the debtor. Now, that is American law, but in every case which I have examined the agent was appointed prior to the outbreak of the war. International law prevents the appointment of an agent by the enemy in our territory. It interrupts all intercourse; all trade. There are very grave reasons why this principle of law should not obtain.

Mr. STAFFORD. Will the gentleman yield there?

Mr. MONTAGUE. Yes; I will.

Mr. STAFFORD. I have read several text writers on international law, and they invariably use the phrase "commercial intercourse," and there are writers who say that private communications are not forbidden during the pendency of war.

Mr. MONTAGUE. I will say to the gentleman that he evidently has not in mind the amendment of the gentleman from Massachusetts.

Mr. STAFFORD. I am questioning the gentleman's statement that all intercourse is absolutely forbidden by international law. So far as I have read the text-writers they only refer to the interception of commercial intercourse.

Mr. MONTAGUE. That is all that this bill deals with.

Mr. STAFFORD. Further than that, by all means. You prevent the transfer of any property whatsoever, the rents from any property, whether it is the result of commercial intercourse or not, and prevent the payment to the duly accredited agent of the creditor domiciled in this country.

Mr. MONTAGUE. I desire to call the attention of the committee to only one principle, which is vital, that after the outbreak of a war the citizen of one belligerent has no authority to appoint an agent in the territory of another belligerent to handle his property, to hold his property, to attend to his business. If so, we establish a basis of credit in our country by which the enemy creditor will derive immense benefits. Should we thereby enlarge and augment the commercial resources of the enemy? This is the fixed principle, as I understand it, of international jurisprudence. No power of attorney can be made after the war has opened. So all of the agents, found in the decisions examined by me, falling within the exception to which I have alluded are agents that were appointed prior to the outbreak of war. And therefore the section in question was drawn with that view in mind, of preserving the law as declared by the decisions of our own courts in relation to this question.

The CHAIRMAN. The time of the gentleman has expired.  
Mr. DEWALT. Mr. Chairman, I ask that the gentleman's time be extended.

Mr. MONTAGUE. I do not care for any more time.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LENROOT. I would like to ask the gentleman as to what his view is as to what is accomplished by subdivision section (b)? That would not exist in the absence of this subdivision.

Mr. MONTAGUE. So far as the agent is concerned, to which I am addressing myself, this amendment permits you to appoint an agent after the outbreak of the war, whereas the bill requires the agent to have been appointed before the outbreak of the war, and the appointment of an agent prior to the outbreak of the war complies with international law as interpreted by our courts.

Mr. LENROOT. The question I wanted to ask is: Does the language as reported from the committee in any sense or degree modify or change existing international law? In other words, if the section was stricken out would not the situation then be exactly as the gentleman now contends it should be?

Mr. MONTAGUE. I am not prepared to answer that question affirmatively, but it is safe to say that there are perhaps several portions of this bill that if stricken out the subject matter to which they relate would be taken care of by international law. But the purpose of the bill, as I have heretofore accentuated, is to define more concretely international law.

Mr. LENROOT. Well, was it not the general purpose of this bill, as stated by the gentleman, to rather mitigate the harshness of existing international law, and so far as that was not done, international law still applied in all of its parts?

Mr. MONTAGUE. I think as a general statement the gentleman's position is correct, but I do not think that that position touches the particular amendment of the gentleman from Massachusetts.

Mr. LENROOT. Mr. Chairman, I would like to be recognized in my own time.

The CHAIRMAN. The gentleman is recognized.

Mr. LENROOT. As has just been stated, in so far as enemies are concerned, that are recognized as such under international law, the language of this subsection does nothing more than declare what existing international law is. But as the bill now stands, and even as it will stand as amended—if section 2 is amended, as I hope it will be when we return to it later on—even then the word "enemy" will have a much wider definition than is now recognized by existing international law; and as the bill now stands it would prohibit and make unlawful this kind of a transaction: Suppose a cargo of coffee has been shipped to this country from Rio de Janeiro, in Brazil, and the merchant that shipped it has an agent—not an established house of business, but an agent—in Germany, and transacts some business, if he can get coffee into Germany, and sells such coffee in Germany as he may be able to get through. A cargo of coffee is shipped into this country prior to the beginning of the war. A draft is drawn on the consignee or purchaser of the coffee, through the National City Bank of New York, we will say, for the payment of that cargo of coffee. Under this bill the merchant in Rio Janeiro, Brazil, is an enemy of this country; will be an enemy even if the amendment that I have suggested to the gentleman from Virginia shall be adopted. If, then, the purchaser of that coffee pays that draft to the National City Bank in New York, under the bill as it now stands the payment is unlawful. The man has not paid his debt at all, and the merchant in Rio de Janeiro can not recover the money from the National City Bank of New York that has been paid for that cargo of coffee.

I do not believe, Mr. Chairman, that in this bill this House desires to go to any such extent, and it seems to me that this subdivision (b) of section 7 ought not to remain in the bill at all. We ought not, certainly so far as transactions are concerned prior to the passage of this act—

Mr. MONTAGUE. Mr. Chairman, will the gentleman permit an interruption?

Mr. LENROOT. Yes; when I have finished this sentence. We ought not to put a ban on all commercial transactions and say that they are void in every instance. The merchant in South America may happen to have an agent in Germany, which he has a perfect right to have under international law, and under international law we have no right to treat that merchant in South America as an enemy in this country, so far as business not relating to Germany is concerned, but only as to business between that country and our own.

Now I yield to the gentleman.

Mr. MONTAGUE. May I state to the gentleman that I partially concur in his views as respects subdivision (b) on page 31? That was not in the original bill as reported and considered by the committee. It was subsequently put in after elaborate hearings accorded to an association of importers in order to ameliorate the trade relations and to give benefits to those who do business of the character described by the gentleman, which they could not do without the authority contained in the proviso.

Mr. LENROOT. That was the proviso?

Mr. MONTAGUE. Yes.

Mr. LENROOT. I have read the hearings; and, of course, without the proviso everything would have been void, and, of course, this ameliorates the condition to some extent. But, as I have read the hearings very carefully from beginning to end, it seems to have escaped every person who appeared before the committee—the wide and broad definition of the word "enemy"—and it never seems to have been discussed before the Committee on Interstate and Foreign Commerce as to whether or not that definition of the word "enemy" was not so sweeping as not only to be in violation of international law but as to prevent all commerce with all neutrals wherever any business was done by a neutral with an enemy of ours.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LENROOT. I ask for five minutes more, Mr. Chairman.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LENROOT. While I am on my feet discussing this subdivision (b) I would like to ask the gentleman from Virginia as to what his construction of this section is on the language, "If any property, money, or other property so held or so owned shall have been after the beginning of the war conveyed," and so forth. Is it the gentleman's construction that this provision relates only to transactions occurring after the beginning of the war and prior to the passage of this act, or is it his construction that it relates to transactions not only prior to the passage of the act and the beginning of the war but to all future transactions?

Mr. MONTAGUE. My construction is that the provision relates from the outbreak of the war and continues as long as the war lasts.

Mr. LENROOT. Very well. Then, I want to call the gentleman's attention to this fact: That under that construction that he now gives it there is no exception in the language, "all payments to all enemies are made absolutely void." There is no exception, although the person might be licensed to trade with the enemy, and that license includes the making of payments. Nevertheless under this subdivision payments would be absolutely void, although he held a license to trade.

Mr. DEWALT. Mr. Chairman, addressing myself particularly to the point now at issue, and having reference only to the amendment offered by the gentleman from Massachusetts, which is to strike out, on page 32, in line 3, after the word "trustee," the following words, "appointed prior to the beginning of the war," we have this situation confronting us: International law recognizes and has established that payments can be made and considered to be valid acquittances in law to an agent who is duly authorized, and with whom his principal is still consulting, and which principal recognizes the agent. But the Supreme Court of the United States, in *Insurance Co. against Davis*, clearly foreshadows and states that this agency must have been established prior to the declaration of war. In confirmation of that, permit me to refer the gentleman from Massachusetts [Mr. ROGERS] to page 431 of *Ninety-fifth United States*, in which this is said:

But though a power of attorney to collect debts, given under such circumstances, might be valid, it is generally conceded that a power of attorney can not be given during the existence of war by a citizen of one of the belligerent countries resident therein to a citizen or resident of the other, for that would be holding intercourse with the enemy, which is forbidden.

Further on it is said as follows:

Perhaps it may be assumed that an agent ante bellum, who continues to act as such during the war, in the receipt of money or property on behalf of his principal, where it is the manifest interest of the latter that he should do so, as in the collection of rents and other debts, the assent of the principal will be presumed unless the contrary be shown; but that, where it is against his interest, or would impose upon him some new obligation or burden, his assent will not be presumed, but must be proved, either by his subsequent ratification or in some other manner.

Mr. ROGERS. Will the gentleman yield?

Mr. DEWALT. One moment, after I have finished this citation. On page 429 of the same opinion we find this:

As war suspends all intercourse between them, preventing any instructions, supervision, or knowledge of what takes place, on the one part, and any report or application for advice on the other, this relation necessarily ceases on the breaking out of hostilities, even for the limited purpose before mentioned—

Mr. STAFFORD. Will the gentleman read the following clause?

Mr. DEWALT. Yes.

Mr. STAFFORD. "Unless continued by the mutual assent of the parties."

Mr. DEWALT. Exactly—  
unless continued by the mutual assent of the parties.

But all through this decision the Supreme Court, through Mr. Justice Harlan, said that the agency must have been established ante bellum, and the reason for it is very clear in the mind of the justice, that immediately upon the breaking out of hostilities and the declaration of war all intercourse between the belligerents ipso facto ceases.

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

Mr. DEWALT. Yes.

Mr. LENROOT. Is it the gentleman's contention that the declaration of war in itself suspends all intercourse between neutrals who may be doing some business—

Mr. DEWALT. Oh, that is not the question which we are now discussing.

Mr. LENROOT. That is the question.

Mr. DEWALT. It is not pertinent to this inquiry. We are now discussing the question as to whether or not an agency can be established and maintained after the declaration of war. That is the question.

Mr. LENROOT. Can it not, by a neutral who may be doing business with the enemy? That is my question, and it is directly pertinent to the gentleman's amendment.

Mr. DEWALT. No; if he is dealing with the enemy and the enemy profit by such dealings, then of course he is the agent of the enemy.

Mr. LENROOT. Although the dealings he has with us have no relation to his dealings with the enemy?

Mr. DEWALT. Ah, I grant you that that would be the exception; yes.

Mr. LENROOT. Yes; but it is absolutely prohibited under the language of the bill as it now stands.

Mr. DEWALT. No; I am not talking about that provision of the bill. I am talking now about this amendment of the gentleman from Massachusetts [Mr. ROGERS].

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. I ask unanimous consent that the time may be extended five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended five minutes. Is there objection? There was no objection.

Mr. LENROOT. May I ask the gentleman this? He thinks that the inquiry does not relate to the gentleman's amendment. Supposing a neutral does business with an enemy as an agent appointed after the war, in this country, with relation to a business that has no connection with his business in Germany. Unless the gentleman's amendment is adopted, is not that transaction made absolutely void?

Mr. DEWALT. I can not follow the gentleman's conclusion at all.

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

Mr. DEWALT. Yes.

Mr. ROGERS. I should like to read to the gentleman a sentence in the Davis opinion prior to that which he read, and which begins at the bottom of page 430:

What particular circumstances will be sufficient to show the consent of one person that another shall act as his agent to receive payment of debts in an enemy's country during war may sometimes be difficult to determine.

And the sentence which the gentleman read—

But though a power of attorney to collect debts given under such circumstances might be valid—

And so forth.

Mr. DEWALT. Oh, yes; a power of attorney to collect debts might be valid.

Mr. ROGERS. In other words, the Supreme Court certainly leaves open the question whether a power of attorney to collect debts created after war has begun is valid.

Mr. DEWALT. Now, will the gentleman permit me?

Mr. ROGERS. Yes, indeed.

Mr. DEWALT. That would be true if the Supreme Court had not in the very same breath said in the succeeding line that—

A power of attorney can not be given during the existence of war by a citizen of one of the belligerent countries resident therein to a citizen or resident of the other.

Mr. ROGERS. But it specifically intimates that a power of attorney to collect debts may be valid. The question presented by my amendment relates to the legitimacy of payments of debt in this country. Now, will the gentleman consider this case: Supposing an agency is created by a German in Germany, the agent being a resident and citizen of the United States. That agency is created May 1. There was nothing hostile about that act. There is no commercial intercourse involved in that act. As a result of it a citizen of the United States pays the debt—which he owes to a German subject—to the agent in the United States.

It is conceded that if that agency had existed prior to the war and continued after war began it would have been a perfectly valid payment. Is there any difference in the nature of things between an agency established one day before the declaration of war and one established one day after the declaration of war? Does it help out the debtor citizen of the United States to tell him that if he had paid an agent appointed April 5 it would have been valid, but because he paid the agents appointed April 7 the payment is void, although made in perfectly good faith?

Mr. DEWALT. In response to that I will say that while it may not be fair to the individual to whom the gentleman has referred, it is fair and eminently just to the whole body of the people. Why? Because the initial idea in the whole act, the initial idea of international law, is immediately upon the declaration of war all intercourse shall cease between the belligerents. And further than that, granting that it is a hardship on the individual, nevertheless just as soon as you allow the establishment of these agencies subsequent to the declaration of war you are forming a basis of intercourse between the belligerents which the act prohibits and international law does not recognize. When you do that you are establishing a basis of credit for the enemy in this country by recognizing agencies established after the declaration of war. I can not make it any clearer than that.

Mr. MANN. Mr. Chairman, the amendment of the gentleman from Massachusetts relates only to the proviso, paragraph (b), section 7. The proviso only legitimatizes payments made before the passage of this act. It does not relate to future transactions. Now, what is the objection? Somebody has appointed an agent in this country in good faith, after the declaration of war and before the passage of this act, and money has been paid to that agent. What is the objection to permitting that payment to stand as valid?

Mr. MONTAGUE. I will say to the gentleman that I have an amendment which I shall offer which perhaps may cover the point in the gentleman's mind. Will the gentleman permit me to read it?

Mr. MANN. Certainly.

Mr. MONTAGUE (reading)—

Page 32, line 8, after the word "war," strike out the period, insert a colon, and add:

"Provided further, That no person shall, by virtue of any assignment, indorsement, delivery, or transfer of any debt, obligation, or chose in action, made or to be made in his favor by or on behalf of an enemy or ally of an enemy, have any right or remedy against a debtor, obligor, consignor, indorser, or person delivering the same, unless he prove that the assignment, indorsement, delivery, or transfer was made under license as provided in this act, or was made before the beginning of the war."

Mr. MANN. I will not undertake to express an opinion upon that, because it has not yet soaked into my mind; but it has nothing to do with the question involved in this amendment. Here is the proposition: You propose to say by this proviso that if a payment is made by a citizen of the United States of a debt owing to a German citizen to the agent of the German citizen, not to be transmitted during the war, that that payment is valid provided the agent was appointed before the war commenced. What is the objection to extending that by saying provided the agent is appointed and payment is made before this act takes effect? We do not want to absolutely undertake to prevent all payments of indebtedness which our people may owe to German citizens. The world has changed much since these provisions of international law were called international law. Business transactions have changed throughout the world. It is better for us to keep good faith as far as possible. I can not see what objection there is if such payment has been made in good faith before the passage of the act to let it stand, even if it were for the benefit of the German citizen.

But take the case suggested by the gentleman from Wisconsin [Mr. LENROOT], where payment is made in good faith for a neutral country; what is the sense in saying that if payment was made before the passage of the act it is void? This does not extend to the future. The proviso does not legitimatize payments made in the future; it only refers to payments made before the passage of the act. As far as the enemy is concerned,

I am in favor of prosecuting the war with Germany. I am in favor of licking the German Government. There is nothing else for us to do. As far as commerce is concerned that has taken place in the past, I believe in keeping good faith, as gentlemen throughout the world endeavor to do.

Mr. MONTAGUE. Mr. Chairman, I am as much in favor as the gentleman from Illinois of keeping good faith with Germany, and I recognize fully the rights existing at the outbreak of the war, but I am first in favor of protecting American rights and American trade, and I shall cast no vote here, if I know it, by which German credit shall be established or enhanced. [Applause.] I shall not vote to give the enemy a base of supplies in America through commercial agents, trustees, or otherwise, and I beg the committee not to insert this amendment by which we in a measure will emasculate our rights and impair our safety.

Mr. MANN. Mr. Chairman, the gentleman makes a speech that is very good but has nothing to do with the subject.

Mr. MONTAGUE. That is the gentleman's opinion.

Mr. MANN. I am going to explain it, if the gentleman will permit me. This proviso proposes by itself to cut off what would be some of the rights of American citizens. It proposes to legitimize certain payments made for indebtedness. Now, the gentleman says you go just so far and that is proper, but if you go a step further in good faith that is improper. I do not think that is good judgment. If these payments have been made in good faith before the passage of this act, the gentleman proposes to recognize a part of them, and I propose to recognize all of them made in good faith, the payments of course not to be transmitted to the enemy.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. SHERLEY. What does the gentleman say about payments that may be made from now until this becomes a law? If the gentleman's proviso is put in, you are inviting payments until the passage of this act.

Mr. MANN. Permitting them undoubtedly.

Mr. SHERLEY. I suggest to the gentleman that it is a rather serious matter.

Mr. MANN. Oh, I do not think there is anything serious about it at all. Why should not we permit payments? Payments in the main go to neutrals; they do not go to the German citizens. The neutrals are the ones who are specially interested.

Mr. SHERLEY. If the gentleman's position is right, why should we have any limitation of time? You have to have one at some point. The gentleman is urging that the time limitation shall be when the act takes effect, whereas the committee has been urging that the time limitation should be the appointment of an agency before the war.

Mr. MANN. Until the law is passed.

Mr. SHERLEY. Why put it then? Why not let it go on continuously, if the gentleman does not think it is important?

Mr. MANN. I think it is important that payments made now which are permitted under the law to these neutrals should stand as valid payments.

Mr. MONTAGUE. If the gentleman will permit, how long would the gentleman continue it?

Mr. MANN. Until the passage of the act.

Mr. MONTAGUE. When will this act likely be passed?

Mr. MANN. I hope that we shall pass it very soon.

Mr. SHERLEY. If payments are permitted now, the prohibition in this act will not make invalid a payment that was valid when made.

Mr. MANN. That is exactly what it does do.

Mr. SHERLEY. Perhaps the gentleman is right.

Mr. MANN. This is a proviso—

Mr. SHERLEY. The gentleman is probably right.

Mr. MANN. It does make it invalid.

Mr. SHERLEY. I was thinking for a moment of an ex post facto law and not of a law impairing the validity of contracts.

Mr. MANN. This bill proposes that you can not make a payment to a neutral doing business in the United States who happens to have had or who has an agent in Germany, though that neutral may be doing a great amount of business with us. This prohibits those payments, makes them invalid, and the exception provides that if payments are made to an agent appointed before the war they shall be valid. I say that the exception should come down as far as the time when you make the payment itself invalid. By the section we make the payment invalid, but payments that have been made before they are made invalid ought to be treated as valid payments. To do otherwise is outraging all commercial sense of honor.

Mr. MONTAGUE. Mr. Chairman, I ask for a vote upon the amendment of the gentleman from Massachusetts [Mr. ROGERS].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. ROGERS) there were—ayes 39, noes 48.

So the amendment was rejected.

Mr. MONTAGUE. Mr. Chairman, I have a few committee amendments which are purely formal, which I desire to offer at this time. On page 30, line 12, after the words "United States," I move to amend by inserting a comma.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 30, line 12, after the words "United States," insert a comma.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONTAGUE. On the same page, line 15, after the word "President," strike out the word "shall" and insert the word "may."

The Clerk read as follows:

Page 30, line 15, after the word "President," strike out the word "shall" and insert in lieu thereof the word "may."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONTAGUE. On page 31, line 6, after the word "shall," insert the word "have."

The Clerk read as follows:

Page 31, line 6, after the word "shall," insert the word "have."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONTAGUE. On the same page, line 7, after the word "shall," insert the word "have."

The Clerk read as follows:

Page 31, line 7, after the word "shall," insert the word "have."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONTAGUE. On page 32, line 14, after the word "enemy," insert a comma.

The Clerk read as follows:

Page 32, line 14, after the word "enemy," insert a comma.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONTAGUE. On page 30, line 16, after the word "act," insert "and at such other times thereafter as the Secretary of Commerce may require."

The Clerk read as follows:

Amendment offered by Mr. MONTAGUE: Page 30, line 16, after the word "act," insert the following: "and at such other times thereafter as the Secretary of Commerce may require."

Mr. MONTAGUE. Mr. Chairman, that amendment was suggested to me by the gentleman from Wisconsin [Mr. LENROOT] and I think it helps to clarify the paragraph.

Mr. MANN. What is the penalty if a corporation does not comply with paragraph (a) of section 7 with respect to giving a full list of officers, directors, and stockholders? Is there any penalty?

Mr. MONTAGUE. I think there is a penalty, but to be frank I would say that I can not at this moment answer. If the gentleman will indulge me for an instant, I will read it.

Mr. ESCH. It is section 15.

Mr. MANN. What is the penalty?

Mr. ESCH. It is not more than \$10,000.

Mr. MONTAGUE. Not to exceed \$10,000.

Mr. MANN. Is not this rather an onerous provision to put every corporation in the United States under a penalty of \$10,000 to transmit these names?

Mr. ESCH. That is the maximum.

Mr. MANN. The names of every officer, director, or stockholder who is an enemy or ally of the enemy. Suppose they do not know; suppose they make a mistake?

Mr. MONTAGUE. Well, they would be fined a dollar, a nominal fine.

Mr. MANN. Oh, they could be perhaps fined a dollar; yes; but the penalty is \$10,000.

Mr. MONTAGUE. That is the maximum penalty.

Mr. MANN. The maximum penalty is the penalty which may be imposed. Here is a very short time—30 days' time. As to the



United States Steel Co. I venture to say it would be a physical impossibility, a mental impossibility, for them to comply. Of course, a penalty of \$10,000 against that corporation would not bother them any, but it is a mental and physical impossibility for them to comply with this provision in the bill.

Mr. ESCH. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. ESCH. I call the attention of the gentleman to the last sentence in the paragraph, at the top of page 31, where it says:

The Secretary of Commerce may extend the time for filing the list or report for a period of not exceeding 90 days from date of passage of this act.

Mr. MANN. That is a wise provision. I do not know whether he will do it or not. I do not see why we do not extend the time. We know it can not be complied with in 30 days, and to put a penalty if they make a mistake and not know the citizenship or residence of every one of their stockholders—why, no corporation in the United States does that.

Mr. ESCH. Does the gentleman wish to amend by making it six months? We have no objection.

Mr. MANN. I would make it 90 days in the bill, to begin with, and then give them leave to extend it for 90 days.

Mr. ESCH. Why, we leave the requirement for 30 days within which to file the list, and then we permit a further extension of 90 days. I realize that is a short time. There are in the Treasury Department something like 340,000 corporations listed under the corporation-tax provision. Now, there may be in those corporations thousands and possibly hundreds of thousands of people who would come under the definition of "enemy" under this act, and it may take a very large amount of time to list them.

I would be willing, as far as I am concerned, to extend the time.

Mr. MANN. Probably the department will wish to issue a form on which these returns are to be made, and if we can judge from experience the form will not be ready until the end of 29 days or perhaps 31 days.

Mr. MONTAGUE. What time would the gentleman suggest?

Mr. MANN. I would make it at least 90 days.

Mr. MONTAGUE. It can be extended now.

Mr. MANN. I would make it 90 days in the beginning and then with leave to extend for 90 days. Where it says 30 days I would make it 90 days and then I would extend it for 90 days.

Mr. ESCH. Mr. Chairman, as to many of these corporations in which there are foreign stockholders and bondholders the lists are already practically complete. That is true in reference to railroads and public utilities generally, and it would not take them but a very few days to make a list of their foreign stockholders and bondholders, but there are a great many other manufacturing institutions and other institutions where it might take considerable time to ascertain the ownership of the stock. In the markets of New York and Chicago a great deal of stock is listed as in care of some other individual. The officers of the corporation would have to make inquiries and I can realize that it would take time.

Mr. MANN. Of course where a corporation has listed the stockholders and has it arranged according to residence, it is easy to make up the list of the stockholders. That is a simple proposition, but the foreign stockholders may have an address in the United States, care of some one here.

Mr. ESCH. Yes, that is true.

Mr. MANN. And he might still be a German citizen or a Germany enemy or a banking house somewhere.

Mr. MILLER of Minnesota. Then the stockholders do not remain the same for any length of time; they are constantly changing, and those who are on the list one week may not be there the next week.

Mr. MANN. I do not know under what authority a German citizen can transfer stock to anyone in the United States or any other thing. An American citizen can not transfer stock to an alien enemy.

Mr. MILLER of Minnesota. He might do it, although it might be illegal.

Mr. TEMPLE. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MILLER of Minnesota. I move to strike out the last word. Mr. Chairman. If the point I last raised is not of any particular value, I would like to suggest one other. The list of aliens under this act when it becomes a law is likely to change from time to time. A man who is an alien to-day may not be one next week, and a man who is an alien next week may not be an alien to-day. Why?

Mr. MANN. The gentleman's amendment proposes to make this from time to time hereafter.

Mr. MILLER of Minnesota. I understand that. For instance, if the President should exercise the authority vested in him under subsection (c), on page 24, he could make individuals who are in the United States and who are not citizens of the United States enemies by making appropriate proclamation, either if they are individuals or if they are members of a class or body.

Now, a man who is not an enemy to-day—a stockholder—naturally would not be listed as an enemy and his name sent in. The President may issue a proclamation making all members of a certain class enemies next week, whereupon this list as provided for here would not be correct in any sense of the term. Of course, the Secretary might require from time to time additional lists, but there is nothing here that instructs him to do it. He has authority to do it.

Mr. ESCH. The amendment offered by the gentleman from Virginia [Mr. MONTAGUE] would cover that point.

Mr. MONTAGUE. Mr. Chairman, the gentleman from Illinois [Mr. MANN] suggested 90 days, as I understood it.

Mr. ESCH. I suggest 60 days in the first period.

Mr. MONTAGUE. I accept that, if I may be permitted to do so.

Mr. MANN. After the gentleman's amendment is disposed of.

Mr. MONTAGUE. Will the gentleman from Minnesota [Mr. MILLER] pardon me for one moment?

Mr. MILLER of Minnesota. Certainly.

Mr. MONTAGUE. How much time does the gentleman desire?

Mr. MILLER of Minnesota. I wanted to make another inquiry in regard to subsection (c).

Mr. MONTAGUE. Mr. Chairman, I want to ask unanimous consent that all debate on this amendment shall conclude in five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this amendment shall conclude in five minutes. Is there objection?

Mr. QUIN. Mr. Chairman, I would like to have that amendment read, if there is no objection.

The CHAIRMAN. Is there objection to the Clerk again reporting the amendment? [After a pause.] The Chair hears none.

The amendment was again reported.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia [Mr. MONTAGUE] that all debate upon the pending amendment close in five minutes?

There was no objection.

Mr. MILLER of Minnesota. Has not that amendment been adopted?

The CHAIRMAN. No. The gentleman from Pennsylvania [Mr. TEMPLE] is recognized.

Mr. TEMPLE. Mr. Chairman, it seems to me that here again, as in many other places, we run into a difficulty arising out of the breadth of definition of the word "enemy," on page 23, line 23, and following. A good deal has been said about the effect of war in breaking off commercial intercourse with the enemy. This effect of the outbreak of war is recognized in international law—not required by it. It should not be overlooked that this interruption has to do only with commerce with the enemy, as the word "enemy" is ordinarily defined in international law. This bill makes a particular definition of the word for the purposes of this act, which is quite different. I shall quote it presently.

Now, if we require the officers of every corporation to make within 30 days a list of all enemies who own stock in the company, that will include every variety of enemy included in the definition beginning on page 23, any resident of Argentina or of Peru, whatever his nationality, provided only that in carrying on his business he has a branch house in Germany or employs an agent in that country.

It will be absolutely impossible for the officers of the corporation to run down all these facts in 30 or in 90 days. In the case of a corporation which has a great many thousand stockholders, the stockholders may be listed according to address, but the officers of the corporation do not have a history of each man's life, with information covering all his business relationships, and they may be violating the law without having any possibility of knowing they are violating the law. If the enemy spoken of here were an enemy in the sense ordinarily given to that word by writers on international law, the difficulty would not be so great, but the term "enemy" as defined in this act covers anybody resident anywhere that is doing business in any way within the limits of a country with which we are at war. Now, it seems to me that the paragraph, taking that fact into consideration, requires impossibilities.

Mr. MONTAGUE. Does the gentleman allude now to the suggestion of the gentleman from Illinois [Mr. MANN] or to the amendment I have offered?

Mr. TEMPLE. To both—to the requirement of the paragraph as it stands and the amendment, that such a list shall be furnished within 30 days and at such times thereafter as the Secretary of Commerce may require.

My point is that the officers of the company, so far as I know, have no means of finding out these facts about all their stockholders.

Suppose I am a stockholder and sell to somebody, and the stock is to be transferred on the books of the company, must I furnish or must the company acquire in some way information about the new purchaser, a knowledge of all his business relations all over the world, in order to be sure that he does not employ an agent doing business in Germany?

Here is the definition of "enemy":

That the word "enemy" as used herein shall be deemed to mean:

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation with which the United States is at war, or resident outside of the United States, and doing business within such territory, and any corporation incorporated within such territory—

And so forth.

Subsection (c) further enlarges the definition of "enemy" as follows:

Such other individuals, or body of individuals, as may be citizens or subjects of any nation with which the United States is at war, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "enemy."

Even resident within the United States.

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

Mr. TEMPLE. Yes.

Mr. GARD. Would the gentleman's inquiry be covered by striking out the words "who is," in line 18, page 30, and inserting the words "known to be," or some similar words?

Mr. TEMPLE. That would evade the difficulty. Whether it would accomplish the purpose of the section is another question. But it does seem to me that it is involving officers of every corporation in the country in a serious difficulty to require them to furnish facts about the business relationship of their stockholders, when there is no way by which they can require the stockholders to furnish the desired information.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. LENROOT. I wish to say that at the proper time I shall offer an amendment confining the scope of this section to enemies resident within enemy territory and citizens or subjects of the nation with which we are at war.

Mr. TEMPLE. That would meet the situation, it seems to me, precisely, because the difficulty lies in the broad definition of the word "enemy," found in section 2 of this bill, which I have quoted above.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONTAGUE. Now, will the gentleman indulge me just a moment? I will then be through with the so-called committee amendments.

Mr. MANN. There is an amendment about 30 or 90 days. Is the gentleman going to offer that?

Mr. DEWALT. This is a committee amendment prior to that, if the gentleman from Illinois will permit.

Mr. MANN. Mr. Chairman, I move to amend, page 30, line 16, by striking out the word "thirty" and inserting in lieu thereof the word "sixty."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. MANN: Amend, page 30, line 16, by striking out the word "thirty" and inserting in lieu thereof the word "sixty."

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MONTAGUE. The committee has no objection to that, so far as I have been able to confer with the members.

Mr. STAFFORD. I understood it was the desire to grant to the Secretary of Commerce the right to extend to file reports 90 days beyond that.

Mr. MANN. That is the purpose.

Mr. STAFFORD. Under that authorization he would be allowed to extend the time only 90 days after the passage of this act, whereas I understood it was the consensus of opinion that the Secretary of Commerce should have the power to extend the time 90 days beyond the expiration of the 60-day period.

Mr. MANN. I think we ought to strike out "from the date of the passage of this act," so that it would give the Secretary authority to extend the time 90 days beyond the 60 days, which may be essential in some cases. I will offer that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out, on page 31, line 12, the balance of the paragraph after the word "days."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 31, line 12, strike out all the paragraph after the word "days."

Mr. MANN. That would simply permit the Secretary to extend the time, and might meet such an emergency as arose a few years ago with reference to the income tax on a lot of corporations that did not make a report within the time required because they thought they were not required to make reports, and they were penalized all over the country.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, I suggest that there be put in, in front of the word "period," the words "for an additional period not exceeding ninety days," because now the 90 days might be construed to include the original 60. That would make it perfectly plain.

Mr. MANN. All right. I will offer that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. MANN. Then, Mr. Chairman, I move, on page 31, line 12, to strike out the word "a" and insert in lieu thereof the words "an additional."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. MANN: On page 31, line 12, strike out the word "a" and insert in lieu thereof the words "an additional."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONTAGUE. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 32, line 8, after the word "war," strike out the period, insert a colon and add:

"Provided further, That no person shall, by virtue of any assignment, indorsement, delivery, or transfer of any debt, obligation, or chose in action, made or to be made in his favor by or on behalf of an enemy or ally of enemy, have any right or remedy against a debtor, obligor, consignor, indorser, or person delivering the same, unless he prove that the assignment, indorsement, delivery, or transfer was made under license, as provided in this act, or was made before the beginning of the war."

Mr. MANN. Mr. Chairman, will the gentleman permit me to make a suggestion as to that, possibly as to the form? It says, "unless he prove." Why not simply say "unless license was issued"?

Mr. DEWALT. That is all right.

Mr. MANN. I do not know where he would prove it. I do not know just what language would come out.

Mr. MONTAGUE. I have no objection. I will accept that.

Mr. STAFFORD. Mr. Chairman, may I inquire of the chairman of the committee whether this amendment contemplates those instances where the money has been paid over in good faith following the declaration of war to an agent that has heretofore been appointed prior to the war to receive these funds?

Mr. DEWALT. It does not apply to those instances, for the reason that—

Mr. MANN. If the gentleman will permit, the language that I would strike out of the amendment reported by the gentleman would do this. He proves that the assignment, indorsement, delivery, or transfer, was made so that it would read, "remedy

against a debtor, obligor, consignor, indorser, or person delivering the same was licensed as provided in this act."

Mr. MONTAGUE. That is as I understood the gentleman.

Mr. ROBBINS. Mr. Chairman, will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. ROBBINS. I see you use the words "beginning of the war." Why not use the technical term "declaration of war"?

Mr. MONTAGUE. We used the words as defined in the act.

The CHAIRMAN. Does the gentleman from Virginia ask to modify his amendment or withdraw it and offer another?

Mr. MONTAGUE. I ask leave to modify it as indicated by the gentleman from Illinois.

The CHAIRMAN. The gentleman from Virginia asks leave to modify his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment as it will read.

The Clerk read as follows:

Modified amendment: Page 32, line 8, after the word "war," strike out the period, insert a colon, and add:

"Provided further, That no person shall by virtue of any assignment, indorsement, delivery, or transfer of any debt, obligation, or chose in action, made or to be made in his favor by or on behalf of an enemy or ally of enemy, have any right or remedy against the debtor, obligor, assignor, indorser, or the person delivering the same, unless under license as provided in this act, or was made before the beginning of the war."

Mr. LENROOT. Mr. Chairman, this amendment again raises this very troublesome question of the status of transactions occurring prior to the passage of this act and after the beginning of the war. If this amendment is adopted in its present form, and an assignment has been made by a neutral in good faith to an American citizen upon a purely business transaction between that citizen and this country, if that neutral happens to have an agent residing in Germany, all his rights are cut off. Not only that, but the American citizen may have paid to that neutral the full extent of the obligation, secured an assignment of it, which he had a right to do under international law, and yet if this amendment is adopted that American citizen, holding that obligation by indorsement or assignment, is prohibited from suing the debtor.

Mr. MONTAGUE. Will the gentleman from Wisconsin permit me?

Mr. LENROOT. Yes.

Mr. MONTAGUE. From the gentleman's standpoint that conclusion obtains. I do not concede it. But if the amendment which the gentleman offered relating to the definition of "enemy" should be carried, then the objection made to this amendment would not obtain.

Mr. LENROOT. No.

Mr. MONTAGUE. Therefore I suggest to the gentleman—

Mr. LENROOT. I hope the gentleman will accept the amendment which I have offered. I think the gentleman is correct, that if that amendment should be adopted it would take care of this.

Mr. MONTAGUE. In other words, the definition of "enemy" will or will not control the amendment.

Mr. LENROOT. That is true; but unless that amendment is adopted the bill as it now stands would render absolutely void innocent transactions carried on in the utmost good faith, and undoubtedly would deprive many American citizens of property rights that they would enjoy under international law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 30, line 19, after the word enemy," insert "Resident within the territory, or a subject or citizen of any nation with which the United States is at war, or resident within the territory or a subject or citizen of any ally of any nation with which the United States is at war."

Mr. LONGWORTH. Mr. Chairman, may we have that amendment read again?

The CHAIRMAN. Without objection the amendment will be again reported.

The amendment was again read.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. STAFFORD. Would not the scope of the gentleman's amendment apply to alien citizens of Germany living in this country? As I gleaned the effect of the amendment, it would apply to citizens of Germany domiciled in this country.

Mr. LENROOT. It would. I ask leave to modify it by inserting after the word "citizen" the words "residing outside of the United States."

Mr. MONTAGUE. Will the gentleman from Wisconsin permit me?

Mr. LENROOT. Yes.

Mr. MONTAGUE. Does not the gentleman think that the definition of an enemy, as embraced in the present amendment, had better be considered in relation to section 2, where the enemy is defined? Does he not think that if we attach it at this point of the bill it will have a tendency to dislocate or disarrange the whole bill?

Mr. LENROOT. Let me call the attention of the gentleman to why the situation is different with reference to this paragraph than with reference to the one we last considered. In the one we last considered the word "enemy" would be applied, I concede, to the business done; but in this paragraph a neutral would be occupying a dual position—an enemy with respect to any business that he did with Germany, but not an enemy otherwise. This would require the inclusion within this list of stockholders of any neutral doing business in Germany; so that it is different than in the case that we last considered; and as the gentleman from Pennsylvania [Mr. TEMPLE] so well stated, it would be imposing an impossible task upon the corporations of this country, where they have neutral stockholders all over the world, to ascertain as to whether or not they are doing business with Germany and thus come within the inclusion of the term "enemy" as is provided in this section. It seems to me everything is accomplished, so far as the safety of the United States is concerned, if we require the corporation to include every officer and stockholder resident in Germany and every enemy citizen or subject of Germany, wherever resident outside of the United States. It seems to me we then cover all possible cases of real enemy character.

Mr. MANN. Will the gentleman yield?

Mr. LENROOT. I yield to the gentleman.

Mr. MANN. I take it that the purpose of this provision is to get a list of stockholders, so that the Government may require the dividends on the stock to be paid to the custodian, in order to help us carry on the war. Now, does the gentleman think it is even desirable that the Government of the United States should undertake to say that dividends due to Germans living in Brazil shall be commandeered in the United States for the purpose of carrying on the war against Germany?

Mr. LENROOT. Of course this section does not commandeer any dividends.

Mr. MANN. No; but this section undertakes to get a list, and the list is for the purpose of commandeering dividends. Why should not the list be a list of those where it is proper for us to take the money due to them for temporary use in order to lick Germany?

Mr. LENROOT. In reply to the gentleman, I frankly say that everything will be accomplished if we limit it to those residing in Germany, but I included the others in the hope that it might help to pass the amendment.

Mr. MONTAGUE. Suppose we take the instance that the gentleman suggests, that a German citizen resident in the Argentine Republic and that his business is that of buying coal and transporting it to Germany, and that he is also a large stockholder in an American corporation. Does not the gentleman think that he should be reached in some way?

Mr. LENROOT. My amendment covers him.

Mr. MONTAGUE. The point I make again is that we had better stick to the section devoted to definitions, and not make definitions from place to place throughout the bill, otherwise endless confusion may result.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, my good friend from Virginia has suggested that if a corporation in the United States owes a dividend to a German in Argentina, we ought to take that away and put it in the Treasury of the United States to carry on the war against Germany.

Mr. MONTAGUE. If he is doing business in Germany.

Mr. MANN. He is in business in the Argentine Republic.

Mr. MONTAGUE. That is not the case I instanced.

Mr. MANN. The amendment offered by the gentleman from Wisconsin would cover the case of the gentleman in Argentina that I have referred to, and so would the original bill. You are endeavoring to gain the sympathy and aid of the South American Republic in the war, and in the end it will be a great advantage for us to have it. Does the gentleman think that he will gain the sympathy and the aid of the South American Republics by undertaking to take away arbitrarily money due to them by the people of the United States?

What would we have thought if Great Britain had said to the United States—and the Lord knows that she went arbitrarily as far as she could—if she had said that it would be an illegal act for corporations to pay money in the United States to a German? We have got to be fair about these things if we want to gain the sympathy of the world, and it is very important that we should gain it. I do not think we gain anything by undertaking to commandeer dividends due from corporations in the United States belonging to German subjects or citizens who may have left home many years ago living in South America and other countries and not involved in any way in the war.

Mr. HILL. Mr. Chairman, the gentleman says that we can not commandeer dividends, and I do not think we can successfully. In the first place, you can not compel a corporation to pay dividends, and it is so easy to avoid some of the provisions of this bill. We can do ourselves a great deal of harm by being too severe and attempting to cover too much.

Less than a year ago a Member of this House, to my knowledge, for I believe what he said, was prevented by Great Britain from selling to his agent in the Argentine Republic several thousand dollars worth of products of his establishment because Great Britain had blacklisted the man, who was a German and who had been doing business in the Argentine Republic for 40 years. The business was supplying of machinery for farms. It had no more to do with Germany than it had with the kingdom of heaven, but because he was a German Great Britain blacklisted him in the Argentine Republic. We are going way beyond that.

Mr. MONTAGUE. He must be doing business within Germany, otherwise he is not embraced.

Mr. HILL. I understand under the terms of this bill, although I may be mistaken, that if he is an alien citizen he can be listed by the President in a class—every citizen of Germany anywhere in the wide, wide world, under the terms of this bill, as I understand, can be listed as an alien enemy, and he then becomes subject to the provisions of this bill. The provisions of this section are utterly impossible of being carried out, and I do not want to see them carried out for another reason. This war is not going to last forever. The end of the world has not come. We are going to do business in the future. We have an enormous country. It is a good deal like undertaking to control the food supply.

Mr. Hoover could do it in a little country like Belgium or a portion of it not much larger than the State of Connecticut, where he only had to control it for a small population, but in my judgment it is impossible to control it by legislation in a country 3,000 miles long and 2,500 miles wide, with more than a hundred million people, unless he can repeal the somewhat long-standing law of supply and demand. While the Senate is debating the food-supply bill the Almighty is controlling the food supply of this country.

Mr. QUIN. Will the gentleman yield?

Mr. HILL. Yes.

Mr. QUIN. Does the gentleman say that a German citizen in Brazil would have his business controlled by this bill?

Mr. HILL. I mean to say that this bill would prevent any railroad in this country paying him a dividend on stock he owned in that railroad. I will ask the gentleman from Illinois if he does not so understand it?

Mr. MANN. I will say yes, but I did not hear the question. [Laughter.]

Mr. HILL. Of course the gentleman would say yes. I would like to have it disputed if it is true. Is that what we are trying to do, Mr. Chairman?

Mr. MONTAGUE. I am not the chairman of the committee.

Mr. HILL. Well, I hope the gentleman will be some day.

Mr. MONTAGUE. What is the question?

Mr. HILL. Is a citizen of the United States forbidden to do business with an alien enemy wherever he may be in this wide, wide world if the President classes all German residents anywhere in the world as alien enemies, as the bill authorizes him to do?

Mr. MONTAGUE. I do not think so. The President has a right so to class him providing he does business within Germany no matter where he resides. His business is helping to augment the resources of Germany, and we ought not to permit him to draw supplies and moneys and credits from the United States for any such purpose.

Mr. HILL. If we do not know what the bill means and the committee does not know what the bill means, it seems to me that they ought to withdraw it and give it more thorough discussion, and come back prepared to say what it does mean.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. HILL. Yes.

Mr. LENROOT. The gentleman from Virginia is incorrect wherein he states that the President has a right by proclamation to prevent United States citizens from doing business with any alien, wherever resident, provided that alien does business with Germany.

Mr. MONTAGUE. I did not say that he has a right to prevent his doing business.

Mr. HILL. He can not do business without entering into a financial transaction.

Mr. MONTAGUE. This bill classes a man who does business within Germany as an enemy of America. He is, quoad that business, a resident of Germany.

Mr. LENROOT. If the President so proclaims, a German citizen, a resident of the Argentine Republic, having no business relations with Germany, still comes within the provisions of the bill.

Mr. HILL. Mr. Chairman, I want to go a little bit further. I want to look out for the future, after the war is over. We can not live for ourselves for the rest of time. We have to consider conditions after the war is over. I think we are duplicating tremendously annoying propositions here that will come back to plague us after the war is over. If I have a correct recollection of the facts, at the second Hague conference the nations of the world agreed that private property in time of war should not be subject to confiscation. An attempt was made to have that so with private property on sea.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. HILL. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL. The conference asked that the same thing might be done with regard to private property on sea, and Great Britain, with the largest navy in the world, refused to permit it. It was done in regard to private property on land. Now, we say that we will do what we choose under the stress of war. The nations have agreed that under the stress of war private property in the hands of an individual owner shall be sacred on land. I do not care whether Great Britain has violated it or not. Because she has violated it she has no right to ask us to do the same. The gentleman says that she has not. I say that we are following in her footsteps under entirely different conditions, 3,000 miles removed from the scene of the conflict.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

Mr. HILL. Yes.

Mr. QUIN. I want to know if this is a war measure; whether it will continue after the war. The gentleman seems to think it will go on after the war is over.

Mr. HILL. It will depend entirely upon the Paris conference and the agreement of the allies after the war, and we are bound by it morally, whether we are actually or not. I do not want to see this Nation enter into an economic war after the war is over.

Mr. QUIN. I agree with the gentleman.

Mr. HILL. We are laying the foundation for just that sort of thing in bills of this character.

Mr. MOORE of Pennsylvania. Mr. Chairman, if the gentleman will permit—

Mr. HILL. Yes.

Mr. MOORE of Pennsylvania. The gentleman from Virginia admitted yesterday that this was permanent legislation.

Mr. MONTAGUE. Mr. Chairman, with all due respect to the gentleman from Pennsylvania, he does not quote me correctly. I admitted, so far as that particular paragraph was concerned, that it would meet similar conditions hereafter arising, but it is apparent that the bulk of this act ipso facto dissolves when the war ends.

Mr. MOORE of Pennsylvania. I took the gentleman at his word yesterday, that the bill provided for such future wars. That was the very question raised. I took the word of the gentleman as a lawyer, and understood from his statement that this was to be permanent legislation to meet the future as well as the present emergency.

Mr. MONTAGUE. Either the gentleman from Virginia [Mr. MONTAGUE] or the gentleman from Pennsylvania [Mr. MOORE] was very unfortunate in expression or in understanding.

Mr. HILL. Mr. Chairman, it is already admitted, both upon the part of the committee and on the part of other Members of the House that the real scope of this bill is not clear. I want to say to you that its scope and extent is not understood or comprehended. No man thought two years ago that the United States would be sending, as the President says we may possibly do now, millions of its citizens, the best blood of America, to fight in the battle fields of Europe. You can not tell where this

thing is going. To-day there is far more likelihood of covering other nations than those now engaged in the war under the provisions of this bill than I think the committee ever realized or expected. I say that we ought not to duplicate these things.

We ought not to provide that three or four different departments of the Government shall be doing the same class of work at duplicated expense, although that is small account compared to other features of the bill. We are now beyond the point where in many respects the bureaucracy of Russia does not compare with what we have here now, and ours is being increased and extended to an infinite extent. Let me tell you a circumstance that occurred the other day. A resident of Connecticut, the president of one of our manufacturing corporations, residing for years in this country, having recently applied for naturalization papers, never dreaming it was necessary, the selling man of that concern, sent to me, through his attorney in New York, and applied for a permit and a license from the Attorney General's Office to travel in his usual accustomed way in the country. He got the license and permit to go from New York, his business office, to his factory in Connecticut. He had to get a license in this free country of ours—just as loyal a man and resident as you or I—and he asked me, "Can not I travel in the United States without going to every district for a license?" He is limited to 50 miles, as I recall, and that is the only portion of the United States he can go in without being subject to arrest. I went to the Attorney General's Office for the permit to transact his business, a straightforward, legitimate business. If I am not mistaken, he was requested to come here years and years ago from Germany to do business here, and he was refused by the Attorney General's Office, and he is now shut down to within 50 miles of his residence and his factory, and he has got to have somebody else to sell his goods; and we are now saying that he shall take the list of stockholders of his concern and report them to the custodian, and that the money from dividends on the property shall be paid into the Treasury of the United States, to be treated in some way when the war is over, when nobody knows what conditions will arise and when nobody dreams what the conditions may be; when nobody realizes the enmities that may possibly have been incurred between now and then. He is shut down to a 50-mile area of freedom in this free country of ours. Why, a convict, a criminal—and I have talked with them—in Siberia can go 250 miles from home without a passport, and my loyal friend can not go any more than 50 miles from his home here. He has got to go into every district in the United States and apply for a permit to travel to save being arrested because he may be within half a mile of a navy yard or some public building, or something of that kind. Where are we going in bureaucratic legislative power?

Mr. QUIN. If the gentleman will permit, would there be any way for a good loyal man like that to be exempted from this—

Mr. HILL. Yes; he can go into every marshal's district in the United States and get a permit to travel in that district.

Mr. McKENZIE. Will the gentleman yield?

Mr. HILL. I will.

Mr. McKENZIE. I did not understand how long the gentleman had lived in this country?

Mr. HILL. Oh, I do not know.

Mr. MONTAGUE. Naturalized?

Mr. HILL. He came here years ago. He has applied for naturalization papers, as I am informed.

Mr. McKENZIE. Since the war began?

Mr. HILL. My impression is that he made application either immediately before or at once after the war began, but I am not sure about that. But we invited those people years ago to come to this country, the refuge of the oppressed and suffering of all nations, as we proudly called it, and now we turn around and say that they are made criminals, and we must apply criminal laws to them.

Mr. DEWALT. It might have been well for this citizen of whom the gentleman speaks to have applied for naturalization papers—

Mr. HILL. He has.

Mr. DEWALT. Just now. If he is a suspect, he ought to be confined.

Mr. HILL. Does the gentleman want to send him back home? We invited millions of them here. Do you want to send back the Danes and the Hollanders and the Swedes, and all foreigners? If you do, you would depopulate the whole country, and who knows to whom the provisions of this bill will apply before peace comes.

Mr. DEWALT. If they do not do anything against the country—

Mr. HILL. I want to be loyal to them, and I want them to be loyal to us.

Mr. DEWALT. If this gentleman had been so loyal of whom the gentleman speaks he would have taken out naturalization papers long ago.

Mr. HILL. What did the gentleman's father do when he came to this country?

Mr. DEWALT. He was born in this country and helped to make it.

Mr. BUTLER. Does the gentleman's question apply to all of us? I would send them back if they did not comply with the law, and I would not permit them to criticize us at this time.

Mr. HILL. I would not permit them to criticize us, but I would try to stop it first by making our law fair and just.

Mr. BUTLER. Not one.

Mr. HILL. I do not come here pleading for foreigners; I take no criticism of my patriotism here from anybody. My ancestors came to this country 270 years ago, and there has not been a war from colonial times down until now in which they have not participated. They have never been in any rebellion and have always stood by the Government. I do not take any lessons in patriotism from anybody, either the committee or anybody else. I want at least to try to treat these people fairly.

Mr. MONTAGUE. If the gentleman from Connecticut will permit, I have never impugned his patriotism.

Mr. HILL. I know, but—

Mr. MONTAGUE. The gentleman is very gratuitous in intimating that I reflected on his patriotism.

Mr. HILL. In my opinion this legislation goes too far. I say that it overlooks what is going to occur after the war. We have got to have capital from citizens of foreign nations interested in all forms of industry here, in the future just as we have had it in the past. This bill is not a question between government and government. It is a question of men who have come here honestly and loyally and faithfully and invested private funds, and this bill practically says that we will confiscate those funds, and that we will use them for our purposes. I have not any objection to that, but it adds that when the war is over we will leave it to the disposition of Congress as to whether we will pay it back or not. I do not believe that is honest, gentlemen. I do not believe this Government can afford to be dishonest, and I do not believe the terms of this bill are honest.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONTAGUE. Mr. Chairman, I ask for a vote upon the pending amendment.

Mr. LENROOT. Mr. Chairman, may we have the amendment reported?

The CHAIRMAN. Without objection, the Clerk will again report it. Does the gentleman want to modify the amendment?

Mr. LENROOT. I want to know if it was modified by the suggestion of the gentleman from Wisconsin [Mr. Esch].

The CHAIRMAN. Without objection, the gentleman will be permitted to modify the amendment, and the Clerk will report it as modified.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 30, line 19, after the word "enemy," insert:

"Resident within the territory, or a subject or citizen residing outside of the United States, of any nation with which the United States is at war, or resident within the territory, or a subject or citizen residing outside of the United States, of any ally of any nation with which the United States is at war."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. LENROOT. A division, Mr. Chairman.

The committee divided; and there were—ayes 28, noes 19.

Mr. MONTAGUE. Mr. Chairman, I ask for tellers.

Tellers were refused.

So the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I have one other amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 31, line 17, after the word "enemy," insert the words "by any person not holding a license under the provisions of this act."

Mr. LENROOT. Mr. Chairman, I have proposed to insert, after the word "enemy," in line 17, page 31, the words "by any person not holding a license under the provisions of this act." If that is not included, you have made unlawful the payment of money to an enemy although a license has been granted to trade with the enemy. Surely the committee does not wish any such condition as that.

Mr. MONTAGUE. I have no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.  
The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8. That any person, not an enemy or ally of enemy, holding a mortgage, pledge, or lien on or other right in the nature of security in, property of an enemy or ally of enemy, may, after default, dispose of such property under such rules and regulations and after such notice as the Secretary of Commerce shall prescribe; and such notice shall have in all respects the same force and effect as if duly served upon the enemy, or ally of enemy, personally: *Provided*, That no such rule or regulation shall require that notice shall be given in any case in which by law or by the terms of the contract by which such mortgage, pledge, lien, or other right was created, no notice was, prior to the passage of this act, required; and that in case where by law or the terms of such contract notice is required, no longer period of notice is or shall be required: *And provided further*, That if on any such disposition a surplus shall remain after the satisfaction of such mortgage, pledge, lien, or other right in the nature of security, notice of that fact shall be given to the Secretary of Commerce pursuant to such rules and regulations as he may prescribe, and such surplus shall be held subject to the further order of the Secretary of Commerce.

That any contract entered into prior to the beginning of the war between any citizen of the United States or any corporation organized within the United States and an enemy or ally of enemy, the terms of which provide for a termination thereof upon notice from such citizen or corporation, may be terminated by like notice served by such citizen or corporation upon the alien property custodian, and said notice so served shall have in all respects the same force and effect as if duly served upon the enemy or ally of enemy personally, in accordance with the terms of the contract.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Does this section apply to mortgages on real property?

Mr. MONTAGUE. It applies to all property, real and personal. Mortgages, as a rule, apply to real property; liens and pledges apply to personal property.

Mr. MANN. Have we a right to go into a State and prescribe how mortgaged real estate shall be shown, contrary to the statutes of the State? I have always supposed that as to real property the State had absolute control over the method of transferring, and that the General Government had no jurisdiction whatever over it.

Now, here is a provision which says, apparently, that if I hold a mortgage upon real property which belongs to an alien enemy—and there is much of such property held by people in the United States—that on the default—and there must be default in payment, because they can not make payment—I shall dispose of the property under the rules and regulations prescribed by the Secretary of Commerce.

Now, as to real property in my State, the law says the mortgagee can not dispose of it; he can not sell it. It has to be sold by order of court. Of course the mortgagor can sell it subject to the mortgage. This undertakes to say that the mortgagee shall on default sell the property under rules and regulations prescribed by the Secretary of Commerce. It may be that we do have authority where the State law fixes the notice to be served, to change that notice. The law of my State would provide that with the real property held in Illinois belonging to a German resident in Germany, notice should be given by publication, and published notice should be mailed to the resident's address in Germany. We have forbidden the sending of such mail. It may be as to that alien enemy we could do away with the notice, but I am very sure—although I am not so sure, as I am not sure about anything, but I used to be a lawyer who examined title to real estate, and I have passed millions and millions of dollars of real estate on examination of title—but I am fairly confident, although not really sure, that I would not pass a title acquired in this way. I do not believe anybody in my State would do so.

Mr. MILLER of Minnesota. May I make a further suggestion to the gentleman?

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. MILLER of Minnesota. I move to strike out the last two words.

Might I further observe, in harmony with what the gentleman has said, that I am sure in my own mind that the gentleman is correct? This is absolutely null and void so far as ever being enforceable is concerned, because Congress has no authority to pass a law fixing the way, within the confines of a State, for real property to be transferred. It can not be done. Every State has its own mortgage laws, and those laws have to be followed. In some States aliens can not hold property within its confines, and some States say they can within a limited amount. We can not change the law either of the right of an alien to hold property or restrict his right to a certain amount, or say that a mortgage held by him on real property under the laws of that State shall be of no value.

I would like to make this further observation, in harmony with that, if I may: We have designated a man as an "enemy." He is an enemy. He owns a piece of land under the laws of the State upon which there is a mortgage. In other words, he is indebted to a citizen of the United States, which citizen has a mortgage on the land, and under the laws of the State the alien has a right to own that land. Under this we forbid that man from making any payment or doing any business with respect to this land. Now, by this paragraph we say that if default in the payment occurs—and there will be default, because the man can not make the payment—we provide an entirely new and different method by which the mortgagee can come in and take the property. Let alone its legality and its constitutionality, is it in any sense right or just?

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. It violates the terms of the contract.

Mr. MILLER of Minnesota. Yes; I yield to the gentleman from Ohio.

Mr. FESS. What is the status of either a mortgagor or a mortgagee with the war on, without any legislation?

Mr. MILLER of Minnesota. I would not want to answer that offhand.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Certainly.

Mr. McKENZIE. Is not the purpose of this section simply to start the machinery in motion by serving notice upon the custodian of the enemy's property? It does not abrogate or do away with the usual forms of law for the sale of pledged property. Is not that the purpose of this section?

Mr. MILLER of Minnesota. I do not understand that that is the purpose or the effect. This permits the disposition of the property after the default.

Mr. McKENZIE. That is notice. Would you not have to pursue the same course—

Mr. MILLER of Minnesota. Any person not an enemy—that is, a citizen of the United States—who holds a mortgage against property belonging to an enemy, "may after default dispose of such property under such rules and regulations and after such notice as the Secretary of Commerce shall prescribe."

Mr. McKENZIE. Notice served upon the custodian.

Mr. BUTLER. Could he not do it?

Mr. MILLER of Minnesota. I do not think he could under the laws of the State, which are at variance with any such process as this.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. GRAHAM of Illinois. If it is true, as has been stated here—and I think it is—that contractual relations are ended on the outbreak of the war, there is no contract existing between our citizen and the citizen of the foreign country. Now, therefore, there being no contract between them, unless Congress makes some legislation by which the machinery can be started, you can not start anything in any court.

Mr. MILLER of Minnesota. I do not agree with the gentleman that the contract is abrogated by the declaration of war.

Mr. GRAHAM of Illinois. I take it for granted on the statement of gentlemen of the committee. I have not investigated it myself. But those relations are at least suspended, are they not?

Mr. MILLER of Minnesota. They are suspended.

Mr. GRAHAM of Illinois. And during the continuance of the hostilities you can do nothing.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. DEWALT. Mr. Chairman, there is no amendment pending, and I ask for the regular order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I present an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 34, line 12, after the word "Commerce," insert a comma and the words "with the approval of the President."

Mr. MOORE of Pennsylvania. Mr. Chairman, the amendment is offered with a view of making uniform the various provisions of the bill. In the section just passed, section 7, in subsection (c), the Secretary of Commerce is to do what he is required to do "by direction of the President," in the first instance, and "with the approval of the President" in the second instance. In other subsections throughout the bill it is contemplated that the President shall approve what is done.

Mr. MONTAGUE. I did not catch the gentleman's amendment, I am sorry to say. Will he kindly indicate what it is?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

Mr. MONTAGUE. I have no objection to it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 9. That any person, not an enemy, or ally of enemy, claiming any interest, right, or title in any money or other property which may have been conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder, and held by him or by the Treasurer of the United States, or to whom any debt may be owing from an enemy, or ally of enemy, whose property or any part thereof shall have been conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder, and held by him or by the Treasurer of the United States, may file with the said custodian a statement or notice of his claim under oath and in such form and containing such particulars as the said custodian shall require; and, if said person so filing notice shall, within three months after the end of the war, institute a suit in equity in the district court of the United States for the district in which such claimant resides, or, if a corporation, where it has its principal place of business (to which suit the alien property custodian or the Treasurer of the United States, as the case may be, shall be made a party defendant), to establish the interest, right, title, or debt so claimed, then the money or other property of the enemy, or ally of enemy, against whom such interest, right, or title is asserted, or debt claimed, shall be retained in the custody of the alien property custodian or in the Treasury of the United States, as provided in this act, and until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied by payment or conveyance, transfer, or assignment by the defendant or by the alien property custodian or Treasurer of the United States on order of the court, or until final judgment or decree shall be entered against the claimant, or suit otherwise terminated.

Except as herein provided, the money or other property conveyed, transferred, assigned, delivered, or paid to the alien property custodian shall not be liable to lien, attachment, garnishment, trustee process, or execution, or subject to any order or decree of any court.

This section shall not apply, however, to money paid to the alien property custodian, under section 10 hereof.

Mr. PARKER of New Jersey and Mr. MANN rose.

Mr. MONTAGUE. Will the gentleman from Illinois permit me to offer a pro forma amendment?

Mr. MANN. The spelling of the word "section" should be corrected there on line 1 of page 37.

The CHAIRMAN. Without objection, the Clerk will make the correction indicated by the gentleman from Illinois.

There was no objection.

Mr. MONTAGUE. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MONTAGUE: Page 36, line 1, after the word "shall," strike out the word "within" and insert in lieu thereof the words "at any time before the expiration of."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PARKER of New Jersey. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

Mr. PARKER of New Jersey offers the following amendment: Page 36, line 19, after the word "terminated," insert the following:

"Provided, That if any property belonging to an enemy or ally of the enemy insurance company be delivered to the alien property custodian or deposited in the Treasury of the United States under the provisions of this act, and any insurance company not an enemy or ally of the enemy shall claim any right, title, or interest in such property which has been so delivered to the alien property custodian or to the Treasurer of the United States, such insurance company, not an enemy or ally of the enemy, may institute suit in equity in the district court of the United States for the district in which the principal office of the company is located, or in the Court of Claims, for the purpose of establishing his right, title, or interest, and procuring a decree thereon, and such court may thereupon, on proper showing, direct that the property in the custody of the alien property custodian or of the Treasurer of the United States, to which such company may show itself to be entitled, be delivered to such company, and such case may be heard and determined and the property delivered before the end of the war. The alien property custodian or the Treasurer of the United States, as the case may be, shall be made party defendant to such suit."

Mr. PARKER of New Jersey. Mr. Chairman, this amendment meets a special case. It has been submitted to the gentleman from Pennsylvania [Mr. DEWALT] who, with the gentleman from Virginia [Mr. MONTAGUE], is in charge of this bill, and he has no objection to it.

It is well known that some of the insurance companies in this country reinsure in foreign insurance companies that have branches here. At least one of those foreign insurance companies—the Munich Insurance Co.—has a manager here who is

a foreigner, and who may not get out. This bill would cancel all the reinsurance carried in that company; and inasmuch as the premiums on this reinsurance for long periods of time were paid to the Munich Insurance Co., on the cancellation of the reinsurance the premiums so paid would or should be returned. In the case of one of the insurance companies of my city—the Firemen's—these return premiums would amount to over \$300,000, and under the present provisions of this bill that money would be tied up until three months after the end of the war and until the termination of a suit brought, if the money went into the hands of the alien property custodian. This provision, which, as I say, has been submitted to the gentleman from Pennsylvania [Mr. DEWALT] and approved by him, is to allow the insurance company immediately to obtain the return of these return premiums. These return premiums belong to them and not to the foreigners upon the cancellation of the contract, and there is no reason why the money should not be returned to the American insurance company. If any further explanation is needed, I shall be glad to give it.

Mr. DEWALT. Mr. Chairman, the gentleman from New Jersey [Mr. PARKER] is correct in stating that his proposed amendment was submitted to me this morning in conference with some gentlemen from New Jersey who are engaged in the insurance business. The facts, in brief, are these: There are 14 domestic insurance companies which have underwritten a portion of their risks with enemy insurance companies. In order to underwrite their insurance they, of course, were obliged to pay to these enemy insurance companies a portion of the premiums. By the provisions of this act these contracts, made between the enemy insurance companies and our domestic insurance companies, fall and become void. By the provisions of this act also the custodian takes possession of the property of these alien insurance companies. Now, what is that property? In every State in the Union in which these alien insurance companies are doing business they have been obliged to place in the hands of the insurance department security as collateral for the repayment of these premiums that have been paid to them, which would again be returned to the domestic insurance companies either on the lapse of the insurance or on the cancellation thereof. Now, when, by the provisions of this act, the custodian takes into his possession all the property of the alien insurance company, these 14 domestic insurance companies—and there may be a greater number, but these gentlemen mentioned only 14—would be obliged, under the present provisions of the act, to wait until three months after the expiration of the war before they could recover, from this property which is in the hands of the custodian, these returned premiums, which they certainly ought to be entitled to immediately upon the cancellation of the insurance contracts. Therefore upon the submission of the question to me—I am sorry that the gentleman from Virginia [Mr. MONTAGUE] was not present at the interview—it seemed that it was no more than equitable and just that this property, on coming into the hands of the custodian or the Treasurer of the United States, should be given to our domestic insurance companies immediately upon the affirmation of a judgment in their behalf by a court of competent jurisdiction. That is all there is in the amendment.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from New Jersey [Mr. PARKER].

The amendment was agreed to.

Mr. MANN. Did that amendment come in at the end of section 9?

Mr. DEWALT. No; after the word "terminated."

Mr. MANN. Very well. I offer an amendment to come in at the end of the section.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN: At the end of section 9 insert the following:

"That if any property belonging to a loyal citizen of the United States who, by virtue of his residence in a foreign country, comes within the definition of the word 'enemy' as used in this act, is delivered to the alien property custodian or deposited in the Treasury of the United States under the provisions of this act, and the owner thereof afterwards removes to a neutral country or returns to the United States; or if it is ascertained that such owner was not in fact, by virtue of his residence when this act takes effect, properly included within the definition of the word 'enemy' as used herein; or if by inheritance from or by will duly executed by one who comes within the definition of the word 'enemy' as used herein, a citizen of the United States residing therein becomes entitled to all or any part of or interest in any property which has been so delivered to the alien property custodian or to the Treasurer of the United States, the Secretary of Commerce, may, upon application, by or on behalf of such person and proper showing of the facts, authorize and direct the return to him, in such manner as the Secretary shall determine, of any such property or any part or interest therein to which he may be so entitled. If the Secretary of Commerce does not grant such application within three months after the same is made, the person so entitled

may institute a suit in equity in the district court of the United States for the district in which such person resides or in the Court of Claims for the purpose of establishing his right and procuring a decree thereon, and such court may thereupon, on proper showing, direct that the property in the custody of the alien property custodian or in the Treasury of the United States, to which the claimant may show himself to be thus entitled, be delivered to him, and such case may be heard and determined and the property returned before the end of the war. The alien property custodian or the Treasurer of the United States, as the case may be, shall be made party defendant to such suit."

Mr. DEWALT. After consultation with the gentleman in charge of the bill I will say that there is no objection to the amendment of the gentleman from Illinois, but if he desires to explain it—

Mr. MANN. I introduced it as a House bill, so as to have it in print.

Mr. ADAMSON. I would be very glad if the gentleman would make a little explanation of it, because it occurred to some of us that the matter was already covered by the terms of the bill.

Mr. MANN. I will not undertake to be certain that it is not covered already by the terms of the bill. This amendment, to be frank about it, was sent to me by the Merchants' Loan & Trust Co., of Chicago, one of the most responsible organizations in the United States, with the statement that in their opinion it was not covered by the terms of the bill, and it seemed to be perfectly patent that no one would object to the provisions in this amendment. I introduced it as a House bill in order to get it into print and have it before the committee, and I offer it now with the idea that there is no objection to what is intended to be covered by the amendment. This bill will pass through another body, and will pass through conference. I think it is very likely that some of these things may be consolidated with other provisions of the bill, but I do not see how anybody could really object to the provision that is here made. If an American now in Germany, and hence an alien enemy, has his property placed in the hands of the custodian and then he manages to get back to the United States, there is no reason why the money should not be turned over to him.

Mr. MONTAGUE. When he manages to get back to the United States, as the gentleman says, does not his return, ipso facto, remove his enemy character, as if he had never been out of the country?

Mr. MANN. But his property is in the hands of the custodian and I doubt if there is any way by which he could get it out unless we permit him to make the application.

THE CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was adopted.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 10. That nothing contained in this act shall be held to make unlawful any of the following acts:

(a) An enemy, or ally of enemy, may file and prosecute in the United States an application for letters patent, or for registration of trade-mark, print, label, or copyright, and may pay any fees therefor in accordance with and as required by the provisions of existing law. Any such enemy, or ally of enemy, who is unable during war, or within six months thereafter, on account of conditions arising out of war, to file any such application, or to pay any official fee, or to take any action required by law within the prescribed period, may be granted an extension of nine months beyond the expiration of said period, provided the nation of which the said applicant is a citizen, subject, or corporation shall extend substantially similar privileges to citizens and corporations of the United States.

(b) Any citizen of the United States, or any corporation organized within the United States, may pay to an enemy or ally of enemy any tax, annuity, or fee which may be required by the laws of such enemy or ally of enemy nation in relation to patents and trade-marks, prints, labels, and copyrights; and any such citizen or corporation may file and prosecute an application for letters patent or for registration of trade-mark, print, label, or copyright in the country of an enemy, or of an ally of enemy, after first submitting such application to the Secretary of Commerce and receiving license so to file and prosecute.

(c) Any citizen of the United States or any corporation organized within the United States who desires to manufacture, or cause to be manufactured, a machine, manufacture, composition of matter, or design, or to carry on or cause to be carried on a process under any patent or copyrighted matter owned or controlled by an enemy or ally of enemy at any time during the existence of a state of war may apply to the Federal Trade Commission for a license; and said commission is hereby authorized to grant such a license, nonexclusive or exclusive, as it shall deem best, provided it shall be of the opinion that such grant is for the public welfare, and that the applicant is able and intends in good faith to manufacture, or cause to be manufactured, the machine, manufacture, composition of matter, or design, or to carry on or cause to be carried on the process or to use the copyrighted matter. The Federal Trade Commission may prescribe the conditions of this license and the rules and regulations under which it may be granted and the fee which shall be charged therefor, not exceeding \$100 and not exceeding 1 per cent of the fund deposited as hereinafter provided.

(d) The licensee shall file with the Federal Trade Commission a full statement of the extent of the use and enjoyment of the license, in such form and at such stated periods (at least annually) as the commission may prescribe; and the licensee shall pay at such times as may be required to the alien property custodian (or to such other officer as the President shall direct) not to exceed 5 per cent of the

gross sums received by the licensee from the sale of said inventions or use of the copyrighted matter, or 5 per cent of the value of the use of such inventions or copyrighted matter to the licensee as established by the Federal Trade Commission; and sums so paid shall be deposited by said alien property custodian (or by such other officer as the President shall direct) forthwith in the Treasury of the United States as a trust fund for the said licensee and for the owner of the said patent or copyright registration as hereinafter provided, to be paid from the Treasury upon order of the court, as provided in subdivision (f) of this section, or upon the direction of the alien property custodian, or such other officer as the President shall direct.

(e) Unless surrendered or terminated as provided in this act, any license granted hereunder shall continue during the term fixed in the license or in the absence of any such limitation during the term of the patent or copyright registration under which it is granted. Upon violation by the licensee of any of the provisions of this act, or of the conditions of the license, the Federal Trade Commission may, after due notice and hearing, cancel any license granted by it.

(f) The owner of any patent or copyright under which a license is granted hereunder may, at any time within one year after the end of the war, file a bill in equity against the licensee in the district court of the United States for the district in which the said licensee resides, or, if a corporation, in which it has its principal place of business (to which suit the Treasurer of the United States shall be made a party), for recovery from the said licensee for all use and enjoyment of the said patented invention or copyrighted matter: *Provided, however*, That whenever suit is brought, as above, notice shall be filed with the alien property custodian (or with such other officer as the President shall direct) within 30 days after date of entry of suit: *Provided further*, That the licensee may make any and all defenses which would be available were no license granted. The court on due proceedings had may adjudge and decree to the said owner payment of a reasonable royalty. The amount of said judgment and decree, when final, shall be paid on order of the court to the owner of the patent from the fund deposited by the licensee, so far as such deposit will satisfy said judgment and decree; and the said payment shall be in full or partial satisfaction of said judgment and decree, as the fact may appear; and if, after payment of all such judgments and decrees, there shall remain any balance of said deposit, such balance shall be repaid to the licensee on order of the alien property custodian (or such other officer as the President shall direct). If no suit is brought within one year after the end of the war, or no notice is filed as above required, then the licensee shall not be liable to make any further deposits, and all funds deposited by him shall be repaid to him on order of the alien property custodian (or such other officer as the President shall direct). Upon entry of suit and notice filed as above required, or upon repayment of funds as above provided, the liability of the licensee to make further reports to the Federal Trade Commission shall cease.

If suit is brought as above provided, the court may at any time terminate the license, and may in such event issue an injunction to restrain the licensee from infringement thereafter, or the court, in case the licensee prior to suit shall have made investment of capital based on possession of the license, may continue the license for such period and upon such terms and with such royalties as it shall find to be just and reasonable.

(g) Any enemy, or ally of enemy, may institute and prosecute suits in equity against any person other than a licensee under this act to enjoin infringement of letters patent and copyrights in the United States owned or controlled by said enemy or ally of enemy, in the same manner and to the extent that he would be entitled so to do if the United States was not at war.

(h) Except as provided in this section, nothing in this act shall be construed to authorize the prosecution or maintenance of any suit or action at law or in equity by an enemy or ally of enemy in any court within the United States. All powers of attorney heretofore or hereafter granted by an enemy or ally of enemy to any person within the United States, in so far as they may be requisite to the performance of acts authorized in subsections (a) and (g) of this section, shall be valid.

Mr. MONTAGUE. Mr. Chairman, on page 37, line 8, the first word "any" should be "an." A typographical error.

THE CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. MONTAGUE. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 40, lines 2 and 3, strike out the words "a license is granted hereunder may, at any time within one year after the end of the war, file a bill in equity against the," and insert in lieu thereof the following: "A license is granted hereunder may after the end of the war and until the expiration of a year thereafter file a bill in equity against the."

THE CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. MONTAGUE. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 42, line 3, after the word "States" strike out the period and insert a comma, and in lieu thereof add the words "prior to the end of the war: *Provided further*, That an enemy or ally of the enemy may defend by counsel any suit in equity or action at law which may be brought against him."

THE CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. SNOOK. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

Page 39, line 8, after the word "or," insert the words "if such commission shall so order."

THE CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.



Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word. I understand that this section was drawn by the Department of Justice; is that so?

Mr. DEWALT. And the Patent Office.

Mr. MILLER of Minnesota. And the Patent Office in consultation. I assume that the language must have been drawn with care, and yet it is very strange language. I want to invite the gentleman's attention to see if I am all wrong or whether the language is incomplete.

I direct the gentleman's attention to the subsection (c), page 38. I am referring to the language describing the things that are patented or copyrighted, and this is the language that is used:

Any citizen of the United States or any corporation organized within the United States who desires to manufacture, or cause to be manufactured, a machine, manufacture, composition of matter, or design—

And so forth.

Now, that language "composition of matter," if taken in a reasonable sense, comprehends everything in God's created universe. But is it not so general, is it not so comprehensive, that the court would refuse to construe it?

Mr. MONTAGUE. That is the exact language of the patent law copied into the bill.

Mr. MILLER of Minnesota. Is that the exclusive language of the patent law, or is there other language and then that added as a sort of basket clause for fear that they had left out something? The language frequently used is "manufacture, machine, design, preparation, compound," and things of that kind. None of that is in here except "manufacture" and "design." I have no desire to criticize or ask this to be changed if it is going to do the business.

Mr. MONTAGUE. I have the patent law here in pamphlet form, and some of these amendments that were added were copied from that law directly.

Mr. MILLER of Minnesota. I have had an extended correspondence with many distinguished physicians in the United States, beginning with the Drs. Mayo, in my own State, which caused me to introduce a bill which embraced all of these things relating to medicine compounds; but, of course, I readily laid that bill aside in view of this coming out, but I want to be sure that this does the business. The preparations that the physicians are interested in are medicines that have been manufactured and compounded by German scientists, patented in the United States, and now can not be obtained for love or money unless they are permitted to be manufactured in the United States.

Mr. MONTAGUE. Is the gentleman in doubt as to whether or not the medicinal preparations he has in mind are covered by these words?

Mr. MILLER of Minnesota. I have.

Mr. MONTAGUE. I will say to the gentleman that after a good deal of consideration, the conclusion was inexorable that it did cover just the preparations the gentleman speaks of. I do not know of any other language that could more completely cover it.

Mr. MILLER of Minnesota. I am sure that the words "composition of matter" include it.

Mr. MONTAGUE. Yes.

Mr. MILLER of Minnesota. I do not know anything that it does not include, but courts very frequently say that language is so general and indefinite that therefore they will refuse to apply it to a specific case. What would be the objection to inserting the words "medicine, medicinal compound, or preparation"?

Mr. MONTAGUE. This is the language not only of the statute but the language suggested by the Commissioner of Patents himself as covering medicinal preparations. I am not a patent lawyer, but I think, under the long adjudications on this subject, the gentleman will find that this covers all those subject matters.

Mr. DEWALT. I refer the gentleman to line 9: or cause to be carried on, a process under any patent or copyrighted matter—

Mr. MILLER of Minnesota. I was about to revert to that after we had finished with the first. Assuming that the language does comprehend the medicinal preparation we have in mind, what is the authority conferred to do in respect to that—to carry on a process under any patent or copyrighted matter owned or controlled by an enemy or ally of an enemy at any time during the existence of a state of war. I would not be surprised if the court would hold that that language would permit the manufacture of a preparation in the nature of a medicine, but it does not exactly say so.

Mr. DEWALT. I do not think there is any doubt about it. You could not make it any broader, and, as it is inclusive, it would not be exclusive.

Mr. MILLER of Minnesota. Oh, yes; you could; but if the gentleman has given careful consideration to that feature, I shall not try to be captious about it.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent that my time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, what does the gentleman think about the language just below—giving to the Federal Trade Commission the power to issue either a nonexclusive or an exclusive license to the patentee? In other words, what does the gentleman think about the propriety of giving to the Federal Trade Commission the power to give to one concern an exclusive license to manufacture any of this material?

Mr. MILLER of Minnesota. My answer would have to be confined within my own knowledge, and my knowledge of the manufacture of patented articles is exceedingly limited. However, my knowledge in respect to the medicinal preparation that the Drs. Mayo brought to our attention some weeks ago, and that I had brought to my attention in the Orient shortly after the war started, is fairly full. In other words, there is but one concern in the United States that is competent to manufacture this particular medicinal compound.

Mr. COX. What is the compound?

Mr. MILLER of Minnesota. The compound is salvarsan and neo-salvarsan.

Mr. COX. Does it not include another one called aspirin?

Mr. MILLER of Minnesota. Possibly; but the medical men are agreed that there is one concern in Philadelphia, controlled by Dr. Schamberg, that has made, under license from the German patentees since the war has begun, this compound which is better than that which the Germans heretofore have manufactured and sold in the United States. The ingredients of this are such powerful drugs that unless the compound is made with the greatest care by the most accurate scientists and in laboratories perfectly fitted for the work, a patient who takes it is likely to receive serious injury, and so the Surgeon General's Office of the War Department and the officers of the medical associations with whom I have conferred are alike agreed that any license to manufacture this particular compound should be exclusive to this one concern, and I assume that is the reason that language was put in.

Mr. DEWALT. That was the reason.

Mr. COX. In order to get a pure compound.

Mr. MILLER of Minnesota. Absolutely pure.

Mr. COX. Does the gentleman have any knowledge or information of what is known as aspirin? I am somewhat interested in that, because I have taken large quantities, especially German aspirin. Are there any concerns in this country manufacturing that?

Mr. MILLER of Minnesota. I am sorry to say that I do not know.

Mr. MADDEN. Mr. Chairman, I have a nephew who is a chemist, and he tells me that he can make aspirin just as well as they do in Germany, but that he has not dared to do it because of the patents and the penalties for a violation of the patent laws. He said, however, that any chemist can make it.

Mr. COX. I think about two years ago I bought what was said to be the last ounce in Indiana and I paid \$7 for that ounce.

Mr. MONTAGUE. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentleman from Minnesota has the floor.

Mr. MONTAGUE. I do not want to take the gentleman off the floor, but I thought he was through.

Mr. MILLER of Minnesota. If we are not in too big a rush, I would like the indulgence of the committee for two or three minutes.

Mr. MONTAGUE. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Now that the gentleman from Indiana [Mr. Cox] has asked the name of this particular compound, and it has been given, some further additional words might be appropriate. This is the only specific ever yet discovered for syphilitic conditions, and all the world knows, conversant with the facts, that syphilis is contracted in an innocent way just as often as, if not more often than, in any other way. When I was in the Orient, two years ago, I went

through several hospitals. I recall one distinctly that was devoted exclusively to children afflicted with syphilis. They are in a helpless, miserable, hopeless condition. Why? Because, I was informed, that the price of this compound had been so exorbitantly raised that it was beyond charity patients. That, however, was not enough of a proposition to disturb us particularly in this country, but the physicians of this country became greatly alarmed about two years ago over the difficulty of securing these various compounds, of which this is the main ingredient. Some came in the *Deutschland*, but not sufficient. I have a letter from one of the leading surgeons of the country which says that the total supply in the United States to-day is practically exhausted and that no more can be found here at all.

Now, the German agents who represented the patentees of this company conducted themselves, to my mind, in a most despicable manner. They raised the price of this compound enormously because they saw they had a monopoly and could do it. The Drs. Mayo, of Minnesota, brought this to the attention of Congress early in May and requested that this compound be manufactured by Dr. Schamburg and that the patents be suspended.

Mr. COX. Will the gentleman yield?

Mr. MILLER of Minnesota. I will.

Mr. COX. I am glad to hear the gentleman say that it can be manufactured in this country just as well as in Germany. If I recollect correctly, the gentleman from New York [Mr. LAGUARDIA] the other day said the manufacture of this particular drug in this country was a total failure so far as the effect of the compound upon the individual was concerned.

Mr. MILLER of Minnesota. I will ask unanimous consent to extend as a part of my remarks a communication that I received from Dr. Stokes, who is the head of the dermatological section of the Mayos Hospital, of Rochester, Minn., in which he goes very fully into this subject.

Mr. COX. That will make it authoritative from the Drs. Mayo themselves?

Mr. MILLER of Minnesota. Dr. Mayo himself subscribed to all these statements from Dr. Stokes.

Mr. LAGUARDIA. Do I understand they have been experimenting with the Philadelphia preparation?

Mr. MILLER of Minnesota. Not only experimenting, but they have manufactured it for a considerable period of time; but now they do not manufacture it, because the German patents will not permit it.

Mr. LAGUARDIA. Has any action been brought restraining its manufacture?

Mr. MILLER of Minnesota. They had only the permit of the German patentee to manufacture, and after the war started they could not manufacture.

Mr. LAGUARDIA. But does the gentleman know whether any action has been taken restraining them from manufacture?

Mr. MILLER of Minnesota. They can not manufacture without infringing upon the patents.

Mr. LAGUARDIA. If it is asserted that it is for the interest of public health and they could show that it is impossible to obtain the original article, would any court in this country restrain them from manufacturing it?

Mr. MILLER of Minnesota. The court would have to comply with the law.

Mr. LAGUARDIA. But is not the law well established that where the infringement is such that the infringing party can not obtain the original article and the owner of the patent can not supply, then the court will simply order the keeping of complete and accurate account and would permit the manufacture, pending the action?

Mr. MILLER of Minnesota. I think the court would confine itself to a construction of the law.

Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by the insertion of the matter indicated.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

As the head of the section of dermatology and syphilology in the Mayo Clinic, I beg leave to ask your attention, and that of the Council of Defense, to the conditions existing at this time in this country in regard to the drug known as salvarsan and neosalvarsan, used in the treatment of syphilis. As you know, both these drugs have been patented in this country by the Farbwerke-Hoechst Co., of New York, whom I understand to be the purchasers of the original Ehrlich patents. (This is a misstatement; Prof. Schamburg informs me the patents are held by the German company and can therefore legally be suspended or abrogated.) These patents I understand to be very extensive in their scope and to include not only the names under which the drugs are marketed but all the details of their manufacture. In fact, it is said to be virtually impossible by any variation upon

them to manufacture the drugs without infringement and consequent suit in the courts.

The salvarsan and neosalvarsan supplied to the profession of this country up to the outbreak of the European war was manufactured in Germany, under the direction of Ehrlich's laboratories in Frankfurt, and marketed in this country at a price of \$3.50 per maximum dose (0.6 gram salvarsan and 0.9 gram neosalvarsan). After the outbreak of the war the importation of both drugs was interfered with by the British blockade, and the price rapidly reached a speculative level, to my personal knowledge, as high as \$16 a dose. The Farbwerke-Hoechst Co. then inaugurated a system of direct distribution, raising the price to \$4.50 a dose, ostensibly to cover increased cost. At this price original salvarsan was available for some time, but the supply of neosalvarsan was rapidly exhausted. The advance in price and the difficulty of securing the preparation, of course, still further restricted the use in this country of one of the most important curative agents in existence.

Finally, as a result of the complete suspension of imports, the entire supply of both neosalvarsan and salvarsan in this country failed entirely, and a large proportion of the profession was obliged to return to the antiquated methods in use with mercury alone, a slower, and less effective procedure, making abortive cure out of the question and admittedly unsatisfactory in controlling syphilis as a contagious disease.

In this emergency the Dermatological Research Laboratories of the Philadelphia Polyclinic, which had for some time, under the directorship of Prof. Jay Frank Schamburg, been studying a salvarsan of their own manufacture, identical with the German product, entered into a gentlemen's agreement with the holders of the German patents by which they were permitted to supply the profession of this country a salvarsan of domestic manufacture. This product was supplied under the name arsenobenzol. Its distribution was allowed by the German patentees on the understanding that as soon as they could reimpose the manufacture of arsenobenzol would be suspended.

Arsenobenzol, as prepared under Prof. Schamburg's direction, is identical in composition with, and equal in clinical efficiency to, original salvarsan (606) of the Ehrlich patents. This has been attested by the studies of the council on pharmacy and chemistry of the American Medical Association. My own impressions and those of other clinicians who have used the drug all seem to agree that its efficiency is the same as that of salvarsan, and that its toxicity and the incidence of unfavorable complications after its use is, if anything, lower than that of the German product. Prof. Schamburg and his collaborators, Drs. Kolmer and Raiziss, have made a thoroughgoing study of the drug from every angle, and there can be no reasonable question that they are in position to furnish this country with a product thoroughly surrounded by all the guarantees demanded in the case of so powerful and potentially dangerous a therapeutic agent.

I understand that during the period when German imports were suspended, some 25,000 doses of arsenobenzol were supplied to physicians in this country. The manufacture of the drug was suspended in the latter part of July, 1916, as the result of the reimposition of the German salvarsan through special arrangement with the belligerent powers. German salvarsan and neosalvarsan have been supplied to the American market at the price of \$4.50 a dose until the supply has been again cut off by the suspension of submarine commerce between this country and Germany via the *Deutschland* and the recent rupture of diplomatic relations. Recent information in my hands estimates the amount of salvarsan and neosalvarsan still available in the hands of the Farbwerke-Hoechst Co. as sufficient for two months if the supply is husbanded.

I might mention at this point that the manufacture of arsenical compounds practically identical with salvarsan has been carried on in the belligerent countries since the beginning of the war. Kharshivan is, I think, the name of the British product, manufactured by the Burroughs Welcome Co. Diarsenol and neodiarsonol are manufactured at Toronto under the direction of the Canadian Government by the Synthetic Drug Co. (Ltd.), the direct supervision being carried out by the medical department of the University of Toronto. A good deal of the former drug has been used in this country, although its importation is an infringement of the German patents. Reports of its unstable character have appeared in the literature, and I have myself within a short time nearly had disastrous results in five cases on a single day from the use of this product, and have known of other serious effects. In view of the fact that its importation is a violation of the patent law, and that it is an unstable and apparently dangerous substitute, it can scarcely be looked upon as a source of supply in an emergency.

In this connection I might also call your attention to the increased toxicity of German salvarsan and neosalvarsan itself. The recent importations have been markedly inferior to the product marketed before the war. This has been abundantly testified to by reports appearing in the Journal of the American Medical Association and by my own experience. In the course of a series of 500 injections during August, September, and October of this year, I have witnessed every known type of reaction to the drug, more reactions than I had seen in 3,000 previous injections, even under a rigidly exacting technique. On a single day, from one control number, six of my patients had nitritoid crises on the table, any one of which might have terminated fatally. Dr. Ormsby, of Chicago, and other clinicians, had similar experiences. All of us had abundant occasion to realize our helplessness, and to appreciate that to leave the manufacture and sale of so powerful and potentially toxic drug to the vicissitudes of commercial expediency is a fundamentally short-sighted public policy.

With reference to the current price of salvarsan the following considerations are in point: Prof. Schamburg has stated that if such steps are taken as will permit its unrestricted American manufacture, it can be supplied to hospitals at \$1 or less per maximum dose. If this is possible, it is apparent that the German patentees have reaped prodigious profits from their monopoly and that it would be reasonable now to subordinate the interest of this lucrative monopoly to the public good. The patents on salvarsan have still 11 years to run, and it is, to say the least, under protest that those of us who work with it all the time and realize the immense public benefit that could be derived from it see the sick of this country the victims of this form of extortion. This country is ripening for a public-health campaign against syphilis, and to its inauguration many of us are bending our best efforts. To have to delay the initiation of this movement for 11 years, until the claims of the patentees shall have been satisfied on an exorbitant scale, seems intolerable. It is still more unthinkable when one realizes that an effective campaign against syphilis is an integral part of national preparedness and must take its place among measures of national defense. The effect of the mobilization of troops, the increase of the personnel of Army and Navy, the importance of the health of

enlisted men is being daily better appreciated. Salvarsan in abundance is therefore a weapon, and it would seem to be quite within the province of the Executive to command it as such, or to provide for its home manufacture. The protection of the civil population after hostilities, no less than that of the Army and Navy, deserves consideration in this connection.

Realizing this situation, and believing that the state of our relations with Germany affords the psychological and practical opportunity for terminating this unreasonable monopoly, a number of us have sounded Prof. Schamberg in his willingness to place his facilities at the disposal of the Government and the medical profession of this country. It appears from his communications to Dr. William Allen Pusey, of Chicago (now in my hands), and the communication to me inclosed herewith, that suitable governmental action will make it possible for him to supply arsenobenzol to the Government and to the profession of this country in quantities sufficient for all our needs. Suitable action, apparently in the form of an abrogation of these patents by Congress, will make possible the radical reductions in the price so much to be desired in the interest of public health. Prof. Schamberg, as you will note, would welcome the supervision of the United States Public Health and Marine Hospital Service in the manufacture of the drug. If the Council of National Defense will give this matter its consideration, I have no doubt that Prof. Schamberg would be pleased to appear before this body and make known in full his point of view upon the matter, and the results of his study of the situation. I understand that the German patentees have endeavored to carry through an agreement with him which will maintain the price far above the figure at which he could place it on the market. From such an arrangement he has endeavored to hold back in the effort to accomplish a radical readjustment. I would respectfully urge that governmental action in this matter should be prompt, or it will be ineffectual, and relief from the existing unjust state of affairs will be delayed at least 11 years.

I beg to thank you for the opportunity of bringing this matter to your attention, and remain,  
Respectfully, yours,

JOHN H. STOKES, M. D.,  
*Mayo Clinic.*

Mr. MONTAGUE. Mr. Chairman, I ask for the regular order.

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the last two words simply for the purpose of calling attention to what I take to be a typographical error in the print. In line 7, on page 37, the word "registration" seems to be misspelled.

Mr. MONTAGUE. I thank the gentleman for the suggestion.

The CHAIRMAN. Without objection, the Clerk will make the correction.

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment and ask that it be read by the Clerk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 38, line 25, strike out the period, insert a colon, and add the following:

"Provided, That the provisions of section (c) shall take effect in the event only that the Government of any nation with which the United States is at war abrogates, suspends, or in any manner limits within its own territory the full and unhampered use and enjoyment of a patent or patent right of a citizen of the United States, and the President shall make proclamation thereof."

Mr. LAGUARDIA. Mr. Chairman, so far the only purpose for a provision of this kind that has been stated is the desire to make salvarsan in this country. Whether or not salvarsan can be made successfully here is a question of grave doubt. The medical profession, as I stated the other day, are frank to say that the preparations so far made have not been successful. If it is necessary to make salvarsan, and if it can not be imported from Germany, it strikes me we might find some other manner of permitting its manufacture rather than resorting to the extreme measure of abrogating all patent rights. The committee has not stated that the German Government has abrogated patent rights applying to American citizens. There are more patents owned by American citizens exploited in Germany than there are German patents exploited in this country. When these patents were granted the Government pledged a monopoly for a certain number of years on those articles, and now to go back on its word is just as dishonorable as the violation of a treaty. It is treating the certificate of patent—the solemn obligation of this Government—as a "scrap of paper."

If the committee were in a position to state to the House that the German Government had taken such action in reference to patents owned by American citizens there might be some justification, but the committee is honest in saying that they do not know. We are bound by our own laws, as well as by treaty, to protect patents owned by foreign citizens. And with the one exception of this medical preparation, there has been nothing presented to justify this section.

Mr. WINGO. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. WINGO. I was not present the other afternoon when the gentleman discussed the proposition that they could not successfully manufacture it in this country. They have a formula, have they not?

Mr. LAGUARDIA. They have a formula, it is true.

Mr. WINGO. Can the gentleman explain why they can not manufacture it here?

Mr. LAGUARDIA. I suppose for the same reason that we can not raise Turkish tobaccos or make Pilsner beer here. They have tried it in Canada, but I will say to the gentleman that reliable physicians in New York have been using the Canadian and Philadelphia preparations, and have taken care to warn their patients that a substitute preparation was being used.

Mr. WINGO. Is salvarsan a chemical compound?

Mr. LAGUARDIA. It is.

Mr. WINGO. Then, it is a proposition of mixing chemicals?

Mr. LAGUARDIA. Yes. I will state to the gentleman from Minnesota [Mr. MILLER] that I am not an expert on salvarsan or on the reason why salvarsan is used, and I know nothing about it. But I say this, that if it is necessary to make it here, and if it can be manufactured here, we can do so without this section. There is no need of this section in the bill. Its purpose is dishonest. There is no necessity for it, and it is going to give justification to retaliation in Germany, which will result in enormous losses to American citizens. I am not interested in salvarsan. I am keenly interested in our national honor and the rights of our citizens.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I think the gentleman from New York [Mr. LAGUARDIA] is mistaken in thinking that the only patent and remedy which really would be affected by this paragraph is salvarsan.

Some years ago I introduced in the House a bill, which was very carefully considered by the Committee on Patents, reported favorably to the House, and passed by the House, designed to require a working in the United States of patents granted to foreign citizens. At that time I collected, a portion of which I showed to the Committee on Patents of the House, a very large number of samples of different things—medicines, in some cases dyes, and things of that sort, giving the price in the United States, where the patent was not required to be worked, and having purchased the same amount across the line in Canada, where the patent was required to be worked, and in many cases for the same amount of money you received ten times the amount of the product across the line at Niagara, in Canada, that you could buy in Buffalo, on this side.

There are many of those cases. They still exist. That bill passed the House. But all the patent attorneys in the United States woke up while the bill was pending in the Senate, and they poured in such a volley upon it that it never received favorable consideration there. It is the business of the patent attorneys in the United States to prevent any adverse change in patent laws. They have succeeded in doing it for years, and will continue, probably, in the future, except on an occasion like this.

We have the right in granting a patent to grant it upon such terms as we please. The patent is a monopoly, not an actual one but an artificial monopoly. We have the right. I can not understand the theory of gentlemen who propose where a patent now granted in the United States to a German citizen and worked in Germany, and the product can not be brought from Germany into the United States, and the owner of the patent itself can not work it in the United States—I can not understand the theory of gentlemen who oppose granting some one the right under guarded conditions to work that patent in the United States.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SNOOK. Mr. Chairman, I wish to say a word as to the matter mentioned by the gentleman from New York [Mr. LAGUARDIA] in connection with what was said by the gentleman from Minnesota in regard to salvarsan.

I want to make a statement that I think ought to be made in addition to what the gentleman from Minnesota [Mr. MILLER] has said on the subject of salvarsan. I took this matter up, at the instigation of the committee, with the War Department. We have not only the word of the Mayo brothers, but Col. H. C. Fisher, of the War Department, who has this matter in charge, tells me that this institute in Philadelphia, to which the gentleman from Minnesota has called attention, is ready to manufacture salvarsan and furnish it to the Government at a dollar a dose, which is now costing, if manufactured under the old processes, \$4.50 to \$5 a dose. And not only that, but he says the War Department have experimented with it and tried it, and they have found that in every way it was as efficient as that made under the German patent.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SNOOK. I will.

Mr. LAGUARDIA. Is the gentleman aware that before it was marketed over 50,000 tests were made, and that it would take a year to determine its efficiency?

Mr. SNOOK. I do not know how many tests were made. It is known as "606." The War Department has tested it out fully as prepared by this firm in Philadelphia and have found it efficient in every way.

Mr. WINGO. Is there anything in the suggestion, from the investigation you have made, that it is impossible to compound these chemicals in this country?

Mr. SNOOK. Not at all. We are compounding them, and are ready to do so; and if the bill is passed these people in Philadelphia are ready to take out a license under this bill, so the War Department informs me, and begin furnishing it right away at \$1 a dose and soon thereafter as low as 50 cents a dose.

Mr. LAGUARDIA. Does the gentleman believe that it is so important that we should take this extreme measure and risk all the patents owned by American citizens in Germany for the sake of salvarsan?

Mr. SNOOK. The gentleman talks about something outside the question.

Mr. LAGUARDIA. That is the whole thing.

Mr. MILLER of Minnesota. Will the gentleman permit me to read Col. Fisher's exact words? I have them right before me.

Mr. SNOOK. I would be very glad to have the gentleman do that.

Mr. MILLER of Minnesota. He says:

The Medical Department of the Army has been obliged to pay \$4.50 per dose, compared with \$2.50 before the war. It is a fact that the Dermatological Institute in Philadelphia can make this same material, which the institute designates arsenobenzol. This is an entirely satisfactory substitute for salvarsan; and the director of the institute, Dr. Schamberg, informs me it could be sold for \$1 a dose or less.

Now will the gentleman permit me to read a statement on the same subject from the Mayo Hospital?

Mr. SNOOK. I shall be very glad to have the gentleman read it.

Mr. MILLER of Minnesota. I read:

Arsenobenzol, as prepared under Prof. Schamberg's direction, is identical in composition with and equal in clinical efficiency to original salvarsan (606) of the Ehrlich patents. This has been attested by the studies of the council on pharmacy and chemistry of the American Medical Association. My own impressions and those of other clinicians who have used the drug all seem to agree that its efficiency is the same as that of salvarsan, and that its toxicity and the incidence of unfavorable complications after its use is, if anything, lower than that of the German product. Prof. Schamberg and his collaborators, Drs. Kolmer and Raiziss, have made a thoroughgoing study of the drug from every angle, and there can be no reasonable question that they are in position to furnish this country with a product thoroughly surrounded by all the guarantees demanded in the case of so powerful and potentially dangerous a therapeutic agent.

Mr. SNOOK. Mr. Chairman, I want to say just one more word.

Mr. MILLER of Minnesota. I thank the gentleman for his courtesy.

Mr. SNOOK. Dr. Fisher also tells me that a company that is now operating in Canada and whose agents appeared before the committee are manufacturing a substitute called diarsenol, which has been tested by the Johns Hopkins Institute of Baltimore.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. SNOOK. Yes.

Mr. FESS. Is the remedy mentioned by Dr. Schamberg such that we could not manufacture it without infringing on the foreign patents?

Mr. SNOOK. Well, ordinarily there may be some question about that; but under the terms of this bill there can be no question about it, and these gentlemen are willing to take out a license and manufacture it.

Mr. FESS. Is it in order that this composition may be made?

Mr. SNOOK. It is necessary, and for this reason—

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SNOOK. Mr. Chairman, I ask leave to proceed for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SNOOK. There is another necessity for this provision in the bill, and that is this: These people who own the German patents are circularizing the trade and the people who use the remedy and are trying to bring about the impression which the gentleman from New York [Mr. LAGUARDIA] is trying to bring before the minds of the Members of the House—that these other preparations made by other people are not efficient, and there-

fore the people hesitate to use them. But if they take out a license under this bill they would be protected in every way.

Mr. FESS. If the gentleman will permit, I understood that since the existence of war has annulled almost all contractual relations between citizens here and citizens in Germany this bill merely makes legal what otherwise would be of no value?

Mr. SNOOK. It makes it legal, and it also protects the German patentee, because it provides for money to be deposited with a custodian for his protection and for the use of his patent.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the gentleman's time be extended two minutes. I wish to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORE of Pennsylvania. I want to call the gentleman's attention to the clause relating to the Federal Trade Commission, empowering that commission to issue licenses, which would seem to take away the power from the Patent Office. On page 38, subsection (c), it is provided that the citizen may apply to the Federal Trade Commission. It seems to me there ought to be a limitation upon the period of time during which the license shall extend, and all that I can find in the bill pertaining to such a limitation are the words "nonexclusive or exclusive."

Mr. SNOOK. No. There are other provisions in the bill providing for the extent of the license.

Mr. MOORE of Pennsylvania. How long would be the life of the license?

Mr. SNOOK. It would be issued for the life of the patent, but it is left to the discretion of the department.

Mr. MOORE of Pennsylvania. That might be as long as 17 years?

Mr. SNOOK. It might be that long.

Mr. MOORE of Pennsylvania. Then the license of the Federal Trade Commission, authorized in this war-emergency act, taking the place of the patent issued by the Patent Office itself, would run as long as the ordinary patent?

Mr. SNOOK. Not necessarily so, but that is left to the discretion of the commission. In some cases, I would say to the gentleman, probably like the case of the firm that is operating in his city of Philadelphia, the expense in preparing for the manufacture of these remedies is very great, so great that they must be guaranteed that they will get a return for the money they expend.

Mr. MOORE of Pennsylvania. I can understand that in the case of this drug perhaps it would not be well to limit the life of the patent to the period of the war, because the use of the drug will go on after the war.

Mr. SNOOK. That is it, exactly.

Mr. MOORE of Pennsylvania. That being the case, is there any limitation at all upon that patent within the 17 years?

Mr. SNOOK. The time is in the discretion of the commissioner.

Mr. MOORE of Pennsylvania. Where is that found?

Mr. SNOOK. In the last paragraph, I think. I can not point it out just at this moment.

Mr. MOORE of Pennsylvania. That is not covered by the words "nonexclusive or exclusive," in line 14, page 38, is it?

Mr. SNOOK. No; there is another provision in the bill limiting the time.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LAGUARDIA. I ask unanimous consent that the time of the gentleman be extended one minute. I want to ask him a question.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Ohio be extended one minute. Is there objection?

There was no objection.

Mr. LAGUARDIA. Will the gentleman for a moment put aside salvarsan while I ask him, as a member of the committee, has any effort been made on the part of the committee to ascertain what rights American citizens have with reference to patents in Germany?

Mr. SNOOK. Certainly; we understand that American citizens have valuable rights in patents in Germany.

Mr. LAGUARDIA. And the gentleman is ready not only to abrogate a sacred contract which the Government has made with patentees in this country but to sacrifice the rights of Americans having patents in Germany—

Mr. SNOOK. I do not yield for an argument. I say there is no abrogation provided for by this bill. This bill absolutely protects the foreign patentee. It is for his protection. I can not understand the way in which the gentleman looks at it. I can not understand his point of view at all.

Mr. LaGUARDIA. The gentleman's point of view would disregard American rights in Germany.

Mr. SNOOK. Not at all.

Mr. LONGWORTH. Is not the very reverse of that true?

Mr. SNOOK. Yes.

Mr. HILL. Mr. Chairman, I am opposed to any amendment of this provision—

Mr. MONTAGUE. Will the gentleman from Connecticut indulge me?

Mr. HILL. Certainly.

Mr. MONTAGUE. How long a time does the gentleman want?

Mr. HILL. Five minutes.

Mr. MONTAGUE. I ask unanimous consent that all debate on this pending amendment and all amendments to this section shall conclude in five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that debate on the pending amendments and all amendments to this section conclude in five minutes. Is there objection?

There was no objection.

Mr. HILL. Mr. Chairman, I do not object to any technical amendment, but I am opposed to any serious amendment to the substance of this provision, because I think the provision of the section in relation to patents was written by those who fully understood their business.

When the Payne tariff bill was reported by the Committee on Ways and Means to this House I wrote the working-patents clause, which abrogated patents of other countries in this country where they were not worked here within a certain time. Other Governments were doing the same thing. It passed the House of Representatives, and immediately the Bernstorff-Bacon treaty was negotiated between Germany and the United States, providing that the working of patents in either country was equivalent to working them in both, and my understanding is that is the law now. The working-patents clause was eliminated from the Payne tariff bill.

Some two or three months ago this very question which the gentleman raises in regard to salvarsan and other articles came up, and at my request and at the request of the gentleman from Illinois [Mr. RAINEY] the former president of the American Chemical Society wrote to the leading chemists of this country to know whether it was possible, if these patents were abrogated, to manufacture salvarsan and other drugs in this country.

The replies were sent to me. I transmitted them to the gentleman from Illinois [Mr. RAINEY]. My recollection is that three out of four of the replies that we received, or four out of five—whichever the number was—stated unequivocally that there was no trouble about it except the patents, either in regard to salvarsan or aspirin or other chemicals and other articles. I do not think any question need be raised in regard to it. The answers were conclusive, I think, and were so considered, both by the gentleman from Illinois [Mr. RAINEY] and myself. Three months ago I was in favor of abrogating these patents as a war measure. I think this provision is a great improvement on that, because it is an attempt on the part of this country to deal honestly with private individuals in Germany. I have no sympathy whatever with the proposition to question Germany's action concerning our patents there. Because Germany may not wish to be honest is no reason why we should not be. This bill in this particular feature deals honestly with our people and with private individuals everywhere. I wish the rest of the bill did the same thing. I hope there will be no amendment to this provision.

Mr. MOORE of Pennsylvania. The gentleman has some time remaining. I would like to have him yield to me for a moment.

Mr. HILL. Certainly. I yield to the gentleman with pleasure.

Mr. MOORE of Pennsylvania. I call attention to subsection (b):

Any citizen of the United States, or any corporation organized within the United States, may pay to an enemy or ally of enemy any tax, annuity, or fee which may be required by the laws of such enemy or ally of enemy nation in relation to patents and trade-marks, prints, labels, and copyrights.

If I understand this bill, it shuts off all communication with the enemy or with any ally of the enemy.

Mr. HILL. They may pay, under the terms of this bill, into the Treasury of the United States; and I am going to offer an amendment—

Mr. MOORE of Pennsylvania. I am asking the gentleman now in his time, because I do not want to take up the time

of others. Some member of the committee may answer later on. The Secretary of Commerce issues a license in this case, but it is not clear how these payments by citizens of the United States are to be made to aliens during the war.

Mr. HILL. It says that all moneys, including checks and drafts, payable on demand, paid to or received by the alien-property custodian under this act, shall be deposited in the Treasury of the United States. I think that is sufficient to cover it.

Mr. MOORE of Pennsylvania. How shall these payments to aliens be made—through the Secretary of State or the Secretary of Commerce?

Mr. HILL. That is the point I am coming to directly. I think it is covered elsewhere in the bill. I think this is a really good attempt on the part of one out of three or four or more departments of the Government to protect private-property rights of everybody, and to deal honestly with everybody, not only with American citizens but with private citizens in enemy countries.

The CHAIRMAN. The time of the gentleman has again expired. The question is on the amendment proposed by the gentleman from New York [Mr. LaGUARDIA].

The question being taken, the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. By order of the committee all debate on section 10 has been closed.

The Clerk read as follows:

SEC. 11. That all moneys (including checks and drafts payable on demand) paid to or received by the alien property custodian pursuant to this act shall be deposited forthwith in the Treasury of the United States, and may be invested and reinvested by the Secretary of the Treasury in United States bonds or United States certificates of indebtedness, under such rules and regulations as the Secretary of the Treasury, with the approval of the President, shall prescribe for such deposit, investment, and sale of securities; and as soon after the end of the war as the Secretary of the Treasury shall deem practicable such securities shall be sold and the proceeds deposited in the Treasury.

All other property of an enemy, or ally of enemy, conveyed, transferred, assigned, delivered, or paid to the alien property custodian hereunder shall be safely held and administered by him except as herein-after provided; and the Secretary of Commerce is authorized to designate as a depository, or depositaries, of property of an enemy or ally of enemy (under such rules and regulations as he may prescribe) any such bank, or banks, or trust company, or trust companies, located and doing business in the United States, as may be recommended by the Secretary of the Treasury. The alien property custodian may deposit with such designated depository or depositaries, or with the Secretary of the Treasury, any stocks, bonds, notes, time drafts, time bills of exchange, or other securities, or property (except money or checks or drafts payable on demand which are required to be deposited with the Secretary of the Treasury), and such depository or depositaries shall be authorized and empowered to collect any dividends or interest or income that may become due and any maturing obligations held for the account of such custodian. Any moneys collected on said account shall be paid and deposited forthwith by said depository or by the alien property custodian into the Treasury of the United States as hereinbefore provided.

The Secretary of Commerce shall require all such designated depositaries to execute and file bonds sufficient in his judgment to protect property on deposit, such bonds to be conditioned as he may direct.

The alien property custodian shall have power to sell any tangible personal property transferred, assigned, or delivered to him hereunder (not including however, bonds, stocks, or choses in action) which, in his opinion, is likely to be perishable, and he shall deposit the proceeds thereof forthwith in the Treasury of the United States, as hereinbefore provided.

After the end of the war any claim of any enemy or of an ally of enemy to any money or other property received and held by the alien property custodian or deposited in the United States Treasury shall be settled as Congress shall direct: *Provided, however*, That on order of the court, as set forth in sections 9 and 10 hereof, the alien property custodian or the Treasurer of the United States, as the case may be, shall convey, transfer, assign, and pay to the person in whose behalf final judgment or decree shall be entered any property of an enemy or ally of enemy held by said custodian or by said Treasurer, so far as may be necessary to comply with said order of the court: *And provided further*, That the Treasurer of the United States, on order of the alien property custodian (or such other officer as the President shall direct), shall, as provided in section 10 hereof, repay to the licensee any funds deposited by said licensee.

Mr. HILL. Mr. Chairman, I would like to ask the gentleman from Virginia if he has an amendment he wishes to offer? If so, I will withhold mine.

Mr. MONTAGUE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 43, lines 4 and 5, strike out the words "with the Secretary of the Treasury" and insert in lieu thereof "in the Treasury of the United States."

Mr. MANN. How are you going to deposit in the Treasury of the United States stocks, bonds, notes, time drafts, time bills of exchange, or other securities?

Mr. MONTAGUE. You can not deposit them with the Secretary of the Treasury. The bill in other places provides that deposits shall be made in the Treasury of the United States.

Mr. MANN. Money is deposited in the Treasury of the United States. If you say "with the Treasury Department,"

that will be all right. The Treasury of the United States is a place where money is held, and nothing else.

Mr. MONTAGUE. The gentleman will observe that it says:

The alien property custodian may deposit with such designated depository or depositories, or with the Secretary of the Treasury.

Mr. MANN. This is the language of the bill:

The alien property custodian may deposit with such designated depository or depositories, or with the Secretary of the Treasury, any stocks, bonds, notes, time drafts, time bills of exchange, or other securities, or property (except money or checks or drafts payable on demand which are required to be deposited with the Secretary of the Treasury)—

And so forth.

Now, that is the way it ought to be. You do not deposit them in the Treasury of the United States; you deposit them with the Secretary. When he collects them, that money under the other provisions of the bill may be deposited in the Treasury of the United States or with the Government depository.

Mr. MONTAGUE. Mr. Chairman, I fell into an error. I think the gentleman is correct, and by unanimous consent I will withdraw the amendment. I had in mind moneys coming into the hands of the Government, which should be covered into the Treasury.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. HILL. Mr. Chairman, has the gentleman from Virginia any further committee amendments?

Mr. MONTAGUE. I have not.

Mr. HILL. Then, Mr. Chairman, I will offer the following amendment.

The Clerk read as follows:

Page 42, line 10, after the word "deposited," insert the words "to the credit of the owner"; and in line 15, page 43, after the words "United States," insert the words "to the credit of the owner"; and in line 4, page 44, after the word "shall," insert "on proof of ownership"; in line 4, page 44, strike out the word "settled" and insert in place thereof the word "paid."

Mr. HILL. Mr. Chairman, I hope the committee will accept that amendment. I can see no possible harm if it is adopted, and I can see much harm to come from the language of the bill as it now stands. My view in regard to that has been greatly strengthened by a remark made to me a few minutes ago by a Member of the House with regard to the cotton claims in the South. He tells me that from service on the committee he found that during the Civil War the proceeds of some of the captured cotton, to a considerable amount, were deposited in the Treasury of the United States to the credit of the owners, and that there had been little or no trouble in the adjustment of these claims and the refunding of that money. But he said there has been a great deal of trouble when the funds were merged with other funds and no distinguishing record kept of them.

The same is true in regard to the French spoliation claims. What I am afraid of is that the sanctity of private property is going to be swept away and destroyed, as it has been in medieval times in the past, long before The Hague conference declared in favor of it, and that we are going to go into a system of retaliation, the taking of private property of individual owners in the adjustment of lump-sum disagreements of governments after the war is over.

I can see no possible harm to come to anybody from this amendment. We do not want to rob people of their property. We want to be honest with them, and we are the last ones in the world to go into a war for the maintenance of treaty rights because treaty rights have been abrogated by the enemy, and to begin now to set an example for the first time of breaking such treaties.

Mr. FESS. Will the gentleman yield?

Mr. HILL. Yes.

Mr. FESS. What would be the latitude, if any, in the language of the gentleman's amendment "shall be paid as Congress shall direct"? Has Congress any latitude in that direction?

Mr. HILL. Congress has all the latitude in the world. It need not be paid at all after the war is over, as the language now stands. My amendment would make it paid as Congress shall direct. Suppose we put the money all together in the Treasury, and then we say to Germany or Austria we have a lot of claims against your people, and you have a lot of claims against our people, and we will offset ours against yours and allow our citizens to sue us and make their claims against the Treasury of the United States. We did that in the French spoliation claims, and the American people have not got their money yet. The nations of the world agreed that private property should not be confiscated in time of war. Why should we not follow out the agreement made at The Hague Conference?

Mr. FESS. As I understand the gentleman's desire, it is to so secure the private-property owner that the presence of war will not deprive him of any right.

Mr. HILL. Absolutely. We admit the right and powers specified in the bill of the Government to take that money and use it in its own way, to use it for a vigorous prosecution of the war against Germany, which I am in favor of, to invest it and reinvest it; but somewhere, somehow, we should make a declaration that this property of private citizens who, certainly in Germany, no matter whether here or anywhere else, have no power to begin or close this war, shall be held as a sacred trust by somebody to use it in any way we will, but in some way or other and somehow we should declare now that we will pay it back.

I feel just as Robert Ingersoll once said in regard to certain claims when he came before Congress: "For God's sake settle, if you never pay a cent." I want to be honest in the beginning whether we are honest in the end or not.

Mr. FESS. Can the gentleman conceive of a contingency arising where the United States would not want to make good an obligation that a citizen of the United States held to a foreign citizen?

Mr. HILL. It has never been done in the past. It has always been done the other way. Before The Hague Conference said that private property or land should be sacred from confiscation in time of war, the Government has claimed those debts and swapped them; and if a citizen could get it back, well and good. I want to see that stopped. Does the gentleman from Ohio know of a reason why we should not make this declaration now?

Mr. FESS. I do not.

Mr. HILL. If we are going to make it by and by, after the war is over—

Mr. FESS. I will say to my friend that I do not; but I was wondering whether there was a contingency possible.

Mr. HILL. Does the gentleman know of a case in the history of the past—

Mr. FESS. I do not.

Mr. HILL. Where this has been done? Let us set a new example to the world of a straightforward declaration of what we intend to do. We were a signatory to The Hague Conference. What if other countries do not agree to it? Should we refuse to pay our private debts because other people do not pay theirs? I hope the committee will accept this amendment.

Mr. ESCH. Mr. Chairman, the gentleman from Connecticut [Mr. HILL], in the course of his argument, seemed to intimate that this money paid in to the custodian and by him paid in to the Treasury of the United States will be placed in jeopardy. I have no such fear. When that money is paid in to the custodian and paid in to the depository, or such other person as the President may direct, an acquittance is given by a Government official to the party paying, indicating that the Government of the United States received on such and such a date such and such an amount of money. That in itself practically impresses the money so received with the character and nature of a trust fund.

There is another feature, and it is the practical side of it, which seems to me to be insurmountable, when you consider that there may be thousands and thousands of these amounts coming in. Under the amendment suggested by the gentleman there must be separate accounts kept of every single item that is paid in to the custodian. It may be \$50 by way of interest, \$75 by way of dividends on a transaction, and yet this must be segregated, must be kept separate and apart, and a distinct account kept of every one of these items. Why, you would have to have an army of clerks, in my humble judgment, to take care of the business should the amendment of the gentleman prevail.

Mr. HILL. Mr. Chairman, just one word in reply. As to the question of accounts, it is a matter, in my judgment, of no importance. We have just issued a loan of \$2,000,000,000, and we have from three to four million subscribers to that loan. We have to keep those accounts. The gentleman says that thousands and thousands of these accounts will have to be kept. Why should we not keep an account of the money that we take and keep without paying any interest on, or anything of that kind?

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HILL. Certainly.

Mr. MANN. Does the gentleman think that the Treasury intends to keep a separate account of each individual owning a bond?

Mr. HILL. I think the Treasury has to keep an account with each individual—

Mr. MANN. Oh, no.

Mr. HILL. Practically. They have to keep it by the number of every bond that they have.

Mr. MANN. The gentleman knows that no separate account is kept with individuals.

Mr. HILL. In the sense in which bookkeeping is done, no; but a register of every single bond is made, whether \$50 or \$100 or of a \$1,000 bond. There is no trouble about that; if there is, we can afford to do that. If we take away a man's money, if we have the use of it during the war without compensation to him, we can afford to do that. If the transaction that we are entering upon is so great, we ought to enter upon it with double care. It has to be kept, anyhow. The gentleman sitting by my side properly suggests that if it is taken by the custodian there will have to be a record made of it. If such a record is not made, how is proof of ownership to be established? It seems to me it is a simple matter. If we are going to adopt a policy of this kind, it is a simple matter to so arrange that the accounts shall be kept properly.

It is simply a record of the receipt of so much money from such and such a person. Then there is no trouble about the proof of the ownership in the end, and that is all there is to this, and I feel that we ought to make a full declaration now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more in order that I may ask him some questions.

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

Mr. STAFFORD. As I understand, if we would not pass this act, then the contractual obligation requiring the payment of money back to the creditors would merely be suspended during the pendency of the war?

Mr. HILL. That is right; and the Government would have the use of it.

Mr. STAFFORD. And at the conclusion of the war the creditor could begin suit in our own courts.

Mr. HILL. He could make a claim on the Treasury, if my amendment is adopted.

Mr. STAFFORD. I am assuming if there be no such provision carried in this bill.

Mr. HILL. That is right.

Mr. STAFFORD. As we are invalidating in a way the rights of the alien property owner, why should not we in all fairness guarantee him the payment of the money, because international law does not recognize the abrogation of property rights of citizens of a belligerent; it merely suspends the collection of them.

Mr. HILL. That is all.

Mr. TILSON. If the gentleman will permit?

Mr. HILL. I will.

Mr. TILSON. Is there anything to the accounting more than the keeping of a list?

Mr. HILL. Not a thing.

Mr. TILSON. The making of a catalogue?

Mr. HILL. Simply the keeping of a register of the amount.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MANN. Mr. Chairman, of course a list will be kept of all money paid into the Treasury of the United States and of all money paid into the depository, a record will be kept of all those things whether the amendment of the gentleman from Connecticut prevails or not. His amendment is that the money shall be turned into the Treasury to the credit of the owner. A credit account is a technical expression. It requires the opening of a separate account on the books of the Treasury of the United States. It seems to me that is going to carry a burden entirely unnecessary. It will not add any to the record, and the gentleman's amendment, while it pretends to say that the money in the end shall be paid back to the owners, will not accomplish that purpose, because, under the Constitution of the United States, when money is paid into the Treasury of the United States it can not be paid out without an appropriation by Congress.

Mr. HILL. Will the gentleman yield?

Mr. MANN. The gentleman is not proposing to make an appropriation by Congress. Certainly I will yield.

Mr. HILL. If this money is paid in under the terms of this bill, will it appear in the Treasurer's statement as a debt against the United States?

Mr. MANN. I do not know.

Mr. HILL. I do not think it will.

Mr. MANN. I do not think anyone on this side of the House can predict how any money paid into the Treasury of the United States will appear in the Treasury statement after our recent experience. [Laughter.]

Mr. HILL. I fully agree with the gentleman in regard to that. I want this money paid in so that it may appear on the Treasury statement as a debt of the United States.

Mr. MANN. I assume it will appear as money held in trust by the United States for this purpose. Now, there is no money in the Treasury of the United States, no matter what gentlemen may sometimes say on the floor of the House, which belongs to somebody else. We hear about cotton taxes and various things of that sort. All funds in the United States Treasury which were held for the benefit of individuals growing out of contracts during the war were paid out to those people shortly after the end of the war, and undoubtedly will be done in this case unless it should happen, which I do not think at all likely, that in making the treaty of peace we should make a trade off with the German Government, which I do not think we are likely to do so far as these accounts are concerned. We keep a record and that is all that is necessary.

Mr. MONTAGUE. Mr. Chairman, I beg the attention of the committee. I hope very earnestly that the amendment of the gentleman from Connecticut will not prevail. The impracticability of the amendment has been demonstrated by the gentleman from Illinois [Mr. MANN]. The identity of owners of property coming into the custody of the Government will be well established because of the report and record thereof. We speak of millions and millions that may come into the Treasury, but the bill does not require that all or any of this money shall be carried in the Treasury or impounded by the Government. The mandatory features of the bill are the disclosure, and, secondly, the report of this disclosure. Then arises the question as to whether or not it will be acquired and taken into the Treasury. We have recently had experience in legislation of somewhat similar character. This House debated quite elaborately what should be done with the interned German ships taken over by our Government.

Mr. HILL. Will the gentleman pardon me just a moment? It is mandatory that that money shall be paid into the Treasury.

Mr. MONTAGUE. The mandatory feature is the report of the discovery or disclosure, not that all the money shall be carried into the Treasury. That is not my construction of the act, and it is not, as I understand it, the interpretation of the Department of Justice.

Mr. HILL. It refers to all the money that is collected.

Mr. MONTAGUE. But not all of it is required to be collected.

Mr. HILL. Then the job of taking account of it is very much lessened, and no harm will be done by adopting the amendment.

Mr. MONTAGUE. The less that is put in the Treasury the less will have to be accounted for, of course.

Now I wish to call attention to the joint resolution approved by Congress on May 12, 1917. Here a similar question was raised—it was practically analogous—as to what should be done with the value of the ships. The language then adopted was:

Make a written report of findings to the Secretary of the Navy, who shall preserve such report with the records of his department. These findings shall be considered as competent evidence in all proceedings on any claim for compensation.

That brings us abruptly to this conclusion, namely, it is unquestionably the purpose, and the wise purpose, of this Government—and, in my judgment, the inexorable duty of this Government—to see that this property is so held that it can be available for consideration and disposition when the treaty of peace is entered upon. If we take the property and hold it in trust for each individual, then the question of offsets or cognate questions that may arise in the final negotiations will be immensely curtailed if not forbidden.

I concur with the gentleman from Connecticut [Mr. HILL] in appreciation of the honesty of our Government. I have not the slightest apprehension that we will deal dishonestly. Moreover, in my judgment, the property taken over by the Government, so far as individual claims are concerned, will not only be held by a more solvent stakeholder than if it be left in the hands of the debtor, but it will perhaps thereby be more available for the enemy creditors.

Mr. SNOOK. May I call my colleague's attention to the provision in the British act, providing for the disposition of property held by custodian, similar to that of the bill under consideration? I am reading from the matter put into the Record by my colleague from Ohio [Mr. Fess] on page 4871. Section 5 of the British act provides:

The custodian shall, except so far as the board of trade or the high court or a judge thereof may otherwise direct, and subject to the provisions of the next succeeding subsection, hold any money paid to and any property vested in him under this act until the termination of the present war, and shall thereafter deal with the same in such manner as His Majesty may by order in council direct.

Mr. HILL. Will the gentleman tell us the substance of the next section, so that we may have a more intelligent under-

standing? It is just like the patent law, in allowing the courts to deal with it.

Mr. SNOOK. The preceding section is this:

The vesting order under this section as respects property of any description shall be of the like purport and effect as the vesting order as respects property of the same description made under the trustee act, 1893.

And the next preceding section is:

The court or judge before making any order under this section may direct that such notice, if any, whether by way of advertisement or otherwise, shall be given as the court or judge may think fit.

Mr. HILL. You read the first quotation in the succeeding section showing how it should be dealt with by the court. Now, this is as to the disposal of your patents. Is it not provided that the court shall dispose of them? This provision provides that the money shall be lost in an indistinguishable fund and go into the Treasury of the United States.

Mr. SNOOK. I am quoting the provision of the British act, and, let me say to my colleague, the same provision is in the Canadian act.

Mr. HILL. I think it covers substantially what I want to cover in a feeble way. In other words, it places the whole thing in the jurisdiction of the court, and I want to make the declaration now in order to save all trouble.

Mr. MONTAGUE. I want to say a word more.

I have no apprehension as to the honesty and good faith of our Government when this war is over. I am not willing to vote a want of confidence in our Government or in our institutions or in ourselves.

Mr. TILSON. Will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. TILSON. Does not the gentleman think that our conduct in the French spoliation claims has been blameworthy?

Mr. MONTAGUE. Well, I incline to think so; but the trouble about that was that there was a lack of record evidence as to those claims; but in this case the record is kept just as an instance occurs, and that record is preserved.

Mr. HILL. Will not the gentleman admit that the relations of private property to governmental institutions have been wholly changed by the action of the nations of the world in The Hague conference, and that the old actions of the Governments in the past they have been attempting to do away with?

Mr. MONTAGUE. This tribunal undertook to effect some wholesome changes, but that noble institution and its work has been radically changed by the devastation that is now destroying the holy accumulations of years.

Mr. HILL. I admit that; but are we going to be a party to it?

Mr. MONTAGUE. No; I am not asking to be a party to it, save to prevent its further devastation, especially its spreading to our shores.

Mr. TEMPLE. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. TEMPLE. Will the gentleman yield for a moment?

Mr. MONTAGUE. I do.

Mr. TEMPLE. Is it not true that The Hague convention, that the gentleman refers to, specifically provides that it shall not be binding in any way unless all the belligerents in that war are signatory powers?

Mr. HILL. Does the gentleman say that that obviates or does away with the morality of the proposition?

Mr. TEMPLE. The contract certainly is not violated when we keep that particular section of it which provides that it shall not be binding under certain circumstances, and those circumstances now exist.

Mr. MONTAGUE. In answer to the gentleman's question, Mr. Chairman, I can only say that he is a far better authority than I am on this matter, but as my memory serves me, he is entirely correct in the statement just made.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Connecticut [Mr. HILL]. I believe that if citizens of the State of Texas, for example, invited citizens of the State of Pennsylvania to make investments in Texas, and those investments were made in good faith, and a state of war should break out between the two States, the property rights of those investors should be preserved. By the same token, if citizens of Germany, in good

faith and at a time when we were at peace with Germany, upon invitation from citizens of the United States, made their investments in this country, we should preserve the property we take from them during the existence of a state of war, and hold it so that the ownership might be properly determined at the close of the war. We have the use of their property meanwhile; in fact, we use it temporarily for the benefit of the United States.

It seems to me the gentleman from Connecticut, apart from the technical and legal or international questions raised by others, is morally right, and that it would do no harm to establish a precedent based on honesty, even if there be no international law to sustain it.

Long before the United States entered this war it was actually suggested by certain persons in interest in this country that we should take out of certain warehouses goods deposited there by German merchants and appropriate them to our own use.

As there was no state of war then existing, that proposition at that time seemed to be an immoral proposition. It looked to me little short of highway robbery. It meant to take away from a man property which he had intrusted to us in good faith and which for the time being we had agreed to protect.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GORDON. You also heard it advocated by a very prominent citizen of the United States that these foreign ships that were interned here should be seized by the Government.

Mr. MOORE of Pennsylvania. I think they were seized.

Mr. GORDON. Before the declaration of war?

Mr. MOORE of Pennsylvania. Oh, no; after the declaration; but it was proposed that we take them over and appropriate them to ourselves before the declaration of war.

Mr. GORDON. Certainly—

Mr. MOORE of Pennsylvania. When we had no legal or international right to do so. That was not the real American spirit. We should preserve our own morale, even though we are at war with Germany. If an American citizen was doing business in good faith with Germany before the war and has property over there at the present time, I presume we would expect Germany to hold it so that the American citizen at the conclusion of the war at least could put in a plea and recover it. That is what the Hill amendment means, if I understand it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The question is on agreeing to the amendment offered by the gentleman from Connecticut [Mr. HILL].

The question was taken, and the amendment was rejected.

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 43, line 1, after the word "companies," insert "or in the case of tangible personal property, other suitable depositary or depositaries."

Mr. ROGERS. Mr. Chairman, this bill provides that the alien-property custodian shall have intrusted to him not only intangible personal property but also tangible personal property. At the bottom of page 42 is the provision that he may, under the direction of the Secretary of Commerce, deposit the property intrusted to him in any bank or banks or in any trust company or trust companies.

The bill clearly contemplates that he will have in his hands, and will have to dispose in some suitable way of, tangible personal property also. A bank or trust company is obviously not a natural place for the deposit of tangible personal property. In proposing this amendment I am simply seeking to give effect to the clear intent of the law by allowing the Secretary of Commerce to designate other suitable depositaries in the case of tangible personal property.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. STAFFORD. The gentleman is an honored member of the Committee on Foreign Affairs, and during this debate has shown considerable information about matters contained in this bill. I would like to inquire, because it has not been brought forth so far in the debate, as to the extent of property that may be taken over by the Government under the authority of this act, owned by German citizens living abroad and invested in this country.

Mr. ROGERS. I can not give the gentleman any detailed information on that subject.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.



The CHAIRMAN. Does the gentleman from Massachusetts yield the floor?

Mr. ROGERS. My amendment is to be disposed of first, I take it.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. I would like to engage the attention of the gentleman having this bill in charge as to whether he can furnish the committee with any estimate of the amount of money that is to be taken over under the provisions of this act—the amount or value of property owned by German citizens living abroad and invested in this country?

Mr. MONTAGUE. I have no way of giving any accurate answer to that inquiry. It was propounded in the committee. The amount may be very large, but, of course, there can be no accurate approximation at this time.

Mr. STAFFORD. I suppose that when this bill is enacted it will provoke upon the part of Germany a similar bill authorizing the German Government to take over the property of American citizens invested in Germany. Can the gentleman furnish us any estimate of the amount of American capital invested in Germany by such concerns as the International Harvester Co., the Standard Oil Co., and other concerns which have large investments in Germany?

Mr. MONTAGUE. I can not inform the gentleman.

Mr. STAFFORD. Am I rightly informed that Germany up to the present time has taken no action whatever toward trying to take possession of property invested by American citizens in Germany?

Mr. MONTAGUE. I have no information on that point. I imagine that information relating to such matters is quite hermetically sealed by Germany.

Mr. STAFFORD. I will ask the gentleman whether it has been claimed by representatives of the State Department that any such action has been taken by Germany?

Mr. MONTAGUE. I do not know. I have made no inquiry.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

The question being taken, the Chairman announced that the yeas appeared to have it.

Mr. MONTAGUE. I have no objection to the gentleman's amendment.

Mr. MANN. Surely the gentleman is not opposed to it.

Mr. MONTAGUE. No.

Mr. MANN. I suggest to the gentleman that he ask for a division.

Mr. MONTAGUE. I ask for a division. There is a misapprehension about this. I have no objection to the amendment of the gentleman from Massachusetts.

The CHAIRMAN. The gentleman from Virginia demands a division.

The committee divided; and there were—yeas 40, yeas none. Accordingly the amendment was agreed to.

Mr. MOORE of Pennsylvania. I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 42, lines 26 and 27, after the word "regulations," in line 26, strike out the words "he may prescribe" and insert the words "may be approved by the President."

Mr. MOORE of Pennsylvania. Mr. Chairman, the committee accepted a similar amendment in a preceding paragraph, and unless this amendment is accepted at this point section 11 will be anomalous in that the Secretary of the Treasury is required—

Mr. MONTAGUE. This is all right. It will preserve the uniformity of the provisions.

Mr. MANN. Mr. Chairman, this is a highly technical amendment, and hence it may be considered from a highly technical standpoint. As the amendment was read, it proposed to insert, after the word "regulations"—

Mr. MOORE of Pennsylvania. It should be after the word "as."

Mr. MANN. That makes a material difference, speaking from a technical standpoint.

Mr. MOORE of Pennsylvania. If the technical objection is withdrawn I will ask to insert the word "as."

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: Page 42, lines 26 and 27, after the words "regulations as," in line 26, strike out the words "he may prescribe" and insert the words "may be approved by the President."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The amendment was agreed to.

The Clerk resumed and completed the reading of the bill.

Mr. MANN. We passed over a paragraph on page 34.

Mr. MONTAGUE. Yes; I am coming to that. First we passed over a paragraph on page 29, with the understanding that we would recur to it again. I desire to submit the following amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 29, line 2, after the word "enemy," insert a comma and the words "and he may revoke or review such suspension from time to time."

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. STAFFORD. Do I understand that this section merely gives to the President and the Secretary of Commerce the right to grant licenses, so far as trading with allies of the enemy is concerned, or would the President under any circumstances have the right to grant licenses, so far as trading with the enemy as defined by this act is concerned?

Mr. MONTAGUE. To any person or any class of persons, it does not make any difference who they are; but that is not the amendment now under consideration.

Mr. STAFFORD. No; I am asking the effect of this section, whether it is limited to allies of the enemy or whether it is applicable also to enemy subjects.

Mr. MONTAGUE. It is applicable to enemy subjects also.

Mr. STAFFORD. I do not see where there is any reference to that in the bill.

Mr. MANN. That is one reason why it was passed over. That is to come later.

Mr. STAFFORD. Does the gentleman propose to offer an amendment to cover that?

Mr. MONTAGUE. I am coming to that in a moment.

Mr. STAFFORD. I was not aware of that, or I would not have asked the question.

Mr. GARD. Mr. Chairman, referring to section 15, does not the gentleman think that the word "willfully" should appear before the word "violate," in line 19, page 46? It says:

That whoever shall violate this act.

The violation may be entirely unintentional. Of course, if it be intentional, it should be punished. I make the suggestion that the word "willfully" ought to be inserted.

Mr. MONTAGUE. I have no objection to that.

The CHAIRMAN. The Chair will state that there is a committee amendment pending. The question is on the amendment offered by the gentleman from Virginia [Mr. MONTAGUE].

The amendment was agreed to.

Mr. MONTAGUE. Another amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 29, lines 3 and 4, after the word "licenses," strike out the words "under this act," and at the end of the line, after the word "person," insert the words "to perform any act made unlawful in section 3 of this act without such license."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. GARD. Mr. Chairman, I ask unanimous consent to return to section 15 to offer an amendment.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to section 15 for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. GARD. Now, on page 46, line 19, before the word "violate," I move to insert the word "willfully."

The Clerk read as follows:

Page 46, line 19, after the word "shall," insert the word "willfully."

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 24, line 13, after the word "commerce," strike out the period and insert a colon and the following:

"Provided further, That the definition of 'enemy' in this subdivision shall not include any person outside of the United States residing outside of the territory of any nation or ally of any nation with which the United States is at war, in so far as such person does business with neutrals, allies of the United States, or with the Government or people of the United States, and such business is not connected, directly or indirectly, with any business done by such person within the territory of any nation or ally of any nation with which the United States is at war."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 25, line 9, after the word "territory," strike out the period and insert a colon and the following:

"Provided, That the definition of 'ally of enemy' in this subdivision shall not include any person outside the United States residing outside the territory of any nation or ally of any nation with which the United States is at war, in so far as such person does business with neutrals, allies of the United States, or with the Government or people of the United States, and such business is not connected, directly or indirectly, with any business done by such person within the territory of any nation or ally of any nation with which the United States is at war.

The amendment was agreed to.

Mr. MONTAGUE. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

Mr. MOORE of Pennsylvania. Will the gentleman withhold that motion until I offer an amendment?

Mr. MONTAGUE. Reserving the right to object, let us hear what the amendment is.

The Clerk read as follows:

Page 24, line 13, after the word "commerce," strike out the period and insert a colon and the following words "and approved by the President."

Mr. MANN. Did not we agree to an amendment of that kind offered by the gentleman from Pennsylvania?

Mr. MOORE of Pennsylvania. At another place.

Mr. MANN. No; at this particular place, and the Clerk has it.

Mr. MOORE of Pennsylvania. I want to say to the gentleman that this amendment was not introduced at that point, and it simply makes uniform the various provisions of the bill.

The CHAIRMAN. The Chair will state that it will require unanimous consent to return to this section.

Mr. MONTAGUE. I do not object.

Mr. ROBBINS. Mr. Chairman, was not an amendment offered to that very place by the gentleman from Wisconsin?

Mr. MOORE of Pennsylvania. My amendment follows the word "regulation," preceding the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. Does the gentleman submit a request for unanimous consent?

Mr. MOORE of Pennsylvania. Yes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to return to the section indicated for the purpose of offering an amendment that has been read at the Clerk's desk. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania:

Page 24, to follow the amendment just adopted offered by Mr. LENROOT—

Mr. MOORE of Pennsylvania. Oh, no; to follow the word "commerce" preceding the amendment of the gentleman from Wisconsin.

The CHAIRMAN. The Chair will state to the gentleman that the Clerk informs the Chair that a similar amendment has been adopted.

Mr. MOORE of Pennsylvania. If such an amendment has been adopted, I withdraw mine.

The CHAIRMAN. It was offered by the committee and adopted.

Mr. MOORE of Pennsylvania. Then I withdraw my amendment.

The CHAIRMAN. The question is on the motion of the gentleman from Virginia that the committee do now rise and report the bill with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4960) to define, regulate, and punish trading with the enemy, and for other purposes, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. MONTAGUE. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

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

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. MONTAGUE, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the bill just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent to extend and revise the remarks which I made in my opening address upon this bill.

The SPEAKER. Is there objection?

There was no objection.

#### ADJOURNMENT OVER UNTIL FRIDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 12 o'clock noon on Friday next.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 12 o'clock noon on Friday next. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think it would be well if the gentleman from North Carolina would inform the House of the probable program for the next week or two.

Mr. KITCHIN. The aviation bill will be reported on Friday next, and it will be taken up Saturday. I understand that it will be easily passed upon that day. Then we hope to have a gentlemen's agreement for adjournments three days at a time, as we did last week, until Monday, July 23.

Mr. MANN. It is not expected, then, that the conference report upon the first food bill will be in before the 23d of July?

Mr. KITCHIN. I do not think it will. I think they are waiting on the other.

Mr. SHERLEY. Mr. Speaker, if the gentleman will permit, there are various estimates pending before the Committee on Appropriations. No hearings have yet been had upon them, and I do not know how soon the committee may be prepared to present a bill to the House.

Mr. KITCHIN. The committee would have hearings probably next week, and would be able to present a bill on the week following.

Mr. SHERLEY. I just wanted the House to have in mind that there is that legislation ahead of it.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 12 o'clock noon on Friday next. Is there objection?

There was no objection.

#### ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. ROGERS] have leave to address the House for one hour on Friday next.

The SPEAKER. The gentleman from Illinois asks unanimous consent that on Friday next, after the reading of the Journal and the transaction of business on the Speaker's table, the gentleman from Massachusetts [Mr. ROGERS] be permitted to address the House for not to exceed one hour. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to address the House for 20 or 30 minutes on Friday next, after Mr. ROGERS, of Massachusetts.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] asks leave to address the House, not to exceed 30 minutes, on next Friday, after the speech of Mr. ROGERS—

Mr. MADDEN. On the subject of food regulation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 37 minutes), under its previous order, the House adjourned to meet at 12 o'clock noon on Friday, July 13, 1917.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting draft of a bill to provide rates of duty on merchandise imported into the Virgin Islands of the United States and for the administration of customs in those islands (H. Doc. No. 254); to the Committee on Ways and Means and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting draft of a bill to provide for the reimbursement of officers, enlisted men, and others in the naval service of the United States for property lost or destroyed in such service (H. Doc. No. 255); to the Committee on Naval Affairs and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RAKER, from the Committee on Immigration and Naturalization, to which was referred the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization, reported the same with amendment, accompanied by a report (No. 92), which said bill and report were referred to the House Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. O'SHAUNESSY: A bill (H. R. 5376) to provide for the award of medals of honor and distinguished-service medals; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 5377) providing for an advisory referendum by the people of the District of Columbia on certain questions relating to municipal self-government and representation in Congress; to the Committee on the District of Columbia.

By Mr. TAYLOR of Colorado: A bill (H. R. 5378) to authorize the reuse of containers of tobacco or snuff; to the Committee on Ways and Means.

Also, a bill (H. R. 5379) to authorize the reuse of containers of tobacco or snuff; to the Committee on Ways and Means.

By Mr. RUSSELL: A bill (H. R. 5380) to forbid the payment of pensions to anyone who is or may hereafter become disloyal to the United States Government; to the Committee on the Judiciary.

By Mr. STEELE: Joint resolution (H. J. Res. 120) amending the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DRANE: Memorial of the Legislature of the State of Florida, favoring nation-wide prohibition; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Florida, favoring the prohibition, manufacture, and sale of intoxicating liquors during the war; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Florida, urging Congress to impose graduated income taxes, to regulate profits on war supplies and services, including transportation, and to enact legislation regulating profits on necessities of life; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Florida, urging the War Department to guard the bridges and terminals of the Charlotte Harbor & Northern Railway; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of Florida, favoring appropriation for the completion of the Old Spanish Trail Highway from Miami and Tampa, Fla., to California; to the Committee on Appropriations.

Also, memorial of the Legislature of the State of Florida, requesting that the rivers and harbors appropriation bill be enacted into a law at this session of Congress; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of Florida, requesting that necessary steps be taken to have forthcoming issues of the United States Land Office map, and any other misleading maps issued by the Government, so corrected as to at least show that Lake Okeechobee is not surrounded by water; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Florida, requesting the establishment of a memorial park and monument in Sumter County, Fla., marking the site of Dade's massacre; to the Committee on the Library.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 5381) granting an increase of pension to Winfield S. Smith; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 5382) granting a pension to Ellen M. Smith; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 5383) conferring authority upon the Secretary of the Treasury to consider application for bounty and back pay on account of the military services of John Wallace; to the Committee on War Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 5384) granting an increase of pension to Asa Gatton; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 5385) granting an increase of pension to Henry Winters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5386) granting an increase of pension to John O. Harmon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5387) granting a pension to Katherine E. Brewer; to the Committee on Pensions.

Also, a bill (H. R. 5388) granting an increase of pension to Theodore Elchlepp; to the Committee on Pensions.

Also, a bill (H. R. 5389) granting a pension to Loren Bishop; to the Committee on Pensions.

Also, a bill (H. R. 5390) granting a pension to John W. Hamilton; to the Committee on Pensions.

Also, a bill (H. R. 5391) granting an increase of pension to Katie Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5392) granting an increase of pension to Annie E. Doss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5393) granting an increase of pension to Jeannie Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5394) granting an increase of pension to Pauline Joseph; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5395) granting an increase of pension to Thompson N. Lupton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5396) granting an increase of pension to Mary L. Papineau; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5397) granting an increase of pension to Augustus A. Prugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5398) granting an increase of pension to Maggie Radabaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5399) granting an increase of pension to Isaac B. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5400) granting an increase of pension to Charles Schmidt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5401) granting an increase of pension to Martha Sollenberger; to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 5402) granting an increase of pension to James N. Russell; to the Committee on Invalid Pensions.

By Mr. ROBBINS: A bill (H. R. 5403) granting an increase of pension to Capt. James J. Wirsing; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 5404) granting a pension to Sarah F. Henry; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of sundry citizens of The Dalles, Oreg., relative to freedom for Ireland; to the Committee on Foreign Affairs.

Also (by request), memorial of First Christian Church of St. Louis, Mo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CAMPBELL of Pennsylvania: Petitions of Retail Liquor Dealers of the West End, Eugene S. Reilly, G. J. Bluchner, William Henning, Birmingham Fire Insurance Co., and George J. Raun, all of Pittsburgh, in the State of Pennsylvania, against prohibition during the war; to the Committee on the Judiciary.

Also, petitions of First Presbyterian Church of Carnegie; Valley Presbyterian Church of Imperial; Montour Presbyterian Church, Oakdale; First Baptist Church, Duquesne; Bethel Presbyterian Church, Allegheny County; Homestead United Presbyterian Church, Homestead; Mifflin United Presbyterian Church, Mifflin Township; First Methodist Protestant Church, Castle Shannon; First Methodist Church, Homestead; First Presbyterian Church, Ingram; Knoxville Presbyterian Church, Knoxville; St. Clair United Presbyterian Church, St. Clair; Sheraden United Presbyterian Church, Pittsburgh; First Unitarian Church, Pittsburgh; and Mount Washington Methodist Episcopal Church, Pittsburgh, all in the State of Pennsylvania, favoring prohibition during the war; to the Committee on the Judiciary.

Also, petitions of Beechview Methodist Episcopal Church; Union Baptist Church, South Side; Fourth United Presbyterian Church, North Side; Washington Avenue Methodist Episcopal Church; Men's Bible Class of Brookline Boulevard United Presbyterian Church; Sunday School Board of Washington Avenue Methodist Episcopal Church; Sheraden Terrace Adult Men's Bible Class; and National Reform Association, all of Pittsburgh; sundry citizens of Bridgeville; Woman's Christian Temperance Union of Bridgeville; Ladies' Aid Society of Methodist Epis-

copal Church, of Bridgeville; Women's Bible Class of the Ingram United Presbyterian Church, of Ingram; Men's Bible Class of the Hawthorne Avenue Presbyterian Church, of Crafton; Men's Bible Class of the Crafton Heights United Presbyterian Church; Federated Temperance Committee of Allegheny County, representing a mass meeting attended by 2,000 citizens; Pittsburgh Coal Producers' Association, Pittsburgh; Rotary Club, Pittsburgh; and members of the staff of the Allegheny County Hospital for the Insane and Tuberculosis Sanatorium, Woodville, all in the State of Pennsylvania, favoring prohibition during the war; to the Committee on the Judiciary.

Also, petitions of James L. McKee, Castle Shannon; Grant Dodds, Duquesne; William G. Thompson, and Miss Helen R. Pershing, both of Pittsburgh; Dr. F. R. McGrew, Carnegie; Mrs. Amanda Vierheller and John M. Beatty, both of Pittsburgh; Amos F. Ohl, Crafton; sundry citizens of Clinton; G. Francis Gray, Albert M. Travis, Alex. Black Coal Co., A. O. Myers & Co., and Buse & Caldwell, all of Pittsburgh, in the State of Pennsylvania, favoring prohibition during the war; to the Committee on the Judiciary.

Also, petitions of Pittsburgh-Des Moines Steel Co., McClintic-Marshall Construction Co., Peerless Biscuit Co., West Virginia Lumber Co., Lockhart Iron & Steel Co., Haller Baking Co., Harry H. Willock, J. W. Alexander, Mrs. Bertha H. Acheson, Harry F. McNutt, Samuel G. Sheriff, Samuel W. Callen, George W. Link, A. M. Phillips, Oliver Atkinson, all of Pittsburgh, in the State of Pennsylvania; and Westinghouse Electric & Manufacturing Co., New York, N. Y., favoring prohibition during the war; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of the Rock County Dry League, of Wisconsin, urging the abolition of the liquor traffic as a war measure; to the Committee on Agriculture.

By Mr. DALE of New York: Memorial of National Association of Fisheries Commissioners, Providence, R. I., favoring regulation of use of streams and tidal waters; to the Committee on the Merchant Marine and Fisheries.

By Mr. DYER: Petition of the members of the First Christian Church of St. Louis, Mo., urging the absolute prohibition of the manufacture and sale of all alcoholic beverages during the present war; to the Committee on Agriculture.

Also, petition of the Tenth Ward Improvement Association, the Manufacturers' Association of St. Louis, the Central Civic Council, representing 18 improvement associations, with a total of 11,000 members, protesting against the attempt to prohibit the manufacture of beer and wines upon the alleged ground of conserving the grain product of the country; to the Committee on Agriculture.

Also, petition of Corporal William L. White Camp, United States Spanish War Veterans, St. Louis, Mo., protesting because colored men are denied enlistment in the Army, Navy, and Marine Corps; to the Committee on Military Affairs.

By Mr. GLYNN: Petition of Rev. Charles N. Fitch, Cornwall, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HILL: Petition of the Immanuel Lutheran Church of Danbury, Conn., protesting against the act of March 3, 1917, in so far as it applies to the matter of wines for the sacrament; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of the Rice & Hutchins Baltimore Co., Baltimore, Md., urging the enactment of a law restricting the killing of cattle and prohibiting the killing of calves, kids, etc., before they arrive at a reasonable age; to the Committee on Agriculture.

Also, petition of S. Halle Sons, Baltimore, Md., protesting against any increase in letter postage without a liberal advance in second-class rate; to the Committee on Ways and Means.

Also, petition of Becker Bro. & Son, Baltimore, Md., protesting against the inclusion of beer and wine in the law prohibiting the use of grain for beverages; to the Committee on Agriculture.

Also, petition of Guy K. Mitchell, Baltimore, Md., protesting against the passage of prohibition under the plea of food control; to the Committee on Agriculture.

Also, petition of M. Samuels & Co.; Sylvan, Hayes & Lauchheimer; J. Engel & Co.; and Albert W. Rayner, all of Baltimore, Md., favoring the passage of the Hollis and Myers amendments to the war-revenue bill; to the Committee on Ways and Means.

By Mr. McCLINTIC: Petition of Henry C. Gilliland, Jackson County, Okla., signing for 17 companies of United Confederate Veterans in southwest Oklahoma, in favor of the division of the "cotton-tax money" among the Confederate soldiers and their wives; to the Committee on War Claims.

By Mr. MAGEE: Petition of Mr. E. B. Van Riper and other citizens of the city of Syracuse, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Memorial of Navy League of Riverside, Cal., in re establishment of effective zones about military camps; to the Committee on Military Affairs.

Also, petition of California Wet Federation, San Francisco, Cal., against prohibition legislation; to the Committee on the Judiciary.

Also, memorial of brotherhood and members of Methodist Church of Eureka, Cal., favoring prohibition as war measure; to the Committee on the Judiciary.

Also, petition of T. C. Wilson, of San Francisco, Cal., in re letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of State Council of Defense, Indianapolis, Ind., in re fixing price of coal and control over its distribution; to the Committee on Agriculture.

By Mr. RANDALL: Petition of 56 citizens of Los Angeles, Cal., praying immediate enactment of prohibition of manufacture of alcoholic liquors as a measure of food conservation, etc.; to the Committee on the Judiciary.

By Mr. REED: Petition of Miss Linnie Pierpoint, president; Mr. J. Cecil Cottrill, secretary; and the members of the Christian Endeavor Society of the Methodist Protestant Church of Harrisville, W. Va., urging the passage of the "bone-dry" amendment to the food-control bill; to the Committee on Agriculture.

By Mr. TAGUE: Petition of Boot and Shoe Workers' Union, Boston, Mass., favoring bill calling for conscription of aliens; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: Memorial of Weld County (Colo.) Commercial Clubs, urging exemption of farm labor from military duty; to the Committee on Military Affairs.

By Mr. TEMPLE: Petition of St. Peter's Evangelical Lutheran Church, Knob, Beaver County, Pa., and Trinity Evangelical Lutheran Church, Freedom, Pa., requesting such modification of act of March 3, 1917, as will make it lawful for churches in dry States covered by this act to secure sacramental wines; to the Committee on the Judiciary.

By Mr. WALDOW: Petition of Polish citizens of Buffalo, N. Y., declaring for an independent Poland, including Polish Provinces in Germany and Austria, and pledging their loyalty and devotion to the United States; to the Committee on Foreign Affairs.

Also, petition of citizens of Buffalo, N. Y., favoring prohibition; to the Committee on the Judiciary.

By Mr. WINGO: Petition of citizens of Waldron, Ark., favoring prohibition during the war; to the Committee on the Judiciary.

By Mr. ZIHLMAN: Memorial of the Society of Friends at Sandy Spring, Md., for national prohibition; to the Committee on the Judiciary.

Also, petition of the Enterprise Farmers' Club, of Montgomery County, Md., for national prohibition; to the Committee on the Judiciary.

Also, memorial of the Allegany Trades Council, urging such steps as may be necessary to eliminate all sources of profit in production, transportation, and distribution of the food supply; to the Committee on Agriculture.

## SENATE.

THURSDAY, July 12, 1917.

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

Almighty God, we thank Thee that Thou hast enabled us to unite in the maintenance of spiritual ideals, that we have been enabled to demonstrate to the world that we are inspired not by the material but by the spiritual. We thank Thee for the unity of effort of Thy people in this great land, and for our ability to follow those great lines of human conduct that have their birth in the revelations of Thy will to men. We pray Thee to look upon us with Thy fatherly care and love this day. Fill us more and more with the unity of spirit and purpose which comes out of the ministries of Thy grace. Give to us success in our enterprises. We ask for Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Monday, July 9, 1917, when, on request of Mr. JAMES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

RECENT DISTURBANCES IN EAST ST. LOUIS, ILL.

The VICE PRESIDENT. The Chair was waited upon by a delegation of citizens this morning who presented a memorial to the Senate of the United States. It has to do with the recent loss of life and destruction of property in the State of Illinois.