

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 11500) granting an increase of pension to Jesse A. Sisk; to the Committee on Invalid Pensions.

By Mr. DENTON: A bill (H. R. 11501) granting an increase of pension to Horace L. Burdett; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 11502) granting an increase of pension to William M. Darnell; to the Committee on Invalid Pensions.

By Mr. GOODALL: A bill (H. R. 11503) granting an increase of pension to Woodbury Smith; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 11504) granting a pension to Martha Jane Griffin; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11505) granting an increase of pension to Levi W. Short; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11506) granting a pension to Jefferson L. Wylie; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 11507) granting a pension to Mrs. Mary J. Weaver; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11508) granting an increase of pension to George Evans, alias George W. Sanderson; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 11509) granting a pension to Robert Heukel; to the Committee on Pensions.

By Mr. SAUNDERS of Virginia: A bill (H. R. 11510) granting a pension to H. R. Dodd; to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 11511) granting an increase of pension to Benjamin J. Switzer; to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 11512) granting an increase of pension to Jacob R. Warner; to the Committee on Invalid Pensions.

By Mr. WALDOW: A bill (H. R. 11513) granting an increase of pension to John Gethicher; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 11514) granting an increase of pension to George E. Tracey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11515) granting an increase of pension to Robert M. Trask; 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 Mr. COOPER of Wisconsin: Petition of Ernest Kell and other residents of Cleonia, Wis., asking Congress to enact legislation increasing the war excess-profits tax; to the Committee on Ways and Means.

By Mr. GALLIVAN: Resolutions adopted by the Conference on Americanization called by the Secretary of the Interior, relative to education of foreign-born citizens of the United States; to the Committee on Education.

By Mr. LUNDEEN: Petition of St. Paul Grocers' Association of Minnesota, Alfred Perkins, secretary, favoring steps being taken at the earliest possible date by the Federal Government to fix fair prices on all wheat substitutes; to the Committee on Agriculture.

Also, petition of Minneapolis Clearing House Association, approving the Pomerene bill; to the Committee on Banking and Currency.

By Mr. POLK: Resolutions adopted by Union Methodist Episcopal Church, Wilmington, Del., relative to Sabbath-day observance; to the Committee on the Judiciary.

By Mr. RAKER: Petition of Mrs. Mary Cheney to aid in food conservation; to the Committee on Agriculture.

Also, resolution from the Placer County Farm Bureau, of California, asking support of the universal military service bill; to the Committee on Military Affairs.

Also, telegram from the San Francisco Stock Exchange, in favor of any legislation modifying the present mining laws in regard to the apex question; to the Committee on Mines and Mining.

Also, resolution adopted by the Maywood Woman's Club, of Corning, Cal., protesting against the zone system and demanding its repeal; also, letter from the Mansfield Tire & Rubber Co., of Ohio, asking for the repeal of the same law; also, a letter of the same import from the Trenton Chamber of Commerce, of Trenton, N. J.; to the Committee on the Post Office and Post Roads.

Also, petition of Portola Drug Co., of Portola, Cal., asking support of House bill 5531, a bill to create a pharmaceutical corps in the Army; to the Committee on Military Affairs.

Also, petition of William Cluff Co., of San Francisco, urging support of a bill allowing installment payment of excess profits and income taxes; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota: Resolution adopted by North Dakota Agricultural College Extension Force, recommending compulsory registration of all able-bodied males, and Federal authority to selectively draft such numbers of men as are found necessary to meet the emergency needs of the farmer; to the Committee on Agriculture.

Also, petition signed by the pastor of the Methodist Episcopal Church and 63 other residents of Ellendale, N. Dak., urging the enactment of prohibition laws during the period of the war; to the Committee on the Judiciary.

SENATE.

THURSDAY, April 18, 1918.

Rev. Hugh T. Stevenson, of the city of Washington, offered the following prayer:

We draw near to Thee, O Father, to thank Thee for Thy sustaining grace and guidance in the past, and to ask that Thou wilt give unto us of Thy leadership in the deliberations of the Senate this day, so that all our actions may be for Thy glory, for the advancement of civilization, for the preservation of liberty, and for the sustaining of justice among our people and the nations of the earth. To this end do Thou also bless all our civil officers of the State and the Nation, and be with those who have enrolled to support the Government of the United States on land and sea. Watch over, direct, and defend them, and finally, through Thy blessing upon them and our allies, bring that sustaining peace which will make the world safe for democracy. We ask it in the name of our Lord. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. OVERMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SENATOR FROM WISCONSIN.

Mr. NELSON. Mr. President, Senator elect LENROOT is here and ready to take the oath of office. I ask that the oath be administered to him.

The VICE PRESIDENT. The newly elected Senator will present himself at the desk.

Mr. LENROOT was escorted to the Vice President's desk by Mr. NELSON, and, the oath prescribed by law having been administered to him, he took his seat in the Senate.

COMMITTEE SERVICE.

On motion of Mr. Martin, and by unanimous consent, it was *Ordered*, That the membership of the Committee on Banking and Currency be increased from 15 members to 16 members, and that the membership of the Committee on Commerce be increased from 19 members to 20 members.

Mr. WEEKS was, at his own request, relieved from further service on the Committee on Coast Defenses and the Committee on Forest Reservations and the Protection of Game.

Mr. FRANCE was, at his own request, relieved from further service on the Committee on Expenditures in the Department of Agriculture and the Committee on Railroads.

Mr. JOHNSON of California was, at his own request, relieved from further service on the Committee on Fisheries.

Mr. WARREN. I ask unanimous consent for an order making sundry changes and assignments in the minority membership of Senate committees.

The order was read and agreed to, as follows:

Ordered, That the Senator from Massachusetts, Mr. WEEKS, be assigned to the chairmanship of the Committee on Disposition of Useless Papers in the Executive Departments.

That the Senator from Maryland, Mr. FRANCE, be assigned to membership on the Committee on Agriculture and Forestry.

That the Senator from California, Mr. JOHNSON, be assigned to membership on the Committee on Military Affairs.

That the Senator from New Jersey, Mr. BAIRD, be assigned to membership on the following committees: Banking and Currency, Conservation of National Resources, Expenditures in the Department of Agriculture, Fisheries, Mines and Mining, Public Lands.

That the Senator from Wisconsin, Mr. LENROOT, be assigned to membership on the following committees: Coast Defenses, Commerce, Forest Reservations and the Protection of Game, National Banks, Public Buildings and Grounds, Railroads.

AGRICULTURAL ADVISORY COMMITTEE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 6th instant, certain information relative

to the Agricultural Advisory Committee, which, with the accompanying papers, was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 10783. An act to authorize the Secretary of the Navy to increase the facilities for the proof and test of ordnance material, and for other purposes; and

H. R. 11245. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto, approved October 6, 1917.

The message also announced that the House had passed a resolution authorizing the designation and appointment by the Speaker of Hon. CLAUDE KITCHIN, a Representative from the State of North Carolina, as Speaker pro tempore during the temporary absence of the Speaker, and that he be empowered to sign as Speaker pro tempore, during that period, enrolled bills and joint resolutions and appoint conferees.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker pro tempore of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 383. An act to punish the willful injury or destruction of war material or of war premises or utilities used in connection with war material, and for other purposes;

H. R. 9163. An act to provide for reimbursement of actual expenses or flat per diem for enlisted men traveling on duty under competent orders; and

H. R. 9902. An act to amend section 8 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917.

PETITIONS AND MEMORIALS.

Mr. JONES of Washington. I present resolutions adopted by Fords Prairie Grange, No. 33, Patrons of Husbandry, Centralia, Wash., which I ask to have printed in the RECORD.

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

APRIL 9, 1918.

Resolution adopted by Fords Prairie Grange, No. 33.

Be it resolved by Fords Prairie Grange, No. 33, That—

Whereas the Government has stopped the board of trade from speculating in wheat, and does control the price of flour; and
Whereas the same Government causes us to buy 50 pounds of substitute to each 50 pounds of flour: Therefore be it

Resolved, That Fords Prairie Grange does hereby ask our Congressmen and Representatives in Congress to pass such laws as will control the prices of substitutes of flour, and also to make it a crime for anyone or any clique to speculate in any commodity that is a food for the human family during the war or any other time.

Yours, truly,

Mrs. TILLIE NELSON,
Secretary Fords Prairie Grange, No. 33,
Centralia, Wash., Route 1, Box 78.

Mr. FRELINGHUYSEN presented a petition of sundry citizens of Newark, N. J., praying that Congress recognize the independence of Lithuania, which was referred to the Committee on Foreign Relations.

He also presented a petition of the board of trustees of the Contemporary of Newark, N. J., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

He also presented resolutions adopted by the Broadway Association, of New York City, N. Y., favoring the construction of a tunnel under the Hudson River between New York and New Jersey, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Newark, N. J., remonstrating against any action by the United States interfering with England in the conduct of her home affairs, which was referred to the Committee on Foreign Relations.

LANDS IN CALIFORNIA.

Mr. PHELAN, from the Committee on Public Lands, to which was referred the bill (S. 4023) amending an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Cal., to the city of Los Angeles, Cal.," approved June 30, 1906, reported it with amendments and submitted a report (No. 401) thereon.

NONCOMBATANT OFFICERS.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably with an amendment Senate reso-

lution 220, and I call the attention of the Senator from Minnesota [Mr. NELSON] to it. It is a resolution directing the Secretary of War to furnish the Senate a list of noncombatant officers who have not been placed in command.

Mr. NELSON. I ask unanimous consent for the present consideration of the resolution.

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

The amendment of the committee was, in line 6, after the words "either here or abroad," to strike out the semicolon and to insert a comma and the word "indicating," so as to make the resolution read:

Resolved, That the Secretary of War be, and he hereby is, directed to furnish to the Senate as soon as practicable a list of the men to whom commissions in the Army have been issued, and who are not now and who have not heretofore been placed in command or had charge of any troops in the service of the United States, either here or abroad, indicating the branch of the service in which such men have been commissioned.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

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

By Mr. SMITH of Georgia:

A bill (S. 4397) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

A bill (S. 4398) authorizing the Commissioner of Internal Revenue to refund any amount imposed as a penalty for failure to pay income tax within a specified time; and

A bill (S. 4399) providing for the adjudication of the claim of George B. Hughes by the Court of Claims for personal injuries sustained by him while in the performance of his duty in the service of the Government; to the Committee on Claims.

By Mr. FRANCE:

A bill (S. 4400) granting a pension to Joseph H. Bamberger; to the Committee on Pensions.

EDUCATION OF ADULT ILLITERATES.

Mr. SMITH of Georgia. I ask unanimous consent that the bill (S. 4185) to require the Commissioner of Education to devise methods and promote plans for the elimination of adult illiteracy in the United States be reprinted with the amendments which have been agreed to.

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

LOYALTY OF PEOPLE OF IRISH DESCENT.

Mr. THOMAS. Mr. President, I desire to read into the RECORD a short extract from a morning paper entitled "Irish here for draft in Erin," under date of April 14:

IRISH HERE FOR DRAFT IN ERIN—TENNESSEANS PROTEST TO DILLON AGAINST NATIONALIST OPPOSITION.

CHATTANOOGA, TENN., April 14.

At a mass meeting of representative Irishmen and citizens of Irish lineage here this afternoon, a resolution protesting against the attitude of the nationalist leaders in Ireland toward conscription was passed and a copy cabled to John Dillon, nationalist leader in Parliament.

The tenor of the address and resolutions was to the effect that all questions of home rule and other matters affecting Ireland must be subordinated to the more pressing duty of preserving liberty and civilization.

T. P. McMahon, one of the speakers, said the people of Ireland were being misled by traitors and German propagandists. Mr. McMahon said it was just as much the duty of Irishmen to stand behind Lloyd-George as it was for Irishmen in this country to back President Wilson.

I ask to have inserted in the RECORD, without reading, an expression of a similar sentiment from the lips of Mr. Festus J. Wade, one of the most prominent citizens of St. Louis, Mo., now engaged in the service of his country here, and himself an Irishman.

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

[From the St. Louis Republic, Apr. 12, 1918.]

IRISH DECLARATION OF 1914 SHOWS IDEA OF DRAFT REVOLT IS UNFOUNDED, SAYS F. J. WADE.

The following is the address delivered yesterday by Festus J. Wade, State director of the war-savings committee, at the unveiling of the statue, "America defending civilization":

"Mr. Mayor, Ladies, and Gentlemen: The question now before the country is whether liberty and democracy will live or whether militarism, despotism, and German 'kultur' shall survive. The news in the morning paper is not encouraging, and yet I am as certain of the victory of our allies and our flag as I am that there is a God in heaven.

"You must not be misled by the publications coming across the seas. You must remember that we have justice, liberty, and democracy on our side and we can not and will not fall.

"You will notice in the press dispatches to-day it was predicted that when that great old war horse, Lloyd-George, the Premier of England, demanded conscription and draft upon the Irish people that revolution would follow. The Irishmen, and I am one of them—born there—have

for centuries stood for the purity and sanctity of their womanhood and the courage and valor of their manhood; and the Irishman in Ireland or in America that for one instant says a word against the British Empire in its hour of distress strikes at the American flag, because that flag, the French flag, and the British flag are all one flag, fighting for one common purpose—for liberty, for democracy, for the sanctity of womanhood, and the freedom of the world.

"Therefore I want you to treat the Irishman who denounces any of our allies the same as you treat pro-Germans. This is not a time to divide. We have all got to stand together. There are slackers in Ireland, there are slackers in America, there are slackers in England, and there are slackers in France. We have been forced to conscription and draft in this country to raise our army, and do not think for a moment that we will lose this war of liberty. We have 500,000 of the grandest men in the world, the very greatest asset that we possess, men between the ages of 20 and 30, in France to-day—your people and mine—and we are sending over to the battle field 20,000 men a week, and with God's help we will increase that to 40,000 a week until victory shall be ours.

"I want every man here to-day to become a bond salesman, and I want every woman here to become a bond seller, and I want you to go to your neighbors and tell them that the boys in khaki, who are giving up their lives, who are making the supreme sacrifice, need your support and mine, and I want to get into your minds, because I am an Irishman who loves that flag as no other flag in the world, that these press reports are all a myth; that they are pro-German in their instinct and intent, and are misleading the people. I want to read to you the declaration of the Irish party in Parliament, delivered December 17, 1914, and I want to call your attention to the fact that when this was delivered that John Redmond, the greatest Irishman in his day, was at the head of that party, and I want to tell you in addition that John Redmond's brother at that time was an officer in the British Army, and has since lost his life fighting for you and me. Here is the declaration:

"A test to search men's souls has arisen. The empire is engaged in the most serious war in history. It is a just war, provoked by the intolerable military despotism of Germany. It is a war for the defense of sacred rights and liberties of small nations, and the respect and enlargement of the great principles of nationality. Involved in it is the fate of France, our kindred country, and the chief nation of that powerful Celtic race to which we belong; the fate of Belgium, to whom we are attached by the same great ties of race, and by the common desire of small nations to assert their freedom, and the fate of Poland, whose sufferings and struggles bear so marked a resemblance to our own. It is a war for the high ideals of human government and international relations, and Ireland would be false to her history and to every consideration of honor, good faith, and self-interest did she not willingly bear her share in its burdens and sacrifices."

"That is the Irish platform.

"In conclusion, ladies and gentlemen, let me say to you, it is your sacred and solemn duty to forget all your 'isms.' Remember that you owe allegiance, first to God and then to the flag of your country."

Mr. THOMAS. Mr. President, it is the expression of sentiments such as these from the gallant natives and their descendants of the Emerald Isle at this time that gives to Americans renewed courage and stimulates them for continued fighting to the end.

Mr. PHELAN. Mr. President, in connection with the remarks of the Senator from Colorado [Mr. THOMAS], I ask the Secretary to read a resolution adopted by the Knights of St. Patrick of San Francisco.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

KNIGHTS OF ST. PATRICK,
San Francisco, March 16, 1918.

Resolved by the Knights of St. Patrick of San Francisco, assembled at their forty-third annual banquet on St. Patrick's eve, 1918, That as a patriotic American organization we send greetings of respect, friendship, and loyalty to Hon. Woodrow Wilson, President of the United States, and express our highest approval of his wisdom, statesmanship, and humanity in conducting the present war with Germany; and be it further

Resolved, That we, as native-born Americans and as naturalized Americans of Irish blood, reaffirm our undying devotion and loyalty to the righteous cause of our beloved country, the United States of America, in its present effort to make the world safe for democracy and to protect the autonomy of smaller nations; and to promote this end we cheerfully pledge our honor, our possessions, and our lives, if need be.

Unanimously adopted at the banquet of the Knights of St. Patrick on St. Patrick's eve, March 16, 1918.

Attest:

ROBERT P. TRAY,
Past President, Knights of St. Patrick.

Mr. PHELAN. Mr. President, it might be asked what appropriateness there is in introducing a subject of this kind at this time. The Senator from Colorado saw fit to introduce resolutions of similar tenor, which seem to differentiate between the rights of foreign-born men, naturalized Americans, as to their duty to America and to their duty to the land from which they sprang.

In the Evening Star of last evening I find that Lloyd-George, the Premier of England, said in a speech, which I shall read, and which will, when I repeat his remarks, serve very greatly to explain why I, in common with the Senator from Colorado, have broached this question at this time. He said:

"As to America, the opinion reaching the Government is that sentiment in America supports the bill"—

That is, the conscription bill—

"provided self-government is offered Ireland. It is vital to us at the moment that America is coming to our aid through the most remarkable decision ever taken by any executive. President Wilson's decision was not without difficulty, but it was the only way America could render practical assistance in this battle.

"WOULD ADD TO UNITED STATES SUPPORT.

"In these circumstances America is entitled to expect from the British Government—though they could not ask any government to carry out domestic legislation—that they would smooth these difficulties and, at any rate, not increase them. I am certain nothing would help more at the present juncture to secure the full measure of American assistance than the determination of the British Parliament to tender to Ireland her own parliament."

It seems to me that the Americans of Irish extraction are not opposed to rendering every support possible to the allied armies in our great cause, and in winning our great cause for the liberty of the world it will necessarily include the winning of their own liberty. The cause of the smaller nations of the world is our cause, and their cause is our cause. The German doctrine of the survival of the fittest, the right of the strong to crush the weak, which is repulsive to Christian civilization, shall never be tolerated.

I have here a telegram from Mr. T. P. O'Connor, the delegate of the National Irish Party to the United States, and also a telegram from Garret W. McEnerney, considered by many as the leader of the bar of San Francisco, on the same question, which I beg to submit:

"SAN FRANCISCO, CAL., April 13, 1918.

"HON. JAMES D. PHELAN,

"2249 R Street, Washington, D. C.:

"I take most serious view of proposed conscription in Ireland. All my information makes me feel certain it can not be carried out without bloodshed, and I feel certain that in the conflict between the Irish population and the English military forces that women and quite likely children will be killed as well as men. You will know better than I the effect such unfortunate results will have upon American opinion and morale, but I am strongly of opinion that it will dreadfully inflame the Irish race in America and Australia and have profound effect on the feelings of the English-speaking world. I am looking at the moment from the American point of view. I suggest having you consider appropriateness of laying these aspects of the case before the President in the hope that it will bring about in London a reversal of the plan of conscription.

"T. P. O'CONNOR."

[Telegram (night letter).]

"SAN FRANCISCO, CAL., April 15, 1918.

"HON. JAMES D. PHELAN,

"Washington, D. C.:

"As Americans, and as believers in the nobility of the allied cause, we would both be very happy if every Irishman of military age could be induced to join British fighting forces on western line. Conscription of all Ireland by England and Ulster in combination is quite a different thing. For last four years England and Ulster combined have denied Ireland the enjoyment of her rights constitutionally fought for and constitutionally won. Ireland's rights and duties now are correlated. Home rule and conscription should go together. We are fighting for moral issues, and England owes it to her allies and to her own glorious place in the war not to embark upon the indefensible and immoral course of exacting allegiance from all Ireland while refusing the just and equal operation of law to both Catholic and Protestant Ireland alike.

"GARRET W. McENERNEY."

[Telegram.]

"SAN FRANCISCO, CAL., April 16, 1918.

"HON. JAMES D. PHELAN,

"Senate Office Building, Washington, D. C.:

"It is of the utmost importance that there should be struck the true note upon conscription in Ireland if the occasion arises. I should say the public opinion upon this subject may be fairly divided into four classes: The first class may be said to embrace those who have little or no acquaintance with Irish affairs and little or no sympathy with Irish aspirations. This class is as firmly committed to the idea that there should be conscription in Ireland forthwith, on account of urgent military necessity, and that conscription should be carried out in total disregard of any other considerations whatever. The second class, I should say, hold the views which I attempted to express in my night letter of last night. The third class are those who hold that conscription should not follow home rule until conscription should be agreed to by an Irish parliamentary body or other body representing the public sentiment in Ireland. The fourth class will embrace those who are opposed to conscription in any form, largely upon the ground that they do not wish the Irish to augment the British fighting forces. I believe that some of

this fourth class are opposed to a settlement of the home-rule question because they feel that conscription will logically follow a home-rule settlement. It may very well happen that many of the Nationalist Party in Ireland will be found in the third class, and the propaganda of the leaders of the Sinn Fein Party would throw that party into the fourth class. In my opinion the overwhelming body of American opinion would fall into the second class. In expressing the foregoing views I have been dealing with the matter as one of abstract fairness. I am, of course, mindful all the time that Ireland is now pretty thoroughly distraught and frenzied, and that conscription may transform Ireland into a slaughterhouse, thereby bringing about a result infinitely more harmful than any good that was ever thought to be accomplished. If the enforcement of conscription in Ireland were attended by butchery of the civilian population, I am afraid that the horror of it all would chill the heart of many a brave young soldier of Irish origin in the American Army. These are psychological matters which no amount of fidelity can altogether overcome. To my mind the matter is one of the greatest possible complexity, and, after all, it may require the assistance of Divine Providence to pull us through.

"GARRET W. McENERNEY."

Mr. President, I assume that Mr. O'Connor means by "reversal of plan" the granting to Ireland of autonomous government on the principle of self-determination before any attempt shall be made to enforce conscription. That would put the population in the sure position of fighting for itself; and that is the only honorable and feasible plan.

Mr. President, the speech by Lloyd-George published last night meets this demand and seems to indicate that the premier has a profound understanding of American public opinion, which, while it requires service by every friend at this time for our cause on French battle fields, it also is convinced that England owes self-government to Ireland, and that it should be promptly granted, in line with the universal sentiment of justice and fair play so ably voiced by our President.

I ask permission that an editorial from the New York World of April 17 be printed in the Record without reading, which fairly states, in my judgment, a fair expression of American public opinion.

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

HOME RULE BEFORE CONSCRIPTION.

If the British Government, as a matter of justice no less than of policy, should grant Ireland home rule before applying conscription to that country its position would be strengthened.

The man-power bill, so suddenly projected into the House of Commons, has created a dangerous state of feeling throughout Ireland. Serious consequences may be expected unless prompt steps are taken to right the situation by methods of conciliation.

The Irish people have reason to regard with suspicion the intention of the Government in respect to home rule. They received an absolute pledge of local government for Ireland when Parliament in 1914 passed the home-rule act, but at the beginning of the war it was held expedient to suspend indefinitely the operation of the law. Lloyd-George, on assuming the premiership, held out definite promises that home rule would soon be established, but at once unionists, at the instigation of Lord Lansdowne, vetoed the agreement entered into with John Redmond. To the charge that the Coalition Government had broken faith with Ireland, Lloyd-George could offer only a lame explanation.

To impose conscription at this time on Ireland while leaving in doubt what action shall be taken on the majority recommendations of the Irish convention will be only to aggravate the old distrust of the Government on the part of the Irish. It will place new weapons in the hands of advocates of violence and civil war like the Sinn Feiners. But urging Lloyd-George to put home rule ahead of conscription for Ireland, the labor ministers of the cabinet are pointing the way to a peaceful settlement of the whole Irish question. Their proposal is the best hope of removing the difficulties that the Government faces.

"STRONG MEN TO THE FRONT."

Mr. SMITH of Georgia. Mr. President, I desire to bring to the attention of the Senate a few passages from an editorial which appeared in the Washington Post this morning:

STRONG MEN TO THE FRONT.

The appointment of Charles M. Schwab as director general of the Emergency Fleet Corporation, to have complete control of shipbuilding, is the best of evidence that the United States is rapidly going through the process which has been experienced by every nation in war, whereby the strong displace the weak, and the fittest survive and triumph. In some nations the process is slow and incomplete. In the United States it is to be quick and thorough.

Some men in authority are so constituted that they can not bear the thought of sharing responsibility with strong men, for fear that their own abilities may be overshadowed. The really great man, the true patriot, will always welcome cooperation. He is conscious of his own strength, and therefore he is not jealous of the strength of others. He is bent upon success, not upon exploitation of personalities. Chairman Hurley's action in calling in Mr. Schwab is most gratifying proof of breadth of character, earnestness, and manly devotion to the country's cause. It is the act of a strong and great man, an act that a weakling could not bring himself to perform. Mr. Hurley is acting solely for the success of the country, and inspired by this zeal he has selected Mr. Schwab as the best qualified industrial field marshal in the United States to take command of the forces of ship construction. These forces are becoming a mighty army, and they can not be victoriously

commanded by anyone of mediocre ability. The country applauds the selection of Mr. Schwab, and is appreciative of his prompt and whole-hearted response to the call of duty.

The appearance of strong men at the front is in no sense accidental. It is inevitable in a virile country like the United States, where overwhelming victory merely awaits the organization of the Nation's manhood and its material resources and their proper employment in war. France and England have weeded out incompetents and feeble-willed officials, replacing them with men whose keen intelligence, iron will, and capacity for work are among the indispensable factors of national success. The same process in America is beginning to relegate weaklings and pacifists to the rear.

The war is to be long, and the United States is to have a major rôle in the tremendous drama. The times are heroic, and they call for heroic men. Plans must be amplified to meet the needs of the war and commensurate with the capacity of the United States to make war. It is impossible for small men to conceive of the problem in its full magnitude. That can be done only by brains accustomed to great problems and enkindled with a realization of the immensity of the task that confronts this Nation and its allies. Then, when the plans have been laid and the work of execution begins, there must be equally strong wills and firm hands to supervise the work of production and delivery.

I can only express my earnest hope that a Schwab will be found at an early day to handle the creation of fighting flying machines and that all through our service able men will be put on guard and kept there.

Mr. GALLINGER. Mr. President, I think we all join with the Senator from Georgia in that declaration. For some reason or other it has taken a long time to discover the able men. I trust the appointment of Mr. Schwab is the beginning of better things, both as to the airplane situation and other situations that confront us at present.

Mr. SMITH of Georgia. That was the hope I meant to express.

THE VICE PRESIDENT. Is there further morning business? [A pause.] Morning business is closed.

INDIAN APPROPRIATIONS—CONFERENCE REPORT.

Mr. ASHURST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

THE VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919.

Mr. CURTIS. Mr. President—

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

Mr. CURTIS. Mr. President, I made the point of order on the conference report when it was presented yesterday on the ground that it contains new matter.

THE VICE PRESIDENT. Will the Senator from Kansas point out the new matter against which he makes the point of order?

Mr. CURTIS. I desire, if I may, to make merely a brief statement. The amendment numbered 60, as the bill passed the Senate, on page 53, included the words "excluding oil and gas leases," and, on page 54, amendment numbered 60 included the words "except oil and gas leases." Under the law leases of every kind and character of the Five Civilized Tribes must be approved by the Secretary of the Interior.

When this bill was considered by the Senate an amendment was proposed that would allow certain uncontested leases to be approved by the superintendent, but the Senate specifically excluded oil and gas leases. When the bill went to conference the conferees agreed to strike out the words "except oil and gas leases," and the words "excluding oil and gas leases," which made the provision general, and went much further than the Senate intended to go. The proposition was not considered in the House or the Senate, because the oil and gas leases were specifically excluded. I take it that if the amendment had been drawn in another way there would have been no question about it; in other words, if the amendment had provided that farming, grazing, coal, asphalt, or stone leases should be approved, and had said nothing about oil or gas, and if the conference committee had then added oil and gas, there would have been no question. The word "mineral" was used, which is a broad term, and the Senate committee intended that oil and gas should not be included, and therefore specifically excluded them.

I insist that the conferees went further than they were permitted to go under the new rule, when they struck from the bill the words "excluding oil and gas leases" and the words "except oil and gas leases." In answer to a question asked by a Senator behind me, I will say that the House inserted nothing on the subject.

Mr. OWEN. Mr. President—

THE VICE PRESIDENT. The Senator from Arizona has the floor. Does he yield to the Senator from Oklahoma?

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

Mr. OWEN. Speaking to the point of order, I desire the attention of the Senate for a moment to the amendment to Rule XXVII, which reads as follows:

Conferees shall not insert in their report matter not committed to them by either House.

It will not be pretended that the conferees in this case inserted anything not agreed to by either House.

Nor shall they strike from the bill matter agreed to by both Houses.

Both Houses did not agree to this amendment. On the contrary, the Senate passed the general amendment and the House rejected it.

If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill a point of order may be made against the report, and if the point of order is sustained the report shall be recommitted to the committee of conference.

I was on the conference committee, and the language of the amendment which was offered in the Senate and which was passed on by the Senate made this provision:

Provided further, That no part of said appropriation—

For the Superintendent for the Five Civilized Tribes—

shall be used in forwarding the undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or in forwarding uncontested agricultural and mineral leases, excluding oil and gas leases, made by individual restricted Indian allottees, or their heirs, to the Secretary of the Interior for approval, but all such claims or leases, except oil and gas leases, now required to be approved under existing law by the Secretary of the Interior shall be paid, approved, rejected, or disapproved by the Superintendent for the Five Civilized Tribes of Oklahoma.

At the end of the section the conferees inserted the words:

And provided further, That the Superintendent for the Five Civilized Tribes shall, immediately upon the approval of any lease, notify the Secretary of the Interior of such approval, giving the names of the parties and description of the property leased.

And they struck out the words "excluding oil and gas leases." They also struck out the words "except oil and gas leases," so as to leave the language of the agreement to mean that the Superintendent for the Five Civilized Tribes should pass on uncontested oil and gas leases and uncontested leases of any kind and undisputed claims of any kind, leaving an appeal to be made in case of contest to the Interior Department. The conferees put at the end of this provision the safeguard that the superintendent shall immediately upon the approval of any lease notify the Secretary of the Interior of such approval.

The reason for the amendment is that the clerical work has been and is being duplicated over and over again. There was given to the committee hearing the evidence with regard to this the record of the mail division of the Superintendent for the Five Civilized Tribes; and I ask Senators to listen to this, for I shall only detain the Senate for a few moments. It is a matter of importance to my State, and it is a matter of importance in saving the money of the United States.

The mail division of this superintendency amounted to 880,000 pieces of mail. A large part of it was in this incessant duplication of work, sending uncontested and undisputed matter from the superintendent's office to a corps of clerks in Washington, to be passed on by those clerks in Washington, and then sent back to the superintendent's office.

There has been no question about the integrity or the ability of the superintendent of the Five Civilized Tribes; there has been no such question of any of the superintendents who have had control there in the years which have gone by. The mistakes, in my judgment, which have been made at all in Oklahoma questions have very largely been made in Washington City by the clerks in this city.

The Senate having agreed that these uncontested and undisputed cases, except oil and gas leases, need not come to Washington if they were reported promptly, the conferees struck out the words "oil and gas leases," leaving uncontested and undisputed claims and leases of any kind to be settled in Muskogee, where they have 300 clerks passing upon questions of this character.

The work ought not to be duplicated, as a matter of national economy. If there is any question about the integrity or the ability of the superintendent, of course he ought to be removed; or if the department thinks that another visé of everything going on there should be made, they ought to have some other representative of the Interior Department on the ground to pass upon it; but these cases coming here have laid in the department in the past for long periods of time. Leases come here and stay for six months. I have in my hand a large record of leases, appearing on page 100 of the hearings before the Committee on Indian Affairs of the House of Representatives, showing that very many of these leases staying here for months and months and months without action, interfering with the ordinary and reasonable conduct of Oklahoma business.

Now, speaking to the point of order, I wish the Senate to realize what this really is. The Senate agreed broadly that the sum of \$185,000 appropriated for the expenses of the administration of this office should not be employed in this work of duplication, but the Senate excepted uncontested gas and oil leases. The House disagreed broadly to the whole provision, having disagreed to all the Senate amendments as a formal matter of disagreement. Then the conferees took this matter up, the Senate having inserted an amendment bearing upon the limitation of the use of this \$185,000, and the conferees exercised their judgment in adjusting the matter. I will say, in passing, that when we considered it all of the conferees agreed to it; all of them signed the report, and after we had signed the report the Indian Office, never willing to give up any jurisdiction whatever, made themselves very busy, urgently protesting against the inclusion of "oil and gas leases," and suggesting that it would lead to harm and wrong of all sorts; but they did not specify anything; they did not do what they should have done, written a letter to the committee and state what their objection specifically was. I want them to state their objection openly, not by whispering under cover, where the objection can not be seen, understood, and analyzed.

As appears from page 253 of the hearings before the Committee on Indian Affairs of the Senate, this matter was suggested and the question was discussed by the committee. I proposed an amendment broadly covering these matters, and the Senator from Kansas [Mr. CURTIS], who has been long in the service, in speaking of undisputed claims and uncontested leases, said:

I think that uncontested matters ought to be settled down there and gotten rid of. I have been trying to get the department to do that for some 15 years.

But the department do not willingly relinquish authority; they do not want to have their clerks give up the going over of this matter.

Mr. CURTIS. Mr. President—

Mr. OWEN. I yield to the Senator.

Mr. ASHURST. Just a moment. I will yield to the Senator from Kansas. I think I have the floor, Mr. President.

Mr. OWEN. I think not.

Mr. ASHURST. I think I have.

Mr. OWEN. No.

Mr. ASHURST. I will leave it to the Chair.

Mr. OWEN. The Chair must decide that.

The VICE PRESIDENT. The Senator from Arizona yielded to the Senator from Oklahoma.

Mr. OWEN. I did not know the Senator from Arizona had yielded; I thought I was speaking in my own right to the point of order of the Senator from Kansas. I yield the floor, of course.

Mr. ASHURST. I yield to the Senator.

The VICE PRESIDENT. The Chair has listened to the Senator from Oklahoma and the Senator from Kansas. As these points of order are not discussable in the first instance, and as there will probably be an appeal from the decision of the Chair, the Chair wishes to rule on the point of order. This is not a question as to what the law is or what the law should be, nor is it a question as to what the legislation should or should not be; it is a plain question as to what can be done in this conference report under the rules of the Senate. The Senate adopted an amendment appropriating certain money and providing that no part of that money should be used in forwarding undisputed claims to the department at Washington for approval, but that they might be approved by the superintendent of the Five Civilized Tribes in Oklahoma. The claims which the Senate provided should not be forwarded to the Interior Department were agricultural and mineral leases, and the provision specifically excepted oil and gas leases therefrom. The rule of the Senate recently adopted is that—

Conferees shall not insert in their report matter not committed to them by either House.

The conferees have now provided that oil and gas leases shall not be sent to Washington for approval by the Secretary of the Interior. That is a plain insertion of new matter by the conferees, and the Chair sustains the point of order.

Mr. OWEN. Mr. President, I do not think it advisable for me to take up the time of the Senate, which is so important, upon a minor matter of this kind, and I shall take no appeal from the decision of the Chair. I wish to say, however, in my own behalf, as one of the conferees, that I do not agree with the decision of the Chair in this matter, because the House of Representatives in rejecting this matter rejected the whole of the Senate provision, and, having rejected the whole of the Senate provision, rejected what the Senate did in its attempt to limit the expenditure of this money in this way. Therefore

the whole subject matter was before the conferees, in my judgment, and I think the conferees did not exceed their jurisdiction in limiting the expenditures, subject to immediate report of all leases approved to the Secretary of the Interior.

Mr. ASHURST. Mr. President, I do not wish to prolong the controversy, except to state that when I signed the conference report, in language quite plain I advised the Senator from Oklahoma that this was a plain and palpable violation of the rules; and I am very glad that the Chair has passed upon it, so that hereafter conferees, whatever the pressure may be, will manfully stand up and refuse to insert matter that the Senate has precluded them from inserting.

The VICE PRESIDENT. The conference report is recommended to the committee of conference.

ARMY CHAPLAINS—VETO MESSAGE (S. DOC. NO. 216).

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

To the Senate:

I am taking the liberty of returning without my signature S. 2017, entitled,

"An Act to amend section fifteen of the Act approved June third, nineteen hundred and sixteen, entitled 'An Act for making further and more effectual provision for the national defense, and for other purposes,' as amended by the Act approved May twelfth, nineteen hundred and seventeen, entitled 'An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and for other purposes,'" because I fear that the last proviso contained in the Act, and constituting the last printed line of the engrossed copy herewith returned, is susceptible of being interpreted to mean that no chaplain shall retain his commission in the Army of the United States after reaching the age of forty-five.

I assume that this was not the intention of the Congress and respectfully suggest that these words be substituted,

"That no person shall be appointed chaplain in the Army who on the date of appointment is more than forty-five years of age."

WOODROW WILSON.

THE WHITE HOUSE, 18 April, 1918.

The VICE PRESIDENT. The objections will be entered at large on the Journal, and, unless there is some objection, the reconsideration of the question will be postponed until the Committee on Military Affairs can examine the veto.

HOUSE BILLS REFERRED.

H. R. 10783. An act to authorize the Secretary of the Navy to increase the facilities for the proof and test of ordnance material, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

H. R. 11245. An act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto, approved October 6, 1917, was read twice by its title and referred to the Committee on Finance.

SILVER COINAGE.

Mr. OWEN. I ask unanimous consent for the immediate consideration of Senate bill 4292, on the calendar, relating to the use of metallic silver.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4292) to conserve the gold supply of the United States; to permit the settlement in silver of trade balances adverse to the United States; to provide silver for subsidiary coinage and for commercial use; to assist foreign governments at war with the enemies of the United States; and for the above purposes to stabilize the price and encourage the production of silver, which had been reported from the Committee on Banking and Currency with amendments.

The Secretary proceeded to read the bill.

The VICE PRESIDENT. Are the amendments to be passed upon as they are reached?

Mr. SMOOT. Mr. President, I desire to ask the Senator from Oklahoma, having the bill in charge, if he intends to make any statement as to the necessity of the legislation?

Mr. OWEN. I shall be very glad to do so. I submitted a report on the bill which is before the Senate, and in which a statement is made with regard to it. I shall be glad to make the statement on the floor or to answer any questions.

Mr. GALLINGER. Pending that, I ask that the bill be first read.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill.

The VICE PRESIDENT. The first amendment of the committee will be stated.

The SECRETARY. The first amendment of the Committee on Banking and Currency is, on page 1, line 5, before the word "hundred," it is proposed to strike out "two" and insert "three," so as to read:

That the Secretary of the Treasury is hereby authorized from time to time to melt or break up and to sell as bullion not in excess of 350,000,000 standard silver dollars now or hereafter held in the Treasury of the United States.

Mr. THOMAS. Mr. President, I should like to inquire of the Senator having charge of the bill the reason for the increase in the amount of silver dollars to be melted and broken up.

Mr. OWEN. The reason is that there is in sight a demand for a larger amount than the \$250,000,000 first proposed.

Mr. SMOOT. Or, I might add, the \$350,000,000.

Mr. OWEN. Possibly.

Mr. THOMAS. In sight for what purpose?

Mr. OWEN. In sight for the purpose of meeting the international debtor trade balances of the United States for the use of nations at war with Germany. There is a large demand for silver in India, among others.

Mr. THOMAS. That demand is not the demand from the United States directly, is it?

Mr. OWEN. It is from the most important ally of the United States.

Mr. THOMAS. That may be; but it is a demand which is not primarily that of the United States?

Mr. OWEN. I think it is properly to be regarded as a demand on the United States.

Mr. THOMAS. Of course that is a matter of opinion between the Senator and myself.

Mr. OWEN. I think we have no difference as to the facts. It is a matter of opinion.

Mr. THOMAS. Frankly, I understand that the demand is one which is against Great Britain rather than against the United States. If I am wrong in that impression, I shall be glad to be corrected.

Mr. OWEN. The Senator is wrong. We need \$50,000,000 per annum to take care of our jute from India alone.

Mr. THOMAS. Then that is only \$50,000,000 of the \$350,000,000 of this money that is going to be destroyed.

Mr. OWEN. I want to call the attention of the Senator to the facts, without expressing any opinions of my own at all.

The United States has, as a matter of fact, found it necessary to finance in large part this war. We have been furnishing our allies thousands of millions of dollars. That money has been used to pay for goods shipped from neutral countries which are in excess of the amounts that neutral countries import from the allies; and those trade balances can only be paid for in one of three ways: Either by commodities—and that possibility, of course, is already destroyed when we get the trade balances—by gold or silver, or by the placing of credits. We are, therefore, face to face with a very large demand for metallic money in the Orient to meet the demands there of our debtor-trade balances.

Mr. THOMAS. Mr. President, I do not object for a moment to any expenditure which this Government has made, or which in the opinion of its officers should be made, in aid of any of our allies in this war. I heartily approve of every such step of the past and every such step of the future, because we are in this war practically as a unit, and every ounce of credit and of financial aid that needs to be furnished and which can be furnished will, if it is so directed, meet with my unqualified approval. Hence, my queries are not of a complaining nature, nor should they be taken to indicate any purpose upon my part to oppose that general policy. But, frankly, I am suspicious of any movement in the American Congress which has for its purpose the diminution of our silver supply. It has been said that a burnt child dreads the fire; and the people whom I in part represent here have been burnt so much and so frequently that they are apt to shy at a fire even from a distance. I want to know why, and I want to know definitely why, it is going to be necessary to take out of the Treasury of the United States three hundred and fifty millions of silver dollars and melt them up, when there is a good deal of silver in the markets, and will be more silver in the markets if the Governments needing it will obey the law of supply and demand and pay for it what it is worth and what it costs to produce it.

Mr. OWEN. I should like to say—

Mr. THOMAS. Just a moment, and I will yield the floor. So that my queries are entirely for information. If it is necessary to take them all, and anything else we can lay our hands upon, for the purpose of prosecuting this war, God knows I am willing to go to the extreme limit; but a bill of this sort, which

is taken up practically as an emergency measure, is one about which I must be fully informed before I can consent to support it.

Mr. OWEN. Mr. President, answering the Senator's suggestion that this bill would diminish the supply of silver in the United States, which is the essence of the anticipated fear he suggests, I wish to call the attention of the Senate to the fact that this silver is lying unemployed as dead metal in the Treasury of the United States as a basis of the silver certificates which now we intend to replace, as far as currency is concerned, with the Federal reserve bank notes, based upon the security of United States one-year gold Treasury notes.

Mr. THOMAS. Mr. President, may I interrupt the Senator?

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

Mr. OWEN. Certainly.

Mr. THOMAS. Then one purpose of this bill is to retire a perfectly good currency, represented by silver certificates, circulating at par, and costing the people nothing, for an equal amount of paper money, based, of course, upon security, but costing the people of the United States the interest upon the certificates and other evidences used for the issue of the new money. In other words, we are going to substitute an interest-bearing for a noninterest-bearing currency. Is not that correct?

Mr. OWEN. Mr. President, when the necessity arose to use this metallic silver it was perfectly plain that if we used the silver which was the basis of the present silver certificates we would be compelled to replace that with currency of some kind; otherwise we would shrink our own currency. Therefore the plan was devised to use the Federal reserve banks, which represent practically every bank in the United States, and the stockholders of all of these banks, as an agency for issuing Federal reserve bank notes against the security of United States Treasury gold notes. When they get those gold notes they will pay for the notes. The Government will get the funds, I take it, for the gold notes. They will not give the gold notes for nothing. They will get the money at a very low rate of interest, which would be a little over 2 per cent, probably 3 per cent, and then the Government would get the use of that money; but the certificates representing the indebtedness would become a basis, instead of the silver. But the Senator interrupted me before I was able to answer the real crux of his suggestion.

Mr. THOMAS. I beg the Senator's pardon. I did not intend to do that.

Mr. OWEN. I wanted to say this: Silver has fluctuated between 85 cents an ounce and \$1.12 an ounce; and it was proposed here to fix a price of \$1 an ounce for whatever the Government should buy of silver, and in that way stimulate the production of silver, by giving the miners of silver a positive market to this extent at least, which would probably absorb the output of the mines for two or three years.

The present output of silver is between seventy and eighty million ounces. Commercial purposes require about 22,000,000 ounces, leaving somewhere about 40,000,000 ounces that would be available for the purpose of money.

When the Government fixes a definite price for silver the miners can make their plans accordingly, and seeing for several years ahead a fixed market at \$1 an ounce, it will stimulate the production of silver in this country and replace the idle silver which is now in the Treasury merely in storage.

Mr. TOWNSEND. Mr. President—

Mr. OWEN. I yield to the Senator.

Mr. TOWNSEND. My attention was distracted while the Senator was discussing some matters with the Senator from Colorado. Possibly he may have answered what I am going to ask him. If he has, I do not care to have him go over it again.

As I understand the provisions of the bill, the standard silver dollars now in the Treasury are to be melted or broken up and their place is to be supplanted as these dollars are taken up by the subsequent purchase of silver, to be coined into standard silver dollars.

Mr. OWEN. Yes.

Mr. TOWNSEND. What I wanted to understand was why that is done. Why not purchase the silver? Why break up the standard silver dollars already coined only to replace them by a subsequent purchase and coinage?

Mr. OWEN. The answer to that is that the cost is very small to mint silver, and the need for metallic silver at this moment is of great urgency.

Mr. TOWNSEND. You can not buy silver?

Mr. OWEN. You can not buy the bullion silver now. I wish to read a telegram which I received from the Secretary of the Treasury. He wired me from San Antonio, Tex., April 16, saying:

A war emergency of the utmost urgency makes the prompt passage of the Pittman bill imperative. I commend this subject earnestly to the consideration of yourself and your associates on the Banking and Currency Committee. Will you please permit Assistant Secretary Leffingwell to lay before you my views about this matter immediately?

The Assistant Secretary and his experts came before the committee and I think satisfied the committee of the absolute necessity for the passage of this measure so that the committee reported it with these amendments.

I have not stated really what the bill proposes. I will be glad to do that. It will take only two or three minutes.

The bill proposes to melt up the metallic silver which now lies in storage in the Treasury of the United States and to replace it by purchasing silver at a fixed rate of a dollar an ounce, selling the silver at not less than a dollar an ounce, and buying it back at a dollar an ounce, so that the Treasury neither gains nor loses. Since we would have to retire the silver certificates if we melted up the silver now in the vaults of the Treasury it is intended to temporarily replace that by Federal reserve bank notes safeguarded by United States Treasury one-year gold notes, so that our currency would not be contracted.

Mr. GALLINGER. Mr. President—

Mr. OWEN. I yield to the Senator.

Mr. GALLINGER. In the event of this bill becoming a law, the silver certificates will be called in and canceled, of course.

Mr. OWEN. Yes; they will be called in and canceled.

Section 9 provides for the extension of the acts now in force, which only run to the term of the war, as to the issuing of licenses for exports of silver, so as to leave the United States Treasury in a position where it could actually replace the silver which is to be taken out of storage.

It was the spirit and purpose of the bill to avoid any controversy with those who believe in silver as a metallic money by replacing exactly the amount of silver which was taken out, so as not to interfere with our existing use of silver for coinage purposes.

This matter was discussed quite extensively, I understand, by those who produce silver, and while they believe that silver will go to a higher point than a dollar an ounce, they were content as a war measure to have a definite value fixed. With the silver taken out of the Treasury restored to the Treasury by fixing a definite amount of a dollar an ounce, and having the right to issue licenses against exports, the United States could assuredly obtain from our own mines the amount of silver within two or three years which would be necessary to replace the silver now used for this war emergency.

Mr. SMOOT. Mr. President, I do not want the Senate to get the impression that this bill, if passed, will be of any benefit whatever to the silver producers of the West. The silver producers of the West would be perfectly content to allow silver to take its regular course in the commerce of the world.

Mr. THOMAS. And keep hands off.

Mr. SMOOT. I wish to say now that if silver were treated as a commodity and nothing else and hands off was the program of our Government the price would advance immediately to \$1.29 an ounce. I think I occupy a position that has given me the information to justify that statement. I never was classed as a silver man. I opposed Mr. Bryan's theory of 16 to 1 in the year 1896, and I have continually taken the position that every dollar of money circulated in the United States should be worth 100 cents. When the silver question was a political one, the opponents of silver claimed that silver was a commodity, and was worth only what it would bring in the market. To-day if silver were treated upon that same basis it would be worth \$1.29 an ounce. And why? Because the demand for silver to-day caused by the war is such that the world is not producing one-quarter of the amount of silver that is absolutely necessary.

At a meeting of officials of the Government and representatives of the silver producers of the West held last December I called attention to the fact that the balance of trade in favor of India last year that would have to be met in gold or silver was such that the production of silver was but a fractional part of the amount that would be necessary.

In September last silver began to rise rapidly. It reached the price of \$1.18 an ounce, and it would have continued to have increased in value until it reached \$1.29 an ounce if it had not been for an understanding between our Government and England. The price was forced down in the interest of England, and the silver producers were the losers.

The annual production of silver for this year in all the world will not be above 100,000,000 ounces. The highest production of silver at any time that I can remember now in any one year was 226,000,000 ounces. India prefers silver to gold for her metallic money. She is demanding it to-day in payment for the balance of trade in her favor. India produces wheat and jute

and other articles that the war has so greatly increased their values and thus has greatly increased her usual balance of trade against the principal countries of the world, and now she is demanding a settlement and wants it in silver.

Mr. LODGE. If I may ask the Senator a question, is it not true that silver is much more than currency in India? It is the form in which they hoard their savings.

Mr. SMOOT. As the Senator suggests, they hoard their savings in silver rather than gold. That has been the practice for hundreds of years, and it is so to-day.

Mr. THOMAS. Mr. President—
The PRESIDING OFFICER (Mr. POMERENE in the chair). Will the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I yield.

Mr. THOMAS. That statement is absolutely correct up to the time when England entered upon her attempt to establish the gold standard in India. Since then vast quantities of gold have gone to India and have been similarly hoarded. The fact is that the two metals whenever they reach India disappear from the world's circulation. They are as completely absorbed and done away with as though they were sunk in the middle of the ocean. That is true now of both metals, more particularly so of gold, since the experiment to which I have referred.

Mr. SMOOT. Mr. President, when we stop to think that of the silver produced annually 100,000,000 ounces are used in the world's industries, and that on account of the Mexican situation the world's production has been greatly reduced, we find that of the production of silver for the year 1917 not to exceed 60,000,000 ounces are available for the increase of the money of the world.

In August, 1915, silver dropped to 48½ cents an ounce, and I want to say to the Senate now that the silver producers of the West could produce silver at 50 cents an ounce under ordinary conditions at as good a profit as they can produce silver to-day at \$1 an ounce. The labor conditions are such, in the first place, that they can not get the necessary labor, nor does labor produce as much to-day as it did before the war in a given time. Again, wages have increased by leaps and bounds. After increase upon increase in wages, and increased cost of from 100 to 400 per cent on everything that the mine owner purchases, such as powder, steel, and tools of all kinds, the mine owner could better afford to allow his properties to lie idle and produce silver at 50 cents an ounce when ordinary conditions return than to extract the ore at this particular time.

Are the western producers of silver going to follow that course? No; they are too loyal to their country, and they are willing to produce silver, even if they get only enough out of it to pay actual cost. I wish to say that many of the mines of the West are doing that to-day. In many mines the price of silver is not sufficient to pay operating expenses.

Mr. President, I know that the situation in India is critical, and that this bill is to relieve that situation. England must have more silver to meet her obligations to India, and India wants silver. There is only one great reserve of silver in the world to-day and it is found in the Treasury of the United States, and that reservoir of silver must be opened and hastened to India in order to relieve the existing conditions.

I am not going into details, Mr. President, because it would do no good nor improve the situation, and perhaps be unwise. All I want to say is that if conditions were not such as they are to-day in the world, and if one of our allies, and the principal one, was not involved, I never would support legislation of this kind. I am going to vote for the bill because I know its passage is necessary.

I think I ought to say that the situation would not have been as critical as it is to-day if England had not held off from purchasing silver at a reasonable price during the last six months. I know within that time she has been offered silver at much less than a dollar an ounce, and she has refused to purchase it, and it has been purchased by Japan. England for years and years past has been buying our silver at from 48½ cents to 60 cents an ounce and paying her obligations at 94 cents an ounce, and she wanted to maintain that advantage just as long as possible.

The balance of trade of our country with India is adverse to us. It is true that we can pay the amount of that balance, and will pay it in silver if this bill becomes a law, and I admit that the United States ought not to allow the exportation of gold, and certainly none of our allies are in a position to do so. All the gold we have we must keep. The notes that are being issued and the notes that will be issued must have something back of them; and while we have one-fourth of all the gold in the world we have none too much.

As far as the price of silver is concerned, following the war it will not go back to what it was a year ago. I do not believe that we will live long enough to see the price of silver below a dollar an ounce. Why do I say it?

There is not gold enough to cover the paper money that is being issued by all the countries of the world, and when we see some of the nations involved in the present war with only 3 per cent of gold back of their paper issues, and the war is not closed yet, is it possible to think that every ounce of silver that is in the world to-day and every ounce that will be produced in the world for 25 years will be more than sufficient to cover the paper money that will be in circulation in all countries at the close of the war?

So, Mr. President, coming from a State which is deeply interested in the price of silver, one of the largest producers of silver of all the States of the Union, I say that the price of a dollar an ounce, as fixed in this bill, is no advantage whatever to the silver producer, and yet our miners say if that is the price the Government decides upon, and if they are called upon as patriotic Americans to produce it at that figure, they are going to do it. I approve of that position; but let us understand the situation, and let the American people know that it is no benefit whatever to the western producer of silver.

Mr. GALLINGER. Mr. President—

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

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

Mr. GALLINGER. Hostile, as I have been and now am, to disturbing in any way the gold standard, I am going to vote for this bill because of the emergency that is upon the world at the present time; but somewhat as a justification for my vote and my attitude I want to ask the Senator from Utah, who doubtless is well informed on this point, what the conditions are surrounding the production of silver in the silver-producing States? What about the labor situation, as an illustration?

Mr. SMOOT. Mr. President, I will say to the Senator from New Hampshire that, as to the labor situation, we are to-day paying at least 100 per cent more than we were paying before the war began. We are paying more for steel; we are paying more for powder; we are paying more for tools; we are paying more for everything that enters into the production of silver, and we are paying all the way from 100, 200, 300, and 400 per cent more. The Senator can see from these facts what effect they must have on the cost of producing silver.

There is another thing I do not particularly like. I have said nothing about it on the floor of the Senate, but I do not believe, Mr. President, that we are being treated by our allies as we are treating them. The Government has fixed the price of copper at 23½ cents a pound; the producer sells it to all of the allied countries for that price. We not only sell it to them, but we sell it to the general trade for the price fixed by the Government; and yet Canada, our neighbor to the north of us, a producer of copper, receives as high as 30½ cents a pound on the identical day for her copper purchased by England, being a difference of 7 cents a pound in favor of the Canadian producer. The same condition exists as to Mexico. Canada is receiving more for lead than we in this country are receiving.

However, I have expressed no bitter opposition to the fixing of the prices of commodities that were absolutely vital to the successful prosecution of the war, although I am opposed to the principle of price fixing. I agreed, Mr. President, beforehand that we should undertake to produce copper in the West at 23½ cents a pound. I know that the Utah Copper Co. can produce it for that price and make a profit; but I am speaking not for one company in my State, but I am speaking for the hundreds and thousands of producers who produce copper in small quantities, and who do not have the advantages which some of the great companies enjoy.

But, be that as it may, I know that there is lying in the Treasury of the United States to-day some 476,000,000 ounces of silver which has been coined into silver dollars. Much of that silver has been purchased at 50, 55, and 60 cents an ounce from the silver producers and has been coined into dollars at the rate of \$1.29. I should be perfectly willing for our Government to make that difference if it were absolutely necessary; but with that great reservoir of silver lying there and serving no useful active purpose, with our allies crying for help—and our Treasury is the only place that can furnish the relief, and that by releasing that reservoir—I say let it be done. Let it go, Mr. President, to India, to China, or to Japan in order that the balance of trade against our allies with those countries may be met. They can not send the gold, for they have not got it; but if we do not furnish them the silver we shall have to lend

them the gold or we shall ourselves have to arrange as to how those balances shall be settled.

I thought the Senator from Oklahoma [Mr. OWEN] should have admitted immediately on the question that was asked by the Senator from Colorado [Mr. THOMAS] in relation to the retirement of these silver certificates, which are noninterest bearing, that they were to be replaced by Federal reserve notes, one being a noninterest bearing currency and the other being an interest-bearing currency.

Mr. OWEN. I stated that in the report, and it is perfectly obvious.

Mr. SMOOT. I may have misunderstood the Senator in his answer to the Senator from Colorado.

Mr. OWEN. I stated that fact, and, more than that, I agree with the Senator from Utah with regard to this being a patriotic contribution by the miners of the West. I do not regard these prices during the present exigency of the world as high prices or as adequate prices; but the American people have been making contributions, they have answered the charge that was leveled against them at one time, and have proven that they are not in this war for profit, but they are in this war for principle, and are willing to make sacrifices when they are met with the exigency.

Mr. HOLLIS. Mr. President—

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

Mr. SMOOT. I yield.

Mr. HOLLIS. I think it ought to be stated that when we sell the silver, which is now drawing no interest, we shall either get money which we can put out at interest or we shall get an interest-bearing obligation, so that the interest that is paid on what we get as the proceeds of the sale of the silver will probably at least counterbalance what we shall lose by the operation to which the Senator calls attention.

I think nearly all of us are for this measure, but I am afraid, if we get into a debate, we may have the "crime" of former years before us and not get the bill through; but I think it ought to be stated in justice that the Government will not lose anything by this operation.

Mr. OWEN. The Senator from New Hampshire is correct.

Mr. SMOOT. Mr. President, what the Senator from New Hampshire says is correct; but this is what the Senator from Colorado had in mind, I think, or at least it appears to me that that is what he had in mind, that to-day the silver is in the Treasury, and it is performing its function not by circulation but by a currency issue.

Mr. THOMAS. Absolutely; and partially by circulation.

Mr. SMOOT. Of course, partially by circulation; but that will not be interfered with by the passage of this bill. In other words, the subsidiary coin will not be touched nor will the silver dollars that are in circulation be touched. We reserve some \$126,000,000 in silver dollars, which will still be in the Treasury.

Mr. THOMAS. That will go later.

Mr. SMOOT. That may be; but now that we are to withdraw the silver certificates, and that silver is to be sent out of the country in the shape of bullion and sold, we must have another issue of paper money to take its place; or, in other words, it will result in placing another class of obligation upon the American people; the American people will have to take that much more of the Government's obligations through this transaction. That is necessarily so, because when we take out of our financial system the amount of money proposed it is just the same as if we had loaned that money to our allies, so far as the investments of the American public are concerned, and that is the source from which the Government will receive its payments for Government bonds.

Mr. HOLLIS. On the contrary, if the Senator will permit me, we not only issue a part of the people's obligations, but we get an equal amount of obligations in return, which will bear a higher rate of interest.

Mr. SMOOT. I do not know, Mr. President, that there is any necessity for me to discuss the question further. I think the points to which I have called the attention of the Senate are the main ones involved in this proposed legislation.

So far as the people of the West are concerned, I know how loyal they have been to every call of our Government. There is not a State in the West that has not only subscribed all it was asked to subscribe to the Red Cross fund and purchased its share of every issue of liberty bonds, as it will of the present issue, but the States of the West have purchased bonds sometimes to the extent of 150 per cent more than their quota. When we take into consideration the fact that scarcely one dollar of the money collected by our Government is paid in the West to producers of munitions of war, steel of every kind, aeroplanes, and similar products that are necessary for the carry-

ing on of the war, it will at once be seen how loyal they have been to our Government. In the purchase of bonds in the West it is almost like taking the money out of circulation at once, and it amounts to that in many cases.

I asked the Secretary of the Treasury to allow the payments upon liberty bonds to be withdrawn from the banks, say, at four different periods of a month apart, so as to allow business to go on in its regular ordinary way without taking the amount of the purchase immediately out of circulation.

Mr. OWEN. I should like to say to the Senator that I agree with him very cordially in that proposal.

Mr. SMOOT. But the Secretary told me a number of times that, unfortunately, it was impossible to do that. Why, Mr. President, over \$16,000,000 were invested in second issue of liberty bonds by the people of Utah, and the banks were not given time to get exchange from New York or San Francisco by mail, but were asked to telegraph the money to San Francisco immediately upon payment. That is a burden that the Eastern States do not have to carry. The money paid for the bonds in the East immediately is paid to eastern manufacturers, and in the eastern section of the country it amounts virtually to a transfer of credits at the banks.

Mr. President, it seems to me that the American people ought to know these facts. Notwithstanding this condition, the people of the West are asked to produce silver for the Government at a dollar an ounce, and they are going to do it, no matter if they do not make one cent in so doing. Remember that whenever a ton of ore is taken out of a mine it is gone forever. It can not be replaced. A mine is not like a farm, which produces wheat year after year; it is not like a beet field, that produces beets 1 year, 2 years, 25 years, and the ground is as good as ever; but whenever you take a ton of ore out of the ground it is gone forever. Dividends paid by a mine are not paid in the way of an ordinary dividend; they are paid out of the capital of the concern. But, Mr. President, we are not only willing to give whatever profit there may be, but we are willing to give the capital of the mine to assist the Government of the United States and its allies in these trying times, when the cause of liberty and justice is at stake.

Mr. LODGE. Mr. President, I desire to say only a word, for I wish the bill to pass as soon as possible. I am very much opposed to price fixing if we ever can possibly avoid it. I think it was a great mistake to fix to our allies and to the domestic market the price of copper and lead, to which the Senator from Utah has referred; but silver stands, of course, upon a different ground, because it enters into the currency, not only our currency but the world's currency. The situation simply is that to prevent a financial convulsion in India silver must be supplied, and we are the only people who can supply it. I see no other way to supply it except that proposed by the committee in their bill, which I think they have guarded well.

I do not take quite such a dark view of the dollar-an-ounce proposal as does the Senator from Utah. I think the stabilization of the price, the certainty, will be worth what they might get on a sudden fluctuation in addition.

I have been examining the bill and listening to the debate, and I believe the bill is safe as framed. That the emergency must be met there can be no question, and I think the committee has met it very well. I shall be very glad to vote for the bill.

Mr. THOMAS. Mr. President, this bill, although proposed as an emergency measure, was not originally prepared as such. A copy almost in the present phraseology of the bill as reported was transmitted to me for examination some two or three months ago. I have had occasion, therefore, to examine it with some degree of care, and reach some definite conclusions about its contents when the emergency, now so palpably apparent, hastened the committee in its examination and report.

Primarily this bill had for its purpose the release of silver from the Treasury in order to meet some of our exchanges with silver-using countries, and also to stimulate the production of silver, and the fact of its pendency has made it comparatively easy for the committee to consider it speedily.

It is true that the United States possesses the sole remaining supply of silver in quantity, and that as a consequence our greatest ally may appeal to us for assistance at this time with an assurance that, if granted, our supply of the needed metal is ample for its purposes. I can not resist the temptation to refer for a brief moment to the opposition which the friends of silver encountered in an effort to secure its remonetization and, failing in that, to provide an adequate supply for the currency needs of the United States.

I know of no legislation in the history of the past 50 years that has been so derided and so ridiculed as the Bland and Sherman silver bills, said to have been sops to the silver Cerberus, a violation of the natural laws of supply and demand, and

a lowering of the integrity of American coinage and currency. But a majority of the people, represented by a majority in Congress, persisted, and successfully persisted, in their efforts to secure the supply of a considerable quantity of silver in the Treasury through monthly and other purchases. That silver, Mr. President, has been doing duty as currency ever since its purchase by the Government, and every ounce of it has been in circulation at par, represented in my section of the country by silver dollars, and elsewhere by silver certificates based upon them.

The volume of silver, therefore, has played quite as important a part in supplying the people with their currency needs and in developing the industries and resources of the country as gold and greenbacks. Through a system of forced supply, as it were, denied the same right to entrance at the mints that gold has always enjoyed it has, nevertheless, in actual practice, refuted the reflections that have been cast upon it as a currency and as a monetary metal.

I could not help thinking, Mr. President, while this debate proceeded, what our condition and the condition of England would be to-day had this much-abused legislation been defeated or had the Government yielded to the many attempts which have been made to do away with the supply on hand at whatever cost.

Mr. President, I differ from the Senator from Utah [Mr. Smoot] with regard to the general question of silver as money. A great many years ago I endeavored to make an impartial and dispassionate study of the entire question. I entered upon that investigation with a mind free, I trust, from either prejudice or preconceived views, and after a long period of anxious investigation and inquiry I came to the conclusion that the two metals were absolutely essential to the world's business, functioning as money of redemption, and that the discarding of either would mean ultimately the abandonment of any metallic basis for the currency of the Nation. I have never been so impressed with the soundness of that conclusion as I have been since this world's war was staged, every development of which has more and more demonstrated the danger, not only the danger, but the impossibility of pivoting the world's credits and money upon the world's supply of gold.

The Senator from Utah said that we could not afford to lose a dollar of our gold supply. So say England and France; so say Japan and Germany. In all times of stress, because the world's credits and the world's currency have unfortunately been based upon one metal, the apprehension consequent upon its loss in extraordinary periods of excitement or of war becomes a hysteria of international proportions.

Let me say to the Senator, though he is absent, that we may retain all the gold we possess, we may secure all the gold of all the other nations of the world, and yet the supply will be woefully unequal to the burden of money and of credit now based upon it. Our system may be likened to an inverted pyramid, as may that of all the other countries, in that they have selected a restricted base, because insufficient in quantity, for the structure of money and of credits; and no matter how this war may end, the edifice will topple to the ground and lie prostrate sooner or later. Hence, Mr. President, the silver which we are now using as money, and with which we propose to aid the great monometallic nation of the world; the silver which it first demonetized and reduced to a condition of monetary vassalage—that metal, Mr. President, comes to the rescue of that great nation in her extremity, and which will tide her over any crisis, however great it may be, with which she may now or hereafter be confronted.

Mr. President, there are some considerations attendant upon this measure, and which may flow from it, which I think we should consider very carefully before we finally determine to part with the metal absolutely, physically.

I assume that the great bulk of it will go to India. Now, if it does go to India, it will never appear in any form outside of that country hereafter. It will be, as I have said, as completely withdrawn from active circulation or from metallic use as though it were reburied in the ground from whence it was dug. From the earliest periods of human history, all silver reaching India has disappeared. Since about 1902, practically all gold reaching India has likewise disappeared. Great Britain, in her unsuccessful attempt to establish the gold standard there, was compelled, until the menace to her own reserves made it impossible to continue the policy, to supply India with millions upon millions of pounds sterling in gold; and, having educated the East Indian to the idea of the gold standard, his habit attached to that as it had previously attached to the white metal.

Therefore, Mr. President, we are faced with this condition: Can we afford, if it is possible to use the representative of silver in the shape of silver certificates, if you please, to part with the metal, when parting with it means its virtual destruction?

Of course its physical destruction is impossible; we all know that; but if it becomes inert, if it seeks hiding places, if it is no longer found in the highways and byways of industry and commerce, it is as much dead to the world as though it had been destroyed by fire. I wonder whether this thought has occurred to the members of the committee in their preparation of this bill—whether the notes which we use as the representative of this silver can not be made equally serviceable to the British Government at this time? If it can be done, then it should be done. If it can not be done, then, whatever the result may be, let us act as the emergency requires, leaving the consequences to the future.

But, Mr. President, I can not accept the suggestion that the production of silver will be stimulated by this bill by stabilizing the price at \$1 an ounce. The production of silver at present is enormously expensive, not only because of the reasons assigned by the Senator from Utah [Mr. Smoot], but because the old bonanza silver mines no longer exist. They have been worked out. They are practically exhausted. Silver now is largely a by-product. It is always found in conjunction with gold, very frequently with lead and with gold, in the West with copper as well, and with iron.

Since the demonetization of silver by the repeal of the Sherman law, and since the establishment of the gold standard by the act of 1900, silver has necessarily become a by-product, except in rare instances. It is produced through processes which separate it from other metals which are commercially more valuable and more desirable. In addition to that, Mr. President, improved economic processes for the separation of silver from refractory ores in small quantities have proceeded apace, and during the period between 1896 and the present time millions of tons of ore not before then commercially valuable for their silver contents have been made so through these improved processes.

Now, it may be that the world still contains hidden within its bosom vast deposits of silver ore. If so, the miners have not yet been able to discover it. The last important discovery was at Cobalt, in the Dominion of Canada, to the north of us. That was a number of years ago. By this time it must be well toward the process of ultimate exhaustion. In Mexico mining is practically impossible, owing to the disturbed conditions of the country, and in South America the product is scarcely more than necessary for the financial uses of that continent.

So I do not perceive, Mr. President, the possibility of depending upon our mines and miners for any greatly enhanced amount of silver, whether this bill becomes a law or whether it does not. Since the adoption of our forest-reservation policy, since conservation has gone so far as to produce stagnation in mining circles everywhere, there has been no great inducement to the prospector to attempt to further prospect and discover ores. Nowadays the moment a man opens a new body of ore or discovers a well upon the public domain official and public opinion in the East brands him as a thief and a scoundrel, and, instead of being rewarded, that which he has is taken away from him by departmental action. This bill will not change that situation, however much we give the miner for his silver. The only way to stimulate the production of that or any other metal on the public domain is to go back to the good old way of dealing with the prospector—to encourage him by rewarding him with what he finds by way of discovery. Then he will again endure the heats of the desert and face every danger confronting his pathway in the search for these valuable necessities of trade and commerce. Until he is stimulated by such hope of reward the mining industry of the West will lag, if, indeed, it does not disappear. The way, therefore, to stimulate him is to let him alone, let the laws of the country operate without interference, and give him the rewards to which he is entitled by virtue of his hazards, his expense, and his discoveries.

Mr. President, I do not believe that there is any immediate prospect of such a stimulation. It may come at some time—some time after the war—a long time after I, perhaps, shall have been laid away; but it must come if there is to be a real stimulation to the production of silver in the West.

If, however, the bill is to carry out its professed purpose, I am unable to perceive why the price of silver should be rigidly limited to \$1. I propose to offer an amendment making that the minimum price. I do not believe that silver can be produced, except in conjunction with other metals, to-day at a profit if a dollar an ounce is to be the limit of the miner's compensation.

Mr. PITTMAN. Mr. President—
The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nevada?
Mr. THOMAS. I yield.

Mr. PITTMAN. I have no idea as to the form of the amendment which the Senator will draw, but, as far as the Government is concerned, the Government does not attempt in this bill to go further than to state that the Director of the Mint shall purchase silver at a fixed price of \$1 an ounce.

Mr. THOMAS. Yes; I know; but the Government will need every dollar of silver that can be mined, in my judgment, and need it as fast as it is mined; and it is very easy to construe this proviso so as to enable the Government to take that silver and pay a dollar an ounce and no more, however great the need of outsiders may be for the metal, and however great the tendency, therefore, for the price to rise.

Let us not deceive the miner by telling him we are going to stimulate his prices when we are doing no such thing. Provision is made by a very proper Senate amendment to this bill on page 2, line 1, by which the sales of bullion to be realized from the melting of our silver dollars "shall be made at such prices, not less than \$1 per ounce of silver 1,000 fine," as shall be established by the Secretary of the Treasury. That is proper; but when we come to the price to be paid for silver hereafter, the bill provides that the purchases shall be made in accordance with existing regulations at the fixed price of \$1. Now, that should be "at not less than \$1," so that the play of the same forces which enable the Government to get the prevailing price for its silver and which are recognized by the committee may be so extended as to apply to the miner.

Mr. OVERMAN. Is it limited to the war?

Mr. THOMAS. Why, I suppose the bill is limited to the war. Personally, I should prefer to see the provision fixing the price eliminated from the bill and let the law of supply and demand take its course; but if we are to fix it, let us fix it so that the miner will be satisfied and stimulated to some degree. I shall offer an amendment, Mr. President, to that effect.

I think, too, Mr. President, that this bill should require not only the recoinage of all the dollars melted, but the issuance of silver certificates as well for each dollar that is coined.

The PRESIDING OFFICER. Will the Senator please suspend? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. OWEN. I should like to ask the Senator in charge of the bill if he will not agree to temporarily lay it aside until we conclude this measure?

Mr. OVERMAN. On yesterday I stated that I would not agree to lay it aside for any other measure. However, the argument has proceeded upon the bill which has been before the Senate for an hour or two, and I should like to ask the Senator from Oklahoma how long he thinks it would take to dispose of the bill he has in charge?

Mr. OWEN. As far as the chairman of the committee is concerned it will take very little time. I do not think that any other Senators perhaps are going to discuss it further than the amendment now proposed by the Senator from Colorado. I think the Senator from Colorado can indicate the time better than I.

Mr. THOMAS. I shall occupy but a comparatively short time of the Senate beyond this point. I wish to say in this connection, however, that I do not feel like permitting this bill to go to a vote until the return of my colleague [Mr. SHAFROTH], who I know is greatly interested in the general proposition and who has given considerable study to the measure. He is absent attending the funeral of the late Senator from Louisiana, Mr. BROUSSARD, and I presume will be back to-day or to-morrow.

Mr. OVERMAN. The Senator from Oklahoma can see the situation. The Senator from Colorado will object to the disposition of the bill at this time.

Mr. THOMAS. I did not mean to make a statement so arbitrary as that. I will put it in the shape of a request.

Mr. OWEN. I will ask the Senator from North Carolina if he will not permit the measure to be proceeded with for three-quarters of an hour?

Mr. OVERMAN. I should like to know whether I could not get a unanimous-consent agreement not to take a vote on the unfinished business, but unanimous consent that the debate at not later than 3 o'clock on Thursday next shall be limited on the bill to 30 minutes and on all amendments to 20 minutes and that after that time no Senator to speak more than once on the bill or an amendment.

Mr. THOMAS. That will require the presence of a quorum, I presume.

Mr. OVERMAN. It would not.

Mr. THOMAS. It may result in debate in either event.

Mr. OVERMAN. If there is going to be any objection, that is the end of it. I will keep the bill before the Senate all the time, we will have no morning business, and it will give us to-morrow, Saturday, Monday, Tuesday, and Wednesday for long speeches, and then after Thursday at 3 o'clock Senators can debate the bill, but their speeches are to be limited.

Mr. SWANSON. I could not consent to that unless we have a morning hour so as to dispose of the housing bill. It is a very urgent measure, and I ask the Senator not to eliminate the morning hour from his proposed agreement. However, I shall not interpose any objection.

Mr. OVERMAN. We will have Friday, Saturday, Monday, Tuesday, Wednesday, and Thursday until 3 o'clock when Senators may speak as long as they desire, but after that time their speeches will be limited to 30 minutes on the bill and 20 minutes on amendments to the bill, and no Senator can speak more than once on an amendment or on the bill.

Mr. THOMAS. I am satisfied if that is insisted upon at the present time the absence of a quorum will be suggested, and I do not want to yield the floor for that purpose, because I will get through very soon.

Mr. OVERMAN. The Senator has a right to continue his speech. He has the floor.

Mr. SWANSON. Having the bill known as the housing bill in charge, I agreed to give way this morning in the morning hour to the Senator from Oklahoma on account of the vast importance of the measure he has in charge. The housing bill is very urgent, and I should like to know from the Senator from North Carolina whether, in case the silver bill is disposed of or laid aside, if he will yield to dispose of the housing bill to-day.

Mr. OVERMAN. I can not agree to that.

Mr. SWANSON. The reason why I make the request is because I have an engagement to attend a patriotic liberty loan meeting on Saturday, and unless I have an opportunity to take up the housing bill for consideration this afternoon it will be impossible to call it up again before Monday.

Mr. OVERMAN. I will say to the Senator from Virginia that instead of taking a recess we can adjourn on Saturday until 12 o'clock on Monday and have a morning hour on Monday.

Mr. SWANSON. Then I understand there will be no opportunity to consider the housing bill until Monday in the morning hour. The Senator would not consent to displace the unfinished business to take up the housing bill?

Mr. OVERMAN. I could not, after what I said yesterday. That is as far as I can go. I think I will ask the Senate to adjourn Saturday afternoon, and not take a recess.

Mr. SWANSON. So as to give the housing bill the morning hour on Monday?

Mr. OVERMAN. Yes. The Senator will be here then.

Mr. SWANSON. I do not think there is any measure pending before Congress, except possibly the silver bill, that is more important than the housing bill. There is a delay in producing munitions needed in France now. Nothing has been urged of more importance than that measure. It will increase the facilities from 25 to 50 per cent when it becomes operative. I wish the Senator from North Carolina would relent and permit the housing bill to be considered this afternoon.

Mr. OVERMAN. No, Mr. President; they have \$50,000,000 now with which they can build houses, I think I heard it stated on the floor.

Mr. SWANSON. That applies simply to ships. It does not apply to arsenals, it does not apply to powder, it does not apply to guns, it does not apply to destroyers. If the Senator would read the reports and surveys that have been before the committee, and which have been given to the Senate confidentially, I am satisfied that he would realize the urgent necessity of the early passage of the housing bill.

Mr. OVERMAN. I heard the Senator's able argument and the information he gave, but I can not agree with him that it is such an important bill as to displace other bills. I think if we get through with that bill on Monday morning it will be soon enough. The Senator could bring it up Saturday morning, but I understand he is going away. I promise that I shall ask the Senate to adjourn, so as to give him Monday morning.

Mr. SWANSON. I wish to give notice that on Monday morning, as soon as the routine morning business is concluded, I shall move that the Senate proceed to the consideration of what is commonly known as the housing bill. I am sorry the Senator from North Carolina can not yield so that we may dispose of it this afternoon.

Mr. OVERMAN. Mr. President, if there is the least objection to the consent I ask, of course I can not insist on it, but I should like to have some fixed idea so that Senators may know. I do not want to take advantage of anybody. I never have done so.

Senators will bear me out in the statement that I never have taken any advantage of anybody in any parliamentary situation. I do not want to do that, and I shall not, but if we are all agreed I should like to fix a time when the debate shall be limited That is all. I do not ask for a vote.

Mr. McCUMBER. How long has the bill been before the Senate now?

Mr. OVERMAN. About a week or 10 days.

Mr. McCUMBER. What is the necessity of taking another full week before we begin to even debate under the 30-minute rule?

Mr. OVERMAN. I do not mean that we should necessarily take a week. I say not later than Thursday, because I do not want to take any advantage of Senators who may want to speak on the bill. I understand that a great many want to speak and we may reach a vote before that time. The Senator will remember how it was with the espionage bill. The consent was given there to limit debate, and the bill passed some hours, probably a day, before the time fixed.

Mr. McCUMBER. Does not the Senator really think we could get a vote more quickly if we just go right along with the bill?

Mr. OVERMAN. I am going along with it, and I am going to get it as soon as I can.

Mr. McCUMBER. I think a unanimous-consent agreement would delay rather than facilitate the progress of the bill.

Mr. OVERMAN. That has not been my experience.

Mr. POINDEXTER. Mr. President—

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

Mr. THOMAS. I will yield to the Senator from Washington.

Mr. POINDEXTER. That reminds me that it is unnecessary really to ask the question I rose to put. I was going to ask the Senator from North Carolina why he did not submit the so-called Overman bill to a vote right now. But the Senator from Colorado has the floor.

Mr. OVERMAN. That is what I am going to do when we take it up. I can not take a Senator off the floor. The Senator from Oklahoma asked me if I would not yield. Of course, the Senator from Colorado has the floor, but I was trying to see if we could not get a unanimous-consent agreement to limit debate. I am going to press the bill to a vote next week. I should like to ask the Senator from Oklahoma if he thinks this is really an emergency measure that he has in charge?

Mr. OWEN. It is a matter of war emergency of the first magnitude.

Mr. OVERMAN. I ask unanimous consent that the unfinished business be temporarily laid aside until 3 o'clock p. m. for the consideration of Senate bill 4292, known as the silver bill.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent to temporarily lay aside the unfinished business, S. 3771, until 3 o'clock. Is there objection? The Chair hears none, and it is so ordered. The Senator from Colorado will proceed.

Mr. THOMAS. Mr. President, I do not wish to even seem to be using valuable time at present which might be much better employed by the passage of what are said to be measures of great emergency. From what has been said it might well appear that I am occupying the attitude of an obstructionist, which is not the case. I feel so deeply the importance of these measures that I shall abbreviate what I intended to say by omitting a number of considerations which seem to me to be of importance regarding this bill and confine myself to the proposed amendment, together with one other consideration as to the possible effect of the bill, unless some provision is made to guard against it.

I understand that silver at present in South America is very much less than a dollar an ounce, and if that be so there is an opportunity for speculation at the expense of the Government by the exportation to us of large quantities of silver purchased at a comparatively small price in adjoining countries. Certainly we do not or should not intentionally so legislate as to produce such consequences. There is a query in my mind, therefore, whether or not the purchase of silver at a dollar an ounce should not be limited to the United States, and possibly to Canada, for the present. I make that suggestion to the Senator having in charge the bill for his consideration.

Now, Mr. President, coming to the amendments which I have proposed, the first will occur on page 2, at lines 14 and 15, to strike out the word "fixed," on line 14, and between the word "of" and the dollar mark, on line 15, insert "not less than," so that the sentence will read:

Such purchases shall be made in accordance with the then existing regulations of the mint and at the price of not less than \$1 per ounce of silver 1,000 fine.

The other amendment has reference to the issuance of silver certificates in place of those to be retired when this bill goes into effect. As I read the bill, there is no such requirement at present. The Government may buy silver and coin it or it may not. If it does coin it, it is not required under the provisions of the bill to reissue the silver certificates. I think a first-class currency which costs the people nothing is a great deal more valuable to them than a first-class currency which costs the people something. These silver certificates bear no interest and they circulate as money. The Federal reserve notes which are to be issued are based upon other securities that do pay interest, and there is no answer to that except to say that the Government does not pay it.

Mr. OWEN. If the Senator will allow me, there is an answer and an adequate answer.

Mr. THOMAS. There may be. I should like to hear it.

Mr. OWEN. If the Senator will permit me—

Mr. THOMAS. Certainly.

Mr. OWEN. You take \$100,000,000 of these silver certificates and retire them, and then you issue \$100,000,000 of gold one-year Treasury gold notes. That is the basis of the new Federal reserve bank notes, and those new gold notes of the Treasury will bear interest at 3 or 4 per cent, as the case may be. So, in lieu of the silver certificates that are retired, you have issued a Treasury note bearing a high rate of interest which is used as a basis of Federal reserve bank notes that themselves would not bear interest, but—

Mr. THOMAS. If I construe the Senator's answer properly, it is an admission instead of an explanation, and bears out entirely what I am insisting upon.

Mr. OWEN. The Senator could not possibly have understood what I said.

Mr. THOMAS. Possibly not.

Mr. OWEN. What I said was, that in order to retire these silver certificates we have to replace them.

Mr. THOMAS. Certainly.

Mr. OWEN. When we turn over the silver we get the interest-bearing securities of Great Britain, for example, if we let Great Britain have a part of them. So the silver certificates which now bear no interest will be substituted for a security which will bear interest.

Mr. THOMAS. That security costs somebody something. The fact that the Government of the United States does not pay it does not detract from my assertion.

Mr. OWEN. The United States receives it.

Mr. THOMAS. The United States receives it, but I deny that the Government should go into the business of issuing money upon an interest-bearing plan for the purpose of profiting by a circulation needed by the people.

Mr. KELLOGG. Mr. President—

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

Mr. THOMAS. I yield.

Mr. KELLOGG. Will the Senator allow me to ask a question of the chairman of the Committee on Banking and Currency?

Mr. THOMAS. Certainly.

Mr. KELLOGG. The Federal reserve notes which are to be issued to take the place of the silver certificates of course will not be issued without the legal gold reserve?

Mr. OWEN. They will have the reserve behind them.

Mr. KELLOGG. The only difference then practically would be that the silver certificates have the full amount of silver behind them and the others would have the gold reserve?

Mr. OWEN. They have 80 cents of market silver behind them now.

Mr. THOMAS. The immediate basis of the money that is to be substituted for the silver certificates is securities bearing interest. The basis of those securities is gold, as I understand it.

Mr. President, there is more money in circulation in this country now than we would have the gold to redeem if we were obliged to do so. We are increasing the burden of an already overburdened metal by retiring these certificates without making adequate security for their replacement. My only proposition is that they shall be replaced by currency of a similar kind just as rapidly as we secure the silver for it. I do not think that is an unreasonable demand.

I want the bill, in other words, to provide in terms that when we get more silver to make more dollars we shall have more certificates, and of course any substituted money doing duty in the interval will be retired. Hence my suggestion of the second amendment, occurring after the word "coinage," in line 23, page 2, so as to read "shall be coined into standard silver dollars or

held for the purpose of such coinage, and silver certificates shall be issued to the amount of such coinage." I think that is a perfectly fair proposition.

Mr. OWEN. As far as the issue of new silver certificates against the silver going back into the Treasury, I assume that would occur under the law governing the issue of silver certificates.

Mr. THOMAS. Let us say so here.

Mr. OWEN. I am perfectly willing to say so, because that is the intent.

Mr. THOMAS. Very good; that is perfectly satisfactory to me. I am not disposed to take any chances on it. I know that in a good part of the country with a majority of the people now there is a prejudice against silver money and against silver certificates, and we have never made any concession in all the silver legislation that has occurred since the Civil War, but what through construction, and, I think, in some cases misconstruction, the people of the West have been euhred out of the conclusions and purposes which they sought to effect by such legislation. So I do not want to take any chances. If the amendment is accepted by the chairman of course that ends the controversy so far as I am concerned.

Mr. OWEN. I would be glad to have the Senator state precisely the terms of his amendment.

Mr. THOMAS. After the word "coinage," add "and silver certificates shall be issued to the amount of such coinage."

The PRESIDING OFFICER. The Chair will state that there is already one amendment pending. The Secretary will state the pending amendment.

Mr. OWEN. I ask the Secretary to state the second proposed amendment. Of course it is not in parliamentary order, but I want to know what it is.

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

The SECRETARY. On page 2, lines 14 and 15, strike out "fixed," and after the words "price of," insert "not less than," so as to read:

At the price of not less than \$1 per ounce of silver, 1,000 fine.

Mr. THOMAS. I withdraw that amendment temporarily.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. THOMAS. I withdraw it in order that we can dispose of the other amendment.

The PRESIDING OFFICER. Will the Senator from Colorado please state the other amendment he proposes?

Mr. THOMAS. After the word "coinage," on page 2, line 23, strike out the period and insert "and silver certificates shall be issued to the amount of such coinage."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THOMAS. Now, I renew the original amendment on line 14 to strike out the word "fixed," and between the word "of" and the dollar mark to insert "not less than."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 14, strike out the word "fixed," and, in line 15, after the words "price of," insert "not less than."

Mr. OWEN. I do not think that representing the committee I can agree to that amendment, for it would mean that the United States would sell its silver in the Treasury at a dollar an ounce and be perhaps confronted with having to buy it at a larger price. I do not think that would be fair to the Treasury of the United States.

Mr. THOMAS. Mr. President, I think there are two answers. In the first place, the Government purchases the silver for very much less than \$1 an ounce. We have painful reason to recollect the fact. I think I am entirely within bounds when I say that the average cost to the Government of this silver was less than 75 cents an ounce.

The other answer is that the Senator, by an amendment of his own committee, has expressly provided that the sale of this bullion shall be made at not less than \$1 an ounce of silver 1,000 fine, and it is the duty of the Government, I take it, to sell it for what it is worth, as it is equally the duty of the Government to buy it from its own citizens at what it is worth. The law of supply and demand would determine it. I would rather see, as I said a few moments ago, the provision eliminated and have nothing said about \$1 an ounce at all as the price of silver. It would be far better.

Mr. OWEN. That is the effect, of course, of the Senator's amendment.

Mr. THOMAS. No.

Mr. OWEN. The Senator would compel the Government to buy and sell on the market. The policy of the bill is to fix a market at a dollar an ounce, both for buying and selling, until

the Government gets back the silver which is now temporarily used in the war emergency.

Mr. THOMAS. Certainly.

Mr. OWEN. So the Senator is opposed to the policy of the bill, and it is expressed in his amendment accordingly.

Mr. THOMAS. The Government coins the silver on the basis of a dollar to 129 ounces of silver. I do not think silver will go beyond that. I am very sure that if it is given an opportunity it will go to that. If the Government is going to fix the price lower than that, it will be in a position to enforce that price as against all the silver the miners of the West produce. It is not fair. These men want to do all they can, they have done all they can, and they will continue to do all they can, even if you force them to deliver their silver without any pay at all. They should have the same opportunity for a free market for their product—that is necessarily limited; there is not much of it in the world—that is given to the man who mines gold and other metals. So I want to insist on that amendment.

Mr. PITTMAN. Mr. President, I am in sympathy, naturally, with the desires which are indicated by the Senator from Colorado regarding the pending bill, and also with the sentiments expressed by the Senator from Utah [Mr. Smoor], but this is not the original discussion of this matter by any means. This matter has been under discussion for three months, and this is a compromise bill as the result of those discussions.

Mr. THOMAS. May I ask the Senator who has discussed it? It has not been discussed on the floor of the Senate.

Mr. PITTMAN. No; I intended to explain that without being asked to do so. The silver producers of this country, whom the Senator from Colorado in part represents, do not want the fixed price left out of this bill.

The men who make their living by working in silver mines and who depend upon the production of silver for a livelihood do not want to take the theoretical chances that the Senator from Colorado is willing to take upon what the price of silver will be. If the 350,000,000 ounces are dumped on the market it would be foolish to do so. Dump 350,000,000 ounces, or rather dollars, of silver on the market and the market would be satisfied for a long time to come.

Mr. THOMAS. I do not want to interrupt the Senator in the course of his argument, but does the Senator suppose for a moment that a dollar of this money is going to be dumped on the market?—In this emergency it is going to India, every dollar of it, and the world will never see it again. If that is not so, then we ought not to pass the bill.

Mr. PITTMAN. Mr. President, the Senator's constituents would not be as careless as the Senator is in regard to their livelihood. It is very easy for a person who does not depend upon a certain occupation to be very careless with regard to the future of such occupation. You can be as theoretical as you please in regard to it. In fact, you can be as independent as you please in regard to it. A man who does not have to have water can refuse to accept water under certain conditions. A man starving to death accepts food and he accepts it on those conditions under which he can obtain it. Everyone knows that.

I know that silver has been discriminated against. There is not any question about that. That was known to the mining congress that met in Denver in December, which indorsed this bill; that was known to the committees that represented the various western producers who met in this city and discussed this matter. It is nothing new; it has not suddenly come before the Senate here that there is a discrimination against silver. For years it has been general knowledge.

Why, as matter of fact, Mr. President, the demand for silver for 16 years has been every year, every month, every day twice the production. We all know that. Then, we are asked, if that is the case, if the demand is and has been twice the production, why did not the price of silver go above a dollar? It is because there are artificial barriers against the law of supply and demand in the case of silver with which we are all familiar. We understand that. We know that Great Britain constituted itself the sole buyer and distributor of silver for practically the whole world, and we know, on the other hand, that it is against the law of this country for the silver producers to form a combination so that they can sell as one seller to one buyer.

The result was that a thousand sellers were consuming each other in competition to sell to one buyer. Those things were known. There is not anything new in the situation. We know that we can not remedy that condition now; we know we shall never remedy that condition until after this war is over; and we know it will be after years of fighting in Congress. Of course, the Senator from Colorado is going to fight to remedy the wrong, and the Senator from Nevada will join him in that fight; but that fight can not be won now. We are meeting a condition now. We are not discussing the free-silver issues of

1896, nor are we discussing the silver issues that will arise after this war is over. We are discussing a condition that exists now, and that is as well known to the silver producers of this country as it is to any Senator on this floor, including the distinguished Senator from Colorado.

Silver in September went up to \$1.15 an ounce, and in one week after that it went down to 85 cents an ounce. Why? By reason of the action of Great Britain, because of the policy of Great Britain; but what control over such actions have you and I? What control have the silver producers of the country over the condition that has brought about that tremendous fluctuation? None on earth; and there is no legislation that we may enact, during this war at least, that will remedy that condition. That is a condition that faces us now, which has faced us for years, and which will face us during this entire crisis.

Mr. THOMAS. Mr. President, may I ask the Senator another question?

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

Mr. PITTMAN. I will put the Senator's question down and answer it later. I yield.

Mr. THOMAS. I will not interrupt the Senator.

Mr. PITTMAN. I merely want to go on with this thought; but I prefer to have the Senator from Colorado ask the question now.

Mr. THOMAS. I was simply going to ask the Senator if his last statement was correct, that we could not do anything, why does he try to do something by putting into this bill an arbitrary price for silver?

Mr. PITTMAN. Mr. President, I think it is apparent that we can not control the violent fluctuations that I have just mentioned, because we can not by reprisal control our allies during this war; we will not do it; and that is all.

I want to say to you now frankly, however, as knowing the silver situation, knowing the views of the representatives of the silver producers of this country, knowing the sentiment of the West, that I would rather have the fixed price of \$1 an ounce for silver than to have the price \$1.15 one week and 85 cents the next week. That is exactly the condition that we are now under, and we shall continue under that condition unless this Government stabilizes the price of its own product. That is the situation.

This Government could not utilize the silver in the Treasury of the United States unless it was fair to the silver producers of this country. The Treasury Department knew that. Its representatives knew they could not arbitrarily do an injustice by legislation in this Congress; and I want to say in justice to them they have never attempted it. They met here in November with the representatives of every western silver-producing State. The distinguished Senator from Colorado [Mr. THOMAS] being sick at the time, but his colleague [Mr. SHAFROTH] attended several of those meetings, the Senator from Utah [Mr. Smoor] attended many of those meetings, former Senator Newlands, of Nevada, attended; in fact, nearly every western Senator who was here at that time and was interested in a State where silver is produced was there. The questions that are now being discussed by the Senator were discussed for days. The very question came up as to whether or not they would leave the price to chance; and those representatives were overwhelmingly of the opinion that they did not dare permit millions of ounces of silver to exhaust the demand of the market, and then trust to a future market, under the artificial conditions that surround the silver market, to which I have already referred. Those representatives insisted that the word "fixed" should be in the bill. They said they would never stand for any bill that did not give them some definite idea as to how they were going to be treated in the future. This was a mutual condition of the agreement.

There was a meeting of the mining congress, which consists of representatives of miners from all over the country, which was held in the Senator's own city of Denver in December. By the invitation of that body I appeared before them and discussed this very measure together with others. It was discussed fully before that meeting. The bill then was in exactly the same form it now is with regard to the fixed price of silver; just the same with regard to a dollar an ounce as it now is. The only difference between the bill then and now is that they have increased the amount of silver to be taken from the Treasury. They knew that the price was to be a dollar an ounce, and knew it was to be no more and no less than a dollar an ounce. The mine producers of this country demanded that it should be a dollar, and the representatives of the Government demanded that it should be no more than a dollar.

Do you not know that the representatives of the producers of the Western States, do you not know that some of the western governors who were present, and that the western Senators urged that there should be the same provision in the bill that you now offer? It was the first provision urged, and the demand was met with an absolute positive objection—a final objection, a conclusive refusal. It was declared that the Government of the United States was not going to be deprived of buying silver possibly at 85 cents an ounce when it was down, and then have to buy it at \$1.15 an ounce when it was up. They had an argument that was even better than that. They said the object of this whole transaction was simply to anticipate the production of silver; that they did not want to change any conditions whatever, but desired to take the silver out with one hand and use it and reach into the market with the other hand and replace it in the same condition. Their idea was to sell it at the same price at which they bought it, place it back in the Treasury in the same coined condition in which they took it out. It was one transaction. When that transaction was completed, the law ceased to exist. After the transaction is consummated silver takes its course, following the law of supply and demand as well as artificial barriers will permit. But I will say frankly that I agree with the Senator that the laws of supply and demand have nothing to do with the price of silver and have not had for many years and never will have until the Government of the United States sees fit to protect this product just as it protects wheat or cotton or anything else against unjust discrimination in the markets of the world. It does not protect silver, and we can not change that policy, and we are not going to change it during this war. If we do not get this help that the Government holds out to us now, they will not only crush the price of silver down to 85 cents an ounce, but they will crush it as low as they wish to crush it.

If the law of supply and demand had anything to do with silver, the price would have been \$1.29 all the time, because the demand has been twice the supply for 16 years, to my knowledge. There were only 156,000,000 ounces of silver produced in 1916 in all the world, and the United States produced 75,000,000 of that; yet during that time the price of silver in 1916 never went to 75 cents an ounce. Why? Because the law of supply and demand had nothing to do with it. You had a monopoly among the buyers but a monopoly among the sellers was prohibited. You had a thousand poor little men who had to live from hand to mouth on the silver they produced, all trying to sell to one person. Of course, Great Britain is partially responsible for the condition in India by trying to bear the silver market; but no matter what the result has been in Great Britain, the result to us was such as I have described, and there is not a prominent mining man to-day in the United States who does not know it.

Mr. KELLOGG. Mr. President—

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. PITTMAN. Yes, sir.

Mr. KELLOGG. Do I understand the Senator to say that this is a bill for the relief of the silver producers?

Mr. PITTMAN. I do not know how the Senator could have heard that; it was never said.

Mr. KELLOGG. That was the substance of what I understood the Senator to say.

Mr. PITTMAN. Does the Senator mean that he is inferring that the Senator from Nevada is arguing that it is for their benefit?

Mr. KELLOGG. I received that impression from the statement that they demanded this relief from the Government.

Mr. PITTMAN. They demanded this relief from the Government in consideration, mark you, of having their market destroyed by the utilization of silver that has already once been used and has served its purpose; that is all. The silver miners never asked for this legislation; the silver miners knew nothing about this legislation at the start. I agree with the Senator from Colorado that this is not the kind of legislation they want.

Mr. KELLOGG. What is the price of silver to-day? I do not happen to know.

Mr. PITTMAN. The price of silver yesterday—I do not know what it is to-day—was 104, which means a dollar and four cents an ounce. But that does not amount to one thing or another; it might be 85 cents to-morrow or it might be \$1.15; in other words, the law of supply and demand has nothing to do with it.

So far as the price of \$1 an ounce is concerned, I wish to say that that matter was canvassed by every committee from the West, by representatives of all the silver producers, and by the Representatives from those States, with the experts of the

Treasury Department. I agree that at a dollar an ounce the producers of silver are not going to make any more than they made at 60 cents an ounce before the war. That is absolutely true. I will go further than that and say that the price of 60 cents an ounce for silver, the average price before the war, was a subnormal price. Of course it was subnormal; if it had not been for the artificial barriers put on silver at that time it would have been a dollar an ounce in 1916; but it was not. The silver men simply say this, "You have got to use this silver as a war measure; you have got to have this silver to conserve the gold supply of this country; you have got to have this silver to buy jute bagging in India." Right here I will say to the Senator from Colorado that, according to the report of the comptroller of India, the producers of jute bagging will not accept gold or silver notes or anything except silver metal. That is the position that the Treasury of the United States was in; that is the position that the business men of this country were in. They had to have silver, and you might know there would be no surplus in the world when the demand has been twice the supply for 16 years.

You would know there would be no supply of silver in the world when in 1916 the demand was for 270,000,000 ounces and the supply of the world was 156,000,000 ounces; so that there was only one place to get it, and that was the silver supply in the Treasury of the United States. They had to have it. It was then an American emergency. To-day it is not only an American emergency but it is a British emergency, and I want to say that that British emergency is an American emergency as long as this war lasts. It is just as much our duty to support the credit and the power of production of Great Britain and its territories in this war as it is to support ourselves, so far as war products are concerned.

Mr. THOMAS. Mr. President, will the Senator permit me to say that I fully concur with him in that, and I hope I have not said anything that indicates any contrary view.

Mr. PITTMAN. I did gain that impression from the Senator, and I am very glad to hear him make that statement. I got a different idea about his position.

That was the situation before this last emergency arose, and it was that situation which appealed to the patriotism of the western men. While they were not satisfied with \$1 an ounce, because \$1 an ounce now affords less profit than 60 cents an ounce before the war, it was a matter of negotiation between the experts of the Treasury Department on the one hand and the producers on the other hand, and they came to the definite understanding that in the emergency \$1 per ounce would be a fair and reasonable price to charge the Government.

I desire to say that the Treasury Department and the Federal Reserve Board have bound themselves to stand behind that as a fair price and I understand that the mine producers of the West have bound themselves to stand by this bill with that fixed price in it. I know that if it were left to a vote of the West they would say, "We will stand by this agreement; we are going to insist also that the other beneficiaries of this bill throughout this country shall stand by every word of the agreement." I feel bound to support this bill by reason of the negotiations that have taken place and by reason of the mutual pledges that have moved on both sides. It would only be in case there was an attempted violation on the other side of this agreement that I would feel released, and if that ever took place I would feel at liberty to offer any amendment that I saw fit.

I agree with the Senator from Colorado that the price of silver at \$1 an ounce is a less increase than in almost any other metal we produce. At a dollar an ounce the increase in the price of silver since the war will be 44 per cent; whereas the increase in the price of steel has been 137 per cent; in copper, 65 per cent; in wheat, 124 per cent; in lead, 58 per cent; in cotton, 122 per cent; in zinc, 50 per cent; in mercury, 188 per cent. So, at the price of \$1 an ounce, silver will have increased less in price than any of the other great mining products. Yet the cost of the production of silver is just as great as the cost of production of the others.

The producers of silver knew these things; the committees knew these things; the western governors knew these things; and the Senators from the Western States who were present at those conferences knew these things, and yet I state to you that all of them for the sake of patriotism have agreed to the compromise of a fixed price of \$1 an ounce until every dollar of the silver is returned to the Treasury of the United States. I have got to stand by that agreement.

Mr. THOMAS. Mr. President, I dislike to delay the Senate a moment longer upon this bill, but in view of some of the assertions of the Senator from Nevada [Mr. PITTMAN] I must say a word or two additional to what I have already submitted with regard to the amendment now pending.

I was aware, Mr. President, of the meeting to which the Senator refers, attended by representatives of the silver-mining interests of the West; I was in correspondence with many of those interested in them and in the purpose of the meetings at the time. In that correspondence I took at that time the same position which I take now, and advised as earnestly as I could advise against any arrangement whereby a definite price should be fixed upon the metal, my conviction being—and I think I have some right, without being unduly conceited, to advise—that legislation fixing the price of silver, which in the past had failed of successful results, would be equally disappointing, should act as warnings and that we should again imitate them now.

I believe I know more about this question, its history, and the effect of legislation upon the metal than the average man knows; and I say that with all becoming humility, merely because I have made a very careful and earnest study of it for many years. It was my fortune, good or bad, to oppose the late Sherman law, which every silver miner in the West was clamoring for, because he thought he knew that it would not only stabilize the price but ultimately give him \$1.29 an ounce for his product. He lived to learn the bitter lesson of disappointment and discouragement.

Let me say, Mr. President, also that the condition which confronted the silver industry last summer is not the condition which requires the enactment of this bill at this time. Had the bill become a law then, its effect would have been to place upon the market a very large amount of silver bullion, which would necessarily have affected the price, but no such condition exists at the present time.

This bill, according to the chairman of the committee, is an emergency measure of the first magnitude. Not one penny represented by the silver now in the Treasury will go into circulation in this country. The Senator from Nevada has just assured me that the jute producers of India demand silver for their product—not silver certificates, not gold, no form of currency, except silver bullion—and yet his argument would indicate—

Mr. OWEN. I did not—

Mr. THOMAS. Just a moment—that this bill would result in unloading a huge reservoir of silver and deluge the markets of the United States. I now yield to the Senator from Oklahoma.

Mr. OWEN. I did not make that statement.

Mr. THOMAS. Did I say the Senator from Oklahoma?

Mr. OWEN. I so understood the Senator.

Mr. THOMAS. I beg the Senator's pardon; I meant the Senator from Nevada [Mr. PITTMAN]. It was a misstatement. The Senator from Oklahoma did not make that statement.

So much, Mr. President, for the statements which the Senator from Nevada has offered regarding this amendment, and which he has made with so much earnestness and apparently with so much heat—why, I do not know. I still insist, Mr. President, that this amendment should be adopted if there is to be any price fixing in the bill at all. I say that from my conviction of what I owe to the very interests which the Senator says will accept this provision and no other.

Mr. FALL. Mr. President, I should like to ask the chairman of the committee, if I may do so at this time, if he will not accept an amendment to provide that the purchase of silver shall be made from the production of American mines, American smelters, and American reduction works in this country?

Mr. OWEN. Mr. President, I will accept such an amendment.

Mr. FALL. Then, Mr. President, after the word "purchase," in line 9, page 2, I move to insert the words "in the United States, of the products of mines situated in the United States and of reduction works so located."

Mr. OWEN. I accept that amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to. The question now is on the amendment offered by the Senator from Colorado [Mr. THOMAS].

The amendment was rejected.

The VICE PRESIDENT. The Secretary will state the first committee amendment.

The first amendment reported by the Committee on Banking and Currency was on page 1, line 5, after the words "in excess of," to strike out "two," and insert "three"; on page 2, line 2, after the word "melted," to strike out "and," and insert "or"; and in line 3, after the word "prices," to insert "not less than \$1 per ounce of silver one thousand fine"; so as to make the section read:

That the Secretary of the Treasury is hereby authorized from time to time to melt or break up and to sell as bullion not in excess of 350,000,000 standard silver dollars now or hereafter held in the Treasury of the United States. Any silver certificates which may be outstanding against such standard silver dollars so melted or broken up shall be retired at the rate of \$1 face amount of such certificates for each standard silver dollar so melted or broken up. Sales of such bullion shall

be made at such prices not less than \$1 per ounce of silver one thousand fine and upon such terms as shall be established from time to time by the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in section 6, page 5, line 9, after the word "notes," to insert "issued under authority of section 5 of this act, if then outstanding," so as to make the section read:

SEC. 6. That as and when standard silver dollars shall be coined out of bullion purchased under authority of this act, the Federal reserve banks shall be required by the Federal Reserve Board to retire Federal reserve bank notes issued under authority of section 5 of this act, if then outstanding, in an amount equal to the amount of standard silver dollars so coined, and the Secretary of the Treasury shall pay off and cancel any United States certificates of indebtedness deposited as security for Federal reserve bank notes so retired.

The amendment was agreed to.

The next amendment was, in section 8, page 6, line 1, after the word "That," to strike out "nothing in this act shall be construed as repealing or restricting the right of Federal reserve banks to issue Federal reserve bank notes under authority of the Federal reserve act, and," so as to make the section read:

SEC. 8. That except as herein provided, Federal reserve bank notes issued under authority of this act shall be subject to all existing provisions of law relating to Federal reserve bank notes.

The amendment was agreed to.

The next amendment was, on page 6, after line 7, to add a new section, as follows:

SEC. 9. That the provisions of Title VII of an act approved June 15, 1917, entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," and the powers conferred upon the President by subsection (b) of section 5 of an act approved October 6, 1917, known as the trading with the enemy act, shall, in so far as applicable to the exportation from or shipment from or taking out of the United States of silver coin or silver bullion, continue until the net amount of silver required by section 2 of this act shall have been purchased as therein provided.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

Mr. OVERMAN. I now ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. SMOOT. Mr. President, there are very few Senators in the Chamber, and I know the Senators are all interested in these amendments and in the bill itself; so I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Hardwick	New	Smith, S. C.
Baird	Henderson	Norris	Smoot
Borah	Johnson, Cal.	Nugent	Sterling
Brandegee	Jones, Wash.	Overman	Swanson
Cummins	Kellogg	Owen	Thomas
Curtis	Lenroot	Phelan	Townsend
Fall	Lodge	Poindexter	Trammell
Fletcher	McCumber	Pomerene	Wolcott
France	McKellar	Sheppard	
Gallinger	McNary	Shields	
Hale	Martin	Smith, Md.	

Mr. SHEPPARD. I wish to announce that the Senator from Kentucky [Mr. BECKHAM] is detained on official business.

Mr. McNARY. I desire to announce that my colleague, the senior Senator from Oregon [Mr. CHAMBERLAIN], is detained on official business.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of absent Senators, and Mr. PITTMAN, Mr. SIMMONS, Mr. SMITH of Georgia, Mr. WARREN, and Mr. WILLIAMS answered to their names when called.

Mr. DILLINGHAM, Mr. FRELINGHUYSEN, Mr. GERRY, and Mr. TILLMAN entered the Chamber and answered to their names.

Mr. GERRY. I wish to announce that the senior Senator from Kentucky [Mr. JAMES] is detained by illness.

Mr. POMERENE. I wish to announce that the Senator from Louisiana [Mr. RANDELL], the Senator from Mississippi [Mr. VARDAMAN], the Senator from Arkansas [Mr. KIRBY], the Senator from Kansas [Mr. THOMPSON], the Senator from Oklahoma [Mr. GORE], the Senator from Montana [Mr. MYERS], and the

Senator from Colorado [Mr. SHAFROTH] are detained in attendance on the funeral of the late Senator BROUSSARD.

Mr. GERRY. I desire to announce that the Senator from Missouri [Mr. REED], the Senator from Nebraska [Mr. HIRCHCOCK], the Senator from Arizona [Mr. SMITH], the Senator from West Virginia [Mr. SUTHERLAND], the Senator from New Mexico [Mr. JONES], the Senator from Maine [Mr. FERNALD], the Senator from Utah [Mr. KING], and the Senator from Wyoming [Mr. KENDRICK] are detained in attendance on the funeral of the late Senator STONE. I also wish to announce that the Senator from Illinois [Mr. LEWIS] and the Senator from Arkansas [Mr. ROBINSON] are detained, taking part in the third liberty loan campaign.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The Secretary will state the pending amendment of the committee.

The SECRETARY. The pending amendment is on page 3, line 11, where the committee proposes to strike out the word "available" and to insert in lieu thereof the words "expended only," so that, if amended, it will read:

SEC. 3. That for the purpose of carrying out the provisions of this act, any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, office, or officer shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said function.

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

The amendment was agreed to.

The SECRETARY. The committee proposes to insert a new section in the bill to be known as section 4, and to read as follows:

SEC. 4. That should the President, in redistributing the functions among the executive agencies as provided in this act, conclude that any bureau should be abolished and its duties and functions conferred upon some other department or bureau or eliminated entirely, he shall report his conclusions to Congress with such recommendations as he may deem proper.

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

Mr. SMITH of Georgia. Mr. President, I think it very important to understand exactly what this means. Is the President to abolish the bureau and then report, or is he to report before action is had and submit the question to Congress?

Mr. OVERMAN. Mr. President, under the bill the President can not abolish anything. I think that is an improper word to be used there. There is no power given in the bill to abolish anything. This is an amendment introduced and adopted by the committee, which I think the Senator from Georgia favored:

That should the President, in redistributing the functions among the executive agencies as provided in this act, conclude that any bureau should be abolished—

It ought to read, "conclude that any change should be made in any bureau"—

and it or their duties and functions conferred upon some other department or bureau or eliminated entirely, he shall report his conclusions to Congress with such recommendations as he may deem proper.

That was the understanding in the committee.

Mr. SMITH of Georgia. Of course, this amendment gives the right to transfer the duties and functions at once. The bill does not give the right to abolish permanently the bureau or department—I do not think it would—but it does give the right at once to transfer the duties and functions to some other department or bureau.

Mr. BORAH. Mr. President, it seems to me to be very clear from section 4 that the President can do nothing more than report to Congress in case he finds that any bureau should be abolished.

Mr. OVERMAN. That is it.

Mr. BORAH. And that was the intent of the Senator who offered the amendment. If there is any possible doubt about that, I should be glad myself to have the language changed accordingly.

Mr. FLETCHER. Mr. President, it would seem—

Mr. SMITH of Georgia. One moment; let me answer the Senator from Idaho first. The bill does not give the right to permanently abolish a bureau.

Mr. POINDEXTER. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Georgia yield to the Senator from Washington?

Mr. SMITH of Georgia. I do.

Mr. POINDEXTER. I have heard that statement made a number of times, that the bill does not give the right to abolish bureaus or other agencies, but does give the right, so it is stated, to transfer the functions and to transfer the officials. I should like to ask the Senator from Georgia what would be left of a

bureau after the functions and the officials had been transferred?

Mr. SMITH of Georgia. It would not be temporarily in existence, unquestionably. For the time being it would not be operative.

Mr. FLETCHER. Mr. President, will the Senator allow me to make a suggestion?

Mr. SMITH of Georgia. Yes.

Mr. FLETCHER. The concluding lines of the amendment indicate very clearly its purpose, it seems to me. The President is required to report to Congress, with such recommendations as he may deem proper.

Mr. SMITH of Georgia. Then suppose we add, after the word "proper," on line 22, the words "before action is taken." That would make it clear. Otherwise I think it is very far from clear.

Mr. BORAH. Speaking for myself, I should have no objection to that, although I must say that I can not see that it adds anything to it; but if the Senator thinks it does I am perfectly willing to have that amendment made, so far as I am concerned.

Mr. SMITH of Georgia. I think, under the amendment as it is drawn, action can be had before reporting to Congress, so far as the bill in other portions gives the right of action. The bill in other portions gives the right to transfer the functions from any bureau, commission, officer, agent, or agency.

Mr. BORAH. If the Senator will excuse me just a moment, how would it do to say that the President shall report his conclusions to Congress, with such recommendations for the abolishment of the bureau as he may deem proper? That would certainly leave no possible doubt about it.

Mr. SMITH of Georgia. Why not say "before action is had"?

Mr. BORAH. Well, I have no pride of authorship.

Mr. CUMMINS. Mr. President—

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

Mr. SMITH of Georgia. I do.

Mr. CUMMINS. I want to ask the Senator from Idaho a question about this section and see if his view of it corresponds with my own. Is it not true that it was understood by the committee in adopting and reporting the amendment that the purpose was this, that after the war, when we resumed normal conditions, we might be able to readjust our system permanently to a degree through the experience which the President had during war times, and that if he thought we could reform our various civil establishments to advantage he should point that out and recommend legislation to that end? That is the purpose of it, is it not?

Mr. BORAH. I think that states it fairly. The idea, stated in another way but I think with the same purport, was that the President, in redistributing these agencies and rehabilitating these bureaus, in a measure, would undoubtedly discover—at least, there are some who think he should discover—that there are some bureaus which are unnecessary, some duplications, both in expenditure and in function, which Congress ought to have the benefit of in the nature of recommendations from the President; and that, as I understand, is what the Senator understood.

Mr. CUMMINS. Precisely. That view of it is emphasized if we turn to the last six or seven lines of the bill, which read:

Upon the termination of this act all executive or administrative agencies, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as heretofore or as hereafter by law may be provided, any authorization of the President under this act to the contrary notwithstanding.

Mr. BORAH. Exactly.

Mr. CUMMINS. Taking the two things together, I think it very clear that the purpose was that at the end of the war, or even before the end of the war the President might recommend a re-formation or reorganization of our bureaus or departments, and that we might permanently achieve some economy and some further efficiency by reorganizing.

Mr. BORAH. Precisely. That is my understanding of it; and I think, if I may make a suggestion to the Senator from Georgia, that when you take section 4 and read it in connection with section 5 there is no room for possible misconstruction. While I am not in charge of the bill and have only a right to bind myself, I have no objection to the words which the Senator suggests. In view of the fact that the last six or seven lines specifically provide that all the functions of all departments are to be restored to their integrity after the war, nothing can be done until Congress acts upon it, and the President's recommendation would have no effect until Congress had enacted a law in pursuance of it.

Mr. SMITH of Georgia. Mr. President, the effect would simply be that the President could not permanently abolish a bu-

reau; he could not permanently interfere with the existence of a department. He is simply left temporarily to suspend a bureau or temporarily to suspend a department or any portion of our civil government that he sees fit, pending the war. After the period has expired to which the power is limited in this bill, then, under the last section, they would revive in some sort of shape, somewhere, I suppose, in their original place. I suppose something would have to be done then to put somebody in them, after they had been torn to pieces; but, though torn to pieces theoretically, they go back into existence for renewed organization.

Mr. BORAH. The Senator knows that a bureau is like a cat; it has nine lives, and you can not destroy it very easily. It was not really necessary to put this in here. Under the terms of the bill, without the last six or seven lines, in my judgment, they would go back to their original functions and be restored to their original integrity; but there were those Members who thought it was necessary to put that in in order that there might be no doubt at all about it. But my observation and my experience here is that it takes a heroic and extraordinary effort, in the most plain and specific terms conceivable, to abolish a bureau, and that it is never done by any indirection or by any ambiguous language.

Mr. SMITH of Georgia. There is already a provision in the act of 1917 that authorizes the President, wherever he finds duplication in the bureaus, to consolidate and eliminate them, so that that feature of authority is given without reference to this statute. This act could not be considered one simply for that purpose. At least I wish to emphasize the fact that there is no saving grace in section 4 affecting the unlimited authority given by this bill to the President to temporarily wipe out of existence anything from a department on down and put it and its functions wherever he sees fit.

Mr. CUMMINS. Mr. President, in not opposing the amendment before the Senate I want to be clearly understood as the Senator from Georgia has now been understood. Section 4 is about the only good part of the bill, in my judgment. I am as wholly opposed to the bill in its present form as I was the other day, when I made some remarks with regard to it, and I intend later, when the time comes for amendments to be offered from the floor, to present amendments and make some observations with regard to them. I would not have anyone gather the idea that in allowing these amendments to be adopted without discussion I have in any manner tempered my opposition to the bill itself in its present form, although I repeat that there are certain great powers which I think the President ought to have, if he has not them already, which may be doubtful, and I stand prepared to give them to him without reservation, but not all the powers that are granted by this bill. I shall be very glad to see section 4 as well as the final committee amendment on page 4 adopted, for these two amendments together at least give assurance to the people of the country that the disaster which I think is involved in a part of this bill is to be temporary only.

Mr. OVERMAN. Mr. President, the Senator from Georgia will remember that the law that was passed in 1917 authorized the Economy Commission to investigate duplications of work and recommend as to the abolishment of certain departments where there was duplication or unnecessary departments or agencies of the Government. That Economy Commission has not reported, and, as I said before, there is nothing in this bill that authorizes the abolition of a department; but if the President, after investigation, in transferring these functions, should find in his judgment that some of these agencies or that some of these commissions or that some of these bureaus should be abolished, then the act authorizes him to report to Congress his judgment as to whether or not they ought to be abolished, and let Congress say whether they should be abolished and not himself. That was the amendment offered in the committee, and I can not see how there can be any trouble about that.

Let us see what it says:

That should the President, in redistributing the functions among the executive agencies as provided in this act, conclude that any bureau should be abolished and if or their duties and functions conferred upon some other department or bureau or eliminated entirely, he shall report his conclusions to Congress with such recommendations as he may deem proper.

Leaving it entirely to Congress as to whether it will abolish any of these bureaus or agencies. That is to be done after the war, after he has thoroughly investigated, and after he has exercised the authority conferred in this bill; so I do not see how there can be any mistake about it.

The PRESIDING OFFICER. The question is upon agreeing to the committee amendment known as section 4.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment of the committee.

The SECRETARY. It is proposed to renumber section 4 to stand as section 5, and after the word "That," on line 23, page 3, to strike out the following words:

During the time this act is in force all restrictions in any existing law creating any executive department, commission, bureau, agency, office, or officer, or defining the duties thereof, shall be deemed to be suspended to the extent that they may be inconsistent with the exercise of the authority herein conferred.

And to insert:

All laws or parts of laws conflicting with the provisions of this act are to the extent of such conflict suspended while this act is in force.

The amendment was agreed to.

The SECRETARY. Also, on page 4, beginning on line 6, it is proposed to insert the following paragraph:

Upon the termination of this act all executive or administrative agencies, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as heretofore or as hereafter by law may be provided, any authorization of the President under this act to the contrary notwithstanding.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the amendment passed over.

The SECRETARY. One amendment was passed over on page 2, line 23, where, after the word "executive," the committee proposes to insert the words "or administrative," so as to read:

Or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers.

Mr. SMITH of Georgia. Mr. President, I wish to explain what the effect of this amendment is.

On page 3 the original bill contained the following provision:

And to employ by Executive order any additional agency or agencies and to vest therein the performance of such functions as he may deem appropriate.

That provision was stricken out. When it was stricken out, this word "administrative" was offered as an amendment on line 23, page 2. I submit that it accomplishes practically or exactly the same thing as the language stricken out on the next page.

Mr. OVERMAN. Mr. President, I think that amendment has been agreed to.

Mr. SMITH of Georgia. The amendment inserting the words "or administrative"? The Secretary says not; that it was passed over.

Mr. OVERMAN. I ask the Chair whether that is so or not. The word "utilize" was passed over, I think, but not the words "or administrative."

The PRESIDING OFFICER. The amendment now under consideration was passed over.

Mr. OVERMAN. I will ask the Secretary to state the amendment.

The SECRETARY. On page 2, line 23, after the words "or consolidate any executive," the committee proposes to insert "or administrative," so that it will read:

Or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers.

Mr. SMITH of Georgia. Mr. President, as I stated, the original bill had a provision on page 3 authorizing the President to employ, by Executive order, any additional agency or agencies, and to vest therein the performance of such functions as he might deem desirable.

This bill takes all the functions connected with every officer in the Government, except, perhaps, the President and Vice President and Congress and the judiciary, and authorizes the President to transfer all their duties to any other department or any other officer or any other bureau or any public official whom he sees fit. It puts the whole civil Government of the United States in a basket without order or regulation or legislative enactment affecting it, whenever the President sees fit.

The original bill as drawn went further and provided not only that any of these functions be transferred to any other department or to any other bureau or any other officer or to any commission, but to any new agency that the President might see fit to create. That was the bill as it came to us. That was the first bill that the Senator from North Carolina introduced. It is almost shocking to contemplate it unless we are ready to abandon all legislative responsibility. I am aware of the fact that there are some who think it should be done. If I thought it would help win the war and was necessary to its prosecution and it could be done constitutionally, I would be in favor of it, but my conviction is that the performance of their constitutional responsibility by Congress is the way to help win the war, and Congress can bring wisdom and force and not hindrance to our military operations.

Now, let us see what is proposed after this broad power creating additional agencies was stricken out. The amendment still will accomplish just as much, but in not as open a way.

In section 2 three additional words are added:

That in carrying out the purposes of this act the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law, to transfer any duties—

And so forth.

To transfer any duties or power from any existing department, commission or agency, office or officer to another and to transfer the personnel thereof or any part of it either by detail or assignment, and so forth. That is to say, if this word "administrative" goes into the bill, then any function of any department or any commission can be transferred not only to an officer of the Government but to an administrative agent.

Mr. BORAH. May I ask the Senator what distinction he draws between an executive agency and an administrative department?

Mr. SMITH of Georgia. I think the term "executive agency" as there used has reference to officials as a part of the executive department. I think the term "administrative agency" is much broader.

Mr. McKELLAR. What does the Senator say would be included in "administrative"?

Mr. SMITH of Georgia. I am just coming to that. I want the Senate to understand it as I understand it. Let us see what is an administrative agency. It is any agency of any kind that is given something to do in connection with the administration. Every one of your advisory committees under the Council of National Defense were administrative agencies.

Mr. WOLCOTT. Mr. President—

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

Mr. SMITH of Georgia. Yes.

Mr. WOLCOTT. Does not the Senator think that these so-called advisory committees could also be properly called executive agencies?

Mr. SMITH of Georgia. No; I hardly think so, but I am perfectly clear that they are administrative agencies. They helped administer by advice, but they did not actually execute.

Mr. CUMMINS. Mr. President, I do not want to interrupt too greatly the Senator from Georgia, but I think we might as well settle one question right now with regard to the meaning of the word "administrative." It was questioned by the Senator from Delaware [Mr. WOLCOTT] and possibly by others at a former time whether the Interstate Commerce Commission is an administrative agency or an administrative commission. It seemed to me that that was worthy of inquiry. I find that the Supreme Court of the United States has decided that. It has not only referred to the Interstate Commerce Commission as an administrative body many times in its opinions, but in the case of the Interstate Commerce Commission v. Brimson, reported in One hundred and fifty-fourth United States, beginning at page 447, the question is as definitely decided as a question of that kind could be. Of course that was not one of the issues in dispute. I beg leave to refer to the case so that the Senator from Georgia may have it in mind as he proceeds with the discussion upon this point.

In that case, as all lawyers will remember, there first arose a controversy with regard to the authority of the Interstate Commerce Commission to require the presence of witnesses to testify in some matter that might be pending before the commission. The law was—and it is yet, for that matter—that if any witness summoned by the commission fail or refuse to appear, the matter could be certified to the court, and thereupon the court could compel the witness to appear if the commission was acting within its jurisdiction. During the course of the opinion the court in the case, on page 476, it said:

We have before us an act of Congress authorizing the Interstate Commerce Commission to summon witnesses and to require the production of books, papers, tariffs, contracts, agreements, and documents relating to the matter under investigation. The constitutionality of this provision—assuming it to be applicable to a matter that may be legally intrusted to an administrative body for investigation—is, we repeat, not disputed and is beyond dispute.

The court then proceeds along the same line to argue; and there is another—

Mr. BORAH. Does the court decide there that it is an administrative body as contradistinguished from an executive body?

Mr. CUMMINS. No, it does not. Personally, I think it is both.

Mr. BORAH. Yes, I think the Senator is correct; and I do not believe that the Supreme Court used it in any other way than as synonymous with an executive body or an administrative body.

Mr. CUMMINS. Personally, I think it is both, but we all know why this word was inserted in the bill. It was inserted

in the bill by the committee to catch the Interstate Commerce Commission.

Mr. WOLCOTT. Mr. President—

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

Mr. CUMMINS. I have not the floor.

Mr. OVERMAN. I do not think the Senator ought to say that. I never heard that suggested except by the Senator.

The PRESIDING OFFICER. Senators should address the Chair.

Mr. OVERMAN. We put in the words, the Senator will remember, "now existing by law."

Mr. CUMMINS. I will not go further into it, because I may have occasion to deal with it later, but the opinion of the court in that case repeatedly refers to the Interstate Commerce Commission as an administrative body. I do not think we ought to proceed upon the theory that it is not within the terms of the bill.

Mr. OVERMAN. Does not the Senator think it is an administrative body or an executive-administrative body?

Mr. CUMMINS. I do not care which it is, it is administrative and we bring the Interstate Commerce Commission within the terms of the bill beyond all dispute by inserting the word "administrative." I think it is an executive commission also, whether it executes for Congress, or whether it executes for the President is immaterial.

Mr. OVERMAN. The Senator from Georgia left out the words which were put in by the committee, "or administrative commissions now existing by law;" that is, an administrative body, an administrative commission, which Congress has passed a law to establish. While Congress has passed the law, it is an administrative commission.

Mr. CUMMINS. As in this case, the Interstate Commerce Commission was established by Congress and it exists by law.

Mr. McKELLAR. Mr. President, I wish to ask the Senator from Iowa just one question, if I may. If the words "or administrative" were left out, does the Senator think that it would still include the Interstate Commerce Commission?

Mr. CUMMINS. Answering the question very frankly, I do.

Mr. McKELLAR. I am inclined to think the same way. My notion about the word "administrative" was that it was intended by it to include some of these advisory bodies of which we have had so many.

Mr. CUMMINS. I do not know what was in the mind of every Senator, but I got the notion very clearly that there were some who believe the Interstate Commerce Commission might be brought within the terms of this bill, and that if the word "administrative" were inserted there would be no doubt about it.

Mr. WOLCOTT and Mr. OVERMAN addressed the Chair.

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

Mr. SMITH of Georgia. I do for a moment, but I really would be glad to go on shortly with what I have to say.

Mr. WOLCOTT. I shall take a very few moments. The Senator from Iowa has called attention to some language in the Supreme Court decision. I was interested to see if the words "executive and administrative" had been defined by judicial decision, and I made quite an extensive search for some authority on the question. I find none. I did see the language the Senator from Iowa refers to. I saw also in another Supreme Court case, familiarly known I think as the Railroad Commission Cases, where the question came up from Mississippi that Justice Brewer used the word "administrative" as descriptive of a railroad commission with powers similar to those of the Interstate Commerce Commission; but there is no place in the decisions I have been able to find, at least, where there is a judicial definition of these words. I have read the decisions. The court simply uses the word "administrative" as descriptive of the particular body it is speaking of, but not as conveying any particular definiteness or refinement of meaning. I think also that the Senator from Georgia will find that many of the law dictionaries define "executive" and "administrative" as synonymous, and I question whether there is very much difference.

Mr. SMITH of Georgia. I have no doubt the term "administrative" has a broader meaning and is offered to cover the agencies that the word "executive" would not cover. If it has the same meaning, why put it in? If it does not add anything to "executive," then let us leave it out by unanimous vote.

Mr. BORAH. Does the Senator think if we would leave out "or administrative" the Interstate Commerce Commission would be in no danger?

Mr. SMITH of Georgia. I think myself it would still be in danger. I read from the dictionary the difference in the meaning of the two terms. This is the Century:

Administrative: * * * Sometimes the term "executive," which strictly means an authority which puts the laws in force, is opposed to the term "administrative," which implies the performance of every other sort of immediate governmental act, such as collecting taxes, organizing and directing the Army, Navy, and police, supervising trade, locomotion, postal communication, and carrying out in detail legislative measures for promoting public health, education, morality, and general contentment.

It is recognized as a broader and more comprehensive word, and it is put in to cover everything that "executive" has not covered.

I was about to state what some of these administrative agencies were. The most distinguished that we had for a while were the advisory boards that were administrative agencies not to execute but to gather information—an agency for information. Take the Creel bureau. That is not an executive agency, but I would consider it an administrative agency. It performs the function of gathering up romances and scattering them throughout the country.

Mr. OVERMAN. Is not that created by law?

Mr. SMITH of Georgia. Yes; I think there is a statute which authorizes the organization of a bureau for the presentation of information. If it was not created by law, who is paying for it out of the Government Treasury, and by what authority?

Mr. McKELLAR rose.

Mr. SMITH of Georgia. Wait a moment. I want to give these administrative agencies. The Food Administration is an administrative agency. In all its ramifications the people connected with it are administrative agents. The Fuel Administration—Dr. Garfield and all his force—are administrative agents. The alien-enemy organization is an administrative agency. They are just so innumerable already that anybody who is desired can be put into them, and by using this word "administrative" the President might name any agency he saw fit to perform any of these duties. Any of these administrative agencies can be used, and that would cover anybody whom it is desired to put in charge of functions of government.

So I insist that the word "administrative" put in here and the privilege of utilizing the administrative agencies have broadened out the scope of this bill. It seems to me this amendment was found necessary when the language was stricken out which permitted employment by Executive order of any additional agent or agency and to vest therein the performance of such functions as might be deemed appropriate. That language having been stricken out and the same power being desired, it became necessary to put in the two words "to utilize" and to add "or administrative agency." Thus those to whom transfer of Government functions may be made are not limited to officers of the Government—those who are, strictly speaking, officers—but transfer can be made to those entirely outside of the classes of men confirmed by the Senate and outside those holding positions fixed by law. All these agencies come within the purview of the bill, and to any of them we as legislators are to permit a transfer of the functions of our civil Government. What functions we are not told. Why? We are told, "To win the war." Mr. President, if it was necessary and it would win the war to transfer them all to Mr. Hoover and his organization I would be willing to do it. But to say that you do it to win the war is one thing and to show that it would help win the war is a very different thing.

Mr. WOLCOTT. Mr. President—

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

Mr. SMITH of Georgia. Yes.

Mr. WOLCOTT. Does the Senator take the point of view that it is not necessary to transfer anything anywhere, to do any reorganizing, in order to enable us to get along to advantage in this war?

Mr. SMITH of Georgia. I think there is a great deal of reorganizing that ought to be done, and it ought to be done at once, and I think it is lamentable that it has not been done before. I commend a splendid act of reorganization when Charles Schwab was put in charge of the shipbuilding work. That was great. That is the kind of reorganization I urge and pray for.

I will tell you where I think there ought to be reorganization. Take the production of fighting flying machines. Do we need a reorganization? Yes, there. Not in our civil government, not in the Interstate Commerce Commission, not in the Federal Reserve Board. They are splendidly organized now. Do not turn the President to the task of tearing them to pieces. Ask the President to take hold of the problem of preparing flying machines to fight our battles in France. For 12 months we have waited. How many are there? If the \$680,000,000 that we appropriated for that purpose had been properly used during the past 12 months we would have had 5,000 or 10,000 of them in France, ready to meet the Germans in their recent onward

march, and they would have been worth 500,000 men in the ranks.

Mr. BORAH. Mr. President—

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

Mr. SMITH of Georgia. I yield.

Mr. BORAH. I understood the Senator to say we should not impose upon the President the task of tearing some of these departments to pieces, such as the Federal Reserve Board and others. Of course, we do not impose anything upon the President at all by this bill. We do not obligate him to make a single move, and certainly we would not assume that the President would, for instance, make a move which in his judgment as Commander in Chief was not only likely to be but absolutely essential to what he conceived to be the best interests of the situation. We do not impose the duty upon him to tear anything to pieces.

Mr. SMITH of Georgia. Mr. President, I have more confidence in the judgment of the Congress in organizing the Interstate Commerce Commission and the Federal Reserve Board than I have in any advisors outside of Congress the President might have who would undertake to help him perform that task. I am unwilling to leave it to any President. The Constitution placed the duty of legislation upon Congress; not upon the President, and I believe it was wise. I believe it will be a better Interstate Commerce Commission and a better Federal Reserve Board if Congress fixes its functions and prescribes its duties and passes upon the men than if any President did it. He must do it by the advice of others; he could not do it by himself. I would rather have the judgment of the Senate upon a problem of that sort than the judgment of the President and any who might gather around him to advise him. I am unwilling to see the plan we have prescribed by law changed by any President.

Mr. BORAH. Mr. President—

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

Mr. SMITH of Georgia. Yes.

Mr. BORAH. Congress has already acted with reference to the Interstate Commerce Commission, and, in my humble judgment, there is nothing the President can do which will more completely emasculate that institution during the war than Congress has already done. Congress has rendered the Interstate Commerce Commission into a situation where it is not only powerless but one which it is humiliating for it to occupy. It has taken away from it powers which belong to it, which were delegated to it, and suspended those powers; and it has given it an inconsequential reviewing power and admonished it in the bill not to exercise those powers.

Mr. SMITH of Georgia. I take issue with the Senator in the conclusion he has just drawn. I admit that we went further than I desired in the recent bill which provided for the handling of the railroads by the Government. The bill as it came to us from the administration obliterated the Interstate Commerce Commission. It left to the Director of Railroads the unrestricted control of railroad rates. It took away any review by the commission of discriminatory or excessive rates. The bill does not leave the commission as much power as I would wish, but it still leaves the power of review and the power of final decision. I read the language:

Mr. BORAH. I know—

Mr. SMITH of Georgia. I wish to put in the RECORD the language of the bill in reply to his statement. After the schedule has been filed by the Director of Railroads with the Interstate Commerce Commission changing the rates—

Said rates, fares, charges, classifications, regulations, and practices shall be reasonable and just and shall take effect at such time and upon such notice as he may direct, but the Interstate Commerce Commission shall, upon complaint, enter upon a hearing concerning the justness and reasonableness of so much of any order of the President as establishes or changes any rate, fare, charge, classification, regulation, or practice of any carrier under Federal control, and may consider all the facts and circumstances existing at the time of the making of the same. In determining any question concerning any such rates, fares, charges, classifications, regulations, or practices or changes therein, the Interstate Commerce Commission shall give due consideration to the fact that the transportation systems are being operated under a unified and coordinated national control and not in competition.

After full hearing the commission may make such findings and orders as are authorized by the act to regulate commerce as amended, and said findings and orders shall be enforced as provided in said act.

The further proposition to which the Senator refers, which I would not have had put in the bill if I could have prevented it, is as follows:

Provided, however, That when the President shall find—

Which means the Director of Railroads—

Provided, however, That when the President shall find and certify to the Interstate Commerce Commission that in order to defray the expenses of Federal control and operation fairly chargeable to railway

operating expenses, and also to pay railway tax accruals other than war taxes, net rents for joint facilities and equipment, and compensation to the carriers, operating as a unit, it is necessary to increase the railway operating revenues, the Interstate Commerce Commission in determining the justness and reasonableness of any rate, fare, charge, classification, regulation, or practice shall take into consideration said finding and certificate by the President, together with such recommendations as he may make.

Now I yield to the Senator from Idaho.

Mr. BORAH. What does the Senator think, in its practical operation, would be the effect of the law during the continuance of the war, so far as any real control of the situation is concerned, by the Interstate Commerce Commission? Does he expect anything from the Interstate Commerce Commission except that which emanates from the Commander in Chief, either directly or indirectly, with reference to the entire matter?

Mr. SMITH of Georgia. Yes.

Mr. BORAH. Does the Senator contemplate that the Interstate Commerce Commission, after its record in the 5 per cent rate case, in which it took into consideration the conditions of the war at the time when the law did not authorize it to take it into consideration, in reviewing the action of the Chief Executive, the Commander in Chief, under those instructions, will undertake to make any changes in the adjustment of rates?

Mr. SMITH of Georgia. Yes; if they do their duty.

Mr. LODGE. Mr. President—

Mr. SMITH of Georgia. Furthermore, let me say, and then I will yield to the Senator from Massachusetts, the very fact that you have a tribunal where you can obtain a hearing, where you can obtain the facts, where you can present testimony, where you can show injustice, where you can bring proof to demonstrate that a rate is discriminatory as well as unreasonable, will be a restraint upon the railroad superintendents all over the country, who really make these rates. The President does not do it. It can not be his work. No 10 men could do it. It will exercise a tremendous restraining influence of great value, and it will make it possible for shippers and communities and owners of industries to protect themselves from being closed up.

Mr. BORAH. Mr. President, does not the Senator know that when these different communities and industries and interests become dissatisfied with their situation, they will not go to the Interstate Commerce Commission, but that they will go to the Commander in Chief and to the Railroad Directors? Does he suppose that they will go to the Interstate Commerce Commission, as they formerly did? Why, Mr. President, they will appeal direct to the power which has not only the initiative, but, in practical effect, the conclusion with reference to this matter.

Mr. SMITH of Georgia. I dissent from the view of the Senator that the action of the Railroad Director will be the conclusion; I dissent from his view that shippers will have much of a hearing before the Director. I furthermore believe that the fact that shippers can put their cases before the public through the Interstate Commerce Commission will be most helpful even if they go first before a local superintendent under the Director.

Mr. LODGE. Mr. President—

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

Mr. LODGE. Mr. President, the point I was going to inquire about was this: The Interstate Commerce Commission was intrusted by Congress with the duty of making a physical valuation of the railroads. It has been engaged in that work, I think, for now some three years. The railroad law, from which the Senator from Georgia has quoted, does not take that work from them; they still have that. Under this bill as it stands, that work can be taken from the Interstate Commerce Commission and transferred to the Director General of the Railroads, which I think would be a very great misfortune.

The Senator from Idaho [Mr. BORAH] has said that we do not impose the duties on the President. I do not think it is a question of whether we impose them or not. I think that we ought never to grant a power, whether we make it mandatory or permissive, that we do not expect to see and are not prepared to see exercised. I think nothing can be worse than to loosely grant powers on the theory that they will not be exercised.

Mr. BORAH. Mr. President, we pass laws here every day—we have passed half a dozen acts since this war began, and we shall pass a dozen more—in which there are powers which if used improperly would be destructive. We grant such powers continuously upon the theory that they will be exercised in a proper, intelligent, and patriotic way, and if this power is exercised in that way the things which the Senator from Massachusetts speaks of will not happen.

Now, for instance, take the railroad law. What are the powers of the President under that law? The President under that law could build up one town and destroy another; he could

build up one industry and destroy another; he could do things which would be absolutely destructive of the business interests of this country upon the theory that he would not proceed with intelligence and with a desire to protect the situation, but upon the theory that he would proceed with a willful desire to do injury.

Mr. LODGE. But, Mr. President, if we think—and I believe the majority of the Senate does think—that it would be a mistake to take from the Interstate Commerce Commission the work of the physical valuation of railroads and give it to the President, why should we give it to the President on the theory that he will not exercise that improper power? If he does not want the power, and it is an improper one for him to exercise, let us not grant it to him.

Mr. BORAH. That is precisely what I have been saying. We must grant certain general powers here if the President is going to redistribute these functions at all. Within that grant he may do things which it would be wholly undesirable to have done. We are constantly doing that in all these measures. There are many things which might be done under the railroad law which the Senator from Massachusetts would not want to see done. Under the railroad law as it now stands the President could practically stop the physical valuation of the railroads. I have not learned anything particularly about the physical valuation of the railroads as it is progressing and as it is disclosing the facts that ought to endear it to anybody in this country. In saying this I do not mean that the commission is not properly carrying out the law.

Mr. CUMMINS. Mr. President, will the Senator from Georgia yield to me?

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

Mr. SMITH of Georgia. Yes.

Mr. CUMMINS. The Senator from Idaho [Mr. BORAH] may have more information upon that subject than I have, but I think the work that has been done by the Interstate Commerce Commission and by the Bureau of Valuation is the most important work that this Government has carried on, save the prosecution of the war, during the years that it has been in progress, and that as much has been done for the protection of the people of this country in that respect as has been done anywhere else within the administration of the law.

Mr. BORAH. Mr. President, I do not desire to debate with the Senator from Iowa about his conclusions. He is much better informed about these things than am I; but I venture to say that if the physical valuation of the railroads continues along the trend which it now takes and the result is what the present situation indicates it will be of very great benefit to the railroads of the country. It will be a distinct boon to them. And again I say that I do not contend that the officers are not doing their duty. But the facts seem different than they were supposed to be.

Mr. CUMMINS. It may be, but certainly if it is taken out of the hands of the Interstate Commerce Commission and transferred to—

Mr. OVERMAN. Right there—

Mr. CUMMINS. If it is transferred to Mr. McAdoo, it will be of infinitely more benefit to the railroads than it will be if left in the hands of the Interstate Commerce Commission.

Mr. SMITH of Georgia. I yield to the Senator from North Carolina [Mr. OVERMAN].

Mr. CUMMINS. Just a moment.

Mr. SMITH of Georgia. I yield to both Senators.

Mr. CUMMINS. I rose really to ask the Senator from Georgia to put in with his quotation from section 10 of the railway law the whole section. There is a great misapprehension here with regard to what we have done in the railroad law, bad as it was. The first part of section 10—that is, the section in which the quotation made by the Senator from Georgia occurs—is as follows:

Sec. 10.—That carriers while under Federal control shall be subject to all laws and liabilities as common carriers, whether arising under State or Federal laws or at common law, except in so far as may be inconsistent with the provisions of this act or any other act applicable to such Federal control or with any order of the President.

As it is now under the present law, with the exception of initiating rates—and that the railroads had the right to do before the law was passed—the President, in order to interfere with the Interstate Commerce Commission, must override by an order an act of the commission; and he would be much more reluctant to do that, to the prejudice of the people, than he would be to transfer the entire authority to some other person.

Mr. OVERMAN. Mr. President, I want to ask the Senator from Iowa a question.

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

Mr. SMITH of Georgia. Yes.

Mr. OVERMAN. The Senator from Iowa speaks of the President transferring the power from the Interstate Commerce Commission to some other body to make a valuation of the railroads. Could the President do that under this bill?

Mr. CUMMINS. Certainly he could.

Mr. OVERMAN. Could he do it, unless it was done in the interests of the prosecution of the war and as a matter solely in the interest of the prosecution of the war?

Mr. CUMMINS. It would be done against the war, in my judgment, if it were done; but when the President decided its relation to the war, there would be no review of that decision.

Mr. OVERMAN. No.

Mr. CUMMINS. That is simple, pure camouflage, if I may use that much abused word; it does not mean anything.

Mr. OVERMAN. Does the Senator from Iowa think that the limitation as to its being done in the interest of the prosecution of the war does not mean anything?

Mr. CUMMINS. It is no limitation, in my judgment.

Mr. OVERMAN. The other day the Senator argued that the President might abdicate his function as President of the United States and transfer it to a boy 4 years old.

Mr. CUMMINS. He could do that under this bill, certainly. There are certain constitutional provisions, however, that would prohibit that.

Mr. OVERMAN. He would at least be limited to a man who was over 21 years of age.

Mr. CUMMINS. But, then, I am assuming that we are disregarding the Constitution. Assuming that that fundamental law has no restraining force now, under this bill the President could transfer his own functions to any officer of the Government.

Mr. OVERMAN. Provided it was done in the interest of the prosecution of the war.

Mr. CUMMINS. Provided the President thought somebody else could manage the war better than he could.

Mr. OVERMAN. Does that statement not reduce itself to the fact that the President is a fool?

Mr. BORAH. Does the Senator from Iowa contend that the President—

The PRESIDING OFFICER. The Chair must ask Senators to address the Chair and obtain permission to interrupt. Four Senators have been now on the floor at the same time.

Mr. SMITH of Georgia. I am going to yield to the Senator from Idaho, and then I will request an opportunity to go on with what I was saying.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. BORAH. I shall not interrupt the Senator, because, if I should ask the question which I have in mind, it would require an answer from the Senator from Iowa [Mr. CUMMINS].

Mr. SMITH of Georgia. I yield for that question and its answer.

Mr. BORAH. I was going to ask whether the Senator from Iowa does not contend that the President could relieve himself of the executive duties imposed upon him by the Constitution simply because the proposed statute says that he may redistribute the executive agencies of the Government?

Mr. CUMMINS. This bill says a great deal more than that.

Mr. BORAH. I know; but a statute can not relieve the President from his constitutional executive duties.

Mr. CUMMINS. So long as we observe the Constitution, no; but if we depart from the Constitution, as I think we are departing from it in this instance, and assume that the Constitution has no binding force either upon Congress or upon the President, under the terms of this bill the President could deputize any officer he might select to act as President during the war. Possibly that may be what he desires to do, for aught I know.

Mr. SMITH of Georgia. Mr. President, I wish to express a few views, first, with reference to the effect of this bill on the Interstate Commerce Commission. Without the word "administrative" I am perfectly clear that the Interstate Commerce Commission is reached, and I had not intended to bring the Interstate Commerce Commission into the discussion of this word "administrative," but since it is here, I will say just a few words with reference to it.

I regret that we were not able to retain in the railroad law exactly the same status for the Interstate Commerce Commission which it had prior to the passage of that law. I would give it just as complete authority, if I could, to review rates fixed by the Director of Railroads as it had over rates fixed by the corporations. I dislike this class of legislation, which

provides that the President shall perform tasks when we know he can not and when we know the extent of the tasks make performance by the President impossible. It is bad legislation; it is misleading.

We really ought not to say "the Director of the Railroads," for no one man can fix the rates on the railroads from the Atlantic to the Pacific, from the Gulf to the Lakes; they will be fixed by local men all over the country. No one man would have time to consider their suggested changes; he could not and would not. They will come automatically through the Director of Railroads to the President and go to the Interstate Commerce Commission after they have been acted upon locally all over the land. So if we strike down the remaining powers of the Interstate Commerce Commission, the local superintendents from one end of the land to the other, or local organizations—dozens of them in number—will really make the new rates. They will hold in the hollow of their hands the power to destroy towns and cities by discrimination; they will hold in the hollow of their hands the power to suppress any industry anywhere. A discriminatory rate can destroy any industry; a discriminatory rate can destroy any city or any town; and, without this power of revision by the Interstate Commerce Commission, we would turn the industries of the country, we would turn the cities and towns of the country over to the pleasure of local organizations, many in number, scattered throughout the entire land. Even to hang the threat of such a condition over them, to hang the possibility of such a condition over them, is to menace their prosperity. I would not go into business or put a dollar in an industry requiring the use of transportation if the local superintendents or the local railroad officials could stop me by an excessive rate or a discriminatory rate at pleasure.

Mr. MCKELLAR. Mr. President, will the Senator allow me to interrupt him?

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

Mr. SMITH of Georgia. I yield.

Mr. MCKELLAR. It seems to me, Mr. President, that a couple of months ago or so the question which the Senator is now discussing was a live one; but I want to ask the Senator if he does not think since Congress has passed the railroad law that that settles the question which he is now discussing? The railroad law itself provides:

After full hearing the commission may make such findings and orders—

Mr. SMITH of Georgia. Yes; I have read that.

Mr. MCKELLAR. The act proceeds:

as are authorized by the act to regulate commerce as amended, and said findings and orders shall be enforced as provided in said act: *Provided, however,* That when the President shall find and certify to the Interstate Commerce Commission that in order to defray the expenses of Federal control—

Mr. SMITH of Georgia. If the Senator will pardon me a moment, those provisions have all been read during his absence and put in the RECORD.

Mr. MCKELLAR. Does not that provision absolutely put it in the hands of the President to control the rate-making authority, and is not the Interstate Commerce Commission denuded of authority by the act of Congress which we have already passed?

Mr. SMITH of Georgia. I answer the Senator with no embarrassment and with emphasis, it is not. When, a half hour or an hour ago, we had the provisions of the railroad bill up for discussion, we read them and views were expressed with reference to them. If the Senator will go just a little further back in the railroad act he will find this provision:

Said rates, fares, charges, classifications, regulations, and practices shall be reasonable and just and shall take effect at such time and upon such notice as he may direct, but the Interstate Commerce Commission shall, upon complaint, enter upon a hearing concerning the justness and reasonableness of so much of any order of the President as establishes or changes any rate, fare, charge, classification, regulation, or practice of any carrier under Federal control.

And after hearing all the facts the Interstate Commerce Commission is to determine the question, and its decision is to be final.

Mr. MCKELLAR. Yes, Mr. President; but there is still a further provision, which says that after all that is done—

The Interstate Commerce Commission in determining the justness and reasonableness of any rate, fare, charge, classification, regulation, or practice shall take into consideration said finding and certificate by the President, together with such recommendations as he may make.

After the matter has been gone into by the Interstate Commerce Commission under this act and a decision has been reached, then the act prescribes that it must listen to recommendations made by the President of the United States, the same authority that appoints each member of the commission;

and the conclusion is inevitable that what Congress meant by that provision is that, if the President overrules the Interstate Commerce Commission, the President's ruling must go and the commission must accede to it.

Mr. SMITH of Georgia. On the contrary, the reverse is true; it is expressly declared that the commission shall set aside the order if it is unreasonable and discriminatory. While the President may file a certificate, and while the commission may consider it, still, if they are men of courage and character, they will overrule the President when he is wrong. They will well understand also that the President can not have mentally acted upon the rates. He will only certify what others have done. They will perfectly understand that the President knows nothing about it; that it is not the work of the President; they will perfectly understand that it is not the work of the Director General of Railroads; they will perfectly understand that it is the work of a superintendent or of men away off from the center handling the railroads; they will perfectly understand that the President could stand an examination on any certificate he may send to them, and that if they should make inquiry concerning the certificate he could not tell them what was in it. No one human being can keep up with the changing rates. There are sent in over 10,000 changes a year, as a rule; and if the President remembered the number he had signed he would do well. Instead of meaning that they are to abandon their duty, the law puts a duty on them. It may be true that the spirit is abroad in the land that officials charged with duties by the Constitution and by law ought to lay down and abandon their responsibilities, but this puts a responsibility upon the commission, and I regard it as valuable.

Mr. MCKELLAR. Well, Mr. President, will the Senator explain why such a proviso was put there if the Interstate Commerce Commission was not to consider the advice and the recommendation of the President?

Mr. SMITH of Georgia. It says they are to consider it for what it is worth, but are not to be bound by it. The provision was put there because there was influence enough in one branch to pass this bill putting all the powers in the Director of the Railroads. That is why. The Senate passed it with no such provision; and I would have been willing, if a majority of the Senate had been, to have stood by the Senate provision, even if there never had been a railroad bill passed.

Mr. MCKELLAR. Mr. President, will the Senator permit me to interrupt him once more?

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

Mr. SMITH of Georgia. I yield.

Mr. MCKELLAR. That brings the Senator to the very statement that I made in the beginning, that the unfortunate part of the situation, as it seems to me from the Senator's standpoint, is that we have already acted on it; we have already yielded the power.

Mr. SMITH of Georgia. We have not; we have expressly made it the duty of the Interstate Commerce Commission to render their own judgment as to whether a rate is reasonable and just; but the act provides that the commission can consider the certificate of the President. That is what it says. Now, if they are servile, possibly they will lie down and abandon their duty; but I do not believe they will. I tell you the power to have a discriminatory rate reviewed before them and to take testimony regarding it to show its reasonableness is a valuable power. The local body, knowing that they will be subject to public presentation as to action, knowing that they will be subject to public criticism before a semijudicial tribunal, where testimony can be taken, will be a little more careful of the rights of those whom they touch. Turn them loose without the right of hearing, turn them loose without any right of review and reversal, and I would not give the snap of a finger for the rights of any industry dependent upon the privilege of transportation.

Mr. MCKELLAR. Mr. President—

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

Mr. SMITH of Georgia. Yes.

Mr. MCKELLAR. Take a concrete case. Suppose a body of shippers had petitioned the Interstate Commerce Commission and had secured a reduction of rates from a certain class of railroads; that that action was made final by the Interstate Commerce Commission; and then, after that was done, the President of the United States should say, "While your finding is no doubt in a way all right, still, because of 'war taxes'—I am reading from the statute now—" because of the additional cost of operation, because of railway tax accruals other than war taxes, net rents for joint facilities and equipment, and compensation to the carriers operating as a unit, the rate pro-

vided is too low." The statute says the President has a right to take into consideration all such questions and submit them to the Interstate Commerce Commission. Does the Senator, as a practical question, think that the Interstate Commerce Commission would refuse to consider the certificate of the President?

Mr. SMITH of Georgia. Of course, they would consider the certificate.

Mr. MCKELLAR. I am inclined to think they would not only consider it, but that they would feel that they were bound by it, if the President of the United States enumerated all those things.

Mr. SMITH of Georgia. Then why did the law give the right to have a hearing?

Mr. MCKELLAR. I think it is nugatory myself.

Mr. SMITH of Georgia. It is nugatory if they are a set of cowards that ought to be impeached, but not otherwise. The Senator misunderstands the certificate from the President. It comes in as a part of the original case and is to be before the commission before they render their decision; but in spite of that certificate from the President, it is their duty to pass upon the testimony and decide the case. That certificate has no bearing upon discriminatory rates; that certificate is to bear upon the general problem of how much money is to be raised as a whole.

Mr. KELLOGG. Mr. President—

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

Mr. SMITH of Georgia. I do.

Mr. KELLOGG. May I suggest to the Senator from Georgia also that the facts which the President may certify to the commission are facts which the commission would take under consideration in any event in fixing a rate. The courts have held and the commission has held over and over again that such facts should be taken into consideration. There may be an object in the President certifying to those things, because the President is operating the roads and has all the knowledge and the facts.

Mr. SMITH of Georgia. I thank the Senator. In point of fact, as he states, the certificate of the President simply covers matter that even to-day under the law they would be required to consider. It is not a certificate that is to be filed with them after they render a decision, but it goes to them as part of the original evidence. I apprehend that the greatest danger to the public from the loss of this authority to the commission would be in the case of discriminatory rates, where a rate is intentionally made so heavy affecting a particular industry as to suppress it.

The President's certificate is to have reference to the general problem of the amount of money that is to be raised, the amount that will be needed. I apprehend that there will be a substantial increase of rates; I am not enthusiastic about Government operation of railroads; and had not the President already seized them, I would not have voted to allow him to seize them. When the act was passed in 1916 I did not think we had voted to do so, and I have not changed my mind. Why should we authorize the President to break down the service which we have reserved to the Interstate Commerce Commission? The answer is to win the war; yes; if it would win the war; but suppose it would help the Germans?

I think it would help the Germans, and therefore I am against it. I know it would help the Germans, and therefore I am against it. Do not put on us this help to the Germans; do not put the industries in a state of doubt and break them down in the interest of Germany, the enemy of the universe. Give some better reason than that you want to win the war. Is the President going to use the power or is he not? If he is not, leave it out; he does not need it. If he is going to use it, keep it out; do not let him do so. That is my view of it. If I knew that the President wanted to use it, I would know that I ought to help keep it out of the bill and not give him the power; and if you know he does not intend to use it, why do you object to leaving it out? I tell you, you menace the prosperity of the country by putting that provision in the bill.

I had not intended to discuss that feature of the bill at this time. I was objecting to the word "administrative." I think we should leave that word out. I think that word "administrative" was put there so that all these Creel agencies and Garfield agencies and the advisory commissions of the Senator from Tennessee and all the remainder of these administrative agencies—

Mr. MCKELLAR. I hope the Senator will not call them my advisory commissions. I am sure I am as much opposed to them as almost any man in this country.

Mr. SMITH of Georgia. I call them his, because he has rendered good service to the Senate by showing how useless, how

worse than useless, how harmful they have been. I think the word "administrative" ought to be stricken out, because it broadens the distribution of all the functions of our Government to all these indefinite agencies, changeable and shifting day by day and hour by hour, the agencies that have caused most of the confusion that has existed at this capital during the past 12 months.

Mr. NELSON. Mr. President—

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

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

Mr. NELSON. I do not want to interrupt the Senator unless it is agreeable to him.

Mr. SMITH of Georgia. It is entirely agreeable.

Mr. NELSON. I merely wish to say, in reply to the question why was the word "administrative" put in the bill, that it was an amendment offered by myself and was put in the bill to differentiate and segregate administrative bodies from what we call advisory commissions, of which we have such a multitude. It was to leave them outside of the breastworks. That was the only malice prepense there was in the amendment.

Mr. SMITH of Georgia. I know that any purpose the Senator from Minnesota ever has is a good one. While I may not always agree with him, I never doubt, when I differ with him, the earnestness of his patriotism or his devotion to his conviction of what is right. I think he used an unhappy word. I am afraid that instead of cutting them out they are included, and I want to cut them out.

Mr. President, I have said a good deal this afternoon about the Interstate Commerce Commission. While I am on my feet I wish to express my earnest delight that the President has put into the Shipping Board a mentality capable, in my judgment, of handling that tremendous enterprise. Oh, let him have his time for work of that sort. The Interstate Commerce Commission is doing all right. The Federal Reserve Board is doing all right. If there is an organization in the United States that has commanded the respect and confidence of the country, it is our Federal Reserve Board. Our banks during this year of war have moved on with a confidence in the Federal Reserve Board that has been simply splendid, and that has not helped the Germans. It has helped us. Breaking down the Federal Reserve Board will not help win the war. It will help the Germans.

Mr. OVERMAN. Mr. President, the Senator does not think the President wants to help the Germans, does he?

Mr. SMITH of Georgia. No; but I do not think the President's judgment is infallible. I would rather have the judgment of the Senate on the organization of the Federal Reserve Board than that of the President and any advisers he may have; and there is where the Constitution puts it. The framers of our Constitution believed that the Senate and the House of Representatives, coming from every part of the Union, were better capable than one man of doing work of that character. I believe in the Constitution, and I do not intend to abandon at anybody's dictation my part of the responsibility which falls upon me under the Constitution, and I do not want to abandon it. I want to help whip the Germans and I want to stop hindrances through the unwise delegation of authority that can not be properly performed. I believe we ought to stay here and do our part. If any change is needed in the Interstate Commerce Commission, I say we know how to make it better than the President does or would if he had nothing else to do. The Senate as a whole has had broader experience in matters of this kind than any man that lives. It has had broader experience than any one Senator. Men are men, whatever place they hold. I wish to save these organizations, to save them for the service of my country during this war. We need them. I am not willing to help the Germans by running from my responsibilities as a Senator. If I am called upon to stand by the President by supporting every bill that is labeled "Administration," I reply that it is not wise for Senators to vote without mental action. The Constitution requires us to say whether a measure is wise or not, and I intend to help decide this as a Senator—

Mr. LODGE. Mr. President—

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

Mr. SMITH of Georgia. Certainly.

Mr. LODGE. Do I understand from the remarks of the Senator from Minnesota and the Senator from Georgia that this was framed so as to exclude the advisory commissions and take them out of the reorganization?

Mr. SMITH of Georgia. That was what the Senator from Minnesota said.

Mr. NELSON. Mr. President, if the Senator will address his question to me, I can answer it.

Mr. LODGE. I shall be delighted to have the Senator answer it. Is that the purpose?

Mr. NELSON. We had a lot of advisory commissions, any amount of them, and I did not want them inserted in this legislation; and so we put in the word "administrative" to refer to those that had administrative jurisdiction, as distinguished from legislative authority. Is not that plain?

Mr. LODGE. Yes; so far as it goes. What I want to get at is whether this takes the advisory commissions from the control of the President.

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

Mr. LODGE. Certainly, although I have not the floor.

Mr. OVERMAN. If the Senator will examine the bill, he will find that we also put in there the words "now existing by law." The Creel commission is not created by law, as the Senator knows. The Senator from Georgia thought it had been created by some law. I understand that it was not created by law, but that it was established by the President under some fund he has. But that is administrative. There is a Council of National Defense that is established by law. The Council of National Defense, under that law, has established certain agencies. Those are created by law; but there are certain commissions as to which I do not know how they are established. This does not apply to them.

Mr. LODGE. What I want to get at is whether the advisory commissions, of which we have a great many, were exempted from the operation of the provisions of this bill.

Mr. OVERMAN. Not if created by law.

Mr. LODGE. Are those exempted that are not created by law?

Mr. OVERMAN. Does the Senator mean whether they are exempted by this bill?

Mr. LODGE. Yes; exempted from the operation of this bill.

Mr. OVERMAN. It exempts all administrative agencies not created by law or existing by law.

Mr. LODGE. But the Senator from Minnesota stated with the utmost clearness that the word "administrative" was put in in order to distinguish them from the advisory commissions. What I am trying to find out is whether the advisory commissions are exempted from the operation of this bill.

Mr. OVERMAN. Not if they are created by law.

Mr. SMITH of Georgia. I answer the Senator without any hesitation that this term "administrative," which is applied to places to which these functions can be transferred, covers, in my opinion, all the advisory commissions or any others that might be appointed, because there is a law which authorizes the creation of the Council of National Defense and authorizes it to appoint an advisory commission and such other commissions or committees as it deems proper. Now, all these advisory commissions heretofore appointed, or any that may be hereafter appointed, are appointed in pursuance of law, for there was a law that authorized their appointment; and in my opinion this word "administrative" would bring all of those committees into a position where any of the functions of any part of the Government might be placed on them.

Mr. LODGE. I do not want the Senator to misunderstand me. It is not because I am anxious to have them exempted that I am asking these questions. It seems to me that they are the very things that should be specially included in the bill, for if anything can be done to consolidate the advisory commissions and reduce their numbers it is very desirable.

Mr. SMITH of Georgia. But the Senator does not catch the criticism I make. This term is used in a class naming the agencies to which the functions of the civil government may be transferred; not from which they shall be taken, not from which any authority they have is to be removed. It is a description of the agencies to which all the powers of every department—all the powers of the Federal Reserve Board, the Interstate Commerce Commission, all of our functions of government—might be transferred; and as it is broadened it includes more indefinite agencies, and creates additional uncertainty as to where the civil government is going.

Mr. LODGE, Mr. FLETCHER, and Mr. NELSON addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Georgia yield? There are three Senators on their feet.

Mr. LODGE. If the Senator will allow me, as he was addressing me, I shall be through in a moment. I am in entire agreement with him that the Interstate Commerce Commission, and the Federal Reserve Board, and a number of other wholly civil departments, should be exempted from the operation of this bill;

but I should be sorry to think that the advisory commissions could not be consolidated or reduced.

Mr. NELSON. Mr. President, will the Senator from Massachusetts allow me to interrupt him?

Mr. LODGE. Certainly.

Mr. NELSON. I want to say that I think there was some confusion in the statement just made by the Senator from Georgia. We have a statute—I have not it before me—creating what is known as the Council of National Defense, consisting of the members of the Cabinet.

Mr. LODGE. Yes.

Mr. NELSON. That Council of National Defense is authorized to appoint advisory commissions, but they have no administrative functions. If the Senator will read the law—I will point it out to him afterwards—he will see that the only power that all those commissions have is to give advice and furnish information. They have no administrative authority. That is the status of the case.

Mr. LODGE. I understand that.

Mr. NELSON. Take, for instance, Mr. Creel's bureau. That is outside of the breastworks. I do not know any law for that. The President has appointed that bureau by a species of main force; and I do not use the term in any odious sense. He has appointed that bureau, and it is a bureau that might do a good deal of good, but whether it has or not up to the present time is a question that I leave for Senators to judge.

Mr. FLETCHER. Mr. President—

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

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

Mr. FLETCHER. I will say to the Senator from Massachusetts that I have the impression—and I refer him to the Senator from Minnesota to confirm it—that his idea in offering this amendment was not to recognize in the law at all those commissions which are not created by law. The purpose of the amendment was to ignore those outside commissions, and not include them or recognize them under this law. That was the main purpose of the amendment.

Mr. LODGE. That was what I supposed, and that is what I am trying in my humble way to point out as something that ought not to be done. I think if we are going to have everything consolidated and transferred and practically abolished, that is a splendid place to begin.

Mr. FLETCHER. Does the Senator feel that those commissions are the proper commissions to distribute functions to, and have them perform functions that are now performed by departments?

Mr. LODGE. Why, Mr. President, what we have been suffering from more than anything else is diffusion of responsibility. Under those commissions and under those boards there has been continual diffusion and separation and scattering, when what we want is concentration.

Mr. FLETCHER. That is precisely the object of the Senator's amendment—to except those commissions that are scattered here and there, and not to include them in this law at all.

Mr. LODGE. The Senator from Florida has just assured me that all these endless advisory commissions are to be carefully preserved.

Mr. FLETCHER. No; I said distinctly the other way. I said that the purpose of the amendment was not to recognize them.

Mr. NELSON. Mr. President, will the Senator from Georgia allow me to say a word?

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

Mr. SMITH of Georgia. I do.

Mr. NELSON. I want to call the attention of my friend from Massachusetts to the fact that we have stricken out of the bill lines 4, 5, 6, and 7, on page 3. That ought to be considered in connection with the phrase that we have used there, "administrative commissions." We struck out those words—

And to employ by Executive order any additional agency or agencies and to vest therein the performance of such functions as he may deem appropriate.

We did not want him to establish any outside agency, outside of any of the Government bureaus.

Mr. LODGE. I think that is a very wise provision.

Mr. MCKELLAR. Mr. President, will the Senator from Georgia yield to me?

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

Mr. SMITH of Georgia. Certainly.

Mr. MCKELLAR. I want to ask the Senator about these advisory committees. For instance, the Council of National De-

fense is composed of six Cabinet officers. They are given the right under the law to designate an advisory commission, and they have so acted. Now, as I understand that very vague law, it authorized the advisory commission to constitute advisory committees, and they have constituted so many committees that I do not believe anyone in this country can count them.

Mr. SMITH of Georgia. A few thousand.

Mr. McKELLAR. I imagine it is a very, very large number. I do not think anyone ever knew the exact number.

Mr. SMITH of Georgia. So many that nobody could ever locate them.

Mr. McKELLAR. The question that I want to ask the Senator is: Does this bill include all of these various committees appointed in this way? Does the Senator understand that the President will be given the right to furnish an office for each member of each committee, if he so desires?

Mr. SMITH of Georgia. Yes; and not only that—

Mr. McKELLAR. I do not understand the bill in that way.

Mr. SMITH of Georgia. Not only that, but he can transfer to them, if this word "administrative" is used, any function of any department he sees fit.

The Senator from Minnesota says that they added the word "administrative" to exclude these advisory commissions. Why, "administrative" is a much more comprehensive word than "executive." I have read from the Century Dictionary to show that the word "administrative" covers, in the broadest manner, all connected with the administration. That was why I read from the Century Dictionary. Anything connected with administration that is an agency is an administrative agency. All the advisory commissions are connected with the administration, and are administration agencies; and this word "administrative" will extend the right of transfer of functions practically without a limit.

Mr. President, I shall not at this time discuss the evil of permitting the Federal Reserve Board to be subject to the effect of this bill. I wish I could call the attention of the banks of this country to it and make them realize the threat held over the whole banking system of the United States by this bill. I wish I could make the banks from ocean to ocean understand that, with this bill as it is drawn, the powers of the Federal Reserve Board could be transferred to the Comptroller of the Currency.

Mr. FLETCHER. Mr. President, will the Senator allow me to interrupt him?

Mr. SMITH of Georgia. Yes.

Mr. FLETCHER. May I ask the Senator whether he has any real basis for assuming that any such thing is contemplated, or whether he contends that that is one of the things that would be possible under the act?

Mr. SMITH of Georgia. Then will not the Senator join me in excepting it from the bill, so that it will not be possible?

Mr. FLETCHER. Why, I do not think it is necessary for me to say that I am in favor of this bill on condition that you add to it a proviso to the effect that the President does not go crazy and commit an insane act.

Mr. SMITH of Georgia. Then I do not want to go crazy and authorize him to do it. I decline to go crazy myself and embrace in a bill an authority to the President to do something which I think the President must go crazy before he uses. I am asked to do something which it seems to me requires that I should be worse than stupid—to vote to authorize the President to do something which would be so wicked, so helpful to the Germans, so hindering in our effort to win the war, that I could rely upon the President never doing it. Mr. Wilson may not always be President. This power is given to any President during the war. It may be some other President. No man has a guaranty even of life. Any President could do it. I will not vote to authorize any President to ruin the country. I will not, abandoning my constitutional responsibility as a legislator, vote to authorize him to tear to pieces one of the greatest securities to the financial system of my country. The Senator from Florida knows he ought not to use the power if we give it to him. Then, O Senators, help us to save from doubt so necessary a part of our Government!

The great Senator from Illinois [Mr. LEWIS], the whip of the Democratic side—my side—who frequently speaks by suggestion, not with complete authority, but with suspicion of something else coming, advised us that the Interstate Commerce Commission and the Federal Reserve Board ought to be consolidated. Upon the floor here he maintained that they should be consolidated, and he wanted this bill in order that they might be consolidated into some new board, to be termed the board of finance and transportation. Now, he did not say he spoke by authority; but we frequently hear—

Mr. OVERMAN. Mr. President, does the Senator think he ought to make that suggestion?

Mr. SMITH of Georgia. What?

Mr. OVERMAN. That the President suggested that to him.

Mr. SMITH of Georgia. I did not say he suggested it to him.

Mr. OVERMAN. The Senator is arguing the matter in that way.

Mr. SMITH of Georgia. Not at all. I said he did not say he spoke by authority. That is what I said, and I do not think he spoke by authority.

Mr. OVERMAN. I heard the Senator say that something was gotten to him by suggestion. As I understood the Senator, he was suggesting that—

Mr. SMITH of Georgia. I said that the Senator from Illinois frequently brought matters before the country which seemed to come to him by suggestion. I said he disclaimed having spoken by authority. I understand that the Senator from North Carolina means that nothing of the sort would be done. Then let us cut it out of the bill, so that it can not be done. We may not have so wise a President as Mr. Wilson during the whole of the war. Any President could do it. Oh, Senators, let us help whip the Germans! Do not whip your own country.

Mr. OVERMAN. We will never whip the Germans by attacking the President indirectly.

Mr. SMITH of Georgia. You force this discussion by insisting upon dangerous legislation. You will never whip the Germans by giving any President power that he ought not to have or transferring to some one authority to tear to pieces our institutions which ought not to be disturbed.

Mr. OVERMAN. That is the trouble with the country now; it will not stand by the Commander in Chief.

The PRESIDING OFFICER. Senators should address the Chair.

Mr. SMITH of Georgia. Would you have Senators abandon their convictions as legislators, supinely rest upon their backs, and turn over duties that belong to them to the Executive, to be exercised under the advice of men who are not as competent as Senators to act? We are asked to place upon the President duties that must be performed by others for him, duties it is humanly impossible for one man to perform. I will stand by the Commander in Chief, and I will help him, but I will help by being candid and by doing my duty as a Senator. I commend him for his splendid work in putting Mr. Schwab on the Shipping Board, but would I have been patriotic to commend everything that has taken place before on that board? Would that be the way to help whip the Germans?

We have our organization to build flying machines. Shall we have them built? Are you pleased that we have not one finished here flying in France to-day? Shall I commend the men who have mismanaged this part of our work? I stand by the administration and urge it to promptly put a competent man in charge of that work. If we had had five or ten thousand armed flying machines in France the Germans could not have made this drive. We appropriated \$680,000,000 for the work. We ought to have had 10,000 of them to-day in France, armed and ready for service.

Mr. OVERMAN. Does the Senator charge that the President is responsible for that?

Mr. SMITH of Georgia. I do not charge the President with being responsible for it. I regret a competent man was not in charge to handle it. When months ago it was found machines were not being built somebody should have forced construction. Whose duty was it? The President has had more placed upon him than any human could perform. Others acted for him. Of course, in detail this was not his duty. Perhaps the Secretary of War should have known about it.

I would leave the President a free hand in all military matters. I wish your bill to give him that. I will go further. I hope he will name a competent Chief of Staff and keep him here to do his work. I hope the head of the Ordnance Bureau will be selected and kept here to do his work. During the past 12 months there has been change after change. You say we help the Germans by not standing by the Commander in Chief. Do you mean we help the Germans when we urge a better organization in the War Department? I can not say that I approve the failure to furnish flying machines for use in France. For me to say so would not help whip the Germans.

Mr. THOMAS. Mr. President—

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

Mr. SMITH of Georgia. I do.

Mr. THOMAS. I think I should say at this point, in justice to the administration, that the men who were put in charge of the aviation program were men of the highest business ex-

perience in automobile production and were recommended as such to the President.

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

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

Mr. SMITH of Georgia. I yield.

Mr. FLETCHER. Allow me to say, further, that those gentlemen are well-known manufacturers. They were not selected from the President's party. Aside from that, the Senator surely does not say that the administration is to blame for not having 20,000 battle planes—fighting planes—in France, when this entire industry was absolutely new a year ago, when it takes time to organize to prepare to construct these machines, when changes and improvements have been made in the motor from time to time, and are being made yet?

Mr. SMITH of Georgia. And I think the failure to construct on tested models, while waiting these changes, was very unwise.

Mr. FLETCHER. No; improvements are suggested by the use of the machines, by the experience of those who are operating the machines over there, that it would be absolutely absurd to ignore; and it is an utter physical impossibility to have manufactured the engines, the motors, and these planes in order to have them in any such quantity anywhere in this country or in the world.

Mr. LODGE. Mr. President—

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

Mr. SMITH of Georgia. Yes.

Mr. LODGE. The Senator from Florida speaks about our not being prepared to make them. American firms were turning out motors which have been used by England and France over the battle lines at the rate of 100 a week. They could have turned them out for us. They are flying now all over the French lines—American motors in English and French models. Why did we not go on and take those motors? Instead of taking those motors we wasted a whole year in trying to develop one of our own. We could have developed one of our own among the automobile manufacturers, if you please; but why did we not take those that were ready and use them?

Mr. FLETCHER. Will the Senator tell me what motors of American manufacture are being used, and where?

Mr. LODGE. In England. I only know they are making them here in large numbers, and have been ever since the war began.

Mr. THOMAS. Mr. President—

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

Mr. SMITH of Georgia. Yes.

Mr. THOMAS. I think the statement of the Senator from Massachusetts is rather broad.

Mr. FLETCHER. I do not think there is any testimony justifying it.

Mr. THOMAS. At the time we declared war I do not think American manufacturers were manufacturing engines for fighting planes. They were manufacturing engines for training planes. I may say that I quite agree with the Senator that we should have used the best models at the English and French fronts in France, and should have manufactured them contemporaneously with the development of our own engines; but the manufacture of the Hispano Suiza engine, which is, I think, the engine used in the British fighting plane, has been carried on here by the Wright & Martin Co. in New Jersey, beginning, if I recall correctly, some time last December.

Mr. LODGE. But we have been making fighting planes here.

Mr. THOMAS. Oh, unquestionably.

Mr. LODGE. And fighting planes on French and English models.

Mr. THOMAS. Yes.

Mr. LODGE. And these planes have been successful abroad. Their motors have been perfectly successful.

Mr. THOMAS. Yes.

Mr. LODGE. They could have made those motors for us. If we had only gone ahead and allowed them to make those motors for us, in the meantime our geniuses could have devoted themselves to perfecting a Liberty motor. What I find fault with is that they told the country that they were to have these motors, and that on the 1st of July a year after the war began we would have 20,000 motors. There is where the number came from; and they make the country think we have them already, when we have not one now.

Mr. THOMAS. If the Senator from Georgia will permit me—

Mr. SMITH of Georgia. Yes.

Mr. THOMAS. My purpose in interrupting the Senator was not to criticize the Senator's comment upon how we should have proceeded. I quite agree that we should have manufactured improved planes and improved engines contemporaneously with the development of our own engines.

Mr. LODGE. Precisely. That is my whole point.

Mr. THOMAS. To some degree, however, that was done, since Gen. Pershing placed orders abroad, and fortunately, through those orders, we have some flying machines.

Mr. LODGE. Oh, yes; we have had them made abroad.

Mr. THOMAS. Subsequently, beginning, as I remember, in December, the plan suggested by the Senator was adopted. It was, however, after we had lost a number of months of precious time, for which to some extent we are paying the penalty.

Mr. LODGE. I do not want to take the Senator from Georgia off the floor, but in this connection I wish to ask the Senator from Colorado, who is thoroughly informed on the subject—

Mr. THOMAS. Not thoroughly.

Mr. LODGE. Who is very well informed on the subject about the Bristol fighter, one of the best of these planes. We tried to make them, and did make one, I believe. Did we improve it before it was burned or was it an improved model?

Mr. THOMAS. The Bristol plane is a machine considered apart from the engine. It is the boat—the ship. I think efforts were made to improve the plan of the Bristol, but as to that I am not now absolutely certain. At any rate we began to manufacture them, and I think the first one was turned out something like three months ago, and a small number have been made.

Mr. LODGE. The report of the Committee on Military Affairs states that one Bristol fighter—if that is the name, it is a good name—

Mr. THOMAS. Yes; the machine sent to France to which the Senator refers is composed of a Liberty engine and a Bristol body.

Mr. LODGE. Is that the one that burned?

Mr. THOMAS. No; the one which burned was turned out in Buffalo. It made a successful flight, and immediately after the flight it was destroyed by fire.

Mr. LODGE. That is the one we improved?

Mr. THOMAS. I can not answer as to that, but I think it was a regulation standard Bristol body.

Mr. LODGE. Very well. I beg the pardon of the Senator from Georgia. I did not mean to take him off the floor.

Mr. FLETCHER. If the Senator from Georgia will allow me to refer back to the original statement made by the Senator from Massachusetts, he said we were manufacturing machines in this country and sending them to France and England, and they were actually being used over there when we should have been manufacturing them for ourselves. That statement is wholly inaccurate according to my information.

Mr. LODGE. We have been making planes—I may be mistaken about their having been fighting planes—we have been making motors, and they are being used abroad to-day. The French and English planes are the only ones we have, as the Senator knows.

Mr. FLETCHER. We are using planes made in France and England. We have shipped the material over there and I think we will make them there. I believe it would be wise for us to continue to ship the raw material to France and England, where they are prepared to manufacture these machines, and at the same time make them here. I think it would be wise to do both, to make them here and to ship the raw material over there. They requested us to do that.

Mr. LODGE. I think it would be wise to send the raw material there and let them manufacture them and then we would get some planes.

Mr. FLETCHER. That is what we have been doing.

Mr. LODGE. We leave them to be manufactured here, but somehow or other—I blame nobody—we do not get fighting planes.

Mr. SMITH of Georgia. Mr. President, what I was seeking to do was to show that the transfer of power to the President does not necessarily mean that we have taken a step to help whip Germany. The President had power over the Shipping Board; the President had the power over the manufacture of airplanes; the President had power over the organization of the War Department. The mere transfer of power to the President does not necessarily mean that thereby you will help whip the Germans.

Mr. McKELLAR. Will the Senator yield?

Mr. SMITH of Georgia. I will yield, but after all this I will not yield any more because I should like to say a few words in closing.

Mr. McKELLAR. I will take only a few moments. The Senator paid a very high compliment, and I apprehend a very deserving compliment, to Mr. Schwab, who has been appointed head of the Shipping Board.

If later on the President in the exercise of the power conferred upon him by this bill should see fit to consolidate the airplane industry under Mr. Schwab, knowing Mr. Schwab's great capabilities, his wonderful experience as the head of the largest steel organization in the country, does not the Senator think that a distinct service would be performed by the consolidation of those two departments of the Government?

Mr. SMITH of Georgia. I do not. I think Mr. Schwab has all of one man's job to build ships. I have no doubt a man practically of the same ability can be found and put in charge of the construction of flying machines, and I think that would be better, but as I would amend the bill the power would still be left in the President to make the consolidation suggested by the Senator from Massachusetts. Everything that pertains directly to the war or the construction of ships, the Navy Department, the War Department, all those functions, I think, must be left in the President, because he is Commander in Chief of the Army and Navy.

What I have been trying to point out is that transferring additional powers to the President did not mean necessarily a better performance of the duties now vested in public servants nor does it necessarily mean a better organization than we now have.

I instanced the flying machines. I am asked by the Senator to approve everything the administration has done. I can not do it. I think we ought to have had flying machines in France before now. I think we ought to have had a Chief of Staff on the job, an able man, all the time since the war began, selected with a view to his capacity and fitness and kept here. I do not believe we get the best service by so many changes. I think we should have had an able head of the Quartermaster's Department selected at the beginning of the war and kept here. I think we should have had an able Chief of Ordnance selected 12 months ago and kept here. I do not believe that you strengthen your organization by changing and changing and changing.

If we are to whip the Germans and if we have made mistakes, the way to whip them is to be honest about it, admit the mistakes, and overcome them by correcting them. You can not strengthen yourselves by declining to admit that you have made mistakes. The strong way to do is if you made a mistake to frankly face it and correct it. What we are all bent upon doing is what the Senator from North Carolina wants to do, "Win the war." He has just started a little along the wrong road. We must whip the Germans, and we know that there is still plenty for the President to do in our strictly military establishment in the War Department, in the Shipping Board, in the construction of fighting planes, in thoroughly and permanently reorganizing our military bureaus in Washington, so that a man will be in the same place after he masters the work. That is a full share for one man to do, and I beg that we do not throw into the sea of uncertainty two such organizations as the Federal Reserve Board and the Interstate Commerce Commission, when they can not be helped by doing it, when they may be harmed by doing it, and when our banking system and our industries will be jarred by doing it. I beg that they be saved at least from this misguided effort to fight the Germans in an unwise way.

Mr. OVERMAN. Mr. President, I know there are some Senators who think they can run this country better than the President has done, and not only Senators think so but others. The trouble is that they are not President. The people of the United States have elected Woodrow Wilson President. Congress has placed this matter in his hands as Commander in Chief. The Constitution has made him Commander in Chief. When you declared war you pledged the President to support him to the last limit, that you would give him all the resources of the country. I can not see that the Senator from Georgia is supporting him in making the speech that he has made here to-day and criticizing him for mistakes that any man might have made. The President has done his best. He has made errors. He has come to Congress and asked Congress to give him authority that he may correct errors. The trouble is that we have Senators from day to day fighting a bill when the President comes here and asks for authority to carry out the laws already enacted in the interest of the war alone, and to fight the war. You have got to trust him. He is the Commander in Chief, and if Congress is going to give him this authority—

Mr. SMITH of Georgia. Are we obliged to trust him with the Federal Reserve Board and the Interstate Commerce Commission?

Mr. OVERMAN. No; Senators do not trust him, but the people of the United States have implicit trust in Woodrow Wilson. You may get up on the floor and denounce him and denounce the mistakes of the administration, but it goes in deaf ears, because the people of this country know him, they know his patriotism, they know he is trying to do right, and when he asks this authority from Congress they know you ought to give it to him. They are standing behind him, and the Senate is going to stand behind him.

Now, Mr. President, I submit the following proposal for a unanimous-consent agreement:

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that after the hour of 3 o'clock p. m., on the calendar day of Wednesday, April 24, 1918, no Senator will speak more than once or longer than 30 minutes upon the bill S. 3771, authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, etc., or more than once or longer than 20 minutes upon any amendment offered thereto.

Mr. LODGE. Before we undertake to get a quorum—

Mr. OVERMAN. It will not require a quorum.

Mr. LODGE. Is it not a proposed unanimous-consent agreement to vote?

The PRESIDING OFFICER. The Chair thinks it will not require a quorum. Is there objection to the request?

Mr. LODGE. I should like to hear it read again. I misunderstood it.

The PRESIDING OFFICER. It will be again read.

The Secretary again read the proposed agreement.

The PRESIDING OFFICER. Unless the time for a vote is fixed in a unanimous-consent agreement it does not require the call for a quorum. Is there objection?

Mr. LODGE. I misunderstood it. I thought it was a unanimous-consent agreement to vote.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is agreed to.

ARMY CHAPLAINS—VETO MESSAGE.

Mr. CHAMBERLAIN. Mr. President, there was laid before the Senate a short while ago a veto message of the President. The basis of his veto was a proviso added to Senate bill 2917, as follows:

Provided, That the maximum age limit of chaplains in the Army shall be 45 years.

I think the President very properly suggests in his veto message that that language is ambiguous and might mean that the chaplains would go out when they reached the age of 45 years. He suggests an amendment as follows:

That no person shall be appointed a chaplain in the Army who, on the date of appointment, is more than 45 years of age.

That was the intention of both branches of Congress, I am sure. I move that the bill and veto message be referred to the Committee on Military Affairs and printed.

The motion was agreed to.

CIVIL-SERVICE EXAMINATIONS.

Mr. McKELLAR. I desire to call up the joint resolution (S. J. Res. 141) amending the act of July 2, 1909, governing the holding of civil-service examinations. It simply permits persons who have already taken the examination to be—

Mr. SMOOT. Mr. President, there is so much confusion I can not hear what the Senator says. I wish he would repeat his statement.

Mr. McKELLAR. In 1909 a joint resolution was passed allowing civil-service examinations to be held here in the city of Washington—

Mr. BRANDEGEE. Can not the joint resolution be read so that we may hear what it is?

Mr. McKELLAR. Very well.

The PRESIDING OFFICER. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the act of July 2, 1909 (36 Stats. L., 1), and any amendments thereto, be, and the same is hereby, amended so as to permit the United States Civil Service Commission to excuse all applicants who may have successfully passed civil-service examinations for temporary positions since April 6, 1917, from taking such examinations again, and the said commission shall have the right to certify such applicants without further examination.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. Just a moment. I desire to ask the Senator from Tennessee if in reporting the joint resolution the amendments were reported as agreed to by the committee?

The PRESIDING OFFICER. There are amendments of the committee.

Mr. McKELLAR. I will say to the Senator that the committee was polled and the amendment adopted that was suggested, and very properly suggested, by the Civil Service Commission itself; that is to say, that applicants for these positions who had already stood the examination should prove their citizenship and be apportioned to the several States. That, I think, is a very proper amendment, and I hope the Senate will agree to it.

Mr. SMOOT. That is the one I had reference to in asking the question.

Mr. McKELLAR. Those are the facts about it.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole, which had been reported from the Committee on Civil Service and Retrenchment with amendments.

The first amendment was, on page 1, line 4, to strike out the word "any" before "amendments."

The amendment was agreed to.

The next amendment was to add at the end of the joint resolution the following proviso:

Provided, That such applicants prove their citizenship and are apportioned as now provided by law.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. OVERMAN. 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 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 19, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 18, 1918.

GOVERNOR OF HAWAII.

Charles J. McCarthy, of Honolulu, Hawaii, to be governor of Hawaii, vice Lucius E. Pinkham, term expired.

COLLECTOR OF INTERNAL REVENUE.

George F. Crutchley, of Norborne, Mo., to be collector of internal revenue for the sixth district of Missouri, with headquarters at Kansas City, Mo., in place of E. M. Harber, resigned.

COAST GUARD.

Cadet Engineer Leo Robert MacHale to be third lieutenant of engineers in the Coast Guard of the United States, to take effect from date of oath.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

CAVALRY ARM.

First Lieut. Wallace J. Redner, Infantry, to be first lieutenant of Cavalry with rank from May 15, 1917.

INFANTRY ARM.

First Lieut. Folsome Reed Parker, Cavalry, to be first lieutenant of Infantry with rank from May 15, 1917.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1917:

John P. Miller and
James P. Olding.

Lieut. Albert S. Rees to be a lieutenant commander in the Navy from the 27th day of October, 1917.

Lieut. Hollis M. Cooley to be a lieutenant commander in the Navy from the 18th day of December, 1917.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 7th day of March, 1918:

Howard K. Lewis,
Robert T. Merrill, 2d,
Francis G. Marsh,
Percy K. Robottom,
Stanley R. Cantne,
Joseph P. Norfleet,
Bernard O. Wills,

Walter V. Combs,
Thomas Moran,
Francis P. Traynor,
Roy C. Smith, jr.,
Walter D. La Mont,
Clarkson J. Bright,
William D. Kilduff,
Herbert A. Ellis,
Herbert R. Hein,
Morris D. Gilmore,
James McD. Cresap,
Paul M. Bates,
Elliott B. Nixon,
Joseph M. Blackwell,
Norman L. Kirk,
Merritt Hodson,
Fred Welden,
Pat Buchanan,
Franz B. Melendy,
Joseph R. Mann, jr.,
John F. Meigs, jr.,
John W. Gates,
William C. Barnes,
Marion C. Cheek,
George C. Fuller,
Harry R. Bogusch,
Lee C. Carey,
Glenn A. Smith,
Donald C. Godwin, and
Edwin J. Gillam.

Ensign William D. Austin to be a lieutenant (junior grade) in the Navy from the 7th day of December, 1917.

Pay Clerk Samuel B. Caldwell to be a chief pay clerk in the Navy from the 8th day of September, 1917.

The following-named temporary warrant officers to be ensigns in the Navy for temporary service from the 15th day of April, 1918:

Le Roy H. Ripley,
Frank A. Saunders,
Warren P. Boardman,
Benjamin J. Shiun,
William J. Clark,
Merton R. Hinkle,
Caspar Yeager, and
Lon H. Robb.

The following-named enlisted men to be ensigns in the Navy for temporary service from the 15th day of April, 1918:

William Y. Rorer,
Cedric O. Eaton,
Charles A. Oliver,
Harry F. Newton,
Fred C. Forster,
George E. Ernest,
Albert J. Fern,
Frank Leghorn,
Edward F. Manning,
William G. Spurlock,
Theodore A. Kelly,
William H. Fiddler, jr., and
Frederick J. Leonard.

The following-named ensigns of the United States Naval Reserve Force to be ensigns in the Navy for temporary service from the 15th day of April, 1918:

George L. Heyer,
Harold B. Collins, and
William C. Eberle.

The following-named ensigns of the National Naval Volunteers to be ensigns in the Navy for temporary service from the 15th day of April, 1918:

Alan M. Gray,
Hale G. Knight, and
Charles A. Williams.

The following-named pharmacists to be dental surgeons in the Navy for temporary service from the 15th day of April, 1918:

William F. Murdy and
Clarence A. Chandler.

The following-named pay clerks to be assistant paymasters in the Navy with the rank of ensign for temporary service from the 1st day of January, 1918:

Independent W. Gorton,
Daniel Lynch,
Edward H. Duane,
Raymond A. Aurlinger, and
Lloyd C. Sowell.

Harry M. Peterson, citizen of Illinois, to be an acting chaplain in the Navy for temporary service with the rank of lieutenant (junior grade) from the 30th day of March, 1918.

John M. J. Quinn, citizen of New York, to be an acting chaplain in the Navy for temporary service with the rank of lieutenant (junior grade) from the 4th day of April, 1918.

Second Lieut. Francis S. Kieren to be a first lieutenant in the Marine Corps for temporary service from the 25th day of July, 1917.

First Lieut. Francis S. Kieren to be a captain in the Marine Corps for temporary service from the 26th day of July, 1917.

First Lieut. Alvin J. Daigler to be a captain in the Marine Corps for temporary service from the 16th day of October, 1917.

Second Lieut. Carl J. Jessup to be a first lieutenant in the Marine Corps for temporary service from the 28th day of August, 1917.

The following-named temporary second lieutenant to be a second lieutenant in the Marine Corps for a probationary period of two years from the 23d day of March, 1918:

Lester D. Johnson.

The following-named temporary second lieutenant to be a second lieutenant in the Marine Corps for a probationary period of two years from the 10th day of April, 1918:

Edgar B. Pendleton.

POSTMASTERS.

CALIFORNIA.

Mary A. Dempsey to be postmaster at Colusa, Cal., in place of Ruth D. Kilgore, resigned.

COLORADO.

Clinton E. Mason to be postmaster at La Salle, Colo., in place of Dwight McKenney, removed.

CONNECTICUT.

Walfred C. Carlson to be postmaster at Washington Depot, Conn., in place of Francis J. Kilborn, resigned.

GEORGIA.

Mary V. Lynch to be postmaster at Fort Screven, Ga., in place of W. D. Evans, resigned.

IDAHO.

Avery G. Constant to be postmaster at Buhl, Idaho, in place of Olive R. Biggs, resigned.

Paul Disney to be postmaster at Rupert, Idaho, in place of O. H. Marsh, removed.

ILLINOIS.

Arthur S. Hurr to be postmaster at Altona, Ill., in place of Benjamin T. Hart, removed.

George W. Halm to be postmaster at Peru, Ill., in place of John J. McCluskey, deceased.

INDIANA.

Otto O. Griffin to be postmaster at Carthage, Ind., in place of Leonard B. McCarty, deceased.

MAINE.

Stanwood M. Rose to be postmaster at East Machias, Me., in place of William C. Myrick, resigned.

MINNESOTA.

Nicholas Young to be postmaster at Albany, Minn., in place of Henry J. Schaefer, resigned.

Edna M. Grandy to be postmaster at Eyota, Minn., in place of Edwin E. Lietz, removed.

Gunella M. Nelson to be postmaster at Hanska, Minn., in place of A. R. Eggenberger, resigned.

William A. Schummers to be postmaster at Olivia, Minn., in place of W. J. Heaney. Incumbent's commission expired February 11, 1918.

MISSISSIPPI.

Reuben Lafayette Beal to be postmaster at Monticello, Miss., in place of H. M. Sims, resigned.

MONTANA.

Charles H. Baker to be postmaster at Big Sandy, Mont., in place of James E. M. Vig, resigned.

NEBRASKA.

C. Earl Stenteville to be postmaster at Bridgeport, Nebr., in place of John G. Porter, removed.

Edwin S. Updike to be postmaster at Chappell, Nebr., in place of W. E. Roudebush, resigned.

Lottie L. Colby to be postmaster at Marquette, Nebr., in place of J. C. Larsen, resigned. Office became presidential January 1, 1917.

NEW JERSEY.

Eva H. Ketcham to be postmaster at Belvidere, N. J., in place of Wilmer J. Smith, resigned.

NEW YORK.

M. Francis Doyle to be postmaster at Katonah, N. Y., in place of E. A. Arnold. Incumbent's commission expired September 9, 1917.

John Chester Jubin, to be postmaster at Lake Placid Club, N. Y., in place of Roy Ferguson, not commissioned.

Alfred G. Tucker to be postmaster at Minetto, N. Y., in place of Edwin G. Brown, removed.

William F. Winterbotham to be postmaster at Old Forge, N. Y., in place of E. F. Abbott, resigned.

James H. Butler to be postmaster at Scottsville, N. Y., in place of Robert B. Cox, removed.

NORTH DAKOTA.

Arthur L. Young to be postmaster at Bowman, N. Dak., in place of Lillian B. Totten, removed.

OKLAHOMA.

George M. Hagan to be postmaster at Stilwell, Okla., in place of William H. Davis, resigned.

TENNESSEE.

Jesse C. Worthington to be postmaster at Coal Creek, Tenn., in place of E. M. Beasley, resigned.

TEXAS.

William C. Blake to be postmaster at Jasper, Tex., in place of Mrs. W. F. Holmes. Incumbent's commission expired May 22, 1917.

UTAH.

Charlotte H. Nelson to be postmaster at Castlegate, Utah, in place of D. R. Evans, resigned.

David A. Webster to be postmaster at Milford, Utah, in place of W. J. Munford, resigned.

VERMONT.

Herbert H. Beeman to be postmaster at Milton, Vt., in place of Emerson M. Kennedy, resigned.

WEST VIRGINIA.

Mary W. Scott to be postmaster at Gary, W. Va., in place of R. V. Shanklin, resigned.

Lon E. Browning to be postmaster at Logan, W. Va., in place of Scott Justice, resigned.

Edward E. Reyburn to be postmaster at Vivian, W. Va., in place of W. G. Williamson, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 18, 1918.

THIRD ASSISTANT SECRETARY OF WAR.

Frederick Paul Keppel, to be Third Assistant Secretary of War.

COLLECTOR OF INTERNAL REVENUE.

George F. Crutchley, to be collector of internal revenue for the sixth district of Missouri, with headquarters at Kansas City, Mo.

SUPERVISING INSPECTOR, STEAMBOAT-INSPECTION SERVICE.

Oscar G. Haines, to be supervising inspector, fifth district, in the Steamboat-Inspection Service.

JUDGE OF THE MUNICIPAL COURT, DISTRICT OF COLUMBIA.

Robert H. Terrell to be judge of the municipal court.

APPOINTMENT IN THE ARMY.

MEDICAL CORPS.

First Lieut. James Harold Leyda, Medical Reserve Corps, to be first lieutenant.

POSTMASTER.

KENTUCKY.

David C. Bradley, Scottsville.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 18, 1918.

Theodore Holun to be postmaster at De Forest, Wis.